CHAPTER III

Police Administration in India: An Overview

In the second chapter, we have tried to present a theoretical analysis of police administration touching the concepts and notions like police, law, criminal law, security, law and order machinery, crime and intelligence set up in the context of police administration at a theoretical level. The present chapter discusses the origin, growth and features of police administration in India.

The earliest policing in ancient India is known on the basis of what has been delineated through the “Vedas”\(^1\), “Smritis”\(^2\), “Shastras”\(^3\),

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1. The Vedas are a large body of texts originating in ancient India. Composed in Vedic Sanskrit, the texts constitute the oldest layer of Sanskrit literature and the oldest scriptures of Hinduism. The Vedas are the ancient scriptures or revelation (Shruti) of the Hindu teachings. They manifest the Divine Word in human speech. They reflect into human language the language of the Gods, the Divine powers that have created us and which rule over us. See N.N. Bhattacharyya, Ancient Indian History and Civilization: Trends and Perspectives, New Delhi, 1998 and The Ramakrishna Mission Institute Of Culture, The Cultural Heritage of India Volume I, Kolkata, 2004.

2. Smriti, literally “that which is remembered,” refers to a specific body of Hindu religious scripture, and is a codified component of Hindu customary law. The literature which comprises the Smriti was composed after the Vedas around 500 B.C. Smriti also denotes tradition in the sense that it portrays the traditions of the rules on dharma, especially those of lawful virtuous persons. These are the ancient sacred law-codes of the Hindus dealing with the Sanatana-Varnasrama-Dharma. They supplement and explain the ritualistic injunctions called Vidhis in the Vedas. See N.N. Bhattacharyya, Ibid., and The Ramakrishna Mission Institute Of Culture, Ibid.

3. Sastra is a Sanskrit term used to denote rules in a general sense. The word is generally used as a suffix in the context of technical or specialized knowledge in a defined area of practice; e.g, Bhautika Shastra (physics), Rasayana Shastra (Chemistry), Jeeva Shastra (Biology), Vaastu Shastra (architectural science), Shilpa Shastra (science of sculpture) and Artha Shastra (Economics), Neeti Shastra (political science). In essence, the shastra is the knowledge which is based on principles that are held to be timeless. Ibid.
Kautilya’s “Arthashastra”⁴ and Megasthenes⁵ report. The Hindus had a very elaborate system of law enforcement and dispensation of justice. Powers flowed from the King to the other functionaries, who ruled or carried out the command of the law to the length and breadth of the territory. Apart from the contemporary Hindu epics like the Ramayana and Mahabharata the Manu’s law⁶ gave an indication of the system governing crime and punishment. The Hindu system has two aspects - religion and temporal. According to the Hindu religion the key concepts of a criminal justice revolve around “Dharma”⁷, “Karma”⁸, “Paap”⁹ and “Punya”¹⁰. A proper observance of “Dharma” and “Karma” was to earn “Punya” while its non-observance was sinful and punishable. Punishment was inescapable from spiritual authority, the God. In temporal terms, the

4. The Arthashastra is an ancient Indian Hindu treatise on statecraft, economic policy and military strategy which identifies its author by the names Kautilya who was a scholar at Takshashila and later the prime minister of the Maurya Empire. See N.N. Bhattacharyya, Op.Cit. and The Ramakrishna Mission Institute Of Culture, Op.Cit.

5. Megasthenese was the Greek Ambassador to the Court of Emperor Chandragupta. Ibid.

6. Manus provides the guidelines to enforce the law. Ibid.

7. Dharma is a multivalent term of great importance in Indian philosophy and religions. In a Hindu context, it means one’s righteous duty, and a Hindu’s dharma is affected by a person’s age, class, occupation, and gender. In modern Indian languages it can be equivalent simply to religion, depending on context. The word dharma translates as that which upholds or supports, and is generally translated into English as law. Ibid.

8. Karma in Indian religions is the concept of “action” or “deed”, understood as that which causes the entire cycle of cause and effect originating in ancient India and treated in Hindu, Jain, Buddhist and Sikh philosophies. Ibid.

9. The word stands for one of the basic concepts of the Indian religious tradition. This concept relates to what is considered religiously and morally evil, an act of body, mind, or speech opposed to what is considered religiously and morally good. Ibid.

10. Punya includes all forms of doing good, from the simplest helpful deed to a lifetime of conscientious beneficence. Each act of punya carries its karmic consequence, karmaphala, “fruit of action” - the positive reward of actions, words and deeds that are in keeping with dharma. Ibid.
king was responsible for punishing the wrong doers. Each person from the king to the common man it was both a duty and obligatory to live a life according to “Dharma”. Each person had his or her own “Dharma”. The violation or non adherence or even abstinence from doing “Dharma” was a sin and punishable, if not by legal authority, by God. Another source was Manu’s law which provided the guidelines to enforce law.

**Hindu Period**

During the Hindu Period in India, it appears that there were four elements in the organisation of society against crime - communal responsibility, village watchman, espionage and severe penal provisions. The period of the Mauryas in the 4th century B.C. throws light on this subject. The reports of Magasthenese give an interesting description of the administration of the Mauryas towards the end of the 4th century B.C. The standard of maintenance of law and order was very high during Emperor Chandragupta’s reign, but its effectiveness depended largely on the severity with which malefactors were treated. Mutilation was a common punishment and death penalties were awarded for such crimes as evasion of taxes, injuring a sacred tree or intrusion on a royal procession going to the hunt. Intelligence agents were employed throughout the country and espionage was developed to a fine art.

Another important source of this period is the “Arthasastra” written by Kautilya, who was a minister and trusted Counsellor of Chandragupta. It contains a detailed description of the functions and powers of various functionaries of law enforcement. The system consisted of three basic aspects: (1) an all pervading spy system for detecting and reporting law violation and unearthing illegal activities; (2) uniformed unit for apprehending law violators, maintaining peace and suppressing turmoil; (3) magistracy or judicial authority for awarding punishment. The administrative structure was hierarchical. The Chief Executive Officer of the State, the Collector General was responsible not only for the collection of revenue, and for all other departments of administration. Under him were three Commissioners of Divisions, and under them again were the Nagarikas who were later known as Kotwals - in charge of cities. The Nagarikas was the highest local functionary in a city. He combined the function of a judge, revenue collector, army commander, police chief, sheriff, mayor or a governor. Masters of the houses were to report the arrival or departure of strangers and to catch hold of people possessing destructive weapons and suspicious persons were to be arrested and examined. Persons throwing dirt into the streets were to be fined. Nagarikas also enforced the elaborate regulations for the prevention of fire.\textsuperscript{12} There were other officials who carried out police duties. There was Superintendent in charge of Passports, Superintendent in charge of Liquor and Superintendent in charge of Gambling.\textsuperscript{13}

\textsuperscript{13} \textit{Ibid.}, p.10.
In the villages, organisation for policing was naturally less elaborate and a good deal of responsibility was placed on the village community. There was an administrative organisation in which the Sthaniks corresponding to Commissioners of division or Deputy Commissioners of District in modern times, while a Gopa was in charge of each group of villages.\textsuperscript{14} Each village was looked after by a village chief or a village headman known as Gramani or by a village council known as the Panchayat.\textsuperscript{15}

Where there was a fort or seat of government, high ranking military officers called Dandapala, Durgapala and Antpala who were respectively responsible for various police functions like internal security of the palace, the security of the fort and the chief punishing authority for violators. Espionage was used as a great instrument of keeping watch on the people, the common criminals and even the King’s Ministers and Military Commanders. The system declined when the Hindu kingdom was divided into small principalities and was at the lowest when the Muslim invaders overran these kingdoms, one after the other. The Hindu period of Indian history came to an end sometime between 1000 and 1200 A.D.

\textsuperscript{15} M.P. Singh, \textit{Police Problems and Dilemas in India}, 1989, p.18.
The first Muslim invaders of India were Arabs who entered Sind in the 8th century, but they had little permanent influence and of much greater importance were the invasion of Turks, Persian and Afghans beginning in the 11th century. When the Muslim Sultans took over India they tried to enforce the Mohammedan law imported from Arabia on the conquered people. They introduced only those changes, which suited their objectives. They made all appointments hereditary.

