CHAPTER - III
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POLICE ADMINISTRATION

A Brief Historical Survey

Police have always occupied strategic position in crime prevention. It is not necessary to over emphasise this role of police, since maintenance of law and order from the ancient times has been the primary responsibility of the police. It is in the light of this, that the performance of the police is described as one that “they must repose confidence among the members of the public and that the police as a class is there to protect their lives and properties and safeguard their constitutional rights”.

The origin of this ‘Bureaucratic Organisation of Professional’, as termed by Prof. Ram Reddy, can be traced back to the time of the early human history, when small roving groups sought the help of the strong and dependable men for watch and ward purposes and to stand guard against the onslaught of animals and the selfish instincts of human beings. These early roving bands with passage of time organised themselves into tribes and settled down in small communities. It is here that they began to evolve rules and regulations for personal and property rights of their own community.
These rules and regulations further developed into customs establishing certain specialised agency with the task of upholding and enforcing these tribal laws. Thus, the earliest law enforcement agency was, perhaps a kind of police, which functioned at times of peace. There is striking similarity of this kind of evolved police systems even during Roman period as can be evidenced from Biblical times. There were patrols of watchmen which went about the cities during the Roman period, it is observed. Indian scriptures also speak of the system of policing. There are references to this in the Manusmriti an din the Ramayana. Such being the evolution of police in general, this concept today has seen a sea change in its connotations. Today, it is widely accepted view, that the concept and the term 'police', derived from the Greek words “polis” meant “city”. The Greek tradition defines it as “as organised civil force in a town or city meant for preservation of life, property and health of the community and for the enforcement of laws”. This ofcourse, is very much similar to the concept which evolved in the East and West, where as the Latin root of the term police viz., “Politia”, literally meaning the condition of a “polis” or “State”. It’s connotation infact covers under it a class of people who represented the society, while hinting out at a system of administration or regulation. The corresponding French word for police is “Policier” meaning the power of the people, which is rather democratic in its content, highlighting the existence of a civic society where no external regulative force existed to control the social evils, this word in European parlance, meant “a force for the city”, which clearly spells out the functioning of this agency despite these facts, it is said that the word “Police” was imported from France to
England in the early 18th Century and that this word carried with it the connotation that was in vogue in France. Further, the term 'police' was officially used first in the famous Police Act of Parliament of England in 1929 it meant efficient paid body of officers. Apart from this, Act became a milestone in the progress of law enforcement. Since then, throughout the world specifically so in case of India and America, this Act of Parliament of England, has executed great influence helping in consolidation of numerous forces of law enforcement agencies that existed in these countries pooling them together into one efficient paid body of officers. As Stuart Bowers, has rightly observed "Police force, as regular and recognised part of modern state, is no doubt a modern innovation. As of now, the term 'Police' as described in Encyclopedia Britannica means "the agency that deals with the maintenance of public order and protection of persons and property from the hazards of public accidents and the commission of unlawful acts".

Further, it is interesting to note that the complex structure of modern society and the needs of Governmental Administration have contributed mightily to extend the police activities quite beyond the traditional concept of crime control and pushing the police function into a position that constantly widens its activities, covering uniformed patrolling, criminal investigation into various complex contours of crime, traffic regulation, special measures for controlling commercialised vices, dealing with the female offenders, juvenile delinquents, regulation of labour laws and such other types of governmental/semi-
governmental/social activities within the recognised domain of state legislation under which the law governs the police.

**Police in early India:**

Police Administration system in India is as old as the Indian civilization itself. As a law enforcing agency ensuring order, the origin of the police in India can be traced back to the earliest period of *vedic* and *Harappan* civilizations.

“As noticed in the Harappan seal the figure of a man holding a stick is interpreted by Soviet Scholars as portraying ‘*dhandadhara*’ meaning the man holding the *danda* (the stick) which is a symbolic representation of law enforcement agency. This is, perhaps the first pictorial representation of a policeman” that can be evidenced when we discuss the origin of police in the early *vedic* period.

