

Chapter- 2

Historical Evolution of the UK, US and Indian Police

Policing system has evolved over the centuries. Creation of a formal police organization correlates with changes in the social organization that allow the emergence of an elite society. This social elite, in turn, institutes a formal police system in response to perceived threats to social order. The emergence of a formal police organization can be correlated with increasing specialization in society, including separation of economic, political, religious, and other institutions. Further, a product of this specialization is the identification of leaders or elites, who control social institutions and who seek to preserve their status. The evolution of the police within a society could also be correlated with efforts of social elites to protect and expand their power.

In early times, social control was the product of self-help. Seeking redressal (of wrongs) was a personal matter. If someone stole, attacked, or trespassed on the lands of another, the injured person was responsible for seeking justice. In the unfragmented societies, justice came in the form of personal vengeance or revenge. If someone stole, you were justified in demanding repayment from the offender, or you were justified to use force to secure payment. If, however, the victim did not seek compensation, no one else would become involved. With rare exceptions (usually violations of taboos or other religious regulations), the settlement of disputes was not the concern of the group. (Wormser 1962)

Mutual responsibility for wrongs done by individual members of a kinship group developed over time. In the interests of safety and peace, family members began to “police” each other. In this way, despite society becoming increasingly complex, social control was still largely along kinship lines. Social problems and disorder arose when kinship lines become blurred or when disputes occurred between families. Eventually, a need arose for regulations to control relations among families. For example, if member of one family injures a member of another family and the injured party seeks revenge by inflicting similar injuries (!) and the offender’s family refuses and offers to pay damages, instead. But the victim is not satisfied. The questions at hand are: (1) the right of the victim to seek revenge, and (2) the limits on revenge. Without some outside arbitration, there is likely to be a feud between the families. In this regard Wormser argues:

“About this time (in history) we find the beginnings of a judicial system, for there had to be some way of determining how much revenge you were entitled to. Then chiefs and headmen began to make an effort to reduce the slaughter within the group and prevent manhunts and clan feuds. They would get the disputants together and try to induce a compromise, a voluntary form of arbitration in which the matters at issue were the right to get personal revenge, and how that revenge should be satisfied (Wormser 1962:15-16)”.

Models of Policing

Policing systems can be distinguished in terms of the basis of their authority. Since all police systems rely on state authority, the source of state power ultimately represents the basis of police authority as well. There are two basic models of the police- a continental model (referring to policing systems on the European continent) and a British model (Anglo-Saxon model). Fosdick explains that the great safeguards to personal liberty established in England by Magna Carta and the Bill of Rights and sustained by centuries of judicial interpretation are almost entirely lacking on the Continent. (Fosdick 1915:14-18).

Louise Shelley (1994) identifies four models of policing in connection with her examination of the origins and development of policing. The continental model existed in places where the central government had gained dominance. The result was police that were centralized, armed, and charged with crime control, with an emphasis on political and administrative control of the people. In the colonies of most major powers, the colonial model of police developed. Here police were centralized and armed, relied on colonial authority, and emphasized political and administrative control. In the Anglo-Saxon model (what Fosdick called the "British model") the police were local and emphasized both crime control and order maintenance. In the Soviet Union, a communist model of policing developed. The police were similar to both the continental and colonial police in terms of their structure and duties, but they had the added dimension of supporting the communist ideology. This resulted in a militia that exercised wide control over all manner of civil functions and also used censorship and undercover investigations to ensure that

citizens followed official doctrine. (Langworthy and Travis III 2003: 39). *Table 2.1 below, outlines the key features of the English, US, continental and colonial police systems of nineteenth century.*

2.1 The Evolution of English Policing

In 1066 William of Normandy successfully defeated the English forces at the Battle of Hastings and declared himself ruler of all England. To manage the occupation of England, and to reward his followers, William instituted a rigid feudal system in England. He granted control over large land areas to his barons in return for their promises of loyalty and support. In turn, the barons granted control over smaller areas to lower-ranking nobility in return for similar promises of loyalty and support. (Langworthy and Travis III 2003: 56).

The Normans added a new law-enforcement title-that of constable- to this traditional Saxon organization. The title came from the traditional Norman/French position of 'comes-stabuli', of master of the horse. The title 'constable' was first recognized in a statute of 1252. The constable was equivalent to the Saxon position of the hundred-man, an administrative and law-enforcement official of the community.

Over time the constable's office was the vehicle through which the police authority in England was centralized under the Crown (Joan Kent). Originally, the office (of constable) was non-differentiated, as the constable was a representative of the people who served a variety of civil and military functions (Kent 1986:14-15). The constable was something of a cross between the mayor and the local chief. Over the years, however, the constable was increasingly given responsibility to central

government, so that in 1331, Edwardian legislation recognized the constable as well as the township as having obligations to the state for keeping the peace. Such officials thus became police officers of the crown (Kent 1986:17).

Table 2.1: Models of early modern police system

	England Wales	& United States	Continental	Colonial
Legitimacy	Local government; based on law	Local government; based on law	Central government, ultimately the ruler	Colonial authority
Structure	Decentralized, unarmed civilian force	Decentralized, armed civilian force	Centralized, armed military force	Partly centralized, military force, using armed, alien personnel civilian force
Function	Crime and some welfare and administrative responsibilities	Crime and some welfare and administrative responsibilities	Crime only one function; emphasis on political and administrative functions	Crime subsumed within wider concern for political/administrative functions

Source: Adopted from Mawby, 1990

The tradition of community responsibility for order maintenance and policing was not very effective in the increasingly impersonal towns and cities. In 1285, the position of constable was reaffirmed by an statute of parliament. It empowered "urban" constable to draft citizens as watchmen. These unpaid watchmen were

required to keep watch over the city through the night. The statute further reaffirmed the hue and cry, requiring citizens to come to the aid of a constable or a watchman calling for help. All males between the ages of 15 and 60 were to maintain arms for the purpose of subduing offenders. Those who did not respond to the hue and cry were considered accomplices to the offender and punished as criminals (Critchley 1972:6-7).