The provinces were put under the Subadars or Governors appointed by the King. The Subhadar was responsible for maintaining order, to facilitate collection of revenue, and to execute the royal decrees and regulations sent to him. He was responsible for the general supervision, maintenance of law and order, economic prosperity and defence of the province. He also looked after the system of criminal justice and keeping peace and order. He was assisted by Faujdars in discharging executive, military, and law and order functions. The Faujdar was the executive head in charge of a district or Sarkar exercising control over the military police and carried out the Sultans’s order within their respective jurisdiction. Roughly each Faujdhar

had 500 to 1500 Sepoys under his charge, depending the on the size of the district or Sarkar.\textsuperscript{22} Apart from his civil and revenue responsibilities, his duties included to dispense or arrest robber gangs, take cognizance of all violent crimes, and make demonstrations of force to overcome opposition to the revenue authorities or the criminal judge or censor.\textsuperscript{23} He was vested with executive powers, which enabled him to function as police Magistrate.\textsuperscript{24} Faujdar were assisted by Shiqdar who were in charge of a Parganah, a subdivision of a Sarkar.\textsuperscript{25} The Shiqdar combined the functions which were performed by the Faujdar and the Kotwal i.e. he was in charge of law and order. As the Faujdar had large areas to supervise, they did not have any effective check or control on the village police or the people living there.\textsuperscript{26}

Hence, each area under the charge of a Faujdar was divided into Thanas each looked after by a Thanedar. The Thanedar were men in command of outposts or smaller areas within a Faujdarri and were appointed by the Faujdar.\textsuperscript{27} A Thanedar was the last managerial link in the chain of command of the executive offices who were responsible for maintaining law and order and control crime. They were in charge of police units stationed at various places for guarding communications and maintaining

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\item \textsuperscript{22} Joginder Singh, \textit{Op.Cit.}, p.29.
\item \textsuperscript{24} B.P. Saha, \textit{Op.Cit.}, p.3.
\item \textsuperscript{25} M.P. Singh, \textit{Op.Cit.}, p.25.
\item \textsuperscript{26} Joginder Singh, \textit{Op.Cit.}, p.29.
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These officers were part of the rural system of administration and had large geographical areas under their charge which they could hardly look after.

In big urban centres, the chief of the city police was called Kotwal. The duties of the Kotwal included arrest of thieves and criminals and guarding the life and property of the citizens. He was responsible for policing the cities, towns and their suburbs and also supervised the police functions in these areas. He was responsible for prevention of crimes and social abuses, regulated cemeteries, burials, slaughter houses, jails and took charge of heirless property. He patrolled the city at night and collected intelligence from paid informers. He maintained a register of the addresses and professions of every resident of the town, observed the income and expenditure of various classes of men, preparation and distribution of intoxicants, and the profession of prostitutes were controlled by them. Thus, his function were preventive, detective and regulatory.

**British Period**

The Mughal system of justice and police administration declined with the disintegration of the Mughal Empire and the ascendancy by the East India Company after their victory in the Battle of Plassey. The Company

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took over Orrisa, Bihar and Bengal. It established its military and political hegemony over the areas. On receiving the Diwani of Bengal, Bihar and Orissa in 1765 the East India Company did not consider it prudent to vest the management of civil administration on their European servants. They felt that ancient form of government should be preserved and the dignity of the Nizam should be maintained.\textsuperscript{31}

In 1765, Robert Clive was appointed the Revenue Minister by the King for Bengal, Bihar and Orissa and that was the beginning of the British ascendancy to power, expansionism, consolidation, and centralisation of administration year after year till the reins of power passed over to the Crown and India became a British Colony except few native rulers maintaining a resemblance of independent Kingdoms. There was a Secretary of State in England responsible to the British Parliament. In India the top executive was called the Viceroy and the Governor-General. The British India was divided into states, each under a Governor who combined the executive and judicial and legislative powers. The states were divided into commissionaires, each under a Commissioner, but the most important unit was the district - a part of the commissionary. It was headed by a District Magistrate, also called a Collector or a Deputy Commissioner. He was the executive head with judicial, revenue and magisterial powers. The district police Chief known as Superintendent was placed under him

for administrative purposes. The districts were further subdivided into divisions called Parganas, each under a Deputy Superintendent of Police. Each subdivision had police stations, each under the charge of the Sub-Inspector known as Thanedar, Daroga or Kotwal.\(^3^2\)

The policy of Dyarchy, i.e. the rule of two, introduced by Clive, required the Company’s servant to pursue a policy of non-intervention in all matters of civil administration and justice. The Revenue administration was entrusted to Naib Divans who were responsible for the collection of land revenue as well as policing and criminal administration.\(^3^3\) For policing, the Zamindars were expected to maintain the staff including Thanedars for the law and order duties and for maintaining peace in their charge, as well as dealing with crimes and criminals. However, the Zamindars neglected their duties and were often conniving with notorious gang of dacoits and sharing their booties. This led to chaos and disorder in the country. The British got fed up with the police functionaries and in 1770 the institution of the Faujdhar and Amils were abolished.

Warren Hasting the first Governor-General of the Company realised the need for introducing a suitable police force to suppress violent crime. In this pursuit, he emphasised on indigenous system of policing. In 1772, he established a civil and criminal courts for each districts of Bengal and

in 1774 he restored the institution of Faujdars. The Zamindars were asked to assist the Faujdars in suppression of dacoits, violence and disorder and at the same time made clear that they would be punished if they failed to meet the just demands of the Faujdars and if their complicity with criminals came to light.\textsuperscript{34} In 1775, further change was brought by Hasting in police administration. Faujdar thanas were established in the chief towns of large districts. The Faujdar thanas were assisted by several smaller police stations.

When Lord Cornwallis took over, the criminal administration was in total disarray. He found that archaic practice of entrusting the Zamindars to neutralise the outlaws and maintain law and order was counter - productive as many of the Zamindars had clandestinely joined hands with the dacoits. Cornwallis preferred Europeans to Indians to undertake control and responsibilities. He brought out the Regulation on 7\textsuperscript{th} December, 1792 for establishing a uniform system of police in the country.\textsuperscript{35} The Regulation was later on enacted and amplified in Regulation XXII of 1793.\textsuperscript{36} In the opening paragraphs of the Regulation, Cornwallis laid down the principles to be followed as follows:

“The police of the country is in the future to be considered under the exclusive charge of the officers of Government, who may be specifically

appointed to that trust. The landholders and the farmers of the land, who keep up establishments of Thanadars and police officers for the preservation of peace, are accordingly required to discharge them, and all landholders and farmers of land are prohibited entertaining such establishments in the future. Secondly, land holders and farmers of land are not in future to be considered responsible for robberies committed in their respective estates or farms, unless it shall be proved that they connived at the robbery, received any part of the property stolen or plundered, harboured the offenders, aided or refused to give effectual assistance to prevent their escape, or omitted to afford every assistance in their power to the officers of Government for their apprehension, in either of which case they will be compelled to make good the value of the property stolen or plundered.”

The Zamindars were completely divested of police responsibility and ordered to disband their local police force. The police administration was directly taken over by the East India Company. Each district was divided into police jurisdictions (thanas). Each thana had a jurisdiction of approximately 400 square mile under a Daroga who functioned under the Magistrate who was the appointing authority. The Darogas were authorised to arrest persons and send them to the Magistrate within twenty four hours of arrest. The Darogas were assisted by Barkandazs. In addition, all watchmen of the villages were subject to his orders who had to keep him informed regularly.

