

Structure and Advancement of Police in India

Arshdeep Singh

Master of Law, Kurukshetra university kurukshetra

Abstract: The Police plays a important role in the criminal justice system. The primary duty of police is the maintenance of law, order and security of persons and property of individuals. Now a days police duties are becoming more and more diversified. The discussion on the Background origin and evaluation of police is also very important.

Keywords: Police, Advancement

I. INTRODUCTION

The word police is derived from the Greek word 'Politeria' or its Latin equivalent 'Politia'. The term Politia stands for the state or administration. Earlier, the word police was used in the wider sense as the management and internal economy and the enforcement of the government regulations in a particular country. But as the time passed, the term police began to be used in a much narrower sense as an agency of the state to maintain law and order and enforce the regulations of the code of criminal procedure. But now the term police connotes a body whose primary duties are prevention and detection of crimes and prevention and detection of crimes and preservation of order and enforcement of law.

Ernest Fround pointed out that, police Functions generally relates to promoting public welfare by restraining and regulating the use of property and liberty of persons.¹ Police force has always been an indispensable appendage of state organization in almost all civil societies of the world. Only the persons of proven ability and those having thorough knowledge of local region and its people were recruited in the police force so that they could tackle the problem of law enforcement efficiently. However, with the progress of civilization and development of knowledge, the dimension of police functions have extended beyond limits. Now, it has assumed the role of social service organization in the modern welfare states and has no longer remained a mere watch dog agency.²

Under the ancient Indian legal literature the term 'Vyavahara' is also used in several senses which means administration of police set up in India. The doctrine of Vyavahara carried in it the concepts of Vyavaharepads i.e. subject matter of dispute³ and kankasondhana i.e. the doctrine of police power.⁴ The kankasondhana were essential what is today known as public wrong or wrong against the state and hence pursued by

the king's officer. "In wrongs dealt with in kankasondhana section it was the king's officers or what one can call the ancient version of the modern day policeman, who themselves brought up the offenders for punishment and the offences were viewed not as mere private matters, but as matters in which the state was concerned for eradication of crime."⁵

The administration of criminal justice in ancient India was not only based on sound concepts and checks on officials powers also on the principles which compare favorably well with the principles of administration of justice accepted in modern times.⁶ The ancient Indian legal thinkers had even during that stage devised checks on the powers of the officers of the king sukra says: "Freeing himself from anger and greed and after composing himself with fixed mind the king's officers (policeman) shall look into the disputed matters along with the fellow officers (Pradvivak) in the due order according to law. Neither he nor the Pradvivak nor the Sabhyas were to hear a cause in secret nor to investigate the same in secret, as there were five reasons that led to the charge of partiality in a king's officer viz, hot temper, greed, threats, enmity and hearing a dispute in private."⁷

The Golden eras, which saw the total social structure of the ancient Indian society at its level best were the Gupta period and the Mauryan times. This ancient Indian legal system of criminal justice collapsed totally under the onslaught of the Muslim invader, though stagnation had already wasted a considerable edifice of this once very effective system under the Muslim ruler of India, the legal system of the country suffered a sea change and the entire legal dispensation was vested in the hands of Kazis and Mullahs while the petty disputes were solved by the area Kotwal. The Mughal imperial government maintained an elaborate police system in the cities and the towns where a kotwal used to be the head of police administration. The Ain-i-Akbari gives the clearest description of the working of the Kotwal system under the

¹ Ernest Fround, The Police Policy and Constitutional Rights, 6

² Prof. N.V. Paranjape, Criminology and Penology 206

³ Ibid.

⁴ Supra note 6 at 14.3, 252

⁵ Supra note 7 at 257

⁶ Supra note 6 at 195-196

⁷ Sukra, IV, 528-531

Mugal Empire. The Kotwal was to raise and maintain a police force, to regulate night patrolling, to maintain surveillance over visitors, spies and migrants, to arrest criminals, to keep the prisons and to eliminate prostitution and consumption of alcoholic beverages. The position was converted by many, particularly for the opportunities it provided for the extortion and receiving bribes. The Police commission of 1902-1903 observed. "Extortion and oppression flourished unchecked through all graduations of officials responsible for maintenance of law and order."⁸

The Kotwal is usually pictured as being ruthless, cruel arbitrary and effective when it was in his interest to be.⁹ But there was nothing unusual in the Kotwal being oppressive or. Ruthless since the police in India has always been treated with like qualities.

II. ADVANCEMENT OF POLICE ORGANIZATION IN INDIA

Lord Cornwallis, for the first time, took police administration out of the hands of the large landowners and introduced a new police force responsible to the company. In the year 1706 the East India Company started its commercial activity in India and found itself wielding political power by the middle of the next century over a substantial territory, particular by in the presidencies of Calcutta, Bombay and Madras. But upto 1792 the police system was not touched by the company. And after that lord Cornwallis, introduced a new police system.