The early *vedas* eloquently spoke about certain celestial deities too in this regard. *Varuna* is the earliest known prototype of the all powerful ‘ubiquitous policeman’ who monitored and controlled the lives of the people and ensured their security and general well-being against the insecure living conditions as in the *Vedic* and *Buddhist* times the concept of *Danda* as a symbolic representation of Police Administration itself is elaborately dealt in its clear terms, *Danda* as “symbol of the coercive power of the state adequately or ruthless”. *Kautilya’s*
Arthashastra treats Danda as the law of punishment or science of government (dandniti). This perhaps is comprehensive definition of a responsible police system that existed during the period of Maurya. Kautilya, who put forth an elaborate design of policing system defining several levels of bureaucracy within it, could in fact, be called rightly as the father of the modern police administrative system in India.

The concept of Danda as used by Kautilya in his Arthashastra, is derived from the root word 'dada' which means to hold (The primary meaning of danda is 'rod or staff'). It has been a symbol of command/authority. Danda as a term having many connotations also meant an army, a war, a fine judicial sanction besides being an abstract idea symbolising cosmic force. Danda in the sense of punishment is found as a necessity of state. The stick is a symbol of the right to punish is Dharma itself for a king in his function of dispensation of justice. This mention of danda is found in the Arthashastra where Kautilya speaks of physical punishment and also of fines. The early commentators on Arthashastra saw danda as an important adjunct to the royal office. And in the Dharmasutras the king's duty of justly applying danda is sought to be supported on the ground that he has the means of ensuring security and welfare of the people.

The concept of Dandaniti on the other hand is associated with the law that regulate human conduct by way of punishment and it conceived danda as the essence of government. Manu emphasises the Arthashastra ideal of the supreme
authority of danda by raising it to the level of the foremost political expedient as well as a divine institution. According to him this meaning of danda is justified because of its function in ensuring individual security in respect of person and property as well as stability of the social order.\textsuperscript{15}

Mahabharat considers the concept of danda as the upholder of dharma and protector of the people. Metaphorically the king’s scepter was a symbol of his temporal authority which owed its origin to danda i.e. ‘stick’ used for punishment and restraining. It was only a matter of time and natural corollary of the concept of coercive factor that danda was elevated to a science and ultimately became the art of governance or government itself. Later as a retributive power of state danda gradually changed from the power of punishment to the military power. With passage of time it substituted for ‘bala’ or ‘armed forces’ and became one of the expedients of royalty.\textsuperscript{16}

Kautiya’s ‘Arthashastra’ Mahabharata, Manusmriti and Sukra’s Neetisara have conceived the state as an organic unit which constituted of seven ‘angas’.\textsuperscript{17} Kautilya and others have graded these elements in order of their relevance to the state and danda stands as the sixth element. Gautamsutra and Dharmasutra of Sumantu on the other hand considered danda as bodily or pecuniary punishment, which is accorded on the basis of the nature of the offence committed. Hence, Bala, (force) was substituted for danda which came to be known as strength, power or force.\textsuperscript{18}
Police as an instrument of *danda* in early societies, with the growth of small states, the king's attribute of 'danda' was carried on by the armed forces. Initially security of the people was considered as the preserve of the armed men and consequently the army all along was concerned with the internal security and the maintenance of social order. *Varuna*, the upholders of moral order and who may be considered the prototype of Modern Policemen, has been invariably portrayed as surrounded by a band of reliable all pervasive spies visiting every corner of the earth to cover the evil minded. *Kauñsīya* in his *Arthashastra* makes a reference of this kind mentioning that, 'king', touches in the nearest proximation the most autocratic police state of medieval and modern times, the only difference being in the objective of the state i.e. yogakṣema or well-being of the people. Here *Kauñsīya*‘s danda as referred to earlier, it represents the coercive power of the state which provides to the king a system of elaborate policing machinery which could be an envy to the developed law and order apparatus of modern governments.

Thus, the concept ‘police’, had functioned in a rudimentary fashion since vedic period, had its own credits. However, the credit for creating a separate ‘police agency’, with specific powers of administration, implementation, enforcement of laws, regulations for the prevention of crimes, investigation and prosecution of criminals goes to *Kauñsīya* because it was at his time that this law enforcement agency had developed into a complicated espionage system assigned
with more tables such as duties of border control, traffic, control of smuggling, immigration, customs and revenue investigation apart from being an effective vigilance department including political and military intelligence.