Cornwallis introduced a well defined system of administration, with clear hierarchy and controlling officers. He was the first to introduce full time and reasonably well paid, police officials in the country. His efforts to tone up police administration has been acknowledged in the preamble to Bengal Regulation XII of 1807.\textsuperscript{39}

In 1807, Lord Minto became the Governor General. He realised that the police organisation had been suffering from inadequate organisational control and proper division of labour. He appointed a Superintendent of Police in Bengal to supervise the Police divisions of Bengal in Calcutta, Dacca and Murshidabad. This officer was also a Magistrate. The system was extended to Patna, Banaras and Bareilly. This was the first attempt of the British to introduce a coordinating agency of control in the administration of police.\textsuperscript{40} This system brought a spectacular improvement in police functioning and gave opportunity for personal superintendence on police matters. A full-time officer could pay greater attention to police work which succeeded in activating the police considerably. In 1816, the Superintendents of Police were made to submit annual reports on all subsidiary police establishments to the magistrate. Simultaneously, the Magistrates were also directed to exercise proper control on the organisation, maintenance and control of police administration. This enabled the Magistrates to exercise greater control and authority over the internal

\textsuperscript{40} \textit{Ibid.}, p.10.
matters of police administration, such as appointments, transfers and disciplinary control.\textsuperscript{41} In 1829, the office of the Superintendent of Police was abolished. Instead office of the Divisional Commissioner of Revenue and Circuit, was created. The powers of the Superintendent of Police were transferred to the Divisional Commissioner and executive charge was left with the Collectors who acquired the functions of the district Magistrate. The District Magistrate became the head of the police.\textsuperscript{42}

The abolition of the office of Superintendent of Police produced adverse results. In absence of effective supervision under a recognised hierarchy, engaged for full-time duty, the Darogas got ample opportunities to misuse their powers and positions and indulged in corrupt practices. The Select Committee appointed in 1832 pointed out the malpractices let loose by the Darogas and their subordinates and emphasised on the inefficient and inadequate supervision by the Commissioner who were unable to devote effective supervision to police work due to other heavy commitments.\textsuperscript{43} Hence, in 1837 the Bengal Government reintroduced the post of Superintendent of Police to look after the police work and for taking effective measures for introduction of an improved police.\textsuperscript{44} In 1843, Sir Charles Napier annexed Sind Province. He introduced the Royal Irish Constabulary model of police force. The system constituted a separate and

\begin{footnotesize}
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\item \textit{Ibid.}, p.11.
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self contained police organisation under which the officers had no other but police duties to perform.\textsuperscript{45} The system was based on two principle that, the police must be completely separated from the military and they must be independent body ‘to assist the Collectors in discharging their responsibilities for law and order but under their own officers’.\textsuperscript{46} A principle was thus laid down which was to be followed throughout India in due course.

Napier put the whole of the province under a Captain of police who was responsible to the Chief Commissioner. In each district he placed European Lieutenants to look after the police force which consisted of three classes : mounted police, rural police and city police. The responsibilities of the mounted police were partly protective and partly detective.\textsuperscript{47} The rural police were responsible for guarding treasuries, goals or headquarters, escort of prisoners and support of other branches where necessary. The city police were given the task of being watchmen, guard and patrols and tracking.\textsuperscript{48} In charge of each division of a district was a Thanadar whose duty was to apprehend offenders and collect evidence.

The police system in Madras which was archaic and unsatisfactory was reviewed after the Vellore Mutiny of 1806 by a Committee. As a result,

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the city was placed under the charge of a European Superintendent. In 1806, the post of Superintendent of Police was combined with the Collector of Taxes.⁴⁹ The post of Darogas was abolished. In 1816, the Madras Regulation XI was passed which retained the basic ingredients of the indigenous village police system.⁵⁰ The powers of a District Magistrate were transferred from the Judge to the Collectors, though the judges on circuit were empowered to look into police matters. The principle of uniting police and revenue functions was followed at all levels. Collectors and Tahsildars became magistrates and heads of police in their respective jurisdictions. Village headmen were once again made responsible for reporting crime and apprehending offenders. This system remained unchanged till late 1850s.

In August 1855, the Madras government submitted proposals to the Government of India, suggesting separation of the police and revenue function and the district police must be confined to police duties exclusively; and the force thus set apart must be placed under close and undivided European superintendence.⁵¹

The government of Madras further proposed that as in Bombay a Superintendent of Police be appointed in each district to be in general subordination to the Magistrate but with immediate charge of the district

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police force and be vested with the special duty for prevention and detection of crime.\textsuperscript{52} That a Commissioner of Police for the whole Presidency be appointed and the entire force, including the city police, should be under his control. In June 1857, the proposal was accepted with negligible modifications. Ultimately an Inspector General was appointed for the entire Presidency. The post were designated as Superintendents. The Superintendent of Police was under the orders of local Magistrates. The village police was under a Police Inspector who, in turn, was subject to the control of the District magistrate. Act XXIV of 1859 implementing these decisions was passed by the Legislative Council of India and received the assent of the Governor-General on 6\textsuperscript{th} September 1859.\textsuperscript{53} However, it was not applied to Madras city. In Bombay Presidency after various experiments a post of Lieutenant of Police was created in 1879.\textsuperscript{54} Subsequently, the designation was changed to Deputy Superintendent of Police and later the post of Superintendent of Police was created. He was vested with magisterial powers and was authorised to inflict punishment for minor offences. He was also burdened with the duties of Surveyor of roads and clerk of the market.

In 1809, a Police Commission was appointed under the Chairmanship of the Chief Secretary to review the subject. The report of the Committee condemned the system and based on its report, Regulation I of 1892 was

\textsuperscript{54} \textit{Ibid.}, p.18.
enacted under which three stipendiary Justices of the Peace were appointed as Police Magistrates. A Head Constable was to be appointed to discharge the duties of the executive head of the Police, who was considered to be the Deputy of the Police. In addition, a Superintendent of Police was to be appointed to exercise control and deliberative powers as distinct from executive authority.\textsuperscript{55}

After the Maratha war in 1817, a Mofussil police force was organised on a large scale. It consisted of three elements, the village police, the stipendiary district police and certain irregular corps. The Collector and District Magistrate was the head of the entire police organisation in the district.\textsuperscript{56} The village headmen or Patels were the village officers. They were directly responsible to the district police officer and powered to punish offenders in trivial cases of abuse or assault. In each district there was stipendiary police corps, a paramilitary police force, under European officers who worked under the order of the District Magistrate. They performed police duties and provided escorts for treasure and guards for the gaols.\textsuperscript{57}

When, Clerk, the Governor of Bombay, visited Sind in 1847, he was highly impressed by Napier’s police system and this led him to embark on police reforms in Bombay and submitted a comprehensive proposal. The proposal was finally accepted on 21\textsuperscript{st} May by Act XXVII of 1852.\textsuperscript{58} The

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\textsuperscript{56} \textit{Ibid.}
\textsuperscript{57} \textit{Ibid.}, p.19.
\textsuperscript{58} \textit{Ibid.}
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general control over the police was placed with the Home Department, Government of Bombay. However, no Commissioner of Police was appointed. The executive duties of were handed over to the Superintendent of Police, but made clear that the Superintendent of the Police was to be the deputy of the Magistrate. In the next lower hierarchy a police officer known as the Joint Police Amildar was stationed in the Court office of each Mamlatdar. He was to have his own department under the control of the Superintendent of Police in matters of discipline and the like.\textsuperscript{59} At the next level the Patels were given additional powers, with the village establishment under him and obey the orders of the Superintendent of Police.

