CONCEPTUALISING POST-COLONIAL POLICING: AN ANALYSIS AND APPLICATION OF POLICING PUBLIC ORDER IN INDIA

Thesis submitted for the degree of Doctor of Philosophy at the University of Leicester

by

Surajit Chandra Mukhopadhyay
Scarman Centre for the Study of Public Order,
Faculty of Social Sciences
University of Leicester

1997

UMI Number: U095564

All rights reserved

INFORMATION TO ALL USERS
The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript
and there are missing pages, these will be noted. Also, if material had to be removed,
a note will indicate the deletion.

UMI®
Dissertation Publishing

UMI U095564
Published by ProQuest LLC 2013. Copyright in the Dissertation held by the Author.
Microform Edition © ProQuest LLC.
All rights reserved. This work is protected against
unauthorized copying under Title 17, United States Code.

ProQuest®

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

ABSTRACT

CONCEPTUALISING POST-COLONIAL POLICING: AN ANALYSIS AND APPLICATION OF POLICING PUBLIC ORDER IN INDIA

by

Surajit Chandra Mukhopadhyay

A major problem of policing in post-colonial India is the manifest lack of consensus for its acts. Consensus in turn is dependent upon the legitimacy of the people who are in power. Thus, policing is a practice that is essentially related to the political regime and the discourse of power. However, policing cannot be explained or understood by a simple analysis of structural features without reference to history. Since policing is dynamic and processual, that is influenced, transformed and impacted upon by a plethora of factors, a perspective which incorporates an historical analysis of the forces of change must also be employed for a robust explication.

This thesis first examines the history of colonial policing in India. It then critically assesses the existing literature on Indian policing, both in the colonial as well as in the post-colonial period. Next, it constructs a 'model' of post-colonial policing that can be taken as universally and cross-nationally applicable to post-colonial policing practices. Finally, the thesis arrives at a conceptual framework that makes the structures of post-colonial policing meaningful in terms of certain discursive practices. It argues that public order policing in India and other post-colonial societies needs to be conceptualised through this framework and not restricted by national geographical boundaries. More particularly, it suggests that post-colonial policing is strongly related by the precedence set by colonial policing methods and strategies. It argues that the maintenance of public order in a post-colonial state is central to policing with an ever increasing reliance on paramilitary style and tactics.

ACKNOWLEDGEMENTS

A Ph.D. thesis incurs many debts. First, I would like to gratefully acknowledge the University Grants Commission of India for nominating me and the Commonwealth Scholarship Commission in the UK for awarding me an Academic Staff Scholarship of three years. I would also like to put on record my appreciation to Professor Mohit Bhattacharaya, Vice-Chancellor of Burdwan University without whose initiative and help I may not have been able to avail myself of the scholarship. I am thankful to my colleagues at the Department of Sociology who cheerfully accepted to provide cover during my absence.

This thesis owes a lot to Dr. Mike King, my research supervisor. His support and advice helped me to clarify, focus and bring to fruition the many hazy thoughts that I initially had. I am grateful for his patience in reading endless drafts of the thesis and in helping me to complete the project within time. I am indebted to Jon Garland and Adrian Beck for making me computer competent and to Ali Saffary, Mike Rowe, Jen-Kuo Tiao, Mita Chauhan, Simon Bennet, Adam Edwards, Rob Pugsley and Vicki Jones for friendship and understanding.

I would also like to thank the staff at Leicester University Library, SOAS, India Office Library, Jawaharlal Nehru University Library, National Police Academy Library at Hyderabad and Bramshill Police Staff College Library, UK, for providing me with information and advice. Special mention must be made of Alan Radford for providing me with access at Bramshill.

My friends Molly Chattopadhyay, Anjan Ghosh and Suhrita Saha kept me informed of events in India. They provided me the much needed link with distant India and supplied me with books and articles that were of immense importance for this research. Subho Basu provided me many seminar opportunities in Cambridge and Plymouth where I could clarify and think aloud my thoughts that informed this thesis. To Sugata Ghosh, Sarmistha Pal, Mallika Banerjee, Arnab and Mousumi Pain for making my stay in the UK pleasant. I am grateful to all of them.

I would like to express my appreciation to Professor Sallie Westwood of the Department of Sociology at Leicester University, who always gave me time, hospitality and intellectual support. Her insightful comments on Indian culture and society and on comparative research helped me to negotiate many intricate problems. Sudipto Kaviraj at SOAS gave patient hearing to my efforts at grappling with the complexities of post-colonial India and helped me clear many of my confused thinking.

I am indebted and grateful to all the members of my family in India, especially to Sougata, Babluda and Bubu for hospitality and help. My mother-in-law would have been very pleased to see this volume had she been alive. This thesis owes a lot to her silent support. My biggest debt is to my wife Mousumi and my daughter Sreyashi, and one that is impossible to repay in any proper way. They had to endure long periods of excessive self-preoccupation in course of writing up this thesis. I hope this thesis goes someway to compensate my many failings at home.

CONTENTS

	PAGES
ABSTRACT	i
ACKNOWLEDGEMENTS	ii
CONTENTS	iii-iv
LIST OF FIGURES AND DIAGRAMS	vi
ABBREVIATIONS	vii-viii
INTRODUCTION	1-12
CHAPTER ONE:	
HISTORY OF THE INDIAN POLICE	13-50
1.1 Introduction	13-14
1.2 Periodisation of Indian History	14-17
1.3 Pre-British Administration	17-29
1.4 The Colonialist Intervention	30-41
1.5 Colonial Police in Madras and Bombay Presidencies	41-49
1.6 Summary	49-50

CHAPTER TWO:

A CRITICAL REVIEW OF LITERATURE ON POLICING IN INDIA 51-109

2.1 Introduction 51-54

2.2 Social Scientists on the Indian Police 54-95

2.3 Reminiscences and Recollections 96-103

2.4 The Colonialist Writer 103-107

2.5 Summary 107-109

CHAPTER THREE:

POST-COLONIAL POLICING IN INDIA 110-147

3.1 Introduction 110-111

3.2 Act V of 1861 and the Formalisation of Indian Policing 111-116

3.3 The Problems of Post-colonial Policing 116-133

3.4 Police-Politics Relationship: Post-colonial Implications 134-146

3.5. Summary 146-147

CHAPTER FOUR:

POST-COLONIAL UNIVERSALITY 148-184

4.1 Introduction 148-150

4.2 Towards a Comparative Methodology 150-153

4.3 A Theory of Post-colonial Policing 153-157

4.4 Post-colonial Bureaucracy and Policing 158-161

4.5 Post-colonial Policing and Divided Societies 162-182

4.6 Summary 182-184

CHAPTER FIVE:

THE STATE, DISCOURSE OF DISCIPLINE AND THE POST-COLONIAL POLICE 185-221

5.1 Introduction 185-186

5.2 State, Coercion and the Police 186-194

5.3 The Specifics of the Post-colonial State 194-198

5.4 Foucault and Discipline 198-213

5.5 Discipline in Post-colonial India 213-219

5.6 Summary 220-221

CONCLUSION 222-235

BIBLIOGRAPHY 236-245

APPENDICES 246-257

Appendix I 247-248

Appendix II 249-251

Appendix III 252-253

Appendix IV 254-255

Appendix V 256-257

LIST OF FIGURES AND DIAGRAMS

	PAGES
Table 3.1: **POLICE POPULATION INCREASE, 1951-1981**	142
Diagram 3.1: **PERCENTAGE INCREASE IN POLICE STRENGTH AND POPULATION, 1951-1981**	142
Table 4.1: **ARMED POLICE AND HEGEMONY**	163
Table 4.2: **'MODEL' OF THE POST-COLONIAL POLICING SYSTEM**	180

ABBREVIATIONS

BSF	Border Security Force
CID	Central Investigation Department
CISF	Central Industrial Security Force
CPO	Central Police Organisations
CPT	Committee on Police Training
CRP	Crown Reserve Police
CRPF	Central Reserve Police Force
DAP	District Armed Police
DM	District Magistrate
DO	Department Order
EFR	Eastern Frontier Rifles
IAS	Indian Administrative Service
IB	Intelligence Bureau
ICS	Indian Civil Service
IP	Indian Police
IPKF	Indian Peace Keeping Force
IPS	Indian Police Service
ISA	Ideological State Apparatuses
ITBP	Indo-Tibetan Border Police
NAI	Natioanl Archives of India
NPA	National Police Academy
NPC	National Police Commission

NSG	National Security Guard
OC	Officer in Charge
RAF	Rapid Action Force
RSA	Repressive State Apparatus
SAP	State Armed Police
SHO	Station House Officer
SP	Superintendent of Police
SPG	Special Protection Group

INTRODUCTION

The primary aim of this thesis is to understand the nature of the post-colonial police with reference to policing in independent India. Several attempts have been made in at typifying Indian policing in terms of Anglo-Saxon or Oriental policing styles. However, I argue, these formulations have been a-historical in nature and have failed to address the critical character of the colonial intervention that British rule had made. This thesis explores the history of policing in India with reference to the imperial imperative and colonial discursive practices of power and knowledge as a precursor to contemporary police practices in India. In other words, this thesis tries to locate the nature of post-colonial policing practices within a specific socio-historical milieu and abstracts a universal structure of post-colonial forms that cuts across geographical and nation-state boundaries.

It has been argued by Kaviraj (1994:19) that the study of colonial societies is necessarily an enterprise that is built around the discipline of history. It has also been argued that the contemporary problems of our time can only be explained with reference to a consistent practice of history as it encourages 'a widening of one's view to embrace epochal pivotal events in the development of social structures' (Mills,1959:144). Yet an unreconstructed historical narrative is by itself not adequate in answering the more abstract and general questions that have to be asked in order to conceptualise the nature of post-colonial policing practices. In order to fully appreciate the problematic involved in post-colonial policing, a shift from narratives of history to sociological explanations is required and 'the historical discipline, cautious and measured about facts, has to become more hospitable to more risky theoretical generalisations' (Kaviraj,1994:19). I have tried in this thesis to make such

risky but necessary generalisations by using a socio-historical style of analysis that uses 'a definable and usable set of traditions; ... (whose) essential feature is the concern with historical social structures' (Mills,1959:21), but simultaneously sensitive to the wider nature of discursive practices.

India stands as an excellent case study of post-colonialism and policing for several reasons. First, for the dimension of time, India having secured its independence half a century ago, thus allowing for certain practices to congeal and structures to become firmly embedded. Post-colonial countries whose independence followed that of India were also influenced by the precedent set in India. Thus as in the colonial period, so also in the post-colonial phase, the experiences of Indian policing were not confined to a defined geographical space. In the colonial period the practices and strategies of policing learnt in India were spread across the Empire. Post-colonial societies and states have on the whole carried on with these practices, albeit mediated and suffused with certain historical specificities. In this sense policing in the rest of the post-colonial world is tied to the Indian experience.

Secondly, though it has been a politically stable country practising parliamentary democracy it can also be seen as a good example of a divided society (cf. Brewer *et al.*1996). Stratificatory signifiers like class, caste, language and other ethnic factors along with disparities in wealth, education and access to resources have made policing rather problematic. These factors and their effects are, I would suggest, shared in common with other post-colonial societies.

A feature of post-colonial societies is the disjunction between the outer or formal legal structure and the inner core which is filled by traditional discursive practices derived from mores and norms (Ray:1991). The outer order is usually built around legal models derived from European precedents and the connection between the outer and the inner is rather tenuous and at times non-existent. It can also be said that the

linkages between the legal-rational structure that validates the outer order and the discursive practices that are existent in the inner core are not organic. By this I mean that the outer order sits atop the inner in a mechanical fashion and that the two orders operate in largely discrete spaces. Therefore the transaction between the two is minimal. This is exemplified in the post-colonial police system where policing is largely engaged in the maintenance of public order and upholding the authority of the state as part of the minimal agenda of the legal-rational structure of the state.

A corollary of the above is that the two orders are usually contradictory in terms of the nature of sanctions that they uphold or deploy. The two orders that I refer to here are ones that define 'spaces' that inscribe the population of a post-colonial state. The discursive practices prevalent within the defined 'spaces' exhibit contradictory social values, an offshoot of which is the degree of difficulty that legal-rational structures such as the police encounter in enforcing the 'law'. This is a feature that is of immense importance to the nature of post-colonial policing and one that informs post-colonial practices at the level of state and society. I have analysed this in detail in chapter five of this thesis and have endeavoured to show the implications of such a division.

Scholars (Kudaisya:1992; Yang:1985; Arnold: 1986, 1985; Cartwright:1995) working on colonial police administration and policing strategies have pointed out that policing was mainly concerned with upholding the authority of the state rather than protecting the life and property of the people. I have argued in this thesis that this raises important questions of continuity and change in the post-colonial context and that the post-colonial state and discursive practices would have to be examined for a comprehensive understanding of policing in post-colonial India. The 'continuity thesis' further raises questions about the nature of bureaucracy in post-colonial societies. Though this has been addressed by scholars like Potter (1979) in relation to the civil service, continuity in police services have received scant attention.

This lack of scholarly attention to the study of policing in post-colonial India can be attributed to important methodological reasons. First, policing in independent India has largely been positioned within the framework of public administration (cf. Guha Roy, 1992) whose main thrust has been to theorise on reforming the police administration and policing practices. The academic responses of these scholars have been predominantly issue based, e.g. police and the 'problem' of human rights, police role vis-a-vis civil liberty, etc. This approach, it can be argued following Mawby (1990) has necessarily made the project of studying the post-colonial police a series of reactive measures removed from the larger issues of international comparisons and therefore fragmented and discrete. However scholars of political and social theories (Chatterjee,1993; Kaviraj,1991) though engaging in the issue of post-colonial continuities within their study of state and nation in India have not specifically addressed questions of policing in independent India.

The second methodological reason that can be ascribed for the relative neglect of scholarship concerning policing in India is that police studies have generally been ethnocentric and that policing like the study of colonial state and society have been the preserve of the historian. The study of policing has been confined within national boundaries and to descriptions rather than analyses of structures and discourses. Mawby (1990:4) feels that this is understandable given the fact that comparative studies in political structures are of relatively recent origin and consequently the study of policing suffers from a lack of academic tradition. However Bayley's (1969) monograph on Indian policing can be cited as the first attempt to explore the relationship of political structures to that of policing. The work was nevertheless not located within the theoretical understanding of post-colonialism. By not having a diachronic understanding of policing, which would have involved a more in-depth understanding of history, Bayley misses the linkages between colonial and post-colonial policing. I address this aspect of the problem in detail in chapter two of the thesis.

I have extensively used archival material for the purposes of this research as well as material collected from interviews of police officers serving in the Indian Police Service and in other ranks. A total of twenty-two police officials in Hyderabad, Asansol and Calcutta provided information that helped in the research of this thesis. This was part of a four month long fieldwork undertaken in India. As I have mentioned above, the conceptualisation of post-colonial policing in its widest possible sense cannot be made without referring to historical records. For this purpose works of scholars engaged in police studies as well as in the broader field of social and political theory dealing with post-coloniality have been used. The records and reports of the various police commissions both in the colonial and in the post-colonial period and their recommendations have proved to be valuable sources of information. Libraries and archives at New Delhi, Calcutta and the Sardar Vallabhbhai Patel National Police Academy, Hyderabad, the India Office Library, the Public Record Office and the British Library at London, the University Library, Cambridge and The Police Staff College, Bramshill provided much needed materials for the research of this thesis.

In general, Indian police officers are reluctant to be formally interviewed on matters pertaining to policing practices and strategies for academic research purposes. This is because policing is seen as a matter of state security that may be compromised by revelations. The National Police Commission commented on this secretiveness as being a bar to a more open and transparent policing policy (NPC1980b:54). However, some of the police officers I interviewed put forward views that were largely supportive of the main contention advanced in this thesis, namely, that the continuity of colonial style of policing and the failure to effectively de-colonise the administration were handicaps to a more community oriented and proactive police force. It was also pointed out by one police officer, that whilst methods of community policing practised in the West were theoretically good, they could not be put to

practice in the current Indian situation.[1] This, it can be argued, is an acknowledgement that there exists a hiatus between legal-rational structures and actual practices of policing. This is a feature that describes the post-colonial situation in relation to formal law and every-day practice.

The first part of the thesis as elaborated in chapter one and two describes the history of Indian policing and draws attention to the nature of the colonial interventions that were made. The critical overview of literature undertaken in chapter two of the thesis draws upon the work of scholars and practitioners in order to arrive at a profile of policing practices in India. It also provides us with an understanding of the various researches that have been conducted to analyse and comprehend the notion of policing in India.

The second part of the thesis as developed in chapters three to five is an attempt at arriving at certain general propositions for policing in post-colonial societies. It attempts to understand the structural basis of policing through a critical understanding of centralisation, paramilitarism, corruption, training and other pertinent matters. The thesis thus tries to move the argument from India to the post-colonial situation in general and delineates the need for an understanding of the state and the nature of power and discursive practices.

Chapter one deals with the history of Indian police until 1861. I have deliberately telescoped together centuries of history pertaining to the ancient and medieval periods of Indian history to understand the myriad practices of social control and policing. Obviously this narrative of indigenous policing practices is not one continuous history until 1861. Various dynasties and rulers had different perspectives on the matter and the measures adopted varied enormously over time and region. What binds the various histories together is that they all preceded the formalisation of policing by the

[1] Conversation with Deputy Commissioner, Special Branch, Calcutta Police (22/01/96).

British colonial rule, that is they were prior to the colonial intervention. It must also be borne in mind that the boundaries of present day India do not necessarily coincide with those of the ancient or medieval past and that politically the present day state of India cannot be equated with the Mughal or Mauryan state. The present state of India is essentially a colonial creation in so far as the boundaries that are now extant are a product of the boundary partition plan that Mountbatten drew up on the basis of the 'two-nation' theory. Yet, in a more subtle and cultural sense it can argued that the historiography that I have used in outlining the nature of Indian policing prior to colonial rule, reflects the range of thoughts and action native to the sub-continent. Thus, by heuristically dividing the history of Indian policing into two separate parts, the contrast of the modern period ushered in by colonial rule can be sharply etched. This makes it easier to take into cognisance the several experiments with policing that the colonial powers made as well as the nature of the intervention into a traditional society.

What is of note is that the concept of policing in pre-colonial India was essentially a hereditary and collectivist notion and that the community was closely involved in the actual acts of policing crime and deviance. The task of policing was also linked to the intricate social stratification system of India and in most parts of the country it was lower castes who were entrusted with routine policing activities. This clearly shows the low status associated with the job, a stigma that would be very hard to overcome even in more modern times.

Chapter one concludes by charting the various ways and means by which the colonial administration started to formalise a police system that would serve the interest of colonialism. I have shown that this did not entail a wholescale substitution of the traditional by modern or colonial policing practices, but involved a complex process of interaction with the traditional elites and ruling classes. Efforts at keeping a certain element of continuity (e.g. the adoption of a structure of district administration that

was essentially Mughal) in order to gather some form of consent was quite important for the first few years of the colonial police.

Chapter two is devoted to a critical examination of the literature. Very little has been written about the Indian police from a critical sociological point of view, the field being virtually dominated by public administration scholars and criminologists. I argue in this chapter that much of the social sciences literature devoted to Indian policing is either descriptive or located within the structural-functional theoretical school and therefore there is a need to go beyond such theoretical formulations. By shifting the focus of the research, I have argued, one can change the line of enquiry to include a wider interconnectivity between everyday policing and issues of development, security and political economy. The question that the existing literature has failed to address is that of why certain colonial practices have been continued despite the fact the post-colonial state had drawn up a blueprint for effective de-colonisation in other spheres of independent governance. I have also in this chapter posited a critique of the application of a managerial style to the problem of post-colonial policing. A managerial style of problem-solving necessarily involves exercises in managing a series of crisis that tend to recur at regular intervals. Thus, the administration can react to rioting in the police, the use of excessive force on unarmed demonstrators, or methods of interrogation, by reacting to these incidents on an *ad hoc* basis. I have argued that we need a more grounded approach and that the question of police - public relations, public order maintenance, etc. would have to be contextualised within the notions of power, hegemony, discourse and state, so that the study of Indian policing does not become a discourse of reaction to symptoms only.

Further chapter two argues for a more diachronic approach to the problem of conceptualising the police in post-colonial India. A synchronic approach only relates to the static side of the science of the social as it is an analysis of the structural features without reference to history. In a diachronic approach, the concept of process

is privileged and the idea of historical change is built in to the analytical method. Thus, whereas synchrony provides us with an account of order *per se*, a diachronic perspective accounts for change. This methodology is vital to the understanding of post-colonial policing for a great many of its structural features were constituted in the colonial period through a series of experiments with different styles and strategies. This also helps to analyse the nature and impact of continuity in post-colonial policing brought about by the retention of certain colonial structures and practices.

I have utilised narratives written by ex-police officers and colonial officials. These narratives provide us with an 'insider's' view of policing in India. It is here that we find a close connection between knowledge and power. From these accounts it is possible to see that the police officials are socialised into a discourse of crime, order and 'knowledge' about certain groups of people and political philosophies that inform the everyday world of policing. It is instructive to note how the insights of the police officials sometime contradicts the well established formulations of social scientists on an issue of common interest. For example, while describing the activities of the nationalists and the freedom struggle, the language used by police officials is invariably the same as that used to describe the 'gangs' of criminals and deviants. Thus there would seem to be a very awkward relationship between the politics of change and policing, that is highlighted by these narratives.

Chapter three essentially deals with the development of the Indian police after the enactment of Act V of 1861. This legislation enacted in the colonial period remains the basis of Indian policing even today, a graphic illustration of the nature of continuity that informs the strategies and styles of policing in contemporary India.

The National Police Commission constituted by the Indian government in 1979 officially recorded that the police of independent India functions 'under the constraints and handicap of an outmoded system' and that 'police performance has

undoubtedly fallen short of public expectations' (NPC,1979:7). However, recommendations made by this Commission for effecting changes at various levels of the police forces in India were completely ignored by the Union government.

This chapter highlights the several problems faced by the police forces in India, low pay for the constabulary, inadequate training for the lower ranks, large-scale corruption and allegations of torture and abuse of human rights *vis-a-vis* under trial prisoners. More importantly this chapter focuses on the deficit of legitimacy that the police forces have in relation to the general public and the need to make a radical overhaul of the entire system of policing so as to make it more adaptive to the increasing democratic aspirations of the Indian population.

Chapter three points out the various ways in which the official training imparted by the police training schools and centres is unlearnt while on the job. 'Actual' practices employed on a daily basis contradict and nullify those that are learnt formally and it can be said that the police personnel are put through a double socialisation process. I explore in this chapter the impact of such training and socialisation in terms of the 'service' aspect of policing in India and the resultant adversarial nature of police-public relationship.

Finally, chapter three concludes by locating post-colonial policing within a matrix of socio-economic variables as developed by Brewer *et al.* (1996). It highlights the post-colonial police as holding a position that is not directly aligned to the professed values of the government as embodied in the Constitution, but does have a tendency to be aligned with the 'strong' version of the state.

Chapter four is an attempt to explicate a typology of post-colonial policing that is not necessarily bounded by the geographical boundaries of nation states. In this chapter I have argued for a repositioning of the study of post-colonial policing by constructing

a composite framework that allows all post-colonial policing to be evaluated against a set of variables and features that are held in common.

This chapter suggests that the study of post-colonial policing, indeed most policing, has been done on the basis of territorial boundaries that mark nation states. Whilst there is no doubt that differences between countries exist, as in the legal codes that are to be executed by the police, certain features and variables can be found that allow the specifics of policing to be positioned against the larger generalities. The fragmentation of the study of policing along state lines does not facilitate a proper and critical comparative evaluation of the many police forces. The chapter therefore constructs a mechanism for the purpose of cross-structural comparisons that helps to highlight strategies and organisational commonalties.

Chapter five tries to conceptually explain the nature of post-colonial policing by trying to relate policing in India to the question of the state and discursive practices extant in social control. It is an attempt at stretching the debate on policing beyond that of the state and state power. It tackles the important question of how the police is viewed in civil society, from which all police forces and police administrations draw support for their acts of control and coercion.

I have argued that the police in India have failed to gather consent for their actions because the technology of control, or as Foucault stated, the physics or anatomy of power that operates in the post-colonial societies have performed the function of discipline-blockade. Discipline-blockade according to Foucault is one of two images of discipline, the other being discipline-mechanism. Discipline-blockade pertains to the 'enclosed institution' (Foucault,1977:209) established outside the core of the society in which it is located. It has the function of 'arresting evil, breaking communications, suspending time' (Foucault,1977:209). Discipline-mechanism on the other hand is a functional concept which describes the improved efficiency of

surveillance and exercise of power. In other words the nature of the articulation of power is itself a very important component in building the necessary consent for any police force. I have argued that the post-colonial police remain an alienated force because it does not have a subtle and enduring presence deep inside the civil society as in discipline-mechanism.

This aspect is a continuation of the colonial legacy, where the police were deliberately kept away from the society in which they operated lest it became too closely involved with the community. The danger then was that the police (at least the lower ranks) would become covert, if not overt, sympathisers of the national freedom struggle. There was therefore a need to insulate the police from the political and social movements current in society. By doing so, the police came to occupy a space at the edge of society and found themselves operating within the discursive space of a discipline blockade. I have argued in this chapter that post-colonial policing has failed to overcome this notion of blockade. Therein lies its failure to gather legitimacy and consent from the population at large. This is further elaborated in the Conclusion which relates this Foucauldian understanding to the concerns of post-coloniality and policing.

CHAPTER ONE

HISTORY OF THE INDIAN POLICE

1.1 Introduction

The Introduction referred to the concept of the 'continuity thesis' as an important methodological strategy to understand the nature of post-colonial policing. In this chapter I shall try to address this theme of continuity of colonial policing practices by trying to posit an historical overview of various policing styles and experiments prior to the independence of India. Continuity of police practices defines post-colonial policing as a universal phenomenon and also constitutes a problem for the process of de-colonisation. This makes the study of the history of policing prior to the colonial intervention, as well as within the colonial period, crucial to an understanding of post-colonial policing itself. This is all the more pertinent as the police in India have in the colonial past, as well as the present, occupied a pivotal position within the political system. This chapter describes the process by which the colonial administration in general and the police administration in particular came to be consolidated and institutionalised. The history of policing in India reveals the close relationship between the forms of state and society and the nature of social control, what Arnold (1988:208) has described as congruences of form and purpose. Thus this chapter provides the foundation for the conceptualisation of post-colonial policing by emphasising the historical nature of subsequent structures and practices.

This chapter makes extensive use of police history of India as written by Griffiths. His work remains the most comprehensive and original narration of policing in India

and subsequent authors have in the main relied upon him to analyse Indian policing. Apart form Griffiths, historians such as Thapar, Spear and Arnold have provided historical knowledge of colonial and pre-colonial policing practices.

1.2 Periodisation of Indian History

Indian history has been divided, by some historians (cf. James Mills; Vincent Smith; A. L. Basham), into three periods: the Hindu, the Muslim and the Modern. This classification is based upon the inappropriate equation of the Ancient with Hindu and the Medieval with Muslim. However, 'such a periodisation of Indian history is misleading in its emphasis apart from the being questionable in its assumptions' (Thapar,1976: 21). This periodisation reinforces the 'Orientalisation' of India (Inden,1990:36), religion being foregrounded as the basis of change or the lack of it. For the purpose of reading the history of Indian police I propose a two-fold periodisation. This, enables us to overcome the 'misleading and questionable' assumptions that Thapar has pointed out. It also has the advantage of dividing the history of policing in terms of traditional and indigenous practices and the colonialist intervention thereby allowing a more comparative approach to the analysis of Indian policing. It should however, be kept in mind, that the colonialist intervention did not necessarily mean a severance of the past. In fact, as shown later in this chapter, the intervention was in itself a series of experiments that the colonialist regime was experimenting with. Thus, the division that is envisaged here is a heuristic divide allowing for the continuities and disjunctures of police history in India to be brought forth.

The first period provides for a history that is essentially prior to the arrival of the British. It telescopes centuries of Indian history from the Asokan empire to the Mughal period, on the assumption that this history describes the indigenous practices of Indian policing. The second period begins with the arrival of the British. The

advent of the colonial rulers marks the beginning of a series of experiments with policing and administration by a number of commissions and committees as well as individual administrators. Opinion was divided on the issue of the best policing practice. Some administrators wanted to keep the indigenous system alive whilst others wanted more radical reforms and European practices to be incorporated (Curry,1932; Griffiths,1971; Arnold,1988). This division of opinion was further refracted through the various regional variations in police administration that the early colonial rulers practised. Thus, the three Presidency divisions[2] of Calcutta, Madras and Bombay had different systems of policing.

All these variations and experiments came to an end in 1861 with the enactment of Act V which laid down a single framework of policing practice in terms of structure and purpose. Modern Indian policing draws its legal powers from this Act of 1861 and this regulation provides the bedrock of the system. This chapter considers the history of Indian policing until 1861.

Writing the history of the Indian police is a difficult task for two reasons. First, a large span of time is involved (from around 600 BC to the recent past) and secondly, most histories were dynastic histories with an emphasis on the lives of rulers as its main content of standard work (Thapar,1976:17). Eulogies rather than history as we understand it today were in vogue. This obfuscated the recording of the ordinary events of daily life. History writing usually became a narration of events around a particular king and essentially concerned with the rise and fall of empires and dynasties (Thapar,1976:17). Most accounts very sketchily describe the administration of law and order and in most cases the image of 'Oriental despotism' hides the nuances of the different regimes and dynasties (Inden,1990:47). On the other hand, India, especially in European eyes, came to be associated with wealth, magic and

[2] The Presidency divisions were essentially the hinterland of the ports that became important for the purposes of colonial trade. They were also administrative units of colonial administration.

wisdom, and this stereotyping also proves to be a barrier in unearthing the ordinary and routine happenings of those times. In the imagination of Europe, India had always been the fabulous land of untold wealth and mystical happenings, with more than just a normal share of wise men.

Indologists from Europe discovered India through the readings of philosophy and literature in the ancient Sanskrit texts and deliberately stressed the religious, spiritual, non-modern and non-utilitarian aspects of Indian culture. The existence of a long history of continued religious life was seen as the high-point of Indian culture and the common belief was that Indian life was so concerned with the metaphysics and subtleties of religious belief that there was no time for mundane things of life (Thapar,1976:16). German romanticism as exemplified by Max Müller for instance, was the most ardent of all in this portrayal of Indian culture[3]. As much of the early Indian history was reconstructed from Sanskrit, and most of these texts were religious in nature, secular texts were ignored or where they were referred to, had Brahman authors who were biased in favour of authority. A consequence of such an interpretation of Indian history was the assumption that in 'Oriental' societies the powers of the ruler were supreme even when it came to the daily functioning of the government. This gave rise to the idea of Oriental despotism, supposedly a feature unique to Asia, or more accurately, India. However, as is described later in this chapter, policing and administration of the villages and other areas of the kingdom was largely autonomous and left in the hands of officials not necessarily related to the court and the royal family. The understanding of the functioning of power lies in the analyses of the castes and sub-castes and the relationship of such institutions as the village council and the guilds. A mere survey of the dynasties of India only provides us with an administrative history through the ages. Our understanding of policing,

---

[3] Excerpts from Müller's 'Lectures on the Origin and Growth of Religion as illustrated by the religions of India' published in 1878 shows the high esteem in which Indian religion and culture were held. Müller has argued that 'it is here (India) that we can learn what man is by seeing once more what man has been' (cited in Voigt,1967:17).

especially in the pre-British days, is necessarily dependent upon this rendition of the Indian past.

1.3 Pre-British Police Administration

The coming of the Aryan tribes to India saw the formation of a rudimentary administrative system that would later form the nucleus of a more centralised monarchy and government. The king was pivotal in this system. The tribal kingdom, the *rashtra*, contained the tribes or the *jana*, the tribal units known as *vish* and the villages known as *grama*. The family or *kula* was the nucleus and the eldest male member - *kulapa* - the head (Thapar,1976: 37). The king was assisted by the court of elders of the tribe and the village headmen - institutions that would later form the basic unit for the policing and upkeep of law and order for centuries. Spies and messengers were also an inseparable part of this administration and the organisation of an effective espionage central to the preservation of both king and his orders.

The period *circa* 600 to 321 BC saw the establishment of numerous tribal republics and their confederations as well as kingdoms in northern India. According to Thapar this is the period when the details of Indian history begin to emerge with greater certainty. The arrival of Chandragupta Maurya in 321 BC marks the beginning of the arrival of the centralised monarchy and a more uniform political system holding sway over a large part of India. She points out the significance of the coming of the Mauryas:

> The Mauryan state ushered in a new form of government, that of a centralised empire. The usual pattern of kingdom familiar to Indians until that period, was a confederation of smaller kingdoms and republics...Kingdoms and autonomous states situated on the borders of the empire naturally maintained a looser relationship with the Mauryas. Areas lying within the empire were not confederated, but were regarded as subordinate to Mauryan rule (Thapar,1973: 94).

Much of the history of the Mauryas is written on the basis of records left behind by Megasthenes, the ambassador of the Greek ruler Seleucus Nikator. The Seleucid provinces of those days would be parts of modern Afghanistan and Kashmir. Another source of historical evidence comes from the writings of Kautilya, the guide and mentor of Chandragupta. It seems that the organisation of society against crime in ancient India revolved around four main elements - communal responsibility, the institution of village watchmen, the conduct of espionage and severe penal provisions. Megasthenes wrote that the standard of public order maintenance was quite high but also that this depended on the extreme severity of the administrators in dealing with the malefactors. Mutilation was quite a common punishment as was the death penalty, which was it seems awarded for the most minor infringement of the law. Thus, evasion of taxes, the injury to a sacred tree or an intrusion on the royal hunt were crimes that attracted the death penalty (Griffiths,1971:9). Intelligence agents or spies were employed throughout the empire and Megasthenes notes that espionage was a highly developed system.

Chanakya or Kautilya, the mentor of Chandragupta and the prime minister, is the author of a political treatise known as the Arthasastra, written in the third century A.D. (Thapar,1973:9). This treatise is comparable to the writings of Machiavelli. The Arthasastra is a cynical but realistic reflection of the state craft practised by the Mauryas as well as an ideal that rulers were supposed to follow in order to maintain public order. The police were part of the general administration which revolved around the office of the Collector General. He had with him three Commissioners and the *Nagarikas*, also known as the *Nagarpal.* The *Nagarikas* were officers responsible for order and security in the cities and towns. The word *Nagarika* is derived from the root word *nagar*, which means town or urban space.

The *Nagarika* or *Nagarpal* was vested with great responsibilities. He was in charge of the general maintenance of the law and order, the administration of jails, the daily

inspection of defences of the city and the custody of lost property. He also had the responsibility of enforcing the fire safety regulations. Masters of houses reported the arrival or departure of strangers or were themselves held responsible for the theft; wayfarers were expected to apprehend persons in possession of destructive weapons; watchmen neglecting their duties or stopping those whom they were not to stop were punished; suspicious persons were to be arrested and interrogated. All these matters as well as those mentioned above were part of the *Nagarika's* duties. The evidence suggests a very severe and comprehensive regime of policing and police administration (Griffiths,1971: 8-9).

Apart from the *Nagarika* there were other officers who were entrusted with responsibilities similar to policing duties. There were Superintendents in charge of Passports, Liquor, Gambling and Commerce. The consumption of liquor was closely monitored and the officer in charge of gambling also had to watch over the criminals.

The provinces were subdivided into districts for the purposes of administration and groups of officials worked in each district. There were three major officials - the *pradesika*, the *rajuka*, and the *yukta*. The *pradesika* was in charge of the overall administration of the district - touring the villages and inspecting district officials and village officials and reporting to the chief collector or *samahartr*. The office of the *rajuka* was subordinate to the *pradesika*. They worked in a judicial capacity as well as revenue administrators. *Yuktas* were involved in secretarial and accounting work of the administration. They were subordinate officials and unlike the *pradesika* and the *rajuka* did not have any executive functions. The *sthanika*, was an official directly under the *pradesika*, and equivalent to the modern day assistant collector. The *sthanikas* corresponded to the urban Commissioners of the empire. The *sthanikas* were helped by a *gopa*, an officer in charge of a group of villages. The *gopas* held positions similar to those held by the *Nagarikas* in the cities and towns. However

they were remunerated by grants of land. The village watchmen came under the *gopas,* whose position would be close to the modern day constable.

Policing in the days of Kautilya, i.e. in the period of the reign of Chandragupta Maurya, was closely linked to espionage. The *Arthasastra*[4] enumerates the reasonable grounds of suspicion for the law enforcement officers to act upon. A reading of the Arthasastra's enumeration of the various suspects gives us an indication as to the role of the police:

> Persons whose families subsist on slender means of inheritance; who have little or no comfort; who frequently change their residence, caste and names, not only of themselves, but also of their family (i.e. gotra)[5]; who conceal their own avocation and calls; who have betaken themselves to such luxurious modes of life as eating flesh and condiments, drinking liquor, wearing scents, garlands, fine dress, and jewels; who have squandering away their money; who constantly move with profligate women, gamblers, or vintners; who frequently leave their residence; ... who hold secret meetings in lonely places near or far from residence; who hurry on to get their fresh wounds or boils cured; ... these and other persons may be suspected to be either murderers or robbers or offenders guilty of misappropriation of treasure trove or deposits or to be any other kind of knaves subsisting by foul means secretly employed (Griffiths,1971: 10).

Spies were not merely concerned with common criminals. Even the ministers of the king and the army commanders were spied upon. Spies were ubiquitous and the Arthasastra deals with it in great detail. Along with the elaborate system of espionage the use of torture was equally prevalent. Different forms and degrees of torture for eliciting information was also mentioned (Griffiths,1971:10-11; Chatterji,1961:17).

The system of policing that the Arthasastra of Kautilya mentions remained the model of police administration for centuries. The *Nagarika's* office was transformed into that of the *Kotwal* and the village watchman continued to perform the duties of watch and ward.

---

[4] The term *Arthasastra* means 'The science of material gain' (Kosambi,1965:142).

[5] A gotra is a family that is notionally descendant of a holy seer. All caste Hindus trace their ancestry in this fashion. A gotra is also a mark of one caste and therefore of one's social status.

Unlike the Mauryan administration the local administration of the Guptas was for all practical purposes independent of the centre (Thapar, 1976: 145). Therefore, decisions of administrative importance was taken locally and in relation to the individual situation. The officers in charge of the districts (*ayukta*) and a higher provincial official (*kumaramatya*) were the link between the local and the central administration. Villages were under the local bodies consisting of the headman and the local elders and it can be safely assumed that given the bias in favour of local initiative in administration, the policing of the subject was left to the villagers themselves. Thus, during the rule of the Guptas (from the fourth to the sixth century A.D.) the village headman known as *Gramika* and *Gram Bhojka* was responsible for keeping peace in the local community with the help of the council of village elders known as *Gram Mahattera* or the *Panchkulas*. Policing duties were collectively shared and were very much a community affair. Apart from the voluntary community policing, there existed paid officers appointed by the village council known as the *Gram Pratihars* and the *Rakshakas*. These officials were paid in kind and constituted the rural police force for the Gupta dynasty. Similarly, in the urban administration, each city had a council which consisted of local representatives, on which commercial interests predominated. There is no mention of any official position in the urban councils whose role approximates to the role of a police or enforcement official (Thapar,1976:144-146;245-246).

The South Indian kingdom of Vijayanagar, which was founded in 1336 reached its zenith during the reign of Krishna Deva Raya (1509 - 1530). Deva Raya had established friendly relations with the Portuguese on the West coast as he was dependent on them to supply him with horses. The Portuguese had come to control the horse trade and in general their prosperity was in the main dependent on the prosperity of the Vijayanagar kingdom. Fernao Nuniz was one such trader who travelled extensively within the Vijayanagar kingdom. He wrote on several aspects of

the kingdom that he travelled and has left for us a glimpse of the administration of law and order in Vijayanagara. An aggrieved person had the right to petition the king and if the person complained

> that he was robbed in such and such a province and in such and such a road, the King sends immediately for the captain of the province, even though he may be at court, and the captain may be seized and his property taken if he does not catch the thief. In the same way the chief bailiff is obliged to give an account of the robberies in the capital, and in consequence very few thefts take place; and even if some are committed, you give some little present and a description of the man who stole from you, and they will know by the agency of the wizards whether the thief be in the city or not; for they are very powerful wizards in this country. Thus there are very few thieves in the land (Griffiths,1971:12).

The 'wizards' mentioned in the text refers to intelligence agents of the administration. Like their north Indian counterparts, the Vijayanagara rulers depended on the reportage of their spies for controlling law and order and anticipating palace coups and political upheavals.

Information regarding the police administration and the execution of police powers is also to be found in 'The History of the Madras Police: 1859-1959' which quotes an observation of a senior civil servant of the colonial administration, A. Falconer concerning the traditional police, namely that:

> Each village constituted a petty commonwealth, having a complete system of municipal police in which the regal, ecclesiastical, and general interests were represented and respectively provided for...In each village, town, city, and district were stationed officers of police, with gradations of rank and numbers of territory, ... from that of the humblest Kavilgar to that of the most powerful Poligar[6]. These Kavilgars having a concurrent jurisdiction, were charged with internal security and tranquillity of the country. They were armed and paid by means of certain contributions from every inhabitant, and in addition to an assessment amounting, perhaps, to one and a quarter percent of the annual gross produce of the country, the protection of which also was made their duty and their interest ... .
>
> Being thus entrusted with the safety of the public property, armed with the means and paid for the purpose of protecting it, they were held responsible for all losses by theft, robbery, or depredation, for the detection and apprehension of all public offenders of this description, and for the extinction of all offences committed by them. The formidable power thus delegated to these Kavilgars organised by an able minister and controlled by a despotic government, was

---

6 A poligar is a chief or a landowner and a kavilgar was a serf.

> competent to every purpose of vigorous and energetic police. But it was counterbalanced by a concomitant evil. Under any relaxation of the controlling authority, the Poligars and higher officers of it attained and usurped a power which was employed in maintaining personal quarrels. They extorted and amassed wealth, which was dissipated in a jealous rivalry of magnificent pageantry (Griffiths,1971: 12-13).

It can be said from the description given above that policing in South India was decentralised in so far as the village was the unit of police administration. It is interesting to note that the police personnel were paid from contributions of individuals resident in the village. This should have obviously foregrounded the needs of the residents in terms of services that were to be expected from the police. However, it would seem that the system of community control over the police could not deter powerful and higher officers from abusing their offices for personal gains. This may be due to the fact that the high officers in the police were drawn from the landed classes, who found their office to be a conduit for the articulation of their private interests. Nevertheless, policing was not left to aliens or personnel brought in from outside the geographical boundaries of the village, a feature that will find increasing salience in the colonial era. Policing was in this sense organically linked with the other activities of the village and social control was not an alienating process.

Arnold (1986: 17) finds the traditional police of South India to be of two kinds - the *taliaris* and the *kavalkars*, also known as *kavalgar*. The *taliari* was like the *chaukidar* of north India, the village watchman who guarded the houses and the crops, assisted in the collection of revenue, kept an eye on strangers, caught thieves and recovered stolen property. The office of the *taliari* was hereditary. He was remunerated with a fixed share of the harvest and some times with a small rent-free plot of land. This task was usually carried out by the low caste Hindus or untouchables and members of the various predatory or 'criminal' community. The caste affiliation of the job showed that traditionally little prestige was attached to it. The remuneration was also rather small and therefore did not attract others to watch and ward duties. It is important to

note that the *taliari* was part of the village community and functioned under the formal control of the village headman and the council. Being part of the mores and norms of the village society, the *taliari*, in common with his north Indian counterpart, was never an alien figure enforcing an alien law. The Mughals and the British changed this concept of community policing by entrusting the task to alien and foreign born policemen[7].

