CHAPTER II
HISTORICAL BACKGROUND

There are all sorts of people in a complex society. Then the basic rights and interests of individuals or groups are transgressed, conflicts and tensions are created. There is thus a need for an institution which could preserve peace and protect the fundamental rights and interests of everybody. It is in this way that, apart from the army, the institution of civil police came in. Law and order cannot be maintained without the active involvement and help of the civil force maintained by the state.

The word 'police' is derived from Latin word 'Poltia', which stands for state, civil government or civilisation. In the past few centuries, this word had an omnibus meaning, bringing into its fold varied range of functions. The word 'police', however, recently has come to mean an organised body of civil servants engaged by the government for the enforcement of laws to regulate different aspects of public life and order.

1. The European word 'police' means 'A force for the City', and in ancient India one of the titles for the chief police officer was Nagara-pala or the 'Protector of the City'. See Suniti Kumar Chatterji, "The Police in Ancient India", Indian Police Journal, Centenary Issue, 1961, p. 11.


This does not, however, mean that earlier there was no government machinery to execute the laws and regulations framed by the government. Ever since society came into operation, there has always been some functionary who exercised these powers. Only the use of the word 'police' is the recent one, but the role is as old as the man himself. This role has undergone a radical change with the growth and development of society and civilisation.

The indigenous system of police in India was organised on the basis of land tenure and collective responsibility of village community. It was very similar to that of Saxon England. Just as the Thane in the time of King Alfred was required to produce the offender or to satisfy the claim, so in India the Zamindar was bound to apprehend all disturbers of the public peace and to restore the stolen property or make good its value. The joint responsibility of the villagers, which could only be transferred, if they succeeded in tracking the offender to the limits of another village.

A serious attempt has still to be made to trace a

1. For details see "The Expanding Role of the Police", Background Papers and Proceedings of the Seminar held on 6th and 7th November, 1968, National Police Academy, Abu.
detailed account of the police administration from the Mauryan
times to the times of Mughal rulers, but it seems that, during
this period, there were self-governing villages with only a
few urban centres. Each village was responsible for
maintaining peace and ensuring protection to life and property
of the villagers. Sher Shah Suri, the Afghan ruler, made the
village Headman responsible for controlling crimes and
criminals, and restoring the stolen property, failing which he
had to undergo the punishment.

During the Mughal period, the empire was divided into
Subas, under the charge of Subedars (Governors), Subas into
Sarkars (Rural districts), under the charge of Faujdars.
Sarkars were divided into Parganas (sub-divisions), which were

1. Sant Prakash Singh, "The Punjab Police and its Last Fifty
Years - My Reminiscences", The Punjab Police Journal, 1963,
pp. 5-35. Also refer B.R.Kalia says: "India had had
Espionage System too, even in the time of the Hindu rulers.
During the Maurya period, besides patrols and guards, the
king had spies for the detection of criminals and crimes.
They were maintained not only by the king, but by almost
all the important officials, as a check against their
subordinates. The state supported orphans were recruited
for this service, from their boyhood. Even women,
including widows of the Brahmana caste, joined this
service." A History of the Development of the Police in
the Punjab, Monograph No. 6, 1849-1905, pp. 3-4.

2. A.Kumar, op. cit., p. 6.

3. Jagdish Narayana Sarkar, "Police System in Mediaeval India
in Theory and Practice", Indian Police Journal, Centenary

4. Through the years, there has been remarkable continuity in
the district as the basic unit of administration. The code
of Manu starts with the village as the basic unit. About
1,000 villages were placed in the charge of an official.
This figure of 1,000 is of significance because even today
it closely approximates the all India average of about 1,100
villages to a district. Administrative Reforms Commission
Report of the Study Team on District Administration, 1967,
p. 7.
under the charge of Sigdars. Parganas were further divided into Thanas (police stations) under the charge of Thanedars (Station House Officers) who were assisted by a small body of Burkundazes (armed guards). The Faujdar, head of the Sarkar was the chief representative of the emperor in area under his command and worked under the control and direction of the Subedar (Governor). In times of emergency, the Faujdar was authorised to report direct to the Central Government to seek their help for maintaining peace in the country. The Faujdar and his subordinates were assisted by the Zamindars. In the cities and the large towns, the Kotwal had the responsibility for maintaining law and order and for arranging night patrolling. Thus this system was well suited to the needs of a simple homogeneous and an agrarian community, but it could not bear the stresses and strains of political instability which followed in the wake of disintegration of the central authority of Mughal empire.

It was under these circumstances that East India Company acquired the Dewani in Bengal, Bihar and Orissa in 1765. The whole of civil administration was taken over by the Company. The main interest of the Company was limited to the assessment and collection of revenue.¹

On 11 May, 1772, a general proclamation was issued by Lord Warran Hastings and his council at Fort William. Three days later, the supervisors were nominated as Collectors. Thus, on 14 May, 1772, for the first time, the office of the Collector of today was created by the government of Lord Warran Hastings.²

The Collector was entrusted with the task of administration of justice. Two sets of courts - the Diwani Adalat (the civil) and the Faujdari Adalat (the criminal) - were established for each of the fourteen districts of Bengal.³

The Collector, however, was entrusted with more functions than his Mughal counterpart, the Amalguzar. There was reaction against the appointment of the Collectors, authorised agents of the government, to make settlement with anybody on such terms as the government itself dictated.⁴

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became tyrannical and the interest specially of the Zamindar was adversely affected by it because of the super-imposition of the Collector over them.\(^1\) On the other hand the main motive of the Company was commercial, but in actual operation the expenditure increased because of the highly paid Collectors.\(^2\)

In 1773, the recall of the Collectors from districts was ordered by the Court of Directors. In 1781, the collections were centralised in Calcutta by a Committee on Revenue which in 1786 was reorganised as the Board of Revenue. The revenue administration was dislocated with the recall of the Collectors and they had to be brought back with reduced authority. John Shore came out openly in support of combining powers in the office of the Collector. On 13 January, 1882, Shore recommended that the system of 1772 should be restored and covenanted servant of the Company should be appointed to each district as Collector exercising both revenue and judicial powers.\(^3\) Shore was guided by administrative and political considerations while making recommendations. Administratively, Shore did not have confidence in the capability and integrity

