Chapter – 3

History of Police: A historical Perspective

India, Karnataka, Police & policing of Metropolitan Cities, Bangalore City Police, Police Act of 1861, Police Commissions & Police Reforms
CHAPTER-3
History of Indian Police

The Origin and Development of Police in Ancient India

The term “Police” specially applies to the body of civil officers charged with maintaining public order and safety. The police are responsible for enforcing law including prevention and detection of crime.

Historical records reveal that the police department had become a well established administrative institution during the Mauryan Empire. There are evidences about to the existence of security organization in the Harppan civilization. The two rows of houses in Harppa have been identified to be the military barracks which may have accommodated a regular force intended for the defense of the city. An interesting Harappan seal shows the figure of a man holding a stick interpreted by Soviet Scholars as portraying “Dandadhara” (Yama). This could be the first pictorial representation of a police man.

Regarding the history of police in India most of the authors including Aparna Srivastav and M. P. Singh observed that the historical epochs of police could be divided into four periods – The Ancient or The Hindu Period, the Medieval or Muslim Period, the British Period or Pre-independent Period and lastly the Post Independent Period. Singh and Aparna Srivastav are of the opinion that not much is known about ancient Indian Police. Hence one must piece together different accounts scattered in various Scriptures and Shastras in order to get a coherent picture of the police setup. On the basis of information available from Vedas, Smrithis, Shastras etc., it can be said that Hindus had a very elaborate system of law enforcement and administration of justice.
Police in Ancient India – Hindu Period:

Vedic Period

During early Vedic Period Varuna was suppose to be the earliest known prototype of the all powerful “ubiquitous policeman” who monitored and controlled the lives of the people and ensured their security and their general well being. In other words the pastoral Vedic community people sought the assistance of celestial deities to protect them and material belongings not only from natural calamities but also from human plunderers, wild beasts etc. The Hindu system has two aspects – the religious and the temporal. The key concepts referred to in the Hindu religion are Dharma, Karma, Papa, Punya, etc. Dharma and Karma is believed to lead to Punya, violations of these is punishable by the spiritual authority – The God. What we observe here is a very simple philosophy based on belief and faith in the early Vedic period. This belief and faith may have been responsible for the maintenance of social order in society and perhaps it was a kind of police system which was very simple, yet powerful.

In the Vedic period we find that when the states were small and the king was directly administering justice, police was an integral part of the system. But with the passage of time the role and responsibility of the police widened. In order to implement the law and order effectively and bring the criminals to the justice different organisations had to be created.

In the later Vedic, Buddhist, Jain literature and the great Epics we find that the sea – farers, ocean going ships and trading caravans had to face insecure conditions during their movements to distant lands. These insecure conditions necessitated the merchants to make their own arrangements regarding land and transoceanic guards and security men. In other words what we observe here is the existence of a kind of private security system. This can be compared, perhaps, to the present day private security agencies.

An important landmark scripture after the Vedas and Epics is Manu’s law. Manu’s police is devided into two functional departments – namely criminal investigation department and the law and order wing. The criminal investigation
department was further divided into crime branch and special branch. The responsibility of the crime branch was the collection of criminal intelligence and investigation of crimes. The special branch was entrusted with the task of collecting intelligence for the security of important dignitaries, prevention and prosecution of economic offences and undertook espionage.

Manu calls the city police chief as ‘Nagar raksadhirita.’ He advised the king to post an officer in every city. This officer was responsible for crime control and handled rebels. The constables were called Yamikas. Policemen were given the responsibility to watch the anti-social elements in hotels, lodges, theaters, town out skirts etc. These were in turn watched by stationary policemen and secret agents. An officer of lower rank called Dandapasika carried fetters and arrested criminals. The police officer in-charge of prison was Nagarika or Karadhyaksha.

The Mauryan Period (C. 324 BC – 183 B.C.)
During the Pre-Mauryan Period the ‘grambhojaka’ and the gramika in the Mauryan period was responsible for the maintenance of local peace and tranquility and defense of the village. It is also found that the police as a department had become a well established administrative institution during the Mauryan Empire. According to historians, the Mauryan Empire was truly a police State. The main aim of the State was the all-round welfare of the people.

The Gupta Period (320 – 540 A.D.)
During the Gupta period we find the continuation of combined police-military and bureaucratic machinery. The chief police judicial officers were called dandanayaka, mahadandanayaka, sarvadandanayaka and mahasarva dandanayaka. We find that the maintenance of law and order was linked to the administration of justice. The Guptas had divided their States into provinces – desa, rastra and visaya. These were further divided into nagaras and gramas. There were provincial governors called goptas, rastriya, rastrapati, bhojapathi and rajasthaniya. They were protectors of people and they combined both military
and police powers. From the available information we get to know that Visayapati was a chief authority in the district and handled civil, judicial and police matters.

During the Mauryan period the administrative structure was highly centralised while a fairly decentralized structure prevailed during the Gupta period. However, this difference did not make any major change in the policing system. According to historical records, Chandragupta Maurya “kept his large realm under tight control with the help of a strong standing army, secret police and the use of torture to extract confessions by police state methods.

It can be concluded from the historical records that in primitive societies and with the growth of small States later, the security of the people, internal security and maintenance of social order became the concern of the army.

**The Concept of Danda and the Genesis of Police System:**

History reveals that the concept of Danda symbolized the coercive power of the state supported by a moral and spiritual application. Hence Danda was a first basic postulation responsible for the birth of police system. The term police system has been interpreted as to cover not only this agency of formal social control called the police, but also their functions, the laws and procedures relating to police duties and the entire machinery for supervision and control and for the trial of offenders.

In Kautilya’s Arthashastra (310 BC) we get a detailed description of the function and powers of various officials of law enforcement. His guidelines to ‘spies’ and detectives can be compared to a modern day police manual. In fact, it was Kautilya who evolved an elaborate system of policing and laid down several grades of bureaucracy. Hence, he is referred to as the “father of modern concept of police.” In other words it was Kautilya who created a police agency with specific powers of administration, implementation and enforcement of laws. This police agency also performed a wide range of functions such as prevention, investigation and prosecution of criminals. Further it also took control of border traffic, smuggling and immigration, customs and revenue investigation, performed as an effective vigilance department including political and military intelligence.
The system proposed by Kautilya was maintained by the Gupta rulers and their successors in the North and South. There is mention of Danda in Arthashastra where Kautilya speaks of physical punishment or fines. Manu emphasizes on the Arthashastra ideal of the supreme authority of Danda. This view justifies the function of Danda in ensuring individual security of a person and his property and also the stability of social order. According to early Arthashastra writers, if Danda was absent the people would sink into tense darkness and suffer destruction. On the other hand if Danda is well directed there would be no treachery, sin or deception.

**Ancient Police Organisation in India:**

Kautilya's policing system was based on two clear-cut lines that is civilian department which had public dealing and was interested with police powers and the other was a cadre of regular police officers. This cadre of regular police officers comprised of rural and urban branches. Both the branches functioned on similar lines. This cadre was composed of three tiers – system. At the top were the Pradesta (for rural areas) and the Nagarka (for the urban areas). The rural and urban Sthanikas were in the middle and the Gopas from the urban areas occupied the last position. We also find references to the functions of subordinate police officers such as corarajjuka, raksinas and jivagraha. There were also palace officials such as duawarika and antarvamsika.

To put it in nutshell three basic trends emerge in this system.

a) An all -pervading "spy" for detecting and the reporting of violations of law and investigation of illegal activities. This includes operation of a detective agency.

b) Uniformed unit for apprehending law violators, maintaining and suppressing turmoil.

c) Magistracy or judicial authority of awarding punishment. There was also prison for those undergoing punishments.
Ancient Police Administration:

The Police Headquarters were located in the capital and the representative officers were placed in all principal centers and important villages. Police officers of various grades commanded the troops which garrisoned these places. In case of an emergency these troops assisted officer's in-charge of villages and towns for this purpose. Police and army had no fine distinction in those ways.

Reference to the functions of the police officers in ancient times reveals that each officer in a particular position had certain duties and liabilities which are as follows:

1. **Samaharta**: He was a senior officer of the central government who was characterized as the Home Minister, Finance Minister and the Administrator. He also headed the law and order machinery in rural areas. His main responsibilities were suppression of crime and maintenance of law and order. A number of secret agents assisted him by reporting on criminals and antisocial elements including dishonest officials. The officers concerned with maintenance of law and order, investigation of criminal cases and punishment of criminals worked under him.

2. **Pradesta**: These officers' main responsibilities were the collection of revenue and defense by means of an elaborate police organization. The Pradestas investigated crimes committed within their jurisdiction. They had the power of inflicting punishment. Once a person's guilt was established to the satisfaction of the Pradesta he could inflict the penalty straight away without a trial. Great emphasis was laid on efficient investigation in the case of major crimes like theft or murder. At the same time the pradesta was made liable for punishment for wrong or pervert decisions.

3. **Sub-ordinate Police Officers**: Besides the supervisory officers Kautilya speaks of village level officers who were subordinate officers. They were called gramabhr taka, gramika and the gramakuta. They were invested
with executive and police powers. The gramika or gramadhyaksha was in-charge of police functioning. He watched new comers and could throw out thieves and other criminals from the village. On the other hand in case of abuse of power he himself was to pay fine.

4. **Nagaraka**: He was in-charge of a nagara or town. He had to perform a number of functions concerning town life including land survey and census operations. He took necessary protective measures against the outbreak of fire. His most important duty was maintenance of peace and order. In case of frequent violence, nagaraka could enforce prohibitory orders for a selected period of time. He was responsible for the control and arrest of persons possessing arms and those who gave rise to suspicion. Nagaraka also reported to king the instances of dereliction of duty or misconduct on the part of policemen. As the head of city police his most important duty was to maintain effective discipline and to ensure that his men did not go astray. Nagaraka was assisted by secret agents in getting information about suspicious characters and men working against the State. He had a number of Raksinas under him who also helped in ensuring security of the fort. The most important thing to be noted here is that it was the duty of every citizen to assist the police officers in discharging their duties to apprehend suspicious persons and bring them to police. Such participation can be observed in many Police Commissions – State and National – which recommended reforms in police to involve citizens in the policing of their areas.

5. **Purusas**: The most important category of officers mentioned by Kautilya are purusas. They were considered to be intelligence officers. Their job was to spy out what was going on in the village and town and report everything to the king.

6. **Vividadhyaaka**: He was the superintendent of pastures. He exercised police powers in the intervening areas between the city and the village. He watched the whereabouts of travelers and did not allow any person to move about except with a passport. He also gave protection to the
travelers from the thieves, dacoits and wild animals and he also made arrangements for supplying water.

7. **Antapala**: Kautilyas refers to the antapalas as the frontier officers. They commanded the border check posts. They issued passes to incoming traders, stamped their goods and after charging them some amount as tax for the use of roads, allowed them to proceed to the capital. He was responsible for the recovery of lost or stolen property. Another officer called Mudradhyaksha issued passports and visas (now being carried on by the immigration authorities all over the world). Sansthadhyaksha & Panyadhyaksha were given police powers. They controlled the markets and traders to ensure that the customers were not cheated by the manipulation of weights and measures or adulteration of goods. In nutshell, where there was a fort or a seat of the government there where high ranking officers who were called Dandapala, Durgapala, Antapala. They were military officers responsible for various police functions. Antapala, as already mentioned looked after the internal security of the palace in addition to being frontier officer. Durgapala supervised the security of the port and dandapala was chief punishing authority for violators. What we observe in this system is that there are specific duties or tasks allotted to each official. This perhaps was responsibility for its popularity and its effectiveness in those days.

**The Muslim Period (Police in Medieval India)**

The Hindu period came to an end during 1000-1200 A.D. Next the Muslim Sultans established their rule in India and tried to enforce the Muohammedan law on the conquered people. Ain-e-Abkari (historical account of Akbar’s administration) contains an elaborate description of the functions and responsibilities of Subedar, Faujdars, Kotwals, Daroghas, etc. There are interesting accounts of these functionaries’ operations in various chronicles. Apart from these higher authorities, Mughals also maintained an extensive system of espionage, informers and couriers known as 'waquinavis', "Sawanih-Nigars", "Kufianavis" who disseminated intelligence orally or in writing to their superiors.
namely, Daroghas of the Dak-Chawkis. The justice was administered according to Mohammedan law. The key police officials were Kotwals and Daroghas under a Faujdar. Kotwal somehow resembled "Nagaraka" of Hindu period and survived in the form of Sub-Inspector, even in British period. (Sharma, 1977)
The following officials during the Mughal period enjoyed a particular status in society who performed various police functions which are as follows:

1. **Muhtasib**: Griffiths described the responsibilities of a Muhtasib as' ... the official mainly concerned with police administration was the Muhtasib. His duties were complex. He was an Inspector General of Police, a Chief Engineer of Public Works, as well as an Inspector of Morals. In his police capacity he was able to delegate his duties with the aid of "Faujdars" and "thanedars".

2. **Subedar**: In Akbar's administration each province or Suba was under a Subedar or a Nazim. Subedar was a provincial governor and also appointed by the king. "The essential duties were to maintain order, to help the smooth and successful collection of revenue, and to execute the royal decrees and regulations sent to him". (Sarkar, 1972:38) One of his main duties was to, "Chastise the refractory zamindars and the leaders of lawless men, so that others of the same class may take warning from it and pay revenue (without trouble)." (Sarkar, 1972:41) He was the chief executive officer, powerful and ruthless, having a number of troops and officials of different class and categories under his command. He was responsible for the general supervision, maintenance of law and order, economic prosperity and defense of the province, (Day, 1970:74-75). Subedar was assisted by Faujdars in discharging executive, military and law and order functions.

3. **Faujdar**: During Akbar's administration each province or Suba which were divided into Sarkars were under a Faujdar. He was the executive
head of a Sarkar and also an assistant to Subedar. Faujdar essentially means a "military commander." He was advised to keep himself ready for any prompt action. Being the "commander of the force" for his Sarkar, his functions were limited to his area of jurisdiction i.e., Sarkar. One of the important duties of a Faujdar was to ensure proper policing of the rural areas of the district by setting up Thanas for a group of villages. His important functions were:

1. To guard the roads and contruside.
2. To suppress violent crimes and small rebellions.
3. To chase and hunt down bandits and highwaymen and pursue and eradicate all malefactors.
4. To prevent the manufacture of fire-arms.
5. To do justice to the oppressed.
6. To arrest all disturbers of peace and commit them to the Faujdari Adaluts for trial.
7. To keep the local militia well-equipped and in good order.
8. To protect the revenue-payers and
9. To assist the malguzars in the realization of the revenue by making demonstrations of force to overcome opposition wherever necessary.

According to Manucci, the Faujdars were obliged to pay compensation, if any merchant of traveller was robbed in daylight, but, if robbed at night, it was the traveller's fault for not having halted earlier, and he lost all, without his complaints being heard. This is the indicative of the Faujdars liability also and the responsibility of the common man.