The Court of Directors showed continuous anxiety about the whole question of police work in India and on 24\textsuperscript{th} September 1856 it directed the Government of India that ‘an immediate and through reform of the Police in all the old Provinces of British India is loudly called for’ stating that the Police in India had lamentably failed in accomplishing the ends for which it was established.\textsuperscript{60} On 17\textsuperscript{th} August 1860, it appointed a Police Commission composed of four members of the Civil Service,\textsuperscript{61} under the Chairmanship of M.H. Court. Lieutenant Colonel H. Bruce as member Secretary and the other members were R. Temple and S. Wauchope of Bengal Civil Service, W. Robinson of Madras Civil Service and Lieutenant Colonel Phayre, Commissioner of Pegu.\textsuperscript{62} The Commission’s terms were

\textsuperscript{60} Ibid., p.87.
\textsuperscript{61} Ibid., p.88.
firstly, to ascertain the numbers and cost of all Police and quasi-Police of every description at present serving in each province throughout the British Territories in India, who are paid by Government from the general revenue; and secondly, to suggest to Government any measure whereby expenditure may be economised or efficiency increased, in the existing Police forces.63

The Commission worked for a period of one year and five months. The Commission submitted their recommendations through a series of reports. The first report was submitted on 8th September 1860.64 It was an interim report along with a Draft Bill of the Police Act. The Bill was accepted with minor modifications and eventually enacted as the Police Act (Act V) of 1861.65 The last report was submitted on 27th January 1862 and the Commission was dissolved on 9th April 1862.66

The Act of 1861 had two main aims in view: the establishment and administration, under strict magisterial control, of a single unified police force in every province, and to use it to keep the people of the country effectively under control.67

65. Ibid., p.20.
66. Ibid.
The Act provided, under Section 3, that the constitution of the police force, including its strength and pay of the members, would be decided by the provincial government. The Act further provided that the administration of the police was to be assigned to the Inspector General of Police, and Deputy and Assistant Inspector General of Police, and that in a district the Superintendent of Police and Assistant Superintendent of Police, under the control and direction of the District Magistrate. Sections 5 and 6 of the Act provided that all magisterial powers be vested in Deputy Inspectors General, Assistant Inspector General, Superintendents of Police and Assistant Superintendent of Police. The Act also made provisions for awarding of departmental and judicial punishment to police officers.\footnote{Rajinder Prasher, \textit{Op.Cit.}, p.19.} The duties and responsibilities of the subordinate ranks were also properly determined. Simultaneously, hierarchical structure was identified. The Inspector was the highest subordinate rank, having several grades. Next to the Inspector was the Head Constable, who was to be made in charge of the police parties located at the Station Houses. The lowest subordinate rank was to be the constable consisting of three grades.

The Act required the maintenance of a General Diary in police stations, wherein the officer in charge was to record all complaints and charges preferred, the names of all persons arrested, the name of the complainants, the offences charged against them, the weapons or
property that shall have been taken from their possession or otherwise and the names of the witness who shall be examined.\textsuperscript{69} The Act was fairly comprehensive and almost half of it dealt with matters such as police powers with regard to public assemblies, punishment for certain kinds of offences on roads, and the definition of important legal terms used in the Act. The Act did not conceive the police force as a service organisation but an instrument of coercion.\textsuperscript{70}

Section 15 provides for the stationing of additional punitive police in any part of the province found to be disturbed from the conduct of the inhabitants. More significantly, the Act provided that the costs of such additional police were to be levied from the inhabitants on the basis of assessment by the District Magistrate. Section 17 provided for the appointment of the residents as special police officers to assist the regular police and Section 19 provided powers to punish people refusing to serve as such. Section 30 empowered the police to license the assemblies and processions of people that could be refused on the grounds of threat to law and order. Furthermore, since Indians filled majority of subordinate ranks, provisions were made to keep their loyalty under constant supervision. Section 44 required the maintenance of a General Diary by the Station House Officer that included details of movements of all police officers posted to the station. The senior police officers not only checked the loyalty of

\textsuperscript{70} \textit{Ibid.}
their subordinates but also wielded considerable authority over the general people.\textsuperscript{71}

The recommendations of the first Commission and the subsequent Police Act of 1861 were deficient in several respects. Therefore, they could not remove the shortcomings of the police force. Inefficiency and corruption in the ranks of the police force were woefully rampant and the personnel recruited in the organisation continued to be untrained and ill-equipped for the job. With a view to improve things and to reform personnel administration, Lord Curzon, Viceroy of India, set up a new Police Commission in 1902 to make a thorough inquiry into the functioning of the police. H.L. Fraser, Chief Commissioner of the Central province headed the Commission. The four European members included a Judge of the Bombay High court, the Inspector General of Police of Hyderabad State, a Barrister of Allahabad and a member of the Punjab Lieutenant Governor’s Council. There were also two Indian members, namely, Rameshwar Singh, Maharaja of Darbhana, Additional Member of the Governor-General’s Council and the Honourable Srinivasa Raghava Aiyangar, Ex-Dewan of Baroda State and Additional Member of the Council of the Governor of Madras. H.A. Stuart, the Inspector General of Police, Madras was the Secretary.\textsuperscript{72}

The terms of reference of the Commission practically covered every aspect of policing including organisation, training, pay, institution of a

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fulfilled Criminal Investigation Department, organisation of Railway Police and other matters relating to police.

The Commission appointed small local committees in each province consisting of a District and Sessions Judge and Superintendent of Police to conduct preliminary investigations and report their findings to the Commission. The Commission visited all provinces of India except Baluchistan. They visited four police training schools at Bhagalpur, Moradabad, Vellore and Phillur where they saw the students at work and heard the lectures delivered there. They also visited a number of Police Stations and offices. They held fifty public sessions for examination of witness. The Commission also orally examined 279 witnesses and received 683 written replies. On conclusion of their enquiries a conference of the Inspector Generals of Police was called at Shimla to consider matters relating to procedure, discipline and statistics and to work out estimates of the financial effect of the changes they had recommended. The Commission worked for seven and a half months and submitted their report on 30th May 1903 and the Secretary of State approved the report.

The recommendations were meant to restructure and reorient the personnel policies of the police to gear it to the mounting challenges posed by the increase in crime and disorder. Finally, examining the pros and

cons, a comprehensive Resolution came out on 21st March 1905 declaring the extent to which the recommendations of the Commission was acceptable to the Government and improving the police administration at all levels.

The village chawkidar was placed under the village headman so that the village affairs could be handled without referring petty matters to police officers. The supervision and control of the village headman was the responsibility of the Collector or the Deputy Commissioner and his deputies. The pay scales of the lower ranks of policemen were raised. A certain percentage of the vacant posts of Sub-Inspectors were to be filled up by promotion from among the Head Constables. Similarly, the vacant post of Inspectors were to be filled up through selection out of Sub-Inspectors. The recruitment to the post of Assistant Superintendent was to be made through a competitive examination in England for men between 18 - 20 years of age. The post of Deputy Superintendent of Police was created for the same functions as those of the Assistant Superintendent and educated Indians were to be recruited for this post but not a part of the Indian (Imperial) Police.\textsuperscript{77}

In 1947, the colonial rule was replaced by representative democracy. The ushering of a new pattern of life did not automatically mean the elimination of old institutions and heritage, of which the police force was one. The idea of provincial responsibility of law and order was enshrined

\textsuperscript{77} Rajinder Prasher, \textit{Op.Cit.}, p.27.
in the Constitution of the Indian Republic which provides for the Union and the State lists. Maintenance of public order and police, including the railway and village police are state subjects. The constitutional position of the policies, therefore, remained almost the same as it was before independence. The framers of the Constitution obviously thought that the extent of decentralisation of police administration already existing was sufficient to ensure popular control.\textsuperscript{78} The Constitution gives the States the exclusive power to control and regulate the functioning of police. The Central Government may be concerned with the administration of police, but with that only of the Central Bureau of Intelligence and Investigation which is authorised by the Constitution to establish and maintain.\textsuperscript{79}

**Post Independence Period**

Independence did not bring any distinguishing change to police administration. It only required the police to accommodate themselves to a new political context; it affected the manner in which they were held accountable and not the way they were organised to accomplish police purpose.

National elections now determine the members of Parliament and of the state legislatures, the law making body. The majority party or coalition

\textsuperscript{78} Rajinder Prasher, \textit{Op.Cit.}, p.34.
\textsuperscript{79} \textit{Ibid.}, p.35.
of parties select the Prime Minister and state Chief Minister, the chief executive of the union and states. They, with the advice of their legislative supporters, choose candidates to be appointed to direct major agencies and departments of the government. Police affairs are handled by the Ministry of Home Affairs, for the state governments by the Home Departments. Below the ministerial level come the ranks of permanent government employees or civil servants. The senior civil post goes to the member of the I.A.S. (Indian Administrative Service). Therefore, the ranking civil servant in police affairs is the Secretary to the Ministry of Home Affairs, or the Secretary of the Home Department. It is Home Department in each state that the Director General of police is responsible.