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1. Sudesh Kumar Sharma, op. cit., p.15. Also he (Warren Hastings) had always considered the Collectors as tyrants. He thought that under the provincial councils each division would be liable to become a separate tyranny of the most 'absolute kind', Federal Moon: Warren Hastings and British India (London, 1947), p.99.
3. Ibid.
of the indigenous agency. Politically the fortification of the territories of the Company, especially in the outlying parts of the country, was of great importance. It is incumbent on a government to provide protection against all contingencies. Thus, the Collector was entrusted with duties and powers similar to the ones exercised by the Amalguzar, the Faujdar and officers of the justice taken together under the Mughals.¹

In 1786-87, the Collector was entrusted with powers of the Civil Judge and the Magistrate. The Court of Directors justified this union of powers on the ground of simplicity, efficiency and speed.² In 1792, the Company realised that they could no longer afford to overlook the incidence of crime, brigandage and the unrest in Bengal, Bombay and Madras. They became conscious of the fact that the village system was inadequate by itself and the Imperial authority had to assume some role in regard to the maintenance of law and order.³

Lord Cornwallis being a wig, opposed this union of powers in one office, yet in practice the Collector was independent.⁴

1. Ibid., p.351.
4. Wigs believe that political power is corrupt and inevitably abused and that power must be reduced to minimum and kept divided and counter-balanced.
The main aim of Lord Cornwallis was to protect the interests of the Indians from oppression and authoritarianism. Accordingly, the judicial and magisterial functions of the Collector were taken away and were vested in the newly appointed Judge - Magistrate - who became a mere fiscal agent which kept him tied to his office with neither any political nor magisterial authority.¹

Under the Cornwallis system there were normally two heads of the district administration, the Judge-Magistrate and the Collector. It was an important point of weakness in the administration because none of these officers had overall responsibility for the control of governmental business and for the policy to be followed within the district. Cases and files on the table of the Judges accumulated.² The arrears were so much as would amount to a denial of justice, and the people were content to submit to fraud and injustice.³

In 1792, Lord Cornwallis established a police force responsible to the agents of the Company and took the police administration from the hands of the Zamindars.⁴ The districts were divided into parts and were placed under the charge of a

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¹ M.N. Gupta, Land System of Bengal (Calcutta, 1940), p. 144.
police official called Darogha. The Darogha was responsible for raising and directing force of men called Burkundazes. The Darogha was answerable to the District Judge and the village Headmen were put under the supervision of the Darogha.

In the towns, the Kotwal remained in charge of police administration. The Darogha system did not find favour with the government and the main reason of its failure was that he could not exercise control over the village police. The Darogha and his men were the creation of the Imperial power, so they could not win the cooperation of local castes and local leaders so much as the hereditary Zamindar could. Besides, the Darogha system was undermanned. The Darogha became arrogant and tyrannical and was entirely blamed for the deteriorating conditions of law and order in the countryside.

1. The charge of a Darogha was on an average about 20 miles square. He had immediately under him from 20 to 50 armed Burkundazes and all the Watchmen of the village establishment were subject to his orders. He received a reward of Rs. 10 for every dacoit apprehended and convicted, and he was granted 10 per cent of the value of all stolen property recovered, provided the thief was convicted. Report of the Indian Police Commission, 1902-03, para 1.

2. The Daroghas were to be selected and appointed by the Magistrates. They could be dismissed, however, only on ground of misconduct to the satisfaction of the Governor General in Council. Persons appointed Daroghas were required to furnish a personal security of Rs. 500/- and two sureties of Rs. 250/- each. Anandswarup Gupta, op. cit., p. 38.

In 1814 the Company abolished the Darogha system and traditional method of village policing was restored.\(^1\) The British, however, discovered that they could not abandon completely the new but discredited the Darogha system. The Company's order was that the Darogha and his force were to be disbanded; the village police was to be supervised by the Collector who could remain in touch with law and order conditions through the subordinate officers of his own department without the Daroghas.\(^2\) Bengal, however, provided a peculiar predicament for the Collector. As a result of Lord Cornwallis's "Permanent Settlement" in 1789, there was no subordinate revenue establishment. In order to supervise village police, the Collector had no recourse but to work through the Darogha. So in Bengal, the Darogha was, as a matter of necessity, retained and somewhat reformed.\(^3\)

\(^1\) The village police secures the aid and cooperation of the people at large in support and furtherance of its operations, because it is organised in a mode which adapts itself to their customs, Report of the Indian Police Commission, 1902-03, para 13.


\(^3\) John Beames gave a colourful description of the Darogha of Bengal . . . "They ruled their territories like little kings. Their misdeeds were legion and always went unpunished, for who would have the temerity to report him to the Collector. The Darogha's powers of harassment were enormous: he could have a person indicted for harboring a bad character or failing to assist an officer in arresting a criminal. Obtaining witnesses presented no problem to the Darogha. They were close to the people and were themselves wily and unscrupulous enough to meet the criminal on his own ground." Cf. D.H. Bayley, op. cit., p.43. John Beames, Memoirs of a Bengal Civilian (London, 1961), pp.140-41.
The Collectors got maximum powers under Regulation IV of the Bengal Code of 1821. The combination of magisterial and revenue functions became compulsory, as land disputes were mostly connected with serious breaches of peace. Lord Bentick found weaknesses with Cornwallis system as the provincial courts of justice in his opinion were not accessible and cheap. He supported the Munro system as the Collectors and the Sub-Collectors who were in existence in Madras, Bombay and North Western Frontier Provinces. The Munro system did not find favour to divest the authority of the District Officers and openly came out to support the paternal or the patriarchal system of the district administration which helped the District Officer to enjoy powers comprehensive enough to make him active, alert and dynamic. The resolution of 1829 gave effect to the new system of Commissioners of Revenue and Circuit. In 1830, the department of thagi and dacoity was set up to suppress the crime of thagi.