The requirement of watch service, response to the hue and cry, and the maintenance of arms were not well received by the citizenry. That the constable was required, and empowered, to enforce these provisions of the statute helped create a rift between the constable and the community. When the constable's role was broadened to include that of tax collector during the tax increase of the middle 1600s, the constable often became an unpopular figure in the community.

The constable was required to oversee almost all of the municipal needs of the community, including the operations of inns and public houses; the condition of highways, bridges, and buildings; the execution of court-imposed corporal punishments, such as whippings and brandings; and the general maintenance of the peace. In keeping with tradition although the constable was allowed to retain fees and some fine payments the job was unpaid. The constableness under Elizabeth and the early Stuarts was a relatively effective embodiment of the principle of 'local self-government at the King's command,' and constable of that period seems to warrant a much more favourable press than they have usually received (Kent, 1986:311).

Although, Kent suggests that, as the primary official of local government, the office of constable was overwhelmed by the demands of governing growing villages and

cities because it seems likely that by the later seventeenth and eighteenth centuries the weight of local government could no longer be borne by such part-time officials (Kent 1986:310). Thus, the duties of constable were increasingly entrusted to deputies hired by the person elected to office. These deputies were often unkempt, illiterate and as "criminal" as the people they arrested. In short order, the office of the constable became corrupted and inefficient (Critchley 1972:18-19), and the search for an alternative began.

Social Organization and English Policing

The English tradition was one of local responsibility for order maintenance. English peace officers were selected from the local community and were not paid by the state. These officials reflected community values and had little incentive to represent the interests of the central government over those of the municipality. (Langworthy and Travis III 2003: 60).

In Bow Street, in London, in 1748, Henry Fielding, a magistrate, organized a force of voluntary former parish constable to work under his command as thief takers. Thief takers acted like contemporary detectives, investigating crimes and bringing offenders to prosecution. Successful prosecution of an offender earned the thief taker a reward, and further, he could confiscate the possessions of the criminal. (Langworthy and Travis III 2003: 61).

In 1792, a foot patrol was established that had jurisdiction over the streets of the city and was commanded by the Bow Street magistrate. In 1805 the horse patrol was resurrected to patrol the highways around the city. (Langworthy and Travis III 2003:

61). The horse patrol and dismounted horse patrol were uniformed; they were organized into one administrative unit and were paid, full-time police officers. In 1821, there was another addition to the Bow Street magistrate's policing complement viz. the day patrol. (Tobias 1979:52).

There was also a Thames River police, who patrolled the wharfs on foot and the river in row boats. The patrols and the Thames River police constituted the scope of "professional" police in the London metropolitan area before 1829.

Thus, for about 75 years' government officials and police reformers in England attempted to respond to rising crime and disorder in London by improving the traditional systems of policing. The watchmen and constables became salaried offices. Policing came under the control of judicial officers. The numbers of officers were increased and their duties more closely defined. Special-purpose policing organizations were created as the need for them arose. Still, in the end, the patrols of the Bow Street magistrate, the Thames River police, and the various parish and vestry watch and constabulary system were not sufficient to maintain order and prevent crime. (Langworthy and Travis III 2003: 61).

One factor leading to the creation of new police was the recognition that even the improvements on the traditional practices were insufficient to check the rise in crime. The existence of paid, full-time, preventive police agencies, of course, provided a precedent for the development of a central police force. However, in addition to a recognition that the problem of crime and disorder required a more permanent solution, thinking and attitudes about police had to change. Philip Rawlings (1999:74) has commented that the main argument against a shift from parochial (local) policing

lay in the old belief that it would give too much power to central government and so threaten liberty, which was assumed to depend upon power remaining in the hands of local authorities. Philip Rawlings (1999:74).

The Police of the Metropolis

The Metropolitan Police Act established a structure for the new police in which finances were administered by a receiver, who was appointed by the Crown. The home secretary appointed two justices who would jointly control the Police Office and recruit a sufficient number of fit and able men (who were sworn as constables at common law). (Langworthy and Travis III 2003: 67). In time the title "justice" was changed to that of "commissioner". The commissioners found offices in a building that opened onto a narrow lane in the rear known as Scotland Yard. In time, this address became synonymous with police headquarters so that the English referred to the police department as Scotland Yard.

In short orders, the commissioners and Peel decided on the size, function, and equipment of the force. They decided that the force would operate 24 hours per day, a break with the tradition of separate night watches and occasional day patrols. They also decided the force would be uniformed in order to achieve the greatest crime-prevention benefit from patrol and to allow easy identification and supervision of officers on the streets. The uniform would be blue to distinguish it from the scarlet of military uniforms. The officers would be armed only with a truncheon and would carry no lethal weapons (Tobias 1979:78-86).

By careful selection of candidate and establishment of a pay rate at slightly less than was earned by skilled artisans, Peel endeavored to fill the ranks of constable with working- class men like the majority of people whom they would patrol. Special efforts were made to exclude gentle-men such as- retired military officers and patronage appointees from the force. In addition, Peel and the commissioners demanded impeccable behavior from constables, both on and off duty, and specifically instructed their constables to be civil and respectful to the public. (Langworthy and Travis III 2003: 67).

The Municipal Corporations Act of 1835, and the County Police forces Act of 1839 required new towns, borough and counties to create police forces. By the middles of the nineteenth century, there were over 180*separate local police forces in Great Britain. Parliamentary acts over the next 100 years created a system where central and local government became partners in providing police service (Walker and Richards1995:42).