Faujdar's force consisted of a part of the land servants, including Watchmen, of each Zemindar under this jurisdiction besides the armed sepoys that he maintained himself. The number of sepoys in a district varied from 500 to 1500. (A.S. Gupta, 1978:7) Faujdar had a contingent of military troops which was also used as an armed police force. He represented the might of the sovereign to enforce his will on the people and also as the executive functioning of the Subedar. Special Faujdars could be appointed by the emperor or the
Subedar to look after notorious areas filled with thieves and robbers (Encyclopaedia of Police, Vol. I: 20- Faujdars were assisted by Shiqdars who were incharge of a Parganah, a sub division of a Sarkar. Shiqdar "combined the functions of a Faujdar and the Kotwal i.e., in the Parganah he was in charge of law and order." (Day: 1970:88)

4. Kotwal: During Akbar's time the city administration was streamlined and all important cities and towns were placed under the direct charge of the Kotwal. Kotwal in reality was a police officer and the word "Kotwal" is derived out of the ideal Kowal – "as a man who follows the regulations in his outward actions and fears God inwardly." (Sarkar, 1972:45) Kotwal was "essentially an urban officer, being the Chief of the City Police." (Sarkar, 1972:45) Still in India, the downtown police station is popularly known as Kotwal, though his English nomenclature is the Inspector of Police. Kotwal enjoyed all civil, municipal, police, judicial, and revenue powers in the city, though serious criminal cases were tried by a "Qazi" (judge). Kotwal appears to be under a "Muhatasib (Inspector or Morals) for all intents and purposes". (Sharma, 1977; Gosh, 1973; Griffiths, 1971). He was a supervisor of 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 of today. Summarizing the duties of the Kotwal it could be said that they were required to protect life and property, arrest thieves and criminals, receive daily reports from Watchmen, and control prices, weights and measures, prostitutes etc. They looked after people in prison, heard and decided charges against them and also executed sentences in addition to their Police duties. Their staff consisted of a body of cavalry and a number of foot-soldiers at one horseman and 20-30 foot-soldiers per ward. They were subordinate to the Qazis and received orders from them. (Gupta A.S.: 1978: p.7)
5. **Thanedars**: The "Faujdari District was further subdivided into "thanas", a smaller unit under the charge of a "Thanedar". "Thanedars" were appointed by a Faujdar but paid by "Zamindar" a feudal functionary. These were the "men in command of the outposts or smaller areas within a Faujdari and were appointed by the Faujdar." (Sarkar, 1972:44). A thanedar was the last managerial link in the chain of command of the executive officers who were responsible for maintaining law and order and control crime. Thanedars were "in charge of police units stationed at various places for guarding communications and maintaining peace." (Qureshi, 1966:239) These officers were part of the rural system of administration and had large geographical areas under them which they could hardly look after. The duties of thanedars seemed to be similar to those of Faujdars. Faujdars were instructed to supervise thanedars very closely as they were accustomed to misuse their powers.

The nomenclature thanedar and Thana survived not only during successive Mughal regimes, but also during the British rule. Even today a police station is designated in local vernacular as "thana" in whole of north India while a sub-inspector of police is also called a "thanan" or "Daroga." The institution has defied ups and downs of history.

Muslim rulers were not interested in policing rural areas. They would suppress and revolt and maintain internal order, but were more oriented toward urban life. They brought new life and culture to the cities. 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." (Sharma, 1951: 274).

**British India-Police during the British rule (1707-1947):**

The British borrowed a lot from the Mughals but made certain changes to suit their requirements and intentions. However, it did not altogether lose its identity. The Mughal features still stand discernible. It is often said that the
British did not even change the boundaries of the geographical administrative divisions fixed by the Mughals.

The police force in India during the British period was designed mainly to serve them. Hence it is seen that the British conveniently ignored all the recommendations of reform in the system and brought about changes in a piecemeal manner.

Police under the East India Company was based on the traditional system and managed policing through the Zamindar. The Collector had control over police administration. But in 1792 the weaknesses of this system were exposed and Lord Cornwallis was sent as Governor General to bring about reforms. He dissolved the police system under the Zamindars and introduced a number of reform measures. Despite recommendations and suggestions by police commissions for the police reform, the British did not accept them either due to financial problems or did not feel necessary to spend so much for the security of the people. More attention was given to policing in the Presidency towns because there was a considerable European population there. This clearly indicates the motives of the British during their rule in India.

Sir. Charles Napier annexed Sindh province in 1843. Realizing that only under the recognized organization, the police could function properly and produce desired results, he introduced a system based on Royal Irish Constabulary model. Napier’s system was based on two principles – firstly the police must be completely separated from the military and they must be an independent body to assist the Collectors in discharging their responsibilities for law and order but under their own officers. There was an Inspector General of Police for the entire territory, with Superintendent in each district. The Superintendent was responsible to the Inspector-General as well as the Collector.

This experiment was successful and its broad framework was used to reorganize police administration. The main principles of Napier’s model were not altered even by the Police Commission of 1860, which designed the present police force for India.
The Police Act of 1861 was the first attempt to introduce a law enforcing agency with a uniform structure in India. Though this Act was a major departure from the old system, it retained some of the features of the old system. The Darogha, for example, was retained, but with a new name, the Sub-Inspector of police. The police system created by the Act of 1861 has been retained in independent India. The police force since Independence remained as an instrument in the hands of the State Government. This is very clearly reflected in the manner in which police role, duties, powers and responsibilities have been spelt out in the Police Act of 1861. According to section 23 of the Act, police are required to:

i) prevent the commission of offences and public nuisance;

ii) detect and bring offenders to Justice;

iii) apprehend all persons whom the police are legally authorised to apprehend;

iv) collect and communicate intelligence affecting the public peace;

v) obey and execute all orders and warrants lawfully issued to them by any competent authority;

vi) take charge of unclaimed property and furnish an inventory thereof to the Magistrate of the District, and be guided by his orders regarding their disposal;

vii) keep order on the public roads, thorough fares, ghats, landing places and at all other places of public resort; and


Aparna Srivastav opines that there was an emphasis on prompt obedience and execution of all orders lawfully issued by a competent authority. This indicates the total subjugation of police to executive authority. It also provides a lot of scope for the executive to use police for implementing decisions which may not be spelt out in any law, rule or regulation. She is of the opinion that, an average policeman would deem an order to be a lawful order provided it comes to him from some one above in the hierarchy. He would not pause to check whether
there is any enabling provision in any law, for such an order to be issued. The present position is very much the same, i.e. a total submission of police to an executive authority just as it was during the British rule.

It is a well known fact that the Police Act in 1861 has spelt out the repressive role of the police. The Criminal Procedure Code and Indian Penal Code which were also enacted in 1861 stressed this role. Maintenance of peace and public order were given precedence over basic duties of investigation and trial of criminal offences. Laws were enacted to enable the police to suppress nationalist aspirations and political dissent. This was to preserve the British rule in India. In fact the police force as well as the entire criminal justice system was designed by the British to perpetuate the colonial structure. The British would not have liked 1857 to be repeated. Therefore they designed a police force which was repressive in nature. They carefully assigned an oppressive role to the police and successfully created fear, suspicion and distrust syndrome regarding the police among the people. They neither tried to bring any reform, nor to improve the image of police. The police were used increasingly to suppress their own country-men. During nationalist movement, the police had to wield sticks (lathis) and use firearms against their own country-men to protect an alien rule. Consequently the gap between the people and police widened and the police were identified as a symbol of oppression in the hands of the alien people. Towards the close of the movement, the distrust and fear of the police turned into hostility.

**Post Independent India**

According to Aparna Srivastav, a new era began for the people of India with Independence in 1947. According to her the police as one of the governmental organs must create an awareness of this change. They have to adopt new roles in the changed context and have to respond to the aspiration of the people. They are no more a part of the system ever fighting and terrorizing people to maintain and perpetuate alien rule in their own country. In the new setup they are a part of the development administration and as such they are expected to maintain peace and order in society and also play a number of other
roles expected by the citizens of an Independent country. They must accept the change and hasten the process of social, political and economic transformation in the country. These are some of the suggestions put-forth by Aparna Srivastav. Further she opines that, an analysis of present police setup and working reveals the fact that there are two main hurdles in the way of police adapting to its new role is to act as a catalyst of social change. One is the police Act of 1861-the Bible of the Indian Police. The Act was so designed as to perpetuate British Raj and consequently it created a force to provide the Govt. with the body of men recruited and drilled on the army pattern and yet costing less. The police had to be experts in pulling down mass movements. But the situation today is totally different i.e., the role of police has to be that of a social agent. Essentially in a democracy as ours, the service oriented functions should be highlighted, to provide relief to persons in the distress situations. According to Aparna Srivastav, the Police Act of 1861 is totally redundant in the present context. It should be replaced by a new Police Act which would redefine the role, duties, powers and responsibilities of the police.

Secondly the relationship that existed between police and the foreign power before Independence was allowed to continue but the only change was that the foreign power was substituted by the political party in power. As the basic law, Police Act of 1861 remained practically unaltered. No attempts were made to redefine the relationship between the police and the politically oriented Government. More and more time of the police was taken up with law and order work. This meant dealing with street situation in a manner that would cause maximum satisfaction to the ruling party. As a result, prevention and detection of crime, protecting property of individuals which are the basic duties of a police man and the aspirations of common people got neglected. Police got nearer to the political party in power which got used to taking a direct hand in directing the police to influence there actions related to law and order situations. This has led to considerable abuse of police machinery at the behest of individuals and groups in political circles. Under the compulsions of such an environment police performance has consequently fallen far short of their role as a public servant.
The total realization and acceptance of the fact that police is not only a force but a service is, yet missing.

HISTORY OF POLICE IN KARNATAKA

Early Police system in Mysore State up to 1885

On November 1, 1956, the new State of Karnataka came into existence. Much earlier to this, after the death of Tipu Sultan, the British introduced the police system for maintenance of law and order by training a small and selected body of infantry and cavalry men since 1799. These men were supplemented by the "Kandachar" police peons. They were under the "Dewan" assisted by three Commissioners and "Amildars" in charge of 115-120 Talukas. The Bengal Regulation XX of 1817 was made applicable to the police at that time. The Police Act of 1861 was made applicable to the District of Bangalore and Bangalore town during 1866 and an Officer from Madras was placed in charge of Bangalore District. The village police was remodeled by the government. This Scheme of separation of Revenue and Police duties was approved by the Viceroy during 1868. The Deputy Commissioner at the district level and the Amildar at the taluk level were vested with the task of general management of the police. Each taluka had an Inspector of Police who was working under the Amildar by 1880. The Dewan and the Deputy Commissioners were given the charge of directing the police after the rendition in 1881. Thereafter, a Police Secretary was appointed to assist the Dewan, and this post was abolished in 1885 and the post of Inspector General of Police was created. L. Ricketts took over as the First Inspector General of Police of the State on November 1, 1885.

Police Set-Up from 1885-1956

The towns of Mysore and Bangalore had a police force of their own. The Town Police of Bangalore was working under the Police Act of 1861, while the rest of the force was working under Regular Police Rules. Then, the expenditure of the Mysore town and other District town police staff was borne by the Municipalities. The expenditure pertaining to Bangalore Town Police and the
Rural Police was being met by provincial funds. But by 1894, this system changed and the cost of the entire police was ordered to be met from provincial funds.

To maintain law and order in Mining Towns and other important areas Special Reserve Police were found. The Bangalore Police Training School was established in 1892. The idea of having men from all castes and communities with a quota to each community was first introduced in 1895 itself. On July 17, 1897 the first Police Sports Meet was conducted in the State.

The Amildar was divested of his control over Taluka Police between 1930-39. The Deputy Commissioner and the Superintendent had limited powers earlier, but later were given sufficient powers to have control over the force. During 1932 the direct Recruitment of Sub-Inspectors of Police was introduced. During 1935, the crest having the "Gandabherunda" with the words "Mysore Police" was sanctioned by the Government. The police transport was accorded sanctioned in 1942. During 1939, the new district of Mandya was formed taking the strength of districts to 9. By 1944, the post of a DIG was created. During 1948, the police personnel of Bangalore Cantonment area were merged with the State Police Force.

Prior to 1946, 4 posts of Superintendents of Police were held by the Civil Service Officers. But by 1950, this system was removed and all the posts of Superintendents of Police and Assistant Superintendents of Police were held by Police Officers and the cadre strength was fixed. In 1951, the establishment of a Scientific Laboratory for analysis of chemicals and other articles pertaining to police investigation was sanctioned. In 1952, the Police Training School at Bangalore was shifted to Mysore. The construction of quarters for police personnel was given great importance. For police officers visiting the capital, separate accommodation was provided with nominal rent as a welfare measure. With the bifurcation of the State of Andhra from the State of Madras, the district of Bellary was merged with the State of Mysore in 1953. (Encyclopedia of Police in India, Vol. I)
History of metropolitan police in India:

Introduction: A metropolitan city is defined as a community which dominates the hinterland and forms the nucleus of major activities such as trade and commerce, industry, politics, religion, education, health or Defense. On the basis of Metropolitan Police of London, the British established a powerful administration in the presidency towns of Madras, Calcutta and Bombay. A high ranking police officer who was designated as Commissioner of Police without a control of District Magistrate headed this administration. The Commissioner of Police, who was a senior D.I.G. enjoyed the magisterial powers and in many ways was independent of the control of the I.G.P. Under him were the Deputy Commissioners who worked on territorial and functional basis. The smallest unit of administration was the police station.

In the 19th century the three towns of Madras, Calcutta and Bombay which were growing into big cities, became important to the Britishers for the purpose of policing. These three towns were the centres for all the trade activities such as procurement of raw materials for developing their industries in the British Isles, export and import of finished goods etc. Distribution of their money earned through finished goods was in bulk from these places. Hence, these places received adequate attention of policing throughout the 18th century and in later period. The changes in these areas were fast and policing was intensified throughout the British rule.

There was lot of discussions regarding the policing of Calcutta. These discussions culminated in the legislation undertaken in 1855 which later became the Act XIII of 1856. The system of Commissioner of Police appeared in the history of India from 1st November 1856. The commissioners of police were working independently of the I.G.P. of the province (State) in the three
presidencies of Bombay, Calcutta and Madras. According to regulation XIII of 1856 the three commissioners of police of Calcutta, Bombay and Madras were made independent of the Inspector Generals of Police of their provinces but in 1867 by Act VIII the Madras Commissioner of Police was made subordinate to the Inspector General of Police again there was a change in Madras Police Act in 1888 through which the Commissioner of Police was independent of I.G.P. As a result of the recommendation of the Police Commission of 1902-03, the Commissioner of Police was ultimately made the subordinate to the I.G.P. which was seen in the Police Force of Madras. The system initiated in Madras in 1856 was discontinued by the Britishers themselves.