2. Sudesh Kumar Sharma, op. cit., p.17. Even in this period there was some opposition to reverse the Cornwallis system of administration. Butterworth Bayley and J.H. Harrington in 1927 proposed that a permanent system of district administration should envisage "three separate and district officials, the district Judge, the Magistrate and the Collector", Parliamentary Papers, Vol.XII, 1831-32, p.225.
3. No account of the Indian Police would be complete without some reference to the thagi and dacoiti department, which owes its origin to the determination of Lord William Bentick to suppress the terrible crime of thagi. Systematic operations for this purpose were connected in 1830, and Captain Sleeman was placed in charge of them five years later, Report of the Indian Police Commission, 1902-03, para 21.
In June 1834, Lord Macaulay came to India as a law member, who did not favour the concentration of police duties and the judicial powers in one hand. He was in support of depriving the Collector of the office of the Magistrate and disbanding the post of the Commissioner. ¹ In 1837, Lord Auckland got authority from the Court of Directors to use his discretion gradually to separate the offices of the Collector and the magistracy in Bengal as and when necessary. Except the three districts of Orissa, the separation was complete in all the districts of Bengal by 1845. ² In 1838, the Police Committee Report, by a majority vote, also favoured the separation. ³

In 1843, Sir Charles Napier, who had come to India in 1841, organised the police system in Sind on the model of

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3. A Committee presided over by one Mr. Bird was appointed by Lord Auckland to investigate the state of police in Bengal and it submitted its report in 1838. Sir Frederick Halliday, afterwards the first Lieutenant Governor of Bengal submitted a note of dissent. Report of the Police Committee (Calcutta, 1838), Appendix 1, p. xx. His proposal was to take away the judicial from the executive police functions of the Magistrate.
Royal Irish Constabulary. The Sind scheme was followed by other parts of India during the next few years.

In Punjab, even during the rule of Maharaja Ranjit Singh, no attempt was made to put the police system on an organised basis. After his death, the entire empire tumbled down culminating in its annexation by the British in 1849. After annexation, the administration of Punjab was given to a group of pioneers. With the advent of the British rule in Punjab a Board of Administration was established to control and supervise, civil, military and revenue departments.

1. Sir Edmund C. Cox says, "Before Sir Charles Napier System of Police was organised in India, another force of this kind was already formed by Captain Outram and afterwards by Sir James when Khandesh in the northern Deccan was occupied, after the Third Maharatta War of 1818. The area was inhabited by a tribe of Bhils. The Bhils were the most uncivilised of all the aboriginal tribes. By 1927, the corps numbered six hundred men was organised to guard government treasuries and jails, the escort of treasure and prisoners and the police work in general, military detachment being removed from Khandesh. Bhil Corps were all armed and dressed like the sepoys of the regular regiments. The experiment was a marvellous success. But the desirability of extending the system to other parts of the country was not realised by anyone in the rest of India." Police and Crime in India (London, 1976), pp.65-66.

2. The 'Pioneers' was a pattern of administration which was evolved during Lord Bellesley's time. Lord Wellesley created a corps of specially talented officers whom he entrusted with the pioneering task of settling newly conquered areas, making political adjustments, restoring law and order and establishing confidence in the people. He selected them from the civil service as well as from the army. Munro Molcolm, Elphinston, Metcalf and the two Lawrence Brothers, belonged to this group of pioneers.

3. The Board consisted of a President (Henry Lawrence) and two members (John Lawrence and Charles Granville Mawsel). The First Punjab Administration Report (1849-51), p.29.
Brothers could not pull together for long and the Board of Administration was abolished in 1853. The offices of Chief Commissioner, Judicial Commissioner and Financial Commissioner were created in place of the Board of Administration. The Judicial Commissioner was appointed Head of the civil police.¹

The Punjab was divided into divisions and districts, each under a Commissioner and a Deputy Commissioner respectively.² Smaller districts were carved out to enable the District Magistrate to get a true and complete picture of the area and its people. There was no separate judiciary and in the Deputy Commissioner combined the powers of a Collector, a Magistrate and a Judge. He used these powers independently and his actions were not subject to any appeal to a separate judiciary in the district.

After the annexation of Punjab by the British in 1849, it became necessary to create a police force. This was formed upon a dual basis - Military Preventive Police and the

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². Punjab was divided into seven divisions each under the charge of a Commissioner, with headquarters at Ambala, Jullundur, Amritsar, Lahore, Multan, Rawalpindi and Lahor (Derajat), embracing 24 districts. The three additional districts of Peshawar, Kohat and Hazara at first administered under the direct control of Board of Administration, were formed into eight divisions about the year 1850. In February 1858, the divisions of Delhi and Hisar were formally incorporated in the province of Punjab adding 6 to the 27 original districts. The Thanesar district, however, was broken up in 1862, and divided between Ambala and Karnal. The division of Punjab into ten divisions and 32 districts continued till 1875.
Civil Detective Police. The Military Preventive Police was split in two sections - the infantry and the cavalry. The strength of this police reached at one stage to a maximum of ten battalions. The disbanded old soldiers of the Sikh Army who remained faithful to the British in the Second Sikh War were enlisted in the first four battalions.

Each battalion had a complete Indian complement of officers from the Commanding Officer downward, the whole police force being under the supervision of four British civil police force being under the supervision of four British.

1. Sir Henry Lawrence reorganised the police very much on the Sindh Plan but somewhat modified to conform to the prevailing idea of the supremacy of the District Magistrate. Two types of police were created: one was unorganised body of Bakhundazes under the Deputy Commissioner, and another, a semi-military police corps under the control of the Chief Commissioner. Sharad Chandra Misra, op. cit., p. 17.


The numerical strength and annual cost of these various bodies in the territories west of the Sutlej and its feeder Beas, during the first two years after annexation were

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<tr>
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<th>Strength of Force</th>
<th>Annual cost (Rs.)</th>
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<tbody>
<tr>
<td>Military Police</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infantry</td>
<td>5,400</td>
<td>7,97,040</td>
</tr>
<tr>
<td>Cavalry</td>
<td>2,700</td>
<td>6,10,416</td>
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<tr>
<td>Civil Police - All Grades</td>
<td>6,300</td>
<td>5,69,014</td>
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<td></td>
<td>15,000</td>
<td>13,96,470</td>
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officers styled Police Captains. In addition to escort work for civil officers and treasure, and duty at the Jails and other places, they also assisted in garrison duty at the frontier places as Kohat, Bannu and Hazara. Three of the battalions were usually absorbed in the Leiah division being stationed in the Derajat. The fifth battalion was raised to the original four at Rawalpindi by Lieutenant Miller and did consistently good work.