Near the end of the nineteenth century, social reformers increasingly pushed for the police to regulate morals. The police were called upon to deal with habitual offenders, drinking, gambling, and prostitution. The police themselves sought to avoid much of this burden, feeling that increased intervention and control over individual liberty would result in a public backlash against the police. Rather, the metropolitan Police concentrated on the fraud and crime. that surrounded such practice and limiting the opportunity for good citizens to come into contact with vice offenders. Reluctant to become the enforcers of morality, the police managed to establish a workable

balance between the demands for civility (proper or “moral” deportment) and liberty (from state intervention) (Petrow 1994).

By the middle 1990s, the number of separate police forces had dwindled to 43, with the largest being the Metropolitan Police. A new law, the Police and Magistrate’s Courts Act of 1994, changed the structure of the police authorities in ways that increased the potential influence of the central government that made it much easier to consolidate local police forces (Walker and Richards 1996). It remains to be seen whether and how these legislative changes will alter policing in England. The British police continue to operate as a cooperative venture between the central and local governments.

2.2 Policing System in USA

The English colonists in America brought with them traditional offices and practices of social control. The colonies typically had sheriffs and constables, among whose tasks were order maintenance and law enforcement. In the earliest years of the colonies, the agrarian nature of colonial society supported informal policing. As cities grew, and as the population in the colonial increased, however, Americans began to face the same problems of order as did the British (Johnson, 1988:105-106).

Policing in the United States reflects the same social forces at work as those that influenced the development of the new police in London. Unlike in England, however, police development in the United States resulted from three distinct law-enforcement traditions. Though eventually resulting in similar patterns of policing,

law enforcement developed along different lines in the New England and Middle colonies, the southern colonies, and the frontier.

Policing in the Northeast

Initially, the sheriff was the most important colonial police officer, appointed by the governor of the colony and responsible for a range of duties from law enforcement to road maintenance. The sheriff, however, did not have a preventive or patrol mission. In the villages and towns, another official, the marshal, was also available. The marshal resembled the English constable in terms of duties and powers. Both the sheriff and the marshal were daytime jobs without patrol responsibility. Paid through a schedule of fees for specific duties such as serving subpoenas, housing prisoners, and the like, these offices were generally occupied by entrepreneurs more than public servants. As cities grew, the ability of the marshal to control crime and disorder was revealed to be severely limited. Throughout the late 1600s and 1700s, colonial cities such as Boston, New York, and Philadelphia experimented with voluntary and paid watches. For the most part, watches operated at night and were charged with a patrol and preventive mission. The nonpaid or very low-paying nature of the job, however, led most citizens to avoid watch duty and created a situation in which watchmen were drawn from the lowest classes of society. The lack of organization made the watch incapable of controlling mobs and riots, and as the cities grew in the early 1800s, civic leaders became alarmed at the levels of crime, riot, and general disorder in the cities (Langworthy and Travis III 2003: 71).

The first modern police department in the United States was established in New York City in 1845. Its organization clearly illustrates the Americanization of the London

model. The New York City police department was administered by a Board of Police Commissioners, but officers were selected from the political wards in which they would patrol. Ward aldermen nominated officers, who were appointed by the elected mayor. The 800 initial police officers were not uniformed and were not supposed to be armed. New York, created a local, municipal police organization with a weak central administration. Officers were selected through political processes and were specifically required to reside in the neighborhoods in which they would work. Unarmed and not uniformed, the first American police were to be of the people and for the people. Monkonen states that this organizational structure reflects an American conception of representation as actual – the police actually came from the neighborhoods they policed. In England, representation was virtual-through Parliament, the interests of everyone were protected. The American police were designed to reflect the competing interests of specific groups, while the British police were organized to represent the common interests of all citizens. (Monkonnen 1981). With some variations, similar reforms of policing occurred in other northeastern cities. Boston, for example, had created a police organization as early as 1838 that was composed of six police officers. However, the city retained the constables and night watch. In time, a separate night police were added, and the day-police complement was increased. Similarly, Philadelphia experienced with various combinations of police, constables, and watch systems. This city also developed a citywide police force with patrol obligations in the middle 1800s (Langworthy and Travis III 2003: 73).

Policing in the South

Colonists in the South of the United States faced a different set of social problems than those in the North (Hindus, 1980). In large part because of the existence of slavery, "that peculiar institution," policing in the South developed in a peculiar fashion as compared with the Northeast or with England. The southern colonies were essentially rural, consisting of large plantations that used slave labor to produce cash crops like rice, tobacco, and cotton. Social-control problems in the southern colonies stemmed not so much from the concentration of a laboring class in cities as the need to maintain control over a captive work force on dispersed and independent plantations. The solution is not found in a police force, but in the creation of slave patrols. Whereas the northeastern colonies developed towns and cities relatively early, and local government became focused at a community level, the southern colonies relied more heavily on the county. The primary law-enforcement official in the South was the county sheriff, a tradition that continues in an altered form today. Contemporary southern sheriffs are much more important to local law enforcement than are their northern counterparts (Langworthy and Travis III 2003: 73).

To guard against slave uprisings—a constant fear of the white slaveholders—and to provide for social control in the plantation areas, property owners banded together to form the slave patrols. These patrols rode circuits between plantations, ever watchful for escaped slaves. They also conducted periodic checks on plantations to inquire about the safety of the owners and to ensure that the slaveholders were maintaining proper discipline and control of their slaves. In this regard, the slave patrols operated

to enforce the ban on educating slaves and the requirement that slaves away from their home plantations carry passes.

As Johnson observes that the creation of slave patrols, consisting of armed, uniformed officers empowered to regulate slaves to the point of replacing discipline from the white master in the control of slaves, was accepted in the South. The conflict between liberty (in this case, the right of the master to control his or her slaves) and order (the prevention of slave uprisings) did not materialize. Rather, "public safety superseded any fear that southern leaders might have had of a military coup.