The principle of collective responsibility that some historians believe was the hall mark of rural life in ancient and medieval India, meant that an entire village could have been fined for harbouring a thief or a murderer. The *taliari* himself could have been punished with a fine or a whipping or the loss of his office. Collective responsibility, upheld by penalties and threats and the intimate knowledge of the watchman himself, were effective deterrents and means of crime-control.

The *kavalkars* - one who collects *kaval* or protection fees - was according to Arnold a state appointee as opposed to the locally appointed *taliari*. Not being part of the community allowed him the social opportunity to perform the functions of surveillance and coercion. The *kavalgar* was responsible not for a single village, but for several, and even for roads, wastelands, and markets connected with them (Arnold 1986: 19).

The Mughal rule in India (1556-1749) is a more well documented part of Indian history. It is also the most centralised and monolithic administrations prior to the consolidation of British colonial rule. Whereas the Mauryan and Gupta empires consisted of a loosely united federation of independent and highly autonomous provinces, the Mughal empire had 'oneness of the official language, administrative system and coinage' (Sarkar,1920:129). Evidence of this period is mainly through the

[7] Policing was a very 'male' profession and remains so even today, though it can be argued that women are also entering this one time exclusive male preserve. This is a feature of Indian policing that is related to the idea of public space and expected role performance. As women traditionally were not allowed to occupy any public space, policing therefore remained a male domain.

writings of the various court appointed authors as well as the records of the many European travellers and traders who frequented the Mughal court. The Mughals themselves kept detailed records of their administration, especially those related to the criminal justice system. However very little written evidence about the police and police administration *per se* is available for the period of Mughal rule.

Under the Delhi Sultanate, the *Muhtasib* was the official concerned with police administration. His duties were complex. He combined in himself the offices of the Inspector-General of Police, a Chief Engineer of Public Works as well as being the Inspector of Morals. Within the city the *Muhtasib* was able to delegate his responsibilities to the city *Kotwal* who, Griffiths explians:

> was a minor luminary under the *Muhtasib*. The wide powers of the latter and the nature of his duties required him to keep his eyes and ears always open. He utilised spies as well as the regular police for this purpose. The routine duty of the police was patrolling the thoroughfares at night and guarding vantage points. Leading men were appointed wardens in every quarters of the city and thus public co-operation was enlisted. The *kotwal* maintained a register of the inhabitants within his limits, noting down their addresses and avocations, so that the particulars of people without jobs and those living on other people's cupidity or gullibility came to his notice without delay. It was therefore easy for him to note the arrival and departure of strangers and keep track of them. He was also a Committing Magistrate. The force under him was entirely civil in character and though the term *kotwal* is sometimes used for military commanders of cantonments also, it can be in relation to their civil work (Griffiths, 1971: 14).

The Akbarnama, (in the name of Akbar[8]) a treatise compiled by one of Akbar's counsellors, Abdul Fazl 'Allami, contains the Ain -i- Akbari or the 'Laws of Akbar'. The Ain can be said to be the general rules and guidelines of Mughal administration, including revenue collection. It does not contain direct reference to the administration of the police. A general account emerges from the various notes on judicial organisation and from the duties expected to be performed by the more important police officers. The empire of Akbar was divided into administrative units each ruled

[8] Emperor Akbar (1542-1605) was one of the greatest Mughal rulers of India. One of his enduring achievement was the creation of an imperial service and administration (Spear,1970:26-39).

by a *Fouzdar.* These officers were placed in charge of the rural areas and were responsible for external defence and internal security. Criminal cases were investigated by a *Qazi,* who was also responsible for the deliverance of justice. The actual findings were carried out by another officer, the *Mir A'dl.* Both the *Qazi* and the *Mir A'dl* were jointly responsible for the prosecution of criminals and justice. These officers were particularly warned not to place too great a reliance on the oath and the accounts given by the witnesses (Griffiths,1951:15). Thus, investigations were to be more painstaking and thorough and were designed to eliminate confessions gained through torture and use of physical force.

In the urban areas the *Kotwal* was entrusted with the responsibility of policing and was the most important officer of law enforcement. It is often stated that the colonial administration, especially aspects of revenue collection and policing, was a continuation, modified as it may have been, of the Mughal system of administration. In fact, police stations in northern India, especially in the small towns and villages are still called the '*kotwali*', i.e., the office of the *kotwal.* The *kotwal* in the Mughal administration was said to be:

> the unacclaimed ruler of many towns. The position was coveted by many, particularly for the opportunities it provided for extortion and receiving of bribes. The *kotwal* is usually pictured as being ruthless, cruel, arbitrary, and effective when it was in his interest to be (Bayley,1969: 39).

The Ain sets out in detail the responsibilities and duties that the *Kotwal* carried with his office. Griffiths cites the Ain extensively to show the importance that the Mughals' attached to this office:

> The appropriate person for this office should be vigorous, experienced, active, deliberate, patient, astute and humane. Through his watchfulness and night patrolling the citizens should enjoy the repose of security, and the evil-disposed lie in the slough of non-existence. He should keep a register of houses, and frequented roads, and engage the citizens in a pledge of reciprocal assistance, and bind them to a common participation of weal and woe. He should form a quarter by the union of a certain number of habitations, and name one of his intelligent subordinates for its superintendence and receive a daily report under his seal of those who enter or leave it, and of whatever

> events therein occur. And he should appoint a spy one among the obscure residents with whom the other should have no acquaintance, and keeping their reports in writing, employ a heedful scrutiny. He should establish a separate '*serai*' (or inn) and cause unknown arrivals to alight therein, and by the aid of divers detectives take account of them. He should minutely observe the income and expenditure of the various classes of men and by a refined address, make his vigilance reflect honour on his administration...When night is a little advanced he should prohibit people from entering or leaving the city. He should set the idle to some handicraft. He should remove former grievances and forbid any one from entering the house of another. He shall discover thieves and the goods they have stolen or be responsible for the loss... He should use his discretion in the reduction of prices and not allow purchases to be made outside the city. The rich shall not take beyond what is necessary for their consumption. He shall examine the weights and make the *ser* not more or less than thirty *dams*...He should not suffer a woman to be burned against her inclination, nor a criminal deserving of death to be impailed nor anyone to be circumcised under the age of twelve (1971: 15-16).

From the above it is evident that the police were given a wide range of tasks both pro-active and reactive. Surveillance as a means of control was emphasised. Interestingly enough some welfare activities were recommended to be initiated for the prevention of crime. The police it seems were also held responsible for the level of consumption and access to wealth thus being indirectly made a part of economic control. The welfare of women and children were also emphasised though the extent of implementation of all these responsibilities remains doubtful. Given the fact that the *kotwals* were the unacclaimed rulers of the towns, it can be reasonably presumed that there were extensive abuse of powers. What emerges from the above account is the level of centralisation and detailed surveillance that the Mughal administration wanted to implement and the increasing importance of the police administration in social control.

The *Fouzdar* as mentioned above held the position of the *Kotwal* in the rural areas but the vastness of the territory did not allow him the same depth in supervision that the *Kotwal* enjoyed. Griffiths cites Sarkar's Mughal Administration (1920) to establish the position of the *chowkidar* or the watchman. Rural policing was left in the hands of the chowkidars:

> who were servants of the village community and maintained by the villagers themselves out of village land or by share of the crops, and who were not considered as officers paid and supervised by the State. Instead of the Mughal government undertaking responsibility for rural peace and security, it made the villagers responsible for the safety of their property and that of the travellers in the neighbouring roads (cited in Griffiths,1971: 16).

The work of the *Fouzdar* and the *Kotwal* was supported by the news-writers or the intelligence agents, and in particular by the *Khufia-navis* [9]or the secret writer who was responsible directly to the Imperial Court, bypassing the local authorities 'who often did not know his name' (Sarkar,1920:99). An official manual laid down the responsibilities and duties of the of this office:

> Report the truth, lest the Emperor should learn the facts from another source and punish you. Your work is delicate; both sides have to be served...In the wards of most of the high officers, forbidden things are done. If you report them truly, the officers would be disgraced. If you do not, you yourself would be undone (Griffiths,1971: 16).

It has been argued by Bayly (1996) that surveillance and communications were re-organised in the reign of Akbar and therefore it may be argued that when the term Mughal is used to describe civil and police administration, it essentially refers to the period of Akbar's reign (1556-1605). With the death of Akbar in 1605, a gradual decline set in the authority of the officials appointed by the state. Local officials were less restrained and administration was largely left in the hands of the *Jagirdars*, the big landlords. These *Jagirdars* were responsible for the maintenance of law and order as well as revenue collection. Reports about their cruelty in enforcing the royal authority are legendary and the French traveller Bernier had this to say:

> There is no one before whom the injured peasant, artisan, or tradesman can pour out his just complaints; no great lords, parliaments, or judges of local courts, exist, as in France, to restrain the wickedness of those merciless oppressors, and the Kadis, or judges, are not invested with sufficient power to redress the wrongs of these unhappy people. This sad abuse of the royal authority may be felt in the same degree near capital cities such as Delhi and

---

[9] Apart from the *khufia-navis*, there were other officials like the *waqai-navis*, the *sawanih-nigar* and the *harkarah*. Both waqai-navis and the sawanih-nigar mean a writer or surveyor of occurences (Sarkar,1920:97-98).

> Agra, or in the vicinity of large towns and seaports, because in these places acts of gross injustice cannot be easily be concealed from the court (cited in Griffiths,1971:17).

However, Bernier's contemporary Tavernier, who witnessed the court proceedings of Emperor Shah Jahan, had a different account of the police and criminal justice system that prevailed. In his narration the efficiency of the authorities is emphasised. It would seem that the police system was strict in all things and particularly with reference to safety of the roads. Criminal activities were well controlled and there was never any necessity to execute a man for having committed a theft. Griffiths feels that this account of police efficiency and public safety is contrary to the accounts provided by Tavernier's contemporary, and therefore not accurate (1971:17). Another traveller, Peter Mundy who moved extensively in Northern India during the reign of Shah Jahan, described the country as swarming with rebels and thieves. He was witness to masonry pillars studded with heads of condemned criminals[10].

The British colonialists were the successors to the Mughals in India not only chronologically but in a larger historical sense. In a way they inherited the police and revenue administration of the Mughal's, especially Emperor Akbar's, but also in very significant ways differed from them. The colonial rule was in many significant ways innovatory and police administration and policing exemplified this to a great extent. As Arnold argued, 'The police also serve as the metaphor for the colonial regime as a whole. Through the police it is possible to see institutionalised and enacted the priorities and principles of colonial administration' (1986: 2).

---

[10] This is an example of the public and the 'spectacular' method of social control and establishment of order. I analyse the implication of this with reference to the Foucauldian notion of discipline in chapter five.

1.4 The Colonialist Intervention

The beginnings of modern policing in India can be traced to the establishment of colonial rule in India. British rule began with the arrival of what later came to be known as the East India Company. This Company began trading under the name of Governor and Company of Merchants of London, Trading with the East Indies in 1601. A rival company called the English Company Trading to the East Indies was chartered in 1698 to trade in India. These companies merged to produce the amalgamated company known as the United Company of Merchants of England in 1833. The merger was brought about by a charter which gave it the name East India Company (Griffiths,1971:18). For the purposes of this chapter and the thesis itself, the East India Company would stand as being representative of both the pre-1833 and the post-1833 period of the Company in colonial history.

The history of colonial or British administration in India, including its police administration, has to be seen prior to 1861 as a series of fragmentary efforts spread out over the three Presidencies of Calcutta, Madras and Bombay. The first few years were spent experimenting with various 'models' of policing. The models varied regionally and depended in the main on the fancies of the many British administrators. A major debate in the early years of the Company's rule was between those who were in favour of retaining what they considered as traditional or indigenous systems of policing and others who were more 'Anglicised'. The latter were suspicious of the native institutions and consciously sought to bring in European policing practices (Arnold,1986:11).

Though the Company had by 1698 acquired land rights in and around three villages of what is now modern Calcutta through the efforts of Job Charnock, they had to wait until 1717 for a *firman* (a royal order) from the Mughals to conduct free trade. The

Company had however by then built a fortified factory, Fort William (1696), and a flourishing trade in silk, cotton, saltpetre, yarn, sugar and gunpowder was being conducted. By 1757, the *de facto* ruler of the state of Bengal was the Company, as it had come to acquire the military power needed to collect revenue and 'give their merchants a free run of the country's internal trade' (Spear, 1977: 85). Through a series of engineered palace intrigues and other diplomatic efforts the Company could effectively destroy the powers of the Nawab of Bengal. The details of these need not be mentioned here. Suffice it to say that in 1764 the Battle of Buxar ultimately tilted the balance for the Company by a treaty - the Treaty of Allahabad, 1765. As a consequence of the treaty a formal transfer of power took place when the Company was appointed as the Diwan for the provinces of Bengal, Bihar and Orissa. In return the Emperor was guaranteed a tribute of Rs. 2,600,000. Marshall (1987: 93) argues that the year 1765, when the East India Company became the Emperor's Diwan, can be seen as the dividing line between Mughal India and British Bengal. Bengal itself was the 'British Bridgehead' (Marshall 1987) for the eventual domination over the entire Indian sub-continent.

The Company however retained, in theory at least, the fiction of an independent Nizamat. The Company was to collect revenue as they were the Diwans, whereas the Nawabs would hold court, i.e. the Nazims, would supposedly direct the defence of the province and maintain order, internal peace and justice (Marshall,1987: 93). Though the Nawab was the *de jure* head of the administration after the Treaty of Allahabad, it was the Naib, or Deputy, appointed by the British, who carried out the daily routine of administration. By abolishing the office of the Naib Nazim in 1790 this arrangement would be replaced by the Company taking over the Naib's responsibilities.

Though the fiction of the Nizamat was maintained by the British until 1790, matters regarding law and order and the execution of criminal justice were in British hands.

Thus it fell to the new rulers to form a police force and Warren Hastings, the then Governor-General, started to reform the police in 1774. Hastings advanced the view that there was an growth in incidents of dacoity (armed robbery) and other crimes because of the unavailability of the old *fauzdari* system. He was of the opinion that the increasing rigour of proof that was being asked for in the courts led to a larger number of crimes (Griffith,1971:54). Thus, he recommended that the Fouzdari system be restored and a more summary procedure of prosecution and conviction be arrived at. The *Zamindars* were enjoined to assist the *Fauzdar* in their duty and to obey him in matters relating to the maintenance of public peace. The *Fouzdar* was to be placed under a Magistrate, who was usually a European. Griffiths (1971: 54-55) cites the Minute of 9 April 1774:

> I propose, that Fouzdars be appointed to the stations hereafter mentioned, for the protection of the inhabitants, for the detection and apprehension of public robbers within their respective districts, and for transmitting constant intelligence of all matters relating to the peace of the country to the Presidency; that the zemindars, farmers and other officers of the collections be enjoined to afford them all possible assistance in the discharge of their duty, and to obey such orders as they may have occasion to issue for that purpose; that the farmers do make them over to them the land servants allowed for their respective districts, who shall be under the absolute command of the Fouzdars; that an office be established under the control and authority of the President, for receiving and registering all reports from the Fouzdars, and the issuing orders to them; that such of the zemindars or farmers, as shall be convicted of having neglected to assist the Fouzdars in the execution of their trust shall be made responsible for any loss sustained by such misconduct or otherwise fined according to the nature of the offence; but that all persons of whatever degree or profession, who shall be convicted of receiving fees or other pecuniary acknowledgements, from robbers knowing them to be such, or of abetting or conniving in any shape at their practices, shall be adjudged equally criminal with them and punished with death; and that this be immediately made public throughout the province.

The establishment of an effective police force, it was felt, would provide a better milieu for the collection of revenue. Hastings argued that the possible objections to the establishment of the police force on the grounds of expenses were not valid, as returns from security and order that a police force can obtain for colonial trade would be more profitable in the long run. He stated:

> I am assured that many villages, especially in Jessore and Mahmudshahee, pay a regular malguzaree to the chiefs of the dacoits, from which if they can be freed, the reiats[11] will certainly be better enabled to pay their rents to the Government, independently of the improvements which their lands may be expected to receive from a state of quiet and security (Griffiths, 1971:55).

Thus the consideration of colonial profit was firmly linked to the establishment of law and order. The political economy of colonial policing was in this way theorised and administrative steps were taken to create a viable and efficient police force. The immediacy and extensiveness of crime that threatened the new-found powers of the British was apparently the cause for the setting up of the force or, as some writers like Saha (1990) terms it, the Hastings model of police administration. Arnold (1986) is critical of the distinction that is often made between crime and politics while analysing the roots of colonial policing. He is of the opinion that:

> To the colonial regime crime and politics were almost inseparable: serious crime was an implicit defiance of state authority and a possible prelude to rebellion; political resistance was either a 'crime' or the likely occasion for it. The resources and skills developed in combating the one were freely employed in defeating the other (1986: 3).

We shall examine this assertion more closely later.

The policy that Hastings enunciated had three main features:

(a) An office of Fauzdar to be created and appointed in fourteen stations of Bengal.

(b) The Fauzdars to be made responsible for the protection of the people in their respective districts and for the detection of robbers.

(c) The Zamindars were enjoined to provide the Fauzdars all possible assistance in the discharge of their duties. Each Fauzdar was placed under a magistrate in the district concerned (Griffiths,1971:54-55).

In this model Hastings envisioned the European Collector would operate as the Magistrate and the *Darogah*, the *Fouzdar* and the *Zamindar* were to exercise

---

[11] Reiats (also known as ryots) are tenant farmers who provided the government with a fixed rent from the produce of the land.

concurrent authority. This arrangement shows how colonial policing was not an abrupt imposition of an alien model but the gradual fashioning of old to suit the needs of the new. The organisation of the police that Hastings undertook must be seen in conjunction with the reforms that he launched in the general field of revenue administration. Spear (1970) argues that Hastings was an organiser of great merit and that the beginning of colonial administration in India can be attributed to his zeal for reform. He deposed the Indian deputies who collected revenue on behalf of the Company and they were substituted by the Board of Revenue in Calcutta and, as we noted above, by English magistrates in the districts. This introduced the European superintendence of Indian administration, both civil and police, that would abide until the coming of independence.

According to Spear, Clive was the founder of the British Indian state, Hastings its organiser, who made it politically viable, and Cornwallis who gave it a definite form and stamped his own characteristics on it (Spear, 1970:93). Cornwallis was appointed the Governor-General in 1786. He, unlike his predecessors, distrusted all things Indian and had a strong sense of Indian shortcomings (Spear,1970:95; Griffiths,1971:57). Cornwallis stated that 'every native of India, I verily believe is corrupt' (Spear,1970:95). He divided the Company activities into two separate wings - the commercial and the political. Henceforth Company servants had to choose between the two and did not combine commercial business with the activities of the administrator. This according to Spear, is the beginning of a formal Civil Service and the involvement of the Company in matters directly related to the governance of its possession.

The Regulation of 1793 (Regulation XXII of 1793), laid down the principles to be followed:

> The police of the country is in the future to be considered under the exclusive charge of officers of Government, who maybe specifically appointed by to that trust. The landholders and the farmers of the land, who keep

> establishments of Tannadars and police officers for the preservation of peace, are prohibited entertaining such establishments in future. Secondly, landholders 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 the Government for their apprehension, in either of which cases they will be compelled to make good the value of the property stolen or plundered (Griffiths,1971:57).

Spear notes that these changes were of great consequence for the colonial rule and for future Indian administration. Police organisation was radically restructured the 'final touch was the removal of police powers from the zamindars and with them their last direct touch with the peasants' (Spear,1970: 97).

The Regulation of 1793 also laid down the principles of implementation. The Magistrates of Dhaka, Murshidabad and Patna were ordered to divide their city areas into wards[12]. Each of these wards were placed under a *Darogah* who was made directly responsible to the *Kotwal*. The *Kotwal* had to furnish a security of Rs. 5,000 and along with the *Darogah* could not be replaced without the sanction of the Government. There was to be a thana (a police station) for every 400 hundred square miles and the *Darogah* was in charge of the area. He was authorised to arrest persons found in the act of committing a breach of peace, or those accused of murder or other serious crimes. He was in all cases except minor ones, to send the accused to the Magistrates. For minor offences the *Darogah* could personally take security for their appearance. The *Darogahs* were also empowered to persuade parties in dispute to come to a settlement. Griffiths (1971: 57) also points out that the *Darogah* was not required to enquire into any complaints or to inflict any punishment, though he was required to the statement of the witnesses on oath. The village watchmen were placed under the supervision of the darogah. Though the Regulation did not state the number and specify the staff to be placed under the *Darogah*, it generally consisted of, the watchman, the writer, one or more *jamadars*, and an establishment of from ten to

---

[12] The Magistrates under the new Regulation combined in their office the duties of the Collector and the District Judge thus bringing under one office revenue, judicial and magisterial functions.

forty matchlock men (Griffiths,1971:58). A *barkandaz* was literally a 'lightning thrower', implying that he was armed with firearms (Bayley, 1969: 41).

Historians, especially police historians writing about the measures introduced by Cornwallis, noted that the *Darogah* system was a failure. Crime increased and the general law and order situation deteriorated:

> The *Darogah* and his men were a force apart, the creation of alien authority; they could not command the assistance of local castes and traditional leaders as a hereditary landowner could. Moreover the *Darogah* system did not have sufficient manpower. Even if the integrity of the traditional system had not been destroyed, the new arrangement was stretched much too thin (Saha,1990:105).

The system of policing by Darogahs that the reforms of Cornwallis had sought to introduce was evaluated by a Select Committee appointed by the House of Commons in 1808. The report tendered by this Committee is popularly known as The Fifth Report and was submitted finally in 1812. This report cited the preamble of Regulation XII of 1807 which categorically stated the failure of the *Darogah* system. It asserted that 'the experiment proved to be a failure. It could not ensure order and peace' (Saha,1990). Besides being critical of the Cornwallis system and the police administration that he sought to establish, the Fifth Report throws some very interesting light by comparing previous police administrations and the inherent shortcomings of those existing at that very time. It also brings about the debate that was engaging the minds of the colonial administrators regarding the design of the police. The debate on colonial policing did not as yet consciously incorporate any ideas from 'models' available outside India. The choice was essentially confined to models already historically available in India and from amongst those that various colonial administrators had sought to introduce from time to time. It is quite apparent that at this stage there was no one model which could be taken as a model for Indian policing. As we see in the following rather elaborate citation from the Fifth Report

that Griffiths provides, the colonial administrators were yet to make up their mind about the previous police regime that the zamindars had administered:

> Beside the usual establishments of guards and village watchmen, maintained for the express purpose of Police, the zemindar had, under the former system, the aid of zemindari servants, who were at all times, liable to be called forth for the preservation of the public peace, and the apprehension of the disturbers of it. The officers employed in the collection of the sayer or impost duties, before the abolition of them, and stationed at the *gunges*, or commercial depots of grain, in the *bazars* or markets, and at the *hauts* or fairs, possessed authority and officiated for the preservation of peace, and the protection of the inhabitants and frequenters of those places. To convey an idea of the means possessed by a principal land-holder for the purposes above mentioned, it may be sufficient to notice the case of the zemindar of Burdwan: This zemindary, on a rough estimate, may be taken at 73 miles long, and 45 broad comprehending about 3,280 square miles; nearly the whole of which was in the highest state of cultivation, and well stocked with inhabitants. His Police establishment, as described in a letter from the Magistrate of the 12th October, 1788, consisting of *tannahdars* acting as Chiefs of Police Divisions, and guardians of the peace; under whose orders were stationed in the different villages, for the protection of the inhabitants, and to convey information to the *tannahdars*, about 2,400 *pykes* or armed constables. But exclusive of these guards, who were for the express purpose of Police, the principal dependence for the protection of the people probably rested on the zemindary *pykes*; for these are stated by the Magistrate to have been in number no less than nineteen thousand, who were at all times, liable to be called out in aid of the Police.
>
> The village watchmen, and such as remain undismissed of the zemindary servants, are by public regulations, required to co-operate with the *darogahs;* but a provision of this nature without the means of prompt enforcement, has not been attended with the desired effect; the influence of the zemindar as it existed in former times, being wanting to bring forth these aids in into active exertion, while the *darogahs* who are represented as insulated individuals, are in their respective divisions, viewed with fear by some with jealousy by others, and neglected by most inhabitants, possess not that consideration in the public mind, so necessary to aid them, in the efficient performance of their duty (Griffiths,1971: 59-60).

The Committee was in favour of going back to the pre-Cornwallis era of *zamindari* policing, but the various administrative reforms and the consequent curtailment of *zamindari* power made it difficult to bring back the old system of policing and the maintenance of public order. Nothing in the way of a radical or a drastic departure was however to be formulated. Police officers, Regulation XX of 1817 stated, were to be appointed by the Magistrates and the *Darogah* system was allowed to continue. Sir Thomas Munro, an experienced Collector and Special Commissioner on judicial reform and later the Governor of Madras in 1820, was a powerful critic of the

Cornwallis reforms. He was of the opinion that it was not in the interest of the British administrators to tamper with traditional Indian forms of administration. According to Munro the 'ancient system of police in India answers to every useful purpose, and ... requires no other aid, unless that of being restored to its former state' (cited in Arnold,1986:10). Munro in 1817, in contrast to the reform minded Bengal administration of Cornwallis, was of the opinion that an externally imposed police would be useless and vexatious for the country. His arguments for least interference to the police administration was a mix of romantic idealisation of village India, and practical considerations that were beneficial to the retaining of old laws and customs. Munro wrote:

> Our situation, as foreigners, renders a regular village establishment more important to us than to a native government: our inexperience, and our ignorance of the circumstances of the people, make it more necessary for us to seek the aid of regular establishments to direct the internal affairs of the country, and our security requires that we should have a body of headmen of villages interested in supporting our dominion (Munro,1817 cited in Arnold,1986: 10).

I would argue that the plurality of opinions that were prevalent amongst the various British colonial administrators on the single issue of how best to police India, is an indication of the indecision and hesitancy that marked the first few decades of colonial rule in India. The colonial administration had no one well-enunciated policy. The various Governors of the different areas of colonial India tried out different models. Indirect rule and the practice of 'dual government' was the order of the day. Policies were ambiguous as to whether to strive for 'Anglicisation' of the administration or to leave indigenous traditions and institutions in their place. Munro was associated with the latter school of thought whereas Cornwallis was in favour of the former. Ultimately the policies of Cornwallis, who was, as noted above, very suspicious of things native, reigned supreme. An increasing concentration of coercive powers in the Company's hands and gradual loss of power for the *zamindars* in Bengal and the *poligars* of the South ultimately made the Cornwallis policy line the blueprint for a colonial administration of the police. The *darogah* of Cornwallis

remained in place and a District Judge, the Hon. Frederick Shore provided an excellent account in 1837 of the duties and problems that the *darogah* had:

> The *darogah* (or Inspector) is expected to proceed in person, to investigate all minor crimes; to hold inquests upon bodies; to attend fairs and markets, to preserve the peace; and perform some other duties; all this sounds well; but let anyone look at the average size of the jurisdiction - nearly sixteen miles square - and judge whether it be possible for him to do this. But few of the divisions are compact. Some of them straggle for more than twenty miles, while the police station is at one end; others are divided by a river, to cross which, in the rainy season, occupies three or four hours by a ferry. The Inspector is, accordingly allowed to depute the writer, or the *jemadar* (Sergeant), and not infrequently the inquiry, although contrary to law, is conducted by a common constable; but, unfortunately, with all this assistance, the investigation is sometimes delayed so long after the crime has been committed, that the clue is lost, which, if at once followed up, might have led to the immediate detection of the offenders. The great size of the police division is evidently well known to Government, as is shown by the clause allowing the watchmen of distant villages to communicate only once a fortnight with the police station (Shore,1837 cited in Griffiths,1971:61).

By the time the District Judge was writing the above i.e. 1837, the London Metropolitan Police had already been set up under the leadership of Sir Robert Peel in1829. Shore thus was in a position to compare the two. Even at this early stage in the life of both these forces, as the following extract brings out, the differences between a police force used for colonial policing and one that is not so, is starkly evident:

> The police established by the British-Indian Government is, in its outline, precisely similar to that of London; the former is considered by the people as an intolerable evil, the latter is universally allowed to be a most admirable establishment, highly conducive to the public good. The requisites for the improvement of our Indian police are, first respectable salaries for those employed; second, rewards and promotion for good conduct; third, additional powers in certain petty cases, thus destroying the anomaly which at present exists in the extent of their authority; fourthly, some authority to be entrusted to the upper class of landholders, who would then be induced to give that assistance which they now withhold; and lastly, that there should be the strictest surveillance on the part of the Magistrate, over every one with the establishment (Shore,1837 cited in Griffiths 1971: 62-63).

The *darogahs* remained highly disreputable, corrupt and oppressive. John Beames, a civil servant in Bengal in the 1850s wrote:

> They (the *darogahs*) ruled as little kings in their own jurisdiction and reaped a rich harvest of bribes from all classes. The Darogah of the Purnea Thana was a good specimen of the class. He was a tall portly Mahommedan, grey-bearded with a smooth sleek look, crafty as a fox, extremely polished in manner, deferential to his superiors, but haughty and tyrannical to his inferiors...Everyone trembled before him...The *Darogah Sahib* could command as many witnesses as he wanted, all of whom would swear to anything he chose to tell them (cited in Marshall,1987:130-131).

Calcutta as the capital of British Bengal had, however, a police force established as early as 1720. The East India Company had appointed one of its servants as *zamindar* of Calcutta and made responsible for the administration of the Company's *zamindari* that it had acquired through Job Charnock. This *zamindar* had the nascent Calcutta police force placed under his control. By the middle of the century it had a strength of 64 *pykes* or watchmen and a head *pyke*. In 1778, the Governor-General and his Council in response to the growing needs of the rapidly expanding population of the city appointed a Superintendent of Police along with thirty-one *thanadars*, thirty-four *naibs* or deputies and 700 *pykes*. By an English statute of 1714 a tax was levied on houses and buildings to finance this force (Griffiths,1971: 64). It is important to note that besides being the first police force that the British had set up, the Calcutta police has always been as a force separate from its rural hinterland. This later on would become the model for all Presidency towns. The separate character of Calcutta Police is still maintained under what is now called the Commissioner system. Other major cities like New Delhi, Bombay, Madras and Hyderabad also have this system of police administration.

The Calcutta police force circa 1800 consisted of four units - the Thanadari Force, the Town Guard, a Boundary Force and the River Police (Griffiths,1971: 65). The Thanadari Force can be described as the police unit in charge of the *thana* or the police station. It consisted of forty *thanadars* to each of whom was attached a *naib* or deputy and twenty to thirty *chaukidars*. The thana had a patrol consisting of *naibs* and *chaukidars*. The Town Guard did not have any routine *thana* work. It was an armed reserve under the command of the Town Major and four European sergeants from the

army of the East India Company. European constables were attached to the *thanas* to deal with European offenders. The Boundary Police were, as the name suggests, maintained to police the Boundary of Calcutta. It is therefore plausible that a check was kept on persons entering or leaving the precincts of Calcutta. Calcutta being a riverine city, the River Police was expected to provide security to the many boats and other river vessels that plied on the river Hooghly.

From this historical account of the force, later developments may be identified. The *thanadari* force remains today as the civil police or the police that is located in the police stations. The town guard was the precursor of the armed police battalions and the various para-military organisations that are maintained both at the centre and the state. The river police has also survived under the nomenclature of Port police. The boundary police has however been disbanded, as generally travel restrictions within the colonial state or its successor state had never been the policy of any government colonial or post-colonial. With independence, the colonial requirement of European officers to police the European population was rendered obsolete. However, what is absent at this time, but would be developed soon, is a police force exclusively detailed for the purpose of collection and dissemination of intelligence. The Bengal police and other colonial police forces would build up large intelligence gathering units as the need for political surveillance became crucial for colonial administration (Arnold,1986:187; Griffiths,1971:136).

1.5 Colonial Police in Madras and Bombay Presidency

The British presence in South India can be traced to the establishment of a trading and military presence in Fort St. George, Madras in 1639. Unlike its activities in the East, not much effort was spent in procuring land till 1765, when the East India Company acquired from the Mughals the title to the Northern Circars, comprising Ganjam,

Vizagapatam or Vishakhapatanam, Godavari and Kistna or Krishna in addition to the jagir of Chingleput, surrounding Madras (Arnold, 1984: 14).

With the establishment of Fort St. George as a base from which to conduct and consolidate business in South India, the need for an efficient police force was felt. The Company took over the existing police organisation that was available and the arrangements worked reasonably well for some time. The police administration was hereditarily run by the *Pedda Naik,* an official whose functions corresponded to those of the *kotwal* in North India. This official was responsible for prevention of crime and the maintenance of law and order. He was, by custom, required to make good losses incurred through theft or robbery and in return received certain customs duties. In this he was assisted by a force of twenty *taliars* or the watchmen (Griffiths,1971:29). The Governor's Council in 1659 increased his remuneration on the grounds of increase in the volume of work. Eighteen paddy fields, together with a variety of petty customs on paddy, fish, oil, betel nut, pepper and other similar articles were granted in lieu of the service that was expected to be provided:

> If any man shall be delivered by us into your custody, and shall make his escape, that you shall pay the debt the person escaped owed...Also if any merchant or inhabitant of this town shall run away, and any of your people having knowledge thereof shall conceal it, that you are to bring that party run away again, and correct him that knew of his departure (Griffiths, 1971: 29).

By 1686 the *Pedda Naik's* income had risen substantially from the customs dues and the Directors of the Company came to the conclusion that he was over paid. They resolved that the office of the *Pedda Naik* was henceforth to be auctioned to the highest bidder.

The *Pedda Naiks* were expected to maintain law and order in general, to deal with disputes involving the clashes between the castes, to keep the 'Untouchables' in order, to protect the Company property, to prevent the export of children as slaves, to supervise markets and to provide escorts to high personages. Corruption was rampant and the multifarious duties that were required of the *Pedda Naiks* put considerable

strain on policing efficiency. In 1770 the Council instituted a Board of Police headed by the President to meet twice a month for specifically police matters. It is interesting to note that the police matters that the Council considered were of a very different nature than the consideration of the modern police. This Board settled civil disputes amongst Indians, looked after the construction of the pavements, the destruction of the pariah dogs, the fixation of prices, the employment of servants were all part of the jurisdiction. A few years later a Superintendent of Police and a *Kotwal* were appointed but they were only to act as overseers of the markets (Griffiths,1971:30). The fact that police nomenclatures were given to market regulators indicate the growing reliance of the administration on the resources of the police force for matters generally beyond the usual remit of policing. More importantly I would argue, it indicates even in its nascent form, the emergence of a close relation between commerce and policing.

The *poligar* system was found to be obstructive of Public Justice in 1806 and the office of the *Pedda Naik* was abolished. The city police administration was placed under the charge of a European superintendent. The first European incumbent to this office was one Walter Grant, a senior magistrate. He was given a force of ten European constables, a number of *darogahs* or inspectors, five hundred peons, thirty mounted peons and twenty *hircarrahs* or messengers. A tax was sought to be levied for this purpose on both Indian and European residents. In 1808 the post of Superintendent of Police was combined with that of the Collector of Taxes. This indicates the gradual manner in which the concept of policing by aliens, a *leitmotif* of colonial policing, was being introduced in India. The higher offices in the police forces of the colony successively became exclusively reserved for the Europeans as the connection between revenue and policing became well defined and institutional. Colonial policing, it is evident, was all about safeguarding the sources of income and trade and policing was the key to the efficient execution of it. Thus the de-Indianisation of the police, especially its higher ranks is related to the firm

establishment of colonial commerce and trade by the British all over the sub-continent. It can be argued that as trade became more profitable, the colonial government could not afford to have in responsible positions of the police and the administration Indians who may be inimical to such interests. Yet until the Sepoy Mutiny of 1857[13], as Arnold points out, policing was still a 'relatively undeveloped aspect of colonial rule' (1986:34). If this argument is accepted then the structural changes described above can be described as trends that were fully developed with the enactment of Act V of 1860.

In 1812 the police system was sought to be made more efficient by the 'Regulations for an Efficient System of Police'. This paved the way for the Superintendent for the town of Madras to be a magistrate. Before long the Superintendent of Police, Madras, was the presiding magistrate and great prestige was attached by policemen to this dual function (Griffiths,1971:32). In 1815 the Superintendent of Police Thomas Harris stated that 'the sitting of the Magistrates at the Police Office, gives high respect and strength to the Superintendent's general powers and that the removal of such authority from this office would on the contrary, have a most injurious effect (Griffiths,1971:32). Police powers as is evident from this account was made rather wide, combining in one person magisterial and police functions. The police were expected to supervise issue of passports, the inspection of weights and measures, the control of prices, the supervision of the quality of goods sold in the market and the apprehension of military deserters as well as other normal police work (Griffiths,1971:33). It is evident that at this stage the colonial administration did not recognise the police to have an exclusive crime prevention and public order maintenance role. But it is also important to note that for the populace the police had become the most important and powerful agency representing the powers of the colonial state.

---

13 It is interesting to note that immediately after the Sepoy mutiny of 1857, proposals were made to constitute an organised but non-military force in Oudh, a region much affected by the rebellion. (Police Records [206] (Oudh) 31 December 1858, NAI)

The police organisation in Madras Presidency was also influenced by the reforming zeal of Cornwallis. He instructed the Governor of Madras on the formation of a police force without the participation of the traditional *poligars* or landlords:

> The Governor-General in Council considers it to be of the greatest importance to the maintenance of peace and good order, as well as to our political security, that the Police of the Country should be superintended by officers especially nominated by the Government.
>
> The exercise of this important branch of the public authority in the hands of the individuals is more particularly objectionable in the territories under your presidency, as tending to keep alive those sentiments of independence which have characterised the landholders, and which must be completely extinguished before they can become useful and good subjects. While any portion of public authority is allowed to devolve to them by inheritance in virtue of their possessions, they will never be brought to consider themselves as mere proprietors of estates.
>
> Independence of these important considerations, to abandon the charge of the Police of the country to the landholders must always give rise to the most flagrant abuses. In the enquiries which preceded the resumption of this charge from the landholders in Bengal, it was established that the offices of Police were held chiefly by most notorious robbers who paid large sums of money to the Zamindars, or to their officers and departments, for these situations; the possession of which enabled them to carry on their depredations with impunity (Griffiths,1971:34).

Under the impact of these recommendations the landholders, village headmen and watchmen lost their responsibilities and no longer had to apprehend culprits or pay compensation for crimes of robbery and theft. As in Bengal, the ties of the indigenous administrators to those administered were broken, to be replaced by an alien system administered by an alien authority. The fear that 'sentiments of independence' may be kept alive by those exercising police authority seems to have been the most important factor in deciding to do away with the Pedda Naiks. However, the inability of the poligar system to tackle crime more effectively proved to be the apparent reason for the imposition of alien rule. The removal of the traditional system of police administration also removed the accountability that bound the traditional police to the community in terms of crime detection and deterrence. Good intentions of these

reforms notwithstanding, crime went up and it was not long before another committee recommended that the old system be revived.

Thus we find that in 1814, Munro, the official who was in favour of traditional institutions being maintained, was at the head of a Commission to look into the possibility of further reforms. He was of the opinion that the village police be re-established and that native officers be appointed wherever possible. According to Munro, intimate local knowledge was of the utmost importance in maintaining law and order and therefore the revenue collector could be the best possible policeman. Under the Madras Regulation XI of 1816, the principle of uniting policing duties with revenue collection was followed at all levels. Village watchmen came back as policemen at the local level but the system of making good the losses from theft was abandoned. The system of 1816 continued till the Act V of 1861 (Griffiths,1971:36).

Bombay, a port city on the Western coast of India, was a Portuguese possession until 1661. By a treaty between the Portuguese and the English brought on by the marriage between Charles II and Infanta of Portugal, the island of Bombay was transferred to the English Crown. In 1668 Bombay was transferred to the Company at an annual farm rent of £10. The Charter of 1688 conferred on the Company the full powers of government and in 1687 it became the seat of the Company's government in Western India (Griffiths,1971:38). However, a rudimentary police force was in operation much before Bombay became a seat of Western India. Gerald Aungier, the first Governor of Bombay and the President of the Company at Surat, established a militia in 1670. This militia, mainly recruited from the lower caste Hindus, was primarily a military force with policing duties. In 1694 the militia was strengthened to deal with the general state of law and order. Night patrols were formed and they were made responsible for arresting robbers and 'sundry base people, who went about work in company in the night, designing ill to some of the inhabitants' (Griffiths,1971:41).

During the first three quarters of the eighteenth century this militia continued to be the agency responsible for the prevention of crime. Unlike Madras and Bengal presidencies, the reform of the police was not very high on the agenda of those in power. Thus it was not until 1771 that steps were taken to reorganise the militia and provide for a more regular form of policing. The militia was formed into a battalion of 48 officers and 400 men. Patrols and night guards were established on a regular basis and three posts were formed for the purpose. The duties of the patrols were to keep the peace and maintain public order. Europeans without proper documents and the 'coffrees' or the African slaves were to be arrested.

The militia was however not given salaries or paid in kind as mentioned above in the case of the police in South India. The method of remuneration was novel, being based on arrests made:

> The Company agreed to pay the Bhandari police Rs.10 for every coffree or runaway slave arrested and placed on the works or on a cruiser; Re.1 for every slave absent from his work for three days; and Rs.2 for every slave absent from duty for one month; Re.1 for every soldier or sailor absent from duty for forty-eight hours, whom they might arrest; and 8annas for every soldier or sailor found drunk in the woods after 8pm (Griffiths,1971:41).

Increasing crime and lawlessness made it imperative for the Government to have greater supervision of the police administration. In 1779 James Todd was appointed as Lieutenant of Police with a brief of introducing a more effective force. However, Todd himself was convicted for corruption and in 1787 Todd's tenure came to an end. After Todd's departure the post of Superintendent of Police was created for Bombay. The Superintendent was vested with magisterial powers and authorised to inflict punishments on his own for minor offences[14]. Some additional duties such as Surveyor of Roads and Clerk of the Markets, were also attached to his office.

[14] Thus all the Presidency divisions had police chiefs who combined the offices of the police along with that of magistracy. Police superintendents were also given powers of licensing vehicles, a feature that remains valid even in post-colonial India.

A major police and judicial reorganisation came about with the enactment of Regulation I of 1812. Three stipendiary Justices of Peace were appointed as Police Magistrates, and the executive head of the police was the Deputy of Police and High Constable. The Regulation envisaged the appointment of a Superintendent of Police who would exercise 'control and deliberative powers' as distinct from executive authority (Griffiths,1971:45). The Deputy of Police was assisted by two European assistants, three *prabhus* or clerks, an Inspector of Markets, two Overseer of Roads, twelve *havildars* (sergeants), eight *naiks* (corporals), six European constables and fifty peons. The organisation of the police makes it clear that, (a) the police were modelled on military lines and (b) a wide range of functions, not normally associated with the police was attached to it. The Superintendents were invariably from the military. Junior army officers with no previous experience of policing were appointed. None of these army officers stayed long enough to gain policing expertise and a high turnover of Superintendents was quite normal.