The sixth battalion raised by Lieutenant Young Husband equally shared the military duties on the frontier along with the Punjab Corps. In 1850, Captain R.Lawrence raised the seventh battalion at Amritsar and it comprised a splendid

1. He was styled 'Komeidan' (Commandant) a designation which was later commonly applied in some places to the Inspector of Police.
3. The total annual cost of the maintenance of the seven battalions at the end of 1853 was Rs.7,32,162. In addition the four captains of police were paid Rs.800 a month each, a total annual charge to the province of Rs.38,400. The distribution of the battalions at that time was as follows:

There were four divisions, each under one of the four captains with headquarters at Lahore, Jhelum, Multan and Derajat. The Lahore Division consisted of the 1st Battalion at Lahore and 7th at Amritsar. The Jhelum division had the 5th Battalion stationed at Rawalpindi. The Multan division had the 3rd Battalion stationed at Multan. The Derajat division was as usual the strongest of the lot, including the 4th Battalion at Asni, the 6th at Dera Asmail Khan and the 2nd at Bannu. The above may be taken to be the distribution of the battalions at the time of the outbreak of the mutiny except that the Second Battalion moved from Bannu to the Kangra Valley. H.L.O.Garrett, A Brief History of the Old Police Battalions in the Punjab, Monograph No.3 (Lahore,1927), pp.3-4.
body of young lords, sons of the best yeomen of the Manjha.¹

The city of Delhi was recaptured on 20 September, 1857 and as a sequel the Delhi territory was formally transferred to Punjab in February 1858. It remained an integral part of this province until the constitution of the present Delhi province.² But continued unrest called for an increase in the police force. As such, the eighth battalion was raised by Lieutenant T. Staples at Lahore which was despatched to Delhi territory for duty. However, the strength of the police was not considered sufficient and the ninth battalion was consequently formed by Lieutenant Hailey early in 1858. This was raised from a corps of Burkundaze.

In addition to the Military Preventive Police, the Civil Detective Police were subjected to a number of changes. At first, it formed an independent section in three different grades. These were the regular establishment paid by the state; the city Watchmen and the rural Constabulary paid by the people.³

1. The seven police battalions in Punjab were commanded by the native commandants. They were:

   1st Battalion   Mota Singh
   2nd Battalion   Attar Singh
   3rd Battalion   Badri Nath
   4th Battalion   Fateh Singh
   5th Battalion   Masadhi Mal
   6th Battalion   Mir Akbar Ali Shah
   7th Battalion   Deva Singh

2. In 1912, Delhi was separated from Punjab.

The whole territory under the British control in Punjab was divided into 75 divisions, and these divisions were further sub-divided into 228 subordinate divisions. Each subordinate sub-division was put under the charge of a police officer aided by one or two deputies and about 30 men. The Tehsildars were vested with the police powers within their own territorial jurisdiction and worked under the control and direction of the District Magistrates, controlled by the Divisional Commissioners.

In the interior of the sub-divisions, second-grade police posts were established at strategic places. The Civil Detective Police was responsible for reporting crimes and arresting criminals. They also guarded ferries and often escorted prisoners. A complete system of diaries and records was maintained.

In the year 1859-60 the increasing tranquillity of the province led to a policy of reduction in both the frontier force and the military police. Each battalion was reduced to the number of soldiers enough to preserve peace and order.

However, the figure for that year showed an increase rather than a decrease owing to the formation of the tenth battalion for duties in Hissar and adjacent territory where waves of disorder were surging high.

1. The police jurisdictions were made analogous to the revenue divisions.

2. It was made up of Raja Jawahar Singh's contingents and three companies of the Sirsa Police. Raja Jawahar Singh's contingent was chiefly made up of Dogras. He was brother of the Maharaja of Kashmir.
Though the efficiency of the old military police force was recognised, it was realised that there were two main objections to the present system due to which the military and the civil police had their own separate heads. There was also lack of coordination between the Military Preventive Police and the Civil Detective Police. The system of vesting functions of a Magistrate and a Superintendent of Police in one and the same individual was not looked upon favourably. Another objection was that it proved extremely expensive.¹

In 1857, the Sepoy Mutiny broke out, and it led the British into serious rethinking of the responsibilities of the Imperial authority for introducing an effective institution for the restoration of law and order in India. In 1858, the Government of India Act was passed, transferring the governance of India to the Queen in Parliament by abolishing the Company's rule. The legal Code of Civil Procedure in 1859, Indian Penal Code in 1860, and the Code of Criminal Procedure in 1861 were enacted. Finally, the question of police reform in the whole of British India was taken up by the Government of India and accordingly a Commission was appointed to inquire exhaustively the police needs of the country.²

¹ A startling increase when compared with the earlier figures. In the year 1860-61 the cost was -

| Military Police | Rs. 26,54,002 |
| Civil Police    | Rs. 9,15,669  |

² The members of the Commission were: M.H. Court, Bengal Civil Service, North-West Provinces (Chairman); S. Mauchope, Bengal Civil Service, Lower Provinces; W. Robinson, Madras Civil Service; R. Temple, Bengal Service, Punjab; Lieutenant Colonel Phayre, Commissioner of Pegu; Lieutenant Colonel Bruce, C.S., Bombay Army, Chief of Oudh Police.
The Commission recommended that policing was to be entrusted to a civil constabulary and the military police was to be eliminated. In each province, the general management of police force was entrusted to an Inspector-General of Police to secure unity of action and identity of system.¹ At the district level, the police was to function under the control of the Superintendent of Police who in large districts was to be aided by an Assistant Superintendent of Police. Both of them used to be Europeans. The subordinate police force comprised Constables, Sergeants, Head Constables and Inspectors.² The Head Constable being in charge of a police station and the Inspector of a group of them. On the ticklish question of relationship between the magistracy and the police, the Commission recommended that no Magistrate of lower grade than that of the District Magistrate should have any police functions.³ In the case of the District Magistrate, they thought it inexpedient to deprive the police and the public of his valuable aid and supervision in the general management of the police matters. In respect of village police, the Commission remarked that village Watchman was not very efficient and in some parts of the country he was definitely inefficient and degraded. The Commission recommended its