Policing on the Frontier

For approximately two centuries, the American frontier offered opportunity to any brave enough to live there. From colonial times, there was a gradual but constant stream of pioneers to the frontier. These settlers brought with them the policing institutions and traditions of their former communities. Where northerners settled, and formed towns, they created marshals and police forces. The frontier encouraged the refinement and development of alternative methods of law enforcements, including vigilantism and entrepreneurial policing (Langworthy and Travis III 2003: 73).

Given that settlement preceded civilization on the frontier, in many places there simply was no formal law-enforcement machinery. In those areas, committees of vigilance were formed to combat particular instances of crime or disorder. These 'groups of vigilantes', were generally well organized and episodic. They would form,

for example, to combat a rash of robberies or thefts. Members of the group, headed by leading and respected citizens, would seek out suspected offenders, provide some sort of trial, and impose punishments. At the conclusion of this focused effort to control an identified threat, the vigilantes would disband (Brown 1983). These vigilantes became self-proclaimed police and took on a preventive and interventive role of law and order. The vigilante movements provided cheaper law enforcement to the community and firmly established the normative expectations of residents about what behaviors would not be tolerated in a community. The vigilante tradition of the United States is indigenous. Although vigilance groups existed in other nations, at other times, the nature of American vigilantes was peculiar to the United States.

Further, Brown suggests that the vigilante tradition illustrates the U.S. ambivalence toward the law. Vigilantes typically break the law by taking it into their own hands for the purpose of enforcing their own law. Further, vigilantism indicates a willingness to take extralegal action if the official machinery of justice is perceived as ineffective or inappropriate. (Brown1983). Finally, Brown observes (1983:71):

"Perhaps the most important result of vigilantism has not been its social-stabilizing effect but the subtle way in which it persistently undermined our respect for law by its repeated insistence that there are times when we may choose to obey the law or not (Brown1983: 71)."

The Development of Modern Policing in America

These three traditions of policing in the United States—from the Northeast, the South and the American frontier—continue to influence the organization of contemporary policing and U.S. attitudes about policing to this day. Johnson notes that policing developed from different traditions in the North, South, and West of the United States. In each case, the type of police reflected “the society that gave it birth.” Whatever the form—voluntary, bureaucratic, vigilante—every society will have police. The police are a product of the society and heavily dependent on it (Johnson 1988: 188-189).

Despite the diversity of origins, in the period between the Civil War and the turn of the century the similarity among police organizations in American cities was striking (Monkkonen 1981).

The first modern U.S. police departments borrowed heavily from the London Metropolitan Police. Later generations of American police, however, were more likely to follow American developments rather than British. Up until the modeling of the early U.S. uniformed police on English precedents, one must maintain an Anglo-American perspective on policing, but after the establishment of the first few American departments, the paths of the police of the two countries diverged, those in American cities looking at each other rather than to London (Monkkonen 1981:40).

In the latter part of the nineteenth century, the development of policing in the United States became an increasingly American phenomenon. The influence of English practices and traditions continued, but their effects were less direct as a new American police profession and tradition developed.

The Evolution of Policing in America

At their start, American police agencies were political entities, e.g. the New York police, officers were selected from the wards or neighborhoods and were appointed by elected political officials. The lack of strong central administration, the influence of political actors, and the neighborhood ties between the officers and the people they policed ensured a partisan process of policing. Kelling and Moore (1988:3) observe this early structure of policing meant that the most important policy decisions were made at the precinct and street levels.

The absence of a strong chief administrator and the use of precincts/ neighborhood-based police stations, served to fragment police services within cities. Thus, local political leaders could exert pressure on precinct commanders, and citizens could approach patrol officers directly for police services. As a result, both police administrators and police officers were sensitive to public concern. Therefore, American police departments reflected the general style of local government (Samuel Walker 1977:8).

During the political era, the provision of services to citizens were most important than the control of crime. A number of researchers have noted that the police in the last half of the nineteenth century were closely tied to politicians (Monkonnen 1981). One effect of service provision, of course, was the maintenance of social control by meeting the needs of citizens in an orderly and predictable manner through police intervention (Kelling and Moore 1988: 3).

Nineteenth-century police operated soup kitchens and shelters for the homeless, assisted citizens in finding employment and securing medical care, and generally helped the poor and unfortunate. The police not only served to mediate ethnic and class conflicts over material resources, but also to enforce the law in a way that reflected community standards of morality (Fogelson 1977).

Conley states that the local and political nature of American policing is critical to our understanding of how the police operate and what are the limits of reform. He explains:

"Police authority emanates from the political majority of the citizens, not from abstract notions of law. Authority rested on a local and partisan base, within limited legal and symbolic standards, and was legitimized by informal expectations (Conley 1995: 560)."

In their early development, the police in America were a general-purpose service agency that reflected the desires and interests of the citizens (Conley 1995:562). Factionalization of the police was both their strength and weakness in this era. Sensitivity to the values and interest of different groups within the city gained support for the police and allowed them to serve the pressing need of the citizens. On the other hand, responding to problems as defined by others denied the possibility of self-direction to the police. Conflicts among the various factions within a city also meant that the police were consistently embroiled in political controversy. In time, the weaknesses of factionalization came to be seen as outweighing its strength. The movement to reform the police that began in the late 1800s was, in the main, an attempt to defactionalized city policing in America (Monkkonen, 1981:59).

Towards the start of 20th century, the police in American cities were well established but faced growing criticism. The police officers of this period were seen as a political operative; they were selected on the basis of their political connections and services. Officers were responsible to political leaders in the wards and precincts rather than to the city government. Further, unlike their British counterparts, American police officers were given greater individual discretion and had to establish their own authority with the citizens (Craig Uchida (1989:19-20)). In addition to physical force, officers also had wide personal authority over the use of legal force through making arrests. The U.S. police made far greater use of arrest on suspicion and for disorderly conduct than their London counterparts. (Miller 1977).