In the districts of the Bombay Presidency, the police consisted of three elements, the village police, the stipendiary district police and the irregular corps. The District Magistrate combined the office of the Collector and head of the entire district police organisation. The *Mamlatdars* or *Mahalkurries* were paid officers of the Government appointed to collect revenues. They were also senior police officers in the district. Under the Mamlatdar were sebundies or peons who had both revenue and police function. The village headman or Patel was the hereditary village police officer and was empowered to punish trivial cases of abuse or assault, to apprehend persons committing more serious crimes, to prevent breach of peace and to conduct inquests. Regulation XII of 1827 asks the police to be more restrained whilst investigating persons belonging to the higher classes of society. An order from the district police officer or an even higher authority was required. On the other hand, persons belonging to lower classes or castes could be searched and their houses entered without warrant. The need to establish connection with the elite of the native

population provided the class bias of the force. The stipendiary force was officered by Europeans and acted as a paramilitary force. Apart from police duties, it performed escort duties and guarded the gaols. Griffiths argues that:

> impunity of crime was greater than ever, principally because the duty of preventing or detecting it was not performed. It had been seen in several cases of rebellion, that in all that relates to an early perception of danger, speedy detection of the parties concerned, and the consequent certain punishment and early suppression of disturbances, the Police had been lamentably deficient: the outbreaks had taken the authorities by surprise, and had run a long and prosperous career before they were put down by the cumbrous and costly aid of the Military power (Griffiths,1971: 49).

Thus, policing was, as can be discerned from the above, more concerned with suppression of rebellion and relieving the military from non-combat duties. Crime and rebellion were all challenges to the colonial authority and therefore the imperative of the police had to be the support to the establishment of colonial rule. The relative neglect of crime prevention and detection and the privileging of suppression of political dissent as the more important remit of the colonial police made it easier to model the police forces along paramilitary lines.

1.6 Summary

This chapter has shown that there was no one model of policing that the colonial administration could implement. The accent was on experimentation and these experiments were in the main built on regional experience and history. At this stage, debate on policing practices were essentially between those who supported a more traditional style and others who saw a more radical and more Anglicised version as suitable to their enterprise. However it is important to note that several Mughal practices, especially those in relation to revenue collection and administration were adapted to colonial ends. The Act V of 1861 can be seen as the culmination of several years of experiments by the colonial administration[15]. It also marks the beginning of

[15] Papers relating to reform of the 'Police in India', 1861. (NAI Lib. 352.2054)

the consolidation of a powerful state apparatus or bureaucracy that would in time serve the politics and governmental needs of independent India. The creation of a colonial police through Act V of 1861 can be seen as step towards the standardisation of policing practices as well as the institutionalisation of criminal procedures. Bayly has argued that in the pre-colonial period:

> surveillance and moral suasion exercised by imperial officials did not necessarily give rise to arrests or punishments. If they did, rulers did not always inflict standard punishments...It was designed to cajole the subject into godly submission, rather than to mount a constant policing of society as some nineteenth century European states attempted to do (Bayly,1996:19).

Thus the colonial intervention introduced policing that was not a simple continuation of Mughal practices. British practices were discursively of a different kind. It replaced complex de-centered policing by centralising and initiating modern bureaucratic practices. The next chapter focuses on this development through a reading and analysis of those few texts that deal with the problematics of Indian policing.

CHAPTER TWO

A CRITICAL REVIEW OF LITERATURE ON POLICING IN INDIA

2.1 Introduction

Although modern policing in India is nearly two centuries old, not much has been written on the subject. Unlike aspects of Indian society, politics or culture, policing has by and large been ignored by social scientists writing on India. There are numerous volumes on politics in the state, on various peasant movements or workers agitations where the role of the police gets barely a mention. This is so despite the role of the police in post-colonial India being central and crucial to state power as in colonial India. This chapter is a critical review of the literature available on policing in India and references to the wider debate not necessarily related to India *per se* are considered in order to delineate the specificities of the post-colonial policing in India.

There are, however, a plethora of nostalgic and partial recollections from former officers, usually of the colonial period. Though not written or argued rigorously, these personalised histories of the Indian police provide glimpses into areas that perhaps elude the gaze of the researchers. Some of these texts highlight problems confronting issues of great significance for post-colonial policing, such as police torture or 'third degree' (Karan,1992) or crime prevention and riots (Rustamji,1992). I shall utilise these texts when analysing the nature of post-colonial policing in chapters three and four.

Books and articles written on the police and policing in India not belonging to the recollections category can be further subdivided into two categories - the colonialist author and the social scientist. Surprisingly, sociologists and political scientists have

not paid much attention to contemporary policing in India and Bayley's work published in 1969 was the first monograph to explore the issue of politics and police in independent India. Historians on the other hand have paid more attention to the Indian police, especially the police of the colonial period. This is due to the historians interest in problems of construction of colonial power and hegemony and of colonial administrative history in general. But then, by the same token, the larger and more abstract questions of the nature of and structure of the police have remained largely un-resolved. Kaviraj (1994) writing on the construction of colonial power from a political theorist's point of view has pointed out the problems associated with the various disciplines in social sciences trying to address the issue.

It is my argument that contemporary academics writing on the state have ignored the police because they have seen it as an adjunct of the Indian state. The proximity of the police with state and government politics has not allowed the police to be seen as a separate structure that can be studied as distinctly as Indian culture, caste or class has been done. The absence of critical writings on the police can be explained by two inter-related arguments. In the first instance there has been a subsumption of the state apparatuses within the larger structure of the state itself, due to the Marxist influenced understanding that to comprehend the nature of the Indian state is also to understand the Indian police. Secondly, and as a consequence, there has been a failure to develop a more grounded theory of social control and 'discipline' taking post-coloniality as a discourse. This is in turn, due to the very weak presence of the civil society. Its failure to be more dynamic and assertive has led many to argue that in India civil society is an addition to the modern state - a consequence of colonialism itself.

What binds these various and diverse writings together is a deeper and historical sense of the experience of colonialism. Colonialism brought into non-European countries structures of governance and legal codes of law and order that were essentially borrowed from the European experience of nation-states. It introduced a

modern bureaucracy with great emphasis on a legal-rational[16] style of functioning. However the concept of 'difference' posited by the colonial administration and nurtured by colonial sociology and anthropological accounts did not allow an egalitarian legal system to be embedded. Whilst legal-rationality inevitably secured formal equality amongst the population in Western societies, the implanted rationality of the colonial administration did not overcome the tendency to essentialise differences between the 'natives' and the coloniser. All colonial histories had in common this idea of difference that the colonial administrator used to impose an alien rule. The ethnographical accounts provided by colonial knowledge systems was used to subvert the legal equality that the modern colonial state had established through the bureaucracy. Thus, the essentialising of the colonised made it possible to arrive at a neat binary opposition between ruler and ruled notwithstanding the spatial, cultural and other variations within the colonised world itself. This unity of the colonised, whether imaginary or real, allows the opportunity to read together the history of all colonial policing. Though the spatial divide is apparently wide, particular histories of the colonised countries and their respective experiences of policing are genetically linked through the adoption of common strategies of control to enable the colonial goal to be reached, i.e. the maintenance of colonial order and the suppression of political dissent[17].

I would argue that the colonial authorities were acutely aware of the 'legitimacy deficit' of the colonial police force. Arnold (1986:4) points out that the colonial police either officially or illicitly acted in defence of the Indian propertied classes. A force that looked after exclusive British interests would have been very hard to sustain. Thus, colonial policing becomes a critical discourse of the administration due

---

[16] I use the term in the Weberian sense of legitimation of domination but more importantly refer to the inner notion of equality before the law.

[17] Philip Ahire (1991) has argued in his book on policing in colonial Nigeria that the primary purpose of the colonial police was to subdue indigenous societies and subordinate them to the political and economic rationale of the colonial state. The prevention of crime and the securing of peace was always secondary to the greater imperative of colonial order maintenance.

to the continual search of the colonial state to find consent for its rule and the imperative of colonial order maintenance. Coercion and interaction rather than consent and hegemony best describes the relationship between ruler and the ruled in the colonial context. It has been argued that the colonial project did not exhibit a single or monolithic approach to the problem of administration. In fact 'the British imperial project in India continually oscillated between hegemonic aspirations and the assumption of a pace- setting role, a tension reflected *inter alia* in the tensions between paternalism and utilitarianism' (Raychaudhuri, 1994: 268).

In the following sections I hope to bring out the different debates on police administration and policing from the various writings of scholars, administrators and practioners. The fact that these texts come from authors located in different discursive spaces and professions but analysing or focusing on the same problem makes it possible to have a more rounded reading of the issue.

2.2 Social Scientists on the Indian Police

David Bayley in his 'The Police and Political Development in India' (1969) is concerned with the role and function of the contemporary police in India and the formative role that the police play in the maintenance and development of a political system. Even though dated, this monograph remains until today the most comprehensive analysis of police-politics relation in post-colonial India. It was a pioneering effort in so far as it used social and political theory to interrogate policing in the context of independent India's political social milieu. Bayley argues that as a political scientist his conceptualisation of policing is necessarily that which is different from the criminologist and the specialist in public administration. According to Bayley the criminologist analyses police control of criminal activity and preservation of law and order whilst the public administration expert is concerned

with how the police are organised and with methods of assessing performance for improvement. It his contention that as a political scientist the basic question that needs to be asked is, 'how do police activities affect the nature of social, and predominantly formal, self-regulation?' More importantly, 'does what the police do reinforce or subvert the establishment of stable democratic processes?' (Bayley,1969:3)

Bayley argues that the trend in police studies has been to study the performance of the police force within the given formal framework, i.e. the preservation of acceptable conditions of social order. Acceptable conditions of social order are determined partly by the state through its legal system and partly fashioned through the articulation of political values by the various political parties and pressure groups within the polity. More importantly, policing like any other state apparatus must be seen as part of a wider history of social control located within the discourse of power. Bayley raises two questions for the researcher interested in the relationship of the police and political development:

1) How does the social and political environment affect the police, and ;

2) How do the police affect the social and political environment?

Bayley argues that police and the political system are in reciprocal interaction and therefore the second question is the more difficult to answer.

Bayley feels that police affect the political development of a state by virtue of 'what they do, how they do it, what they are, and what they do to each other.' He argues that the police bear primary responsibility for maintaining stable conditions of social life, and the quality of their service to this end determines the 'fortunes of any development effort' as 'order and security are essential conditions for economic growth' (Bayley,1969:16). Bayley, however, does not elaborate on this linkage between the political economy and policing any further. It is my contention that there exists a relation between the two that merits a deeper exposition of the problematic of

politics and policing, a relationship that is, for example explored by Brewer *et al.* (1996). Especially in developing countries like India, the securing of public order would be seen as crucial to the process of large-scale investment by foreign multi-nationals and transnational corporations. Whereas the importance of the police in colonial India emanated from the need to ensure alien governance and the protection of colonial trading interests, the politico-economic need in post-colonial India in terms of the 'development' effort endorses the continuance of policing practices learnt in the colonial era.

The failure of Bayley to argue on these lines would seem to be due to the absence of a theoretically grounded notion of post-colonialism informing his analyses of policing in India. Indian policing, like other socio-economic structures in the post-independence era is both a matter of continuity and disruptions of earlier practices (Arnold,1977,1986,1988; Chatterjee,1986; Nath,1978,1981). Though Bayley writes an historical account of policing in India, he fails to connect the past with his immediate focus.

Bayley is aware of the fact that the police may play a role in the political life of a nation (Bayley,1969:17). This may be done directly or indirectly. Police may generate a political role for themselves by the shrewd use of latent power and without participating directly in policy making. This ability of the police to significantly shape or alter the government activity is pertinent for India, insofar as they are not direct participants of policy decisions but do influence the high councils of state.

In a parliamentary democracy police affect the political development by the kind of political competition they allow to develop. In other words police forces can legitimate certain political activities whilst criminalising particular others thereby putting some political activities beyond the pale of political choice of the

population[18]. Bayley then goes on to argue that the police do this by regulation of the 'vociferousness of demonstrations and the disruptiveness of agitation'. What they allow to grow, in terms of political competition, links the police to the wider political system and more importantly highlights the stake that the police as a force may have in terms of establishing a certain political order.

Another source of police influence over politics is through the administration of public life that goes far beyond the normal concept of police duties. The extensivity of police duties in terms of licensing shops, inspecting buildings, issuing permits, checking immigration or issuing passports is within the remit of India's police forces. The involvement of the police in such a wide range of activities allows police perception of administration to influence policy decisions that do not necessarily involve crime or public order policing.

Of crucial importance to any large scale-study of the police in India is the police-public relationship. Bayley feels that this is predicated upon four factors:

> (a) the emphasis that is to be given to different aspects of the prevention-containment task; (b) the laws that are given priority in enforcement; (c) the rules that must be established to guide police in applying law to specific persons and situations; and (d) the number of enforcing functions that are given the police to perform (Bayley,1969:19).

Bayley is sensitive to the fact that the police - public relation has a qualitative dimension where, 'police forces must not be good; they must be seen to be good' (Bayley, 1969:21). Police-public interface is a product of political history and

---

[18] I have in mind the policing of the peasant insurrection in West Bengal that was Maoist in orientation. The Naxalites as they were popularly known were criminalised by the police and portrayed as common criminals. This was followed by a concerted and intensive repression of the movement, where those who took part in the movement were either shot from the back or tortured in 'interrogation'. It is interesting to note that the police allowed those communist parties which had embraced parliamentary democracy to carry on political work. Likewise in colonial India, the police routinely criminalised all those freedom fighters who did not participate in the nationalist movement that was led by Gandhi. Thus, whilst those nationalists who operated within the political ideology of Gandhian 'non-violence' were jailed or confined within certain areas, (e.g. house arrest) others who were labelled 'terrorists' were hanged.

therefore structural. Individual police personnel may or may not have a good relationship with the public, but in the main, the quality of the relationship is mainly determined by the larger political issue of political consent to rule and administration of law. Bayley's theorisation however remains inadequate in this aspect as he does not relate consent with rule but chooses to see 'how police do it' as a simple managerial exercise that any police force can adopt, if they have the right attitude (Bayley,1969:23). I would like to argue that a well founded theory of policing should address this issue adequately. If it is able to do so then it also resolves the questions that Bayley goes on to ask - namely, 'do the police act impartially? Does the lower class person get the same kind of attention as the college president?' (Bayley,1969:25). In the absence of a discursive understanding of power, consent and hegemony in the post-colonial context, these questions, I would argue, would remain fairly vacuous.

The vacuousness of theory affects Bayley the most when it comes to the question of 'What the police are'. Bayley argues:

> Police affect society through individual contacts they have with fellow citizens; they also affect society as a corporate entity, by virtue of what they are and what they require of society. Three modes of influence are involved: demonstration effect, creation of external economies, and generation of demand (Bayley,1969:25).

To say that police affect society through individual contacts as well as a corporate entity is a truism that needs to be further explained. Any relationship involving an organised force with the citizenry must be a relationship of power - a binary of opposed qualities - of dominant and dominated. The crucial question that remains unanswered here is the 'location of power'. Mawby argues that the 'location of power is further removed from the public in countries influenced by continental or colonial styles of policing' (Mawby,1990: 185). Thus, in comparison to England and Wales where the formal mechanisms for public involvement in the policing structure 'are impressive' (Mawby,1990:186), Indian or post-colonial policing exemplifies the other end of the continuum where public involvement in policing structures are absent. The

relationship with the public that a certain policing style enjoys therefore informs the query that Bayley raises here.

The Indian police structure reflects the constitutional arrangements of the Indian Union. India is a Union of States having a single constitution binding the various federating units. Though federal in structure it is 'unitary in spirit' - with a single judiciary and a common administrative structure. The administrative structure inherited from the colonial era is commonly referred to as 'the steel frame' that supposedly keeps the 'inherently fissiparous' tendencies of the people together. Further, the states are language/culture units with limited powers of law making derived through the elected assemblies. Though 'law and order', i.e. the police department, is under the formal control of the state government the Central government indirectly controls the state police through the Central services, namely the Indian Administrative Service and the Indian Police Service. Officers of these services staff the higher ranks of all state administrative positions. Since officers to these two services are appointed by the Central government they are answerable to the Centre as well as, in the immediate context to the state government they serve. The Central government has in addition to thˇÛ indirect control over the state police a number of police agencies that it directly controls. These agencies are in the main investigating agencies and armed paramilitary units responsible for dealing with 'outbreaks of public disorder' (Dermot and Dickson,1994:27). Thus whilst Bayley is right in pointing out that the Indian police has avoided 'fragmentation' of the force as well as the rigidity of a centrally directed police (Bayley,1969:35), he fails to appreciate the salient constitutional characteristics that are built-in to the Indian constitution that allows the Centre to effectively control the various police forces operating in the states. Like the constitution of India, the decentralised nature of the police forces must be seen in the light of the unitary bias that permeates centre-state relationship.

Bayley sees the Indian police as being horizontally stratified, like military forces. The model of the military is indeed the structural model for the police with ranks approximating to commissioned, non-commissioned and other ranks. However, I suggest that all force ranks are vertically stratified insofar as they represent a hierarchy, a chain of command that is built around the idea of responsibility and prestige. In a vertical organisation power flows from the top to the lower ranks and the reverse is not true. In a horizontal organisation the command structure is not so well demarcated, the strata existing along the same plane and therefore enjoying equal prestige. The stratification of the Indian police into gazetted and non-gazetted ranks is not only vertical by virtue of the morphological arrangement of responsibilities and duties but is predicated upon the Indian class structure as well. Given the fact that the IPS were originally conceived to be officered exclusively by Europeans and that 'indianisation'[19] meant recruiting those Indians who were Western educated and considered loyal, the officer structure effectively reflects the class stratification obtainable in Indian society. In post-colonial India the police have remained an important avenue of upward mobility. The stratificatory principle in the colonial era was in terms of race and class (the reading of reminiscences would show the bias in favour of public school and university recruits) and in the post-colonial era it was class that determined the recruitment.

Though the division of the police into armed and unarmed branches is a functional division, the organising principle need not be 'vertical' as Bayley seems to suggest. The two branches are complementary to each other and in the larger context of social and political control equally important. However, what is significant to note is the fact that all police personnel undergo arms training as a matter of routine and therefore even the unarmed branch constitutes a reserve of personnel trained in arms. The

[19] The police of colonial India had a central core of superior officers who formed the Indian Police (IP). This was modelled with the commissioned officer corps of the military in mind. The IP was in the first instance a wholly European cadre, manning all superior command positions. Entry of Indians were barred from this exclusive officer corps. However, over time due to various reasons the ranks of the IP were made available to the middle-class, Western educated Indians. This incorporation of the new Indian elite into high positions within the administration and the police was called 'indianisation'.

division of the police forces into armed and unarmed branches points to the possibility of conceptualising the Indian police of contemporary times as a mix of the Irish colonial 'model' and the London Metropolitan. Thus, whereas the Irish 'model', as in the Royal Irish Constabulary, can be taken to have contributed to the concept of armed policing, the London Metropolitan 'model' was influential for the formation of the unarmed branch.

The developments in the police force in the post-independence era is seen by Bayley to be largely symbolic. He feels that 'independence brought revolutionary changes in the political structure of the government, it brought none of any consequence to the structure of the police administration' (Bayley,1969: 51). This assertion can be seen as defining the core of post-colonial policing. However, the answer to this problematic does not lie only in analysing the structural continuities of policing in relation to the functional attributes. The structures are obvious indicators of a far deeper continuity of police administration and politics that is embedded in the post-colonial state. I suggest that policing be seen both as a set of structures and discourses situated within a relationship of power. This would help to solve the 'chicken and egg' dilemma that Gregory (1981) refers to. I have developed this aspect in chapter five of the thesis and feel that it is crucial to an understanding of the feature that Bayley regards as striking - the permanence of the colonial police structure in post-colonial India.

The permanence of the police structure raises for Bayley two important questions - whether the system is still capable of coping effectively with the basic tasks of police responsibility and is the system as compatible with a democratic political state as it was with a colonial one (Bayley,1969: 57)? The first question is rather problematic as it *a priori* assumes that there is a basic police responsibility that can be identified and whose efficiency can be then measured. However, if by efficiency of the police we assume the statistical representation of crime control and preservation of law and

order then, as Bayley had earlier stated, it becomes the perspective of the criminologist. However, he had at the outset declared his research to be not what the criminologist is interested in. Therefore the question of efficiency could be seen as, I would suggest, a political question - efficiency for whom and to what effect. More importantly what is the 'the basic task' of the police? Is it crime control, the maintenance of public order or a more Foucauldian understanding of 'discipline'? Bayley fails to resolve this problematic simply because his structural-functionalist[20] (cf. Parsons,1951) understanding of the problem does not allow him to see the police as a discourse[21] of power and beyond the simple description of being a state apparatus.

The second question that he raises is a historico-sociological one, a comparison between colonial and post-colonial policing. Here again Bayley does not satisfactorily answer the question as his analysis does not contain any deep historical understanding of the problematic of colonialism itself. The comparison between the colonial police and the post-colonial police is also a comparison between the different state formations and the variegated discourses of power available. This necessarily leads on to further questions of hegemony of the colonial state, the nature of rule and consent and whether these were of any importance to that regime. Police administration in any independent country must perforce address these questions if the police is to have a meaningful presence vis-a-vis the population it is supposed to regulate. However,

---

[20] By a structural-functional analysis I refer to the principle of finding out and examining the contributions which social structures make to human collectivities. This line of enquiry uses a teleological or closed-ended logic structure which asserts that functions or contributions made by certain structures such as values, norms, collectivities and roles explain the persistence of social items, like family, religion or caste over time and space. Since the items in question are imbued with the notion of 'usefulness', it becomes very difficult to posit a notion of change. Thus, a structural-functional approach would more likely than not end up by privileging the existing status quo.

[21] The use of discourse facilitates the analysis of police/policing as it takes recourse to diverse or heterogenous elements, like state policy, traditional social control mechanisms, political values etc. to congeal a structuring principle which governs beliefs and practices within a network of material relations. Thus a discursive view of the police does not privilege the act of order maintenance as the 'basic task' but relates policing to regulation and control of the population. A discursive analysis also makes it possible to see the interplay of resistance and power, where policing is seen as a process rather than policing as something static and immutable.

these variables may not be as important to a colonial state as it should be to an independent one.

One of the more defining features of the post-colonial police has been the tremendous dependence on armed policing, a problem that I have analysed in greater detail in chapter four. This obviously has great significance for the nature of democratic politics and more generally, the ability of the post-colonial state to manage the population without resorting to regular military deployment. The paramiliatrisation of the police is problematic and as Jefferson (1990:226-27) in the context of England and Wales points out raises important questions of consent and hegemony. Thus, the issue of armed policing is crucial and critical for an understanding of the post-colonial police and must be grounded within notions of consent, hegemony and governability.

Bayley characterises the armed police as a group that exercises hardly any discretion and argues that it 'provide(s) the officials with a reserve striking force to be used when the unarmed constabulary loses control of a situation or finds itself overwhelmed' (Bayley,1969:59). He, I would suggest paradoxically, then goes on to assert that the armed police spend more time performing mechanical duties than in restoring public order. For Bayley the division of the armed and the unarmed is merely structural, the armed to be used as a back up force. By making such a simplistic division of police labour Bayley glosses over the importance of the armed police in real terms, i.e. the capacity of the armed police units to be a reserve not only to the unarmed constabulary but to the military itself. Further he fails to comment on the growing trend of paramilitarisation that police in India were going through and the importance that the armed police had accumulated in terms of the state's dependence on it for fighting the various violent anti-government movements that had found political space. After the war with China in 1962, paramilitary forces were given greater importance. These forces, e.g., Central Reserve Police (formerly Crown Reserve Police in colonial times), Border Security Force, etc. are particularly trained

in anti-riot measures so as to release the military from performing domestic/civilian duties (Nath,1978:118). Thus there is a greater significance attached to the role of the armed police in India than Bayley's theoretical scheme would allow us to understand. Over the years the armed police has increasingly borne the brunt of public order duties and thereby increased its profile relative to the unarmed branch[22].

Continuation of colonial pattern of leadership within the hierarchy of the police forces has been ensured in the post-colonial state as the superior ranks have come to be held by the upwardly mobile English educated Indians recruited from the elite universities and technological institutes. The superior ranks of the police have become the conduits of elite aspirations, and Bayley notes that 'all evidence indicates that the government does draw from the most able and best qualified'. Government employment, especially all-India services such as the Indian Administrative Service and the Indian Police Service enjoy enormous prestige, a fact which a government survey of 1959 confirmed that 'there is the honour and prestige - somewhat attenuated in recent years but still considerable; and there are opportunities for full and continuous use of talent, and for the exercise of influence in the shaping of public policies and programs' (Bayley,1969: 83).

One of the important changes that have taken place in the post-Independence period has been the recruitment of women candidates to the Indian Police Service. Bayley felt that though the recruitment process does not debar women from joining the IPS (recruitment advertisement mentions candidates rather than men) 'it is highly unlikely that women would be recruited' (Bayley,1969:82). The first woman Indian Police

[22] I would like to draw attention to the use of the armed police in peasant insurrections in Telengana, in what is now Andhra Pradesh, immediate to India's independence as well as in the Tebhaga movement of West Bengal. The use of armed police to repress ethnic movements in the North-East, the Maoist oriented peasant revolt in North Bengal and the separatist movements in Punjab and Kashmir are also important to note. By deploying the armed police to combat essentially large political issues of identity, disparities of wealth and regional inequality the post-colonial state increased the importance of the armed branches of the police.

Service officer to be recruited was Kiran Bedi in 1974[23]. Now a very senior officer, she became the role model for women aspirants to follow. It can be said with hind-sight that Bayley underestimated the dynamics of socio-political change inherent in the Indian polity. The post-independence years have shown the middle classes to be increasingly enthusiastic for such all-India services as the Indian Adminstrative Service (IAS) and the Indian Police Services (IPS). I would argue that this shows that the central services have the structural capability to 'modernise' itself and attract class and gender aspirations.

Bayley argues that whilst the IPS officers are better educated than their counterparts in the USA and Britain, Indian constables are much below the standard for similar ranks in the West. This, he feels is part of the larger socio-economic feature of Indian society, 'that along any continuum - wealth, taxation, levels of education - extremes are apt to be much farther apart than in developed nations' (Bayley,1969: 89-90). Like any other subaltern group in India, very little is known about the lower ranks of the police, who make up 94% of the force strength. Though Bayley himself states that there is an appalling lack of hard data on the constabulary, his interviews and analyses are all based on the IPS perceptions of policing issues. Similar to his assertion on gender and police in India, his description of the constabulary as barely literate is off the mark. The rate of unemployment and the rise in the number of educated persons have helped to change matters considerably, in so far as education and literacy levels are concerned. This has however not helped the constabulary to get rid of its public image of being corrupt and inefficient.

A stereotypical response of the police superior ranks to charges of corruption, brutality, intimidation of witnesses and general inefficiency of police investigation is to lay the blame on the subordinate ranks. Bayley does not criticise this all too easy

---

[23] A biography entitled "I Dare" has been written on Kiran Bedi recently (Dangwal,1996). It is a rather hagiographical account of the moral strength and inherent righteousness of India's first woman IPS officer.

apportioning of blame and apparently accepts the explanation by stating, '...officers do acknowledge that the police are saddled with a reputation for rudeness and lack of sympathy that is too often supported by thoughtless acts of subordinate policemen' (Bayley,1969:158). Subordinate ranks are ill-trained and equipped compared to the IPS and are expected to carry out mechanical duties as the National Police Commission reported in its extensive report to the Government of India. Without a radical overhauling of the constabulary in terms of its tasks, responsibilities and training, the problem of poor policing would not go away. But a more important and significant question concerns the operationalising of this overhaul. Several police commissions[24], both in the colonial period and in the post-colonial period have made this point repeatedly, but the actualisation of the recommendations have not been attempted[25]. Whether the class structure of the Indian society at large and within the police order in particular would allow any changes to be effected that may potentially re-structure the superior- subordinate hierarchy, is seriously open to doubt. Training constables equally well as the IPS ranks would doubtless go a long way to solve the problem of poor public image but would question the privileges associated with an all-India service. Thus, IPS prestige which revolves around superior training and educational background would seem to be a barrier to a more professional and efficient police service.

---

[24] The first Police Commission was instituted in 1860. The recommendations of this body led to Act V of 1861 and the establishment of the modern Indian police. The workings of the police were reviewed by a Commission in 1902 consequent to the charges of corruption and inefficiency. The most important post-colonial Police Commission was instituted in 1979, whose recommendations were however, not implemented. Apart from this National Commission, nearly all major states of the Indian union had from time to time reviwed police performance and related issues.

[25] A combination of several factors would seem to be the cause for non-implementation of recommendations. Prominent amongst these would be the position that all-India services enjoy vis-a-vis the political elite due to the common class membership of the bureaucracy and the politicians. But I would like to suggest that the problem is more complicated than simply class loyalty. The conceptualisation of social control and the role of the police is largely responsible for the inability of radical and serious reforms to be instituted. A colonial style of policing finds new grounds of legitimation in the post-colonial space of the Indian state. I explore these issues in greater detail in chapters four and five dealing with the idea of post-coloniality as universal model and the discourse of discipline as social control.

One of the more interesting questions that Bayley raises is the question of public perception of the police in relation to their social behaviour. He tried to find out if the 'unfavourable evaluations of how police treat people or of their honesty and impartiality change with social class, caste, or religion' (Bayley,1969: 227-228)? He concludes that 'age, education, occupation, income, caste, or religion are not associated importantly with the attitudes people hold about police efficiency, treatment of persons, honesty, or even-handedness'. In a state where very few values in public life are shared equally across class and other social divides, it is important to note that the evaluation of the police in public eyes have a broad agreement.

Bayley argues that the 'tenuousness of social peace in India is one of the foremost factors conditioning police activity'. He then goes on to enumerate the magnitude of social violence and the many forms and genesis of it. Apart from the spectacular unrest there exists many local and private struggles that bring law and order as an issue to the forefront of the political agenda in India. However Bayley sees the police - protester confrontation as one 'between the forces of risk and the forces of order' (Bayley,1969:253)[26], thereby failing to grasp the significance of the political protest in post-independence India. Thus, 'in lieu of an objective count, one is left with impressionistic assessments of quantity of violence' (Bayley,1969:249). In an increasingly competitive democracy forces of risks are increasingly in the forefront of several political struggles as more and more social spaces become politicised. From class based agitations to caste or communal based ones - India's political experiences are not confined to parliamentary proceedings alone. In most cases, I would argue, these forces of risks supplement the parliamentary process without necessarily subverting it. Forces of risks are constantly re-formulating the forces of order and the two are dialectically linked and not placed at opposite ends of the continuum. Order is

[26] Bayley reproduces the modernist logic in trying to understand the problematic of public order in India. A simple binary is posited between 'risk' and 'order'. Presumably, in Bayley's formulation legitimacy lies on the side of order. This position is entirely a historical and a study of various peasants and workers movements (eg in the writings of Ranajit Guha 1983; and the other contributors to the Subaltern school, 1985;1987;1989 of history writing) both in colonial India and in the post-colonial present would provide a different set of answers.

itself a contested category and therefore it is my contention that to understand what Bayley calls 'the anatomy of disorder', we need a perspective that reworks simplistic causal relationships between police and socio-political violence.

The police's structural preparation for responses to agitation and violence has two dimensions - it maintains from two-fifths to one-half of all police as quasi-soldiers not engaged in ordinary police work but saved for law and order operations and it closely monitors certain sections of the populace routinely:

> Police officers list three groups as most troublesome and that bear watching. They are students, industrial labour, and leftist political parties. When such groups agitate, knowledgeable police officers take precautions. Certain groups are noted for participating in riots, such as rickshaw drivers and the unemployed and the dispossessed. These groups often form the cannon fodder of political parades and demonstrations (Bayley,1969:263).

It is clear from Bayley's discursive exposition of the police response that the forces of risk constitute a very definite political viewpoint and therefore puts the issue of politics firmly within normal police work, insofar as it is the duty of the police to keep under surveillance and even oppose certain political groups. This reinforces my earlier argument that certain political movements and actions are policed by the process of 'criminalisation' of dissent. It is also interesting to note that Bayley does not consider the subaltern - rickshaw drivers, unemployed and the dispossessed - to have a conscious political voice. They become 'cannon fodder' of political dissent, i.e. they are manipulated by a few who are politically motivated but not really sympathetic to their cause. Agency is thus denied to these people and their acts are seen as mere opposition to those who have a proper appreciation of politics and order. In this narration of 'trouble' and order the police are not only privileged with legitimacy (upholders of the law) but are also privileged with superior political knowledge relative to 'rickshaw drivers' and the others.

Bayley argues that the thesis of his study is that a 'police force can exert substantial influence upon the nature of political life' (Bayley,1969:422). He goes on to ask whether the police 'operate so as to reinforce or subvert the maintenance of democratic political institutions'. However given the narrow and uncritical view of democracy and politics he holds, his thesis remains a truism that hides more than it reveals. He himself admits that 'despite the fact that the unhappy relations between the police and the public have been documented again and again, reform has been approached through patchwork expedients'. However no analysis is offered for the continuation of this unhappy practice in terms of political development and police - public relationship. Bayley fails to show the path political development is taking and the relation that is being formed between politics, state and the police in independent India.

A monograph of critical importance is Arnold's (1986) work on colonial policing in Madras Presidency. It is different from Bayley's in two important respects. First, it is an historical account of colonial policing whereas Bayley is concerned with the contemporary. Secondly, the work is an attempt at understanding the nature of British rule in India by studying the institution of the colonial police. Arnold provides a sensitive narrative of policing in South India that explores the interrelation of power as a discourse and police as a structure.

Therefore Arnold's concern is not the narrow remit of colonialist history of policing in India which is in the main focused upon the establishment of law and order in a turbulent land. Arnold argues that the role of the police was never restricted to that laid down by the law makers. On the other hand:

> police power was often used to circumvent or supplement the legal process because the latter was too dilatory or too scrupulous to satisfy the colonial need for prompt retribution and collective punishment. In the colonial system the police not infrequently usurped the role of judge, jailor and executioner (Arnold,1986:3).

The strength of Arnold's argument lies in his challenge to the notion that the police are simply concerned with law and order issues. For him 'the distinction between political and crime-control functions is largely a false one' as the two are inseparable, serious crime being an implicit defiance of state authority and a possible prelude to rebellion (Arnold,1986:3). It is the political utility of the police that colonial rule so emphatically foregrounded that provides the continuity of its practices in post-colonial India. Arnold goes on to argue that August 1947, the year of India's independence, 'marked no major watershed or hiatus in police administration' (Arnold,1986:5).

Arnold is not convinced that there was any one model that shaped the Indian police. The creation of police forces in India was not 'independent of the economic, political and administrative realities that existed' (Arnold,1986:7). The empirical reality of local needs were far too pressing to be ignored and their boundaries too restrictive to be applied to more general conditions. I have discussed this at length in Chapter I where I have shown how colonial policing tried to adapt itself to local needs and that the idea of a central 'model' of policing took nearly a hundred years to be made operational. I would therefore argue along with Arnold that instead of searching for models of policing, it is better to see colonial policing as a strategy of creative adaptation for particular ends. This is, not unsurprisingly, related to the larger political strategy or the ambivalence of British colonial policy. Kaviraj for example states that 'British colonial policy did not have a single unhesitating answer to the question of what to do in this very unfamiliar society' (Kaviraj,1991:77). This provided the colonial administrator with a much needed flexibility to deal with the diversity of the sub-continent's problems. It also made policing a reactive exercise rather than a proactive one.

The lack of a model does not however imply the lack of a long-term strategy in terms of policing. The transfer of colonial policemen from one part of the empire to the

other created a pool of colonial expertise. The wide spread of the empire provided for an exchange of ideas among colonial administrators and policemen that not infrequently saw experiments in strategy and policy evolved in one colony being tried out in another.

There is a spatio-temporal dimension to Arnold's study of the Indian police. His 'Police Power and Colonial Rule, Madras 1859-1947' (1986) focuses on the Madras Presidency, one of the three Presidency divisions of colonial India, the other two being Bombay and Calcutta. Though this regional focus narrows the discussion of policing to the southern region of the sub-continent, the arguments that Arnold makes can be extrapolated for the entire colonial state and its police forces. The study period, 1859 to 1947 marks the beginning and the end of colonial policing in India. Whilst the choice of 1947 is self-evident (the year of India's independence), the choice of 1859 is critical to the analysis of policing in India. The British presence as a trading power and increasingly as a colonising one precedes 1859 by well over a century. However, it was the Sepoy Mutiny (for some nationalist historians the First War of Independence) of 1857 that exposed the need to have a firmer and more efficient hold over the colonial possessions. The siege of Delhi, the loss of European lives and more importantly the revolt within the native ranks of the armed forces, all contributed to the colonial need to overhaul the administration of policing in India. A Police Commission was appointed with the task of initiating reforms and the deliberations of this Commission provided the beginnings of the modern Indian police. The aim of this Commission apart from forming a civil constabulary was to preserve at all costs internal tranquillity of the country.

It is Arnold's contention that the origins of India's modern police owe to its foreign mentors both its design and inspiration. He asserts that it 'owed nothing to Indian traditions' (Arnold,1986:7) and that indigenous policing agencies if not entirely rejected or discredited were assigned secondary roles. A modern constabulary was

essentially responding to the growing needs and demands of the state - the need to maintain a constant flow of revenue and to secure an environment for property, trade and agriculture. More importantly, argues Arnold, collection and dissemination of intelligence assumed prime importance as it became imperative to procure knowledge of the population's feelings and sentiments (Arnold,1986:24).

The other consideration behind the formation of the modern constabulary was to lessen the reliance on the military in matters involving internal policing. Civilian management over matters relating to police work was considered essential. The British already had a civilian police operating in London and understood the need of keeping the military in the barracks. However in the context of the colonial situation the government did not deem it fit to replicate the London Metropolitan model of 'unarmed' policing[27]. A compromise between unarmed policing (what is referred to as the 'metropolitan' model) and a more military style was arrived at by partially arming the police. The logic of colonialism privileged the advantage of armed repression and a show of strength. However, the imperative of civilian policing or more importantly the need to free the army from domestic police duties became pressing due to the Sepoy Mutiny[28]. The idea of difference was invoked whereby it was possible to justify a different set of praxis for the metropolitan (or imperial) areas and quite another set for the colonies[29] .

In order to explain the distinctiveness of colonial policing, Arnold points out differences between the Irish and the English styles of policing. The Irish experience of policing was also an important example for colonial policing in India, especially in

---

[27] By this is meant the practice of not routinely arming the police.

[28] A section of the Indian Army in 1857 revolted against the Brtish officers over the issue of pork greased bullets as ammunition. The revolt in due course spread outside the army and a large part of North India was in revolt. The British finally managed to defeat the rebellion and deported the last Mughal monarch, Bahadur Shah Zafar, who had become the rallying point of the rebellion, to Burma. Nationalist historians have described this rebellion as the First War of Independence.

[29] Among many differences, one can highlight a crucial point - whereas in the imperial capital policing had to accommodate democratic aspirations and support nationalism, in the colonies it had precisely an opposite role.

the early days of colonial rule. Thus, whereas in England and Wales policing was a local affair, under the control of the local council and answerable to the Home Secretary only indirectly, Ireland had only one force apart from the Dublin Metropolitan. The head of the Irish police was an Inspector-General, a title that Arnold feels would have been seen as too authoritarian for a police force in England and Wales. But for a para-military colonial police it was taken to be acceptable and the office was directly subordinated to the Chief Secretary of the government. This freed it from any local influence and made it unanswerable to the local community, a measure that would not have been seen as democratic in England. The police in Ireland took part in the 'Tithe War' against Catholic tenants and fought for prerogatives of the Protestant Church. No measure of autonomy from daily governmental activity was granted for the force and it became an extension of the British state.

Policing in Ireland was in the main concerned with suppression of agrarian disorders and violent agitations in the countryside. It is this specific brief and the lack of accountability to the community that was being policed that marked out the contours of difference from the English policing experience. I would argue that the Irish structure of policing (Hawkins,1991; Townshend,1993:23) is an essentially colonial mechanism and helps us to understand the colonial context and imperative of policing and its difference with England's public order situation. There was great appreciation for the Irish police system from colonial officials as they found it to be efficient for maintaining order in overtly contested political spaces[30]. Arnold cites Sir Hugh Rose, the Commander-in-Chief of the Indian Army in 1862 (a veteran having served with the 92nd Highlanders in Ireland) who opined that, 'No system of police has ever worked better for the suppression of political agitation, or agrarian disorder, than the Irish Constabulary' (Arnold,1986: 26).

[30] By overtly contested political space I refer to the nature of hegemony that the colonial adminstration had and the struggle for political control and supremacy.

It was in 1843 that the Irish policing structure was introduced in Sind (in present day Pakistan) by General Sir Charles Napier. The basic structure of the force was operationalised and was to form the nucleus for the future police forces of India. The fundamental features were:

(a) the constabulary was separated from the military;

(b) the ranks were local and the officer corps European;

(c) the police were armed as a matter of routine (Arnold,1986:27).

It must be noted that the introduction of Napier's concept of policing was still a local idea and that in other parts of the colony it was not immediately seized upon. The Sind experiment was one among many that were being carried out across the length and breadth of the sub-continent and at this stage Arnold states, this was 'a relatively undeveloped aspect of colonial rule' (Arnold,1969:34). The colonial regime, as I argue in Chapter one, however carried on with a series of experiments to find a viable policing strategy and establish public order. This public order was essentially a reaction to European demand, Indian opinion not being considered or consulted. But security of life and property (both Indian and European) was invoked for proposing a stricter police regime. It can be therefore argued that 'the new police were created to meet the needs of mid-nineteenth century colonialism' for 'a colonial state needed a colonial police, answerable to itself alone' (Arnold,1986:35).

The internal structure of the Indian police organisation reflected the colonial hierarchy of power. By having the Europeans as superiors and Indians as subordinates, an implicit relation between power and 'race ' was effectively created. Administrative structures were racialised and came to be deeply embedded in the discourse of rule itself. Apart from race, caste as a category was used by the colonial regime to classify and control the population. Recruitment to the police, especially in the lower ranks, were essentially from what was then known as the 'criminal' castes.

Using the knowledge system of colonial sociology and anthropology, in Arnold's view the 'colonial sociology of disaggregation', Indian society was broken down to its 'constitutive' parts (Arnold,1986:38). Classification made the task of identifying the supporters and opponents of the regime easy, and entire ethnic or language groups were slotted according to their supposed dependability and loyalty to the colonial regime.

Arnold cites the work of J H Nelson's 'Madura Manual' of 1868,[31] where a series of stereotyped images were portrayed - 'lawless Maravan', the 'skulking Kallar', the 'licentious Pariah', etc. Thus entire communities of men, women and children were reduced to single 'types', who were 'classified and ranked like plants and animals' (Arnold,1986:39). The result of such a classificatory system was the Criminal Tribes Act of 1871. Initially enacted to provide for the surveillance and control of certain tribes who were descended from 'criminal ancestors', it classified 13 million people as possible offenders by mid-twentieth century (Yang,1985:109). The Act made it possible for the civil and police administration to designate any tribe, gang or class of persons as criminal tribe if they were found to be in the habit of committing non-bailable offences. However, once designated by the authorities, groups had no recourse for the removal of such a label[32]. Thus, according to the colonial authorities certain communities were expected to be inherent trouble makers and needed to be policed whereas others were expected to join the police.

One of the consequences of such colonial classification was the invention of the 'martial races'. Martial races were essentially people who possessed (at least in official

---

[31] Nelson was one of the earliest ethnographers of the colonial period involved in classifying the various castes and tribes of South India. Risley performed the same accounting of groups for colonial purposes in Bengal. These ethnographic accounts facilitated the making of the first census and the classification of the population.