¹ First Report of the Police Commission, 1860, p.3.
³ Ibid.
organisation on a proper footing and suggested that it was most desirable on the one hand to run the rural police efficiently and, on the other, to preserve their intimate connection and association with the people. The system of cash payment instead of a grant of land and payment in kind was advocated for the village police. As a result of the Commission's recommendations, the Police Act (V of 1861) was passed and it still continues to govern the basic structure of the police organisation in India. The police organisation, suggested by the Commission, was not a novel idea. It was an extension of the arrangement already found in several parts of the British India. For example, the office of the Darogha did not disappear. He became the Sub-Inspector of Police.

The new organisation was applied only to the British India. The rest of India had old system as it had for ages. Though the Police Commission was opposed to the Military Preventive Police, yet its need was universally felt. In fact, the military force was never eliminated. A clear cut distinction was made between the military force and an armed

1. Several attempts were made to regularise recruitment, payment, and duties of the village police, beginning with the Village Chowkidari Act of 1870. David H. Bayley, op. cit., pp. 46-47.

2. Puran Chand Dogra, "Public Participation in Policing": Need for Change in the Basic Structure of Police, Background Papers and Proceedings of the Seminar held on 19th and 20th November, 1974, Sardar Vallabhbhai Patel National Police Academy, Hyderabad, p. 45.

reserve of the police force. The military police went out of existence and an armed reserve of the police force continued.\(^1\)

On 7 May 1860, the Government of India urged on the Government of Punjab the necessity for a general reorganisation of the police as also for reducing the cost of the same. The question was accordingly taken up by Sir Robert Montgomery, who had in the previous year carried out reform of the Police of Oudh.\(^2\) But a need to bring reforms in the police organisation was not only confined to Punjab alone. The conditions in other parts of India were also deteriorating.

In Punjab, Mr. Temple on 7 May 1859, put forward a scheme for reorganising the police which was intended to increase the efficiency of the force and to curtail expense.\(^3\) Early in 1860, Mr Forsyth\(^4\) came forward with his scheme for appointing a Lieutenant of Police in each district purely for police functions under the supervision of a Divisional Inspector.\(^5\) Both were to be Europeans. Only European Superintendents and Inspectors were to be appointed in the cities.

\(1\) Suniti Kumar Chatterji, op.cit., p. 17.


\(3\) Letter No. 427 dated 27 May, 1959.

\(4\) He was the Commissioner and Superintendent of the Lahore Division.

\(5\) The scheme was to be first worked out in Lahore district, which was to serve as a pattern to other districts.
This scheme had hardly been deliberated upon when the Government of India strongly urged the Government of Punjab either to reduce the military police or to introduce the Oudh system of Police. The Lieutenant Governor of Punjab favoured the Oudh System of Police. But he was hesitant to introduce it because of the vigorous opposition by civil officers from the beginning. 

Eventually, the principles underlying Forsyth's scheme and the Oudh system of police were blended and a new scheme was prepared. All this was done in consultation with Major Hutchinson, Captain McAndrew and Mr Egerton. It was decided to work out the scheme first at Lahore and to introduce it in other districts after trial there.

The new scheme was split into two parts. The first part related to the military organisation for the district police. A Lieutenant of Police in each district was appointed purely for police functions. Over him was a Divisional Commissioner or Captain of the Police who supervised the work of all the Lieutenants of Police in his division. He was independent of the District Magistrate and corresponded directly with the

1. B.R. Kalia, op. cit., p. 32.
2. Major Hutchinson was Military Secretary, Captain McAndrew; Commissioner of Lahore Division and Mr Egerton was Deputy Commissioner of Lahore.
3. In all civil matters, he was made an assistant to the District Magistrate in the police department. B.R. Kalia, op. cit., p. 32.
Commissioner of the division and the military secretary to the Punjab Government.

The second part dealt with the reorganisation of the city police on the model of the Lucknow Police. A European Superintendent and Inspectors, Mohurrars, Jamaders, Duffaders, Policemen, Detectives, Trackers and Orderlies were appointed in place of the Kotwal, Thanedars, Burkundazes and Chowkidars.

In October 1860, a Draft Bill of the Police Act of 1861 relating to the reorganisation of the entire police in the British India was sent to the Punjab Government for their opinion. After having accepted the Police Commission's work in a manner described in the preceding pages, the Punjab Government decided to remodel the police force.

In Punjab, steps were taken by the then Lieutenant Governor to reform the police organisation early in 1861. He made provisional appointment of an Inspector-General of Police, four Deputy Inspectors-General of Police, 17 District Superintendents of Police and 11 Assistant Superintendents of Police. The Judicial Commissioner who had hitherto acted as

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1. By the first June, 1860, the general principles of this scheme were fully inaugurated. It was the first reform that was effected in the Punjab police since its installation. It worked most satisfactorily and as a result of its success in the Lahore district, it was extended to the Amritsar division. The full working of this scheme was expected to give government power and vigour which it had never hitherto possessed. B.R.Kalia, op.cit., p.34.