In every district the post of Darogha was created, under the new scheme. Daroghas were made responsible to the District Judge and it was their responsibility to supervise the village landowners and headmen policing the villages. John beames gives a graphic account of personality and the power of the Darogha : quoted by Professor Bailey.

"They ruled their territories like little kings. Their misdeeds were begin and always went unpunished, for who would have the temerity to report him to the collector. The Darogha's power of harassment was enormous; he could have a person indicted for harboring a bad character of failing to assist an officer in arresting a criminal obtaining witnesses presented no problem to the Daroghas. They were closed to the people and were themselves wily and unscrupulous enough to meet the criminal on his own ground."¹⁰

In 1814 when the traditional police system was reintroduced, the Darogha system failed to deliver the goods, particularly they failed to supervise the village police and the scheme was eventually abrogated in the three presidencies. The collector through their subordinates become responsible

for the law and order problems in their districts, under the new system. And the Darogha was, however, found indispensable in Bengal and continued to survive the onslaught of the scheme of 1814. Despite the abolition of the Darogha system, as reflected in increased crimes like dacoit and over all insecurities, the situation continued to be chaotic.

Sir Charles Napier in 1843, gave opportunity for reformation by the conquest of Sindh. Neither the revenue system headed by the collectors in the district nor the village police system prevalent in the territories controlled by the east India company and Napier had, therefore, and absolutely clean state in Sindh to create a police organization on new pattern Napier, used as model the royal Irish Constabulary and created a separate police organization directed by its own officers.

An Inspector General of Police (IG), directed the police force through out the provincial territory. And their was superintendent of police in each district. The responsibility for law and order was assumed by government through the collector by the mechanics of police administration was entrusted to a new functionally specific department.¹¹ In the basic structure of the Police, even today, the model was adopted in other provinces. The situation regarding the police, even today, the model was adopted in other provinces. The situation regarding the police system was like this, when the country was taken over directly by the British crown in 1858.

In the legislative field the next few years saw hectic activity. And two basic criminal codes viz, the Indian Penal Code (IPC) and the criminal procedure code (CrPC) were enacted in years 1860 and 1861 respectively. When the two code for implementation of criminal law in the country. A police commission was appointed by the government in the year 1860 and its recommendations provided the basis of police act passed in 1861. Nothing was new in that act of 1861 since it only extended the system already prevalent in various parts of the country to the entire British Indian territory. In 1860 the police commission established some principles of police organization i.e. The civil police were to have separate establishment headed by IG (Inspector General of Police) in every province. The IG was responsible to provincial government as the superintendent was to the civilian collector. The superintendent was to supervise the village police.¹² And the military police were to be eliminated and policing was to be entrusted to civil constabulary.

Lord Curzon appointed a new police commission in 1902, which criticized the police force on grounds of

⁸ Govt. of India – "Report of Indian Police Commissioner", (Govt. of India Press, 1902-1903, Delhi) p. 5

⁹ D.H. Bailey, The Police and Political development in India 106 (Princeton University Publication – 1969)

¹⁰ John beames, Memories of a Bengal Civilian 40-141 (Chatto and windur, 1961, London)

¹¹ Supra note at 44

¹² D.H. Bailey, The Police and Political development in India 106 (Princeton University Publication-1969) 45

corruption and inefficiency but did not, however make any substantial recommendations. The police act of 1861 development the present police system. The characteristics of the Indian Police system, According to D.H. Bailey,¹³ are The Indian Police system is horizontally stratified like military forces organized into different cadres and the police each state are divided vertically into armed branches.

III. CONCLUSION

The constitution of Indian provides that 'Police' is a state subject.¹⁴ It is, therefore, for the states to maintain their own police forces for maintaining peace and security within their respective territorial jurisdictions. There are however certain situations, which authorize the centre to intervene in the law and order problems of the state because the centre is under a duty to protect the states from internal disturbances.¹⁵ Despite the new democratic, secular, socialite, welfare and humanitarian values vouched for in the constitution, the Indian police, by and large, follows the philosophy of paramilitarism associated with the mechanism of awe, threat and coercion. In other words, the democratic philosophy of the constitution hardly gets reflected in the organization of Indian police. The police and society have drifted apart from each other thus weakening the sound foundations on which along can be built an efficient and competent policy system.¹⁶

¹³ Id. At 36

¹⁴ The constitution of India Distribution of legislative Powers between the center and the state list 2, entry 2.

¹⁵ Articles 355 of the Constitution of India.

¹⁶ The Indian Police, Journal, Vol. XXVIII, No. 3, March 1982