The policing system of Kautilya was on two distinct lines i.e. civilian departments entrusted with police powers and a cadre of regular police officers. He conferred police powers on almost all the departments that had public dealings. The cadre of regular police officers comprised rural and urban branches and functioned on similar lines. Police organisation during his times composed of three tier systems constituting Pradeshta (for rural area), the Nagaraka (for the urban area) as the officials at the top, who controlled the affairs of the cities and gramas keeping watch over the inns, sarais and places of entertainment especially to find out the arrival of foreigners and persons with bad character and to detect thieves. The rural and urban stanikas in the middle and the urban gopas at the bottom this system functioned efficiently. The subordinate police officers in this hierarchy were referred to as 'Corarajjuka', 'Raksinas' and 'Jivagraha'. Top police officer i.e. Nagarakas was expected to maintain law and order. They also looked after the administration of jails and made daily check up of the defence of the city.

The duties of the Nagarakas, who later came to be known as 'Kotwals' during the Mauryan period, in fact developed into highly complex system of administration thereby establishing a well organised system of police in a state to maintain all-round welfare of the people. There were court of judges that is Dharma sthaniya and police magistrates known as Kantaksodhana. The criminal law was
severe and stringent. The defender of the citadel was known as Kota/nila and protector of city as Nagarpala.

Levels of Police Administration in Early India:

Police headquarters during this period were located in the capital with representative of police officers in all principal centres including in the important villages. These were stationed in the midst of 800 villages, known as 'Sthaniya'. 400 villages of this kind was known as 'dronamukha', 200 villages of similar type were known as 'Kharavata' and 10 villages station was known as 'Sangarahana'.

Samaharta - a senior officer of the central government was variously characterised as the Home Minister under such a set up. The suppression of crime and the maintenance of law and order as his ultimate responsibility. He would be assisted by a good number of secret agents to report on criminals and anti-social elements. The officer concerned with the maintenance of law and order, investigation of criminal cases and the punishment of criminals also worked under him.

Pradesta - officials were charged with the executive powers of collection of revenue and police. They normally served in an area covered by 5 to 10 villages having powers to investigate the crimes committed within their jurisdiction and to inflict punishment on those committing the offence.
Kautilya lays down regulations and procedures of investigation for Prajñārakā and Nagaraka their staff of the stānikas and for gopas. Great emphasis was placed on an efficient investigation system in the case of major crimes like theft or murder which comprised of interrogation of the suspect, examination of clues for the stolen property and following the traces of the crime etc. Subordinate Police Officers at the district and sub-divisional level, including at the village level viz., gramabhṛtaka, gramika and the gramakuta are also identified during this period. These officers were invested with executive and police powers within their village jurisdiction. Jatakas have similar expression which bears reference to the kind officials referred to above incharge of police functioning, possessing inferior criminal jurisdiction i.e. maintaining law and order in the village.24

Nagaraka incharge of nagara or fortified capital had multifarious functions to perform. Almost all facets of town life including the land survey and census operations were looked after by him. Most important duty of his was the maintenance of peace and order in the town. Nagaraka was allowed to enforce prohibitory orders during emergency or for a selected period. Nagaraka was responsible for the control and arrest of persons who by their demeanour or disguise or for possessing arms on their person gave rise to suspension.25 As a head of the city police, he was to maintain effective discipline and to ensure that his men do not go haywire and cases of any mis-demeanour of policemen in the
It was also his responsibility to report to the king on matters of law and order in his jurisdiction.

**Purasas** - the most important category of officers mentioned by *Kautilya*. They have been considered identical with *gudhapurusas* viz., intelligence officers. They were assigned the duty of watching almost all affairs of the kingdom and making reports secretly to the king.

**Vivitadhayaksa** - to run the administration efficiently, the smallest unit, the village was established which was autonomous. In the intervening areas between the city and the villages was *vivitadhayaksa* who exercised police powers. His duties were to protect travellers from thieves, dacoits and wild animals.

**Antapala** - *Kautilya* speaks of frontier officers. These officers were in charge of commanding the borders and checkpoints controlling the entry of men and goods into the country.

**Mudrahyaksa** - was performing police functions and his duty covered issuing passports and visas. None was allowed to enter or leave the state without securing a passport. This job is still being done by authorities all over the world under police control.
Sansthadyakas and panyadhakasa were invested with police powers in controlling the markets and traders to ensure that the customers were not cheated by the manipulation of weights and measures or adulteration of goods.