Till 1951 the Bombay City Police maintained its identity. In 1951 the Commissioner of Police Force in Bombay (Maharashtra) was brought under the control of the Inspector General of Police of the State. Calcutta police, in law and spirit continued with the same manner as envisaged in Act XIII of 1856. The Commissioner of Police also functions in the same manner but his authority and power is not as rigid as it was till 1947. Today the Calcutta Police and the Calcutta Suburban Police are under the Commissioner of Police. Calcutta Police is governed by Calcutta Police Act, 1856 and Calcutta Suburban Police is governed by Calcutta Suburban Police Act, 1866 with minor amendments.

After independence the Commissioner System had been introduced in the cities of Delhi, Ahemadabad, Baroda, Nagpur, Pune, Thane, Bangalore, Trivandrum, Hyderabad etc.

Section 6 of the Calcutta Police Act, 1866, stipulates that the Commissioner of Police, Calcutta may be appointed as a Magistrate of Police when the state government thinks its expedient. In the same Act, under section 7, the Commissioner of Police is appointed as a Justice of the Peace as stipulated under section 23 of the CrPC, 1898. Unless, the Commissioner of Police is appointed as the Magistrate of the Police, he has to act as a Justice only so far as may be necessary for the preservation of peace, the prevention of crimes and the detection, apprehension, and detention of offenders till they are brought before a Presidency Magistrate. In 1968 this power was extended to Additional, Joint or
Deputy Commissioners of Police who could also be appointed as Justices of Peace. The Madras city Police Act, 1888 also made a similar stipulation. The Commissioner of Police, his Deputies and Assistants have been appointed as Justices of Peace.

Work Distribution in Metropolitan Cities: the city is divided into zones, each under the charge of a Deputy Commissioner. Each zone is further subdivided into Divisions under the charge of and Assistant Commissioner of Police. A Division has two to three Police Stations under it. The situation in Madras and some other cities do not have demarcation of zones but are directly divided into Divisions under the charge of Deputy Commissioners who are assisted by Assistant Commissioners.

Metropolitan Police stations

Generally the smallest administrative unit being a police station in metropolitan cities is under the charge of an Inspector. In Bangalore city the division is completely functional like Law and Order, Crime, Traffic, Special branch etc, under a Deputy Commissioner of Police. But Bangalore City has no territorial division of work. In a Metropolice there is a separation of investigating staff from the Law and Order Police at the police station level. This ensures that investigation work does not suffer since the law and order duties are plenty in big cities. In addition to this the police have to perform many other duties connected with Bandobust and V.I.P. visits. This creates problems i.e. there is tendency of deploying most of the staff on these duties at the cost of investigation work.

Mobility and Communication System in Metropolitan Cities

The success of police work in a metropolitan city depends largely on two factors- mobility and good communication system. Each police station is provided with jeeps and other suitable motor vehicles most of which are connected by wireless communication. Inspectors, Sub-inspectors and Assistant Sub-Inspectors have been provided with motor cycles are encouraged to maintain their own for which they are supposed to be paid some allowances.
Patrol cars keep communicating with the Police Control Room to take necessary action in case of any law and order problem in any part of the city. All information is collected through a two-way communication system and all orders from senior officers are disseminated to the lowest level.

**Patrolling and Surveillance in a Metropolis**

Patrolling and surveillance in a Metropolis is an important means of preventing crime. The police man on the beat has to keep a constant vigil and collect information about the criminal activities in the area under his purview. Beat duty in metropolitan city as elsewhere is performed by constables. This duty is allotted to definite beats and in some places deputed by rotation. There work is controlled and directed from the police stations but, closely supervised by Assistant Sub-Inspectors and Sub-Inspectors. Beat patrols are manned both during day and night. Provision of walkie-talkie sets to beat constables is under consideration in some of the metropolitan cities.

**Traffic control in Big Cities**

The most important task in big cities is traffic control. The phenomenal growth in the number of vehicles on roads in big cities, unplanned roads for such heavy traffic, roads damaged due to rain etc., are some of the causes for traffic congestion and all that goes wrong with traffic control. To deal with this serious problem, a big force of Traffic Police is employed in big cities. They are directly under the charge of a Deputy Commissioner of Police, who deals with all important aspects of a traffic control i.e. the recruitment and training of personnel, policy, planning, publicity etc.

**Role of women police in a metropolis**

Women Police constitute an important part of the city police in all metropolitan cities. There services are extremely important in the arrest, search
and escort of female prisoners, care and control of juveniles, destitute children and women and adolescents involved in flesh trade, security of lady V.I.Ps etc.

Public relations Organisation in a Metropolis

Public relation organisation was created in Bombay in 1974 which is headed by an Assistant Commissioner of Police. He deals with press and publicity and also listens to the people’s grievances. In 1962 a post was created to deal with matters connected with press and publicity and a class II officer of the Publicity Department of the Gujarat Government was deputed for this job in Ahemadabad. But the grievances are still the responsibility of the Commissioner of Police and his subordinate officers. In Bombay and Madras an Assistant Commissioner of Police performs both the duties. In Nagpur a Police Public Liaison Committee has been set up headed by the Commissioner of Police which meets every two months and has been functioning since 1974. Grievances are examined and measures to improve police-public relations are discussed. (Encyclopedia of Police in India, Vol. I)

In addition to all the above, juvenile delinquency, intelligence branch, crime branch perform in big cities. Voluntary public organisations with different nomenclature such as Peace Committees, Vigilance Parties, Traffic Wardens, Road Safety Patrols etc., play an important role in support of the police. Bangalore has a ‘Road Safety and Crime Prevention Society’ which organises symposia to educate the public. Above all these public organisations help in bringing police and public closer to each other.
HISTORY OF THE BANGALORE CITY POLICE

The Indian Police Act of 1861, which was in force throughout India, was made applicable to Bangalore town including the Cantonment and Bangalore district, by a notification issued by the Government on December 18, 1866. An officer from the Madras police named Captain E.D. Gompertz was appointed as Superintendent of Police for the Bangalore Cantonment. He was also directed to supervise the police of the entire district. Many proposals were set-up by him for the reorganisation of police recommending a complete separation between the police and revenue duties. The Scheme approved by the Viceroy involved an extra expenditure of Rs.13,368 per year.

This was the beginning of Town Police system in the present city of Bangalore, which had an area of 115 sq. miles and a population of 323,581 with a force of one Khilledar, two Hoblidars, 15 Daffedars and 150 Peons. The first Inspector General of Police of the State L. Ricketts introduced several reforms in the working of the police in the town in 1885. In 1923, P.F. Bowering took over as Inspector General of Police. He introduced several reforms for the Reserve Police in the town. Hamilton, the Inspector General of Police in 1930, took several measures to improve the city police. Two District Superintendent of Police, Bangalore North and South, were appointed for the city of Bangalore in March 1950. A Deputy Inspector General of Police was also appointed for Bangalore city during the same year.

In 1956, the city of Bangalore assumed great importance as the capital of the new State of Mysore after the reorganization of the States. The Commissionerate system of policing was introduced in the city with effect from July 4, 1963, divesting the District Magistrate of his powers over the City Police. The city was divided into six divisions and 13 sub-divisions with 33 police stations. A post of Commissioner of Police and a number of Deputy and Assistant Commissioners were sanctioned. At the end of 1985 the strength of the City Police stood at one Commissioner of Police, one Additional Commissioner, 8 Deputy Commissioners, 17 Assistant Commissioners, 49 Inspectors, 335 Sub-
Inspectors, 258 Assistant Sub-Inspectors, 1,373 Head Constables and 4,932 police constables and 19 women police sub-inspectors, 13 women police head constables and 108 women police constables in the civil police branch; 10 Assistant Commissioners, 18 Inspectors, 55 Sub-Inspectors, 81 Assistant Sub-Inspectors, 484 Head Constables and 2,313 police constables and 365 Followers in the armed police branch. By March 31, 1988, the city police comprised of 10 police divisions, 21 sub-divisions, 78 police stations and 3 out-post. The Commissioner of Police holds the rank of Inspector General of Police. The Director General of Police, Karnataka, exercises overall control on the working of the City Police. (Encyclopedia of Police in India, Vol. I, pp. 281-284, 288-289).

The next topic in this chapter deals with the Police Act of 1861. A glance at this Act is necessary to examine the intentions of the British and to highlight its provisions. This is important because it sheds light on whether the police of the present day are benefited by it or not.
POLICE ACT OF 1861

In 1843 certain far reaching developments in criminal administration had taken place in Sind after its conquest and in 1849 in Punjab after its annexation. The then Sind Chief Commissioner Sir Charles Napier introduced a policing system on paramilitary lines. The three collectorates into which Sind was divided i.e. Hyderabad, Karachi and Shikharpur. Each of these was placed under a British military officer with European sub-collectors under them. Revenue and police functions with powers to try minor criminal cases were performed by these officers. A European Lt. of Police commanded the police at District level. This officer was directly responsible to the Provincial Police Chief who also was a British army officer. Above all was the chief commissioner. Punjab had a large component of a Military Preventive Police under the direct control of the Chief Commissioner and a Civil Police under the District Magistrates. In 1859 a new system was introduced. A European Lt. of police was appointed in every district and a captain of police was put in charge of each division. Lastly an Inspector General of Police was also appointed towards the end of 1860 for the entire Province.

In 1847, Sir. George Clark, the Governor of Bombay visited Sind and was convinced that the main reason for the inefficiency of Bombay police was its unsatisfactory superintendence. In 1848 he took a major initiative for evolving a satisfactory system of policing in the Bombay Presidency. The main aspects in Clark's proposal were to vest the overall supervision of police of the Presidency in a Commissioner of Police. He would be aided by Superintendents of Police at district levels, under the immediate control of the District Magistrate. Hence in 1853 he created the post of Superintendent of Police for every district. Clark was essentially opposed to the semi-military character of police corps in Sind. Some of the suggested changes were introduced through executive orders between 1852 and 1855 with a lot of opposition by the Magistrate – Collectors.

People in England were shaken up by the events of 1857. They decided to remodel and strengthen the administrative system so that such events would never
be repeated. Sir, Charles Trevelyan, Governor of Madras emphasized on the formation of a real police, well organised, well paid and well superintended by selected European Officers. In this context he made a statement that "the key to the re-organization of our Indian military system is the reformation of the existing Police on the English and Irish Constabulary principle." Hence the reorganisation of Police system of India became the most urgent necessity in 1860 on account of political, military and financial reasons.

Sir Charles Wood, the then Secretary of State for India felt and indicated this necessity in a Despatch to the Governor General, Lord Canning. He also enclosed a long Memorandum which contained detailed instructions as to how the future Police should be organised. Some of the guiding principles laid down in the Despatch related to police organisation are as follows.

1. The duties and responsibilities of the Civil and Military police, i.e. the protection of the people and detection and suppression of crime, should be defined accurately. The Civil Police is superior to a Military Organisation for detective purposes.

2. "... to render them (Civil Police) faithful and efficient they should be secured from removal from office on insufficient grounds and from the consequence of any hasty displeasure on the part of their Magistrate of Districts, subject to the supervision of the Commissioner of the Division."

3. "One of the most important points in a good Police System is that a fair rate of remuneration be allowed to all ranks....... The labour, the temptations and the annoyances to which they are subjected are considerable.......

4. "The arming of the Police is an important matter not to be left to the local discretion. The Police should be given the arms required for efficient discharge of their duties and no more."

The Despatch of the Court of Directors dated 24th September 1856 sought to reform the police for efficiency as an agency for the prevention and detection of crime and for improving its methods and reputation. But the Despatch received on 13th August 1860 sought only a safe, sure and cheap "protective force".
Lord Canning setup a Commission with a Notification dated 17th August 1860. The Commission was set-up mainly for making a comprehensive enquiry into the existing constitution of the Police Establishments throughout British India. The Commission consisted of 4 Civil Officers and 2 Military Officers in civil employment, one as the Commissioner of Pegu and the other as the Chief of Police of Oudh. One of the Civil Service Officers was the Chief of Police of Madras. The Commissioners were directed to make an enquiry into the cost of the Police and were also asked to report "any alternations in the system they consider likely to increase efficiency or to diminish expense." They were also asked to draft a Bill on the model of the Madras District Police Act XXIV of 1859. The Commissioners were supplied with a Memorandum containing 13 general objects. Some of the objects are as follows:

1. The police should be entirely subject to the Civil Executive Government."

2. "The duties of police should be entirely civil."

   "......The Police should be no stronger than is needed for purely Police purpose; a reserve should be kept up at some head quarters, to be available against sudden local outbreaks ......

3. "The functions of a police are either protective and repressive or detective, to prevent crime and disorder, or to find out criminals and disturbers of the peace. These functions are in no respect judicial." .............. "This rule will prevent Police Officers from taking down confessions to be used subsequently as evidence-this being a judicial process of great importance."

   "It ought, in fact, to prevent any police man from taking down in writing any deposition of a witness. The police should be confined to catching the malefactors and procuring the attendance of witnesses, leaving it to a perfectly distinct agency to examine the witnesses, and take down in writing their deposition......" 

4. " The organization of the Police must be centralized in the hands of the Executive Administration."

   "..... The Police should form a separate Department of Government in each Presidency and in Government of India....... The control of the Government
5. The organization and the discipline of the Police should be similar to those of a Military body....."  
6. "The pay of the Police must vary according to time and place, but it may be laid down as a general rule that it should always be sufficient to give the Foot Policeman something more than the highest rate of wages for unskilled labor..... Thus securing the best and most respectable of that class for the Police...."

7. "The Police should always have a uniform dress."  
   "It need not vary more from the usual dress of their class than is sufficient to mark them as public officials on duty, without any thing peculiar to catch the eye, or to feed the vanity of the wearer. In most parts of India uniform colors, in various parts if the usual national costume, will be quite sufficient as a distinction."

8. "The Arms of the Police must vary according to their duty...."  
9. "The direction of the whole interior economy of the Police must rest exclusively with the Officers of Police."

10. "There cannot be more than one Police in one locality....."

A.S. Gupta says that, regarding the numerical strength of the Police, it was added: "The numbers and cost of each body (of Police) should be considered with reference to the area of British Territory it is required to protect, the land revenue of that territory and its population." The Memorandum ended on this very correct note: "After all, it must be remembered that no Police can be made perfect by simple organization. A sound system of organization is no doubt essential, but the character of the administration is the vital point. No Police system can be stereotyped for even a few years, and the best organization, which can be devised, will fail to attain its object, unless every care be taken to secure a pure and vigorous administration."
The mass opinion regarding the reorganization of Police advocated for an entire separation of Magisterial and Police duties, and the raising of such an inexpensive police force as may be capable of combating all disturbances against the rulers without becoming a source of political danger in itself. The Commissioners submitted to the Governor General in Council a note containing the "Propositions unanimously recorded" by them "as the basis of a Police System – and of an Organized Constabulary"

There were many repetitions and the emphasis was on certain minor details. This is indicative of how meticulously careful the Commission were to ensure that the organized Police may not in any way resemble the Sepoy Army that had created havoc. The most important point to be noted is that the Commission recommended that the police personnel should remain under the close and minute watch of the European Superintendents of Police in respect of their discipline and movements. Their main concern seems to have been to ensure a close watch on all that the "native" police officers may say, or do or write.