[32] In 1952 the the Criminal Tribes Act of 1871 was repealed. However, in the mid-eighties a group of women belonging to the Sansi tribe in Punjab had the words 'jeb katera' (pick-pockets) tattoed on their foreheads by the police on the grounds that memebers of the Sansi tribe are hereditary criminals.

perception) no political threat to the regime. Enloe writing on the police and the military recruitment of martial races noted:

> while the alleged ethnic martial races might not have been as sophisticated or as skilled as the empire's more central and cosmopolitan ethnic groups, at least the imperial regime that recruited them could be certain that they were too numerically or economically weak and eventually too dependent on the government for their livelihoods to pose a serious threat to the regime (Enloe,1980:142).

Martial races were much sought after by the Indian military for recruitment and provided the police with a model for emulation. The very fact that the police were considering the recruitment of 'martial races' showed the ambivalence, argues Arnold, that the colonial regime had about a full-fledged civilian police force. On the other hand it might be argued that the colonial authorities were not ambivalent but were positively oriented towards a paramilitary structure that allowed an expression of state might to be paraded daily without recourse to the military. This was made possible by the fact that the notion of social and public order enforcement in the colony was quite the reverse of that which was acceptable in England. Townshend has called it the 'Indian negative', a situation where maintenance of order is premised on the primacy of force (Townshend,1993:27).

Another feature that accompanied paramilitary style of policing was the policing of locals by strangers, or policing one ethnic group by another. Arnold shows how in coastal Andhra, the paramilitary East Coast Special Police sought to exclude as far as possible the Telugus and recruited Malayalis, Tamils and Muslims (sic). In Bengal the Eastern Frontier Rifles, a paramilitary recruited entirely from the Gurkhas and the hill tribes of North Bengal and Nepal was established to police the largely Bengali dominated areas of Calcutta Presidency. It would seem that the colonial logic was that a force comprising local people would impair colonial efficiency. In the opinion of the Inspector-General, Col. C A Porteous in 1887, there would 'always be great difficulty in getting men belonging to a district to act against it, far less fire upon their own townsfolk, perhaps kinsfolk' (Arnold,1986:42).

The European officer corps reinforced the separateness of the police and the populace. They remained aloof from the ordinary people of the district and consciously sought to maintain this distance by combining the narratives of race and political power.

One of the most persistent and constant features of policing in India, both in the colonial and in the post-colonial periods, is the tyranny and corruption of the police. The Madras Police Committee of 1902 is cited by Arnold as the typical *zulum* (literally oppression) that had become the feature of Indian policing. The Commission reported that 'it has been pointed out to us in almost every district we visited that instead of looking on the police as their protectors the people regard them as their enemies and oppressors, and that they are generally afraid to complain of police malpractices (Arnold,1986:64).

Subordinate police personnel were thus alienated from the people not only for their role as agents of the state but also for this persistent coercion, intimidation and corruption. Arnold feels that though the colonial administration did not actually actively connive at this petty tyranny indulged in by the subordinate police, they found a pragmatic utility for it. By making the police both dubious and unpleasant means it served to prevent any dangerous alliance from being developed between the police and the policed. It could be also argued that 'on purely financial grounds there was even an advantage in letting the public make up through bribes what the state declined to pay itself in wages' (Arnold,1986:68). Corruption in the ranks allowed the status quo to be maintained through the sacrifice of police acceptability. However police popularity, i.e. the consent of the people to be controlled, was never of any great significance in colonial political practice and the *zulum* of the subordinate police even when condemned was not rooted out.

Colonial policing, as much as post-colonial policing, is far from being ubiquitous and omnipotent. It was in the countryside that the deficiencies of colonial policing practice and administration were apparent. Arnold finds that they were 'overwhelmed by rioters or brushed aside by rebels. Through laxity, corruption, or ineptitude they were often inadequate to meet major crises of rural control' (Arnold,1986:147). Arnold seeks to make a distinction between weakness and ineffectiveness in matters of control. I think that this is a crucial distinction to make. The nature of colonial control, which was weak in parts and strong in others, did not allow a uniform level of strength either in terms of intelligence gathering or in terms of crime control. This weakness of policing capability throughout the Empire did not deter it from being an efficient interventionist force. With its weaponry and empowerment through punitive laws, it was a capable force in terms of its ability to maintain the requisite order necessary. I shall argue later that this corresponds to the post-colonial situation in terms of policing. It is the same capacity of the police to intervene against rebellion and as a strike force that the post-colonial state depends on as much as the colonial state did.

In fact colonial control did not require intensive policing. Apart from being expensive the colonial police was content to let matters rest, a 'let sleeping dogs lie' policy. The police in rural India were to be brought in to action only to prop up the state. This made policing an adaptive and selective enterprise - adapting and reforming in the light of major crises - selecting the response in accordance with its 'knowledge' of the 'turbulent' region or the 'dangerous classes' (Arnold,1986:147). But the most important police power was in the field of signification. The colonial police appeared intimidating not only to those that were being policed but also to those who were mere onlookers. Arnold puts the matter succinctly when he argues that 'the state relied upon the use of coercion to compensate for other deficiencies in rural policing, to magnify the impact of a limited police presence and to assist in the formation of a 'proper', that is a compliant and co-operative, 'public opinion' (Arnold,1986:147).

It would appear from Arnold's account that colonial policing has two salient features that demarcates it from other forms of policing. First, it has a pronounced urban bias and a complementary neglect of rural policing. This bias of colonial police in India can also be found in other colonies. For example, Anderson has argued that the Kenyan police in colonial Kenya were concentrated in the towns and centres of the settler communities. This preoccupation with urban policing was a direct consequence of colonial trade and commerce (Anderson,1994:254). Secondly, it is organised as a punitive force that uses a show of arms to force submission and mould 'public opinion' and essentially sees itself as inhabiting a different world from that of the public. In adopting these two strategies police tend 'to reduce all challenges to power, authority and property to a single "law and order" paradigm.' (Arnold,1986:149). Many of the strategies of policing that were adopted from the colonial project of population control continued in post-colonial policing practices thereby ensuring a relative continuity of police history as well as that of discursive practices. I shall explore this concept of continuity later in chapters three and four dealing with post-colonial police in India. I will also argue that the Indian experience in this regard is not a unique experience confined to the particulars of India's colonial past, but part of a more universal 'model' of post-coloniality. In chapter four of this thesis, I have argued for a more conceptual approach to historical facts charted above and have shown the critical importance that such conceptualisation has for a clearer understanding of post-colonial policing.

The urban bias of the colonial police can be explained by the rapid rise of the Indian cities and their increasing importance to the colonial government in terms of industrial output. This meant a growth of the urban population including a large number of industrial workers, manual labourers and others. The formation of a urban proletariat added to the fears of the police as this class was seen to be dangerous. They were analogous to the 'criminal tribes and castes' that colonial sociology had 'discovered' in the rural areas (Yang,1985:108-109). The urban proletariat was more

heavily policed than the rural population (Basu,1994) given the fact that there were fewer intermediaries than in the countryside, to whom the state could turn to in order to control the proletariat. Besides the towns were administrative centres of colonial control as well as commercial hubs for trade. Any disruption to city life was seen as a direct challenge to the authorities.

Similar to the labelling of castes and tribes in terms of supposed criminal traits and dangerous habits, the colonial administration identified the proletariat as being volatile, violent and part-criminal. The classification of the populace is here not only in terms of classes and castes but in terms of their acceptability to the colonial administration. The labels were a convenient shorthand for identifying the troublesome elements and by itself was a technique of control. The 'knowledge' about a section of the populace as inherent trouble makers made it easy for the police to counteract the 'threat' posed by them. The policing of the urban 'mob' made it imperative for the police to enlarge its paramilitary wing and modernise its weaponry. This was made immediate by the reluctance of the Army to perform internal security duties. Arnold estimates that 'by the late 1920s and 1930s few sections of the colonial population were as consistently policed as the industrial working class' (Arnold,1986:184). For instance, the colonial police in the jute mill towns of Bengal along the banks of the river Hooghly worked explicitly under the orders of jute mill managers and owners. Police were used on a regular basis to break up strikes and meetings convened by the workers protesting against poor wages and working conditions. In many cases police opened fire on unarmed workers causing deaths. The connection between profit, production and policing practices were established in this process (Basu,1994).

Arnold feels that colonial administration in India had two important myths obfuscating the truth. The first was the myth of a 'benign, paternalistic Raj governing

a quiescent society through the "rule of law" and the "steel frame of the ICS[33]"' (Arnold,1986:230). The second is the myth of collaboration where the rule of the alien was in great measure mediated by the pragmatic self-interest of the native. Though consent to be ruled was not certainly as extensive as the colonial historian would like us to believe, the Indian colonial regime was not a 'Police Raj' or a police state in the conventional sense of the term. Arnold contends that it was not a society:

> ruled through fear of a secret police that pursued, terrorised and eliminated all those who dared speak out against the government...India's colonial police were often ill-informed, ineffective and at times frankly amateurish. The police did not have bureaucracy and society cowering in their thraldom (Arnold,1986:230).

Instead wherever possible British rule relied upon the upon co-optation of allies and intermediaries, upon the participation of the native population and of developing a constitutional system. Police spies and standing armies were also not encouraged to gain centre ground - a reflection of the domestic political ethos of Britain prevailing at that time. In short 'British rule in India did not rest upon the single point of coercive state power' (Arnold,1986:230). This is understandable, given the fact that no police force can operate by using power negatively. I would like to extend this argument of Arnold by drawing upon the work of Foucault, who had argued that power would be a fragile thing if it were only to be coercive. Therefore policing has to be seen as a discursive practice rather than as a state apparatus *per se*.

However, it is equally true that by 1947, a police Raj 'of a kind had come into being' (Arnold,1986:231). This was possible as the police were made central to the ordering of rural and urban society and more importantly in the suppression of political dissent. The maintenance of state and class control became crucial to the larger political agenda of the state in the closing stages of India's colonial history.

---

[33] The ICS refers to the Indian Civil Service, the all-India bureaucracy service that the colonial government had instituted for a more centralised administrative regime. The Indian Administrative Service is the successor to the ICS in post-colonial India.

The central position that the police are seen to occupy in colonial India was proportionately related to the political challenge that the regime encountered. Thus, the police primacy of the 1930s and the 1940s are related to the intensity and extensivity of the freedom struggle. The Swadeshi movement, the Home Rule agitation, Non co-operation and Khilafat, the various Kisan movements and the Quit India agitation came as waves of political challenge that sought to overthrow the colonial government. The government responded by strengthening and reorganising the police. Routine police duties were pared down in order to expand the paramilitary forces a strategy that has continued unchanged into post-colonial India (Nath,1978:117).

One of the characteristics of the colonial police was strict subordination to the civil administration. Police power was no more than an aspect of state power (Arnold,1986:232). Thus police officers were increasingly involved with political, industrial and agrarian disputes. The Superintendents were at times mediators for the state in the several disputes that the colonial administration was involved. This made them important symbols of state authority as their remit was seen to be rather wide than the usual police routine.

The converse of subordination was the unaccountability of the police to the public or their elected representatives. The police were there as protectors of colonial interests and their self-image was that of the state servant and not as public servants. Ministers staunchly maintained the unaccountability of the police, its aloofness and secrecy and protected them from critics.

An unaccountable police is also a coercive police. Since it was not held responsible to the public and enjoyed protection from political bosses, police were free to use fire-arms and violence on a scale that would be not be politically acceptable in Britain at that time. It would seem that either by deliberate policy or by a lack of a clearly

thought out strategy, or perhaps by a combination of both these factors, policing became increasingly a matter of recourse to armed might. The expansion of paramilitary forces helped to accentuate this trend.

Another important dimension of the colonial police was its close links with the propertied classes. Suppressing crime and rioting was also protecting property and for the colonial administration crime and political opposition were intimately related. This function became very important with the expansion of the various plantations of tea, rubber and coffee as well as the growth of the industries. A large working class and the potential political strength of a growing labour force needed to be policed and the properties secured. The shielding of the propertied classes meant that the landlords and industry owners could rely on the police to intervene in wage disputes and help to secure low labour wages. This created a 'fund of subaltern bitterness' against the police which found expression once the police arrived to quell a dispute of wages or other such related matters. Thus, the state help to build up an atmosphere of violence that it then suppresses by a show of arms (Arnold,1986:235).

Arnold argues that the colonial police were very expressive of the nature of colonial rule itself. There was a belief in a periodic show of arms, in the interplay of the police and military responsibilities, the equation of force with authority and that of opposition with crime, the absence of public accountability, the reliance on supervisory and classificatory systems of manipulation and control and the innovatory nature of policing itself (Arnold,1986:235).

In contrast to Arnold's hsitory of colonial policing in South India, Robb's account of policing of rural India (1991) is based on his historical study of policing in nineteenth century Bengal and Bihar. The states of Bengal and Bihar are located in the north of the sub-continent, and in the colonial period was part of the Bengal Presidency. He begins by arguing that policing in nineteenth century India can be analytically

separated from policing in twentieth century India. He states that in nineteenth century India, it was difficult to identify a separate agency concerned with civil force and public order maintenance. In the twentieth century however, policing and policed belong to a single discrete sector of the government. This could take place due to the expansion of the functions and goals of the state, which by formalising the concepts of power and procedures identified public concern as against private interest. Concomitantly, there was a second subtle shift, one of emphasis, from the need to maintain the *status quo* of property and protect life of the rulers to a more wider social goal, the management of the conduct in society as a whole. Thus, police forces were created as public, professional bodies substituting the several private forces. It was also clearly demarcated from other executive tasks - the legislative and judicial functions of the government. Robb feels that some of the important questions with regard to the police in India concern the timing, extent and causes of their 'professionalisation' (Robb,1991:126).

A second set of issues according to Robb relates to the purposes of the police and their role in society. He feels that police do come to represent apart from that which is institutionally valid special interests and:

> supposedly objective policing may be intended to discipline the work force, to encourage civil behaviour and personal rectitude, or to protect the interests of elites against masses. Clearly the Indian force was shaped both by its imported design and by the nature of the government it served - for example by elements of indirect rule (Robb,1991:126).

He goes on to argue that in practice policing was both socially intrusive and relatively light, definitions of crime were not fixed, depending as it were on attitudes taken by the civilian administration of the day. Whereas measures were taken against Sunday processions or undesirable 'superstitions', the number of recorded crimes and convictions were low (Robb,1991:128-129).

Robb argues that the colonial police in the nineteenth century had a role that is normally not seen as that of the police. It was 'designed more to maintain order and

impress the population than to investigate crime' (Robb,1991:129). He argues that though the colonial state was committed to the protection of private property and person, in reality it pursued only those transgressions that affected the collection of revenue.

Thus it seems, policing largely remained a symbolic representation of imperial power rather than an instrument for the detection and reduction of crime. State controls to protect the public were in concept and practice almost inextricable from coercion practised to preserve colonial rule. Collecting land revenue, by force if necessary, or facilitating peaceful communications, or preventing the operations of marauding groups were within the remit of the colonial police. Each was arguably a public good and a colonial necessity[34]. This complex link of economic imperative, political stability and policing strategies derived partly from the view taken by the British of Indian society and political objectives of their rule (Robb,1991:130). It can be thus safely argued that policing in colonial India was essentially subordinated to the larger purpose of imperial rule, with both economic and political reasons.

Robb reads three distinct and successive strategies of control practised by the colonial regime, strategies that makes it easier to appreciate the imperatives of policing at that time. First, they proposed a minimal government, using the force of armed power and legal regulation but working through Indian intermediaries. Secondly, they attempted to intervene, chiefly through bureaucracy and by facilitating markets, to create a more prosperous and 'civilised' India, which would thus be welded to the colonial connection by self-interest and 'modern' institutions. Thirdly, they returned ostensibly to policies of social protection, depending particularly on the loyalty of the rural elites and the cohesion of the 'traditional' communities (Robb,1991:130).

---

[34] Townshend (1993:28) argued that a public good like campaign against bride burning or dacoity could be comfortably placed within the discourse of progress, thus masking the coercion of colonial rule that admitted no dissent or disobedience.

Thus, the character and methods of civil control in India remained complex throughout the nineteenth century. They involved much more than the ordinary remit of the police, while the police were involved with more than the maintenance of law and order. As the colonial possessions increased in economic value and geographical spread the need to maintain British supremacy became a programme of immediate political interest. To control India the colonial power needed collaborators who could provide the means of social control. But collaboration itself was not always sufficient to ensure the maintenance of colonial interests. The regulation of social and economic relations was increasingly thought of as a pre-requisite of public order. It is the political economy of colonial policing that Robb explicates here, colonial policing being very closely linked to the commercial interests.

Originally, Robb argues, the East India Company was interested mainly in guarding its investments. The strategy then was to conciliate Indians to its rule and find supporters who would be bound by ties of commercial interests. However as an occupying power, it could not afford to trust too whole heartedly the supposed allegiance of the collaborating elites. The need for a standing army thus came to occupy importance, not merely to guard its possessions but more critically to protect it from lawlessness. The codification of rules in the newly conquered territories could then allow the colonial regime to consolidate its hold, both politically and economically (Robb,1991:132).

A more subtle yet equally critical reason for the setting up of the law and order apparatus is grounded within the civilising discourse of colonialism. By 1793, Evangelicals and Utilitarians had through its rhetoric convinced the colonial administration that it had the responsibility of civilising the Indian populace. The allegation was that the Indian society was no longer vibrant and dynamic but in a state of decadence and barbarism. Thus the state, 'as the major instrument of European

influence, took on a theoretical responsibility not only for economic advancement but also for moral order' (Robb,1991:132).

By the end of the nineteenth century the discourse of the colonial administration had undergone considerable change in terms of its understanding of Asiatic institutions as utterly condemnable. The British now started emphasising tradition as the determining principle of government. The Indian *mentalitè* was according to the administration essentially based on the several divisions and fissures of the society and culture. It was therefore assumed that it would be dangerous to change the prevailing arrangements for various socio-political reasons. Robb points out that for the orientalists it was so because of the supposed influence of caste, community and historical experience. The conservative interpreters of Sir Henry Maine[35] found the divisions as necessary to the maintenance of social order (Robb,1991:133).

Robb argues that British strategies for controlling India rested upon ideas of Indian backwardness. Supposed differences between East and West was constructed on the basis of binary opposites, European fairness, legalism and rationality contrasted with arbitrary despotism and superstition native to India. Thus, as one colonial official pointed out, the government provided in Bengal (was) to people who understood only 'personal rule of the roughest sort' (Robb,1991:134).

Central to the colonial idea of public order was the codification of an elaborate system of laws and the setting up of an extensive judicial and penal structure. This defined police activities - their powers of arrest and investigation and their obligation to keep the peace and uphold public order. The Indian law codes introduced by the colonial authorities were of high standards of excellence and stood in stark contrast, in British

[35] Sir Henry Maine was an imperial historian who wrote a history of India under the reign of Queen Victoria.

imagination, to the 'awful' anarchy of Indian society (Robb,1991:134). On the other hand

> policy repeatedly had to be accommodated to Indian conditions, as for example, in the assertions that European prestige was crucial for British domination. The social domination demanded for British officers, buildings and institutions reflected the mutual isolation alleged for Indian categories; Europeans deliberately located themselves in an Indian milieu, trying to co-opt its social order and value system, so as to establish their own place at the top of the hierarchy (Robb,1991:134).

What Robb clearly shows is the limitation of civil policing of colonial India as restricted by British ideas about India, by the British goals and by the nature of the police that it had created. On the assumption that Indians always identify with caste and community, crimes were seen as being committed by gangs and not by individuals. Supposedly there were hereditary groups, for each member of which it was, according to Strachey[36], 'his trade, his caste - I may say his religion - to commit crime' (Robb,1991:138). What comes out of this juxtaposition of criminality and kinship is an image of a society that is imbued with what Durkheim would call 'mechanical solidarity'. Social control measures in this formulation are essentially communitarian and in the absence of a conceptual space for the individual punishment of crime involves the entire family or kin group in some form or the other. On the other hand, arguments of the kind made by Stratchey purportedly showing the uniqueness of the Indian situation can be seen as 'orientalist', a discourse that exoticises, transmogrifies and essentialises the social stratificatory mechanisms extant within Indian society.

An important insight that Robb provides is the low social status that the police enjoyed in both British and Indian eyes. At the lower levels, their manpower was sought among groups thought to show a traditional aptitude for the work, among 'turbulent' people long employed as guards or armed retainers, among castes of

---

[36] Sir John Strachey colonial administrator who advocated the need to introduce Western bureaucratic institutions as traditional offices were found to be inadequate.

watchmen and others professing *kshatriya* (warrior) status, among 'criminals' whom it was hoped to reform. To some extent this perpetuated worries about the need for European supervision (Robb,1991: 138).

The police in colonial India were not however static and frozen. Professionalisation for the force meant steady progress. Robb finds three elements of this change:
First, discipline and organisation began to be substituted for ethos and social type as the basis of management. Secondly, state institutions were identified with a particular branch of knowledge, or as embodying a skill with its own science. Thirdly, there was a corresponding shift of emphasis, from the performance of limited duties and from coping with crises as part of a generalist executive, towards the assumption of an absolute and exclusive responsibility for one aspect of state activities (1991:141).

Robb concludes his arguments by stating that the evolution of the British system of control reflected specific problems and failures in British rule. A curious paradox of history is that as more the Indian state grew under colonial patronage more strident was the challenge of nationalism. Again, paradoxically this challenge led to an increasing Indianisation of the bureaucracy in a bid to recruit supporters for the regime while the state intensified intelligence gathering and suppression of political violence and dissent. The Indian police force was therefore not:

> merely a transplanted limb of the English police, and not a body made entirely in the image which the British rulers had of it, as an ideal. It was not even, very quickly, a 'modern' arm of government with specific responsibilities and professional methods and organisation. It was not any of these things because it was imperial, certainly, but also because it was Indian (Robb,1991:147).

Though not directly focused on the Indian police, Sigler and King's work (1992) is relevant for India as it analyses colonial policing with reference to control of movements for independence. They are interested in developing a possible model for colonial policing and takes Bermuda and the Bahamas as case studies. Their analyses

clearly shows significant resemblances in colonial policing cutting across geographical space and posits the possibilities of post-colonial similarities.

The conceptualisation of the history of policing is seen by them to be encapsulated within two perspectives - the traditional and the revisionist (cf. Reiner,1992:38). The traditional view is that the police are 'an organisation devoted to the maintenance of society, the preservation of order and the advancement of civilisation'. The revisionist challenge comes from the understanding that 'the police is an institution designed and operated to maintain the dominance of the ruling class over the working class and colonial subjects' (Sigler and King,1992:13; Emsley,1991:2). A third view has emerged especially in the context of the study of colonial policing, which argues that the above two models do not accurately describe or analyse the colonial situation. Colonial policing was essentially adaptive to local conditions and influences as well as the much argued Irish model. But more importantly, English policing itself was influenced by the colonial experience.

The authors argue that all three arguments are to some extent valid. The extent is however determined by the perspective of the observer and that in the colonial situation colonial dominance will be the filter through which development will be perceived and interpreted. Sigler and King find similarity of policing features in the London and colonial models of policing. Both of these according to them used the idea of policing strangers by strangers. This selective recruiting and deployment was applied both geographically and through class. Middle class constables were deployed in working class areas and in the colonies different ethnic groups were privileged as policemen. Thus Sikhs from India policed in Kenya and Hong Kong and usually several nationalities made up the colonial police as was the case in British Guiana (Sigler and King,1992:15). From this account it would seem that in the colonial case, ethnicity was an important and critical factor whilst in the case of Britain, class played a vital role. This view can be supported on the ground that the development of

classes is linked to the development of the bourgeoisie and that colonial intervention essentially stymied such relations of production in the colonies. In the absence of a well developed class system, ethnicity came to be prominent in the course of policing by strangers. However, with the rise of an English educated class of natives, the element of class that Sigler and King reserve for English policing would also find its way into Indian policing. I have explained this at length in chapter three on post-colonial policing.

However, they point out that the basic difference between British and colonial policing was that in the former policing was essentially dependent upon consent and therefore had unarmed operations whereas in the latter police operations were based on the sanction of armed force (Sigler and King,1992:16). They suggest that colonial policing survives the passing-away of colonialism itself insofar as colonial structures are seldom done away with. Police in the colonies perform an unrecognised function, the displacement of dissatisfaction for the government and its policies toward the police. The colonial police structure allows the government to maximise control of the population by separating the police from the community and by having strangers policing strangers.

The findings of the research conducted by Sigler and King shows that the colonial policing practices and principles were being adopted by the emerging independent commonwealth countries. Training in part resembles the military basic training and army style barracks are maintained. New recruits were assigned responsibilities away from home to maintain the policy of strangers policing strangers.

Sigler and King relate the idea of policing by strangers to their argument that police act as a target for community dissatisfaction:

> A secondary outcome (perhaps unintended) is the use of the police for displacement of hostility toward the government. When dissatisfaction becomes sufficiently severe to cause civil disturbance, the police are sent to

> control the dissenters. As they are visible representatives of the government, the population focuses on the police, and the incident is defined as a police problem. Subsequent investigations and recommendations focus on the police and police reform rather than on the governmental or economic factors which underlie the unrest (Sigler and King,1992: 20).

The distance of the police with the community allow such articulation to be effective. Though this argument has considerable merit it however makes the police passive agents of government manipulation. It denies the police a more engaged role in the politics of maintaining public order. More importantly, police as an agency cannot be effective until their role is legitimised within the discourse of law and order. In order to justify police action, all disorders would have to be recognised as such by law. This allows police to intervene in incidents ranging from petty crime to large scale public disorders that are overtly political in nature. However, in this situation all police interventions are apparently in response to infringements of the law and this strategy does not entertain the possibility of recognising political solutions to deeper structural problems that are socio-economic in nature.

In addition to Arnold's previously mentioned study, he also wrote on the post-colonial police in independent India. This was especially concerned with the interaction of the police and the Congress party in the course of a century, from 1885 to 1985. This time-span is further sub-divided into two historical periods, 1885 to 1947 and 1947 to 1985. The study of the latter period is concerned with post-colonial policing, a matter that few historians have attempted to analyse.

A study of the Congress party's interaction with the police in independent India provides us with a very comprehensive view of the state-police relation and the rationale behind independent India's continuing of the colonial police tradition. The Congress party has a privileged position within the Indian polity. First, it was the main political platform for the nationalist freedom struggle. As the spearhead for independence it had to confront the colonial police almost on a daily basis. Secondly, it was the party that barring the brief 1977-1979 period of Janata rule, had

consistently formed governments both at the Centre and in several states of India. As the party which formed the first independent government of India, it had the opportunity to revamp, refashion or create anew the organs of government and the various state apparatuses. However, when it took over the government in 1947, it chose to 'maintain intact the police organisation that it had inherited' (Arnold, 1988:218).

This wholesale adoption of the police organisation by the Congress party was also a reflection of its failure to develop an alternative army or police organisation. Except Subhas Bose[37], whose Indian National Army recruited from among Indian POWs in Singapore had fought the British army in Burma, other leaders in the Indian National Congress were never keen on such revolutionary alternatives. The Congress as a party were keen to inherit the existing state structure rather than to improvise their own.

Arnold argues that the Congress took over the police machinery and sought to strengthen and refurbish it for two reasons. First, immediately prior to independence and after it, India experienced violent communal disturbances. Further, there were in some parts of India communist led revolutionary struggles as well as the political uncertainty over the accession of kingdoms like Kashmir and Hyderabad. Second, the nascent Indian state was deeply involved in the control and distribution of economic resources and other essential commodities, making the state highly interventionist. This was according to Arnold a highly unlikely time for the Congress to 'tinker with the police machine' (Arnold,1988:219).

---

[37] Bose was a very influential leader of the Indian National Congress and was twice elected as its President. However, he was ideologically opposed to Gandhi's idea of a non-violent struggle for independence and was forced by Gandhi and his supporters to resign his second term of the Presidentship. He was subsequently put under house arrest by the colonial authorities but managed to escape to Afghanistan. From there he went to Germany and subsequently to Japan in an effort to form an army to fight for freedom. He formed the Indian National Army, recruiting from amongst the Indian POWs held in Japanese war camps and reached the borders of North-East India, where his army was eventually defeated. It is important to note that IndianNational Army soldiers were never re-habilitated in the army of independent India but were cout-martialled for breach of military discipline.

Arnold points out that in ten years following India's independence, police in states run by the Congress governments opened fire more than a thousand times, causing 840 deaths, with little casualty on their own side. Most of these deaths relate to industrial and political unrests and also due to the language disturbances in Bombay (Arnold,1988:219)[38]. Demands for fixing the responsibility for police violence were turned down by the Congress government on the plea that examining police conduct in public would be detrimental to the morale of the police.

There was, according to Arnold, an assumption that with the departure of the European police corps the character of the police would automatically change. This was based on the nationalist reasoning that whatever was wrong with the Indian police was essentially due to European control and unpopularity of the police would be removed once the popular Congress government was in power. Vallabhbhai Patel, independent India's first Home Minister directly responsible for the police organisation and administration had this to say, 'it was another police whom we criticised day and night. Today they are our volunteers....Today you see no English faces among our policemen. British governors have left only their statues behind. What else is revolution if not this?' (Arnold,1988:220).

Thus, political exigencies, state interventionist policies and a romantic understanding of power and police all contributed to the retention by the Congress party of the colonial structure of police and administration.

Arnold provides us with a very novel understanding of police autonomy in independent India. He argues that 'police subordinates commonly constitute a corrupt and predatory body barely accountable to anyone but themselves. It is in this sense that they have been described as an 'autonomous' force as well as the largest 'single lawless group in the country' (Arnold,1988:221). This 'autonomy' of the police is

[38] State boundaries were being re-drawn on the basis of language as criteria, part of Nehru's state re-organisation programme that he launched to quell language riots.

mediated by what Arnold terms 'class clientage', that is where intermediate and subordinate ranks of the police act, as in the colonial past, as 'virtual servants of rural and industrial magnates' (Arnold,1988:221).

It can be argued that the coming to power of the Communist led government in Kerala, West Bengal and Tripura, led to the breaking the Congress monopoly over Indian politics and made the control of the police vital to the Congress party. This in turn made centralisation and paramilitarisation of the police an attractive option. Police forces increased the most in the late sixties and early seventies, when the dominance of the Congress was severely challenged by political parties with agendas radically different to its politics.

A further source of the expansion of the paramilitary and armed police forces in India, i.e., the central forces, is the perceived need to free the army from domestic public order duties. The lessons of the several wars with Pakistan and especially with China, had the effect of expanding the Central Police Organisations (CPO). These CPOs are in the main drilled on army manuals and armed heavily relative to ordinary State Armed Police (SAP) forces. The Border Security Force personnel who are deployed for riot control are actually frontline troops, holding static positions along the many international borders of India. On the other hand the Central Reserve Police Force (CRPF) were deployed along with the Indian army in Sri Lanka as part of the Indian Peace Keeping Force (IPKF) in what was essentially a war effort. Thus, exigencies of history have fashioned the postcolonial police, and I shall discuss the implications of this in chapter four dealing with post-colonial universality. Arnold sensitises us to these various aspects of post-colonial policing, but fails to advance an argument toward a typology of policing in such societies.

2.3 Reminiscences and Recollections.

I now turn to the writings of police officials, usually members of the Indian Police and its successor the Indian Police Service, in order to describe the problem of policing in India from a practitioner's point of view. Most of the narratives are written by officers of the colonial period, though there are a few that served in independent India as well[39].

These writings are in the main narratives, that obviously do not conform to any theoretical scheme or methodological rigour. Yet, they are an invaluable source of information on policing in both colonial and postcolonial India, not only for being first-hand accounts of the problem of policing in India, but also because they reflect the ground perceptions of policing. They are invaluable in another way. The accounts reflect the biases and prejudices of the police officer and there is no reason to believe that these were confined to the individual concerned. Given the fact that police officers are socialised through an intensive training programme, it is then not unreasonable to expect that certain biases and prejudices were shared rather widely. In other words, notwithstanding the fact these narrations are intensely personal, they may be representative of the feelings of a large section of police personnel.

Pearce provides us with an insight to the importance of armed policing for the colony. He states that the armed police were housed in the Reserve Police Lines, a military barrack-like space, and the immediate command of this force was under the Reserve Inspector. This official was usually an European ex-army Non Commissioned Officer or an Anglo-Indian[40].. I have shown above, that the internal police hierarchy was a

---

[39] One such officer was Pearce, who had the distinction of being one of the few British officers to hold important and responsible offices in the police of independent India.

[40] An Anglo-Indian is an Eurasian. In colonial India, the Anglo-Indians were recruited as sergeants in the police, a position that was intermediate to both the subaltern Indians and superior British officials.

reflection of the wider social stratification created by a colonial administration based on the elaborate code of race, caste and class. Important police commands and civil administrative positions of political importance were usually confined to the European officials within the bureaucracy. Indians could not be trusted with the armed section of the police. It was politically too important as 'in troubled times it provided armed reinforcement to police stations for the suppression of outbreaks of serious crime and, in the last resort, in the suppression of riotous assemblies....Their mere presence would have a calming effect' (Pearce,1990:12-13).

Here the narrative of Pearce seems to reinforce Arnold's contention that serious crime was an implicit challenge to the colonial regime and of equal in importance to the 'riotous' assemblies that were convened for more explicitly political purposes. It is also important to note the rationale that Pearce offers, suggesting that the armed might of the police was a symbolic presence that 'would have a calming effect'. Built into this narrative of control is the perception of nationalist assemblies as riotous mobs which then becomes a denial of the political element that is built into it. The discourse of colonial policing practice is to de-politicise the political content of dissent and resistance and make it equivalent to the ordinary and more mundane matter of policing crime. Thus, the author narrates the story of a 'gang' of Bengal revolutionaries who are 'murderous' when referring to the attack on the Chittagong armoury[41] in what is now Bangladesh. This made the trainees at the Police Training School at Moradabad where Pearce was undergoing instructions very nervous. They slept with revolvers under their pillows (Pearce,1990:14).

The story of sleeping with revolvers under pillows and of having armed sentries with a 'round up the snout' of their muskets or rifles also points out that the police officials

---

Ballhatchet (1980) provides a detailed explication on how colonialism created a matrix based on the idea of race, class and position.

[41] The police armoury at Chittagong port was raided by a group of Bengal revolutionaries led by Surya Sen. They managed to take with them most of the arms stored there but were later surrounded by armed soldiers with whom they had a pitched battle for several hours. Most of the revolutionaries died in the encounter.

always perceived a siege and threat of life, a further indication of the precariousness of consent that the police personnel had in 1930s in India. It would seem from this narrative that the life of the trainee was one of adventure as well. The trainees were asked to take up hunting and horse riding which recreated English country life. The social life of the trainee helped to recreate an exclusive club like ambience that allowed him to be marked off from other ranks of the police as well as the Indian population in general. A part of the training was imparted through army attachment, a method that is practised even today. Pearce was:

> packed off to Meerut on a six weeks' cavalry course with the 19th Lancers, a crack Indian cavalry Regiment... We learnt a certain amount of Troop and Squadron drill, but more useful were the horsemastership classes in general stable management, farrier and veterinary work (Pearce,1990 :18).

A large part of the narrative is devoted to anecdotes about snakes, Hindu fairs and Muslim tazias. Pearce reproduces the dominant discourse of colonial perception of the native - simple, good folks who are unfortunately easily misled and prone to violence. Policing was thus a matter of disciplining a native population that could not be relied upon to make the right choices and obviously needed a superior mind to act as guide and benefactor.

Colonial administrators took upon themselves the task of 'educating' the native, a task that the missionary was involved with directly, but which in some measure permeated the administrative discourse as well. It is very instructive to read Pearce describe the co-optation of a Bengali recruit:

> Another of our successes was a Bengali lad who was well educated and fully literate... He somehow managed to avoid getting a swollen head, and in about three years had fully earned his promotion to Armed Police Sub-Inspector. I lost sight of him after that, but wouldn't be a bit surprised to hear that he ended up as a DySP[42] or even higher (Pearce,1990:97-98).

[42] A Deputy Superintendent of Police.

Pearce in self-satisfaction then adds that 'it was this sort of success that made all our hard work worthwhile'.

One strong criticism that has been made against the Indian police, both in the colonial period as well as in contemporary India, has been human rights abuse. Friends and family of a person wanted by the police for questioning have to face persistent police intervention and at times harassment. The 'nuisance value' of the police is as much a part of policing repertoire in India as is the symbolic presence of armed police who help to calm down riotous mobs. I quote at length from Pearce's narration of his effort to bring to book a dacoit:

> Time was short, however, and after a month or so we found that we were always getting information of where Charan Singh (the dacoit) had been last night, but never where he was expected to be tonight. ... I therefore determined to make a prolonged visit to the area, to re-establish the prestige of the administration and to put the fear of God into Charan Singh's friends and relations. For a month I collected a list of these, and then, borrowing some men from Fategarh and motor transport from Cawnpore - Etawah had no police vehicles at that time - we went out to the area in early June, the hottest time of the year. We established our camp - there were thirty of us including my Reader, a young Brahmin Sub-inspector - at a Canal Rest House and, that night went to visit one of Charan Singh's uncles. We were not too gentle in searching his house, and in questioning the inmates made it quite clear that we would stand no nonsense. Having put the fear of God - or us - into them, we moved onto another relative and repeated the performance. Over the next ten or twelve days, or rather nights, we raided about twenty-five houses belonging to Charan Singh's friends and relatives, and generally made ourselves a damned nuisance over the whole area[43]. I did not expect to get any immediate information of Charan Singh's whereabouts, but I did hope to convey the impression that until he was captured life in the area would not be worth living (Pearce,1990: 79-80).

Not only was there a complete disregard of the rights of the people who were not connected with any crime but it is instructive to note the fact that the police being deliberately 'a damned nuisance' is seen with obvious pride. The police also ensured that no complaints of their behaviour was recorded. Pearce graphically describes how the police prevented redressal of such violations of human dignity:

---

[43] Durkheim has shown in his analysis of mechanical solidarity how kin and relatives of a criminal are also punished. I have taken up this issue at length in chapter five.

> Before we left I sent my Reader, the young Brahmin Sub-inspector, posing as a Congressman, round the villages that we had visited to invite any complaints that they might have against the police. He came back with a couple of dozen written complaints of police highhandedness which we promptly burnt (Pearce,1990:80).

The other important source of recollections and biographical notes is a collection edited by Wynne (1985). The book contains memoirs of Indian Police Officers serving in India during 1915-1948. At the outset the author makes an important observation about the people who joined the colonial Indian police. He states that the British Empire was a provider of adventure and career for the younger sons of Britain's middle classes. Parents could only afford a University education for the eldest son, thus making the colonial services a worthwhile career option for the younger sons. This was in addition to the image of India as a land of mysticism and romance and the fact that the 'pay and conditions of service were far better than a young man could expect when starting a career at that age in Britain' (Wynne,1985:1).

Wynne states that one of the most important duties of the colonial police was the collection of intelligence and the surveillance of political opposition. The more political nature of colonial policing was known as 'special duties' and its activities were directly connected with the well-being of the Empire:

> Security of the Raj depended upon a comprehensive intelligence system. By this means Pax Brittanica was maintained with remarkable economy of resources. India was far in advance of Great Britain in this field. The system had evolved under the compulsion of threats to British rule from various revolutionary movements since the early nineteenth century and the necessity for the Government to be intimately informed of the labyrinths of Indian politics and communal intrigues(Wynne,1985:129).

Intelligence gathering was and still is conducted at two levels. There are agencies that are directly responsible to the Central government and those that are located at the Provincial level. The Central Intelligence Department (CID) was further divided into

two sections. The General Branch dealt with crime and the Special Branch which dealt with political intelligence. There was also a small Censorship section working in the General Post Office, responsible for the interception and copying of letters. Wynne utilises the work experiences of Finney, who was posted as Deputy Commissioner in charge of the Calcutta Police Special Branch in 1939 and describes police the work load as

> heavy and varied. Apart from the ordinary investigation of Communism, terrorism, labour troubles and various other things which had or might have a political repercussion, he found himself responsible for the safety of the Governor within the city of Calcutta (Wynne,1985:131).

The work of these secret police organisations was not necessarily restricted to surveillance and preventive arrests. In many cases these organisations infiltrated political organisations and sought to influence their course of action. Wynne describes how the police in 1935 helped to foment the rift within the Communist movement of India:

> It was, of course, not long before the Kirtis, whose brand of Communism was akin to later Maoism in China, were at odds with the orthodox Bombay based CPI. It was interesting to follow the course of the wrangles, and the juggling of Moscow in trying to keep the balance. We helped to stir the pot (Wynne,1990:133).

The Intelligence Bureau (IB) was also used to fabricate evidence. An elaborate description of how evidences were concocted against suspects, especially if they happen to be political opponents, is provided in some of the accounts. The IB would also use its powers to tutor witnesses and paid money to perjure in court (Wynne,1990:234).

Though the Indian police was so pervasively involved with politics, the ideal of non-involvement in it was held to be of great importance. Wynne argues that it would be a great mistake to allow police forces to be pressurised by politicians, for 'once that is allowed the force is ruined' (Wynne,1990:111). However he mentions that such a

separation of politician and police is not to be found in Great Britain, 'where the police are recruited locally and responsible to Local Government' (Wynne,1990:111). Thus, he implicitly accepts that there are two different perceptions of policing, one that applies to the 'metropolis' and another for the colonies. Wynne's argument is actually for a police force that is answerable to itself, insulated from politicians or representatives of the people. However, I would tend to agree with Arnold's(1986) argument that a colonial police could not have survived for long without some form of alliance with the people. These alliances were usually formed in the rural areas with the landed elite and in urban areas with the emerging Western educated classes. The police-politics nexus that emerges in these narratives is representative of the colonial and post-colonial policing practices. Whilst an ideal of separation is posited as being best for efficiency and performance, the real situation is to the contrary.

Like Pearce, cited above, S K Ghosh was a police officer who had served both in the colonial as well as in the post-colonial period. In his article on 'The District Police and Public Order' (1992) he argues that the colonial police was instituted to curb the 'lawlessness, murder, robbery, pillage and plunder' that was part of Mughal administration (Ghosh,1992:11). The colonial police, according to him, was loyal and disciplined, secular and impartial and ensured the suppression of lawlessness without compromise (Ghosh,1992:16). This is obviously contrary to the accounts that have been cited above where corruption and inefficiency were shown to be constantly present. However Ghosh's account of police accountability is similar to the ideal that Wynne mentions. The district administration was run by the trio of the District Magistrate, the Superintendent of Police and the District Sessions Judge 'whose one and only aim was to see to the preservation of public order within their charge' (Ghosh,1992:17).

According to him, 'there has been a sharp deterioration in the working of the district police' in post-colonial India and 'relations between the police and the public have

worsened' (Ghosh,1992:20). He admits that armed police have multiplied over the years and that the paramilitary forces have increasingly become important. Corruption according to him, is no longer confined to the lower ranks as in the days of colonial rule and he feels that the police in post-colonial India 'are confused, demoralised and in a total mess' (Ghosh,1992:21).

It is for these insights that we should read these anecdotes as 'texts' of colonial policing. Even though these notes are more often than not silent on the political use of the police they do provide us with first hand accounts of policing that would not be available by a simple perusal of official documents. Policing in the colonies, it must be remembered, was also influenced by British liberal political tradition where the integrity of the executive and the judiciary could not ideally be compromised. Thus, the colonial practice of policing or administration can be seen as essentially a deviation of the acceptable norms of democratic politics, a different discourse that had to be legitimated by invoking the concept of difference. A study of post-colonial practices would show the nature of continuation, structural as well as discursive in independent India.