Ganikadhyaksa was an officer of the police department and in cities worked under Nagaraka and his duty was to control the prostitution in the state.

Military police was to protect the mobilised troops. Their duty was to look after the army’s comfort and security. Kantaksodhna courts functioned as police courts for the award of corporal and capital punishment.

Certain changes were made in the organisation of police during post Mauryan period. As a result the role of police also witnessed certain changes. Kusanas who were the link between the Mauryas and Guptas, sought to perfect the administrative system by intermingling the traditions during this period. The terms 'Mahadandanayaka' and 'Dnadanayaka' first time occurred during this period. The contemporary meaning of these terms is interpreted by various scholars as 'the prefect of police', 'commissioner of police'.

During Gupta period, combined police military and bureaucratic machinery was in existence. The chief police and judicial officers were variously designated as Dandanayaka, Mahadandanayaka, Sarvadandanayaka and Mahasarvadandanaraka. Apart from these terms other variation in their
designation have also been identified. They include *dandadhipa, dandanatha, dandadhinatha, dandipati, dandesā* and *dandesvara*.\(^2\) The judiciary and the police were two most important wings of the state administration during the ancient period too.

The police organisation in the ancient period was not very clear. However, the picture becomes somewhat clear during Mauryan and Gupta periods. *Kautilya* and *Megasthenes* have left interesting and detailed pictures of administration of these period in their work.

*Dharmasutra* and the *Arthasāstra* reveal a fairly well developed criminal justice system with the king at the Apex. Since *Arthasāstra* not only gives an exhaustive account of administration of ancient Indian society but its validity can be seen in certain respects during the subsequent medieval Indian society. General administration was built around the revenue collection and some continued with slight modifications in the affairs of administration as *Nagarikas* were incharge of administration of city during *Kautilya's* time in Muslim period and British rule. *Nagarikas* were designated as *Koiwales*.

*Arthashastra* can justly called a treatise on the criminal justice system because it comprises some chapters, which are read like a manual for the police in modern time. Further, in some other chapters detailed instructions are given as to the manner in which an inquest should be held in a case of unnatural death.
The above pattern of criminal justice system continued for five to six hundred years without any major changes. The basic principles of criminal jurisprudence were as follows: (a) the foundation head of justice was the king, who was to be guided by the rules of justice as laid down by the Dharmasastras. (b) The interpretations of such rules or edicts were guided by customs, traditions and usages of the time. (c) The king or any other functionary designated to discharge the duty of judge was assisted by councils. (d) Offences were defined in fairly clear terms and so were punishments and (e) Rules of procedures for conducting the trial were also laid down in meticulous detail. This system of Policing continued until 12th century. And to have a brief glance at medieval period from 12th to 18th it is worthwhile to switch over to the Muslim period.

Policing in the Medieval Period:

With the Muslim incursions on the enforcement of the Muhammadan Law imported from Arabia had not affected a chapter of the traditional Hindu police system/organisation. Not only that the Muslim rulers were only conversant with the Islamic Law, but also it was their religious duty to follow it which the Hindu states and the Muslim state was a military state and depended for its existence on the absolute authority of the Monarch, who was also its supreme general. This system of centralised administration can be traced back to the period of prophet where institution of police and other administrative organs of muslim politics were
under sources of one law viz., "Quaran i.e., Law". As they considered state is only an instrument to serve the creed in the attainment of its objectives or the ideal of Islam as revalued to it through the medium of prophet Muhammad.

During Mughals rule in India;

"The police were called 'asas' in the beginning and later were called as 'shurtah'. They were subordinate to the quid and their main function included executing the decrees of the quade to bring criminals before him for trial. The duties of the head of the police, the sabib-I-Shurtah (Police Officer) were performed by an officer known as Kotwal. Kotwal is a word of Hindu origin, which was adopted by Turks."

It was usual practice of Muslim rulers to establish thanas or chowkies in different strategic areas for maintenance of internal order in the conquered territory. These thanas were more in the nature of military command posts. Mughals being pre-occupied with conquest and collection of revenue they were marginally involved in the detailed administration of the countryside. Therefore, maintenance of law and order and administration of justice, by and large were left in the hands of the zamindars. Many of them among zamindars in this process also became faujdars in the empire. This change of office and status was more formal than real and they continued to function as ‘contractors of general administration’ maintaining a paramilitary police to look after law and order situation under their jurisdictions.~
During Akbar's regime elaborate police system was functioning and the police responsibilities were controlled by *Subedars*, *Faujdars*, 'Kotwal' and *Darogus*. Apart from these higher authorities, Mughals had maintained an expensive system of espionage and informers known as "Waquinavis", "Sawanih - Nigars", "Khufia Navis" and "Harkarahs" who disseminated intelligence information to the *Daroghas* orally or in writing.  