The Constitution of India has distributed vide Article 245 and 255 the respective legislative power between the Union and the States. Parliament may make laws for the whole or any part of India. The Legislative Assembly of the State may make laws for the whole or any part of the State. The subject matters on which the Union Parliament or the State Legislature can make laws are given in the Seventh Schedule to the Constitution; the Union List under List I and the State List under List II. There is a List III, the Concurrent List enumerating the subject matters in which the Union or the State may make laws. According to the Constitution, police are state subjects. States have exclusive power over their control and

regulation. The Central Government according to List of the Seventh Schedule may enter the police field only in connection with establishing and maintaining a “Central Bureau of Intelligence and Investigation”.

While public order and police comes under List II. Thus, police and maintenance of law and public order come under the State. Each State nor a Union Territory has its own police. The Central Government does, however, exert a special form of direction over one part of these forces, the Indian Police Service (I.P.S.). Their regulation is a central subject. The I.P.S. officers are appointed in the senior positions in the States. The central government determines the selection and conditions of service of I.P.S. officers. The I.P.S. functions under the immediate direction of state authorities, but the latter cannot modify their service conditions or take any drastic disciplinary action, such as dismissal, against them. The States determine the selection and conditions of service for all lower ranks.

The Central Government has also the power to amend some of the basic laws connected with police like the Indian Police Act, 1861; the Indian Penal Code, 1860; the code of Criminal Procedure, 1861; the Code of Civil Procedure 1859 as these and other matters like administration of justice, preventive detention and other allied subjects which impinged upon the daily functioning of the State Police as these come under List III, Concurrent List. Thus, the Constitution creates a flexible situation in which

82. Ibid.
the administration and organisation of police, though they generally come under the jurisdiction of the states, are simultaneously within the purview of the Central Government under special circumstances.

The Union Government possesses the following police forces of its own which are:

The Central Reserve Police Force (C.R.P.F.) is a paramilitary force under the Ministry of Home Affairs, Government of India. It was originally known as the Crown Representative Police (C.R.P.) and came into existence on 27th July, 1939. After independent it became the Central Reserve Police Force (C.R.P.F.) on enactment of the C.R.P.F. Act on 28th December, 1949. It is basically a reserve armed police force with the Government of India for the purpose of assisting the State Police to maintain law and order and to deal with insurgency. Most of the States are short of armed police and there is lot of demand for deployment of C.R.P.F. especially when there is a communal problem for its neutrality as compared to State Police who are constantly being accused of biases in favour of larger community.

It is under the command of a Director General. When deployed to a State it comes under the operational control of the State Police concerned.

The Force was considerably expanded when numbers of State armed police battalions were incorporated to it in the sixties. Since then it continues to expand and the present strength is two hundred battalions.

The C.R.P.F. has within its fold ten battalions of a specialised outfit called Rapid Action Force (R.A.F.). It was formed in October 1992 to deal with communal riots and other related events. It is trained and equipped to enable quick movement and response with effectiveness. Secondly, there are two battalions exclusively staffed by women, the only such paramilitary units in the world.

Until the creation of the Border Security Force (B.S.F.) in 1965, C.R.P.F. was deployed along international borders. On 21st October, 1959, Deputy Superintendent of Police Karam Singh and his 20 soldiers were attacked by the Chinese Army, at Hot Springs Ladakh, ten were killed and the rest taken prisoners. 21st October is now remembered across the country as POLICE COMMEMORATION DAY.

The broad gamut of duties performed by the C.R.P.F. include Crowd Control, Riot Control, Counter Insurgency operations, Deal with Left Wing Extremism, Overall coordination of large scale security arrangement specially with regard to elections in disturbed areas, Protection of VIPs

and vital installations, Checking environmental degradation and protection of Flora and Fauna, Fighting aggression during War time, Participation in UN Peace Keeping Mission, and Rescue and relief operations at the time of Natural Calamities.\(^{87}\)

The Border Security Force (B.S.F.) is a central paramilitary force operating under the Union Ministry of Home Affairs. Until the Indo-Pak conflict of 1965, prevention of trans-border crimes and security of the borders were the responsibility of the respective Border States. The conflict highlighted the increasing incidence of crime on the borders. At that time the state police, the army units and the C.R.P.F. were all collectively involved in the administration of border security, but had no unified administrative command. The Central Government with the consent of the border states, established a separate and independent Border Security Force, which came to being on 1\(^{st}\) December, 1965.\(^{88}\) The Force is governed by the Border Security Forces Act 1968. The major functions of the B.S.F. are to coordinate the activities of various law and order agencies involved in the detection and prevention of crime in the border areas; to patrol the Indo-Pakistan, Indo-Bangladesh and Indo-Myanmar borders and to deal effectively and on the spot with incidents of minor intrusions, illegal infiltrations and trans border smuggling in the border areas. Mandated since inception to guard India’s external boundaries,


the B.S.F. ironically has found itself burdened with the additional task of tackling insurgency within the country, along with the Indian army, C.R.P.F. and State Police. Despite the success in a counter insurgency role, many in the government felt that this additional burden has led to a dilution of the B.S.F.’s mandate and degrading the force’s ability to perform its primary role. The Indian government has now decided to implement to restrict each security agency to its mandate and thus, B.S.F. is gradually being withdrawn from its counter insurgency role. The B.S.F. has peace as well as war time role. Their task during peace time includes prevention of trans-border crimes, unauthorised entry into or exit from the territory of India, smuggling and related illegal activities, instilling a sense of security amongst the people living in the border areas and to help civil administration in maintenance of public order.

During war time the B.S.F. is to hold ground in less threatened sectors so long as the main attack does not develop in a particular sector and to protect vital installations against enemy commandos and para-troop raids.

The Railway Protection Force (R.P.F.) function is to protect the properties of Indian Railways and to prevent and investigate crimes committed against property of Indian Railways. Its duties are exclusively to guard railway property as well as property entrusted to the railways. The R.P.F. is headed by a Director General of Police in the Railways Board.
The major functions of the force are protection of the railway tracks and railway property to ensure safe travel to the passengers; enforcement of laws and other administrative regulations of the railways to ensure a smooth passenger and cargo traffic all over the country; and initiating and executing of administrative measures conducive to the protection and security of railway property. It is a separate agency financed and directed by the railway administration itself.

Assam Rifles is the oldest Central Para Military Forces. Presently, it is headed by a Director General, who is an officer of the rank of Lieutenant General from the Army. Though the organisation has a cadre of its own officers, most senior positions are filled up by officers on deputation from the Army. The Force functioned under the control of the Ministry of External Affairs till 1965. Its control was then transferred to the Ministry of Home Affairs and has since been functioning under this Ministry. However, it functions under the operational control of the army.

The Assam Rifles was originally raised as the Cachar Levy for defending the North East Frontiers with a strength of 700 in all ranks. In 1863, the Cachar Levy was replaced by the Frontier Military Police unit commanded by a civil police officer. It was realised that the watch and ward of the frontier was a military task rather than civilian. In 1882 the Frontier Military Police was reorganised and converted into what was really a
military organisation, officered mainly from the Army. In 1917 further organisational change took place and the Frontier Military Police became the Assam Rifles.\textsuperscript{89}

The Assam Rifles Act 1941, presently governs the Force. Its Charter of functions include maintaining security of the North Eastern sector of the international border; helping states in the North east maintain law and order and other states as and when needed; and taking counter insurgency measures in states of the North East.\textsuperscript{90}

The Sashastra Seema Bal (S.S.B.) is a border guarding force under the administrative control of Ministry of Home Affairs. The S.S.B. was set up in early 1963 in the wake of the Indo-China conflict to inculcate feelings of national belonging in the border population and develop their capabilities for resistance through continuous process of motivation, training, development, welfare activities in the then North Eastern Frontier Agency (NEFA), Assam, Bengal, Uttar Pradesh, Himachal Pradesh and Ladakh. The scheme was later extended to other states. Pursuant to the recommendations of the Group of Ministers on reforming National Security, S.S.B. was declared a border guarding force and lead intelligence agency for Nepal border in January 2001. Its role includes promoting sense of security among the people living in the border areas;

\textsuperscript{89} Percival Griffiths, \textit{Op.Cit.}, pp. 389-390
preventing trans border crimes and unauthorised entries into or exit from the territory of India and to prevent smuggling and other illegal activities.