3. It is interesting to note that all of these subsequently held the office of the Inspector-General of Police in Punjab.
head of the civil police was directed to hand over his charge to the Inspector-General of Police in Punjab. A Superintendent of Police was appointed in each district, and aided by an Assistant Superintendent of Police in bigger districts. The city Watchmen and the Thana policemen were united into a regular Constabulary. In Punjab the village police was also remodelled on the recommendation of the Police Commission and in each village, one or more Watchmen were appointed. A Dafedar was also appointed to supervise 5 or 6 Watchmen. The Lambdar or the village Headman was responsible for the conduct of the village Watchmen. The Zaildars and the Inamdars were also deputed for supervision over the Lambdars. Punjab was divided into four police circles. Each circle was placed under a Deputy-Inspector-General of Police. Captain J.W. Young Husband was placed in charge of the Ambala circle, which consisted of Ambala, Thanesar, Ludhiana, Simla, Ferozepore, Delhi, Gurgaon, Karnal, Hissar and Rohtak. Its area was 17,358 square miles. The second circle was under Captain George McAndrew and comprised the districts of Lahore, Amritsar, Gurdaspur, Hoshiarpur, Jullundur and Kangra. It covered an area of 14,058 square miles. Rawalpindi was the third circle, Captain J.N. Miller being placed in charge of it. He had under him the districts of Rawalpindi, Shahpur, Jhelum, Gujrat, Sialkot and Gujranwala which included an area

of 21,067 square miles. Multan was the fourth and the last of such circles. It was under Captain R.N.T. Thronson. It consisted of Multan, Muzaffargarh, Jhang, Gugaira and Sirsa, and covered an area of 22,569 square miles.¹

In 1899, in Punjab, a Committee² was set up under the presidentship of Mr C.L. Tupper to examine a number of questions relating to the efficiency of the police and especially the organisation of the investigating agencies, increase in pay and prosecution of cases.³ The Committee suggested better pay scales for the subordinate ranks and increase in strength of various ranks.⁴ It also recommended

1. B.R. Kalia, op. cit., p. 36.
2. This Committee was set up by Macgorth Young, the then Lieutenant Governor of Punjab and consisted of: President-The Hon'ble Mr C.L. Tupper, Commissioner of the Rawalpindi Division. Members - Mr. A.P.D. Cunningham, Commissioner of the Peshawar Division, Mr Turton Smith, Inspector-General of Police, Major C.G. Parsons, Commissioner of Excise, Mr H.W. Jackson, Deputy Inspector-General of Police Eastern Circle, Mr C.G.W. Hastings, Deputy Inspector General of Police, Western Circle, Mr H.J. Maynard, Deputy Commissioner of Ambala, Secretary - Mr. C.A. Barron.
3. The process of re-organisation in Punjab may be said to have begun in 1898, when the practice of appointing army officers to the post of Inspector-General was discontinued. Mr Turton Smith was the first professional police officer to hold that appointment, Sir Percival Griffiths, op. cit., p. 177.
4. The proposals of the Police Committee as recommended by the Punjab Government meant an increase in the strength of Deputy Inspector-Generals from 2 to 3, Assistant Superintendents, 2nd class from 6 to 14, Inspectors from 52 to 74, Deputy Inspectors from 566 to 575; Sergeants from 1,943 to 2,050 and Mounted Constables from 11,124 to 11,682. S.S. Bal, Police Organisation in the Punjab:1849-1901. The Police Training College North Zone Phillaur Magazine, March 1976, p. 81.
the provincialisation of municipal and cantonment police. This attempt was, however, only tinkering with the problems because the hopes and expectations of the Police Act of 1861 had been belied. The main reasons for this failure were, the village police was not associated in the right direction and the whole work was done through the officers of the department. Besides this, untrained officers with a little education in the lower ranks were entrusted with the police functions. The superior officers remained out of touch with their own subordinates and the public and their sense of responsibility was marred by a degree of interference from many corners. This was not only confined to Punjab alone. There was an outcry against the police throughout the British India.

Keeping in view the immediate need for improvement in the working of police, Lord Curzon set up another Police Commission to examine the present set up of police organisation and its strength, recruitment and pay scales.

1. Report of the Police Administration of the Punjab, Lahore, November 1899 to February 1900, para 55.

2. Sir Percival Griffiths, op.cit., pp.177-78. Also refer Sir Denis Fitzpatrick, the Lieutenant Governor of Punjab remarked in 1893, "The want of skill shown by the police is not, however, the worst feature in the working of the system. Occasionally police officers, finding themselves unable to bring home a crime to anyone by legislative means, resort to, or encourage, zamindars or others to resort to measures, to obtain evidence or make accused persons confess, which a person unacquainted with the ways of the country would scarcely believe human being capable of." B.R.Kalia, op.cit., p.100.
Some of the main recommendations of the Police Commission are:

(a) The recruitment to the Indian Police Service to be made entirely in England by a system of the competitive examination and for the Provincial Police Service in India by direct nomination and promotion from the ranks. Creation of a grade of Deputy Superintendents of Police was also recommended.

(b) An officer of the rank of the Superintendent of Police should be placed in charge of the police of a district. A few posts of the District Superintendents of Police were suggested to be reserved for members of the Provincial Police Service.

(c) The Head Constables should be debarred from investigating any crime independently and the duties of the Constables should be of mechanical character such as to provide escort, guards, patrolling and the like.

(d) The Commission expressed itself against the maintenance of separate forces for municipalities and cantonments.

(e) In respect of the village police the Commission strongly advocated its retention in the existing form and counselled against undue police interference with it.

1. The composition was:— Mr. A.H.L. Fraser, Chief Commissioner of Central Provinces (Chairman); Justice E.T. Candy, Pinsne Judge of the Bombay High Court; The Maharaja of Darbhanga, Additional Member of the Governor-General's Council; Dewan S.R. Ayyengar, Member Governor's Council, Madras; Lieut. Col. J.A.L. Montgomery, Member of the Council of Lt. Governor of Punjab; Mr. W.M. Colvin of Allahabad; Mr. A.C. Kankin, Inspector-General of Police, Hyderabad State as members; Mr. H.A. Stuart, Inspector-General of Police, Madras (Member-Secretary).

A Central Department of Criminal Investigation was to be established under the Government of India to collect, collate and communicate information obtained from the Provincial Criminal Investigation Departments or otherwise, and to secure full information regarding the commission of crime from the police of the native states.

The Government of India accepted the recommendations of Police Commission (1902-03) with some modifications and gradually introduced them in each province according to their necessity. The recommendations made by the Police Commission were by no means revolutionary, but with the adoption of some of these recommendations, Punjab Police force had again been reformed. The opening of the higher ranks to Indians attracted the best people to this service. All round

1. The criticism, though, was directed at failure to achieve high levels of performance and not at the system itself. The new commission strongly endorsed the organisational principles established in 1861. Consequently one finds no recommendations for the substantial organisational changes in the report of Police Commission of 1902-03. David H. Bayley, op. cit., p.47.