2.4 The Colonialist Writer

Although the recollections analysed above are in the main colonial writings in so far as they are written by a majority of authors who were serving the colonial regime, they did not aim to write a text of imperial administration or history. I take Sir Percival Griffiths 'To Guard My People: The History of the Indian Police' (1972), as a classic example of imperialist writing. A similar text is written by J. C. Curry entitled 'The Indian Police' (1932). Both epitomise the quintessential modernist theory that premised colonialism, where British administration is represented as the agent of change in an unchanging society. Since colonialism brought about a substantial transformation of life in terms of its 'civilising' effect, Griffiths feels that rather than

see colonialism as a debilitating system of control that brought about ruin and economic stagnation, it should be seen more positively as something that one can be proud of. Curry (1932) is also of the opinion that the Indian police instituted by the colonial rulers was an attempt at reforming a state that had not developed 'any self-governing institutions of an advanced type' (Curry,1932:15). Thus, both the authors were conciously trying to write an imperialist history of colonial policing. In other words these books are an attempt to write a history which privileges imperial rule as a benevolent agency that developed a traditional society. It is a genre of writing that equates lawlessness with Indian society and the establishment of law and order with the arrival of British rule. Here again the modernist project of unilinear transformation is at hand. The change is from chaos to order, from the simple to the complex, from Oriental despotism to justice and fair play. I would use in the main the account of Griffiths to illustrate a representation of India and Indian society that informed and provided the basis of colonial policing in India. It can also be argued that the intellectual justification that is provided in these kinds of texts were widely used outside the Indian sub-continent in other colonies. Griffiths account is a summary of the benevolence of the colonial administration, its historic role in setting up a police that one can be proud of.

Thus it is instructive to read his intellectual defence of colonial rule:

> ... an increasing number of Indians have come to see in Britain the catalytic agent by which India was transformed into a modern State, able to take a proud and honoured place amongst the great nations of the world. That transformation had many aspects, and with regard to some of them reasonable men may differ as to the ultimate loss or gain. ... In this book, however, we are concerned with a department of administration where no such doubts arise. The firm establishment of law and order and the inauguration of a system of justice unsurpassed in the world were achievements of permanent value which even the most severe critic would credit to the British account, and the Indian Police can claim a large share in those achievements (Griffiths,1971:2).

It is within this theoretical frame of reference that the narrative of the Indian police is told. His account however is contrary to that provided by Townshend who argued that the discourse of 'law and order' and more specifically the idea of progress was

necessary for legitimising police coercion within Liberal political circles of Britain. The police campaigns against *suttee* and *thugee*[44] thus formalised and rationalised the need for having separate models and strategies for policing the colonies and the Imperial metropolitan centre (Townshend,1993:28).

An interesting feature of Griffiths account is that he recognises the part that Indians played in the colonial police and administration. However, he sees the co-optation of the Indians as a matter of mutual trust and confidence between British superiors and Indian subordinates, thus providing an alternative analysis of the racialisation of power that other commentators (e.g., Ballhatchet, 1980; Arnold,1984) have provided.

> They (the British) needed the active and willing co-operation of Indians at all levels, and nowhere was that co-operation more striking or of greater importance than in the Indian police force. In the nineteenth century the superior ranks of the force were entirely British, and perhaps the most important feature of this period was the close and mutual confidence and, in many cases, affection, between British officers and Indians working under them. In the twentieth century, Indians began, slowly at first, to take their rightful place in the police hierarchy, and the same spirit of trust which had existed between different ranks now extended itself to the relations between equals of different races united by a common purpose (Griffiths,1971:3).

A colonial account of the Indian police portrays the force as having exceptional abilities and discipline. Whereas the dominant discourse of colonial policing has emphasised the use of extreme force and the lack of discipline (corruption in the police), this narration provides a viewpoint completely different to other accounts of policing in colonial India mentioned above. Griffiths argues that:

> Throughout these difficult days, (the Civil Disobedience movement of the Congress) the police in general showed remarkable patience and restraint, and it may be doubted if, anywhere else in the world, so widespread and dangerous a movement either could or would have been controlled with so little display of force. Although they did not know it, the Indian public had cause to be grateful to those officers of the Indian police who throughout the several generations, by training and example, had fashioned the Indian police

[44] *Suttee* or *sati* refers to the traditional practice of bride burning. It was considered holy for a Hindu woman to die on the funeral pyre of her dead husband. *Thuggee* refers to the gangs of armed mauraders operating in colonial Bengal. They posed a very strong threat to the establishment of colonial order.

> into a highly disciplined and dependable body of men, capable of self-control under great provocation (Griffiths,1971:255).

Thus the colonial account is not only the story of police and establishment of order, but the establishment of modern rational forms of order and of discipline. Policing is in this sense related to the other colonial projects of importance, of transforming a chaotic society to one that is ordered and of being part of the wider project of modernity itself. Robb had narrated a similar imperative for the colonial police when he argued that there was a 'shift of emphasis from the need mainly to defend the person and property of the rulers towards the attempt to manage conduct in society as a whole' (Robb,1991;126).

Modernity in the police can be seen in the application of 'science in service of the police' and the use of colonial ethnography and sociology. Finger printing techniques, ballistic science and the development of radio communication were the contribution of the colonial administration. Griffiths points out the development of science for preventive purposes - the use and experiment in tear gas methods in suppressing disorder. It was in Phillaur (Punjab) that extensive research was carried out for this purpose and was 'used to good effect in dispersing crowds of Khaksars in Lahore and of Sikhs in Delhi' (Griffiths,1971:340-341). Interestingly enough, in the post-colonial period modernisation has meant an increase in weapons and armaments (Nath,1978) and the expansion of police communication networks and transport facilities (Raghavan,1989:217-18). It would seem that modernisation of the police essentially refers to and is bound within a technicist interpretation of change. The lack of community policing strategies and efforts for a more democratic and popular police-public interface remains outstanding precisely because such initiatives are not seen as part of the modernisation of the force.

Less spectacular but very important to policing was the use of colonial ethnography. With the setting up of the Ethnographic Survey of India (ESI) ethnographic knowledge was institutionalised and related to the state. Indian society was

effectively classified, enumerated and known through the grid of categories produced primarily by the administrators (Ghosh,1996). The categorisation of the caste and tribes of India, a project undertaken by Sir Herbert Hope Risley, Census Commissioner in 1891, standardised and segmented the ways of looking at Indian society. Thus Griffiths writes that there are in India several million people dedicated by heredity and inclination to a life of crime (Griffiths,1971:355). For the colonial police this ethnographic 'evidence' became a shorthand code for dealing with law and order problem. The police 'knew' who the potential criminal or trouble maker was on the basis of 'scientific' knowledge and thus made the work of surveillance easier and systematic. In fact the CID had proposed that a special provision should be inserted in the Criminal Tribes Act to empower police to take the finger-prints of male members of the gangs (Griffiths,1971:359). The Act VI of 1924 incorporated this ethnographic knowledge and recommended that children of these tribes be separated from their parents and enhanced punishments be meted out for certain offences if they were committed by members of a criminal tribe. Griffiths notes that 'the apparatus for controlling criminal tribes was now complete' (Griffiths,1971:360).

Curry summed up the imperialist position by declaring that 'the Indian police system is a creation of the British Government and rests on the basic ideals of efficiency and subordination to the law of the land' (Curry, 1932:17). Thus the use of law, the knowledge of tribes and castes as provided by colonial ethnography and the notion of efficiency and modernity can be said to be the underpinnings of a colonial vision of policing.

2.5 Summary

Thus, a reading of colonial accounts and the recollections of ex-police officers are vital to the understanding of the development and consolidation of the Indian police. It also provides insights of ways in which the individual police officers operated the

police machinery. What comes out very explicitly is the primacy that police officers accorded to 'order' *per se*. Anderson and Killingray had argued that 'the exercise of power and the establishment and maintenance of authority' (1991:1) were central to colonial rule. They argue that the colonial police exemplified this discourse of rule through their daily contact with the population in public spaces . It is in these spaces that they privileged maintenance of 'order'. This is also true for policing in post-colonial India as a careful examination would show that the structures created by the colonial administration were retained. The retention of administrative structures would also assume that its association with certain practices remain as before.

This review shows that the literature that is available can be grouped into two - the colonial rendering of police administration and the critique of the colonial narrative of policing. An understanding of post-colonial policing is heavily dependent on both renditions and it would be of interest to see the continuities and discontinuities of policing in the post-colonial police of India. One strand of argument that seems to emerge from this review is the correlation of the ideology of 'progress' and the consolidation of the police administration. The opposing argument claims that the problems of Indian policing go back its colonial past, and that corruption, human rights abuse and alienation from the general population was as much a part of colonial policing as it is of post-colonial police. The review has also revealed the relationship between policing and collective crime. It is interesting to see how colonial policing defined criminality, which in many instances were actually indigenous values of everyday life being challenged by the British style of rule (Freitag,1985:141). Thus, colonial policing created a hiatus between the outer and formal nature of rule and the inner and more traditional Indian social values of social conduct and control. I have explicated in detail this aspect in chapter five, where I deal with this phenomenon which I call the duality of socialisation. In the next chapter I shall examine in detail the findings of the National Police Commission that conducted an intensive survey of the problems of post-colonial policing. Many of the themes described in this chapter

find expression in its report and the continuity of colonial structure, practice, strategy and administration and consequently the problems are prominently foregrounded.

CHAPTER THREE

POST-COLONIAL POLICING IN INDIA

3.1 Introduction

This chapter deals with the nature of post-colonial policing in India after its emergence from a rather long period of colonial rule and administration. The debate about the nature and purpose of the bureaucracy in a newly independent state like India had engaged the minds of many though it would seem that the ruling Congress party led by Nehru was rather keen 'to take over and to maintain intact the police organisation that it had inherited' (Arnold,1988:218). However, just before his death Nehru stated that the administration which he had refused to effectively de-colonise, had failed to serve the interests of an independent India. However, it was only after the defeat of Mrs. Gandhi in the general elections of 1977, 'that the first all-India police commission was established for the country as a whole' (Arnold,1988:219) for investigating the continuing problems of Indian policing.

The first half of the chapter uses the findings of the National Police Commission to highlight and examine the problems associated with post-colonial policing. A reading of the reports of the National Police Commission is useful as it remains until the present the most comprehensive review and analysis undertaken on an all-India basis. The reports tackle key issues of corruption, training, armed policing, police-public interaction and accountability, which I consider at length in chapter four.

What emerges from the reading of the National Police Commission's reports is the unique nature of post-colonial policing and the statist nature of its activities. This

crucial aspect of post-colonial policing is analysed in the second half of the chapter through an exploration of the police-politics relationship as theorised by Brewer *et al.* (1996). By using certain dimensions of politics as strategies that states employ in policing public order, the case for Indian policing and in a wider sense that of post-colonial policing, is constructed.

3.2 Act V of 1861 and the Formalisation of Indian Policing

Modern Indian policing begins with the enactment of Act V of 1861. This legislation drawn up by the British colonial rulers continues to be the source of its institutional powers. The Act of 1861 marks the end of the several experiments in policing strategies and styles that various regions of British India had engaged in. As I have shown in chapter one, the British colonial regime took a long time to settle the question of the policing. Several styles and models were tried[45] and sought to be put in practice, but no one strategy or structure was accepted for employment across the regions. Act V of 1861 marks the beginning of a pan-Indian structure of police administration and strategy that continues to inform post-colonial practices. It remains even in post-colonial India, the institutional framework of policing and police administration.

The Act of 1861 follows the first Police Commission of 1860 which was appointed by Lord Canning, the then Governor-General, by a notification dated 17 August 1860. The Commission consisted of four Civil Service officers and two military officers in civil employment. One of the four Civil Service officers was the then Chief of Madras police. The Commission submitted its first (main) report on the 8 September 1860 and its second report concerning village police two days later.

---

[45] It is instructive to note that there were discussions as to whether the Irish example would be a good 'model' for the new police force being envisaged. There are recorded minutes held in the NAI on the 'Propriety of having -similar to that of the - in each Civil Division of the Province'. (Irish Constabulary Force, 12 November 1858 [19-30] and 22 December 1859 [16-19]; NAI)

This Commission was appointed with two stated objectives as per its terms of reference. The first objective was to collect and collate information regarding all the existing police establishments. The second was to suggest reforms and improvements in general in accordance with certain principles laid down in the Memoranda provided to the Commission at the time of its appointment. The Commission was asked to explore ways of forming a civil constabulary which would preserve internal tranquillity in the country under all circumstances. The civil constabulary was also to protect life and property, to prevent and detect crime, to furnish guards for public property, jails and treasuries and also to act as escorts for public stores, treasures and prisoners. It had the responsibility of guarding military installations, stores and property (NPC,1980 a:79).

The Commission, suggesting the substitution of one force for all the various police establishments, civil and military, that existed at that time, observed:

> After mature and careful consideration of the various matters involved in the question of police organisation; after a review of the English and the Irish systems of Police; and after comparing the circumstances and requirements of the various Provinces in which the experiences of the several Members of our Commission has lain; we have arrived at unanimous conclusions regarding the principles, system, and method, on which a good Police for all India should be organised. These conclusions we have embodied in a series of propositions; we have also drafted an Act which, in the event of these propositions being approved by Government, we recommend for submission to the Legislature (NPC,1980 a:78-79).

The Act suggested by the Commission was introduced as a Bill in the Legislative Council on 29 September 1860 and after considering the report of a Select Committee, it was passed on 19 March 1861 as the Indian Police Act, Act V of 1861.

However by the turn of the century certain problems pertaining to efficiency, corruption and other related matters of policing had become sufficiently important to

merit a second police commission[46]. By a resolution of the then government, brought out on 9 July 1902, the Indian Police Commission of 1902, also known as the Fraser Commission (after its Chairman) was appointed.

The remit of this Commission was rather large but specifically involved enquiries to be conducted into the administration of the police in British India. The Commission was to investigate training, strength and pay of the different ranks of the district police both superior and subordinate, with a view to preserve public peace and enhance detection and investigation of crime. It was to review the methods of crime reporting and comment on the relationship existing between village police and district police. The Commission was asked to consider the creation of a separate Criminal Investigation Department.

The Commission was also asked to review the question of general supervision of the police forces especially in relation to the regulation of oppression of the subordinate police. The question of magisterial responsibility for the police was also to be considered. It is important to note that the Commission was asked to find out ways and means of making the police force attractive for the natives, though the 'necessity for European control in the district charges' was not questioned (NPC,1980a:79-80).

This Police Commission submitted its report on 30 May 1903 and concluded that the police were far from efficient and were corrupt and oppressive[47]. This twin feature - inefficiency on the one hand and corruption and oppression on the other - can be seen to be the most immediate problem in colonial and post-colonial times. I would suggest that this made the police-public relationship adversarial, and is the central

---

[46] A government publication called the Calcutta Review anticipated the problems that would be raised by the Second Police Commission. It stated that the disrepute and unpopularity of the police force is undoubtedly a very frequent cause of its demoralisation: 'It is curious that a service which exists ostensibly for the benefit of the public, should stand so low in public estimation.' Further the article argued that attention to duty is not rewarded and that dishonesty enjoys a practical immunity from punishment (The Calcutta Review, no.157:1884).

[47] Cited in the Third Report of the National Police Commission, January 1980 (NPC,1980a).

feature of post-colonial policing. Colonial policing and by default its legatee, post-colonial policing, it would seem had entered the 'conflict stage' without engaging with the possibility of consensus policing. On the other hand, if we read the history of policing in England and Wales as a counter-factual history of colonial policing, we find that policing started from a position where lack of legitimacy was acute but historically gained a high degree of consensus for its actions. Reiner (1992:57) has characterised this as a history of policing that saw the police initially as 'crushers' but later on came to associated with a more benign image of the 'bobby'. It is also evident from the early history of the police in England and Wales, that great efforts were made to ensure that the new police did not resemble the army, to which it seems domestic public opinion was hostile. Emsley describes how the authorities tried to present a different profile of the police by ensuring that the uniform and weaponry were different to the infantry (Emsley,1991:26). McKenzie and Gallagher also support the argument of early rejection of the new police and the progressive acceptance of the force by the populace in relation to the appealing policies that Peel and others had initiated (1989:18-19). It would thus seem that the history of the police in England and Wales is a history of the effort to gain the confidence and support of a wide section of the population, especially after its initial difficulty in securing these attributes from a cross-section of the population.

However, achieving consensus in colonial times for acts of policing and social control was always a contested terrain where conflict assumed a central role in defining policing and administration in general. This is not to argue that the colonial regime or its successor had not thought of consensus-generating values in policing. The remit of the 1902 Commission was expressly concerned with such an exercise. The colonial administration understood the necessity of improving the control of crime as a measure of gaining the confidence of the populace as well as making the police service attractive to the 'native'. Thus consensus was sought to be generated along two axes - the police-public relation and within the police hierarchy itself. The

colonial state was aware of the 'oppression on the part of the subordinate police' and therefore sought the general supervision of the magistracy over the force. This I would argue would seem to be a measure to generate consensus among the populace. But whilst accepting the need to make the police a more attractive place for the native, the Commission was quick to point out the 'necessity for European control in the district charges' (para vii of Police Commission, 1902, cited in NPC,1980a:81).

Corruption in the police as noted by the Police Commission of 1902-03, has been a central feature of Indian policing. The colonial authorities were quick to recognise that it alienated the people and compromised the consensus that it was trying to generate. The Police Commission of 1902 particularly focused on the Station House Officer (SHO)[48] and corruption in the various police stations throughout the country. The Commission's report is an eloquent testimony to the problem that they confronted although as we shall argue later, this would still appear to continue in post-colonial times:

> The forms of this corruption are very numerous. It manifests itself in every stage of the work of the police station. The police officer may levy a fee or receive a present for every duty he performs. The complainant has often to pay a fee for having his complaint recorded. He has to give the investigating officer a present to secure his prompt and earnest attention to the case. More money is exorted as the investigation proceeds. When the officer goes down to the spot to make his investigation, he is a burden not only to the complainant but to his witnesses, and often to the whole of the village. People are harassed sometimes by being compelled to hang about the police officer for days, sometimes by having to accompany him from place to place, sometimes by attendance at the police station, sometimes by having him and his satellites quartered on them for days, sometimes by threats of evil consequences to themselves or their friends (especially to the women of the family) if they do not fall in with his view of the case, sometimes by invasion of their houses by low caste people on the plea of searching for property, sometimes by unnecessarily severe and degrading measures of restraint. From all this deliverance is often to be bought only by payment of fees or presents in cash (NPC,1980a:25).

[48] The SHO is the head of a police station. Usually an officer of the rank of a sub-inspector is in charge, but in police stations located in big urban areas, officers of the rank of an inspector are assigned. The police station is also known as the 'thana' and the SHO as the 'thanedar' or Officer-in-Charge (OC) as in West Bengal.

Of importance is the reference to the 'invasion of their houses by low caste people',[49] an indicator of how caste and other social stratificatory mechanisms were brought into play whilst policing under laws that were not rooted in such indigenous categories. I would argue that this signifies the duality of law, where the outer order is rational and 'moulded upon precedent set in Europe' (Bozeman,1976 cited in Ray,1991:6) but where the inner order is defined by a different set of discursive practices, which may be at times completely different from the 'outer' mould. Much of the problematic of policing in colonial as well as post-colonial India revolves around this dualism and its consequences. The problem of multiple codes in constructing the space of policing in India can only be understood with reference to the overlap of state constructed formal laws as well as practices not necessarily related to the legal-rational order. I analyse this matter in detail in chapter five.

3.3 The Problems of Post-colonial Policing

The government of independent India recognised in 1977 that a re-think on policing practices and police forces in India was required. Practices of corruption and oppression as described in the Commission's report of 1903 were still relevant and the police had in the period of National Emergency of 1975-1977 become more alienated from the populace. A National Police Commission was constituted vide resolution No. VI, 24021/36/77 -GPA1 dated 15 November, by the Ministry of Home Affairs of the Government of India. The appointment of the NPC was announced by Shri Dhanik Lal Mandal, Minister of State in the Ministry of Home Affairs, in the Rajya Sabha (Upper House of the Parliament) on 15 November,1977.

[49] Presumably the house that was 'invaded' was of a higher caste. Caste as a stratificatory mechanism is unique in so far as it uses the ritual notion of purity and pollution to demarcate the stratified boundaries. Thus lower castes can pollute the upper caste house by their mere presence. A geography of space is involved - physical space being transformed into ritual space. It is also important to note that the lower ranks of the police were filled by lower caste members, thus constructing a correlation between ritual caste and secular rank.

The minister's statement to the Rajya Sabha when announcing the appointment of the NPC, outlined the official reason as being one of post-colonial necessity of change:

> Far reaching changes have taken place in the country after the enactment of Indian Police Act, 1861, and after setting up of the Second Police Commission of 1902, particularly during the last thirty years of Independence...A fresh examination is necessary of the role and performance of the Police - both as a law enforcement agency, and as an institution to protect the rights of the citizens enshrined in the Constitution.
>
> It has been decided, therefore, to set up a National Police Commission to examine all the major issues of an all-India character pertaining to police administration in the country and to suggest measures for the implementation as would not only enhance its functional efficiency but would also transform it into an instrument of public service (The Indian Police Journal,1978:5).

A reading of the official Terms of Reference of the Commission (NPC:1979a) throws light on the perception of problems confronting the post-colonial police and the efforts that were needed to make it more acceptable and congruent to the governance of a democratic and independent India. The government asked the NPC to think about the possibility of re-defining the role and responsibility of the police, especially with reference to public order and crime prevention. The NPC was also asked to examine the principles underlying the post-colonial police and to identify the weaknesses or inadequacies.

Apart from being asked to make changes to the structure or underlying principles of post-colonial policing, the government felt the need to address the issue of improper investigative methods and human rights abuse. It was also concerned to remedy the nature of recruitment and training and make arrangements whereby the police can secure the co-operation of the public (NPC,1979a:10).

The NPC in its report of 1980 felt that corruption which had permeated the lower ranks of the police and revenue bureaucracy in British India remained much the same in the post-colonial period. It argued that such corruption and the ranks that indulged in it were 'common knowledge' for the people as the corrupt officials lived beyond

their means. The oppression and corruption 'generally alienated them (the police) from the people' and the NPC felt that it suited the British administration to have a lower level of bureaucracy alienated from the people but loyal to the rulers (NPC,1980a:25-26). It concluded its findings on continued corruption in the police by stating:

> What the Police Commission said in 1903 would more or less apply even to the present situation. If anything, the position has worsened with more rampant corruption in Police today with active connivance of numerous local Dadas[50] and unprincipled men in public life (NPC,1980a:25-26).

The NPC report went on to delineate the scope for corruption and allied malpractices that exist in post-colonial policing, especially in its day to day workings. It found twelve types of bribery and other corruption that influenced police public-relations as well as internal police administration. These ranged from bribe demanded for registering cases to extorting money by threatening persons belonging to the weaker sections of the society. It highlighted the collusion of the police with hoarders, smugglers and black marketeers as well as their demand of money on a periodic basis from shopkeepers, hotels, brothels and railway platform vendors (NPC,1980a:26).

The NPC felt that the problem of corruption and bribery could be reduced if not solved by a system of surprise checks and inspections by honest and well motivated officers. The NPC also pointed out that it agreed with very senior police officers about the failure of the reward and punishment mechanism within the police hierarchy. This has been attributed to the increasing political interference in the day to day conduct of policing, whereby corrupt officers have come to develop contacts that they use to protect their unprofessional conduct. A police-politician nexus encourages 'malafide exercise of power at different levels in the police ... induced by such links'

---

[50] Dada in Bengali literally means elder brother. 'Dadagiri' is the practice of strongarm tactics used by local 'mafia dons', especially those that have police 'protection' for political or simple pecuniary reasons.

(NPC,1980a:27). Whilst there can be no doubt that there exists a case for the induction of honest and sincere police personnel at all levels in the force, this simple managerial exercise would not resolve the problem until more substantial questions of police, state, politics and policing strategies are raised and discussed. Though corruption in the police is not exclusive to the Indian experience, historically or otherwise, in certain ways it does represent a uniqueness that is related to the post-coloniality and the Indian situation. In order to explore the uniqueness of the Indian police I will refer later in this chapter to a typology that Brewer *et al.* (1996) have constructed between police and politics in terms of certain values that they have identified as variables that influence such a relationship of forces.

The NPC acknowledged that the police of modern independent India needed to perform a different role than it was accustomed to by history and that the consent of the public is of vital importance to this end. In a way this acknowledged the deficit of legitimacy that the police of post-colonial India perennially suffers from. The Preamble of the first report of the NPC (1979) noted:

> functioning under the constraints and handicap of an outmoded system, police performance has undoubtedly fallen short of public expectations. It will be relevant to recall here that the Police Commission of 1860 had observed that the organised police as proposed by them would be 'politically more useful'. The present culture of the police system appears to be a continuation of what obtained under the British regime when the police functioned ruthlessly as an agent for sustaining the Government in power. In public estimate the police appears as an agency more to implement and enforce the objectives of the Government in power as distinct from enforcing law as such as an independent and impartial agency. The dividing line between the objectives of Government as such on one side and the interests and expectations of the ruling political party as such on the other side gets blurred in actual practice and the image of police as an impartial law enforcement agency suffers in consequence.
> ...In the perception of the people, the egregious features of the police are - politically oriented partisan performance of duties, brutality, corruption and inefficiency, degrees of which vary from place to place and person to person. The basic and fundamental problem regarding the police today is how to make them function as an efficient and impartial law enforcing agency fully motivated and guided by the objectives of service to the public at large, upholding the Constitutional rights and liberty of the people (NPC,1979a:7).

The NPC goes on to state that a Police Commission in 1902-3 had found the police to be defective in training, inefficient, corrupt and oppressive and that the observation of

that time are 'equally applicable to the conditions obtaining in the police force today' (NPC,1979a:7).

The NPC's report also provides us with an insight into the official appraisal of the state of colonial policing and the changes that are required to harmonise it with the aspirations of the citizens of present day India. The report states that the handling of public order situations would have to change from 'an aggressive and mailed fist attitude' to a more peaceful and persuasive handling of agitating groups. In the summary of the first report it goes on to state that 'the crux of efficient policing, in our view, is the effective and amiable street presence of a qualified, trained and motivated Constable' (NPC,1979a:68).

In most public order situations with which the police are asked to deal, it is the constable who faces the public across the police barricades. Even otherwise, it is the constable who is more accessible to the public, given the fact that the superior officers do not have a street presence. The Indian constable however is the least trained and recruited to perform mechanical tasks. I have already argued in chapter one that the police hierarchy reflected the distribution of power socially available within colonial society in general. The police administration, especially its rank structure, mirrored class and caste principles as well as overall superiority of the European 'race'. The structuration of rank and privilege and the placement of personnel within this matrix was a carefully thought out plan. The recommendations of the Police Commission of 1902 had this to say:

> In regard to the Constables, the Commission are of the opinion that the proposals made by some witnesses to double or treble their pay are due to forgetfulness of the principle that the more important and responsible duties of the police ought not to be entrusted to this class of officers. Escort, guard, and patrol work, limited powers of arrest, the suppression of disturbances (under orders), the regulation of traffic and the like, are the duties they should be called on to perform. They should never be themselves entrusted with the investigation of offences or the performance of other duties of a similarly responsible character, though the investigating officer may avail himself of their assistance under his direct supervision and orders. ... Constables are not a suitable agency even for the performance of beat duties ordinarily entrusted to

> them. The great principle to be borne in mind is that duties requiring exercise of discretion and judgement should not be entrusted to the lowest class of officers, from whom such qualifications cannot be reasonably be expected: the duties of a Constable should not be above his class. (NPC,1979a:14).

The NPC recommended that the existing system should be immediately changed and that the constabulary should no longer be treated as a cadre meant only for duties of a mechanical character as visualised by the 1902 Commission. The NPC felt that constables should be recruited and trained to be deployed in situations that called for application of discretion and judgement. It also pointed out that such training should not ignore the need of the constabulary to secure public co-operation through 'effective and amiable street presence' (NPC,1979a:68).

The fact that the nature of duties that the constables are expected to perform do not call for any imaginative application of police skills have an obvious demoralising impact on these officials. The promotional structure within the police system is also not conducive to any career ambition that a constable may have. The Commission of 1979 noted that the majority of the constables would have to retire without even one rank promotion. Further, a job analysis conducted by the National Productivity Council showed the working hours of a subordinate police official to be averaging ten to sixteen hours a day, seven days the week. Research in the Tamil Nadu Police found that an average constable works for fourteen hours a day. The pay structure which is totally inadequate reinforces their low status and leads to the sense of alienation (NPC,1979b:18-19).

The level of unemployment and the general scarcity of jobs in India in the post-colonial period has forced many young men and women to seek constabulary jobs. The increasing level of education has contributed to the sense of frustration with the police structure and has greatly contributed to inefficiency in police work. The NPC said:

> During our visits to several police stations and discussions with the constabulary, their highly demoralised state was strikingly noticeable. They have nothing to motivate them into meaningful and positive performance of police tasks with a full understanding of the implications and objectives of police action. They function as automatons in situations where they are required to exercise discretion and judgement. They function rigidly in circumstances which require flexibility of approach and understanding of the opposite point of view. We are convinced that mere changes in their training schedules will not bring about the necessary improvement in their motivation or performance unless some serious deficiencies in their living and working conditions which have long been neglected are immediately taken up and remedied. We consider this exercise to be of primary importance in any attempt at police reform ... (NPC,1979b:18-19).

With the above in mind the NPC went on to suggest that a re-structured promotional framework with limited lateral entry points would be necessary to resolve the problem. They suggested that recruitment should be at two levels only, namely Constable and Indian Police Service. The envisaged strategy was sought to be introduced in a phased manner with a gradual reduction and or elimination of recruitment at intermediary levels (NPC,1980b:2). The Commission also recommended that the minimum qualification for recruitment of constables in the armed as well as civil police should be high school.

The emphasis on armed police and use of the constabulary as a cadre of officers maintained for mechanical duties obfuscates the lack of community responsive policing. Policing in post-colonial India as an extension of its colonial history still uses the constabulary and the police in general as a 'wholly law and order' force. In other words the prevention and detection of crime is always secondary to riot control, VIP security and the policing of mass movements (Nath,1978:15ff). Para - military postures and attitudes hide the lack of professional training and other inadequacies of the organisation. A Committee on Police Training (CPT) under the Chairmanship of Professor M S Gore found the training institutions to be inadequate to meet the needs of an ever expanding police administration (CPT:1973). The training institutions could not find many properly qualified and motivated instructors[51]. The police

[51] Police personnel seconded to training institutes to act as instructors often view this as a 'punishment posting'. This reduces their scope for making pecuniary gains ordinarily available to the police in non-training duties. The same resentment, it seems, is made against taking up bodyguard and

personnel seconded to training institutes to act as instructors often view such responsibility as 'punishment posting'. This is so as such a job reduces their scope of making pecuniary gains ordinarily available to personnel in non-training duties. The same resentment it seems, is made against taking up of bodyguard and other security duties assigned from time to time. In order to overcome the problem of ill-motivated trainers, the National Police Academy, responsible for the training of Indian Police Service officers have dedicated training staff, i.e. staff not usually on secondment from 'operational' duties

More importantly, the training courses did not develop any awareness of the social and political climate in which the police personnel were supposed to work and in general the needs and compulsions of a more humane role of the police were not understood. Human relations management and communication strategies were absent from the training curricula and the CPT concluded that 'in such an atmosphere training has become a ritual wherein unwilling and ill-equipped instructors are performing the necessary rites of drilling and lecturing to equally unwilling trainees' (CPT:1973). The NPC reviewing the findings of the CPT nearly a decade later stated that 'these deficiencies still continue' (NPC,1980b:9).

The CPT implicated the Government of India for the general neglect of police training, noting the lack of genuine interest on its part and in the higher ranks of the police forces. The lack of training initiatives though constrained by such structural reasons as non-availability of trainers, defective manpower planning and financial problems point to a more deeper malaise. I shall argue later in this chapter that the training of non-IPS ranks when compared with that imparted to the IPS exhibits the wider gulf that exists amongst classes in India. This is part of the general social trend within Indian society, where education is still the exclusive preserve of the few, and

---

other security duties assigned from time to time. In order to bypass this problem, the National Police Academy, responsible for training IPS officers, has a dedicated training staff, i.e., staff not usually on secondment from 'operational' duties (Interview with Deputy Director, NPA, Hyderabad, 9 February,1996).

where the few are politically privileged and empowered to have access to socio-economic resources.

In stark contrast to the ill-trained constabulary, the IPS training incorporates a varied and extensive programme, housed in exclusively spacious and purpose-built centres. The trainees are first put through a four month 'Foundational Course' at the Lal Bahadur Shastri National Academy of Administration in Mussorie. This is an institution that trains the Indian Administrative Service officers (successor to the colonial Indian Civil Service). The IPS trainees after finishing the Foundational Course, move on to the National Civil Defence College and Chief Inspectorate of Explosives at Nagpur for a period of twenty days. Intensive police training begins after this at the Sardar Vallabhbahi Patel National Police Academy (SVNPA) at Hyderabad lasting for eleven months. Trainees are then attached to an army infantry unit for fifteen days, where heavy weapon skills are taught before being moved on to the various State Police Training Colleges for a period of three months. At the State Police College the trainees are acquainted with the local language and culture and peculiar problems of that state police[52] (NPC,1981a:14).

Thus the inequality of training practices crystallises the specific role that ranks are supposed to play in actual police work. More importantly the training reinforces the hierarchy within the police that was designed essentially for colonial ends. While commenting on the 'Organisation and Structure of Police' in the seventh report of the NPC (1981), the Commission noted that 'the hierarchical structure of the Indian Police was evolved in 1861 in the shadow of the Mutiny of 1857 with the main objective of ensuring imperial rule. This objective is no longer valid now (NPC,1981b:1). The Commission had further noted that the hierarchy fashioned a police that was not responsible in any sense to the people and stated that 'we expect

[52] IPS recruitment is through an India-wide national test and usually, in keeping with the tradition of policing by aliens, the trainee is posted in a region that is linguistically and culturally different from the trainee's own 'cultural zone' (cf. Sigler and King,1992).

the police to become a more effective and efficient force than it has been so far' (NPC,1981b:1). However the Commission failed to make the logical connection between inequality in training, class background of the recruits and the persistence of the 'imperial' ethos of the police force. A. A. Ali, a former Director of the National Police Academy at Hyderabad conceded that 'training programmes have remained largely static and unchanged since 1902' and that no attention has really been paid to this aspect (Ali,1994:11). Arguing along the same lines, D.C. Nath, Additional Director Intelligence Bureau at New Delhi, found that 'police training institutions by and large carry the dubious distinction of being the dumping ground of otherwise unwanted police officers' (Nath,1994:31).

An interesting aspect of the training of police personnel is the process of 'unlearning' that they undergo. This process is located within the discursive space of everyday policing not found in the training manuals of the police training institutions. It was found by the NPC (1980b) that whatever was taught in the police training colleges were distorted and modified to suit actual 'operational' conditions. This would seem to indicate that the formal training of the personnel did not reflect the perception of routine policing. More importantly it indicates that what is formally taught is largely irrelevant in everyday practice. Thus, the socialisation of the recruits to certain practices described below, though not sanctioned by training manuals (and therefore not lawful), forms a very important part of police behaviour. In order to understand the Indian police operating in the post-colonial situation the comprehension of 'actual practices' are of immense importance. The NPC recorded the experiences of a Deputy Inspector-General of police in charge of training:

> At the police training college they were taught to register all crimes as soon as these were reported. In the districts they were asked to make a preliminary enquiry first and then record the FIR after the preliminary enquiry, which is entirely illegal.
>
> They were asked to keep the previous year's figures in view. If say in 1965, 80 burglary cases were registered in their police station, they had to ensure that in 1966 the figures could vary, s 70 to 90; they could certainly not be 160 even if this was the correct crime situation.

They were told to forget scientific methods of investigation and resort to third degree, though they were repeatedly cautioned not to take it to a stage when there might be an adverse medical report if the person subjected to third degree was medically examined.

They were told that bogus cases under section 109 Cr. P.C. were essential for a good statistical record. They had been warned against this in the Police Training College.

They were told how to improve the so called eye-witnesses, who in reality were nowhere near the scene of the crime. They were also told how to tutor false witnesses.

They were told certain sure methods of getting their cases convicted by courts - the most important of these was to look after the domestic comforts of the magistrates and to ensure essential supplies to them at a cheap rate.

In certain dacoity-infested areas they were trained in the art of staging bogus encounters.

They were trained in the technique of observing 'anti-crime fortnights' for registering a large number of cases under the Arms Act and the Excise Act during these fortnights (NPC,1980b:10-11).

The above are aberrations of the law and formal training procedures. But it is important to note that this informal on-the-job training has over the years come to acquire the form of a counter discourse. In reality this is the code of practice that the citizen has come to expect from the police and especially from those ranks that are in daily contact with the public. On the other hand this code has been entrenched in practice due to the 'benefits' that the personnel are able to find in it (NPC,1980b: 50).

These problems associated with the Indian police has contributed to what an ex-Commissioner of Delhi Police has called 'a positively bad image' (Karan,1992:52). Karan argues that the Indian police is a necessary evil as there can be no society without a police force. He feels that the police are the only government agency that performs 'a strikingly negative role in society' (Karan,1992:52). He further argues that:

> While the term 'maintenance of law and order' may sound positive, in actual terms, it means the practice of negativism in various forms: the regulating and stopping of people, not allowing people to proceed to particular places, the fining of people, the searching and interrogating of people, the arresting and locking up of people, the teargassing and cane-charging of people and even

> the opening of fire on them. These very restrictive police roles go against the natural human urge of free will and generate not only unpopularity and even hostility, but also fear of the police (Karan,1992:52-53).

For ex-officers like Karan the image or the 'positively bad image' is entirely due to structural-functional reasons. The role of the police is constructed as being distinctive in its ways of acting, thinking and feeling and therefore external to human agency or initiative. It is endowed with coercive characteristics for purposes of control and therefore suggests a large degree of autonomy in its daily activities. In this sense, the image of the Indian police and all police in general, according to Karan, would invariably have negative connotation. Yet there could be a case for a 'cultural revolution', a reform of 'police culture'. The space for this reform is to be found in the recognition within the force that it is also has a 'service-oriented, citizen-protection-oriented and crime-prevention-oriented' force. According to Karan, if these roles were closely woven into the culture and ethos of the police then 'its credibility and acceptability in society would have been vastly better, despite its otherwise negative functions' (Karan,1992:53).

Two aspects of the Indian police emerge from Karan's exposition. First, that there is in India no concept of a service-oriented police. A service-oriented police is essentially a police that is sensitive to the idea of citizenry and to the fundamental human and civil rights available to the individual. I wish to problematise this within the larger understanding of a weak civil society and the need for a strong state as being symptomatic of post-colonial societies. Chapter five of this thesis tries to explain the nature of post-colonial policing with reference to state and discursive features of social control that can be seen as complementary to the privileging of structure and function as explanatory tools for analysing post-colonial policing.

Secondly, the police in India views crime-prevention duty as secondary to its more prominent public order maintenance role, a view that finds support from Nath's (1978) account as well. The maintenance of public order is always a site of contest, it

is essentially the more overt political role for any police. However, in countries with a strong civil society as in the UK, the emphasis on crime prevention and the image of the law enforcer (McKenzie and Gallagher,1989:29; Emsley,1991:7) allows the police to increase consent for its existence, as it is seen essentially as a service that safeguards the person and property of the individual. As is evident from Karan's assessment of the 'culture' of the Indian police, it is still a 'visible symbol of state power', a colonial continuity emphasising the coercive nature of its actions, where the structural 'negativism' that Karan argues is the form that all police forces have to contend with. Karan admits that the existing police-public relationship is an adversarial one and that there is a confrontationist interface between them (Karan,1992:53).

I would like to argue that the adversarial model of policing is the model of post-colonial policing itself. By recognising the fact that the role function[53] of the police is negative, Karan's argument highlights the more repressive and negative functions of order maintenance. It also focuses on police-public interface as the key area that needs to be addressed, a problem that has apparently eluded resolution fifty years after independence.

Karan admits the centrality of the police in the scheme of the state, and would also like to see it as being an institution that is central to Indian society as well. However as long as the model of policing remains adversarial, the police would continue to represent what Foucault described as being 'established on the edges of society' (Foucault,1991:209). I shall explicate this Foucauldian position in detail in chapter five.

---

[53] Role function refers to the normative expectations attached to particular positions and the way in which roles are associated with institutions (Jary and Jary,1991:538).

As opposed to Karan's argument to make the police central to state and society, it can be stated following Arnold that similar to the colonial state, the post-colonial state is neither omnipresent or omnipotent and therefore not central. However, the state can bring in at crucial junctures a great amount of coercive force. Similarly, the colonial state was often powerless to enforce change or to prevent it, a state of affairs that was partly if not entirely caused by the lack of hegemony. On the other hand:

> in matters touching the power and authority of the state, or where, the state did not hang in mid-air, the material and political interests of the colonial regime were at stake, state power could be exercised with telling effect, as the history of insurrection in India makes clear (Arnold,1986:2).

The history of insurrection in independent India is also a testimony to the might of state power, or more precisely police power. It is a continuation of colonial policing practice, of privileging political policing as the core mandate of the constabulary in relation to crime control. Lofthouse has argued that 'police ... generally and at times of crisis, provide the coercive power and the resources to maintain the hegemonic domination of the state' (1996:47). But though it can be argued that the police are to secure for the state hegemonic domination, the crucial question that needs to be addressed is 'how' such a hegemonic presence is protected.

In both colonial as well as post-colonial policing, the lack of hegemony had been sought to be overcome by a robust armed presence. The Police Commission of 1902-1903 observed that 'armed reserves are necessitated by the principle that it is the function of an efficient police, not only to prevent and detect crime, but also to secure the peace and tranquillity of the country' (NPC,1981b:16). The District Armed Police (DAP) was created with this in view and armed police battalions drilled on infantry practices were to be found long before independence in Bengal, Bihar, Assam and Madras. Independent India as a successor to the colonial state continued with the maintenance of armed police battalions on the assumptions that the lack of hegemony for the police would have to supported at times by armed force. Sardar Patel, the first

Home Minister of independent India, addressing a meeting of State Inspectors-general of Police on 12 January, 1950 had this to say:

> It is even more necessary for state governments to avoid in day to day administration of law and order, resort to military force. It is from this point of view and also in full knowledge of the commitment of our army that I cautioned the Provincial Governments in 1947 about the need for self-sufficiency of their police forces. I am glad to say that provincial governments have generally been very quick in achieving this self-sufficiency and the occasions for calling the military in aid of civil power have been few and far between (NPC,1981b:16).

Thus the armed police were very consciously given the role of a reserve armed force, an agency that would relieve the military from the burdens of domestic duty. But what is important to note is the relation that Patel is accepting or rather continuing - the relation between armed policing and law and order. The retention of the causal connection between the two allows the retention of the logic of colonial law and order maintenance. It was accepted that consent to governmental initiatives and codes of order maintenance would be contested and that the best way to impress the population on the issue would be to make a show of arms.

Ray (1991) has studied state response of post-colonial India to conflict and conflict management. In this study he has described the continuity of colonial practices in independent India and the forms that this has taken:

> The post-colonial state in India has drawn on the culture of conflict management by the colonial state. Colonialism has turned to be a socialising experience for the post-colonial state. The apparatus for conflict management inherited from the colonial state has been enlarged, re-legitimated, and used in attempts towards consolidation of transplanted state form. The post-colonial state has demonstrated a stable preference for severe and increasingly severe normative repression for all kinds of conflicts though not always. Punitive laws have been revived or formulated to preempt conflict or coercively terminate conflict behaviour (Ray,1991:98).

Thus, Ray sees within the post-colonial state not merely a continuation of colonial practices but an enlarged and severe presence that is sought to be legitimised by the ideology of the post-independence India.