*Kotwal* is an urban officer, being the chief of the city police still in India, the down town police station is popularly known as *Kotwal* though his English nomenclature is the Inspector of Police. He supervises the police functions in the city and its suburbs his duties and responsibilities were the basic police functions such as crime prevention, investigation, prosecution and control by following various strategies and adopting measures commonly pursued by urban police departments today.

*Thanedhar* : These were the "men in command of outposts or smaller areas within a *Faujdar* and were appointed by the *Faujdar*. He was working as managerial link in the chain of command of the executive officers who were responsible for maintaining law and order and control crime. *Thanedhars* were in charge of police units stationed at various places for guarding communications and maintaining peace. And such units were like small islands in the midst of a vast countryside studded with villages and hamlets. Duties of *thanedhars* seemed to be
similar to those of Faujdars except in a limited geographical area. Thanedhars were used to work under the instructions given by Faujdars. Even today police station is designated in local vernacular as ‘thana’ in whole of North India and Sub-Inspector of Police is called a ‘Thanedhar’ as ‘Daroga’. The institution has defied ups and downs of history.32

An important contribution of Mughals is their strong central administrative system and an all India political authority and with it a unity and a single loyalty. Police in India was long modelled after the Mughal fashion. The Kotwal was a long a terror to the evil doers and sometimes to the innocent as well. The methods of detection of crime continued to be based on the principle that confession, however, obtained is the best solvent of all troubles. Some of the records maintained can trace their origins to the instructions issued by the Mughal emperors. Not only this all the twenty Indian Subhas of the Mughal empire were governed by means of exactly the same administrative machinery with exactly the same procedure and official titles. Moreover, the significant features could be recounted as:

(a) Almost all the terms concerning the court nomenclatures are the same as those of the Mughal period.
(b) Judicial District administration as well as provincial administration
remains almost the same and

(c) Supreme Court and High Court possess the same hierarchy as was
available during the British days and inherit the powers of "sadr Divani
Adalat".

It is often said that the British did not even change the boundaries the geographical
administrative divisions fixed by the Mughals.

In police terminology Darogha, Kotwal, Sipahi and Dewan remained
unchanged. Persian continued to be the court language along with English during
the time of the British. The Court etiquette, form and formalities of procedure,
customs, practices, rituals and ranks remained mostly Mughal and adapted to
overall British hierarchy. No wonder that the administrative transition was
smooth and continuous. And till the late early sixties, most of the police and court
work at lower level was done which was under Mughals. Most of the police
during Mughal and then under the British were predominantly Muslim, at the
subordinate level. The communal complexion and introduction of marital races
into police was an after thought of the British administration in the beginning of
the 19th century when they made "Divide and Rule" as an unwritten, but well
understood policy of the British imperialism in India.
Police in the British period:

The story of the colonial police begins in Ireland. The colonial model is based on the Royal Irish Constabulary. It originated in 1836 and it received its prefix Royal in 1867 and existed till 1922.34

Before “Police” system was adopted in India, based on the Royal Irish Constabulary (RIC) model, the period was spent as an experiment. Sir Charles Jeffries in his writings observes a three-step development of ‘colonial police’, in India. In his own words, the first stage was identified as “the phase of improvisation”, in which the original policing systems of the country were adopted and amended to suit the conditions of the 19th century. The second viz., semi-military style was introduced in the later part of the 19th and the early part of the 20th century. While the third stage was that of the conversion of this colonial police into civil police forces on the lines that was familiar to Great Britain. The chief characteristics of this system was its central control, rank order stratification, with top officered by governing elite, and lowest and middle ranks, with a carefully graded native mix. According to Charles Napier who (later became the Governor of the since in 1843) this system which was based on two principles a) that the police must be completely separated from the military and b) that they must be an entirely independent body established to assist the collectors in discharging their responsibility for law and order, but under their own officers.35 Infact, based on
this model with slight modification to suit native requirement the police in British
Indian consisted of three classes (1) Mounted Police (2) Rural Police and (3) City
Police.  