The freedom of the individual officer from responsibility to either legal constraints or the direction of a central administration created a context ripe for corruption. Officers owed their allegiance and their jobs to the political party that appointed them, so they often promoted the interests of political leaders. For example, police protected the illegal operations of political leaders and those who supported the dominant politicians. At election time, officers also prevented supporters from opposing parties from casting their ballots by intimidation, arrest, and sometimes even physical force. The police of the political era were deeply enmeshed in corruption from political interference (Fogelson 1977).

Corruption of a more mundane sort was also rampant. The police (of the latter nineteenth and early twentieth centuries) frequently accepted bribes; took advantage of the numerous opportunities available to supplement their salaries etc. Mark Haller observes that the Chicago police, were part of a large scale and well organized

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system of rackets in the city. Corruption was rampant not only within police departments but throughout all of city government. In many departments, promotions and even beat assignments were auctioned to the highest bidder within the department. Similarly, illegal operations such as bordellos, gambling houses and saloons contributed to monthly pads that were divided among all the officers in the precinct including the precinct commanders (Mark Haller 1976).

The brutality, political manipulation, and corruption of city police in America during this era gave rise to calls for reform. Recognizing the deficiencies of the police as they then existed, a number of reformers from both outside and within police agencies sought to improve the police. During the next era of American police history, several forces worked to professionalize the police.

2.3 Evolution of Indian Police

India was, at least partially part of the British Empire for 250 to 300 years. Although only sections of the country were under direct British governance, the whole of India, save for a few small colonies of other European powers, was under British influence from the late seventeenth through the mid-twentieth century. It was during this period that the organization of the India Police System was developed, directly patterned after the development of the Royal Irish Constabulary. There had been indigenous forms of policing extant in the country, and in some measure these continued and were later incorporated into the developing police system.

Nearly two centuries after the British first began gaining control of the Indian subcontinent they felt forced to provide for policing functions directly under the

pressure of deteriorating social control and the ineffectiveness of the native ruling classes to maintain social order and conditions fit for commercial growth. In 1792 the administration was removed from the hands of the landowners and rulers of India and vested in the governor general of India for those areas of the country under direct British control, the provinces or states of Bengal, Bombay and Madras. This was finally given legislative approval in the late 1850s and early 1860s after the revolutionary period of the mutiny of 1857. The codes under which the policing powers of the country were regulated at the time are still the basis on which the police of India function. These forms set up a civilian constabulary with a bifurcated nature. There were an all-India officers' corps and provincial constabularies. These constables were and continue to be stationed close to the people. They patrol their assigned areas generally on foot but sometimes on bicycles. They are found throughout the country, speaking the language of the people, from city to village (Shane 1980:18).

The Indian police forces have been influenced substantially by the British police system. Much of India was under British rule until 1947, and the rest was under strong British colonial influence. The development of the Indian Colonial Police system was a British colonial activity. The early development therefore reflected much of the ferment and philosophic deliberations of the early British system, particularly that of the Metropolitan Police of London. There were major differences, however, arising from the cultural setting and the colonial nature of the institution. Native Indian antecedents influenced the development of the colonial police forces as well.

The constant throughout India's history has been the village and the caste system. This social organization has endured many conquerors and changes in power, variety of language, and cultural modifications. The adaptations have had the effect of giving Indian institutions and culture a bimodal quality based on the rural village-oriented system and the system the dominant power at any one moment organizes. Police history has the same bimodal quality. There has been the policing function of the village and local social system and that of the imperial power. "Police history can be seen as the expansion and contraction of an imperial power always set upon an impermeable stratum of village institutions." These factors have had important effects on the perception the people have of the police. The connection with the imperial power has earned the police a connection with repression and oppression. Fairness and justice usually are not associated with foreign conquerors and imperial powers. The connection goes back into history and continues until this day. The central government was and often still is seen as removed and oppressive. Police share this stigma. "Police in all period of Indian history have been represented as oppressive and unfair. This has left a serious problem of community relations with which the post-independence police have had to deal (Bayley 1969: 46).

The organization and function of the modern Indian Police Services is directly described from the British organized and run Indian Colonial Police. Although based on a bimodal cultural system, it was a product of the British imperial control of India. The police legacy to the independent country is composed of three major elements. The first is the structure of the system. The police system today is organized in almost the same way as it was organized after reforms in 1861. The second is the

concept of the role of police within the society. "Proper" police duties today are very much what were considered "proper" police duties under the British. The third is the attitude of the public and government officials and policymakers toward the police. These three elements underlie most of police work in India today.

The British did not form a colonial police service when they began to take power in India, and it was some time before there was admission that they were anything other than traders. The British were first among several European colonial nations with interests in India and had special rights in areas of India as early as 1609. Slowly they assumed the dominant colonial position in the sub-continental area. By the latter half of the eighteenth century, the British had three presidency provinces in which they assumed direct government control: Bengal in the northeast, Bombay on the west coast, and Madras in the southeast. For some time, they tried to rule using the native government system (Shane 1980:82).

The government system of India was based primarily on the village government of elders, the panchayat, and the various feudal landholders, maharajahs, princes, and so on. The village system assumed all responsibilities dealing with daily life. The princely system was essentially superimposed on the village system for the benefit of the princes. Of course, some princes were concerned about their subjects and ruled benevolently. Much of the ruling was done through the panchayat. Both system had policing powers, the princes through assumption, the panchayat through social necessity. Coincidental to the increase in British influence throughout the subcontinent was the decreasing ability of the prince and panchayat systems to maintain peace.