2. It consisted of one Inspector-General of Police, two Deputy Inspectors-General of Police, 31 Superintendents of Police, 27 Assistant Superintendents of Police, 68 Inspectors, 587 Deputy Inspectors and 15415 constables. Only 3750 constables could read and write and this police force cost the exchequer Rs.35,43,720/-. For purposes of Police administration, the province was divided into Eastern, Central and Western Ranges, the post of Deputy Inspector-General of Police was created to hold the charge of the Criminal Investigation Department and the Railway Police. Ashwini Kumar, "History of the Punjab Police", The Police Training College North Zone Phillaur Magazine, March, 1976, p.11.
improvements considerably enhanced the efficiency of the police and made it more popular than before.

In Punjab, the strength of Head Constables was considerably decreased in the reorganised police force and this led to paucity of police men in this rank in the districts. In 1911, the difficulty so created, was overcome by creating the rank of Lance Head Constable who was expected to discharge the duties of the Head Constable against the pay of a Constable.¹ There were two important defects in the reorganised police. Firstly, the majority of the circle Inspectors did not prove good enough to act as supervisory officers and secondly, the method of direct recruitment to certain grades of police force, particularly to the rank of Sub-Inspector created difficulties. The new entrants did not come up to expectations and lacked practical experience of the working of police force. In addition, 20 per cent vacancies in that rank reserved for promotion of Head Constables provided very small outlet to that class of officers and this caused discontentment amongst them. However, the British Government did not take immediate steps to overcome these difficulties.

In Punjab, Mr S.B. Wallace, the then Deputy Inspector-General of Police was deputed by the Punjab Governor to examine thoroughly the organisation of police in

the province in 1914. The growth of new towns and decay of old ones, improvements in the means of communications, fluctuation of population and the changed economic conditions, necessitated a change in the organisation of the police. In pursuance of the report of Mr S. B. Wallace, the government sanctioned 117 Head Constables with the corresponding decrease of 34 Inspectors, 42 Sub-Inspectors and 842 Constables. Perhaps this decrease was required because the government was in a mood to revise the pay scales of Constabulary without incurring extra expenditure. The Government Railway Police, formerly a part of the Criminal Investigation Department was separated from it and reorganised in 1917. A whole-time Assistant Inspector-General of Police aided by an Assistant Superintendent of Police and other subordinates was made in charge of the same.

The decrease in the strength of the police effected in 1916 caused many difficulties. And, men from the police reserve had to be re-employed to overcome these. This reduction coupled with the aftermath of the First World War and the prevailing disturbed conditions in the province tended

1. Ibid.
2. Ibid.
4. Ibid.
to cause a partial break-down of the law and order machinery. In 1923, a provisional increase of 816 men was sanctioned to cope with the situation. However, the strength of the police force did not increase in proportion to the growth of large cities, colony districts and cantonments. Many of the police stations for which only 10 Constables were sanctioned were also facing difficulties in the conduct of their work and there was also acute shortage of investigating staff in every police station. Furthermore, in view of the prevailing economic conditions, the subordinate ranks of the police were also paid low salaries. All this led to the appointment of Lumsden Committee in 1925.

The Committee made a comprehensive survey of the needs and requirements of the police force and its proper distribution that the Lumsden Committee made. The recommendations made were adopted and their implementation was carried on well until the commencement of the Second World War. After the First World War period, there was tremendous growth in the scientific methods of investigation.


In the thirties, Criminal Investigation Agencies were established, in all the districts, to deal with the criminals scientifically. The 'Modus Operandi' system was developed and emphasis was laid on the practical training in the scientific tools of investigation.\(^1\) An attempt was made to modernise the means of communication and mobility of the force. The scientific laboratory at Phillaur was also equipped with modern tools of investigation and efforts were made to inculcate interest in the study of Forensic Sciences.

The out-break of World War Second necessitated the reorganisation and augmentation of the Punjab Additional Police. This force was employed to escort vulnerable points. The regional reserves were also kept at important places in the province to assist the regular police force in restoring internal security.\(^2\)

In Punjab, the system of detective Constables was evolved by Mr Durrant and of special staff by Mr Scott. The Criminal Investigation Agency was formally organised during the war in 1943 for specialised detective and investigative work in all the districts of the state. Unfortunately, the Criminal Investigation Agency systems had not been fully exploited, nor extended in their scope during the last

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1. A.Kumar, op.cit., p.15.
34 years.

After partition of the country, Punjab received the share of the Punjab Additional Police which formed the nucleus of Punjab Armed Police of today.

After independence in 1947, there was mass violence and anti-authority bias generated everywhere. In this critical situation, the police had to face a task of tremendous magnitude in restoring law and order. In the United Punjab, the Muslims constituted roughly 70 per cent of the police force. After the departure of the Muslim police, 30 per cent of the effective strength of Punjab police was called upon to deal with a situation unknown to the history but somehow the difficulties were surmounted.¹ The truncated Punjab (India) consisting of 13 districts was divided into two ranges for the purpose of police administration. The strength of the Provincial Armed Police was increased to guard the Indo-Pakistan border.

The erstwhile Pepsu state was merged with Punjab in 1956. All the districts of erstwhile Pepsu comprised a separate range, i.e., Patiala. Later on, the Jullundur range was divided into Border Range and the new Jullundur Range.² The three border districts of Border Range were put under the

charge of Deputy Inspector-General of Police (Border Range) with corresponding charge of Punjab Armed Police. The whole complexion of the state of Punjab had undergone radical changes. The urban population had also increased, but the strength of the police force had not increased proportionately. The same had happened with the rural police. There was, thus, a need to reorganise the police organisation to cope with the changing social, political and economic environment of the state. Again, the Constitution of India lists police as a state subject and this has aroused a political consciousness that police being a state subject, the Government of India has nothing to do with it. As a consequence, most of the states started appointing their own Police Commissions. Keeping this in view, the Punjab Government appointed a Police Commission in 1961 to report on the various problems connected with the organisation and working of police in the state.2

The list is not an exhaustive one but only a pointer that the recommendations made by different Police Commissions in