Cornwallis introduced the Darogha system and made village watchmen
responsible to darogha. A darogha was in charge of a thana, a part of the district,
and was answerable to the Judge as well as to the District Magistrate to whom
they must deliver a criminal within twenty four hours of arrest. They did not have
trained constables.

During this period when Britishers while shaping the East India company
and subsequently as the representations of the crown, improved the police
organisation and improved on it measure by measure. In this drawn out effort, the
following may rightly be regarded as the important landmarks:

Introduction of Irish constabulary model in Sindh in 1843.
The extension of the above system to the Bombay police with the appointment of a
superintendent of police in every district.
The appointment of a police commission (1860) which recommended the abolition
of the military police and the constitution of a single homogeneous civil force.
The promulgation of the Police Act (1861) embodying the above recommendation.
The formation of another police commission (1902) which recommend major
structural changes at all the levels and which hold good even now and
The setting up of the Islington (1912) and Lee Commissions (1924) whose recommendations led to substantial Indianization of senior ranks in the forces.37

However, the uprising of 1857 Mutiny against the British brought the administration altogether to a new focus. Company rule came to an end and the British crown assumed direct responsibility. A police commission was appointed in 1859. On the basis of the commissions report, a bill was moved in British Parliament and Police Act V came into existence in 1861. Simultaneously, the code of criminal procedure was put into effect. The Police Act of 1861 laid down an elaborate structure of police organisation which remains in force till today in India. In every province the police was headed by an Inspector-General who was assisted by a Deputy Inspector General. The district police was headed by Superintendent of Police assisted by an assistant and Deputy Superintendent of Police. The Deputy Superintendent of Police was subordinate to Deputy Inspector General of Police. He was also put under the general control of the District magistrate Police stations or thanas were run by Inspector and Sub-Inspector who were locally called daroghas or thanedhars. There were trained constables and head constables under the sub-inspectors. Watchmen continued to be responsible to the daroghas, the officer incharge of a police station.

The Police Act V of 1861 introduced a uniform system of police in British India. It brought organisational changes in police, but failed to change its nature and mode of functioning. The District Magistrate handed over to the
Superintendent of Police some of his old functions. But he remained responsible for everything that happened in his district and yet acquired a colleague not a subordinate position.

The Indian Police Commission of 1902-03 is a significant landmark in police history. The commission brought some organisational changes envisaging establishment of a criminal investigation department, railway police, enhancement of pay and the provision of armed reserve for at district headquarters. There have been no significant changes in the police cadre or its operational activities thereafter. The same system was left by the British when India became independent.

Police in Post Imperial Period:

The post independent era that starts after 1947. The constitution of India came into operation on January 26, 1950. They have been additions in police organisation at a national level, after the independence, but no change in its structures or work patterns. The Central Bureau of Investigation was created in 1963, the Central Reserve Police in 1947. Border Security Force in 1965 and the Central Industrial Security force in 1964. Except CBI others are para-military, but police organisations. Again, except CBI, others have no investigative or detective functions and therefore no public service orientation. They help local police units
in emergency situations and are pressed into service for arrangement and other functions which cannot solely be handled by civil police. Later day achievement in some of the states was that of the office of Superintendent of Police was brought at par with the District Magistrate and Police Commission system was embraced by the bigger cities. More scientific and technological services were upgraded.\(^{39}\)

**Constitutional basis:**

The constitution of India stipulates that for all legal and constitutional purposes, the police continue to be a state subject and all policies, plans and procedures pertaining to the administration of security, crime and order fall within the jurisdiction of state governments, subject to certain safeguards and uniformities provided in the union and concurrent lists.

According to the Indian constitution 'police' is a state subject and the state government has complete control over the state police. The state legislature has no power to make organisational changes in police. All India service is the exclusive preserve or Central Government police budgets are a state responsibility. Central Government aids the state for modernization or to increase training facilities, but that is a discretion rather than an obligation. Indian constitution is said to be federal in form and unitary in spirit, the same can be said about the Indian police. The centralised control of all India service personnel known as IPS who occupy managerial positions constitute a powerful tool in the hands of the
central government to manipulate the state police system, through indirect or
direct means. It mostly depends on center-state relationship and on how powerful
the Central Government is. And following are the Constitutional Provisions which
permit Central Government to act upon.