During the middle and latter parts of the eighteenth century there was large scale growth of dacoitism and other signs of social unrest and disruption. The dacoits were armed bandits, generally working in groups that attacked villages and travelers. Often they assumed a pose similar to that of Robin Hood but generally were quite disruptive and destructive and not too successful in protecting the poor. The villages became poorer and poorer, trade was disrupted, and there was a general deterioration of social conditions throughout the subcontinent. The village panchayats became less able to maintain order and the society of the people, let alone that of the traders and their interests. The landowners and princes also lost control in many areas. The British, through the East India Company, stepped into the breach. The Company was later supplanted by the British government. Some time elapsed before order was put on a sustained, legislative basis. The development of some policing system answerable to British needs was inevitable (Shane 1980:82).

The British had experience in developing colonial police force. They had organized the Royal Irish Constabulary long before they organized the Royal Irish Constabulary long before they reorganized the police system of London. It was in the three presidency provinces-Calcutta (Bengal), Madras, and Bombay- that the first colonial forces were developed. The Governor General of India, Lord Cornwallis, used the Royal Irish Constabulary as a model for organization of similar forces in India. In 1792, he gave the East India Company the power to police, having taken police administration out of the hands of the large landowners and established in their place a police force responsible to the agents of the Company. The resultant police forces were not yet a system. The organization of the police system for

British-governed India took place in small increments. As in England, the system was organized under the stresses of social disorder and revolutionary activity on the subcontinent. A major act of rebellion, the Mutiny of 1857, shocked the British into giving final legislative basis to the colonial police. It gave the impetus for the enactment of a series of laws and a set of standards under which the policing of Indian colonies would thenceforth take place:

Reforms that had been maturing for many years with pragmatic, bureaucratic thoroughness were suddenly enshrined in law. The Government of India Act of 1858, the great Indian Legal Code, the Code of Civil Procedure-1859, the Indian Penal Code-1869, the Code of Criminal Procedure, and the Police Act of 1861.(Bayley1969: 41).

These enactments still exert important influence on modern India. The Police Act of 1861 put policing under provincial control and established four principles of police organization that are still operative in the Indian police system:

1. Military police were to be eliminated, and policing was to be entrusted to a civil constabulary.
2. Civil police were to have their own separate administrative establishment headed by an Inspector General in every province.
3. The Inspector General was responsible to the provincial government, as the superintendent was to the civilian collector.
4. The superintendent was to supervise village police. (Bayley1969: 41).

These principles were the basis for civilian police forces, organized by province. The superintendent under the Inspector General, headed police districts within the

province. At a later time, a quasi-military police force, the "armed" police, was developed in the province to respond to civil disorder. The civilian police force became known as the "unarmed" police. Specific differences between armed and unarmed police are discussed later. The general village and town constabulary continued to be the unarmed police. The exception to this is found in the Punjab, where only one police force assumes both functions.

From the establishment of the principles of 1861, further developments throughout India continued. There remains a basically provincial organization of police forces. There is no national police force, although the officer corps is national. In each state, there is a police force directly responsible to the state government. The inspector general of the police in each province is responsible to the provincial government and the superintendent to the district government. The only elements within the police are the commissioned officers. This element adds complications to an already complicated system. Because the officers' corps of the colonial police was the province of the British, it was organized on a national basis. At its inception, all the officers were British. They were assigned to the provincial forces, which were composed of both Britons and Indians. Obviously in a colonial system, the lower the rank, the more certain it was to be filled by an Indian, or vice versa. Training and recruitment for the officers' corps was separate from that for the provincial corps. This situation still exists. Ranking officers in provincial police systems belong to the national Indian Police Service (IPS). This is an entirely separate system from the provincial forces, although the commissioned officers of the provincial forces are members of the IPS. Assignments are made to provincial forces by the IPS, as are

reassignments. In essence, the function of the IPS is to unite the state forces into a national system. The function of the provincial or state police is to ensure local responsibility and self-government (Shane 1980:85).

One byproduct of the national officers' service and the state police forces is that officers often are assigned on a cross-cultural basis. Thus, many officers are not native to the area they serve. This means that the regional language may be foreign to them. The two languages of national usage are Hindi, the legal national language, and English, the language of the colonists. Hindi is strongly resisted in the south and is spoken and understood mainly in the northern two-thirds of the country. However, because the officers are from the educated classes, they generally speak English. The interplay between regional and state power and responsibilities and influences is central to the police forces. The IPS leads to national influence and some indirect control of the state forces by the central government. There are, of course, other national influences on the state police, generally financial and legal. The state governments receive partial subsidies for the operation of the state forces. The forces also were formed and operate under national law and standards. There are differences other than language between forces, but these are less important than the similarities across the country (Shane 1980:85).

Three structural characteristics distinguish the Indian police- "control by state government, horizontal stratification, functional separation between armed and unarmed police. All of these were characteristics of the colonial police forces. The first two are common to the organization of Indian government in other spheres as well. In all spheres, the division of power between the states and the central

government is changeable. There are controls that the central government exerts on the states, and there are ways the state governments can avoid the dictates of the central government. Parallel to the IPS is the All-India Civil Service. This service contains the top civil servants of the nation, as the All-India Police Service contains the top-ranking police officials of the nation. Once assigned, they are responsible to the state government. Thus, in the country, the national hierarchical system (somewhat similar to the caste system) and the local cultural system are in a sort of balance (Bayley1969: 52).

Like the colonial system, the present national system has high standards. There are several well-organized, high-caliber training schools throughout the nation for IPS recruits and continuing education for those in service. "India was one of the first nations to provide systematic training of a high quality for officers and aspirants to high rank. During most of the colonial period, Indians were not permitted into the IPS or its training facilities. Since independence the corps has for all intents and purposes been completely Indianized. The standards have been maintained. During the colonial period, the training facilities were very good. Fingerprinting, one of the major advances in police work throughout the world, was developed by Sir Edward Henry, an inspector general of police in Bengal (Bayley1969: 48).