The Central Industrial Security Force (C.I.S.F.) was created by Parliament by passing of the Central Industrial Security Force Act in 1968 and the Force came into operations on 10\textsuperscript{th} March 1969.\textsuperscript{91} The C.I.S.F. was created to maintain the security of the major industrial undertakings in the public sector against labour unrest and other kinds of political violence which sabotage and retard productions in these units. Besides these the functions of the force include initiating legal action against those who threaten to disturb industrial peace and provoke situations leading to the destruction and damage of public property; coordination and cooperation between the state police and industrial authorities; posting of security data intelligence to the Ministry of Home Affairs; for formulation of policy; and undertaking of such ancillary duties may be conducive to better protection, safeguarding and special functioning of public enterprise. The C.I.S.F. was made into an armed forces of the Union of India by an Act of Parliament passed on 15\textsuperscript{th} June 1983.\textsuperscript{92} It is directly under the Ministry of Home Affairs and its headquarters at New Delhi. The C.I.S.F. now provides security cover to industrial units wholly owned or a joint venture with Government of India located all over India. It also provides consultancy services including security and fire protection to private industries as well.

\textsuperscript{92} Ibid.
as other organisations within the Indian government. The C.I.S.F. is now responsible for security at all commercial airports in India.

The Indo-Tibetan Border Police (I.T.B.P.) was conceived on 24th October, 1962 for security along the Indo-Tibetan Border.\(^93\) The I.T.B.P. was initially raised under the C.R.P.F. Act, however, in 1992 the Parliament enacted the I.T.B.P. Act, and rules thereunder were framed in 1994.\(^94\) It is trained in mountaineering, disaster management and nuclear, biological and chemical disasters and most of the officers and men are professionally trained mountaineers and skiers. Its personnel have been deployed abroad to UN peace keeping mission in Bosnia and elsewhere. Presently battalions of the I.T.B.P. are deployed in on border guarding duties manning border Out Posts at an altitude ranging from 9000 feet to 18500 feet in the western, middle and eastern sector of Indo-China border. The border out post are exposed to high velocity storms, snow blizzards, avalanches and landslides, besides hazards of high altitude and extreme cold, where temperature dips up to minus 40 degree Celsius. I.T.B.P. conducts long range and short range patrols to keep an effective vigil on inaccessible and unmanned areas on the border. To maintain optimum operational efficiency of troops, periodical tactical exercises are conducted independently as well as jointly with Army. Adventure and dare-devilry are the required professional skill for I.T.B.P. and therefore, from its ranks come world class

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mountaineers who have scaled more than a hundred Himalayan peaks, including Mount Everest. It has recently taken on disaster management role. Being the first responder for natural disaster in Himalayas, it was the first to establish Regional Response centres in Himachal Pradesh, Uttaranchal and North East and carried out numerous rescue and relief operations in various disaster situations. It has been training its personnel in Disaster management and in Radiological and Chemical/Biological emergencies. It also established a national Centre for Training in Search, rescue and disaster response at Bhanu, Haryana which is imparting training to its own members and that of other Paramilitary and State Police forces.

Its unit provides security to the Embassy and Consulates of India in Afghanistan. Besides this two companies are providing security in Afghanistan. The main role of this Force is to maintain vigil on the northern borders, detect and prevent border violations, and promotion of sense of security among the local populace; to check illegal immigration, trans border smuggling and crimes; to provide security to sensitive installations, banks protected persons and to restore and preserve order in any area in the event of disturbance.95

The National Security Guard (N.S.G.) was created by the Cabinet Secretariat under the National Security Guard Act of 1985 (Act 47 of 1986). The N.S.G. operates under the oversight of the Ministry of Home Affairs and is headed by a Director General of who is from the Indian Police Service. The N.S.G. are also known as Black Cats because of the black nomex coveralls and the balaclavas or assault helmet they wear. The N.S.G. was established in response to the 1984 Operation Blue Star, the storming of the Golden Temple by the Indian military which caused widespread damage to the temple and heavy casualties, including civilians. The operation highlighted the need for a special force to conduct counter-terrorist operations with greater efficiency.

The N.S.G. is a Federal Contingency Deployment Force to handle anti-hijack operations, rescue operations and to provide touch support to the Central Para Military Forces in dealing with anti-terrorist activities in whatever shape they may take place in different parts of the country. Its task include neutralization of terrorist threat in any specific area, building, vital installation, etc.; engaging terrorists in a specific situation in order to neutralize them; handling hijack situation involving piracy in the air or land and water and rescue of hostages in kidnap situations. It is also engaged in providing security of high risk VIPs; anti-sabotage checks of venues of visits/public meeting of VVIPs; data collection on Bomb

Explosions; training of State Police personnel in anti-terrorism, VIP security, PSO duties and Bomb Detection and Disposal and Sky Marshal duties in Domestic and International flights.\textsuperscript{97}

The N.S.G. was modeled on the pattern of the SAS of the United Kingdom and GSG-9 of Germany. It is a task oriented force and has two complementary elements in the form of Special Action Group (S.A.G.) and the Special Ranger Groups (S.R.G.). All the personnel are on deputation. The S.A.G. is the offensive wing drawn from the members of the Indian Army. The S.R.G. consist of members from other paramilitary forces such as B.S.F., I.T.B.P. and C.R.P.F. and State Police forces. There are other specialised units also. The N.S.G. commandos were first used to combat the insurgency movement in the Indian state of Punjab in 1985. The Force has now evolved into a counter-terrorist unit and has been continuing major combat operations in Jammu and Kashmir.

The Special Protection Group (S.P.G.) was raised on 8\textsuperscript{th} April 1985.\textsuperscript{98} The S.P.G., with about 3000 personnel, is used for the protection of VVIPs such as the Prime Minister. Recruits include Police and N.S.G. Commandos and they are trained like the US Secret Service. The officer cadre is mainly I.P.S. officers from various states and central cadres. The S.P.G. provides proximate security to VVIPs and the members of their immediate family. The S.P.G., over a period of time, grew both in size as well as specialisation.

\textsuperscript{97}. http://nsg.gov.in/BRIEF\%20HISTORY.htm, Accessed on 15/6/08.
Before 1981 the security of the Prime Minister at his/her residence and office used to be looked after by Special Security District of Delhi Police under the charge of Deputy Commissioner of Police. In 1981 a Special Task Force (S.T.F.) was raised by the Intelligence Bureau (I.B.) to provide ring-round and escort to the Prime Minister during his movements both in New Delhi and outside. After the assassination of Prime Minister Indira Gandhi in October 1984, a review was undertaken by a Committee of Secretaries and it was decided to entrust security of the Prime Minister to a Special Group under unitary and direct control of a designated Officer and the S.T.F. to provide immediate security cover both in New Delhi and outside. These decisions were taken as short term measures. On 18th February 1985, the Birbal Nath Committee went into the issue in its entirety and submitted its recommendations for raising a Special Protection Unit (S.P.U.). Accordingly on 30th March 1985, the President of India created 819 posts for the unit under the Cabinet Secretariat. The SPU was then re-christened, Special Protection Group, and the post of I.G.P. was re-designated as Director.

In addition to the above mentioned police forces there are other organisations which are under the overall control of the central government. They are the Central Intelligence Bureau and the Central Bureau of Investigation.

The Intelligence Bureau (I.B.) is a very important police organisation under the Government of India and its working is in the 'top secret' bracket. It was established as Central Special Branch by an order of the Secretary of State of India in London on 23rd December, 1887. The I.B. is reputedly the world’s oldest intelligence agency. Following the recommendations of the 1902-03 Indian Police Commission, the organisation was renamed as the Central Criminal Intelligence Department. The word criminal was dropped in 1918 and its present nomenclature (I.B.) was adopted in 1920. The I.B. maintains a very intimate contact with the state intelligence units and by virtue of its widely accepted superiority, maintains an indirect supervision over the state’s intelligence machinery. Its advice and directions are invariably accepted by the states in all security matters. It is under the control of the Ministry of Home Affairs (M.H.A.). In practice, however, the Director of the I.B. (D.I.B.) is a member of the Joint Intelligence Committee (J.I.C.) and Steering Committee and has the authority to brief the Prime Minister should the need arise, but intelligence inputs (at least in theory) go through the regular channels in the M.H.A. to the J.I.C. It has branches all over the state capitals and important towns of the country so as to collect information about individuals and organisations.