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2. The composition was: Shri Mehr Chand Mahajan, Retired Chief Justice, Supreme Court (Chairman); Shri R.C. Soni, Retired Judge, Punjab High Court; Lt. Gen. Kulwant Singh (Retired); General Mohan Singh, M.P.; Shri Ranbir Singh, M.L.A.; Shri Harinda Singh, M.L.A; Shri Sri Chand, M.L.C.; Shri Gyan Singh Kahlon, I.C.S., Financial Commissioner (Revenue), Punjab; Shri Sapuran Singh, I.A.S., Finance Secretary to Government, Punjab; Shri Sant Prakash Singh, I.P., Retired Inspector-General of Police, Punjab; Shri Har Farshad, Advocate, High Court, Punjab; Shri Narinder Singh, I.A.S. (Retired), Advisor as Member and Kanwar Shamsher Singh I.P., as member Secretary. For summary of recommendation, see Report of the Punjab Police Commission, 1961-62, pp. 452-64.
An important factor which has a direct bearing on the law and order situation at the district level is the relationship of the judiciary with the executive. Ever since its inception, the judiciary in Punjab was completely under the control of executive in the matters of appointment, dismissal, suspension and other conditions of service. There was gradual separation of the judiciary and the executive branches in the highest six or the seven grades of Extra Commissioner. In both the branches, the conditions of service of each grade were identical. The members of the judicial branch were known as Judicial Assistant Commissioners and those of the executive branch were styled Extra Assistant Commissioners. In the first week of June in 1964 the conference of Commissioners and Deputy Commissioners was held at Simla which unanimously recommended the separation of judiciary from the executive. The Kairon


2. In Madras the separation scheme was introduced in groups of districts year by year and it was completed within a period of a few years.

3. Before the complete separation of Judiciary and Executive Punjab had three distinct regions, viz., (a) erstwhile Pepsu districts with statutory separation; (b) certain districts of erstwhile Punjab in which there was partial separation by executive orders; (c) the remaining districts of erstwhile Punjab with no separation, Report of the Punjab Administrative Reforms Commission, 1966, p.15.
Cabinet accepted the recommendation and the decision was implemented by Ram Kishan Ministry with the enactment of the Punjab Separation of Judicial and Executive Functions Act, 1964, on the lines of a similar Bombay Act.¹

The Government of India set up a Committee² under the chairmanship of Professor M.S. Gore, to undertake a review of the existing police training programme in the country and to suggest ways so that the country may have a well-equipped and capable police force. The Committee suggested reorganisation of the training programmes of the police with a view to equipping them with the knowledge, skills, and attitudes required to understand and meet the demands of their new role in a country committed to the establishment of a secular, socialist, democratic society.³

1. Ibid., p.16.

2. The Committee consisted of: Chairman - Professor M.S. Gore, Director, Tata Institute of Social Sciences, Bombay, and Chairman, Indian Council of Social Sciences Research, New Delhi; Vice-Chairman - M.M.L. Hooja, formerly Director, Intelligence Bureau, Ministry of Home Affairs; Members - G. Parthasarathi, Vice-Chancellor, Jawahar Lal Nehru University, New Delhi; Shri B.P. Lall, Advocate, Supreme Court, New Delhi; Professor N.S. Ramaswamy, Director, National Institute for Training in Industrial Engineering, Bombay; Shri Ashok Sen, Joint Secretary, Ministry of Home Affairs, New Delhi; Shri K.F. Rustomji, Director General, B.S.P., New Delhi; Shri A.K. Ghosh, Director Enforcement and Director-General of Revenue Intelligence and Investigation, New Delhi; Shri R.Srinivasan, Deputy Commissioner, Delhi; Shri M. Gopalak, I.G.P., Kerala; Shri N.S. Sakshena, ex-I.G.P., Uttar Pradesh; Dr. A. Gupta, Director, Bureau of Police Research and Development, New Delhi, Member Secretary.

After accepting the path of land development, we have been witnessing a rapid growth in the number of economic and social projects undertaken for execution by the government as also in the number of government departments. As a result of increase in expenditure, all sorts of allegations of corruption, real and imaginary, are being levelled. Consequent on the acceptance of the recommendations of the Santhanam Committee, the Vigilance Commissioners for the states and a Central Vigilance Commissioner for the Union of India were appointed. In conformity with the recommendations of the Administrative Reforms Commission, Lokayukts have also been appointed in Maharashtra, Rajasthan, etc.

Towards the end of 1977, the Union Home Ministry announced the setting up of a National Police Commission. The reasons advanced were, "Far-reaching changes have taken place in the country after the enactment of the Indian Police Act, 1861, and the setting up of the Second Police Commission of 1902, particularly during the last 30 years of independence. Though a number of states have appointed police commissions


2. The Commission comprised: Shri Dharam Vira, Retired Governor, Chairman; Shri C.V.Narasimhan, presently Director, C.B.I., full-time Member-Secretary. The other members of the commission are: Shri N.K.Reddy, Retired Judge, Madras High Court; Shri K.P.Rustamji, ex-I.G.P., Madhya Pradesh and ex-Special Secretary, Home Ministry; Shri N.S.Saksena, ex-I.G.P., U.P. and ex-D.I.G./C.R.P. and at present Member, U.P.S.C.); and Professor M.S.Gore, Director, Tata Institute of Social Sciences, Bombay.
after independence to study the problems of the police in their respective states, there has been no comprehensive review at the national level of the police system despite radical changes in the political, social and economic situation in the country."

The Police Commission is to examine all the major issues of an All-India character pertaining to police administration in the country and suggest measures for implementation as would not only enhance its functional efficiency but would also transform it into an instrument of public service. (For terms of reference, please refer Appendix II.)

The coverage is very comprehensive and the report is awaited with interest by all those who are concerned in making the police system effective and efficient. Some of the controversial issues which have engaged the attention of the earlier commissions are being discussed at various seminars and meetings. It is true that the Commission has to present the consensus that would emerge and in that sense would reflect the present thinking on this vital service. The Commission would make recommendations taking an All-India perspective. A lot of thinking would still be necessary at the state level. Some of the recommendations would have to be adopted to suit local conditions.