Some of the significant propositions recorded by the Police Commission are as follows.

1. There should be only two Departments charged with protective and repressive duties and responsibilities, the Military Armed Force and a civil constabulary.

2. "...the Military arm should confine itself absolutely to the occupation of the country... the peace and order of the country should be preserved on every occasion of tumult and apprehended disturbance, by the civil power and not by a Military Force."

3. Bodies of military formation and organization cannot be useful as Civil Police and should be transferred to the Military or dispensed with or absorbed into a Civil Constabulary, thus enabling consolidation and reduction in both departments.”

4. "...a Civil protective force can be constituted in any part of India... after the model of the British and Irish constabulary forces, and under the control of carefully selected European Officers, which may be adapted, by
special attention to its departmental constitution, and physical composition, to the performance of every duty which can be required of such a body in regard to the prevention of crime, the suppression of local outrage, the maintenance of order, and prevention of aggression on frontiers where armed invasion is not to be anticipated."

5. "..The Executive Government should at once constitute a Civil Force of such organization as shall make it thoroughly useful for every Civil Police purpose.... The formation of such a Force is the key to economy and Military efficiency."

6. "All the numerous bodies engaged on duties connected with the proper civil administration of the country should be combined into one body under a uniform organization and undivided control of a responsible superintending authority.

15. ".. No separate detective branch of the service be formed, and every part of the police be held responsible for every duty, preventive and detective, properly belonging to it."

16. "... The Police thus constituted should form a separate Department in each local Government or local Administration, and... be made an efficient instrument at the disposal of the district Officer."

19. "...the Inspector General of Police, under the orders of his Government, and in communication with the District Officer, should estimate and arrange for the numbers and allocation of the Police of each District... the fixed allocation, once made, should not be altered, except as a joint arrangement of the Inspector General of Police and the District Officer; but the District Officer or Superintendent of Police should be empowered to assemble any portion of the District Force at any given place upon the occurrence of any emergency."

20. "... The Inspector General of Police should be, with a view to affording information to Government, the centre of an intimate and constant communication with the District Officers in relation to all matters respecting the organization of the police, and the internal preservation of
the peace, and the state of crime in the country. But he should not be in any sense an authority, appellate, or otherwise, over them.'

24 "...in every District under the jurisdiction of one Magistrate, there should be at least one European Officer of Police, to be styled District Superintendent of Police; who should be departmentally subordinate to the Inspector General of Police,... but bound also to obey the orders of the District Officer... and responsible to him likewise for the efficiency with which the Force performs its duty."

25 "... On him subject to the general Administrative and judicial control of the District Officer, with who he should be in constant and intimate communication, should likewise devolve the maintenance of the public peace, and the prevention and detection of crime."

27 "... as a rule, there should be a complete severance of Executive Police from Judicial authorities... no Police Officer should be permitted to have any judicial function."

28 "...the Judge and detective Officer should not be one and the same ....."But with the constitution of the Official Agency now existing in India, an exception must be made in favour of District Officer. The Magistrates have long been, in the eye of the Law, executive Officers having general supervising authority in matters of Police... This circumstance has imported difficulties in regard to maintaining the leading principle enunciated above; for it is impracticable to relieve the Magistrates of their judicial duties, and on the other hand it is at present inexpedient to deprive the Police and public of the valuable aid and supervision of the District Officer in the general management of Police matters."

29 "...Therefore, it is necessary that the District Officer shall be recognised as the principal controlling officer in the Police Administration of his District. And that the Civil Constabulary, under its own officers shall be responsible to him, and under his orders, for the executive Police administration."
"...this departure from principle will be less objectionable in practice when the Executive Police... constitute a special agency having no judicial function."

"... the District Officer is the lowest grade in who Police and judicial functions should unite..."

"... the general responsibility for the well-being of the District should continue to be vested in the District Officer, as the Chief Conservator of the peace of the District Officer, as the Chief efficient instrument placed at his disposal for the protection of life and property, for the suppression of crime and the repression of local disturbances, and for the purpose of undertaking all the duties properly belonging to a Constabulary."

Provision for Assistant Superintendents of Police.

All the Officers hitherto named should be European.

"... the Arms of the Police should be of the lightest and most handy description, namely, a light smooth bore carbine with a sword bayonet and a sword to be used as a side arm."

"... the Police should be thoroughly trained in the use of their arms, as well as other branches of drill exercise; but the Police should never carry their arms except in the performance of any duty in which the carrying of their arms is prescribed."

"... The fire-arms and side arms of each Police Party be kept at the Station House; generally in the proportion of two swords and one carbine to every two Constables."

"... all surplus arms be kept at the Head Quarters of the District Superintendent."

"... The Police Districts, with their Divisions and Sections, be rendered corresponding to and conterminous with the existing magisterial jurisdictions."

"... in the distribution of the force: 1st, the men must be kept together in sufficiently large parties to admit of well-paid efficient control, and allow of sufficient numerical strength being readily at hand for any emergency,
or being rapidly concentrated for extraordinary emergency. 2nd, each man of the force must have a certain known daily routine duty connected with the observation of the country, which he has to perform, unless required for special duty. 3rd, every part of the country, every village, halting place, highway and thoroughfare, shall be visited and inspected by the Constabulary, and the village Police communicated with, if possible, once in 24 hours."

"... it should be lawful for the Inspector General of police, under the sanction of the Local Government, to depute any part of the Police Force in excess of the fixed establishment to be quartered in any District or part of the provide in which from the misconduct of the inhabitants it may be deemed expedient to strengthen the Police; that the offending tract should be charged with the cost of the force then deputed."

"... It should be lawful for the Magistrate or the District Superintendent in Communication with him to depute any portion of the Police Force of the District to any locality where disturbance may be anticipated and to charge those whose conduct may have rendered this measure necessary with the cost."

"... no private person or company should be permitted to keep up any body of men for the protection of life and property, if such men be in the opinion of the Magistrate likely to commit any breach of the Peace;... in the event of assistance being required, the Magistrate should be bound to depute a party of the Police for this purpose, charging the expense to the individual or company requiring that aid."

"... for neglect of duty or disobedience of orders, the Magistrate should have the power of inflicting Summary Criminal penalties; such sentence to be appear-able in the course of Law."

"... They should not be used as an agency for the record of any evidence, confession, inquest or the like; but a system of keeping faithful, accurate,
and minute diaries should be maintained. These diaries should specify, concisely, but in detail, all duties in which any Police Officer may have been engaged, and every occurrence and information that may have required the attention of the Police within their respective ranges. All Police Officers engaged in specific detective duties should keep an accurate and minute diary of every step taken, and every information obtained in following up the clue of evidence, such diaries should be police documents only, and be sent to the District Superintendent but should be open to the inspection of the District Officer."

On 8th September 1860 the letter of the Commissioners forwarded with certain propositions and the Draft Act to the Government of India proves the circumstances and objectives governing their appointment and work. The following extracts from these two sources are indicative of this:

"7... our object has been to form a Civil Constabulary so organized as to preserve internal tranquillity in the country under all ordinary circumstances, to keep the peace, to protect life and property, to prevent and detect crime... We have arranged for this force... being an efficient instrument in the hands of the Magistrate... We have aimed at placing the relations between the Magistrates and the Officers of Police Force on a satisfactory footing, and at preserving the responsibility now vested in the Magistrate for the conduct of the Criminal administration...

"8...we have aimed at the separation of Judicial and Police functions, so far as that principle can be practically carried out under existing circumstances in India...

"10... The Draft Act we have drawn up on the basis of the British and Irish Constabulary Acts, so far as they are capable of adaptation to India. We have also consulted the Madras Police Act, and the Calcutta Police Act.
"11... the principles of the propositions and of the Act are provided on the English system," of which the success is becoming more and more apparent; we believe that they are applicable to all parts of the British Territories in India.

"19... it must ever be remembered that an organized Policeman, though trained to arms, does not generally carry or possess Arms. Politically, therefore, while he is more useful, he is less dangerous than a Military Policeman, who is really a Native Soldier...

"20... the Military Police will not be needed ... if retained, it would be ... in a certain degree a source of political danger.

"21...(Referring to the directions contained in Her Majesty's Government Dispatch of the 6th July) our propositions will show the care we have taken to preserve the responsibility of the Magistrate for the general success of the Criminal Administration of the District ; and to afford him prompt means of ensuring the obedience of the organized Constabulary to his lawful orders..

"25... the men of the organized Constabulary which we propose will be trained to arms, and ,if necessary, armed, and will therefore be fully able to cope with an ordinary emergency...

"26...We understand that the Native Army is in the course of being reduced to the minimum as prescribed in Her Majesty's Government Dispatch...

"28... We have therefore been careful to provide such an organized Constabulary as shall be able to relieve the Native Army now in the course of reduction from the duties in question..."

The subject of the village police was prominently adverted to in Her Majesty's Government Despatch of the 6th July. The Police Commissioners considered the matter in detail and submitted a separate report dated the 10th September, 1860 to the Government of India on this subject. They said: '...the abstract necessity of a Village Police for India could (not) be demonstrated ...... in a highly civilised country, with a comparatively perfect Police organization...a Village Police would (not) be indispensable. But, under the existing
circumstances ....we think that the institution must be maintained ... in real and thorough efficiency. The bill introduced in the legislative council by the Hon'ble Sir. H.B.E.Frere on the 29\textsuperscript{th} September, 1860, received its first reading. During the 2\textsuperscript{nd} reading, 7 days later, the Hon'ble Mr. A. Sconce, Member of Legislative Council, stated that there was duplication in the Bill related to matters already provided for in the Indian Penal Code and Criminal Procedure Code which were under the consideration of the council separately.

The government agreed to take out the duplicate provisions from the Police Act. He also pointed out that, while the Mover had said that the executive functions of the Police should be separated from the judicial functions and the supposition was that, by this Bill, the object would be accomplished, that was not the recommendation of the Commission, nor was it their intention that the connection of Magistrates with the Police should be discontinued and, referring to the Despatch of Her Majesty's Government of the 6\textsuperscript{th} July, said: "The Commissioners admit the practical difficulties that presented themselves in dealing with the question, and the measure before them was not by any means of so thorough a character. The Bill, indeed...did not carry out the principal object which it has been suggested to us was to be enforced..."

The Hon'ble Sir Barnes Peacock, Chief Justice and Vice-President of the Legislative Council, was responsible for getting the Penal Code, Act XLV of 1860, passed through the Council on the same day. As to the principle of separating the judicial and executive functions of the Police, he said that "he had always been of opinion that a full and complete separation ought to be made between the two functions."

In winding up the debate, the Hon'ble Sir Bartle Frere concluded by saying that "the greatest argument after all in favour of the measure was the financial argument." The Bill was thus read a second time and was referred to a Select Committee on the same day.

The Report of the Select Committee was presented on the 23\textsuperscript{rd} February 1861. They omitted from the Bill all its provisions, which were to be found in the
Indian Penal Code already passed and the Criminal Procedure Code, Act XXV of 1861, which was in the process of enactment and all those which related to misconduct by Policemen in the discharge of duty like threats and extortion and added the important Section 44 and a separate Section 10 to prohibit the engagement by Police officers in employment other than police duty, although this was already included in Section 29. The Bill was passed on the 16th March 1861 and became law as the Indian Police Act, V of 1861 on the 22nd March 1861. This gave the country for the first time the so-called organized constabulary for police functions. The Police Commissioners had been asked by the Government of India to separate a Draft Bill on the model of the Madras Act.

It was provided in both the Madras and the 1861 Acts that those magisterial powers may be conferred on Superintendents of Police to aid them in the discharge of their police duties. The intention was only to enable Superintendents of Police to inflict judicial punishments on defaulting police subordinates which fitted into the general scheme designed to secure that the 'native' policeman may never be able to rebel. Simultaneously with the devising of a uniform plan for the Police of the whole country, numerous other measures were taken at this time for a reform of and a better control on the administration. The police Act of 1861 was adopted in all provinces except in the Bombay Presidency. Madras earlier passed the Madras Act XXIV of 1859 for the reform of Madras police on the very same lines. In Bombay, Regulation XII 1827 continued to govern the police till 1867 when the District Bombay Police Act was enacted. This was replaced by the Act of 1890, wherein all the important features of Police Act 1861 was incorporated. The post of Inspector General was created in most of the provinces after 1861. In Bombay Presidency the post of Commissioner of Police which was already in existence since 1855, was abolished in 1860. This was because its existence had caused friction in the administration. In 1881, Sir James Fergusson pointed out the laxity of the police administration under this system. He urged the need for appointing definite official head of the police department. But his views were not accepted till 1884. A year later an Inspector General of Police was appointed. Even then, large powers of directions and
control were given to the revenue Commissioners. In some other provinces the Commissioners were given definite authority in matters of appointment as ex-officio Deputy Inspectors General (Gupta, A.S.: 1978:370-392)

Summary of the Police Act of 1861

Summarizing the Police Act of 1861, it could be said that the Commission appointed in 1860 by the government of India to inquire into the question of the Police Administration in British India and to submit proposals for increasing the efficiency and reducing the excessive expenditure made the following recommendations:

1. The abolition of military police as a separate organization and the constitution of a single homogenous force of civil constabulary for the performance all the duties.

2. Compared to the military police the Commission's opinion was in favour of a well organised civil constabulary because it felt that it would perform all the duties that were assigned to the military police and also that it would cost less. Above all it observed that the civil constabulary was less dangerous than the military police who were "native soldiers".

3. For uniformity of general management and unity of action there was to be an Inspector General of Police at the head of the police in each province.

4. A Superintendent of Police at the district level and Assistant Superintendent of Police had to assist the Superintendent of Police, in larger districts. Both these officers were Europeans.

5. The subordinate force recommended consisted of Inspectors, head constables, sergeants and constables.

6. The head constables would be in charge of a Police Station and the Inspector of a group of Stations. For the first time we see an organisational hierarchy with a command and control emerging in the police.
7. As regards the Commissioners, it was recommended that they should cease to be Superintendents of Police, though they were to exercise general control over the criminal administration and the District Magistrates.

8. On the subject of relations between the magistracy and the police, it recommended that no magistrate of lower grade than the District Magistrate should exercise any police functions.

9. In case of the village police the commission found it to be inefficient and ineffective every where but could not suggest their abolition because there was no other agency to replace them.

According to many senior Police Officers, on the whole the draft Bill, submitted by the Commission, which became law as Act V of 1861 was a measure, which was a great improvement over the past. But, it was a half-way-house because considerations of economy prevailed at the cost of efficiency. Various Police Commissions were set up to improve the situation of the police.
POLICE COMMISSIONS

Law Commissions on Police:

In August 1955 the first Law Commission of India (LCI) was appointed and it commenced its work in May, 1956. Twelve Law Commissions have been appointed since then, and till the Twelfth commission took over the charge in September 1988, one hundred and thirty one reports, were submitted to the Government of India. On a number of Occasions, the LCI had examined the powers and functions, the emerging role and the operational problems of police, and made a number of recommendations.