The collection mechanisms of the I.B. vary depending on the region, but the IB operates both at the state level and the national level. The bulk of the intelligence collection is carried out by ‘Grade II’ employees of the I.B., i.e. in increasing order of seniority; the Security Assistant (Constable), the Junior Intelligence Officers (Head Constable), the Assistant (Central) Intelligence Officer (Sub-Inspector), Deputy Central Intelligence Officers (Inspector), and Joint Central Intelligence Officers (Superintendent of Police). The ‘Class I’ (gazette) officers carry out coordination and higher-level management of the I.B. These officers are (again in increasing order of seniority) Asst. Director, the Deputy Director, Joint Director, Addl. Director, Special Director or Special Secretary and finally the Director I.B. Grade II officers are in part direct recruitment and officer deputed from State Police forces, but Class I officers are mostly deputed from state services.

At the state level all I.B. officers are part of the State Special Bureau report to a Central Intelligence Officer (the intelligence advisor to the Governor). The I.B. maintains a large number of field units and headquarters (which are under the control of Joint or Deputy Directors). It is through these offices and the intricate process of deputation that a very ‘organic’ linkage between the State Police agencies and the I.B. is maintained. In addition to these the I.B. has several units at the national level and in some cases Subsidiary Intelligence Bureaus to keep track of issues like terrorism, counter -
intelligence, VIP security and threat assessment, and sensitive areas like Jammu & Kashmir, North East Region (NER) and any other place which may be regarded as such due to any issue or matter.

The Central Bureau of Investigation (C.B.I) established in 1st April, 1963 evolved from the Delhi Special Police Establishment (S.P.E.) founded in 1941. This Bureau is under the Ministry of Home Affairs, as a central agency, for investigation of cases especially important crimes which have repercussions in more than one state. The Bureau has nine division, namely, the Anti Corruption Division, Economic Offences Division, Special Crimes Division, Legal Division, Coordination Division, Administration Division, Policy and Organisation Division, Technical Division, and Central Forensic Science Laboratory. The C.B.I. initiates its own investigation, and the states can borrow its services for the prevention and detection of crime, as and when required. It maintains a systematic statistics and records relating to crime and criminals on an all-India basis. The state governments and their police departments can seek and make use of the information collected by the C.B.I. The C.B.I. is under the control of a senior Director General of Police. It handles criminal cases which can be broadly categorised as case of corruption and fraud committed by public servants of all Central Government Departments, Central Public Sector Undertakings and Central Financial Institutions; economic crimes,

including bank frauds, financial frauds, Import Export & Foreign Exchange violations, large-scale smuggling of narcotics, antiques, cultural property and smuggling of other contraband items etc.; special Crimes, such as cases of terrorism, bomb blasts, sensational homicides, kidnapping for ransom and crimes committed by the mafia/the underworld.¹⁰⁵

The Union Government, through the Ministry of Home Affairs, play an informal role in police affairs which is of considerable importance. The Ministry of Home Affairs is responsible to the Government of India for Police administration and guides and assists its counterparts in the states in important matters pertaining to criminal administration and special problems of law and order. The centre has the authority to direct the state as to ensure full compliance with laws passed by the Parliament of India. The Home Ministry plays a crucial role in the coordination of police work, it annually convenes a conference of state Director Generals of Police and Inspector Generals of Police. The group has no formal authority but serves as a forum for discussion of mutual problems and setting forth of policy directives for the guidance of State Governments and Police Forces around the country. The Home Ministry has from time to time provided special assistance, in the form of money, equipment or experienced personnel to States with special security problems.

The National Investigation Agency (N.I.A.) is the latest federal agency to be approved by the Indian Government to combat terror in India after the Government realised the need for a central agency to combat terrorism in the aftermath of the Mumbai terror attack in November 2008. The National Investigation Agency Bill 2008 was moved in the Parliament on 16th December 2008 and cleared by Parliament in December 2008. As per the Bill, N.I.A. has concurrent jurisdiction which empowers the Centre to probe terror attacks in any part of the country, covering offences, including challenge to the country’s sovereignty and integrity, bomb blast, hijacking of aircraft and ships, and attack on nuclear installations. The agency is empowered to deal with terror related crimes across the states without special permission from the states. The National Investigation Agency Bill and Unlawful Activities (Prevention) Amendment Bill became a law on Tuesday, 30th December, 2008 when the President Pratibha Patil gave her assent.106 At present N.I.A. is functioning as the Central Counter Terrorism Law Enforcement Agency in India. The N.I.A. is headed by a Director General assisted by an Additional Director General. The N.I.A. is divided into three divisions. The Investigation Division, headed by Inspector General (Investigation) under who four teams, each headed by an Superintendent of Police. The Superintendent of Police report to Deputy Inspector General (Investigation). The Policy Research and Coordination Division, headed by Inspector General (Operations and Coordination) who is...  

assisted by Deputy Inspector General (Policy Research and Coordination). There are four teams each headed by a Superintendent of Police who looks after Northern, Eastern, Western and Southern parts of the country. They Coordinate with State Police Forces and other Law enforcement agencies in the States. At Headquarters, Deputy Inspector General (Policy Research and Coordination) and Inspector General (Operations and Coordination) looks after the coordination activities in various departments of the Central Government Technology/IT wing also report to Inspector General (Operations and Coordination). The Division collects and collates information and data on terrorism and terrorist activities. Assistant Inspector General (Policy) assists the division in various administrative issues. The Administrative Division looks after the administrative and Accounts of N.I.A. Deputy Superintendent (Headquarters) helps Deputy Inspector General (Policy and Administration) in various administrative works. 107

The police is a State subject and its organisation and working are governed by rules and regulations framed by the State Governments. These rules and regulations are outlined in the Police Manuals of the State Police, Circular Orders and Standing Orders of the Director General of Police.

The State Government exercises superintendence over the Police Force in the state. The head of police in the state is the Director General of

Police (D.G.P.), who is responsible to the State Government for the
administration and for all functioning of the State Police and for advising
the government on police matters.

States are divided territorially into administrative units known as
districts. An officer of the rank of Superintendent of Police (S.P.) heads the
District Police Force. A group of districts form a Range, which is looked
after by an officer of the rank of Deputy Inspector General of Police. Some
states have Zones comprising two or more Ranges, under the charge of an
officer of the rank of an Inspector General of Police (I.G.P.). Every District
is divided into Sub-divisions and each Subdivision is under the charge of an
officer of the rank of Additional Superintendent of Police (A.S.P.) or
Deputy Superintendent of Police (D.S.P.). Each Sub-division is again
further divided into a number of Police Stations, the number depending
on its area, population and volume of crime.\textsuperscript{108}

In some of the states there are Police Circles consisting of a group of
Police Stations. Circle headed usually by an Inspector of Police. A Sub-
division may have one or more Police Circle. The Police Station is the basic
unit of police administration in the district. Under the Criminal Procedure
Code, all crime has to be recorded at the Police Station and all preventive
investigative and law and order work is done from there.\textsuperscript{109} A Police Station

is divided into a number of Beats, which are assigned to constables for patrolling, surveillance, collection of intelligence and other police works. In larger Police Stations as in cities and metropolitan areas the officer in charge is an Inspector of Police or even a D.S.P., while in rural areas or smaller police stations the officer in charge is usually of the rank of Sub-Inspector of Police.