Training for police officials today tries to maintain the standards of the colonials while responding to the needs of an independent nation. Regional training colleges serve students from several states. One of the emphasis of the colleges today is the responsibility of the police service to build the nation and help the people develop standards and well-being. There is an attempt to teach the police officers to look on

themselves as interdependent with the general population. An excerpt from a police community relations manual illustrates this: "In socialistic pattern of society, the police and the public are to a great degree dependent upon each other." Material used in one training college are not necessarily replicated in other colleges, but national standards indicate that there is similar material at all colleges, included are materials relating to law enforcement, community relations, and all other aspects of police work (Shane 1980:86).

Training for police in the state forces is the responsibility of each state. This training varies from state to state, and each state has training facilities for its police force. There are further hierarchical differences within the state forces similar to those between the IPS and the state forces. The constabulary is composed of many people with minimal education. This reflects the average educational level of the general population. Thus, training programs and materials must be tailored to that level. On the other hand, noncommissioned officers generally are university educated, so for them there is a separate network of state police training facilities. In essence, the system is three tiered. The Indian Police Service, run by the national government, selects, sets conditions of service for, trains and assigns commissioned officers. The state governments select, set conditions of service for, and train non-commissioned officers and the constabulary (Bayley1969: 52).

Organization

The bifurcation of police into armed and unarmed (civil) branches is a special characteristic of the Indian police system. It is another example of the influence the

colonial period had on the development of the Indian police system. The cantonments in which armed police and the army live were built and developed by the British for the colonial government. As was previously stated, the armed police were developed after the major development of police forces in the subcontinent, as a direct response to the resistance of the population to the colonial system (Shane 1980:87).

There are similarities between two types of state police forces. For example, both have officers assigned by the national IPS. Both have two tiers of state police personnel: noncommissioned officers and constabulary. The armed police are organized more closely after military style than are the unarmed police. Their areas of concern are security and defense. The armed constabulary more closely resembles the troops in the army than the constabulary of the civil police. The personnel of the armed police live in the cantonments, often with the army. They carry weapons and have vehicle similar to those of the army. The people have little contact with the armed police except in cases of civil disorder. The armed police supervise and if it is thought necessary respond to public demonstration, interstate strife, and other types of mass disruptions. To many Indians, there may be little discernible difference between the armed police and the army (Shane 1980:87).

The unarmed civil police are uniformed and generally without firepower. They may, and often do, carry a baton or lathi. They are assigned to police posts or stations, spread throughout the police district to enhance their ability to respond to problems as they arise. The constabulary generally patrols their areas on foot or on bicycles. It is not unusual for constables to hitch rides to get to their posts. They generally live

within the community rather than in cantonments. In normal circumstances these are the police with whom the population has contact. Most of the work of the civil police is preventive patrol. Bayley describes their functions as follows:

They hunt for lost children, investigate crimes, patrol streets, regulate traffic, interpose in village quarrels and generally respond to the articulate needs of the mass of the people for police assistance. They are to be found distributed across the face of India, in metropolis, city, town and remote village (Bayley1969: 52).

Relationship with Community

Historically, in India, the police have been mistrusted and alienated from the general population. The colonial element, British and pre-British, is a major factor in this situation. The police forces were used by the British in the struggle against the movement for independence. This only served to intensify popular distrust of the police and the identification with oppression and repression:

The independence struggle pitted police against national movement. The Indian police man against Indian freedom fighter. Because the police bore the brunt of repressive actions, memories were planted in the minds of the people that even today fundamentally affect relations between the two (Bayley1969: 52).

In general people think of the police as being brutal and venal. Because the people believe that bodily injury is a consequence of normal visits to police stations, anyone who is not injured is considered an agent of the police and somewhat sinister. The feelings of distrust are quite deep and pervasive. On the other hand, police are often asked to provide assistance in times of personal trouble.

The police authorities are concerned about this fear and negative feelings, and there have been some attempts to develop police community relations activities. The whole has been placed within the avowedly somewhat socialistic philosophy of the central government. A major emphasis of the training material is to help police themselves as partners of the people. This is rather difficult in a system that has traditionally been representative of the rulers. The police need to develop a cooperative relationship with the public. In training, recruits are taught that if they help the public, the public in-turn, will help them fight crime. (Shane 1980:89).

The police cannot discharge their duties to maintain law and order without the backing, goodwill and cooperation of the public. The ideal to be aimed at is that every police officer of whatever rank should be regarded by every law-abiding person as a wise and impartial friend and protector against injury to his person and property. This confidence begets police the necessary cooperation for successfully combating crime. The police are in a position to perform many non-regulatory functions during the course of their duties and small courtesies and services rendered to individual citizens would go a long way in building up goodwill for the police and an appreciation of their difficulties. They must always willingly offer their services for various causes ie., natural calamities, floods and fires, etc. The emphasis on helping the general public in various ways can be seen, but it is geared to the benefit that police will gain from this help in better relations with the public.

According to Bayley, however, the police in reality do helpful things regularly. Bayley makes the point that the more helpful the police are the more the public ask for help. He is also points out that "police are continuously called upon to perform a

host of services for members of the public that have nothing at all to do with the maintaining law and order and preventing crime". Bayley surveyed face-to-face contacts between police and private citizens. He noted that in different settings, the police-public contacts differ. He found four times as much contact in urban areas than in rural areas. He also found that people who had had good experience with the police were more likely to approach police for help. Bayley, thus proposes that a measurement of success in the development of positive relationships between police and the public is the amount of help the public asks the police for". It is one of the peculiarities of police work that the more cordial their relations are with the public, the greater becomes the number of extraneous demand made up on them by private citizens. It seems that the farther from traditional society a community is, the greater the demands made on the police for help. In all the differentials in urban-rural contacts, the repeat requests when there had been positive responses, point to a natural demand in less traditional society for help. It might point to special position for the police in Indian society (Bayley1969: 186).