Dr. Jayatilak Guha Roy has summarized the salient features of the Commission which deals with police issues. These are based on twelve reports out of a hundred and thirty one reports submitted to the Govt. of India by eleven Law Commissions. The features are as follows:

1. Even though the LCI is concerned mainly with the "normative law reform", it also deals with reform of judicial administration in its fourteenth Report.

2. Eight reports of the commission had dealt with women's issues. Two reports of the commission had, inter alia dealt with the role and functions of the women police officers in dealing with the growing problem of crime by and against women. The LCI laid down emphasis on the need for strengthening the women police force for dealing more effectively with certain special offences such as immoral traffic in women and girls, rape and allied offences.

3. In view of the importance of investigation of crime for law-enforcement, the LCI could not confine itself to reform of laws relating to investigational procedure but had also dealt with multi-dimensional and even non-legislative issues relating to investigation of crime by the police.

4. The LCI opined that the calibre of persons, who served in the police force, had not improved and malpractices in police investigation continued to exist. Hence it made suggestions for suitable amendments of Sections 160
and 161, Cr.P.C. 1898. These recommendations found no place in the amendment Cr.P.C. 1973.

5. The LCI made an indepth study of the problem of faulty or slipshod investigation by the police in its Fourteenth Report on reform of Judicial Administration. It identified the major defects in investigation and suggested a number of important non-legislative measures to ensure efficient investigation.

These measures are as follows:

(i) As far as possible, the investigation of an offence should be conducted by a single police officer, preferably a senior officer, with the assistance of junior officers.

(ii) As far as practicable, the investigating wing of the police should be separated from that dealing with law and order.

(iii) The question of systematised training for police officers in proper methods of investigation should receive urgent attention of the State Governments.

(iv) Necessary legal assistance should be provided to investigating officers.

(v) It is necessary to ensure strict and effective supervision over investigations by adopting certain measures such as frequent visits of senior police officers to police stations and the appointment of special officers of the rank of a deputy superintendent of police.

(vi) To induce public cooperation which is extremely necessary for the police to perform their arduous work of investigation, the LCI emphasised the need for an orientation in the outlook of the police towards their duties and their attitude towards the public.

6. In the context of the growing menace of police misdeeds to women, the Eighty-fourth Report of the LCI on Rape and Allied Offences opined that it would be useful to provide a female social worker belonging to a State Govt. recognized organization be the present whenever the victim of rape is interrogated by the police. The commission specifically recommended the insertion of a number of other amendments in 160, Cr.P.C. 1973. This Report of the LCI also suggested a number of other Amendments in Cr.
P.C. to provide for adequate protection or legal remedies to women in the matters concerned with their arrest and interrogation by the police and detention under police custody. Despite the growing incident of police misdeeds to women or custodial violence against women, none of the recommendation of the LCI has been implemented so far.

7. In its Eighty-seventh Report on Identification of Prisoners Act 1920, the LCI had inter alia dealt with the question of extending powers of the police to take coercive measures in investigation. With a view to maintain a balance between the rights of individuals and the need for meeting the common interests of society for the protection and punishment of crime, the LCI recommended for an expansion of the scope of sections 3 and 4 of Identification of Prisoners Act, 1920 only in specified cases where there was need for giving wider powers to the police to take measurements and photographs of persons convicted of or arrested in connection with certain serious offences such as drug trafficking or forgery.

8. In the Fourteenth, Forty-eighth and Sixty-ninth the LCI had inter alia dealt with the question of admissibility of confessions made to senior police officers in evidence. It proposed a number of safeguards which could be added to the present rule by an amendment of the Evidence Act and of sections 162 and 163, Cr.P.C.

9. The LCI also made recommendations in regard to police service on witness and for the victims of road accidents.

Police Commission of 1902-03

The Mutiny of 1857 led to the appointment of a Commission in 1860 to enquire into the question of police administration in British in India and to submit proposal for importance the efficiency and reducing the excessive expenditure and not an ideal police. Finally the Commission Draft Bill became the law as Act of 1861. This Act introduced a uniform system of Police in British
India. It brought organizational changes in police, but failed to bring about a change in its nature and mode of functioning (M.P. Singh, 1989).

On the whole, the organizational change made after the report of the earlier commission 1860 had not produced satisfactory and expected results. Hence, Lord Curzon, the Viceroy of India appointed a commission in 1902 headed by A.H.L. Fraser because there were many complaints against the police corruption. After a thorough investigation, the commission came to a conclusion that "the police force is far from efficient; it is defective in training and organization; it is inadequately supervised; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence and cordial cooperation of the people".

The Commission identified the reasons for this sorry state of affairs as follows:

1. "That the extent to which the village police must co-operate with the regular police has been lost sight of, and an attempt has almost everywhere been made to do all the police work through the officers of the department."

2. "That the importance of police work has been under-estimated, and responsible duties have ordinarily been entrusted to untrained and ill-educated officers recruited in the lowest ranks from the lower strata of society."

3. "That supervision has been defective owing to the failure to appoint even the staff contemplated by the law and to increase that staff with the growing necessities of administration."

4. "That the superior officers of the department have been insufficiently trained and have been allowed from various causes to get out of acquaintance and sympathy with the people and out of touch even with their own subordinates."

5. "And that their sense of responsibility has been weakened by a degree of interference never contemplated by the authors of the system."
In short, the extent of co-operation envisaged between the village police and the regular police had not been achieved. Police strength were inadequate and most of the constables were illiterate and were drawn from a very low strata of society. Further the situation was aggravated by under-payment, inadequate training and allotment of duties for which the men recruited were not qualified to perform. Majority of the investigating officers were corrupt and inefficient. Success rather than honesty had been the criterion for promotion among the supervisory ranks. The supervision by superintendents was weak and inadequate.

The Commission remarked that the duties of the Superintendent of Police were difficult to perform, yet very little attention had been paid to their selection and training. The Superintendents were too much under the influence of their Subordinates and were inclined to support them in an unreasonable manner. Complaints or stricture on police work were received in a hostile spirit. Superintendents were not accessible to the police and were positively discourteous to them. Public opinion was completely disregarded and a harsh and overbearing manner adopted towards subordinates. The Commission emphasized the need for improvement in the selection and training of Superintendents.

The Commission submitted a detailed report in 1903 which was made public in 1905. On the basis of the Commission’s report, the Government passed orders on 21st March, 1905. It made suggestions for reforms to increase the efficiency of police as professionals. The reforms that were brought about by this Commission were:

1. The introduction of the cadre of directly recruited sub Inspectors to hold charge of police stations. This brought about a qualitative change in the functioning of police stations which, till then, were run mostly by promoted Head Constables who had by and large proved unequal to the task and failed to earn the confidence of the public.

2. The build up of the cadre of Sub Inspectors and Inspectors introduced by this Commission was a significant event in the evolution of the Indian police system. It is this cadre which formed, and continues to remain, the professional hard core of the system that delivers police service to the
public. It is their quality that determines the police image. Public perception of police performance is essentially based on their experience and inter-action with Sub Inspectors and Inspectors in police station.

3. The commission also introduced the cadre of directly recruited Deputy Superintendents to strengthen the supervisory structure.

4. The system of having a Deputy Inspector-General of Police in charge of a Range covering some districts was introduced.

5. The arrangement of having a separate armed Police Force in sufficient number at the headquarters of each district, or in some cases in a group of districts, to deal with riots and large scale disturbances was also introduced by this Commission.

6. The present Railway Police setup was the result of this Commission's recommendations.

7. Another important reform was the constitution of the C.I.D. (Criminal Investigation Department) in each Police Force for the purpose of collating and distributing information regarding organised crimes and to assist in the investigation of crime of a special character.

8. The Commission recognised for the first time-the importance of organised training to build-up the Force. Accordingly a Police Training School was established in each major Province for the training of police officers of and above the rank of Sub Inspector.

9. The Commission laid down that the District Magistrate should not interfere in matters of discipline which should be left entirely with the officers of the Force but the Magistrate should have power to direct the Superintendent of Police to make an inquiry into the conduct of subordinate officers and if he is not satisfied with the result of that inquiry, he should be at liberty to bring the matter to the notice of the Deputy Inspector-General or the Inspector General.

10. The commissioner also made observation in case of arrests cautioning the police not to make hasty arrests.
11. The commission also envisaged the need for developing a separate cadre of prosecuting staff.

It is evident that the present police system is largely based on the structure established by the 1902 Police Commission. Till the British left India in 1947, no significant changes took place in the Indian Police System. However, after independence several State Governments appointed Police Commissions which recommended organisational changes for improving their efficiency. The recommendations of all these commissions were mainly concerned with the details of administrative setup, the strength of the Police Force in different wings of the system, the relationship between the Police and the Principal District Officer called the Collector or the Deputy Commissioner, pay and allowances for Police in different ranks, qualifications for recruitment, set up of training centers etc.

Despite the fact that certain changes were brought about by the recommendations of 1902-03 and later State Police Commissions, it is observed that the terms of reference of these commissions were more or less restricted to secure efficiency within the broad outline of the Police system brought about by the Police Act of 1861. When the Janata Govt. came to power for the first time in 1977, it constituted the National Police Commission in November 1977 with a view to examine the entire functioning of Police in India. The National Police Commission was headed by Dharma Vira, a former Governor of West Bengal as the Chairman.

The Commission was given wide ranging terms of reference covering the entire gamut of police functioning, which, inter alia, required the Commission to-

1. examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the system, identify the basic weaknesses and inadequacies, and suggest appropriate changes in the system and the basic laws governing the system
2. Inquire into the system of investigation and prosecution. The reason for delay and failure; the use of improper methods and the extent of their prevalence; and suggest how the system may be modified or changed. And made efficient, scientific and consistent with human dignity; and how the related laws may be suitably amended.

3. Review policing in rural areas evaluate any new arrangements that have been made. And recommend changes that are necessary.

4. Examine the system of policing required in non-rural and urbanised areas including metropolitan areas and suggest the pattern that would be the most suitable.

5. examine the nature and extent of the special responsibilities of the Police towards the weaker sections of the community and suggest steps to ensure prompt action on their complaints for the safeguard of their rights and interests, and

6. recommend measures and institutional arrangements:
   (i) To prevent misuse of powers by the police, and to examine whether police behavior outlook, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;
   (ii) to prevent misuse of the Police by administrative or executive instructions, political or other pressure, or oral orders of any type which are contrary to law;
   (iii) for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers;
   (iv) for the quick redressal of grievances of police personnel and to look after their morale and welfare; and
   (v) For a periodic objective evaluation of police performance in a metropolitan area / District /State in a manner which will carry credibility before the public.
Important Recommendations of the Police Commission of 1977 – 81

The Commission was required to make a comprehensive review of the Police system at the national level, keeping in view the changes brought about by the changes affected by the Indian Police Act of 1861 and the Report of the Police Commission of 1902-03. The recommendations of all these commissions were mainly concerned with the details of the administrative set up, the strength of the Police Force in different wings of the system, the relationship between the Police and the Principal District Officer called the Collector or the Deputy Commissioner, pay and allowances for the Police in different ranks, qualifications for recruitment, set up of training centres etc. The important recommendations of Police Commission 1977-81 are as follows:

1. The most important recommendation of the National Police Commission was to establish a statutory body called State Security Commission to make the Police function under it. This was done to ensure accountability of Police performance to the satisfaction of the general public within the framework of law.

2. Making the investigative functions of the Police completely independent of any extraneous influences for impartial enforcement of law was another recommendation of this commission.

3. The NPC also recommended a procedure for the appointment of the Chief of Police and giving him a minimum statutory tenure. These two recommendations together was expected to insulate the Police system from extraneous pulls and pressures and act as an impartial agent of law to serve the cause of peace and order in a free democratic society.

4. The commission observed that the drawback of the Police System was related to the constabulary. It pointed out that the constabulary who constitute about eighty percent of the Force in numerical strength form the least motivated section of the Police System. Most of the time they perform their duties by obeying orders passed by the higher ranks. They are very rarely required to execute a task using their own initiative and judgement. Most of them retire without the benefits of promotion to any
responsible level in the higher ranks. In this direction the commission recommended the existing system should be immediately changed to achieve the following objectives;

a) The constabulary should be recruited and trained so that they could be deployed on duties where they can use their discretion and judgement and also with due regard to the need for securing public co-operation and understanding in any situation.

b) They should assist the Sub-Inspectors in a positive and purposeful manner in investigations and inquiries.

c) Through experience of such work over a period of five or six years they should be in a position to handle investigation work independently and rise to the level of Assistant Sub-Inspector and other higher ranks by promotions.

d) The promotional structure within the Police System should be revised so that the constabulary could get opportunities for higher promotions in a smooth and quick manner.

5. The Commission recommended guidelines so that the policemen's associations functioning some states with due permission from the State authorities under the provisions of Police Forces Act of 1966, to ensure that they are guarded from factors that might come in the way of discipline of the Force and proper rendering of service to the public. More important than the associations the Commission recommended the formation of the Staff Council at the district HQrs and also at the State HQrs. It suggested that the Staff Council of a few elected members from all ranks to decide remedial measures for redressal of the grievances.

6. A significant recommendation concerning welfare measures for the police families was the subsidised supply of essential commodities to all police personnel from the rank of Constable to Sub-Inspector

7. Certain types of serious complaints against the police like death or grievous hurt while in police custody or rape of a woman in police custody and instances of dispersal of riotous mobs by police firing resulting in the
death of two or more persons should be subjected to a judicial inquiry according to prescribed procedure. This was recommended by the Commission so that a judicial inquiry will act as an effective deterrent against police brutality and high handedness.

In addition to these recommendations there were certain other recommendations concerning changes in Cr.P.C. and Evidence Act and withdrawal of cases from Court. In regard to Social legislation the Commission recommended that all such legislation’s may be grouped in five categories depending upon nature and extent of police involvement in the enforcement of each category. Regarding Prosecution the Commission considered it necessary to mesh the prosecuting agency set up with the police set up to ensure active co-operation and co-ordinate functioning in the field in day to day work. In order to know whether the recommendations of these Commissions are implemented or not the study throws light on the Police Reforms.
HISTORY OF POLICE REFORMS

While dealing with Police Reforms we need to have a very wide perspective. Many Police Officers opine that police reform is an issue not only among the police leaders but with the thinking citizens of India. Hence the answer to the basic question - Does the police system need any reforms? - is in the affirmative. This is because the present police system despite the recommendations of Police Commissions, both State and National, its basic structure and functioning has continued to be what it was in British times. A number of articles exclusively on Police Reforms in the Indian Police Journal (VOL XLVI No 1, January-March, 1999) indicate the need for the same. To highlight the different views of police officers about police reforms, the articles reviewed from the Journal mentioned are presented below.