The State Police is divided into the Armed and the Unarmed Police.\textsuperscript{110} The Unarmed Police or the Civil Constabulary is uniformed but unarmed, although the personnel may carry a short baton. It is the police with which the public comes in contact daily. It investigates crimes, patrol streets, regulates traffic, look for lost children and generally extends police assistance to the people whenever it is called upon to do so. The primary function civil police is to maintain law and order and deal with crime in all aspects like prevention, detection and investigation. Even prosecution was in the hands of the Police earlier in many places but now performed by a separate prosecution staff. The Civil Police include mainly District Police forces, supervisory structures at the Range, Zone and State Police Headquarters and specialised branches to deal with crime, intelligence and training problems. The District Police force also has armed reserves, which are used mainly to meet the requirement of armed guards and escorts. They are occasionally also deployed to meet any emergency situation, before the state armed police arrive to handle it. The armed reserves are treated as part of the district civil police.


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The Armed Police is normally organised into battalions more or less similar to the infantry. There may be one or more battalions in the State. They are quartered at various places in the cantonments established at various places in the state and is, thus, concentrated in a few points. It does not have daily contact with the public. It does not respond to calls of assistance from individuals but orders from superior officers, which are issued when a situation involving public interest has arisen. It usually acts as a group and its personnel hardly exercise any individual discretion. The Armed Police battalions are divided into companies. Generally there are six service companies in a battalion. A company is further subdivided into platoons and platoons into sections. Ordinarily, three sections constitute a platoon and three platoons in a company. The rank structure of an Armed Police battalion is different from the Civil Police. The head of a battalion is the rank of a Superintendent of Police called the Commanding Officer or Commandant. He has a second in command, called Deputy Commandant. An officer known as Assistant Commandant, commands a company assisted by an Inspector. In some cases an Inspector may command a company. A Sub-inspector commands a platoon and a section is in charge of a Head Constable.\footnote{111 J.C. Chaturvedi, Op.Cit., p.208.}

The Armed Police battalion is the State reserved armed force. When a situation arises within the State to such a scale that the Civil Police cannot control or when it is likely to spread with wide repercussions the State
Armed Police is called to deal with the situation under the control of the Civil Police officers. It may also serve as guards for jails, escort of prisoners, important officials and government buildings usually during emergencies. The State VIPs are normally under their protection. They also perform counter-insurgency duties and even hunting down dangerous criminals. In all these operations they are under the control of the S.P. of the district, D.I.G. etc.

There is also the Criminal Investigation Departments (C.I.D.) which are a specialised branches of the police force. They have two main components - the Crime Branch and the Special Branch. The Officer in Charge of the C.I.D. generally supervises the work of both branches. Now all the states have practically separated the two and sperate officer in charge of Special Branch. The C.I.D. is the most important investigation agency of the State Police. It investigates certain specialised crimes like counterfeiting of currency, professional cheating, activities of criminal gangs, crimes with inter-distict or inter-state ramifications, and cases which are for one reason or another especially important.

The Special Branch on the other hand, collects, collates and disseminates intelligence in respect of all political matters and other which are of interest to the public or to the state including security matters, subversive activities of persons, parties and organisations and keep all concerned informed. It is the eyes and ears of the Police and the State Government.
The Officer in Charge of the State Special Branch directly reports to the Government with information to the D.G.P. He may directly brief the Home Minister and the Chief Minister. This Branch has, of late become very important in view of increasingly complex political situations in the country. The head of this Branch is responsible for maintaining cooperation with other intelligence agencies operating in the State.

The bulk of police duties are done by the District Police, armed and unarmed, and by the Armed Battalions but there are auxiliary police units also to assist the regular police for specific works or areas. This auxiliary force consist of:

The Railway Police or Government Railway Police (G.R.P.) is a branch of the State Police and is administered by an officer of the rank of Additional Director General of Police or Inspector General of Police or others depending on the size of the force. The aim of this force is to prevent and investigate crime committed on railways or within the railway yards and railway stations. The G.R.P. should not be confused with the Railway Protection Force which is directed and administered by the Railways.¹¹²

In some States there is rural or village police. It is an auxiliary group of the state police. Its personnel are essentially watchmen, responsible for

patrolling the village at night and notifying criminal acts, suspicious activities and public unrest to the nearest police authority. They also have the duty to maintain the register of births and deaths in the village and to help in the collection of revenue. The village watchman is paid a paltry sum as salary by the state government.

There may also be other auxiliary group of the State Police consisting of various volunteer police organisations. The most important of these are the Home Guards and the Village Volunteer Force which may also known as the Village Defence Party or Village Resistance Group. The Home Guard was originally raised in 1946 in accordance with the Home Guards Act and Rules of States/Union Territories, under the Ministry of Home Affairs. The Home Guard was reorganised in 1962 after the external aggression by China. The Home Guards are members of the public holding permanent or temporary jobs outside the police organisation and are subject to mobilisation by the State Government in times of local emergency. The nature of organisation of the Home guards may differ in States. They are trained to do auxiliary police work and to become nucleus of emergency aid units. The Home Guards get training at the time of recruitment and periodic refresher courses thereafter. They are paid according to the time put in training and on duty; besides they are supplied with free uniforms and are given travelling allowance while on

The Village Defence Party or Village Resistance Group is a small body or locally recruited men, who are given elementary instructions in village defence, trained in drill, and encouraged to take upon themselves the responsibility for the security of the area in which they reside.

The Police organisation in every state is manned by officers selected by the Union Public Service Commission as well as State Public Service Commission. The senior supervising officers like the Director General of Police, Inspector General of Police, Deputy Inspector General of Police, Superintendents of Police and Assistant Superintendents of Police belong to the Indian Police Service (I.P.S.). The I.P.S. officers are recruited as Assistant Superintendents of Police and may attain the highest rank of Director General of Police. The other senior supervising officer, the Deputy Superintendent of Police, belongs to the state cadre and is selected by the State Public Service Commission. These days it is common in most States to appoint senior State Police Service officers to the rank of Superintendent of Police and posting them to some of such posts. Individual State Police officers are ultimately promoted to I.P.S. depending on efficiency and seniority.

The recruitment to the Indian Police Service is done through a written and an oral examination along with other All India and Central Service officers. After selection candidates are allotted to different Services. After their recruitment to the Indian Police Service, the probationers
undergo the following training courses: Foundational Course at the Lal Bahadur Shastri National Academy of Administration, Mussoorie; the Civil Defence Course at the National Civil Defence College, Nagpur; and the Indian Police Probationers Course at the Sadar Vallabhai Patel National Academy, Hyderabad. After passing out of the National Police Academy, the probationers are attached to an army unit for a fortnight. Thereafter, they go back to their respective states where they receive one year practical training in the districts and in the state police training institutions. After completing their training, an I.P.S. officer is normally posted in a district as Assistant Superintendent of Police in charge of a sub-division.

Below the I.P.S. officers are the officers of the State Police Service who are directly recruited by the State Civil Service Commission to the rank of D.S.P. and he is the highest ranking officer amongst the non-I.P.S. officers. These officers may be promoted to the ranks of Additional Superintendent of Police or even to that of S.P. and later to I.P.S. Below them are Inspector, Sub-Inspector, Assistant Sub-inspector, Head Constable and Constable. The Inspector is appointed through promotion from amongst the Sub-Inspectors. They may also be promoted as D.S.P. and appointed to the State Police Service.

Sub-Inspectors or Assistant Sub-Inspectors are usually recruited in larger States by a Special Police Committees while in other States Police Headquarters may make the selection. The Head Constable is promoted
from amongst the constables. For recruitment to constables, the candidate has to between certain ages; fulfill certain minimum prescribed physical standards in respect of height and chest measurement. The standard of literacy required is normally matriculation but it may vary from state to state. Constables receive training in police work for a period of six to nine months and are generally posted in their home districts, but never, or very rarely, in their homes Police Circles or Stations.

Thus, the Indian police have a two-tier structure, Some top officers of the state police belong to the I.P.S. and the subordinate officers and men, who form the bulk of the state police, are appointed by the state governments. In addition, the Central Government maintains its own police forces which can be used in the states or on the borders as when emergency arises.

As a summary, we may mention that police administration in India has a very long history and tradition. We have tried to study police administration in India throughout the history and during different ages and periods like Ancient period, Hindu period, Mughal period and the British period. Then we have also tried to study police administration in India during the post-Independence period which started with a transitional phase and slowly evolved into a system of independent police administration in free India.