The ongoing task of the central society in India has been to build a nation with a unitary identify. There are few governmental institutions, as yet, that are viable for the vast majority of the Indian people. The police are among these few. They are virtually everywhere, in villages and in the cities. They are at the front lines of the formation of a nation. One might postulate that the degree to which they permeate the society and respond to the needs of the people has a bearing on the future of nation. Bayley says:

"Police are one of the most pervasive governmental agencies in the country. In the mid 50's police stations were third only to primary schools and post offices in their proximity to all villages. The police are there all the time, for and as the government, day in and day out" (Bayley 1969: 179).

The police in India therefore represent a link to a unified nation and society as well as being representatives of law and order. They have also represented conflict with central authority historically. A dilemma of the police, as well as that of the central government, is the resolution of the conflict between the ruler and the village society. The role police play will be of great importance in how the people view the nation. They have a task that is greater than getting cooperation in enforcing law. They have a task that may help build a cooperative and successful society.

Police in Independent India

In the independent India, successive governments at the Centre have taken many initiatives by constituting expert commissions and working groups on police reform. But there has been no sustained implementation of their recommendations. To put the initiatives chronologically, in 1950, the Constitution of India established a sovereign democratic republic with a prominent Bill of Fundamental Rights guaranteed to all citizens. From 1958 to 1971, many state governments set up police commissions to examine police problems and suggest recommendations to improve policing. The terms of reference, though slightly varied for different commissions, covered some common ground. The focus was generally on meeting the shortage of resources and improving

matters within the existing set-up. In 1964, the Santhanam Committee on Corruption was appointed. The Central Vigilance Commission was also set up based on this committee's recommendations. In 1967, the Working Group on Police Reforms was set up by the Administrative Reforms Commission. It argued vehemently for abolishing the control district magistrates wielded over the district police. In 1971, the Gore Committee on Police Training examined the state of police training in the country and made recommendations to improve its quality. In 1977, the Shah Commission looked into excesses committed on citizens by the police and other administrative during the Emergency (1975-77). The appointment of the National Police Commission was a fallout of the Shah Commission's report. The National Police Commission (NPC) between 1977-1981 looked at ways in which the police could be made accountable to democratic institutions. The NPC came out with eight reports that examined the police as a law enforcement agency and as an institution meant to protect citizens' rights. In 1993, the National Human Rights Commission was established under the Protection of Human Rights Act to attend to citizens' complaints about alleged violation of rights and provide relief in genuine cases. In 1996, former Director General of Police, Prakash Singh filed a public interest litigation (PIL) in the Supreme Court asking for action to be taken on the National Police Commission's recommendations and introduce reform measures across India. In the course of the 10-year-long proceedings, the court set up various committees. In 1998, Supreme Court instituted a Committee headed J. F. Ribeiro IPS (Retd), this committee produced two reports. The key recommendations were separation of law and order from investigative functions, setting up of district-level bodies to examine police excesses (Police Complaint Authorities), setting up of state-level commissions to

examine police performance, replace the Police Act, 1861 by a new police act, etc. In 2000, a committee was constituted by the government of India which was headed by former Union Home Secretary K. Padmanabhaiah; this committee made recommendations along the same lines as the Ribeiro Committee with some additional provisions, introducing community policing, increasing the recruitment of sub-inspectors etc.

At the DGPs/IGPs Conference of 2005, the Prime Minister of India announced the setting up of a 'Police Mission'. It would transform the police into an effective instrument for maintaining internal security and face up to the challenges of the 21st century. This was to be done by equipping the police with material, intellectual and organizational resources. The government of India also set up the Police Act Drafting Committee under former Attorney General Soli Sorabjee to draft a new act. It submitted a Model Police Act to the government in late 2006.

The Supreme Court, in its landmark judgement in Prakash Singh vs. Union of India, ordered the state governments to implement several reforms in the police force on September 22, 2006. In the judgement, the Supreme Court directed the central and state governments to comply with a set of seven directives to kick-start police reform. Its key measures included a minimum tenure for mid/high-ranking police officers, setting up of Police Establishment Board for transfers, separation of Investigation and Law and Order maintenance, setting up of the security commissions at state and national level, etc.

Following a brutal gangrape and death of a young girl in December 2013, which generated a country wide agitation, the government set up a three-member committee headed by Justice J. S. Verma, with Justice Leila Seth and former High Court Judge, Gopal Subramaniam. This committee recommended amendments to the criminal law that

would provide for quicker trial and enhanced punishment for sexual assault. It had an entire chapter devoted to police reforms. Following the recommendations of the Justice Verma Committee, Parliament passed the Criminal Law (Amendment) Act 2013. These amendments brought significant changes to police procedures in dealing with victims of gender-based crimes. They also increased the accountability of the police with respect to proper registration and investigation of crimes against women. However, as mentioned in the beginning, all these initiatives have failed to bring in requisite reforms. The failure is attributed mainly to the lack of political will and indifference to implement the recommendations and also to the improper implementation. For example, the different states as well as government of India has implemented the Supreme Court directions more in letter than in spirit. Many states found means and ways to circumvent the implementation. Nonetheless, the nature and the working of Indian Police is continuously changing to make it more and more inclusive.

Thus, we note in previous pages that the UK was among the first few countries to start a professional (vocational) police force. The US drew its inspiration from UK, to start with, but fast moved on its own model, evolved locally. Today, the two forces are more dissimilar than similar. Indian Police developed on colonial model and in last three decades, the leadership in Indian Police is trying hard to break the colonial police tag attached to it.