I have argued above, that the augmentation of the armed police is an indicator of the lack of consensus and that the government was aware of it, as is apparent from the directives of Sardar Patel. Ray's study, though not focused on the police of post-colonial India, concluded that:

> the inefficacy of consensus creation processes is sought to be compensated by increasing use of the coercive apparatus to manage vertical and horizontal political conflicts. Noticeable is formulation of repressive laws as well as revival of the colonial law to manage violent class conflict (e.g. use of 1948 Madras Suppression of Disturbances Act to contain Naxalite movement in Srikakulam in Andhra in 1968-69) (Ray,1991:101).

Consensus creation is a function of ideology. Ray argues that the initial choice of the newly independent state was a collectivist and socialist ideology (Ray,1991:101), a polity that privileged the redistribution of wealth and the undertaking of development as central to its efforts in building a new state. This was in great measure a reflection of Jawaharlal Nehru's personal political position on the left of centre of the Congress movement for independence[54]. But the ideology that the state adopted was not one that had wide acceptance or one that can be said to be a natural development from within civil society. It increasingly came under pressure from diverse political quarters with contending ideologies and the state became a site of contest. The ideological contest can be seen at many levels. There is one that emanates from the state itself, the ideology of self-sufficiency, development, non-alignment, secularism and parliamentarism. Outside the ideology of the state, there are contesting ideologies from the extreme right religious fanatics espousing communal and parochial causes to the extreme left, that for a time seemed to seriously to challenge the constitution and the state[55]. The result of all this is that no one ideology is hegemonic. A hegemonic presence, I would argue is one that comes from within a civil society and helps to

---

[54] Although the official title of India contains the words 'Secular and Socialist' in the Preamble of the Constitution it was inserted in 1971 by Mrs. Indira Gandhi's Congress government, and that previous to it India was the 'Republic of India' only.

[55] The police profile was raised to an unprecedented degree with the deployment of armed police and para-military units during the Naxalite movement in West Bengal and elsewhere in India. The Naxalite movement was inspired by Maoism and essentially started as a peasant rebellion in the Naxalbari region of north Bengal, hence the name. The period of rebellion was between late 1960s and early 1970s, a period that saw an immense increase in police personnel numbers.

create a value consensus around potentially divisive themes. In an ideologically fluid situation the police are seen to be decidedly linked to the state and its more repressing characteristics as they are repeatedly called upon to address problems that the polity has failed to solve.

The post-colonial state, notwithstanding its ideological fluidity and contested hegemony is an interventionist state. Yet the ability of the state to intervene positively into public consciousness is 'severely limited by its inability to respond positively' (Ray,1991:101) in the many conflicts that it is involved with. The pulls and pressure of ethnic, regional, communal and economic crisis on the one hand and the imperative to maintain order on the other, makes the police central to the idea of the state itself.

Chai-Anan Samudavanija has argued that any regime, no matter what type of power distribution it has pursues a three-dimensional strategy to maintain such a position. According to the model that he presents the major characteristics of the state are: a) security dimension or 'S'; b) participation dimension or 'P' and c) development dimension or 'D'(Samudavanija,1991:20). He goes on to argue that 'Third World' leaders find it imperative to emphasise the values of development and participation in order to minimise the use of excessive force. However, I would argue that while fostering participation and development on a satisfactory scale would necessarily have to be a long process involving a plethora of other dimensions, such as fiscal regulation both nationally as well as internationally. Post-colonial states find it easier to privilege security as a short-term measure to establish public order. It is however theoretically possible to have states that privilege development as a more immediate concern than security or participation or even participation in the political process as a more important aspect than development or security.

Samudavanija argues that the post-colonial state cannot overcome the tendency to privilege security over other dimensions as these states suffer from insecurities of

structure and values. This means that for all practical purposes, there are only two types of state and regimes (in the 'Third World'), the SDP and SPD. In the first, security takes precedence over development and participation and in the latter security is privileged over participation and development. In either case security remains the foremost consideration. This makes the police forces in the post-colonial situation a security agency and police work is subsumed under the rubric of state security.

In India, the consolidation of parliamentary democracy and the plural political process has always used the language of development and participation in order to gain a hegemonic presence. In the first few years following independence, development had come to occupy a very high value within national politics and in some parts of India this was inextricably linked with the political value of participation. Participation within the polity was by membership of various political parties and through formal attempts at decentralisation of power, as is evident in the constitution of various local bodies like municipalities and *panchayats*. In actual practice the dominance of the Congress at all levels of the decision making process effectively centralised power and for a time the national goals set by the Congress enjoyed a relatively unchallenged tenure (Vanaik,1990:87).

It is within this political scenario that we must site the central importance of the police. The close relationship between the ruling party, civil service and the state that India witnessed, especially until the 1960s within the discourse of nation-building necessarily begs the question of politicisation of the force. Vanaik feels that Congress dominance regarding political goals and its ability to set the agenda for the nation did not allow the non-partisan loyalty of the civil service to be tested (Vanaik,1990:87). However the one- party dominance of the Congress was increasingly being contested, especially after 1967, and the party could no longer take for granted a permanent tenure. It would seem that 'the temptation to bend the bureaucracies to partisan

purposes has proved irresistible and the effects of constant interference are now all too evident (Vanaik,1990:88).[56] The police as part of this bureaucracy would be obviously implicated in the partisanship of Indian politics and a close interrogation of the relationship between policing and politics is necessary to clearly understand the nature of the post-colonial police.

3.4 Police-Politics Relationship: Post-colonial Implications

The relationship between policing and politics has been theorised by Brewer *et al.* as a typology of strategies 'by which the state engages in public order policing' and they claim to have pioneered a chain of relations connecting the state, police and society which underpins the police-state nexus (Brewer *et al.*,1996:xx). They argue that police-politics relationship has six dimensions which can be placed in a continuum from heuristically given 'weak' to 'strong' positions. These are :

- Political beliefs;
- Politicisation of policing;
- Police resources;
- Police relationship to government policies;
- Government values within police;
- State images (1996:xxii).

I would argue that this typology can usefully applied to the specific case of India as much as it is a universally applicable phenomenon. The application of this typology would make it possible to explore the various continuities in policing strategies, administration and professionally pathological conditions that have survived the transition from colonial rule to independence. In short this typology can help us to understand post-colonial policing in India and provide the basis for a model to be developed that can be applied to post-coloniality of policing in general. I would

[56] Baxi has argued, that the political elite of the country had not internalised the value of legalism and that everyday politics is one of manipulation and abuse of power. This conduct of politics is itself a counter discourse and well entrenched in everyday practice (Baxi,1982 cited in Vanaik,1990).

briefly discuss the six dimensions that Brewer *et al.* claim as defining 'the police-politics relationship' before trying to relate them to the post-colonial condition.

The first dimension is concerned with political beliefs that are held by the police personnel. The weak version on the continuum holds the view that police personnel are similar to other citizens in holding personal political beliefs and opinions. In this version, these political opinions do not provide individual police personnel with a collective political framework of action. Since the political beliefs are essentially personal, they do not reflect or influence police work. In its strong version, police conduct is structured and conditioned by political opinion and beliefs held in collectivity by all or a substantial majority of police personnel. It can be argued that in apartheid South Africa, for example, a substantial majority of white police personnel subscribed to the racist ideology of the state, and that their daily conduct was influenced and structured around belief in white superiority (Brewer *et al.*1996:xxv).

Politicisation of policing refers to the claim made by Brewer *et al.* that policing is related to political activity conducted at the party level. In its weak form this refers to police as an institution being subject to political competition for power amongst the various state elites. In other words the political elites of the state influence or seek to influence the police personnel in their contest for political power. In the strong version, the police make a definite political choice, that is they align with one group, faction or party against another. In this sense they are directly involved in the political disputes of the state (Brewer *et al.*,1996:xxi).

The third dimension is an increasingly important factor that defines police-political links. All states allot a certain share of budgetary resources to the police department. In its weak form, the argument is that the allocation is done on the basis of the economic and political rationality, reflecting the political priority of the state to

matters of policing and public order. In its strong version, the resource allocation is not done on a strictly rational basis but is a result of the manipulation of government perceptions on crime, security and other priorities. In other words the police are capable of obtaining a disproportionate amount of the resources by projecting levels of monetary and other needs that are not strictly related to the actual requirements (Brewer *et al.*,1996:xxi).

The relationship between the police and government policies, the fourth dimension, is critical and complicated. In its weak version the claim is that the police impartially implement and enforce the law. In this sense the implementation of law can be seen as something that is outside the subjectivity of the police officer and part of a larger rationality of objectivity of action. The act is mechanical, a relation between law violation and enforcement. Parking offences are a good example of this style of policing where routine fines are enforced on a strictly 'objective' basis. However, in its strong version and especially where more complicated issues are involved, the police are partisan in enforcing certain laws and exhibit bias against legitimate and lawful opposition to them. The relationship here is obviously mediated by the subjective values that are exhibited in the act of policing (Brewer *et al.*,1996:xxi).

The fifth dimension deals with the permeation of government values and ideology in police work. In its weak form the claim that Brewer *et al.* are making is that police are affected by values and ideology of the government. The strong form is actually a consequence of the permeation, where the police deny the legitimate political alternatives by supporting the government ideology only. In this version the partisan nature of the police are strongly articulated and the difference between the police as an agency of the state and the government is obliterated (Brewer *et al.*,1996:xxi).

The sixth dimension is one that involves images or representation of the police and the state. In its weak version, this relates to the how the people perceive the state

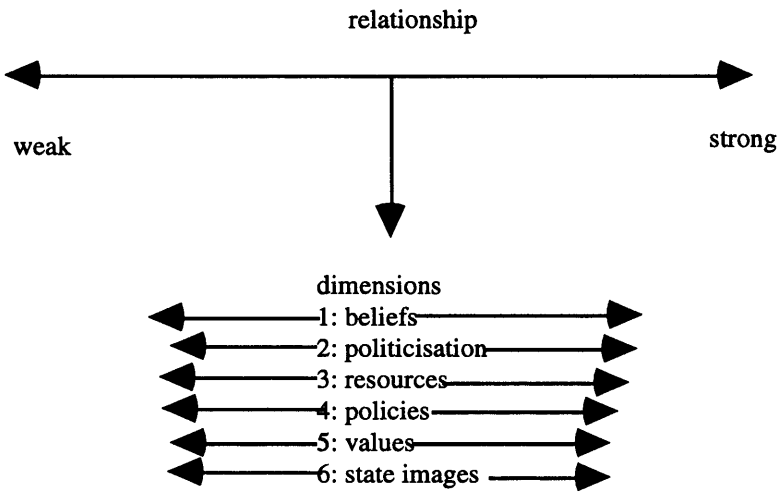
through police action. In other words, the claim is that people come to form ideas of the state and its politics through the police behaviour. In its strong version, the argument is that the police manipulate the images that are meant for the population by deliberately highlighting those that they believe would be positive and try to hide those aspects that can be construed as negative. Thus, police courtesy and community oriented behaviour may be images that a state would like to portray or seen as representing their political values. In so far as it is an image however, it may not conform to what is 'real' (Brewer *et al.*,1996:xxi-xxii).

The continuum that Brewer *et al.* posits in terms of 'weak' and 'strong' values, can be seen in terms of political traditions. The 'weak' form corresponds with political liberalism and the 'strong' version would resonate with a more authoritarian political culture. Given that post-coloniality in India is structured around the concept of parliamentary politics in its formal structuration, the police-politics relationship would reflect the liberal position on the continuum. However, this formal position is mediated by the history of colonialism and the failure of the rulers of independent India to radically alter police administration, policing strategies and police-public interface[57] . I would argue that this failure on the part of the post-colonial rulers to implement a liberal programme of reform within the police reflects the privileging of security as a top priority, a matter that Samudavanija's writing highlights.

I reproduce below the diagrammatic expression that Brewer provides us in order to advance my arguments about the Indian post-colonial police in terms of the six dimensions that were mentioned above. For my purpose I shall read the 'weak' pole as representing liberal political tradition and the 'strong' as representing authoritarian political values.

---

[57] It must be borne in mind that the government of India did not implement the National Police Commission recommendations. The Chairman Dharma Vira brought this to the notice of the then Deputy Prime Minister Y B Chavan through a DO no. 10/30/79, dt.16 August,1979 (NPC,1979b: 20).



(Source: Brewer *et al.,* 1996:xxii)

To begin with the first dimension, how are political beliefs reflected in the Indian police? Taking into consideration the formal composition of the police and the constitutional provisions of relevance to the execution of police powers, there is no one belief that the force holds as a collectivity[58]. It could be claimed that political beliefs are personal and individually held by the personnel not necessarily in consonance with state-held views. However, I would argue, it is possible to have political views divided in the force along ranks, with Indian Police Service officers holding more pro-establishment and pro-government values in keeping with their class and educational background and the constabulary espousing a different set of political values altogether. Political affiliations as a matter of alignment with political parties have however been not brought out in the open. There have been cases of open revolt, mainly on economic and welfare demands from amongst the constabulary.

[58] In most states of India (except in West Bengal), police personnel are not allowed to have political rights concerning the formation of Trade Unions. It is very difficult to find statements from any rank of the police personnel about political beliefs or the extent of politicisation. in the forces. Though Shah (1993) claims to provide a study of attitudes of Indian police, there is no empirical evidence to support such a claim. More importantly, the book is a study of policing in the northern Indian state of Uttar Pradesh. Thus, the first two dimension of Brewer *et al* has to be inferred from a wider reading of Indian policing and politics.

Here it must be borne in mind that revolts have never involved the IPS ranks who obviously have other avenues of redressal of grievances being by rank, class and educational background more able to manipulate and influence the state and the government. Thus, in the post-colonial situation it cannot be claimed that police conduct is structured by political beliefs of individual police personnel.

However, with reference to the second dimension it can be said that policing is no longer a subject of dispute among political parties, rather, different political parties in power have used the police to further their political line. The Emergency imposed in India from 1976 to 1978 was the most obvious example of police identifying with a single political party and influencing political disputes.

With reference to the third dimension it is difficult to prove the manipulation of government's budgetary priorities by police organisations, but it can be shown that police increases have taken place in those periods when threat perceptions about internal security have been intense. The late sixties and early seventies in Indian policing best exemplify this dimension. Growth in total policing strength outpaced the growth of the Indian population (Brass,1990:55) and budgetary allocation to police and police related portfolios was greater than welfare related ones.

Guha has shown that police expenditure between the years 1950 to 1974 had increased by '52 times from 30 million rupees spent in 1950-51 to 1,564 million budgeted for 1974-75.' He also pointed out that in the first year of Mrs. Indira Gandhi's tenure in 1966-67, central expenditure on the police was 482.7 million rupees. According to him police expenditure 'increased by 50% in two years to 726 million spent in 1968-69, by 146% in five years to 1,188.2 million spent in 1971-72 and by 224% in eight years to the 1,564 million budgeted for 1974-75' (Guha,1976:44).

Guha found that 'expenditure on the police by the state government exceeded that on account of medical and public health by 605 million rupees, of general administration by 336 million, and of justice by 1,867 million' (Guha,1976:44). Per capita expenditure by the state administrations on police in 1978-79 was estimated to be 7.63 rupees as compared to 6.73 rupees per head on medical and public health in the same year.

Guha's research further indicates that between 1956 and 1960 the strength of the police personnel on an all-India scale increased by 20%, that is at an annual rate of 5% and in the eastern regional states of Assam, Bihar, Orissa, West Bengal and Uttar Pradesh increases of 87.8%, 80.3%, 19%, 10.4%, and 10.2% respectively were recorded. In the whole of eastern India, for the decade 1950 to 1960 the population growth was 24.7% and the police force increase for the same period was 41.5% (Guha,1976:45).

The increase in police personnel numbers is augmented by the increase in the personnel of the various para-military forces that are entirely staffed and maintained by the Union government. Guha mentions the Central Reserve Police (CRP)[59], the Border Security Force (BSF), and the Central Industrial Security Force (CISF). Since then a Rapid Action Force (RAF) and the National Security Guard (NSG)[60] have been set up. The NSG is exclusively devoted to performing personal security detail of the various union and state ministers and others who are perceived to be under threat. Ex-prime ministers and their families are also provided with NSG cover.

---

[59] In colonial India this force was known as the Crown Reserve Police Force, and as in postcolonial India was centrally administered.

[60] Basically the NSG is a commando force. It is staffed by secondment from the para-militaries, militaries and the armed police. It is popularly called the 'Black Cat' after its black uniform.

Guha shows that the CRP[61] has in a ten year period starting 1964-65, increased its strength by 375% from 16 battalions to 60 battalions. In 1973-74, 387 million rupees were spent on it which is 285% more than what was spent in 1968-69. A group of intellectuals formed a committee to monitor the political situation in India during the period of the Emergency. It called itself the Committee of Concerned Asian Students and was based in Ithaca, USA. In an article published in the Ithaca New Times on 11, May 1975, they pointed out that the budgetary allocation for the Central Police Agencies (CRP, BSF, CISF, etc.) has 'tripled since the mid-Sixties, while total government expenditures have hardly doubled in the same period'. Arguing along with *Brewer et al.*, it can be stated that resources devoted to the police forces reflects the political and other priorities of the post-colonial state (Brewer,1996:xxi). This also strengthens the claim made by Samudavanija that security is privileged over other aspects of state concerns in post-colonial societies (Samudavanija,1991:20). For example Brass (1990) shows in the table (3.1) reproduced here, that police personnel numbers increased dramatically when the Indian state had to contend with domestic insurrections and external threat of war. It must be borne in mind that in the late sixties internal stability of the state was challenged by the Naxalite uprising, a peasant rebellion that ultimately spread to urban areas as well. West Bengal was the most affected state in the Indian Union, as well as parts of Bihar, Madhya Pradesh, Andhra Pradesh and Orissa. The early seventies also saw the start of the third India-Pakistan war which ultimately lead to the birth of Bangladesh. The North-East of India in this period continued to witness movements for Naga and Mizo independence/autonomy which effectively increased the presence of armed and paramilitary units in that area. Thus, as Table 3.1 shows, whilst the total increase in population for the period 1951 to 1981 was 89%, the increase in police personnel in the same period 93%. More importantly between 1961 and 1971 police personnel strength increased by 34% but the population increased only by 25%. Thus, it is obvious that when the hegemony of

[61] The CRP is the only para-military force in India that has an entire battalion staffed by women officers. This is the 88 th Battalion raised in 1992-93.

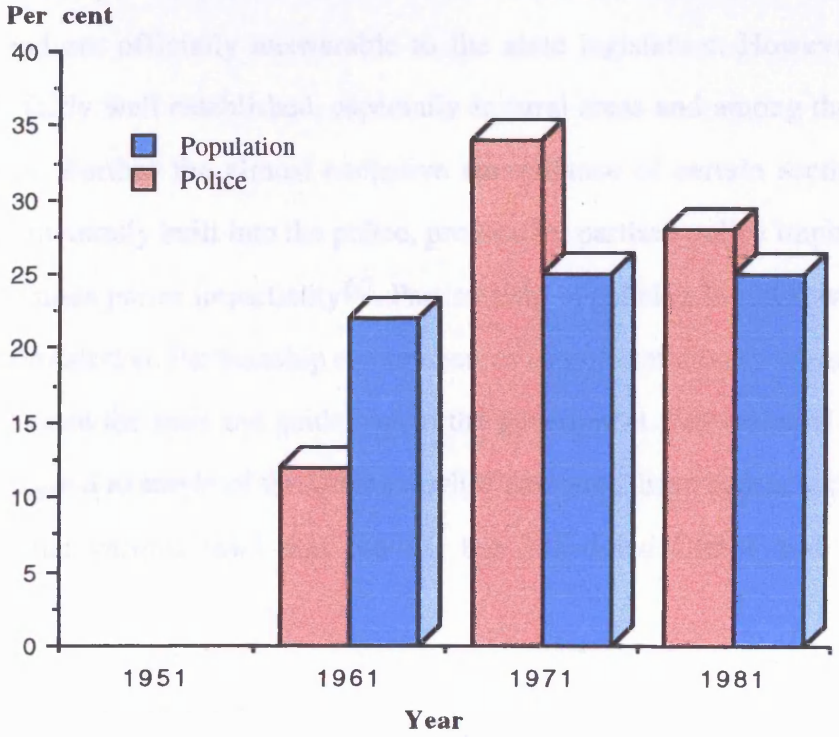
the state is politically contested the post-colonial state in the absence of any other consent seeking measures has to rely on the police and its armed strength to keep the status quo. The Table 3.1 also shows the percentage decrease in total police numbers when the threat perception is relatively less. Thus, whilst the decal period of 1961 to 1971 exhibits police personnel increase at its highest, the period of 1971 to 1981 shows a fall in percentile increase, though the rate of percentage increase for the police is still higher than that of the population (cf. Diagram 3.1).

TABLE 3.1 POLICE POPULATION INCREASE, 1951-1981

YEAR	POLICE STRENGTH	PERCENT INCREASE	TOTAL POPULATION	PERCENT INCREASE
1951	468.000	–	361	–
1961	526.000	12	439	22
1971	707.000	34	547	25
1981	904.000	28	684	25

Population is in millions for period 1951 to 1981

DIAGRAM 3.1 PERCENTAGE INCREASE IN POLICE STRENGTH AND POPULATION, 1951-1981



Adapted from Brass,1990:55

Brewer's fourth dimension deals with policies or as he argues the 'police relationship to government policies' (Brewer,1996:xxi). In the tradition of political liberalism this implies that the police simply execute the law as is available. It also assumes that there exists a complete separation of the executive (police and other implementing governmental agencies) from the legislative body (politicians who are members of various legislative bodies) and that the two are checked and balanced by a judiciary. The entire argument hinges on the precept of impartiality on the part of the police in implementing such laws as enacted by the legislature. The more authoritarian version of the continuum would provide for a relationship that is based on a police with a partisan approach to policy implementation. The police are also expected in this approach to exhibit a bias 'against legitimate and lawful opposition to them' (Brewer *et al.*,1996:xxi).

In the Indian case, it can be argued that the police are formally part of the executive that is separated from and checked and balanced by the separation of powers. Therefore it can be argued that it reflects the political philosophy enumerated above. The police in the states of the Indian Union are under the control of the state Home portfolio and are officially answerable to the state legislature. However partisan policing is fairly well established, especially in rural areas and among the poor and lower castes. Further the almost exclusive surveillance of certain sections of the populace, structurally built into the police, provide for partisan policy implementation and compromises police impartiality[62]. Partisanship in policing is however not only a matter of commission. Partisanship can be seen as acts of omission as when the police fail to implement the laws and guidelines of the government. Post-colonial policing is a especially good example of the latter as police personnel have consistently failed to implement the various laws that provide the Scheduled Castes and Scheduled

[62] In chapter one I referred to Bayley's study highlighting the surveillance on students, communists and workers as the focus of the police and its intelligence machinery.

Tribes[63] with protection from the upper castes and the village rich. The various projects of developments that were initiated in the rural areas have benefited the rural rich and exarcebated the fight over resources. The police have consistently sided with the this wealthy class[64] and have effectively prevented land reform programmes and other progressive measures that were to be implemented. It has been found that 'local level administration tends to come under the rural power structure ... (and) in certain parts of the country any attempts at organising the rural poor is looked upon by the administration with grave suspicion and is even thought of as "coterminous with incipient insurgency"' (Subramanian,1992:43). Subramanian discovered in the course of his field-work that the district administration had labelled a voluntary worker who had complained about the presence of bonded labourers as "trouble maker" and an "undesirable" person. Subramanian concluded that the 'status quo orientation of the administration[65] makes it translate problems of social transformation into issues of administration. Thus, in trying to assert his or her right to basic or minimum wages as given by law, a member of the lower caste group may commit an offence by violating codes of public order. The police would show 'promptitude in registering' a case against such a violation but would fail to move expeditiously in enforcing minimum wages (Subramaniam,1992:43). I would suggest that in post-colonial policing, non-implementation of laws is a bigger problem in relation to the values and ideology of the state as articulated through policing strategies. In this case policing continues with

---

[63] The traditional Indian society is usually stratified along caste lines, which are in the main vertical hierarchies denoting ritual purity and pollution. Ritually powerful castes are also in practice economically and socially powerful as well. Lower castes exhibit the reverse. The Indian constitution in keeping with its professed committment to social justice and equality decided to follow a practice of positive discrimination for the lower castes. In order to identify the vulnerable and the weak it listed them in a 'schedule' of the Constitution. The same arrangement was followed with respect to the various tribes that have been found to be marginal and therefore vulnerable.

[64] Arnold (1986:4) has argued that the colonial police never served British interests exclusively. They acted officially or otherwise in defence of the interests of the Indian propertied classes. He asserts that this alignment of the police with this class fashioned in colonial times was one factor responsible for the smooth transfer of power from British to Indian hands. He argues that 'a purely colonial force, having no other function than to defend British rule, would have perished with the Raj.'

[65] In a society as starkly divided as India is between people with access to resources and those that are denied basic amenities of life, the maintenance of status quo by the administration becomes *ipso facto* a support of a certain section of society with all its attendant socio-economic impact. Randhir Singh (1992) argued that in a class divided, exploitative society like India, on all important issues in philosophy as in real life, neutrality is an illusion. In India 'everything said or done, or left unsaid or undone, helps one side or the other.'

the colonial administrative ethos of maintaining order with or without law[66]. The main burden of administrative procedures and practices is the maintenance and safeguarding of existing property relations. More than 33% of the operative sections of the Indian Penal Code relate to offences against property rights (Subramanian,1992:42).

I have argued above that the police in the post-colonial situation may be partisan in relation to policy implementation by failing to execute the relevant law. In such cases the police do not necessarily reflect the political position of the government. On the other hand it may be argued that the Indian state does not have a single ideology that can be articulated through the police or other state agencies. I would suggest that the weak presence of the civil society in relation to the post-colonial state points to the fractured nature of hegemony. By this I mean the inability of the dominant group to pursue its political values 'throughout society' as it is being constantly challenged and contested in terms of class, caste, ethnicity or other stratificatory principles. Therefore I would reiterate, that in the case of India the 'strong' version of the police to ideology inter-face has to be modified to accommodate a police that actively champions a more statist approach to values. An example of this is the manner in which the police denied expression to any political dissent when the Emergency was declared on 26 June 1975.

The last dimension that Brewer *et al.* have put forward is the state image as refracted through the police conduct. The question that is of importance is whether in the post-colonial state the police are able to portray a positive image, given the fact that the police image is negative. In other words, do the post-colonial police forces negotiate the crisis of confidence amongst the public by portraying strong positive images?

---

[66] MacKenzie argued that law and order is not the elegant symbiosis that it is often made out to be and that from the point of view of the police it represents two very distinct functions with different implications for relations with the political leadership on one hand and the public on the other (1992:ix).

The post-colonial police of India has of late made efforts to create a more positive image of itself. This exercise is however not universal and is particularly to be found in the metropolitan cities and then again as a matter of individual initiative of certain police chiefs. Karan's article published in 1992 is an example of this effort. In most cases the police is not overtly engaged in image building exercises. This is so because it does not possess any alternative vision of policing except the para-military style with its emphasis on high armed visibility and distance from the public. In its 'Summary of Observation and Recommendations' (NPC,1979a:68) it hinted that a more amiable street presence and a shift from emphasising armed paramilitary style policing to a more community oriented policing strategy was required. More recently moves for involving the community have been undertaken in certain states of India. A movement called the Friends of Police (FOP) started in Tamil Nadu, south India, can be taken as an example of efforts being made to change the image. The initiative was taken by a senior police official P V Philip , who admitted that the FOP movement was meant to 'foster and crystallise the hitherto untapped sentiments of goodwill for the police that exists among the general public' (Philip,1996:149)

3.5 Summary

This chapter uses the empirical and extensive findings of the National Police Commission of India to describe and elaborate the problems faced by contemporary policing in India. It shows how certain practices suited for policing a colony had been continued and how colonial strategies have created an adversarial police-public relationship. The findings of the NPC have also helped to highlight the legitimacy deficit that post-colonial policing suffers and the manner in which the implementation of paramilitary policing styles have become of paramount importance.

The chapter also points out the nature of training that different police ranks receive and suggests that much of the problem associated with post-colonial policing lies in an ill-trained constabulary. It also shows how the system of lateral entry creates discrepancy of training in relation to rank which effectively means that the only the superior police, in this case the IPS, are well trained.

The chapter has highlighted how policing activities in post-colonial India have exclusively focused on the maintenance of public order. It has also indicated that policing in post-colonial states is a matter of policing divided societies (cf. Brewer, 1996 *et al.)*. This makes it imperative to examine the nature of police-politics relationship.

In view of the above I would argue that the Indian police is in relation to state images aligned more towards the 'strong' version at best of times, and has a more ambivalent stance in general. Applying the methodology that Brewer *et al*. had provided, it can be argued that there exists a case for describing post-colonial policing as matter of colonial continuity in so far as the state-police relationship is concerned. Indian policing is overtly political, sensitive to state concerns of security and has like the police in Northern Ireland, used the various threats of civil unrest and disturbance to public order to its financial and strategic benefit (Brewer *et al.*, 1996:xxv). Post-colonial policing in India can also be described as being partisan and like its colonial predecessor aligned with powerful landed and financial interests. The uniqueness of the Indian social order with its multiple codes of stratification, both traditional and contemporary, have exacerbated the problematic of post-colonial policing. At the same time it is evident from the above exposition that Indian policing shares with other countries of similar history and politics several aspects described above. In the next chapter I explore the specifics of the Indian police with other post-colonial examples in order to posit a universal model of post-coloniality of policing.

CHAPTER FOUR

POST-COLONIAL UNIVERSALITY

4.1 Introduction

This chapter is an attempt at constructing a typology of post-colonial policing that is not restricted by geographical and nation-state boundaries. It tries to posit attributes that are unique to post-colonial policing and applicable to societies and states that have in common the history of colonialism. In this sense the chapter aims to describe the nature of post-colonial policing in terms of an arrangement of elements like command, organisation, discipline, training, etc. into a definite pattern. This is not to privilege structure in analysing policing, either ontologically or methodologically, but merely to extend the assumption that societies can be compared analogously when they share similar post-colonial experiences and imperatives. This conceptual process makes it possible to organise knowledge of policing beyond a sense of uniqueness that history provides even as history sensitises the positing of typical features.

As already stressed despite the centrality of the police in the Indian context, there are few works that critically engage in an evaluation of it. The paucity of informed debate on policing however, is not a matter that is peculiar to India *per se*. Writing on policing and public order issues in Canada, King (1997) finds that few academics have approached the problem and that little if anything has been written 'about public order policing structures, strategies and tactics'. He suggests that the scarcity of critical engagement with policing issues is in part related to the sacrosanct nature traditionally ascribed to issues of security in post-colonial states. King cites Sewell

who argues that policing is analogous to sex and religion, both being topics that polite conversation avoids.

As mentioned in the Introduction, Indian police officers, especially those in service, would seem to be reluctant to discuss with researchers or the press matters related to policing and police administration. Police matters according to these officers directly impact on the security of the state. The Union government directive states that: 'A police officer may not, unless generally or specifically empowered by the local government in this behalf communicate directly or indirectly to Government servants belonging to other departments or non-official persons, or to the press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official source or otherwise' (NPC,1980b:54). The directive emphasises repeatedly that 'all government servants, particularly district officials, must take care that they do not make any statements to the press'. Thus the secretiveness regarding policing matters is a bar for informed debates and discussion and public deliberation on policing remains confined to issues that are government initiated.

The lack of critical scholarship in studying policing in post-colonial societies has had two important but related consequences. First, it has forced police studies to be fragmented into histories of police forces, each specific and discrete, bounded by its own spatio-temporality. In this approach the geographical boundaries of nation-states coincide with policing structures in an isomorphic fit. Thus, one can have Indian policing, Canadian policing, Kenyan policing or Nigerian policing as separate and bounded categories of comparison. The second is a corollary of the first, in so far as such restrictive categorisation obfuscates the more universalising strands of post-colonial policing. This chapter is an attempt to delineate the case for a post-colonial typology that transcends geographical and nation-state limits. I suggest that like any other post-colonial policing systems, Indian policing should be seen as part of a larger

and embracing model of post-colonial possibilities by comparing histories, structures and discourses of power. This thesis is an attempt at such a construction.

Policing has always been at the forefront of the political agenda with accusations of being politicised and partisan. The nature of policing has an impact on the society in which it is situated and without studying such an important state organ, our knowledge of post-coloniality would remain incomplete. On the other hand the political imperatives of the state and the government have impacted upon police structure and policing strategies. I suggest that it is necessary to view the relationship between state and police as dialogical rather than unilateral, where one shapes and fashions the other rather than where one 'causes' a certain function or a specific act to take place.

4.2 Towards a Comparative Methodology

A typology of post-colonial policing share in common the experience of colonial history. However, the history of coloniality must differentiate between two types of colonial experience, the settler colonies of Canada, Australia and New Zealand and those colonies in which the European population did not establish a 'home.' This thesis is not concerned with settler colonies but with the latter. In lieu of a better nomenclature, I would term the colonial experience with which this thesis deals as 'indigenous' colonies. The historiography of the two types of colonies indicate different morphological structures and different discourses of power in the working of the colonial administration.

One of the most important distinguishing features of the two types of colonial experience would be the difference in levels of subordination and domination that the colonial state would engender vis-a-vis the subject population. This would impact on the policing style and strategy that would have to be adopted in terms of the balance

between coercion and consent. In the settler colonies the marginalisation of the indigenous population through military and socio-economic means, meant that coercion by the state was largely directed towards the original inhabitants. The settler colonial gradually outnumbered the original inhabitants and policing could be based on the natural consent of the colonisers. In the 'indigenous' colonies, where at any one time the colonialist was in a tiny minority, the business of conducting the affairs of the colonial state had to be a strategy of creating consent simultaneous to the use of coercion. The colonised had to arrive at strategies of accommodation and survival that were qualitatively different from the experience of those in settler colonies. Whereas in the settler colony the police-public relationship (apart from the experience of the original inhabitants) was in large measure predicated on consensual acts (the common interest to protect property against attacks from non-colonisers), in the 'indigenous' colony the relationship in question was fraught with antagonisms. Further, race was an important consideration in policing 'indigenous' colonies, as reflected in the structure of recruitment and the command hierarchy.

Ultimately, the difference between the two colonial experiences can be reduced to the development of consensus or the lack of it. In Canada, Australia and New Zealand the themes of consent and accountability did develop over the nineteenth century as these societies assumed an increasing degree of political responsibility (Anderson and Killingray,1991:9). On the other hand, police administration in the colonies of India and those in Africa and South-East Asia had very little to do with any notion of policing by consent (Anderson and Killingray,1991:9). I would argue that this historical difference is crucial in understanding the post-colonial condition. In the case of the settler colonies a case for the growth of civil society can be made and the post-colonial condition in these states would reflect policing in non-statist terms, approximating to conditions in the 'home' country. In the case of the 'indigenous' colonies, the weak civil society, and in some cases absence of it altogether marks the transition to post-coloniality.

By civil society I essentially refer to its Gramscian usage, which differentiates itself from the state or political society. The civil society privileges consensus to rule at its core and also indicates the consolidation and hegemony of the ruling classes. However hegemony does not necessarily mean total political and ideological control by the elites, but refers to a process whereby the ruling classes are able to make their rule of political power appear to be normal and legitimate. Thus in cases where there is a weak civil society policing is necessarily related to a more statist approach, and I would use this experience as a post-colonial policing *leitmotif*.

This is not to suggest that the post-colonial development of the 'indigenous' colonies have the same trajectory. Politics in Africa after independence of several states in the early sixties have shown wide divergences from the Indian experience. Within the sub-continent, police administration, police-politics relations and the police-military balance have differed if policing is to be seen as geographically bounded subjects of study. The difference of political history has been especially vital as few post-colonial states have been able to successfully democratise the governance of the population and the resolution of the several crises that these states were inevitably subjected to. However, I would argue that without being insensitive to such critical differences and divergences, a number of salient features provide the necessary linkages for the construction of a post-colonial typology as stated above. In other words, I suggest that there exists the possibility of extending the scope of applicability, not merely Indian post-colonial policing but all post-colonial policing, based on a broadening of the scope of objects of policing. Thus, the typology of post-colonial policing would subsume not only crime prevention but public order as well and more importantly the widening of the scope of the predicate of policing in relation to politics of the state. Sztompka argued that the globalisation of the social world has brought about a situation where the problem of identifying uniqueness is increasingly difficult amid the growing homogenisation of hitherto different elements (Sztompka,1990:55). But

the focus of comparative research in seeking uniformities can postulate generalising comparisons and in seeking uniqueness generate particularising comparisons. This approach allows us to see policing without recourse to idiosyncratic explanations of culture or culture types, e.g. Oriental policing, African policing or Anglo-Saxon, etc. since such categories do not exist in isolation any longer.

4.3 A Theory of Post-colonial Policing

In order to study post-colonial policeing it would be necessary in the first place to arrive at a theory of policing which hypothetically subsumes all forms and patterns of policing. Post-colonial policing can then be compared and contrasted with this 'universal' generalisation to show in sharp relief its distinctiveness. In other words, by positing a general theory of policing, one can draw out the uniqueness of post-colonial policing. It then becomes easier to place this difference as a general typology that informs all post-colonial policing.

A working definition of the police according to Bayley (1985) involves the crystallisation of three discrete but related aspects, physical force, internal usage and collective authorisation. This I would suggest, makes it possible to conceive of the police as a force in contradistinction to police as a service. Bayley goes on to state that the unique competence of the police lies in its ability to use physical force to affect the behaviour of others, and that the 'police are distinguished not by the actual use of force but by the fact that they are authorised to use it' (Bayley,1985:7). There are other agencies that are authorised to use force such as the military, and therefore it is important to see the caveat of internal usage as the distinguishing feature in the application of such force. The police are unique not only because they have the licence to use force but by their authorisation to use it on fellow citizens. The military, which has a larger arsenal at their disposal in terms of the use of force, however, is restricted in its application internally. This of course is an ideal type that

follows from the argument of Weber, although there are many exceptions to such a postulate. In the Weberian ideal division of usage of force, military force is only to be used within the domestic sphere as a support to civilian authority and in such cases they take on policing duties and can be seen as surrogate police personnel. The third aspect - collective authorisation - provides the police with legitimation in the execution of its tasks and differentiates it from others who may use force to influence the behaviour of fellow citizens. Thus, force used without authorisation that is legitimated becomes a criminal act, and wrongful use of force even by the police is to be seen in that light.

Thus the attributes of any police force, the minimum or necessary dimensions of it, ideally involves use of sanctions and execution of these within a certain geographical space and acceptance of policing as a legitimate act of governance. What Bayley hints at but omits is that all the above make sense when grounded within the discourse of power. The police is entrusted with the execution of acts that involve the invocation of power. Power, I would suggest is neither codified legal postulates that a certain collectivity has provided for (legitimate power) or the practice of pure force (non-legitimate power) but a relationship involving the exercise of power. It is a relationship that entails resistance to its application as well. It is however hypothetically possible to conceive a society where all social acts are based on absolute consensus and where the exercise of power as we understand it is made redundant. However, the above is not an empirically tenable position and historically there has always been resistance to power and authority. Voluntary compliance remains an ideal in any society, more so in large scale polities. Therefore I would suggest that the definition of the police would have to incorporate the concept of power relations. This would provide a theoretical vantage point from where both police and policing can be enquired into. Whereas the first refers in the main to a structure, the second refers to a discourse. Taking into consideration both discourse and structure, a more comprehensive definition of universal applicability can be

arrived at. Thus, police are enforcers of power relationships that are obtainable through legal sanctions valid within a certain territorial jurisdiction. This is an inclusive definition that has the advantage of managing all forms of policing as it privileges power relationships. The post-colonial form of policing can then be derived from this pervasive definition as a variant with unique characteristics.

A secondary corollary of the above postulate is to examine the functionality of the police. This would allow us to establish patterns of policing and would advance the understanding of the post-colonial form. The radical or Marxist view has long seen the police as an instrument of coercion. Althusser, articulating a structural Marxist viewpoint had differentiated between Ideological State Apparatuses (ISA) and Repressive State Apparatus (RSA) (Althusser,1993:18-19). The police were placed in the latter category on the theoretically informed premise that the state is an instrument of domination and is there to uphold the dominant vested interests[67]. However, the liberal or non-Marxist view, where the state assumes the position of a lofty arbiter of disputes, views the police as neutral and as non-partisan upholders of public order. Thus in terms of functionality of policing, a continuum can be constructed by positing the radical and liberal as polar attributes with shades of the two positions embedded along the line. Both the liberal and the radical views can be seen to advance ideal types of policing situations. A more realistic assessment would have to transcend both ideal types by critically evaluating the engagement of the police with the politics of governance and the state.

It can be maintained that in arguably the most authoritarian of all states, the police as a force are not always engaged in promoting vested interests or simply reflecting state policy. By the same token, it may be assumed that the police perform other duties

[67] Althusser was sensitive to the fact that the police and the military though part of the RSA, also took recourse to ideology. For him the crucial distinction was 'the fact that the (Repressive) State Apparatus functions massively and predominantly by repression (including physical repression), while functioning secondarily by ideology. He argues that there is no such thing as a purely repressive apparatus (Althusser,1993:18-19).

apart from repression. On the other hand it has been recognised that police in 'liberal' polities do not necessarily stand aloof of all political pressure and do exhibit partisanship in the performance of public order duties. What all police forces do, if we bracket away the differences of form, structure and political tradition, is authoritative interventions on behalf of the state. In so doing, I would argue, they become what they essentially are, enforcers of power relations dominant in a society at any one given moment of time.

Bayley feels that the modern police perform two major functions: authoritative intervention and symbolic justice dispensation. He states that authoritative intervention is almost wholly reactive, rarely anticipatory. He argues that the purpose of authoritative intervention is to restore order. It would seem that since such interventions are reactive 'almost no attempt is made to correct underlying conditions that have led to the need for police intervention' (Bayley,1994:34).

For the police to dispense symbolic justice in a non-partisan and efficient manner, Bayley argues that they are 'entirely dependent on information supplied by the public' (1994:34). He feels that 'symbolic justice is the realm of detectives and traffic officers. Also largely reactive, it is achieved through law enforcement. Its purpose is demonstrative, to show offenders and public that a regime of law exits' (Bayley,1994:34). I would suggest that for the police to get information freely from the public presupposes an existence of consensus to acts of policing. However, in those circumstances where this consensus is fractured or severely contested, the police would have to rely upon information that it collects from its informants and others who could be coerced or would volunteer for reasons other than co-operation. In the Indian post-colonial context, as in other post-colonial societies, consensus with respect to police and policing practices are weak, i.e. the voluntary flow of information to and co-operation with the police is insignificant. This materially changes the nature of authoritative intervention and symbolic justice that police are

supposed to carry out on behalf of society and state. Where the consensus is weak the weight of authority would be poor and also seen to be partisan. This would severely compromise the credentials of the police and jeopardise its ability to mete out symbolic justice. I would suggest that there exists a proportional relationship between authority and policing in terms of partisanship or the lack of it. The relationship can be stated thus: the more the perception of partisanship amongst the public, the less the weight of authority or the scope of authoritative interventions by the police. On the other hand, the higher the perception of non-partisanship, the more would be the uncontested stature of the police and therefore, it would seem, the more the scope of making authoritative interventions.

Ray (1991) in charting out the specificities of the post-colonial state cites Bozeman (1976) to show the multiplicity of authority that is a feature of such state structures:

> ... the outer order of the new nation state, being moulded upon precedent set in Europe, is a derivative of European law and legal history, whereas much of the inner order is validated today by a plurality of native norms that differ not only from the received law but also from each other (Bozeman,1976 cited in Ray,1991:6).