Reform according to B.K Roy is a modernization process in all social organisations to ensure its dynamism to keep pace with demands of the changing social environment. Further he opines that the NPC has made specific recommendations to remedy all defects in the present system for the betterment of policing. Yet, he laments that after seventeen years of submission of the NPC report there is no indication of the recommendations being considered by the Government. He further states that though Act V of 1861 was enacted to perpetuate the control of British Government over the people with the help of the police in the context of the mutiny by the Indian Army, its usefulness has not diminished after Independence. Finally, he states that the way the law and order situations in various states are drifting towards violence and lawlessness, large scale police reforms seem to be round the corner as the insecure and the unbearable conditions now prevailing in the society are likely to exceed the limits of people's tolerance. He also notes that no police reform is possible in a democracy-unless people get conscious of the necessity for such reforms.

S.M.Diaz throws light on police reforms to meet the challenges of the 21st century. He opines that since we are at the threshold of the 21st century
meaningful police reforms to face the challenges of the 21st century is very essential. The challenges that the police will face depend upon the people's expectations from the police. Further their behaviour and performance will be closely watched by the people and the police are not considered as friends by the people. Hence, he suggests that the only way to change the situation is to start a conscious and continuous campaign of courteous behaviour to earn the respect, good will and support of the people. He also points out that there is a need for role models among the police leaders for the other ranks to emulate. He suggests that a New Police Act based on the draft Police Act recommended by the NPC to be passed, with necessary modifications. He opines that it is important to provide for the police in general and more particularly for the lower ranks, better working conditions as well as housing and welfare schemes because of the continuous risks and health hazards of their work.

Diaz has referred to alienation of police from the public. He suggests that the only way to bring the people closer to the police is to make a conscious and deliberate effort in making the police to behave courteously. He quotes the example of the British Police who have earned the respect, goodwill and support of the people a century and half ago, and succeeded marvelously and he questions why can't we. In 1829 when Sir Charles Rowan and Sir Richard Mayne took charge as Joint Commissioners of the Metropolitan Police of London, the London Police of that day were not exactly effective or popular. But the Joint Commissioners worked systematically to change the situation and succeed. At the end of their eight year period they left a model police for the entire world to emulate. Regarding all round integrity and effective performance of their duties with professional excellence and courtesy to the people, he suggests for professionalisation of the educated levels of the police to be the basis for police reforms.

Sadanand Date speaks of reforms in the context of police stations. According to him police is a part of criminal justice system and as such police reforms affect and get affected by criminal justice system. Hence he suggests that reforms in police station are one important aspect of police reforms. He further
suggests improvement in police station functioning through reforms in the following aspects:

1) Training and attitudinal change, in service training at police station level to establish police public relations and peoples participation in active policing which would in turn help in changing attitudes of policemen and citizens.

2) Provision for fixing adequate number of police stations and adequate man power for effective functioning of the police station.

3) Adequate financial provisions for the supply of minimum requirements such as stationary, furniture, contingency expenses to meet situations such as conducting funeral ceremony of unclaimed bodies, holding citizen meetings, hiring public address system during various law and order duties etc.

4) Fixing working hours and in case of emergencies overtime to be paid, minimum number of holidays and in case it is not possible earned leave to be credited and housing for all those whose services are required at odd hours during emergencies.

5) Each officer should be assured of a stable tenure without yielding to extraneous influences wherein the responsibility of the government and the police leadership is very important.

6) Detailed systems analysis and record keeping at police station level to be rationalised because it helps in legal and administrative work.

7) Police station officers can ensure effective police presence in his jurisdiction through efficient duty distribution.

8) Morning and evening roll-calls should be used for giving important instructions about crime and discussing law and order and other police station related matters. Above all the roll calls should become the platform to appreciate the good work done by the police during the preceding day.

9) Organising continuous efforts and training of all policemen public officers to achieve emphatic and correct reception of people in police stations.
10) Public education campaigns and continuous legal literacy programmes to be undertaken by police department to create a ground for people's participation in policing and setting up of consultative Committees at police station level to ensure the representation of an entire cross section of society. Institutionalization of such committees would bring transparency in police administration.

11) Police reform to be addressed by top police leadership in creating a public opinion regarding the use of the third degree methods.

12) The role of senior officers in disposing promptly and quickly public grievances against erring police officials is very important.

13) Welfare of policeman and quick redressal of their grievances should be considered as important function of supervisory level officers.

14) To identify further areas of reforms and ensure quick implementation.

J.N Saksena speaks of making criminal justice system an effective instrument of public service he has suggested police reforms in this direction and points out that there seems to be less introspection in the police department on the need for reforms. He is of the opinion that unless police reform becomes a core issue of the police department it will remain a pious wish. According to him leadership has to ensure that, only professionally qualified officers are put in charge of important posts and the main stumbling block in any process of reforms are financial allocations. He recognizes another stumbling block i.e. mental block. Hence, he opines that, both these blocks should be removed to make the criminal justice system an effective instrument of public service.

Police reforms, according to Saksena, can be classified as follows:

1) organisational
2) legal
3) improvement in the support system

Regarding organisational aspects he suggests that the leadership has to ensure that professionally qualified officers are put in charge of important or sensitive posts and their selection should be based on merit and efficiency. He
also highlights the fact that good police subordinates are hardly ever trained and particularly this is the case of civil police. The pace of police modernisation according to him has been slow and therefore we have failed to give a new look to the police force in our country.

Regarding legal issues he points out that the Cr.P.C. was last amended twenty five years back, the Indian Evidence Act and the Indian Penal Code have been not touched at all. To the support system, he points out that, the present system has very heavy super structure in the police department and the facilities available in the police stations are also not satisfactory.

He refers to the criminalization of police force saying that it is matter of urgent police reforms which should be attended to as early as possible so that, the organisational structure of police should not get corroded or distorted.

T.G.L. Iyer speaks of police reforms from another angle saying that police reforms are an urgent necessity to raise the sagging morale of the police. He points out that it is not necessary to set up new Committees and Commissions. According to him, the recommendations of the National Police Commission and various State Police Commissions are adequate for making the Police Service an effective one. He also opines that, there are many recommendations which do not have any financial implications. Hence, they should be implemented first, followed by those having financial implications.

He draws our attention to an article published in The Hindu dated, September 8, 1988, wherein the basic ingredients of good policing-professional pride and good image-are mentioned. Further, the article, also mentions that, effective policing is possible only from a position of strength and pride. Responsibility and accountability of the police to society can be discharged only from a position of strength. Professional pride, as mentioned in the article is, linked to morale. Policeman feels humiliated through suspensions, transfers withdrawal of vehicles, telephones, denial of promotion, indefinite waiting for a posting etc and it shatters the pride of a policeman. If the police morale is to be raised for better professionalism, the police have to be released from the clutches of the politicians and made accountable to the law in force has been suggested in
the article. Iyer refers to the recommendations regarding police reforms mentioned by Sri L.K. Advani at a Seminar held at the Sardar Vallabhai Patel National Police Academy, Hyderabad. It says that, the Police should be exposed to better investigative techniques, managerial techniques, communication improvement, physical and psychological fitness, arms-handling skills etc. The Bureau of Police Research and Development, Ministry of Home Affairs, New Delhi, in collaboration with Karnataka Police organised a Seminar in September, 1998, wherein the following recommendations were made:

1) Crime investigation units should be dealt by senior officers.
2) Central Detective Training Schools should be set up in every state to train police officers periodically.
3) Gathering intelligence should be improved.
4) Review of existing laws should be done.
5) Transparency in police work should be increased.
6) Implementation of Dharam Vira Commission’s recommendations should be in total.
7) At every police station, Citizen Counseling Centers should be opened.

Regarding Police Reforms P.K. Siddharth refers to two kinds of problems—a) problems faced by the police and b) problems caused by the police. He points out that the problems caused by the police to the common man are most serious ones. He observe that a common man has to be influential to get his complaint registered at the police station and he is forced to run from pillar to post to get from the police the information and documents that rightfully belong to him. Hence, he suggests that the focus of police reforms should be such that it should give direct relief to the common man and device a user-friendly system for providing certain police services to the citizens from a single window through phone. He quotes the example of a single window Police Services Dispensation System passed on to two sub-inspector level officers of the Delhi Police. They were asked to make a list of the services that can be made available to the public in an urban area. The officers brought a long list within a few hours which, according to Siddharth indicates that, it requires no great time, and mental
resources to put a system in its place. This would make the life of the citizens much easier and worth living. Siddharth is of the opinion that the only requirement is that the police leadership should start viewing policing as a service in the true sense and develops some genuine concern for the plight of the ordinary man.

Siddharth suggests that if a computerized Single Window Police Services Dispensation System is established, the personnel manning the system can take the requests over phone and feed them into their computer, giving to the informant the request number. Later it should be the responsibility of the system managers to process the request and pass on the information over phone and the document by post under certificate to the informant.

G.P. Joshi observes that one of the main issues which have gained considerable prominence is the need to insulate the police from undesirable and illegitimate control exercised over them by politician and others. The problem of such illegitimate interference in police work and its consequences has already been examined by the N.P.C. He points out that Independence did not bring about any significant change in the police system or its philosophy. According to him with the increasing criminalization of politics, the quality of leadership at political and administrative levels has deteriorated. This has led to increase in misuse of the organisation by people in positions of power for partisan interests.

He has discussed the N.P.C's recommendations under four heads:

1) Establishment of State Security Commission
2) Appointments, transfer, and fixed tenure of service. He observes that one of the important reasons for the vulnerability of the police to the illegitimate pressures from the executive is the threat of transfer that always hangs on the head of Chief of the State Police Force and other officers, particularly when they resist pressures. Transfer and suspension are two weapons used very often by the politician to bend the police down to his will. Joshi observes that transfers are made for whimsical reasons and are arbitrarily. Further he points out that postings and transfers are done to reward people also. The moment somebody is appointed as the
Chief Minister, he brings a person of his choice as the head of the police force which increases the vulnerability of the organisation to pressures.

Joshi highlights another issue with regard to police transfers. He opines that transfers are also used by corrupt politicians as a means of making money and there are transfer orders to some places or jobs and cancellation of orders in other cases that fetch handsome illicit gains. He quotes Shri Madhav Godbole, the former union home secretary's statement that the transfer mela gets converted into a wholesale market where posts often go to the highest bidder. The N.P.C. referred to the fact that transfers were too frequent ad hoc and arbitrary in nature, and were mostly ordered as a means of punishment and harassment, sometimes due to the influence local politicians.

3) Enactment of a New Police Act: Joshi opines that, not only Police Act of 1861, but certain State Police Acts also need to be replaced. According to him the new pieces of legislation have been as silent and remiss as the Police Act of 1861 in so far as ensuring police accountability to the community is concerned. This, he says, indicates that there has been a resistance throughout to the idea of reforming the police in the country. Hence, Joshi suggests, that, it is necessary to discard the outdated police act of 1861 as well as some State Police Acts.

Police reforms according to Dr. S. Subramanian, should be taken as an all party national issue and the Prime Minister should convene an all India Conference of Chief Ministers, political parties, eminent jurists, academicians and former police officers and the agenda should be the recommendations of the N.P.C. of 1977. He further suggests that the conference should also decide on some of the basic issues like definition of the role of police in India, police accountability, new command and control structure, peoples’ involvement in setting police goals and priorities, steps to improve the quality of police personnel and bringing about an attitudinal change in them.
B.J.K. Tampi highlights the facts that, after Independence various State Police Commissions had been appointed to study the low levels of professional competence, unsatisfactory public relations and suggest remedial measures. The centre had also appointed the N.P.C. in 1977. All these according to him have proved to be futile because of certain persistent obstacles to structural reform. He laments that it is sad that obstacles to police reforms have become a social and governmental problem. He refers to the Punjab Police Commission 1960-61, which listed out the following evils in the minimization and non registration of crime, d) false encounters, e) use of third degree methods and f) misuse of arrest and other preventive powers. Tampi points out that despite this listing nothing meaningful could be done in Punjab.

According to Tampi the colonial pattern of policing which was perceived as strengths at that time have become elements of weakness today infects politics and administration. Regarding the duties of a policeman, Tampi points out that it involves a great deal of renunciation of personal comforts and pleasure. He further points out that the Indian policeman today has the responsibility to rise to the full awareness of being the citizen of a free state, and to educate the people also in this awareness and in the healthy behaviour patterns flourishing the reform. He refers to Rustamji's view that after reforms the police have to be guided by the political party in power because according to him what is required is not a total autonomy but lack of interference.

One of the important principles of police reforms according to Tampi is that police has to be seen as an important of the criminal justice system and not of a system of domestic power politics. Tampi refers to a comment on the functions of a police officers made by a British Judge that no Minister can tell the police that he must not prosecute this man or that nor can any police authority tell him so. The responsibility is on the police officer who is answerable to the law and law alone. Further, Tampi adds that prevention of crime and the detection and prosecution of criminals and the maintenance of order according to law needs no direction and guidance from the political party in power. An important concept highlighted by Tampi relates to the question of magisterial powers for police
officers then Tampi that in municipal and metropolitan areas police officers of the rank of Deputy Superintendents should be posted as full time Executive Magistrates to deal with the preventive bond powers. He also suggests that the police officers to be posted as the Executive Magistrates must have risen from the ranks and must retire as such Magistrates. This should not adversely affect their prospects for selection to the I.P.S.

Regarding the recommendation for establishing State-level Security Commissions will hold good, according to Tampi, if they have a constitutional status like the Public Service Commissions and if the police chief is given full responsibility and authority in personnel matters, of selection, training, posting and promotion.

S.P.Srivastava has outlined the priorities for the police reforms which are as follows:

1. Professional independence for the police. He is of the opinion that the crux of the police reform in our country today as pointed out by the N.P.C. is to secure professional independence of the police as an impartial agent of the law of the land and at the same time to enable the government to look into the police performance to ensure its conformity to law.

2. Organisational change, according to Srivastava is essential because this structure does not inspire confidence among the rank and file, encourages servility, kills initiative, hinders innovation and makes a system command based.

3. Regarding accelerating the pace for professionalisation, he suggests that better personal management adequate organisational reforms effective job oriented training and strong community support to the police have to be some of the important measures to build up professionalism in police.

4. Augmenting and enlarging the resources is another important aspect according to Srivastava. He highlights the fact that the present police system faces an acute scarcity of resources—monitory and material. According to him these resources are necessary to build new police
stations and renovate the old buildings for making them functional, upgrade the in–house facilities for effective performance of day -to-day responsibilities, buy and afford computers, modern systems of transport and communication, and mechanical aids for scientific investigation of crimes and interrogation of criminals and replace old weapons with new ones.

5. Improving the working and living conditions of the constabulary according to Srivastav, is an important area for police reform. In this direction he suggests an immediate and substantial improvement in the recruitment, training, wages, and working and living conditions of the constabulary to improve their morale, get over there frustrations and thereby ensure high degree of professional competence and efficient performance of a large number of duties entrusted to them.