(1) The union government to condition the frame work and working of the police
administration in the states.

(2) The union government to influence policy formulations and their
implementation as evolved by police administration in the states.

(3) The union government to interfere in the functional operations undertaken by
the state police forces.

(4) The union government (if it so desires) to gradually nibble the concept of state
autonomy in areas that vitally relate to police tasks; and

(5) The union government to override and take over the state police administration
as a last resort during emergencies.40

The police Act of 1861 which is still in operation lays down the pattern of
organisation throughout India both structurally and operationally. It governs most
of the internal and external aspects of organisational behaviours of policing. The
other substantive acts, central acts, which state government has no power to
legislate, but which govern the legal procedures and Indian Evidence Act. Apart
from these there are either central acts which extend or restrict or regulate the
police powers in the states. In case of conflict between state and central
legislation, it is the central act which would prevail. Realistically, except administrative control, there is very little that a state government can do to resist an interfering powerful centre. The anomaly of police administration in state and centre relationship is hardly obvious; much is hidden beneath the surface. Police could be a unifying force, as well as a disrupting factor, depending on the political motives of those who rule.

At the institutional level, the police have constitutional limitations and responsibilities. It cannot violate the fundamental rights enumerate in the constitution of India. Its power of arrest are limited. It has to observe certain formalities. It has to produce an arrested person before a magistrate within 24 hours of arrest. It has to observe decency and religious moralities in accordance with the law. The administrative style and the bureaucratic functioning of the new Indian republic was mere ‘carry over’ from the past, because once the machinery was adopted as a constitutional mandate, the rest flowed automatically through it, without any change or commitment.

In brief, speaking about the growth and development of police in India. Historically, police an ancient Hindu India was prevalent as a fort of administrative system which was to be enforced by state militia or an armed force commended by the ruling satrap. In fact, it seems that Hindus were more apprehensive of committing social or temporal violations because of unavoidable punishment, invariably sustained due to moral, spiritual and religious beliefs. Life of Hindu was
ritually regulated and socially disciplined and was based on an archaic cultural system. Successive waves of foreign invasions and wanton destruction of Muslim crusaders left traces of Hindu administrative system. During Muslim rule, they institutionalised their own criminal justice system and introduced their own language. British the last to come, did the same by supplanting the western system by replacing existing Muslim institutions and language by their own. Though the British kept the police system, adjusted to the needs of the empire, but to cope with the administrative local challenges, they shaped police in India on Irish Constabulary model.

The Police Act of 1861 laid down the structures of style of police in India police of today continued to be based on the police Act 1861 with timely modifications, alterations and expansions but with no substantial changes structural, functional and legal changes were rarely made, but administrative and operational efficiency of police was maintained by making suitable adjustments organisationally. In the next chapter an attempt is made to assess and analyse the existing relationship between the two agencies viz., Human Rights and Police Administration, keeping the context of this study.
FOOTNOTES:


5. Chambers 20th Century Dictionary. The term has been defined as "the system of regulation for the preservation of order and enforcement of law the internal government of a state".


11. Crimes and Punishment were known to Ancient India And *vedic samhitias* elaborately illustrate the insecure living conditions of the patrol *vedic* community who constantly beseeched protect them. Op. Cit., Reddy Ram, 1972.


15. Ibid., p.11.


17. Viz., King, Amatya, Kosa, Danda, Mitra, Janapada and Pura.


19. Ibid.,


21. The present words ‘Kotwal’ and ‘Kotwali’, have been drafted from Kotpala of ancient times.


34. Ibid., p.35.

35. Ibid.,
36. (1) Mounted Police: Were the best paid and of superior status. Their duties were partly protective providing guard and patrol and partly detective.

(2) Rural Police: Consisted only of infantry and were confined to providing guards for treasuries, goals or headquarters, escorts for prisoners and support for other branches where necessary and

(3) City Police: Further were of two classes mujeebs who acted as watchmen, guards and patrols and trackers were distributed throughout the province, one or more at each large thana. But all the police of the province were under the command of a captain of police, directly responsible to chief commissioner and under him each district were a European lieutenant of police and an adjutant, both army officers.


39. Ibid,

40. Ibid.

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