In other words, the multiplicity of authority and its ramifications in terms of norm articulation and norm adherence would make it difficult for the police to operate authoritatively within a given social milieu. The maintenance of law and order in such contested terrain effectively becomes 'regime representation', that is a situation where the police mirror 'the state or regimes from which they derive legitimacy' (Hills,1996:273). In some post-colonial African states, governance and the legislation of law has effectively become personalised and therefore more easily comprehended as regime representation. In countries such as India, where personalisation of rule is still seen to be an aberration from the routine of governance, police and its relation with the regime is still a more complicated business.

4.4 Post-colonial Bureaucracy and Policing

One of the ways to comprehend post-colonial policing is to understand the post-colonial bureaucracy. Police organisations, notwithstanding their specific histories of formation or their more recent trajectories of action can be seen as belonging to the larger bureaucratic structure of the state. A strong division of labour and an equally strong hierarchy of command and authority mark all police forces. A third feature of modern bureaucracy is its emphasis on specialisation. Police forces can be seen as a specialised organisation within other civil bureaucratic structures as marked out by its ability to use force in order to enforce the directives of the state and the government of the day. Even in its use of force it is different from the military by its brief, which is to preserve domestic peace and uphold public order. I will now briefly explore Weber's exposition of the bureaucracy in order to consider whether there are any specificities that are applicable to the post-colonial situation.

Weber came to the conclusion that there are three elements that constitute bureaucratic authority, being:

> 1. The regular activities required for the purposes of the bureaucratically governed structure are distributed in a fixed way as official duties.
> 2. The authority to give the commands required for the discharge of these duties is distributed in a stable way and is strictly delimited by rules concerning the coercive means, physical, sacerdotal, or otherwise, which may be placed at the disposal of the officials.
> 3. Methodical provision is made for the regular and continuos fulfilment of these duties and for the execution of the corresponding rights; only persons who have the generally regulated qualifications to serve are employed (Gerth and Mills,1991:196).

All post-colonial states can be shown to have these apparent qualifications in terms of police administration and general bureaucratic structure. This notion of 'modern officialdom', to quote Weber, can be shown to be privileged within the post-colonial

structures of rule and governance. However, there is a caveat that Weber had posited that qualifies the above, and in relation to the post-colonial state opens up several possibilities of post-colonial specificities that can be used to understand policing in such states:

> In public and lawful government these three elements constitute 'bureaucratic authority'. In private economic domination, they constitute bureaucratic 'management.' Bureaucracy, thus understood, is fully developed in political and ecclesiastical communities only in the modern state, and, in the private economy, only in the most advanced institutions of capitalism (Gerth and Mills,1991:196).

Whilst all post-colonial states do qualify as modern states,[68] none of them have private economies that can be reasonably called 'advanced institutions of capitalism'. As a corollary it can be said that the bureaucracy, and by implication the police, brings in a different dimension to authority and coercion, both physical and otherwise. Thus, even though the concepts of hierarchy, command structure, public office separate from kin and other familial ties and the principles of positive and negative sanctions are all universally operative, the socio-economic milieu in which all these are embedded become transformed and even transmogrified in the context of post-colonial police and police administration. I would suggest that the earlier assertion of regime representation is borne out in this close reading of Weber's text. In the absence of a fully fledged capitalist sector, post-colonial bureaucracy can only mimic the advanced capitalist societies morphologically without realising the *gestalt* of the structures in question. In other words the nature of bureaucracy in post-colonial states, it can be argued following Weber, would be 'bureaucratic authority' that would reinforce the statist nature of police and civil administration. The bureaucratic 'management' that is predicated upon the growth of capitalist economy and which acts as a counterbalance to authority in capitalist societies is obviously muted or absent in many cases.

---

[68] I would argue that countries like India can be seen both as ancient societies and modern states. In fact most of the state boundaries that are extant in Africa or Asia can be seen as consequences of colonial history and subsequent de-colonisation in the wake of the various freedom movements.

Weber also advanced the idea that 'bureaucratic organisation has usually come to power on the basis of a levelling of economic and social differences' (Gerth and Mills,1991:224). This assertion is based upon the premise that advanced industrial capitalism would in the main elide social criticals through the workings of a robust money economy. Weber concedes that such a 'levelling' is relative but is an essential assumption for the modern administrative functions. If we read this in the context of the police organisation of the UK, then the assertion holds true. The principle of single entry system assumes a basic democratisation of values within the wider society. This is not to argue that class considerations are absent but that such stratificatory mechanisms are in the main muted and to some extent reflects the societal changes that are manifested in the wider context.[69]

If this Weberian understanding is to be applied to the post-colonial situation a bold contrast is available. Bureaucracy may not necessarily follow in the wake of mass democracy nor is it a latter development to the levelling of social and economic differentials. On the other hand the bureaucracy, police and other state organs reflect the various economic and extra-economic inequalities prevalent within larger society. In the case of India, the retention of the IPS cadres is a case in point. More importantly, it can be argued that the concept of an officer corps which was initially taken from the military hierarchy has become more entrenched. It should be noted here that Weber's argument is in relation to the civilian bureaucracy only. The military has managed, relatively speaking, to hold on to more traditional hierarchical structures despite the large scale equalising currents available in the polity. This is obviously related to the fact that the military has consistently seen itself as being distanced from civilian society and through its structuration of space (barracks, cantonments, bases, etc.) can create a buffer between itself and the values extant

[69] Albrow (1990) feels that there is a causal nexus between capitalism, bureaucracy and modern communication that Weber had uncovered and asserts that it is the 'capitalist entrepreneur who could maintain a relative independence from bureaucracy and this because of the specialised knowledge acquired in economic activity' (Albrow,1990:183) This allows for dispersal of interests and the government agencies and state apparatuses do not become the only or most important channel of class aspirations.

within society at any given moment in time. Thus it follows, that those organisations that adopted the military style of bureaucratic rank and structure have remained immune from changes brought about within the socio-political spaces of specific nation states. Multi-lateral entry systems in the police forces strengthen class, caste, tribal and ethnic differences and preclude the possibility of a more democratic policing structure. The internal hierarchy reflects the stratification that is obtainable in the wider social context or, in other words the bureaucracy becomes a repository of the inequalities that are in existence. I would also argue that it would be simplistic to see the bureaucracy as being merely passive in relation to these social stratificatory mechanisms. Since the bureaucracy in general and the police in particular are embedded within a power relation and hold privileged positions in relation to others in society, it can be argued that they perpetuate rather than eradicate inequalities of social status and economic wealth. Thus, the post-colonial police would seem to contravene Weber's ideal type of bureaucracy as being positioned after the levelling of economic and social differences. In this sense the bureaucracy of the post-colonial state is unique and exhibits particular characteristics of its history and development.

The structure of bureaucracy as found in post-colonial countries, both within civil administration in general and the police in particular can be described as 'transplanted' organisations. By this I mean that these structures did not emanate from the traditional history of administration, that is, it does not belong to a single continuum of history of the societies that we are considering here. Post-coloniality is essentially part of a fragmented history of the development of modern social institutions that began from the days of colonialism, as it is distinct from all types of traditional order.[70] Post-coloniality, thus, is a term that denotes the consequences of colonialism as much as it delineates the chronological order of those states that achieved their independence after the end of the Second World War.

---

[70] It is colonialism that makes the break with the past possible by privileging the structures of modern rule as immediate to the governance of society. Post-coloniality follows from colonialism but is severed from its more distant past. I have in chapters one and three shown how the colonial rulers in India experimented with several traditional and modern police administrative structures that ultimately gave rise to a very specific model of administration.

4.5 Post-colonial Policing and Divided Societies

One of the more universal features of post-colonial policing is the heavy emphasis on armed and paramilitary style of policing. This involves the application of quasi-military training, equipment and organisation to questions of policing (Jefferson cited in Waddington and Critcher,1996:14). Paramilitary style of policing involves the brutal imposition of public order and an admission that negotiation has broken down or more importantly a statement that there is a crisis of hegemony (Jefferson:1990:40). This follows from my earlier stated assertion that the post-colonial police is more concerned with regime representation through the control of public order. It can be shown that in India the presence of armed police (excluding the paramilitary deployments) is highest where the writ of state is strongly contested. In the Table 4.1 below, the relation between lack of hegemony and armed policing is clearly illustrated.

It must be noted that since the data relate to the mid-seventies they do not accurately reflect the percentage of armed police in contemporary Jammu and Kashmir or Punjab. In the period 1976-77 analysed in the table, the most visible crisis of hegemony was in the North-Eastern states of the Indian Union. Thus, states like Nagaland, Manipur, Meghalaya, Tripura and Assam had armed police in excess of 50% of the total police. It can be safely argued, that the percentage of armed police personnel in the Punjab and in Jammu and Kashmir in the mid-eighties until now would, given the fact that these states have large-scale militant activities, have a very high percentage of armed police.

TABLE 4.1 ARMED POLICE AND HEGEMONY

State/ Union Territories	Total Police in thousands	Percentage Armed	Population per Police
Andhra Pradesh	45.9	14.7	1,046
Assam	29.4	34.5	577
Bihar	68.7	17.8	899
Delhi	20.9	N.A.	244
Gujarat	43.3	19.7	699
Haryana	16.2	27.5	692
Himachal Pradesh	7.3	19.3	503
Jammu & Kashmir	13.5	21.6	379
Karnataka	34.4	8.4	943
Kerala	21.9	44.0	1,096
Madhya Pradesh	57.5	35.2	821
Maharashtra	82.3	11.7	684
Manipur	6.3	53.8	189
Meghalaya	4.6	53.0	246
Nagaland	16.9	63.9	33
Orissa	23.8	23.7	1,025
Punjab	27.3	21.4	548
Rajasthan	41.2	16.8	705
Sikkim	1.2	N.A.	198
Tamil Nadu	46.5	9.7	977
Tripura	5.5	53.2	312
U.T excluding Delhi	10.5	26.6	277
Uttar Pradesh	106.6	17.0	903
West Bengal	48.4	21.2	1,028
ALL-INDIA	780.1	20.8	781

POLICE NUMBERS AND RATIO OF POPULATION TO POLICE, 1976-77[71]
Source: Arnold, 1988:224.

The states with the highest percentage of armed police personnel are also the states that had a history of electing political parties that were opposed to the single party rule of the Congress. Thus Kerala which had elected the first opposition led (Communist Party of India) state government in India in 1959 shows a higher armed police presence than the neighbouring Southern Indian states of Tamil Nadu and

[71] Data relating to armed police numbers in the various states of the Indian Union are not available after 1977. However all-India figures are available for State Armed Police (SAP) personnel as collated by the International Institute of Strategic Studies, London. SAP personnel numbers remained constant around 400,000 in the nineties. Thus data analysis in terms of police armed strength and hegemony cannot be done as above. In 1997-98, the total SAP numbers included 24 battalions of India Reserve Police, a new squad of commando trained personnel (IISS, 1997).

Karnataka. Another state that shows a very high armed police presence is Madhya Pradesh. Though it did not have opposition or Communist led state governments it had to contend with *dacoits* or armed bandits. The most recent and famous of them is Phulan Devi. The bandits call themselves *baghi* or rebels and it can be argued that as in colonial times, serious crimes are seen as a direct threat to state power. Thus armed policing allows the state to have a strong striking force that can deal with overt political challenges as in the North-East and Kerala as well as serious crimes like banditry. This makes the post-colonial state reliant upon police repression as an answer to contests of hegemony but more importantly the police tradition develops in relation to overt and party political objectives (Arnold,1988:225).

A second aspect of paramilitarisation of policing is the bias towards centralisation of command and police resources. I would argue that multiplicity of command and force is not the same as decentralisation of policing practice. For instance, as in the case of India, centrally administered forces may have more legal and juridical importance than the several local forces. The central forces may also appropriate a larger share of monetary resources and may be better trained and equipped. Centralisation and paramilitarisation of the police force signifies a deeper concern with political stability and political continuity in the face of belligerent dissent (Jefferson,1990:41). Bayley states that:

> In sum, police structures are determined by political settlements and the traditions thus engendered. It follows that police structures are not affected by crime in general but only by one kind of crime: violent offences perceived to threaten the political order. The more frequent they are and the more threatening they seem, the more likely it is that a country's police system will be centralised. Challenges to the political legitimacy of government are the most powerful facilitators of police centralisation (Bayley, 1985:72).

Bayley argued the above not in particular relation to the post-colonial police but as a general phenomenon. He also added that the 'mantle of legitimacy' covers a wider ambit of state activity in the present times and therefore the 'occasions for resistance are more numerous' (Bayley,1985:72). In the particular case of the post-colonial police forces these aspects of resistance and legitimacy play a much more significant

role in view of the fact that the state is more intrusive and central to relations within society.

I would however like to differ from Bayley in his understanding of the causes of centralisation and decentralisation. Bayley uses Rokkan's (1970 cited in Bayley,1985:70) assertion that centralisation depends on the relation between the centres and the peripheries and states that 'if peripheries are weak, centralisation will occur; if strong, decentralisation'. He uses historical examples to empirically validate his argument by arguing that '... centralisation is strongest in Austria, Spain, Italy and Prussia, which had weak cities and weak aristocracies, and is weakest in Switzerland, the Netherlands, England, and Sweden, which had strong cities and aristocracies' (Bayley,1985:70).

However, in the post-colonial context there would appear to be no centre and periphery historically available similar to the historiography of Europe cited above. Colonial rule abolishes and transforms the traditional centre-periphery relations and transcribes onto them a new set of relations. In the aftermath of decolonisation these relations have to be worked out afresh.

Usually the colonial centre is taken to be the centre of the successor state though without the same imperial strength. The new centre is contested as the so-called peripheries stake equally strong claims to political importance. In the politically adversarial relation that follows, the post-colonial state manifests a greater degree of centralisation as a means to overcome the problem of political acceptance in the peripheries. It follows that more the peripheries struggle to gain autonomy or even independence, more stronger is the state response in terms of centralisation of punitive forces. Peripheries of the Indian state, namely Kashmir and the entire North-East, where military and central paramilitary forces are abundantly used, can be seen as a prime example of this trend. The ethnic battles in Rwanda and other parts of Africa are a result of the consequence of decolonisation, the periphery challenging the

colonially ordained borders and boundaries of political geographies. Thus unlike Europe the causal relation between centre and periphery is reversed in the post-colonial situation and it is the fragility of the state's political hold in the outlying regions of its territory that forces it to fashion a more centrally administered police authority. I would however, agree with Bayley when he argues that weakness and strength are not given immutable conditions of political life but are socially engineered. There is human agency involved in this process and 'the balance between centres and peripheries, between centralisation and decentralisation in policing, is determined by the forcefulness of resistance by peripheries and the success that new centres have in subjugating them by force' (Bayley,1985:70).

Another way of looking at police centralisation in post-colonial states is to ascertain the nature of the state itself. Ray enumerates eight reasons why the state in post-colonial societies is different from the European experience of state formation:

> 1) It is the institutional space within which conflicts are organised.
> 2) It becomes the locus of conflict consciousness of various contenders.
> 3) As an apparatus, it becomes the object over which conflicts break out.
> 4) As a new medium of legitimation and priorization, it receives demands in tension and conflict among themselves.
> 5) It conditions development of antagonistic classes through its economic and cultural policy and performance.
> 6) It seeks to create a new consciousness of kind in course of nation-building, in the process interfering with self-images and power structures of sub-national communities.
> 7) It becomes the institutional articulator of an adopted ideology or a mix of ideologies, projecting a claim to superiority over endogenous values.
> 8) The post-colonial state's drive for resources from external sources - other states and international financial institutions - involves terms adversely affecting domestic producers or traders or some section of working class (Ray,1991: 5-6).

In other words, the centrality of the post-colonial state is itself the cause of contests for resources and in most cases the only institutional avenue of class and social mobility. This indicates the weakness of the civil society, an argument that I will explicate in detail in chapter five.

Since these conflicts are multiplex and in most cases involve the centre rather closely in terms of ideology, territorial supremacy and policy decisions over resources which are in some cases extremely scarce, the threat to the overall sovereignty and hegemony of the state is constantly under severe strain[72]. One must add to this the culture of conflict management that these states have inherited from the colonial period, which continues to influence the thinking of its rulers. All colonial powers were centralising powers, even when they introduced structures of governance that introduced indirect rule, as in the case of India. In these circumstances the colonial authorities retained for the centre residual powers that could override the decisions taken at the lower levels through delegated authorities.

It follows from the above discussion that the relationship between the centre and the periphery in the post-colonial societies are antagonistic in nature. Conflict, or more accurately, the nature of conflict, divides societies in these states and impacts on the police in terms of control and accountability. If the periphery is taken to be populated by the minorities (ethnically, politically or both), and the centre as mainstream (ethnically, economically and politically), police would in such circumstances show selective enforcement of the law in favour of the dominant group. Centre-periphery divides can easily be translated into politically partisan policing practice and countries in Africa and Asia as well as in Latin America can be cited as empirical examples of such an assumption. Brewer *et al.* (1996,149) uses the concept of 'divided society' to argue that in these societies there exists a clear polarisation between dominant and subordinate communities. He uses the empirical examples of policing in Northern Ireland and South Africa to show the partisan nature of policing. They argue that 'typically, the dominant community looks on the police as the guarantor of its position, while the subordinate community tends to see the police as agents of their oppression by the dominant community' (Brewer *et al.*,1996:149). Aydin using the

[72] One consequence of overt centralisation of state power is that most conflicts cannot be managed through local mechanisms and more often than not assume 'national' proportions. The centre finds itself being increasingly drawn into and being made a party to such antagonisms and conflicts.

above conceptual framework pointed out that in such situations, 'the use of force is relatively unrestrained, due to the extensive and broad powers to use force legally, the availability of lethal weaponry, and the absence of public accountability' (Aydin,1995:60)[73].

He then goes on to delineate a set of characteristics which he considers to be applicable to police forces operating in divided societies:

> i) lack of autonomy from political power;[74]
> ii) no effective mechanism of public accountability;
> iii) the police use of force is relatively unrestrained;
> iv) different social groups have different attitudes towards the police;
> v) there is a close relationship between the police and the military (Aydin,1995:61).

All these characteristics are part of the discourse of policing available in post-colonial societies. What can be inferred from the above is a lack of conflict management principles that do not invoke the use of force. In other words there are no conflict defusing mechanisms in use and the use of lethal weapons is in most cases not necessarily the last resort. For example police in India regularly use Lee Enfield .303 rifles when policing public demonstrations and protest. Lethal weaponry of such kinds are in common use and in areas where police have to confront 'terrorist' and separatist forces the weapons used by the police often match those that are used by the military. In the Punjab crisis, for example, the Punjab Police and the paramilitary forces deployed there were armed with automatic rifles such as AK-47s and Kalashnikovs and police vehicles used armour plated cars and even tractors to patrol the rural areas.

---

[73] The Minister in charge of the police in West Bengal, India, recently stressed the need to set up a modern training centre for the police in that state. He also declared that a special approach was needed to develop a better understanding among the police and public. Ironically all this was stated while the Minister was inaugurating a firing range for the use of the state police. Upgrading of lethal weaponry at the cost of other technologies and initiatives seems to be the only modernisation that post-colonial states are willing to undertake for their police forces (News report from Calcutta Online, 31.12.96).

[74] Arnold (1988) has an interesting dimension to add: Acting alone, with little effective restraint from superior officers (or in collusion with them), police subordinates commonly constitute a corrupt and predatory body barely accountable to anyone but themselves. It is in this sense that they have been described as an 'autonomous' force as well as the largest 'single lawless group in the country' (Arnold,1988:221).

One of the consequential indicators of the lack of public accountability of police action in such societies is often the poor human rights record of the police forces. Death in custody is a regular phenomenon and abuse of undertrial prisoners in police custody is common. Various police forces in India allegedly stage fake encounters with 'terrorists', thus depriving the prisoners of a trial by law[75]. Police interrogation routinely involves 'third degree' methods. 'Third degree' is a euphemism for torture in custody and there has been widespread concern, especially from the human rights agencies, for such prevalent abuse of human dignity. However, these concerns have not been able to change the methods involved and post-colonial police forces have been unable to come up with alternative techniques of prisoner interrogation. Vijay Karan, former Commissioner of Police, Delhi and later the Director-General of the elite National Security Guards commando unit admitted that 'India's police has, not an image, not even a non - image, but a positively bad image' (Karan,1992:52). He went on to describe the people's perception of the Indian police as rude, surly, negative, even brutal and corrupt (Karan,1992:52). This description, I would argue is something that would adequately describe police forces in the post-colonial world. Guha (1976) citing reports in the various weeklies published from Calcutta, noted that torture of prisoners by the police could be classified under ten possible heads:

1) Rousing a detainee from his sleep and abusing him in the filthiest possible language;
2) Beating up;
3) Suspending a detainee from the ceiling with handcuffs and hitting him continuously on the soles of his feet;
4) Crippling his hands and fingers by blows;
5) Breaking his wrists;
6) Inserting pin under nails;
7) Forcing a ruler or an iron rod into the anus;
8) Burning the skin with cigarette ends;
9) Forcing a detainee to sit naked on a blazing heater;

[75] Amnesty International (1994) has collected evidence to such effect in the Punjab, Andhra Pradesh, Jammu and Kashmir, Assam and the North-Eastern states of India. Reports of torture by police in interrogation centres and in jails are also available from Amnesty's reports on India in 1977 and 1979. Recently, under-trial prisoners in police custody in West Bengal in the early seventies have published their experiences of torture and abuse of human rights by the police.

10) Electric shocks (Guha,1976:48)[76].

The Amnesty International report of 1994, which covers 1993 found the same 'third degree' method, as in its 1974 Report still in use in large parts of India:

> Torture of detainees in police and military custody was routine in every state. Torture methods most frequently cited were beatings, often with *lathis* (cane) and less frequently, suspension by the wrists or ankles, electric shocks and rape. Most victims were criminal suspects, although many were political detainees suspected of supporting armed opposition or separatist groups. Victims often came from underprivileged and vulnerable sections of society, particularly the scheduled castes and tribes (Amnesty International,1994:1-2).

Amnesty International also identified 484 deaths in police custody, allegedly from torture, between January 1985 and June 1993 (Amnesty International, 1994:2). In its 1996 International Report on India, Amnesty finds that torture and rape in custody to extract information from undertrials and suspects have continued unabated and that 'at least 100 people died in police and military custody, many as a result of torture' (Amnesty International,1996:173).

While it is easy to label such police organisations as 'authoritarian' especially in relation to its public image and style of functioning, it would be however not entirely correct to label all post-colonial societies as such. In other words while some post-colonial states would have an isomorphic polity - police interrelationship, other post-colonial states may be different. Again, a certain state may go through phases of authoritarian rule which may be subsequently challenged and a more liberal and democratic polity sought to be brought in. The political history in the Indian sub-continent, and much of Africa and Latin America, is a history of democratic forces trying to establish a polity that is more open and liberal if not radical and revolutionary. However it can be stated with a greater degree of certainty that in post-colonial societies, which can be described as divided societies, police strategy in

[76] Guha's assertions are confirmed by the Amnesty International's research into detention conditions in West Bengal jails. The report published in September 1974 mentions torture by the use of pins and nails inserted in fingernails and genitals, electric shocks and of cigarette butts being extinguished on the skins of the prisoners. Women prisoners had iron rulers inserted into the rectum and vagina (Amnesty International,1974:6).

terms of social control is overwhelmingly in favour of suppression and criminalisation rather than accommodation and decriminalisation of perceived offences. Brewer describes police tactics in South Africa which had in the apartheid era even criminalised church services and funerals (Brewer *et al.*,1996:221). More importantly, by its very structure and training, these forces operate more as security forces that secure political stability and order rather than as custodians of law, public peace, private property and personal safety. I would call the latter duties as duties of the constabulary to demarcate and differentiate it from the more overtly political agenda of policing that obtains in the post-colonial states.

Further, I would like to argue, that the post-colonial police being paramilitary by training is always a substitute for the armed forces and in that sense can be seen as obviating the need for military deployment. In England and Wales, the police can never be a alternative for the military simply because it lacks weaponry, arms training and the military ethos necessary to be an effective substitute. By extending this argument I would suggest, that the word 'constable' has a specific connotation and history in the context of policing in England and Wales whose ethos cannot be transported to its former colonies. Emsley argues that the term constable meant a variety of things at different moments of English history. What is important to note is that the constable was appointed from within his community and embodied collective responsibility. They were local men who lived in the community that they policed and therefore tried 'a variety of expedients to solve a dispute or settle an offence before recourse to the courts' (Emsley,1991:11). On the other hand constables in post-colonial societies can be seen as troopers who are given the task of maintaining order within the domestic boundaries of a given state. The difference I would suggest, lies in the ethos of policing and in the perception of what constitutes actual policing remit.

Granted that categorisation of the police system is problematic and complex and that features of one system get fused with another over time, can there be a post-colonial

category of policing? One of the earliest attempts at such categorisation was made by Bayley, who argued that three categories of policing could be made on the basis of differences in approaches to social control (Bayley,1982). These were, a) Authoritarian, b) Oriental and c) Anglo-Saxon. I would agree with Brewer *et al* .'s critique, however, that the basis of categorisation, i.e. the classificatory principle, is fudged and obfuscates the problem of commensurability and comparison (Brewer *et al.*,1996:227).

In describing the category of policing as 'authoritarian', Bayley is positing a political 'other' to his own understanding of what constitutes democracy and liberal governance. Given that he was writing within the period of the Cold War it is not surprising that he finds authoritarian policing systems to be associated with the former 'Soviet Union, east Europe, some countries of Africa and the Middle East, and much of Latin America' (Bayley,1982:1). While in no way denying that these countries or states had/have systems that are unexceptionably and minutely regulated by the police, it precludes the possibility of so-called non-authoritarian states assuming authoritarian dimensions. The interrelationship between the state and police strategy is too apparent and Brewer *et al.* (1996) point out that even in liberal, democratic Anglo-Saxon states, police may perform duties that are supposedly performed in authoritarian states only. Also, police in authoritarian states can be shown to for example, perform 'oriental' policing in terms of 'guidance, protection and other community services' (Brewer,1996:229).

However, if we accept for the sake of argument, that it is the political that classifies and consequently impacts on social control mechanisms, the next category Oriental, is of a different genus. The Orient is supposedly a cultural category, the 'other' of the West. It essentialises difference and relates to a wide geographical spread which does not have any specific space-time co-ordinates. Bayley uses Japan, Malaysia, China and Korea as empirical evidence under this single rubric thereby violating the

principle of comparing like with like. It is common knowledge that all these nations, apart from being geographically close to each other, have strikingly different political systems of governance and culture. However, the term 'Orient' is also commonly used to depict the Middle East and India[77] and therefore need not be restricted to the countries that Bayley delineates for us. His depiction of the Oriental form of policing is in keeping with romanticism that the West has for the Far East:

> Police in Japanese *koban* boil milk for babies' bottles, when women who are shopping stop by; loan money for public transportation if people have lost their purses; ... suggest hotels for transients and make reservations by phone; talk to anybody about personal problems; and reassure the confused, sick, or distraught (Bayley,1982:3).

This idealistic and exotic depiction shifts the focus of policing from social control, law enforcement and sanction to a more social welfarist role performance.[78] Interestingly enough while Bayley termed the erstwhile Soviet style socialist police forces as 'authoritarian', he subsumes the Chinese police of mainland China with similar Communist Party rule under the rubric of 'Oriental'.

The third model that Bayley proposes is the Anglo-Saxon. According to him Canada, Australia, Great Britain, India and the United States all reflect a set of features that are held in common and which separates it from the Oriental and the Authoritarian. Mawby (1990) however feels that the Anglo-Saxon model of policing does not subsume within it the colonial alternative (Mawby,1990:197). I would suggest that while Canada, Australia and the United States can be seen as belonging to the Anglo-Saxon model of policing, India is definitely not in the same order. What holds these together is a narrowly defined juridical understanding of Anglo-Saxonic law and criminal justice system. In terms of police-public relations however, the proposed

---

[77] Said (1978) and Said (1993) formulates an excellent critique of the notion of Orient and the discourse of Orientalism. In these writings he shows how imperialist Europe depicted and explained cultural and political difference by exoticisation of the East and the ''other' of Europe. It is an ideology that allows the West to portray itself as the 'centre' and through this legitimises the power relations between the West and the post-colonial world.

[78] It is interesting to note how the dimension of coercion that informs all policing practices have in this model been dissolved within a service-welfare matrix. This raises rather awkward questions about power and resistance in these societies as well as queries relating to social control in cases of non-compliance with norms.

unity does not hold good. I would argue that whereas Canada, Australia, Great Britain and the United States would in large measure base their policing strategy on the hegemonic presence of the state, India, despite its apparent Anglo-Saxonic legal system, has to presume a certain lack of hegemony and consent to policing strategies. Thus the telescoping of these states under one classificatory order does not help us to understand prevailing police systems in a more sophisticated fashion.

My final argument in objection to the proposed tripartite classification of all police systems, is that whilst the first is exclusively political, the second is cultural and the third is essentially legal-rational. The basis of positing a notion of post-coloniality is that it does not reduce policing to either pure political or cultural categories but brings in the notion of history[79] (tradition) along with present day modernity (legal-rational) in relation to state politics and attitudes of governance. Post-coloniality in this sense is both a set of structures as well as a discourse of power that is embedded in the specifics of polities that were once colonised.

The trajectory of post-colonial states trying to establish law and order has taken two distinctive paths. I would argue that these are in the main specific to policing practices and the type of power that it exercises in the post-colonial situation.

The first involves the establishment and consolidation of civilian rule and the subordination of armed police units to civilian control. It also involves on the part of the state a steady support to such units in terms of valuable resources not easily available to other police units or even to other sectors of the economy. This has made 'military encroachment on domestic politics' (Arnold,1988:225) unnecessary. However it also has meant an excessive reliance on police intelligence and police repression to counter threats to the regime. India has developed a number of

[79] I take history as an expression and vehicle of change as well as a record of the past. This reading allows models to be seen as dynamic entities rather than as 'static' structures.

paramilitary forces like the CRPF, BSF, ITBP, CISF, RAF, NSG and Assam Rifles[80] which are collectively called the Central Police Organisations (CPO). These forces are armed with heavy weapons and drilled, trained and prepared according to Indian Army manuals. However, since they are organisationally and formally answerable to the Union Home Minister instead of the Union Defence Minister, they are considered to be civilian forces.

The second feature is the comparative neglect of the police forces in relation to the military and the level of involvement of the military in the governance of the state. This is a situation which many post-colonial and Third World states face, both in Asia and Africa, where the military is not necessarily a force of the last resort. In other words the military are involved in domestic order maintenance and may even directly govern the country, as in the case of General Zia in Pakistan or General Ershad in Bangladesh. The police-military equation in this case is weighted against the police both politically and organisationally and the police is forced to play a minor role in social control. In many cases, the police cannot be differentiated from the military, so obviously great is the dominance of the military forces. However, in neither of the scenario that I mention, are the police seen as servants of the community (the service ethos), or as a force whose primary responsibility is the execution of legal strictures (having political autonomy). Political partisanship is alleged and the police-public role is largely adversarial in nature. What is also noticeable is the diversification of police activity in areas not normally associated with police duties. Police act as border guards, customs agents, vehicle licensing authority, shop and trade licensing authority, passport issuing authority and immigration control authority in many post-colonial countries. The breadth and spread of police duties make these police forces

[80] The Assam Rifles is a curious legacy of the Raj. It was raised to protect the oil, tea and timber rich states of North-East India and is still used in the main within that geographical boundary on the grounds that it is trained to handle insurgency in jungle terrain. However, unlike other forces it has a distinct rank to file profile. The officer corps comprises commissioned Indian Army officers seconded to Assam Rifles, whilst the other ranks are raised as an indigenous part of the organisation itself. In other paramilitary forces of India the commanding officers are usually drawn from the IPS, seconded from district and state police forces.

qualitatively different form police forces operating in the UK or in countries that are regarded as Anglo-Saxon in character.

A feature that is peculiar to post-colonial societies and which largely helps to explain the centrality of police forces in the affairs of the state is the privileging of the police with a developmental role. This role, as in the case of India, has come about by default, as the administrative apparatus was expected to carry on the complex task of development. This ensured the centrality of the bureaucracy as authority (cf. Weber) in transformative processes (Haragopal and Chandrasekhar,1991:44). As the state becomes the regulator (the interventionist state) the police are needed to secure the political order that is necessary for economic development to take place. Sobhan has argued that the post-colonial state acts as 'guarantor of the security and profitability of foreign capital' as well as 'secure a stake for the aspirant domestic capitalists' (Sobhan,1989:251). The post-colonial state has to ensure 'its institutional viability' (Ray,1991:6). Most post-colonial sates whilst seeking aid have to handle 'domestic political dissidence in a manner acceptable to a donor state' (Ray,1991:7). The police in this sense is placed within a larger agenda of nation building, seeking to achieve through force, moral and social desirables that the state, government or the ruling party thinks is necessary. In certain cases, these goals may reflect the choice made by individual rulers rather than by a collectivity. Police power here is what Foucault describes as 'pastoral power', the power to regulate the individual's action in the name of the general good. This discourse of power is concerned more with welfare of the people rather than their liberty. This is a more intimate and a more continuous relationship of power than that which can be gained by consent.

I have argued earlier that post-colonial policing is in the main a continuation of colonial practices. Police structures and the political discourses of power in the independent states have strengthened such a position, especially by their inability to democratise the polity and strengthen the civil society. However, in one crucial

respect post-colonial policing differs from its colonial mentor. This is the element of race as a matter of significance in policing practice. Race in colonial times affected the police in two critical ways, internally and externally. Internally, race informed the rank to file profile, Europeans were generally the holders of crucial and senior command positions and the natives were in general subordinates. Even when natives were allowed to hold command ranks, some police departments and its command was reserved for the Europeans. For example, Special Branch police or related intelligence units were always headed by Europeans in India, when in other police departments 'natives' were allowed to be head of the units or the force. Externally, race was a mark of social status and police in colonial times were expected to protect racial superiority. Imperial cities and towns were segregated into racially defined zone Ballhatchet (1980) and the protection of the sanctity of the racialised space was part of the remit of the colonial police. In post-colonial policing the element of race was taken out of the discourse of policing and the mere absence of Europeans in the higher ranks or in command positions were taken to be the 'nationalisation' of the force[81]. Indeed, the removal of European control was seen as a panacea to the problems that freedom fighters had faced in relation to the police in colonial days. Decolonisation was seen in terms of the removal of visible sources of 'oppressive' power and a false belief was generated that the 'problems' of police-public interface, so much a feature of colonial rule, would be democratised with the indigenous people taking over the higher echelons of command and policy. However, the paternalism of the metropolitan power and many things besides, was copied instinctively within the newly independent state, a point that Brewer *et al.* make in relation to policing in post-colonial Ireland, but I would argue, is applicable to all post-colonial police systems (1996:86). Thus, efforts at decolonisation[82] never went beyond the overt de-

[81] Even with Indianisation of the police as a policy, Europeans continued to hold most of the top posts. The Directorship of the Intelligence Bureau was never given to an Indian until 1947 (Arnold,1992:54).
[82] Guha (1976) writing on India stated 'The republic was set up as a decolonised but undemocratic state.'

racialisation of the force, and no critical engagement with method, policy and strategy of policing was entered into or thought to be required. Arnold argued that:

> One further reason why there was no radical overhaul of police organisation at the time of Independence was the assumption that, with the departure of the British, the character of the police would automatically be transformed, and that what in essence had been wrong with the police was their foreign masters. ... Vallabhbhai Patel[83], speaking at Calcutta in January 1950, claimed that criticism of the police was no longer warranted. 'It was', he declared, 'another police whom we criticised day and night. Today they are our volunteers....Today we see no English face among our policemen (Arnold,1988:220).

However, there are instances in the history of post-colonial policing when newly independent nation-states have made the effort necessary to create and fashion a police force that did not necessarily take for granted the structures created by its colonial predecessor. The Republic of Ireland in 1922 did take the political initiative to replace the armed paramilitaristic Royal Irish Constabulary by an unarmed police force, the Garda Siochana. It would be also important to note that Ireland enjoyed, and does even today, a relatively homogenous population in terms of language, religion and collective history. The many stratificatory fissures that marked the decolonisation of Asia and Africa were absent here. Thus it was easier for Ireland to attempt a consensus style policing strategy that could not be replicated in other post-colonial situations. This difference proves how important it is to see policing strategies or patterns in terms of political history and change, with its impact on policing structure, rather than in terms of cultural or juridical categories.

I conclude this chapter by mapping the various structures and discourses of policing strategies on to a comparative analytical framework that would delineate the features of post-coloniality as a universal type and show the historical continuities between the

---

[83] Patel was the first Home Minister of independent India and reputedly a 'strong man' in Nehru's cabinet. He was largely responsible for fashioning India's post-colonial police. The present-day IPS training academy in Hyderabad, Andhra Pradesh, is named after him.

military, the Royal Irish police, the colonial 'model' of policing and the post-colonial police structure and organisation.

TABLE 4.2 A 'MODEL' OF THE POST-COLONIAL POLICE SYSTEM

	British Army	Royal Irish Constabulary	Colonial	Post-colonial
Command	Hierarchical & Centralised	Hierarchical & Centralised	Hierarchical. Tendency to centralise control	Hierarchical with a distinct officer corps
Organisation	Regiments & Battalions	Detachments and Companies	Civil police housed in stations and paramilitary in barracks	Multifarious, paramilitary and armed forces in battalions
Use of Force	Maximum force in war	Reluctance to use lethal force	Willingness to use lethal force against problematic natives	Willingness to use lethal force especially in peripheral areas of the state and in riot situations
Discipline	Harsh and rigid	Precise rules rigidly enforced	Enforcement of discipline variable, in many cases non-existent	Enforcement of discipline variable and in many cases non-existent
Training	Thorough and of uniform standard	Thorough	Limited with varying standards for different ranks	Limited with varying standards for different forces and ranks
Policing Environment	As auxiliary to civil power	Normal to guerrilla warfare	Normal to deployment as auxiliaries to the military	Normal to semi-military deployment
Legal Foundation	Powers given by Parliament and Crown	1822 Act, amended in 1836	Based on local legislatures or authorities, [many based on 1861 Act of India]	As authorised and legislated by national governments

Source: Adapted from Cartwright (1995:32)

In charting out the above matrix I adapt a comparative chart provided by Cartwright (1995). The matrix follows from Mawby (1990) who undertook comparative analysis using legitimacy, structure and function as variables to construct a matrix of specificities of the early modern police system. Shelley (1996) also used the same variables as Mawby to focus on the nature of Communist police as exemplified in the former Soviet Union. Cartwright uses attributes of command, organisation, use of force, discipline, training, policing environment and legal foundation and compares them against models of the British Army, Royal Irish Constabulary and the various colonial forces. To this I add post-coloniality as a sequence to the first three mentioned above. The advantage in doing this exercise is that they are all in chronological order and related through the attributes mentioned in an intrinsic

fashion. The matrix also brings out in detail the nature of policing styles that specify colonial and post-colonial policing as being distinctive. For example the willingness of the police to use lethal force and the lack of discipline in the organisation, both in the colonial as well as in the post-colonial period, are indicative of the weak civil society and the statist nature of the police. It is also important to note that in the colonial and in the post-colonial context, the police are trained and armed to act as auxilliaries to the military. This obviously presumes a paramilitary style of policing that is reinforced by the organisational structure. The matrix clearly illustrates that post-colonial policing is completely different to that of civil policing as practiced in England and Wales.

Thus, the structure of the army provided the rank and file concept of hierarchy and its discipline and training drill were taken as models for emulation. The RIC is supposedly the provider of colonial policing strategies and a model that mixed the ethos of the army with the requirements of the colonial situation. It specifically represents attempts at policing in situations that did not favour the construction of a consensus. In such a context the considerations of appropriate technical skills of social control in the face of a politically hostile population becomes all the more important. Though there was never an isomorphic relation between the Irish 'model' and the various other colonial police forces spread out in the Indian sub-continent, other parts of Asia and in Africa, the RIC's knowledge in policing a politically sensitive terrain could be taken as an experience that permeated all colonial forces. In fact it has been argued (MacKenzie,1992:ix) that the symbiotic expression 'law and order' is far from elegant in the colonial situation, and where, at least in the first instance, the imposition of order and imperial authority were prime concerns. This is also a period of 'intense coercion', a period that is the precursor to the building-up of statutes and laws that allow for codification of crime and penal measures. It would be natural though, to see the codes and legal statutes as being conditioned by the historical experience of subjugation and colonisation, rather than as following from a

pure idealistic transference of Anglo-Saxonic jurisprudence. It is in this sense that the RIC becomes an important structure and example of policing and one that would have the maximum impact on post-colonial forms. In many ways it influences post-colonial police forces, by the internal organisation of personnel (into army style battalions and barracks), centralisation of command and the increase in surveillance operations (the setting up of Special Branches), as well as strategies in dealing with insurgencies and revolts. Policing public order and the priority accorded to security duties becomes more important than crime prevention or community policing. In this situation, policing is related to regime sustenance and the wider issues of development, stability and state ideology. For instance, police operations in the Punjab and in Jammu and Kashmir[84] are deployed against those forces who are in domestic politics termed as separatists or communal. The policing of militancy is not merely policing against law- breakers but those who threaten the very political existence of the Union in India. Thus, the policing environment and the organisational capacities become critical factors in the actual practice of post-colonial policing. The theme of 'continuity' in policing practices is rather evident, especially when the colonial model is compared with the post-colonial. The retention of command and organisational structures as well as the manner with regard to the use of force provides the elements for such a continuity.

4.6 Summary

This chapter has shown that post-colonial policing is done in an environment that is inducive to paramilitary postures due to the contested nature of hegemony. It has also shown how the structure of the post-colonial police follows from a militarised model that was created to sustain colonial rule. Using structure of the police forces and colonial history as underpinnings of a post-colonial style, the chapter argued that a

[84] In Jammu and Kashmir the civil police is practically non-existent and all policing activities are undertaken by the para-military forces under the aegis of the military. This is true for the North-east states of India as well. In much of Africa, the military has virtually taken over policing duties or in recently liberated countries former guerrilla fighters have been inducted in to the police force, as in Angola or Mozambique.

universal model of post-colonial police can be created whereby the nature of post-coloniality with reference to the police may be made.

The chapter has shown that bureaucracies created in the colonial period have been legitimated in the post-colonial era by privileging them with a developmental role. This has ensured the central role of the police in terms of creating a stable public order and political viability of the state. I have suggested that the 'model' of post-coloniality has to be derived from historical and structural considerations and where the categories are not reduced to either political or cultural variables. Table 4.2 charts out the specifics of a post-colonial police that is not bounded by geographical and national limits nor reduced to cultural definitions *per se*.

What is not discernible from the table above are the various re-negotiations that post-colonial states had made with the various state apparatuses in order to keep in place the structural continuities of the colonial era. Potter (1986) points out that the continuities of structure and practice within the bureaucracy of the post-colonial state was not an inevitable outcome of independence, but rather a contrived and 'worked at' phenomenon (Potter,1986:10). It has been argued with reference to the bureaucracy, but is equally valid for the police, that the persistence of colonial structures is based on middle-class ascendancy. This middle-class was created in the colonial period and subsequently came to dominate the high positions in the post-colonial bureaucracy. It brought along with it the practices learnt during the colonial era. In this sense the moment of independence does not mark a significant departure from previous history.