6. Upgrading the welfare measures for police families Srivastava points out that measures like welfare centers to provide work for police families and help in augmenting their income, financial aid and encouragement for pursuing higher studies by police children who show special merit, financial relief in distress situations not provided under the existing rules, recreation and entertainment facilities to make life more bearable to police families in the midst of the stress and strains of their daily life.

Srivastav emphasises that the Indian police has not gone through any major reform to make its structure, role attitudes etc. compatible with the needs of a democratic society. All attempts, he points out, to reform police system have been made in a piecemeal manner and of cosmetic nature with very results, he further observes that many new problems have been added to already existing old problems. Hence he suggests that there is need to look at problems and issues of police reforms afresh and prepare and implement a well thought-out blue print of reform.

T.V. Rajeswar is also of the same opinion as others that, the police force is not able to function as an independent body because of the political interference.
He points out that the function of the police especially in the area of investigation and prosecutions of cases are inter-linked with the administration justice system. He suggests that fundamental changes needed through police reforms are already there in the N.P.C. recommendations and all these healthy recommendations need to be implemented.

S.V.M. Tripathi, referring to the report of Gore Committee on police training points out that despite many reforms introduced in the training procedures in the police institutions, the true spirit of this report is yet to be internalised in our training programmes hence he suggests that it is high time that Government and police leadership should fully appreciate the importance of the right kind of training to the police.

N.S. Saksena refers to crime concealment or non registration of crime that is rampant in the police department. He also mentions that every Police Commission, including the N.P.C. has commented on this evil. He suggests that unless this evil is fought, it is not possible to promote the interests of the weaker sections of society and the image of police will never improve. He also suggests that the political influence in police work, especially investigation should be totally removed. Another evil is, according to him the haughty nature and the rude behaviour of police towards public. Hence, he opines that if these three evils mention above are removed then more than 80% of the police problem will be solved.

K.S.Dhillon, explains that our police continue to function in an outdated and arbitrary fashion, totally inconsistent with the requirements of representative democracy. He points out that none in the Indian power-elite is interested in bringing about a change in the organisation, structure and mode of functioning of the Indian police. Hence he suggests that a police themselves have to set their agenda in matter of reforms. Further, in order to earn the respect of the people, he suggests that the I.P.S. leadership must take initiative to reform the Indian Police by guiding their men in providing sincere, clean and effective service to the community. Optimistically speaking, he opines that when we win over the community to our side no one will be able to block police reforms.
Prakash Singh refers to alarming development i.e. the growing nexus between politicians, criminals and bureaucrats. According to him the basic flaw of the police act of 1861 is that it was the ruler’s police and not the people’s police. Hence he suggests that in order to transform the police into people’s police, the role and functions of police have to be redefined and it should be made accountable to the law of the land and the people of the country.

Singh refers to misuse and abuse of police in the following forms:

♦ frequent postings and transfers,
♦ Recruitment procedure carried on through political recommendations,
♦ Promotions influenced,
♦ Investigation tampered with,
♦ Unlawful direction to the police, and
♦ Intelligence apparatus exploited for political purposes

The aspects mentioned above have resulted, according to Singh, in the declining standards of the police and its growing alienation from the people. Hence he stresses the need for a redefinition of the police role and warns that any further delay in Police Reforms would be a disservice to the country and a betrayal of its people.

K.F. Rustamji points out that the use of police powers by the politicians and courts has made it difficult to maintain discipline and direction in the police forces. He raises a simple question: do you want firm and impartial law enforcement? He suggests that if we want, we must not hesitate to take those steps which are needed to purify policing - and i.e. through police reform.

At this juncture, an examination of the steps taken by the government in matters related to police reforms is essential. There are plenty of articles highlighting the need for the implementation of reforms recommended by various Committees & Commissions. Some of the articles are mentioned below.

Kiran Soni Gupta, former secretary to Administrative Reform Commission, in an article, ‘To serve and protect’ (India Together, December, 2002), points out that, ‘the British created the police forces to wield them as instruments by which to dominate the people. Decades after liberation from
colonialism, the legacy of this origin remains and the police are still viewed as agents of state-led repression, and distrusted by ordinary citizens.' Referring to the Rajasthan’s Administrative Reforms Commission, Soni Gupta, points out the reasons for the poor performance of the police which are as follows:

Referring to the Rajasthan’s Administrative Reforms Commission, Soni Gupta, points out the reasons for the poor performance of the police which are as follows:

1) The police are burdened with a number and variety of functions beyond law and order, or crime-control.

2) The police are assigned VIP duties, which have no valid place within the realm of their work, but remain among the top purposes for which they are used.

This, according Soni Gupta has resulted in a number of undesirable features such as, lack of skill in handling other duties, huge wastage on non-essential services on the one hand, and the disproportionate power vested in policemen on the other hand.

Soni Gupta also says that there are a number of lacunae in our legal system, which hamper police functioning and facilitate the criminals. Highlighting the problems of police, Soni Gupta points out that the prosecution wing is not under the control of police. Hence, the cases prepared by the police and put up in the courts fail miserably. Police strongly feel that this duality of command hampers their performance.

Pointing out to the recommendations of the Administrative Reforms Commission, Soni Gupta mentions that, it has recommended a number of changes in the functioning of the police. The following are some of the main suggestions:

1) No new Police Station should be opened.

2) Each PS must have a phone, a high frequency wireless set and a jeep/Gypsy.

3) For criminal work there should be a trained dedicated cadre of investigators.
4) Non-police duties can be shifted from police in order to reduce their workload.
5) Guard duties can also be de-linked from police officials.
6) The responsibility to serve summons on persons sought in court should remain with the police, despite the forces' plea against this.
7) The arming of 25% of the constables.
8) The Commission does not favour opening of more exclusive women police stations; instead all urban Police Stations should have a woman police cell at SP level.
9) With each Police Station there should be attached a community group.
10) Community policing as an organizational strategy aims at policemen & the community working closely in a creative ways to solve problems of crime and to improve the quality of life.
11) These groups should hold periodical meetings at the Thanas.
12) In urban areas separate specialized investigating teams are necessary for murder, burglary, economic offences and automobile thefts.
13) Police should be empowered to levy fine for stray cattle on roads, encroachments obstructing traffic, consumption of liquor in public places etc.
14) For rural areas, in order to ensure police presence there should be a village chowkidar at each Panchayat level.

Soni Gupta highlights other recommendations of the Commission which are as follow:

1) Grant of better housing facilities to police personnel, and the facilitation of flexible working hours coupled with mandatory weekly off-days.
2) Motorcycle loans on soft terms to be considered for police constables.
3) Cash for uniforms must be provided to the personnel directly, and the responsibility to obtain them left to the police staff themselves.

Special recommendations of the Commission pointed by Soni Gupta are:

a) On no account should a First Information Report (FIR) be refused by the police.
b) Different procedures to be followed in cognizable and non-cognizable offences should also be permanently - and prominently - displayed in police stations.

c) Third degree methods should be strictly avoided in all police work.

d) Criminal investigations should be separated from law & order work.

e) There should be a separate expert crime wing for investigative work only.

On the whole, Soni Gupta opines that, these recommendations will go a long way towards improving both the morale of the police and the efficiency with which they serve the public.

'Committee set up on police reforms' an article by J.T. Vishnu, in Tribune News Service, New Delhi, dated-20/03/2006, reports that, 'the Ministry of Home Affairs has constituted a special committee and nominated the Director of the National Police Academy, Mr Kamal Kumar, as its Member-Secretary to ensure the implementation of some important recommendations of the various commissions and committees on police reforms.'

The article, also reports that, 'the special committee was constituted keeping in view the changing security scenario in the country and the urgent need to bring about drastic changes in the police and policing.'

Elaborating on the directions of the committee, the article further states that, 'the ministry had asked the new committee to short-list the unimplemented recommendations from various reports of the commissions, including those of the National Police Commission, the Gore Commission on Police Training, the Padmanabhaiah Committee on Police Reforms, the Ribeiro Committee on Police Reforms, the Malimath Committee on Reforms of the Criminal Justice System to name a few.'

In order to take a speedy action, it is reported that, 'since the recommendations, made by the various commissions, were numerous, the present committee would identify only recommendations which were crucial for improvement in the police functioning and the implementation of which would make an immediate impact on the process of police reforms.' It is reported that, the committee has identified 46 such recommendations which need to be
implemented on urgent footing. It further added that, so far six national-level Police Commissions and 11 state-level Police Commissions were appointed to study and improve the police functioning in the country.

The outcome of setting up the committee is indicated in the following aspects:

1) Separation of investigation wing from law and order.
2) Internal security and role of police.
3) Women police be merged with regular police.
4) Modernisation of police forces.
5) Improving forensic science and infrastructure.
6) Computerisation of police stations.
7) Federal offences, organised crime, tracking economic offences.
9) State security commission, police commissionerate system.
10) Promotion to constables and so on.

'SC orders police reforms' Gives Centre, States 3-month ultimatum'-an article, by S.S. Negi, Legal Correspondent, The Tribune, New Delhi- dated 22/09/06, reports that, it is a landmark in the history of reforming criminal justice system and strengthening the rule of law in the country, that, the Supreme Court today ordered drastic changes in the police administration to make it more accountable and protect it from political interference. It further reports that, 'finding the 145-year-old Indian Police Act outdated, the court directed the Centre and the states to implement its seven-point directive, including a two-year fixed tenure for DGPs and other officers holding key positions and separating crime investigation and prosecution from the maintenance of general law and order.'

The report, further states that, 'basing the order on the recommendations of the National Police Commission set up in 1977, a Bench of Chief Justice Y.K. Sabharwal, Mr Justice C.K. Thakker and Mr Justice P.K. Balasubramanyan virtually ordered the implementation of the panel's recommendations on a PIL by former CRPF DGP Prakash Singh.'

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It reports that, 'the directive also provided for the setting up of a national security commission at the Centre and a state security commission, police establishment board and police complaint authority in each state and at the district level with powers to firm up the police administration.'

Further, the article notes that, 'taking into account the recommendations of the National Human Rights Commission, the Julio Riberio Committee and the Soli Sorabjee Committee, the court virtually overhauled the Indian Police Act, 1861, in order to prevent politically engineered mass transfer of officers on the change of government.'

The article highlights the orders of the Supreme Court which are as follows:

1) It said the DGP and police officers on operational duties in fields like IGP in charge of a zone, DIG of a range and SP in the district would have a minimum fixed tenure of two years, unless promoted, removed on discipline grounds, found involved in corruption or faced criminal charges.

2) To make scientific investigation in crimes essential, the court said investigating officers would not be asked to do general law and order duties.

3) The police establishment board would look after transfers, postings and promotion of officers below the rank of DSP and other personnel.

4) The national security commission—for the selection and placement of chiefs of Central police organisations—had been approved in the order by the court to ensure that the DGPs of paramilitary forces like the BSF, CRPF, ITBP, SSB and CISF would be selected in a fair manner and have a fixed tenure of at least two years.

5) The national security commission could be headed by the Union Home Minister and comprise heads of Central police organisations and security experts as members.

6) The state security commission would act as a watch dog and be headed by the Chief Minister or Home Minister with a DGP as ex-officio secretary.
The members of the panel would be chosen in a manner that would ensure its complete independence.

7) The state police complaint authority, to be headed by a retired Supreme Court or high court judge, would look after the complaints of misconduct against officers of the rank of SP and above while the district complaint authority would look into complaints against officers of the rank of DSP and below. It will be headed by a retired District Judge.

8) The head and other members of these authorities would be appointed by the state government in consultation with the Chief Justice of the high court and members would be drawn from a panel prepared by the State Human Rights Commission, Lokayukta and the State Public Service Commission.

The court gave the Centre and states time till December 31 to implement its order and directed the Cabinet Secretary and the Chief Secretary of each state to submit compliance reports by January 2007. On the question of giving the CBI full authority to probe cases of terrorism and international and inter-state crimes, the court said it was a good suggestion but was not practical as it would affect the federal structure. However, it sought reports from the National Human Rights Commission, the Sorabjee panel and the Bureau of Police Research and Development to examine the suggestion and submit a report by January. The Chief Justice expressed the hope that the Centre and states would make earnest efforts to implement the order, observing that “howsoever good a law may be, the question that matters is implementation of it in letter and spirit.”

An article reported by IANS dated 22/09/06, titled, “Implement police reforms, supreme court directs states” mentions that the supreme court has directed the central and state governments to set up National and State Security Commissions to select and appoint personnel and to ensure complete autonomy.

A series of directions on a petition seeking implementation of the reports of various Police Commissions, were given by a bench consisting of Chief Justice Y.K. Sabharwal and Judges C.K. Thakker and P.K. Balasubramanyan. The bench observed, “the popular perception all over the country appears to be that many of
the deficiencies in the functioning of the police had arisen largely due to an overdose of unhealthy and petty political interference at various levels starting from transfer and posting of policemen of different ranks, misuse of police for partisan purposes and political patronage quite often extended to corrupt police personnel."

The bench directed that the national commission should prepare a panel for being placed before the appropriate appointing authority for selecting the chiefs of Central Police Organisations (CPOs). It also mentions that chiefs of CPOs should be given a minimum tenure of two years. The bench further directed that the commission could be headed by the home minister, with the home secretary as its secretary, and comprises heads of CPOs and a couple of security experts as its members.

At the state level, it directed the states to set up similar commissions to ensure that the state government 'does not exercise unwarranted influence or pressure on the police and for laying down the broad policy guidelines. This was meant to ensure that the state police always act according to the laws of the land and the constitution. In the case of state security commission, the bench directed that the state shall be headed by the chief minister or the state home minister and have the director general of police of the state as its ex-officio secretary,' the bench said.

It also said that a state police chief should be selected from amongst the three senior-most officers empanelled by the Union Public Service Commission for promotion to the rank. A very important direction, by the bench was that it asked the states to separate 'law and order' and 'investigation' tasks to ensure speedier investigation, better expertise and improved rapport with the people. Further It directed that there should be full coordination between the two wings.'

To decide transfers, postings and promotions and other service related matters of officers and below the rank of deputy superintendent of police (DSP), it directed the states to set up Police Establishment Boards. The bench directed that there should be a police complaints authority at the district level to look into
complaints against police officers up to the rank of DSP and at the state level for officers above the level of superintendent of police.

Finally the bench gave an ultimatum that its directions should be complied with on or before December 31, 2006 so that the various bodies can become operational starting with the year 2007. It added that the cabinet secretary and the chief secretaries of the states and union territories should file compliance reports by Jan 3, 2007.

‘Court and the cop-Now, dust off the police commission report’- is an article in ‘The Tribunal’ dated 23/09/06 which reports that, the Supreme Court has directed the Centre to implement a slew of measures to streamline the police administration in the country. Such a directive was long overdue because successive governments at the Centre and in the states have been lackadaisical towards police reforms. In response to a public interest litigation, the Bench headed by Chief Justice Y.K. Sabharwal has suggested, among other things, a two-year fixed tenure for the DGP, the IGP, the DIG and the SP, the formation of state security commissions along with a national security commission to ensure independence of the police force, separate wings for investigation and enforcement of law and order and handling of important criminal cases having inter-state or international links by the CBI. Significantly, these measures are similar to those recommended by the Dharam Vira Commission, also known as the National Police Commission, as far back as 1981.

The article, further, reports that, the police administration is in a mess today. The command structure is under strain at the three crucial levels — the DGP, the SP and the station house officer. The effects of such disruption in the command structure can be seen in the increasing political interference in the police administration, low level of discipline, indifferent registration of cases, poor quality of investigation and mounting public grievances against the police.

The article, notes that, the suggested reforms will help improve the police administration provided they are implemented in both letter and spirit. Insulating the police from political interference is a crying need, but making it wholly independent of the civilian authority is a remedy worse than the disease.
In the end, the article, states that, the Supreme Court’s directive underlines its keenness to stem the rot in the system. It has sought compliance reports from the Centre and the states by January 1, 2007. As the Centre is in the process of drafting a model police code, the court said that Friday’s directives would remain operational till the code was implemented. What needs to be changed on priority is the poor image of the police. It has to shun its colonial image and become people-friendly.

All the articles above indicate that, efforts are being made to reform the police to increase their efficiency to meet the needs of the people in a democratic set-up.

‘Police panel meets top officials,’ an article in ‘Tribune News Service’- Srinagar, July 23, reports that ‘a committee on police reforms, headed by J.F. Riberio, former Director-General of the Punjab Police was on a three day visit to discuss some recommendations made by the National Police Commission on Police Reforms. The committee held meetings at the police head quarters with the Chief Secretary of the J&K Government and also had discussions with the Director General of J&K Police. The article states that, ‘this is the first of the committee after the National Police Commission was constituted early this year. The commission aims at reforming the police in the country; especially in trouble-prone areas.’

Referring to Kiran Bedi’s article (Reflections: The Sunday Tribune, Oped Page, Sept 24, 2006), Swati Mehta, writes, “the people hope that the new system of supervision and control of the police proposed in the judgement would - as stated by the court-ensure “that the police serves the people without any regard, whatsoever, to the status and position of any person while investigating a crime or taking preventive measures.” She points out “policies a state subject and each of the 28 states will have to be lobbied to enact laws that give us a professional, service-oriented and accountable police service. Laws in this country are still made without much public input.” (Reform the cop tempering autonomy with accountability by Swati Mehta, Tribune News Service, October 8, 2006).
Justice J.S. Verma, Chairperson of the National Human Rights Commission, (NHRC chief's stress on police reforms Tribune News Service, Shimla, March, 23), while delivering the keynote address, emphasised that, an impartial and independent police set-up was essential for an independent judiciary. Unless the investigating agency did its job efficiently and impartially, the judiciary would not be able to do much in ensuring the rule of law.

Referring to the slow pace of police reforms, he said lack of political will was the main obstacle. He said it was high time to make the police people-friendly instead of power-friendly so that it could no not be misused by those in power. In a republican democracy every instrument of governance derived its power from the people and thus it should be made accountable to them. The police should become a protector of citizen's rights and not their prosecutor.

While inaugurating the workshop Mr P.K. Dhumal, the then Chief Minister, said there was 'a need to reform the police as the country no longer required the set-up of the colonial rule. The violation of human rights by police, particularly custodial deaths and rapes, should be checked at all costs. However, when it came to dealing with terrorists, same yardsticks could not be applied. People were suffering because of a nexus between the police, bureaucrats, politicians and criminals'- he added.

A number of articles by Kiran Bedi throw light on the reactions, debates, discussions etc. at different conferences, meetings, Supreme Court orders etc. related to police reforms. In her article, “A big boost to police reforms,” Kiran Bedi notes that, a lot of things happened at the recently concluded first ever National Conference of over 368 Superintendents of Police where she happened to be present. ‘This is a first hand, eye-witness account,’ she added.

Kiran Bedi, remarked that, the Prime Minister preceded by his most powerful team of the Ministry of Home Affairs led by Union Home Minister Shivraj Patil himself were present, wherein the PM with a sense of vision and the Union Home Minister who had all the time and patience to listen, sat through all the eight presentations made. Kiran Bedi further notes that this is also something a
Kiran Bedi in her ‘Police reforms- Supreme Court cracks the whip’ (The Tribune News Service, September-24, 2006, Chandigarh, India), remarks on the Supreme Court’s Judgement on police reforms, that, after what the Supreme Court has directed it has left no scope for excuses for non-performance on the part of police leadership anymore. She adds that, finally, ‘the country has been given a non-political police service which will be expected to deliver impartial and just policing, something which was long overdue. Truly, September 22 will be remembered in the annals of Indian Policing as National Day of Rule of Law.’

Referring to the Soli Sorabjee Committee, appointed by the Central Government, which has drafted a Model Police Act 2006, Kiran Bedi highlights the key features of the modelact as follows:

❖ Police officers must remain accountable to law.
❖ Clear process of selection of the Director General of Police, with a fixed tenure.
❖ Similar transparent selection process for other officials also with fixed tenures.
❖ Huge focus on training.
❖ A whole new approach to constabulary.
❖ Introduced a graduate concept of civil police officer as the officer on the beat while leaving riots or night patrols or guarding duties to the armed constabulary from district reserves.
❖ Constitution of a State Police Board
❖ Placement of a 3-year strategic police plan before the state legislatures.
❖ Rural areas get due attention
❖ Police Commissioner System for Urban areas above ten lakh population.
❖ Creation of Security Zones.
❖ Greater use of technology.
Separation of Law and Order from Special Crimes Investigation and Police Accountability Commission for Enquiry into serious crimes committed by police officers.

Kiran Bedi concludes by saying that, 'the work has been done and the follow-up now is in the court of conscientious citizens, inclusive of all mindsets to ensure its implementation in letter and spirit now.'

Winding up the training of the trainers’ course, Col. Gupta of the NIS (Sparta Group), said that the policemen ‘became normal human beings once again which police uniform had almost made them forget. Some of them, who had never learnt to give, started learning to give, and even share. In this context Kiran Bedi writes, ‘Any thing can change for the better. What is required is the determination to do so and the passion to give.’ (‘We are being held back’ Tribune News Service, August 24, 2002).

After the recent judgment of Supreme Court on Sept. 22nd Kiran Bedi firmly believes that this judgment would check the Human Rights Violation and the police leadership will be empowered and become accountable. She observes that something being pledged for the last 20 years is finally going to be reality. She concludes by saying that the future belongs to Gandhigiri and it is the matter of time. (“Gandhi as Police Chief” by Kiran Bedi in her Reflections, the Tribune News Service, October 8, 2006).

Kiran Bedi in her article “A guarantee for good governance” (Reflections, Tribune News Service May 22nd 2005), points out that listening to the rank and file enables and initiates thinking, participation, contribution, growth, enthusiasm, recognition, identification of talent, economy, perfection, quality, transparency, most of all, responsibility with accountability. She suggests that, following the appropriate use of the ‘Power of Suggestions’ is an indication of the willing intention which keeps us focused and prevents mistakes. She concludes by saying that, ‘the key is listening begins with the leadership. This applies to all levels and areas of management. The more it is practiced the more it will become productive. This is a human need and needed most.'
In another article “People – Policing, not Piecemeal Policing” (Tribune news service, Jan 29th 2006), Kiran Bedi writes “If we want cities safe for all we will have to do better ‘quality’ and ‘quantity’ policing. Briefly said, it needs to be more ‘people-policing’ in content and approach.” She explains that, ‘People-policing,’ is a collective and mutually supportive policing which is widespread in all residential and business areas. The rich provide for their own security through watchmen or trained personnel hired from private security agencies. She adds that, “it must equally provide for the ‘iron grilled’ middle classes and ‘not so grilled’ lower classes, villages and the ever - sprawling open street slums.”

In the article “How best to reform the police” (Reflections: Tribune News Service, July 30th, 2006), Kiran Bedi emphasises that ‘there is an urgent need for succession planning because it helps in smooth continuity and leadership grooming and that, it is time we developed a security index on the lines of financial index.’

Kiran Bedi in her article “SC order leaves no option before CMs than to reform the police” (Tribune News Service Jan 14th, 2007) writes that “as cops, we had waited for last 30 years or since our Independence in 1947 for police reforms. She adds that, the Supreme Court in its judgment of January 11, 2007, reiterated seven categorical directions which it had delivered on September 22, 2006. The Apex Court categorically rejected all arguments of modifications or reservations expressed by very senior counsels, representing the Central or the State governments, against these directions. Instead, it only gave them time till March 31 to comply with or face contempt.”

An article titled “Police reforms panel submits report” (Deccan Herald – National October 31st, 2006) states that, police reforms process might get speeded up, with the committee set up to draft a new a Police Act for replacing “the outdated” Police Act of 1861. submitting its report to Union Home Minsiter Shivarj Patil, the article further states that, ‘the Home Minister appreciated the effort put in by the committee and expressed the hope that the proposed Act would go a long way “in reforming” the country’s police system.’
"Police reforms may take a long time: Ex-DGP" (Deccan Herald – National November 1, 2006), Prakash Singh, the former DGP, New Delhi, in an article reported that ‘the police reforms, which have been sought by the Sorabji committee, may have to face “huge political and bureaucratic resistance before they manage to get passed by the Parliament.’

"Police reforms: Govt, courts lock horns" (Deccan Herald – National January 31, 2007), another article states that ‘the police reforms agenda may create a “Stand-off” between the Executive and the Judiciary with the Centre not willing to toe “the prescribed lines” and states like Andhra Pradesh and Gujarat opposing all the seven directives of the Apex courts.’

"Chief Secretaries to discuss police reforms" (Deccan Herald – National January 29, 2007), an article reports that, ‘faced with a judiciary – executive confrontation, the Union home ministry has convened a meeting of Chief Secretaries to discuss the issue of police reforms here on February 1.’

An article “Policemen swear by apex court directives” (Deccan Herald – “National” February 5, 2007), reports that, ‘the States are reluctant to implement the Supreme Court directives on police reforms because they resent any imposition of reforms from outside and they do not want to be dictated at.’

"Police reforms: States to seek more time" (Tribune News Service, December 31, 2006), an article reports that, “in view of the States not being able to meet the Supreme Court’s deadline for implementing its order on police reforms, they have decided to seek some more time for the implementation.’

In an article, “Police Commissioners for cities with 10 lakh population” (Tribune News Service, February 17, 2006), Yoginder Gupta reports that, a meeting of Home Secretaries and DGPs was held under the chairmanship of the Union Home Secretary, Mr. V.K. Duggal, in Delhi on February 14, to examine the status of implementation of the recommendations of the Review Committee on Police Reforms. He further reports that, ‘the meeting discussed 49 points, including the need to raise the educational qualifications of candidates for the posts of constable and sub-inspectors as well as lowering their maximum age;
establishment of State Police Recruitment boards; giving higher pay scales to constables; introduction of shift system for the constables so that they do not have to work for more than eight hours at a stretch; and linking of promotion with training. Other recommendations of the committee included separation of investigation wing form the law and order wings of the police, modernisation of the police, improvement of forensic science infrastructure, computerization of police stations and outsourcing of some police duties.'

In an article, "Verdict historic, say former bureaucrats" (Tribune News Service, September 23, 2006), Rajeev Sharma, complimenting, former top bureaucrats reports that ‘the Supreme Court’s judgment to insulate the Indian police from political influence is a historic step’ and said ‘it would put a stop to the “revolving door” practice of police chiefs and senior police officials being made to come and go at the behest of politicians.’

In an article, “Advani for good police” (Tribune News Service, October 4, 2002), Advani suggests that, ‘the starting point of police reforms was not human rights, but good governance and added that we need to approach the issue of police reforms, primarily, not from the standpoint of human rights but in the larger matrix of much-needed reforms for good governance.’

B.G. Verghese in the article, "Towards police reforms - A must for cleaning up the system" (Tribune News Service, September 29, 2006), reports that, the Supreme Court judgement of September 22, related to police reforms provides the critical frame work within which other improvements can be effected to create a more independent and people-friendly police. Verghese notes that, ‘by bringing these reforms into effect, it will lead to perseverance and popular vigilance. The implementation will constitute one of the most significant systematic reforms since Independence and a huge gain for good and clean governance.’

In the article, “Govt to insulate police reforms ordered by SC” (Tribune News Service, September 23, 2006), Legal Correspondent reports that, ‘Law Minister H.R. Bhardwaj, while reacting to the apex court order stated that, the
govt. would insulate the reforms as directed and would soon convene a high-level meeting of the representatives of the State to take further action in this regard.'

The article, "Policing the hi-tech way" (Deccan Herald, March 02, 2004), by Bidanda Chengappa, highlights the facts and figures of the ratio of police stations to the populations to be 1 : 66,373 and the ratio of policeman to population amounts to be 1 : 764. These statistics, according to him, 'should become more meaningful – with the highly visible police constable on the beat – emerging into a techno – savvy figure through his ability to handle computers and video cameras.'

In the article, "Police reforms process completed : Bharadwaj" (Deccan Herald, September 23, 2006), Union Law Minister H.R. Bharadwaj said that, 'the centre had already completed the process to implement police reforms to provide insulation to police form political and other external influences.'

In an article, "Police reforms" (Deccan Herald, January 05, 2006), it is observed that, Karnataka must act on SC directions on police reforms. It further states that 'the SC directions and police reforms would be critical to make the police a more effective instrument and render citizen - friendly service.'

In the article, "Significant step" it is found that, the SC has ordered much needed police reforms (Deccan Hearld, September 25, 2006). It reports that, 'the Indian Police System that was caught in a time warp of the erstwhile British India will now be able to adapt to the common man's aspirations in Independent India.'

In an article, "The effects of police reforms" (Deccan Herald, January 15, 2007), Bidanda M Chengappa reports that, politicians are against police reforms but direct recruits in the organization will back them. He concludes that 'the middle and upper echelons of the police bureaucracy – especially directly recruited sub-inspectors and assistant superintendents, besides the IPS officers – would by and large be keen or reforms.'

In an article, "De-politicise police reforms" (Deccan Herald, January 23, 2007), A Arjunan (retired IPS Officer) reports that the reforms will change the attitude of both the public and the police and adds that, 'the reforms suggested, if
implemented, will give much needed fillip and confidence to usher in changes in
the attitude of the public and the police.'

All the above articles are either by Top Police Officers, Politicians, Bureaucrats, Legal Correspondents etc. Most of the articles highlight the status of police reforms in the context of the Supreme Court order made on September 22, 2006. In other words right from the stage of setting up of the Committees to discuss the reforms in police, further meetings held in this direction, discussions and conclusions drawn, reactions of various States to this order etc. are highlighted in the above articles. This indicates that there is in effort being made from all angles to bring about a change in police organization and functioning to suit the present civil democratic society.