Apart from the re-positioning of class within the post-colonial context, various other factors can be seen as elements providing continuity. For example ethnicity was an important element of force composition in the colonial police as it was in the British military. In fact 'it was the key consideration' (Cartwright,1995:97) as the colonial

style involved policing by aliens. Post-colonial policing has largely retained the ethnic consideration by re-legitimising the system of policing by using the discourse and language of nationalism. Thus personnel of the IPS are usually posted to police forces that are outside the language or cultural zone of the officer, a phenomenon that I have referred to in chapter three. I shall concentrate in the next chapter on the various discourses of power inherent in policing strategies and subsequent inability of the various post-colonial states to effectively de-colonise the police-public interface. I hope to show why citizen-friendly policing or community policing practices were never realised or a critical evaluation attempted. It can be argued that post-coloniality does not necessarily signify de-colonisation and that the two are conceptually separate. Thus a post-colonial police is not a de-colonised police but one that carries the legacy of imperial rule. Its relation with the modern democratic and post-colonial polity is awkward and problematic. An examination of the post-colonial state and the discursive practices involved in policing and maintaining public order would provide a conceptual clarification of the structures described above in post-colonial policing.

CHAPTER FIVE

THE STATE, DISCOURSE OF DISCIPLINE AND THE POST-COLONIAL POLICE.

5.1 Introduction

In the previous chapters the continuity of colonial practices in the post-colonial police of India has been described with reference to history and organisational structure. I argued that post-colonial policing is a 'model' of policing that can be 'universally' applied to all states that historically experienced colonialism and subsequent independent de-colonisation. However, the question of how to conceptualise post-colonial policing, as opposed to merely describing its more egregious features remains outstanding. In this chapter I will theorise post-colonial policing by recourse to a two pronged theoretical schema. In the first instance, I will explain policing as operating within a given discursive space of sanctions that is legitimated and created by a legal-rational system of the state. This makes it possible to explore the relationship between the state, the concept of coercion and the police. Secondly, I suggest that the conceptual notion of 'discipline' as developed by Foucault would be useful in understanding policing from a non-statist point of view. This methodological strategy would complement the mutual limits of state and discipline as concepts deployed to understand the post-colonial police.

The state is fundamental to the understanding of policing as it is the state that provides the police with legitimation and the legal sanctions for coercion. This enables the police to be the executor of state power and the upholder of non-negotiable force. The modern state is in this sense a rational organisation, as the

monopoly of violence that is entrusted to the state is used for ends that are justified by reference to a greater good concerning all its subject population. In other words the monopoly of legitimate, physical coercion is sustained by a 'belief in justifiability and/or legality of its use' (Held,1983:36). For an understanding of the coerciveness of the state the notion of legitimacy is vital, for it is this notion that makes the coercion of the state 'acceptable'. Lack of legitimacy severely undermines the capacity of the state to practice coercion and takes away the distinctiveness of the state as an organisation. Giddens (1985) has argued that all organisations have political features, but only in the case of states do these involve the consolidation of military power and the control of the means of violence within a certain range of geographical space. In other words, if the state cannot sufficiently provide legitimation for its actions, its *differentia specifica* in relation to other organisations of political interest is[85] blurred.

5.2 State, Coercion and the Police

In this section I will explore and explain the relationship between the state and the police. For this purpose, I shall initially consider the problematic of defining the state and its relation to the police through the practice of coercion and the use of force. I shall then take up the question of whether there is a specific concept of the post-colonial state for the purpose of studying the post-colonial police[86].

Hoffman argues that the state is elusive and ambiguous in character and not easy to define. Nevertheless it is real and 'can and must be defined' (Hoffman, 1995:19). He goes on to argue that defining the state is vital for highlighting its problematic features. The definition must, according to him, be 'sufficiently open-textured to acknowledge the elusiveness and ambiguity of the state' (Hoffman, 1995:19). A

[85] Giddens (1985) has argued that all organisations have political features, but only in the case of states do these involve the consolidation of military power and the control of the means of violence within a certain range of geographical space.

[86] The attempt here is to explore the possibility of using the term post-colonial not merely in a descriptive sense but as an explanatory tool.

coherent definition of the state, he feels, would have to identify force as the key concept. Force is that which makes it possible to distinguish between government on the one hand and state on the other (Hoffman,1995:33). This centrality attributed to force follows from a Weberian understanding of the state. For Weber, as mentioned before, the state has three attributes: (1) the existence of a regular administrative staff or bureaucracy; (2) the claim to legitimate monopoly of control of the means of violence and (3) the means to uphold this monopoly within a given territorial area.

If coercion is intrinsic to the notion of the state then it follows that rules and practices that embody the coercion of the state would have to be enforced and accomplished. For this purpose the apparatuses of the state become very important. For Hegel, the government, police and the civil bureaucracy are the apparatuses of the state, though it must be borne in mind that the sum of the apparatuses do not necessarily make up the state. In other words, the state is not a simple mechanical aggregation of the sum of the various state agencies or parts, but a more organic whole entrusted with the regulation of morals and rational behaviour.

Hegel as an idealist privileges the state with the custody of universal interests[87]. Universal interests are those that provides for the welfare and livelihood of very single individual and according to Hegel, the police and other state apparatuses are critical for ensuring this ideal order. It follows that 'the social needs of the subjective moments (and particularly civil society) will therefore develop external state apparatuses (such as government, police, etc.) for the purposes of control and maintenance of the system' (cited in King,1987:19).

In this Hegelian formulation, civil society becomes a site of contest between several individual private interests and thus requires policing to secure the authority of

[87] In his lectures on the Philosophy of World History, Hegel stated: '... and the universal is present within the state, in its laws and in its universal and rational properties' (in Held,1983:94).

universal interests over particular aims. Thus a notion of civil society cannot exist without the state guaranteeing the universal qualities upon which it is predicated. Hegelian idealism posits a teleological trajectory for the state. The state becomes the final development in a series of emergent 'ethical communities', the sequence moving through the evolutionary stages of family and civil society. Ultimately, 'the essence of the state is ethical life. This consists in the unity of the universal and the subjective will' (Hegel in Held,1983:94).

If the state is privileged to secure the moral order and protect the principles of ethical life, the argument for the necessity of the use of force becomes clearly defined. The state has to secure order both internally (within the domestic borders) as well as externally (from the foreign enemies of the state) in order to remain stable. Hoffman points out:

> We live in a society in which people who break (or who are thought to have broken) laws are sent to prison; in which armed bodies (mostly of men) invade and defend territories in the name of sovereignty and self-determination, and in which the pursuit of order is intertwined (some think inextricably) with officially justified acts of force (Hoffman,1995:33).

Thus, force or coercion of the state is an attribute that provides the state with a coherent definition and, Hoffman believes, also one that provides the state with its structure. In other words the concept of force does not merely bind or link the several constituents of the state but provides the underpinnings that coheres the parts into a whole. This notion of underpinning, according to Hoffman, is not a reductionist concept as the other attributes of the state are not taken to be of no consequence. Territory, monopoly (attributed by the fact that the state is sole source of rights) and legitimacy are equally important as force. However, in distinction to the other attributes, it is force that is the 'conceptual glue' in the complex inter-relationship of structure, rendering the other elements meaningful and material. Weber is emphatic that the modern state cannot be understood without reference to the use of force. Weber argues that:

> Sociologically, the state cannot be defined in terms of its ends. There is scarcely any task that some political association has not taken in hand, and there is no task that one could say has always been exclusive and peculiar to those associations which are designated as political ones: today the state, or historically, those associations which have been the predecessors of the modern state. Ultimately, one can define the modern state sociologically only in terms of the specific *means* peculiar to it, as to every political association, namely, the use of physical force [original emphasis] (Weber in Gerth and Mills,1991:77-78)

Weber, unlike Hegel, is sensitive to the fact that the state is not merely the upholder of universal interests but as 'a relation of men dominating men [and generally - one should add - men dominating women], a relation supported by means of legitimate [i.e. considered to be legitimate] violence' (Gerth and Mills,1991:78).

This critical appraisal of the role of the state, I would suggest, provides us with a rather different prism through which to view the police. The police by upholding legitimate violence of the state, helps to perpetuate a relation of domination, that is domination of one social class over others as well as a domination that may be imbued by gender considerations. However, in contradistinction to Marx and a Marxist understanding of the state, this relationship of domination for Weber is not one of capitalist exploitation or a result of the capitalist relations of production. Weber contended that the modern state preceded the coming of capitalism and facilitated its development (Held,1985:36). The role of capitalism in relation to the modern state is confined to the impetus that it provided to the expansion of rational administration founded on legal authority. If this Weberian formulation is to accepted, then it logically follows, that the modern police operating within the legal-rational framework of authority owes its existence to this formulation of the establishment of bureaucracy.

Though Weber brought out the relationship of domination inherent in the workings of the state, he was rather wary of positing a more intimate connection between the activities of the state, forms of organisation and class relations. For an alternative

theoretical schema and a counterbalance to the Weberian formulation, I now turn to the Marxist conception of state and power.

Marx's critique of Hegel and by default the Weberian position, provides a distinctively radical view-point. The state is not an organic unity but a system that is based on class and class exploitation. The system of exploitation is based on the concept of private property which privileges private rights over and above ethical considerations. The interest of the state as a formal universal interest of the people is always present, but as an element that is 'alongside' the 'real' interest, which is the interest of the class or classes that control it. In this Marxist formulation of the state, idealism is replaced by a class based approach, where the regulation of the social is determined by the dominant ideas of the ruling classes. The state maintains a class domination to which all other practices are subordinated. The 'formal' and the universal elements of the state act as legitimisers to class rule and domination of specific class interest.

Marx and Hegel would agree however, that the notion of coercion is intrinsic to the everyday practice of the state. Rules and regulations of the state are enforced by the state apparatuses, the military, the judiciary, the police and the civil administration. While Hegel would argue that these agencies secure the essential order and stability that the state requires, Marx would stress the role that these apparatuses would play in a state that is divided along class lines (King,1987:26). In other words, if the state articulates class interests and aspirations, then it is logical that the apparatuses would represent and secure class interests.

Engels brings in a clearer understanding of the problematic of the state in relation to class and universal interests, arguing:

> ... in order that these antagonisms and classes with conflicting economic interests might not consume themselves and society in fruitless struggle, it became necessary to have a power seemingly standing above society that

> would alleviate the conflict, and keep it within bounds of 'order'; and this power, arisen out of society but placing itself above it, and alienating itself more and more from it, is the state (Engels,1985:103).

The state for Engels is above the various contests within civil society. It is there to regulate and bring 'order' to these conflicts of interest, a power that is provided by society itself. Yet, Engels suggests, that in exercising this power that seemingly comes from the society, the state becomes increasingly alienated from its source of legitimation and sustenance. This is so for the state fails to harmonise the conflict of interest in an amicable manner. More importantly, the state becomes a party to the more stronger interests operating within the civil society, 'because the state arose from the need to hold the class antagonisms in check, but because it arose at the same time, in the midst of the conflict of these classes, it is, as a rule, the state of the most powerful, economically dominant class....' (Engels,1985:104).

If the state eventually becomes a state of the most powerful, then the stature of the state as one that is above the antagonisms of society becomes rather untenable. The partiality of the state would then impact upon the state apparatuses like the police, who while upholding the neutrality of the law would by implication be articulating a class bias.

If as Engels suggests, the state is 'seemingly' above the contests of the society, that is, there is an 'appearance' of autonomy and aloofness from the immediate interests of the classes, it follows that the rules and regulations that provide the 'rationality' to the actions of the state remain 'false' or at best an ideal. It remains an ideal as the rationality of the modern class based state cannot be concretised in terms of the universal interest that it is supposed to uphold. The non-concretisation of rationality renders the concept false and helps through the use of ideology to maintain the *status quo*.

For the Marxist formulation then, rationalisation being exterior to the collectivity is an imposition[88]. It may be an imposition that helps to promote and secure order, but nevertheless it is an imposition that is not rooted in the society itself. This theme of exteriority of the control mechanism is what Foucault develops later in his discourse on discipline (Foucault,1977:209). He refers to this exterior rationality of order as a 'discipline-blockade' as opposed to the idea of discipline being internalised as in his concept of 'discipline-mechanism'. This chapter examines Foucault's theory of discipline later in some detail. I suggest that the idea of exteriority of rationality (as in Marx) or the concept of discipline-blockade (as in Foucault) is crucial to the understanding of post-colonial policing. The problematic of post-colonial policing is essentially a problem of the process of rationalisation of the state and its control mechanism.

The process of rationalisation is part of the dynamics of change. It entails a transformation of all the non-rational structures and the organisations into rational forms. Rationalisation is brought about by the increasing complex divisions in social labour and in entrepreneurial practices. Over a period of time, the state and its apparatuses become dependent on the rationality of organisation of administration, not merely for technical efficiency but for the development of the capitalist form itself. In other words, the entire process of wealth production and its distribution (through the capitalist market process of demand and supply) is dependent on rationality, which in turn affects the way the material and legal relations develop within the state itself.

For the rational potential of the state to be fulfilled, it has to rely ever increasingly on the bureaucracy for every imaginable and conceivable circumstances. Bureaucracy according to Weber brings along with it:

---

[88] The imposition of order from the exterior is of great significance from a Marxist viewpoint as the political autonomy of the state is counterbalanced by the its capacity to undermine social movements and thus block social change. This understanding of the state is obviously a conservative one, where its main concern seems to be one of holding on to the *status quo*.

> Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and material and personal costs - these are raised to the optimum point in the strictly bureaucratic administration, and especially in its monocratic form (Weber,1978 in Held,1985:37).

Policing and police administration is part of this inevitable expansion of the bureaucracy and one that develops and fashions the role and function of the police in relation to the population. Policing by being part of the rationality of the bureaucratic enterprise legitimates its power and role with reference to the legal-rational attribute of the modern state. Indeed, the argument can be stretched to state, that rationality is itself a discourse of order, a sense by which the human mind realises a pattern or structure out of a plethora of possibilities. It is this fundamental sense of order that rationality embodies which provides the police with its ideal role and legitimacy. I am arguing here, that the police does not (ideally speaking) draw its sustenance from the regime or the government in power, but from a more abstract but powerful discourse of legitimacy authenticated by the concept of rationality and social order. Again, in this sense, the police are a part of a bureaucracy as it is an organisation that is permanent, being part of the state rather than a government.

However, it is possible, I would suggest, to have situations where the police are not embedded in the rationality of the state but represent regimes or even particular political leaders. Hills (1996) has argued that this is so in certain states of Africa, where the role of the police is not that of a neutral arbitrator. As a potentially powerful coercive body it becomes a key resource for influential élites in their quest for consolidation of political power and the extension of their patronage and client links. I would argue, that in so far as this is true, the police undermines the rational bases of their legitimacy and become dependent on charismatic, traditional or personal power. It is instructive to note that even when a police force represents a regime as opposed to a state, it uses the ideology of the state to mask this fact. In Chapter four I referred to Althusser's distinction of Repressive State Apparatus and the Ideological State Appratuses and the interrelation of the two. He argued that the

'army and the police....function by ideology both to ensure their own cohesion and reproduction, and in the "values" they propound externally' (Althusser,1976:19). In other words, even while promoting special or private interests, the police has to take recourse to the legitimating discourse of the universal interests, for example the maintenance of public order and social stability. Thus rationality is general and therefore the universal premise of policing which does not necessarily describe or exhaust the specifics of policing in particular nation-states or periods of history.

5.3 The Specifics of the Post-colonial State

It is perhaps more difficult to generalise about the post-colonial state than the state in general. The question fundamental to such a problematic is whether there exists a separate case for a post-colonial state or is the term post-colonial merely descriptive. Ray (1991:4) is hesitant to project the post-colonial state as an analytical category and asserts that it is merely 'a historical variation of the state phenomenon'. The post-colonial state Ray argues, has some peculiarities, and these relate to conflict, conflict-management and state formation. If this is so, then the post-colonial state's peculiarity is critical to the understanding of the post-colonial police.

I shall argue that the post-colonial state has a very problematic relationship with reference to the notion of rationality. Post-colonial states are usually states that have been heavily influenced by the colonialist intervention. It has as part of its contemporary existence taken on board most of the bureaucratic structures from the colonial regime. The colonial legacy is an ideological baggage as well as a structural reality for the independent states. Certain aspects of the colonial rule, especially the bureaucracy, the police and the army have survived in tact, as de-colonisation has failed to transform them into something distinctly different from their colonial manifestation. It may be argued that the police as a force tend to be conservative

rather than revolutionary, and therefore the effects of de-colonisation felt in other areas of the newly independent state would not be reflected equally well.

I would also argue, that the nature of the post-colonial police is problematic because it takes on board the fractured rational of the colonial state. The colonial state by its inherent nature could not represent the universal interest in the same manner as the Hegelian ideal of rationality. This is not to say that the colonial state was completely bereft of internal support from the 'native' population. If that was the case then the colonial administration would have been easily dismantled. Arnold (1986:4) has argued that the colonial administration had built up relations, both at the official and at the unofficial levels with the Indian landed elite as well as other sections of the population. However, the hegemony or consent that the colonial administration could generate for their rule was insufficient to provide the state apparatuses, especially ones like the police and the army with even an apparition of being above the partisan and sectional interests of colonial rule. Thus, it can be said, following Engels and extending his argument, that in the case of the colonial state the binary of real and 'apparent' autonomy is largely irrelevant. The rational autonomy of the state and by default those of its apparatuses remained essentially at the same level. I would suggest, that by allowing the police and the military to retain the colonial structure and ethos the post-colonial state allowed the retention of a certain rationality of bureaucracy which saliently reproduced the problem of order maintenance that the colonial state had encountered.

The other feature that is unique to the post-colonial state follows from the history of de-colonisation. The post-colonial state adopts a system of rationality that the colonial state had introduced (as for example the bureaucracy) but also at the same time has to share the space (in which the principles of rationality are embodied) with certain indigenous practices that at times may be contradictory to the values that the formal rationality of the state espouses. For example, though the Indian state constitutionally

guarantees social equality of status (the universal rationality of the state) the Indian tradition of caste and *jati* subverts the former value. The post-colonial state embodies two distinctive orders, one that is outer and rational and the other inner and moral. Whereas the outer 'is a derivative of European law and legal history' (Bozeman,1976:232 cited in Ray,1991:6) the inner order is a plurality of norms that differs from the rational outer structure. More importantly, the inner order may be seen posing a challenge to the outer and more formal order. Policing, or more broadly, the notion of social control and the maintenance of public order is inevitably caught between the two orders, one that is legislative and abstract and the other that is communitarian and established as traditional social practice.

The schism between the rational and the traditional also produces a more subtle but nevertheless real problem for the post-colonial state. If the rational aspect of the state is confined to the outer fringes of the cognitive map of the populace and restricted to the formal nature of the polity, then the socialisation of the population into such a rationality would be rather weak. On the other hand the traditional socialising structures that remain outside the formal rationality of the state are stronger and may produce a consensus that come into conflict with the formal state structures and apparatuses. Thus religious organisations, kinship structures or other social organisations may socialise its members into conflict with the state as they do not share the discursive space of rationality that the state embodies.

This duality of socialisation has very important consequences not only for the state but also for the police in the post-colonial society. The state faces a perpetual deficit of legitimation and consensus in its activities and fails to reconcile the numerous conflicts emanating from civil society. Habermas identified the crisis of legitimation as having its point of origin in the political system and exhibiting in its systemic form a crisis of rationality (Habermas,1975:45). This increases the state's reliance on the repressive apparatus as it seeks to compensate the weakness of its ideological

apparatuses[89]. Just as rationality never reaches an equilibrium but carries on by a self-generating process to greater and increased forms of rationalisation (King,1987:41), conflicts too generate their own impetus and grows in an infinite number of ways. As a result of this, a vicious cycle sets in, where the state becomes ever more reliant on conflict repressing apparatuses, which in turn tends to grow at the expense of socio-economic development (Ray,1991:8).

Sobhan (1989) embellishes this argument further by privileging the concept of class to define the schism that I mention above. Sobhan argues that in the larger post-colonial states, 'an indigenous trading bourgeoisie, and/or owning capital in industry had developed' in conjunction with a certain judicial and education system. This class configuration constituted the 'emergent ruling class of the post-colonial society', a class that aspired to build a bourgeois state and a capitalist system of production (Sobhan,1989:249). In other words, this class had the knowledge and the power to articulate and continue the rationality that had been imposed by the colonial intervention.

However this attempt to build a bourgeois state, and the power of the aspirant and emergent ruling class, was challenged, I would argue, by the indigenous landed elite, which controlled the rural economy and influenced the social norms and mores. Though this class did strike up a partnership with the urban industrial bourgeoisie, it did not share the same sets of values in terms of rational and rationalising trends of the modern post-colonial state. The discursive space that it occupied was outside the parameters of the Hegelian or Weberian rational ethos. It did not share with the urban industrial bourgeoisie of the newly independent country a vision of capitalist modernity which had clearly demarcated and internally coherent structures of development. On the other hand, as a class the rural elite looked to the state 'to

[89] Oommen (1997:27) argues that the 'real issue is whether the state can be an impartial arbiter when its population is heterogenous, particularly as the state has to operate in its day-to-day functioning through the bureaucratic apparatus.'

preserve their hegemony over rural society' (Sobhan,1989:250). Thus, the challenge that it posed was both economic as well as normative.

I am arguing here, that the specifics of the post-colonial situation, its conflicts, public order maintenance and by implication policing strategies go beyond the simple understanding of state and state-oriented analyses. The explanations that we derive from such formulations are partial and not sufficiently rounded. A more full and detailed explanation can be provided by taking recourse to the discursive notion of discipline as formulated by Foucault.

5.4 Foucault and Discipline[90]

In the first instance I will consider the Foucauldian concept of discipline and order and explore the adequacy and limits of these concepts in the case of India and its policing strategies. Secondly, drawing upon the insight provided by Foucault, I would argue that the Foucauldian notion of 'discipline' provides us with an *entre* into the world of post-colonial policing in India by showing the inhibited growth of a 'discipline society'. Here I am arguing, that the historical experience of the growth of a 'disciplinary' society is a unique episode in the development of nation-states of Europe. Despite the implantation of various aspects of modern and Anglo-Saxonic politico-legal structures in the colonies, e.g. law courts, police, the general administrative bureaucracy and university education, discursive features of discipline could not be transferred along with the structural aspects of governance mentioned above. In other words even if it was possible to establish a structure that emanated from European law and history, it was not possible to validate such structural arrangements through the belief system that was native and prior to the arrival of colonial administration. This supplements the arguments that I have made in relation

90 'Discipline' may be identified neither with an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedures, levels of application, targets; it is a 'physics' or an 'anatomy' of power, a technology (Foucault,1977:215).

to the state and more importantly the alien character of the 'rationality' that was imposed as a result of colonial rule.

Before I address the notion of discipline and its applicability to post-colonial policing in India, I will critically examine the nature of Foucault's contribution to social theory. Foucault's work straddles the disciplines of philosophy, history, sociology and literary theory (McNay,1994:1). He has written extensively on madness, sexuality, 'archaeology of knowledge', power, governmentality, discipline and carceral practices. However it can be argued (cf. Habermas, Walzer, Lukes, etc.) that the themes of power and subject were the more abiding and continuing as well as controversial ideas that he developed and focused upon, especially in his later years.

Through the formulation of the notion of 'power-knowledge' discourse, Foucault questions the many assumed and accepted ideas of Enlightenment rationality and its uses in the post-Enlightenment society. Foucault's critique of modernity revolves around his assertion that many of the practices of modernity delimits freedom of the individual rather than enhancing equality. In this sense his critique focuses on the contradiction and negation of the emancipatory aspects of the discourse of Enlightenment rationality that are usually highlighted as gains of humankind. Foucault is a post-structuralist in the sense that he wished to uncover the 'nonrational scaffolding of reason' as Jary and Jary argues (1991:236) and stressed his difference with those who tried to privilege an order that was finally determinant in the analysis of things social.

In keeping with his non-reductionist approach to social analysis, he reformulated the conception of power. Power was not taken to be merely repression and not necessarily reduced to any one dimension within society. Power in this sense was autonomous and positive, underlying all social relations and spaces, from institutional to intersubjective. Foucault concevied of power as enabling and diverse, rather than

centralised and concentrated in the hands of a coercive elite or ruling class. This was according to Foucault the 'microphysics' of power (McNay,1994:3).

Foucault's post-structuralism, as part of his critique of instrumental rationality and modernity, is evidenced from his efforts at constructing a de-mystificatory strategy that dislocates the rigid identity logic that orders modern thought and thereby creates a space in which it is possible to think about difference and otherness. This space that Foucault provides makes it possible to demarcate a discourse of post-colonial 'other' that is an alternative to meta-narratives of order and discipline.

However, critics of Foucault, especially Habermas who has remained his most serious challenger, have pointed out that his methodological strategy forecloses the analysis and conception of non-hegemonic forms of subjectivity. In fact Habermas has labelled Foucault as a 'cryptonormative' for failing to identify pre-supposed standards necessary for any condemnation of the present and an 'irrationalist' (Hoy,1986:8). Habermas's fear is that in trying to criticise the failings of modernity, the critics would step outside the modern world and give space to reactionary politics (Hoy,1986:9). Walzer argued that Foucault's work suffers from inadequacies in accounting for everyday politics, especially its accurate representation (Walzer,1986:53).

He is further criticised for subsuming a multiple, divergent phenomenon like power under a totalising and undifferentiated notion to an extent where it loses analytical force. Poulantzas felt that this conception of power was 'neofunctional' and Habermas argued that an undifferentiated conception of power is unable to account for the complexity and dialectical character of modern society. An undiffrentiated concept of power does not take into account the paradoxical role of legal power in capitalist societies. For example in a society where the carceral power is exercised, the legal process makes possible the gains in and expansion of civil rights guarantees.

The other substantive criticism against the Foucauldian notion of power and discipline was raised by Bourdieu (1992). Bourdieu's main contention is that a notion of discipline connotes a force that is external and militaristic. This makes it possible to rise in revolt against such a power. However, in the case of symbolic power resistance against it is difficult, 'since it is something that you absorb like air, something you don't feel pressured by; it is everywhere and nowhere, and to escape from it is very difficult' (Bourdieu, 1992: 115). I would in the paragraphs following this, like to argue that notwithstanding the problems that have been mentioned above the notion of 'discipline' is useful in analysing policing and especially policing in post-colonial societies, precisely because the notion of panopticism is an in-built theme of discipline, which is indicative of the emergence of a new form of power (Smart,1983:109). The subtlety of power that Bourdieu argues is the feature that I intend to show is part of a Foucauldian discourse of discipline. More importantly, Walzer, a critic of Foucault while commenting on the notion of discipline, argued that discipline does not mean that 'behaviour is more routinized or predictable ... but that it is more intimately subjected to rules, standards, schedules and authoritative inspections' (Walzer,1986:56).

Discipline in the Foucauldian sense of the term can be seen as a technology of power that informs penal practices. Foucault's *Discipline and Punish* (1977) was ostensibly an examination of the birth of the prison. It outlined three specific ways in which organised power to punish could be illustrated, namely, the use of penal torture, the attempts at humanitarian reforms and penal incarceration itself. Thus, *Discipline and Punish* opens with a gruesome account depicting the spectacular public torture of a prisoner convicted of regicide in 1757. Though this example is grounded in the historical milieu of Europe, the penal measure in question, or more importantly the method of punishment I would argue, (*pace* Foucault) is universal. Punishment, as a sub-set of the larger discourse of discipline itself, is public, spectacular, overtly

repressive and based on the mechanics of torture. It is possible to see here an interesting overlap between the Durkheimian position with regard to punishment and Foucault's description of torture and punishment of Damien the regicide. In Durkheim's formulation of the mechanical solidarity, punishment consists of a passionate reaction, an act of striking back. The spirit of punishment reaches 'the innocent, his wife, his children, his neighbours, etc.' (Durkheim,1933:86). The framework of the spectacular and public avenging of a wrong holds the two theoretical positions together.

The 'spectacle' in Foucault is followed by an account of the regimented routine in a Parisian prison. The shift of focus is from the public to the carceral. The prison and its regime marks a transition that takes the offender away from the public gaze and from the spectacular show of state power over the body. For the liberal school in political thought this is a transformation brought about by the advent of the Enlightenment, of a sensibility that creates limits to the 'spectacle' of punishment by deeming it to be 'uncivilised'. The transformation of the technology of punishment becomes lodged within the discourse of humanism and liberal philosophy and follows the evolutionary trajectory of a unilinear continuum - from torture and retribution to restitutive incarceration. Giddens argues that this parallels the movement of the growth of individualism - the growth of autonomy and its problematic relation with the collective (Giddens,1972:117). The linear transition can be read or seen to epitomise the spirit of reform carried out as a consequence of the impact of Enlightenment or within the field of reconstituted penal and other related practices.

One of the causes of reform that was undertaken in the field of discipline lies in the understanding of penal measures as being excessively harsh and cruel. The move towards a more restitutive arrangement followed from the understanding brought about by sociological reasoning that a good deal of the cause of the crime for which the person was being punished lay with society itself. Thus the criminal was no longer

seen as being imbued with demonic or evil spirits that would have to be exorcised out of the body but as a person who has transgressed the limits set by society and state on approved patterns of behaviour. This would suggest a secularisation of the discourse of discipline. Criminals are no longer persons who have breached the boundaries of religiously ordained parameters as given by the church and its leaders. They are judged without reference to religious tenets and holy texts. Judgement is in terms of avowedly inner-worldly considerations and through codification of legal rights.

In addition to the above, Smart argues that two other aspects contributed to the dynamics of change. One was the shift in the locus of political sovereignty, from the monarchy to more representative structures of power and the other was the alienation of the lower strata from certain penal measures and practices (Smart,1985: 82). The two are however inextricably linked, as resistance to penal measures made for changes in the locus of political power. In other words it was popular resistance from an increasingly alienated lower strata of the population that provided the impetus for reform and democratisation of the regime of discipline and justice.

The public and spectacular executions were in reality a display of regal power. The criminal in question represented a crime against the very person of the sovereign. It was a direct challenge to the sovereign power and its right to rule. Punishment was a display of sovereign force, for it revealed the power relation that stood behind the law. The public presence to such a spectacle was very important:

> Without the presence of the public punishment was diminished for its aim was to make an example, to reveal the slightest of offences would be punished, and to arouse and encourage the crowd to participate by insulting and attacking the criminal and thereby to offer symbolic assistance to the sovereign's pursuit of vengeance (Smart,1985:82).

However resistance to these public spectacles were growing in the second half of the eighteenth century (Foucault,1977:73) and executions were often accompanied by large scale disturbances of public order. Resistance to the display of sovereign power posed a danger to the regime directly and thus came to be accompanied by certain

political risks for the sovereign. Executions of this type made it easier for the lower classes to forge political alliances and create solidarities. It was becoming increasingly clear that these theatrical spectacles were failing to arouse fears and by default the deference and loyalty to the sovereign power. The exercise of power was not smooth and effective. The success of any sovereign power depends on the efficacy of the system to hold its superiority in the face of political challenges and unrest. It is however not merely a question of the ability of the power holder to execute power but a question of sustaining it, of translating raw power into authority. In other words the exercise of power is dialogical, involving the power wielder and the powerless, where the powerless accepts the authority of the powerful as valid and legitimate. This acceptance of the application of power (or the rate at which it is so done) on the part of the powerless is what I would call the efficiency of the system. Acceptance of power as legitimate diminishes the potentiality of resistance, the lessening of friction and creates an image of power being wielded in a monological or unproblematical fashion. A well entrenched authority brackets away as it were, even if temporarily, the dialogics within the discourse of power.

The problematic of acceptance of power as authority can be analysed better if we consider power beyond structural confines, i.e. by not seeing it as something that is inherently coercive and that which subjects the actor to do things that otherwise they would not have done. In this discourse of power, the exercise is mono-dimensional, focused on the repressive attributes of power. On the other hand power as a multi-dimensional entity goes beyond the function of censorship, exclusion, removal and blockage. In other words the discourse of power transcends the negative meanings associated with it. Foucault had said in an interview (Gordon,1980:59) that:

> I would also distinguish myself from para-Marxists like Marcuse who give the notion of repression an exaggerated role - because power would be a fragile thing if its only function were to repress, if it worked ... in the manner of a great Superego, exercising itself only in a negative way. If, on the contrary, power is strong this is because we are beginning to realise, it produces effects at the level of desire- and also at the level of knowledge.

The problem with the exercise of power by the sovereign in public, as a spectacle of punishment and expression of power was that it invariably highlighted the repressive aspect of power. This as stated above, made it easier for the lower classes to forge alliances against the sovereign and obviously diminished the efficiency of the execution of absolute power.

The Foucauldian concept of power and discipline is one that encompasses the state apparatuses without necessarily restricting the analyses of it to such structural considerations. This moves the focus of analysis of power from mega or meta-narratives to micro mechanisms of organisation. More importantly, I will suggest, that this emphasis on micro levels and non-state apparatuses allow the problematic of policing and discipline to be explained from a non-statist point of view. This facilitates the study of discipline in post-colonial states like India where the state is not as strong as in Western Europe or North America. A strong state is a state that is able to minutely and in detail monitor its citizens either through social welfare measures (housing, unemployment benefits, health) or through other agencies (police, various intelligence services, probation service, etc.). Cohen (1985:135) has argued that once the separations of 'act from actor, procedure from substance' and the law as protection from state had broken down, there was an overlap of the private sphere and of public space. Positivism made it possible to have even intimate private moments of family life available in the public domain. Cohen brings in the example of probation officers who 'have little difficulty in reading out to an open court details of their client's innermost anxieties, sexual fantasies or feelings about "authority"' (1985:135). According to Cohen this is what Foucault meant when he talked about the emergence of the disciplinary society. It is the increase of surveillance techniques and the regulation over minute areas of social life that distinguishes modern social control. This theoretical frame of control and observation, of the link between space and power makes it possible for Foucault to describe the police in terms of disciplinary power:

> But, although the police as an institution were certainly organised in the form of a state apparatus, and although this was certainly linked directly to the centre of political sovereignty, the type of power that it exercises, the mechanisms it operates and elements to which it applies them are specific. It is an apparatus that must be coextensive with the entire social body and not only by the extreme limits that it embraces, but by the minuteness of the details it is concerned with (Foucault,1977:213).

This, however, requires the state to invest a large sum of money and resources in these areas, a matter that is beyond the fiscal ability of most post-colonial states. Thus, post-colonial states are not strong states with reference to the above even though they privilege the security of the state over other state activities. Similarly, Samudavanija (1991) argues that the 'third world' states emphasise security as an overriding concern, privileging this over discourses of development and democratic participation in the decision-making process. The discourse of discipline manifests itself through non-state or societal mechanisms, as in caste, kinship, public values of shame, or honour, etc., and keeps its members under close and minute observations. The policing of the members of the public is done through norms rather than through law. Legal codes as formalised through courts and legislation remain distant insofar as regulating the day to day life of individuals are concerned. Disciplinary mechanisms in these societies are multiple and segmented between state sponsored laws and social norms. The concept of discourse allows this difference to be highlighted by moving away from an exclusive concern with state centred ideology.

Post-colonial states are states that have not been able to develop the discipline mechanism as efficiently as the western capitalist democracies have been able to do. This historical failure to make the methods and strategies of coercion more subtle yet efficient has meant that the state along with its apparatuses have remained as visible as in the colonial days. The nature of discipline-mechanism essentially makes social control a low-key operation by socialising the population into a certain way of life. When the population accepts a certain 'discipline' it increases the efficiency of the mechanism as resistances to it are muted. Police or other control apparatuses of the

state in such circumstances always develop in response to overt challenges to state power. As noted in Chapter one, the colonial police system proper came into being after the Mutiny of 1857. The mutiny proved to the colonial rulers the fragility of army deployment in the domestic sphere. However, though the police sought to replace army deployment, the use of the army in domestic public order situations was never abandoned. Arnold (1988:210) finds that:

> ... British policy was far from consistent. The army remained too powerful and too convenient a weapon to be readily relinquished by a regime intolerant of dissent and apt to view the frequent display of armed might as having beneficial or 'moral' effect. Troop marches and garrisons remained integral to the psychology as well as the practice of colonial control.

Since troop marches and armed presence were integral to the colonial regime it reinforced the high visibility of the state in terms of its ability to coerce. The colonial state and its control mechanism were firmly embedded within the Foucauldian discipline-blockade, 'the enclosed institution, established on the edges of society, turned inwards towards negative functions' (Foucault,1977:209). I have described in detail in chapters two and three the ways in which the colonial police and indeed the entire civil administration were secluded from the general populace by a structuring of space. Police, army and the bureaucrats were housed in barracks, cantonments and European quarters in an effort at distancing the rulers from the ruled. Thus, the intervention of the police or the civil administrator was always from the outside intervening into a space where they would not ordinarily be active. In other words, their relation with the community was only in terms of formal relations, one of a superior power interacting with a mass of subordinate people.

The discipline-blockade is one of the two images that Foucault uses to highlight his concept of discipline and control. Foucault constructs a continuum that marks the stages and nature of discipline, with the concept of discipline-blockade at one end and discipline-mechanism at the other, two extremes of a single continuum that is embedded within the process of historical change and transformation. This transformation for Foucault is a move towards 'the gradual extension of the

mechanisms of discipline throughout the seventeenth and eighteenth centuries, their spread throughout the whole social body, the formation of what might be called in general the disciplinary society' (Foucault,1977:209).

The crucial difference with the thesis of modernity is that Foucault does not privilege the notion of humanism and progress within this transformation. Instead he charts out a course of disciplinary mechanism, the notion of a gradual permeation of control:

> whose network was beginning to cover an even larger surface and occupying above all a less and less marginal position, testifies to this: what was an islet, a privileged place, a circumstantial measure, or a singular model, became a general formula... (Foucault,1977:209).

Foucault is here bringing in another dimension to the study of social control and policing, the entrenchment of regulation as a typical procedure. This standardisation of control is linked to the ubiquity of the system, a certain presence that is no longer restricted to certain spheres, but informing the very core of social relations.

Foucault calls this standardised ubiquitous presence the 'Panoptican gaze' which I argue can be taken as a template of discipline mechanism. It would seem that the concept of discipline-mechanism is a 'functional mechanism that must improve the exercise of power by making it lighter, more rapid, more effective, a design of subtle coercion....' (Foucault,1977:209). Subtle coercion, the lightness of power itself is arrived at by moving the surveillance system, the idea of Foucault's 'gaze', from specific subjects to the general. The generalisation of the object of surveillance was, according to Foucault, a case of the inversion of the function of discipline. From being asked to play a negative role, where discipline-blockade is more important and expected, the task was now one of a more positive approach, 'to increase the possible utility of the individual' (Foucault,1977:210). Discipline is now channelled into more productive work habits. Enforced respect for regulations and authorities learnt in the days of the discipline-blockade is now used to 'increase aptitudes, speeds, output and therefore profits' (Foucault,1977:210).

In order to make his point, Foucault uses an analogy from the pedagogical system within elementary schools run by the church. He shows how in the seventeenth century the justifications for running a school were all couched in a negative language: the school was there to help those who were poor and ignorant, whose parents were badly brought up and in complete ignorance of God. The school system which emerged after the French revolution was one that was using a positive pedagogical approach to the problem of knowledge dissemination. Foucault (1977:211) cites Talleyarand's Report to the Constituent Assembly of 10 September 1791 to show that primary education was to be among other things, to 'fortify', to 'develop the body', to prepare the child 'for a future in some mechanical work', to give him 'an observant eye, a sure hand and prompt habits'. Foucault reads in this a sign of the modern society, a society that is more utilitarian and at the same time more 'centred' as pedagogical practice and knowledge moves in from the periphery to occupy centre-stage, where exclusion, expiation, confinement and retreat are replaced by an attachment to the great industrial project of production. In making this transition, the traditional enclosures are fractured. There is a loosening of the grip of religion and kinship, which in turn is replaced by a number of disciplinary institutions and disciplining of the existing apparatuses of control.

The new disciplinary system that Foucault highlights is a system that while increasing its institutionalised presence also 'de-institutionalises' the mechanisms or rather frees them from the 'closed fortresses in which they once functioned.' The de-institutionalisation of the regulatory mechanisms allows compact disciplines to become more flexible, to have micro-structures of control rather than macro structures of regulation. More importantly the de-institutionalisation of the mechanisms of control makes it possible to increase the number of institutions that are involved in the discourse of discipline itself. Apart from the traditional police and others of its kind, schools, hospitals, charity groups and religious organisations are now all

involved in the surveillance of the population. The latter are typical examples of centres of observation disseminated throughout society (Foucault,1977:212).

The police according to Foucault is the culmination of the move towards the Panoptican gaze, the body invested by the state for the purpose of surveillance. Foucault finds that 'with the police, one is in the indefinite world of a supervision that seeks to ideally reach the most elementary particle, the most passing phenomenon of the social body .... the infinitely small of political power' (Foucault,1977:214). Police power is understood here as an instance of the type of decentralised, capillary power characteristic of the disciplines, a power that extensively covers the whole of society and at the same time involves itself in the minutiae of everyday life (Herbert,1996:49). Thus, in the world of discipline-mechanism the police tries not to stand outside the boundaries of the social, the political or the economic[91], but embeds itself in the very core of state and society by being able to survey, inform and thereby control the relationships even in its most minutest detail. It is only by such a move towards the centre of society that it can transcend the enclosed disciplinary boundary and become truly panoptican. Panopticism implies the subtlety of power, the ability to monitor in minute detail and survey distant elements. Without this ability modern states would find it increasingly difficult to manage the population. For the modern age has a different set of problems when compared to the non-modern - its problem is to 'procure for a small number, or even for a single individual, the instantaneous view of a great multitude' (Foucault,1977:216). Foucault also sees the modern age as one of individuals instead of the community, and the problem that emerges is one of regulation of private individuals and the state.

---

[91] With the increasing complexity and reach of financial capitalism within late modernity, we witness the growth of a number of police agencies organised exclusively to deal with economic affairs. In the Indian context, the Central Bureau of Investigation (CBI) is a case in point. As economies become reliant on international capital, the need to scrutinise and regulate and if necessary prevent certain financial deals are of utmost importance. This obviously enlarges the traditional remit of the police and its sphere of control. It also entails a very intimate surveillance of the economic transactions for which specialist skills are required.

The political and social ethos of modernity with its emphasis on individual rights, individuality, voluntarism in securing social goals is opposed by the desire (and one may add the ability) of the modern state to have a detailed and minute surveillance of its population. I would agree with Herbert's argument that such political and social values provide grounds for resistances to the discourse, for 'the ruptures and contradictions that blur and limit the Panoptican's vision' become important in limiting the 'gaze' (Herbert,1996:50). This has an obvious impact on the strategy and tactics of policing. The police within the Foucauldian discipline-mechanism or Durkheimian organic solidarity[92] has to take into account both the aspects. It has to respect the individuality of the person (political citizenship) and also has to procure in the minutest detail the view of the multitude in order to control. In doing so it has to move away from the spectacular and public approach to discipline to a more invisible and muted one. The modern society is not one of the spectacle but one of surveillance. Thus surveillance becomes a means for the modern state and its apparatuses to be sensitive to individuality and at the same time to be in effective control of the population. Dandekar (1990:2) argues that 'modern rational bureaucracy is a highly effective and durable mode of surveillance.' According to him the system of surveillance informs three key institutional sectors of modern capitalism, 'the armed forces, the policing and the business enterprise' (Dandekar,1990:3). Thus surveillance is a constitutive feature of modern capitalism and part of the administrative logic of modernity. The expansion and growth of information gathering capability of the state and business organisations within civil society provides the milieu in which the surveillance becomes efficient and productive.

However, panopticism is not exclusively the discourse of surveillance alone. I referred earlier to the concept of incarceration which Foucault has highlighted as a

[92] In Durkheim's organic solidarity law is restitutive and is distinct from the more traditional and avengeful forms of social control. Organic solidarity is a society where the rights of the individual forms the most important core of social relations.

space to where the public gaze moves onto in modern societies. The institutions of modernity are also spaces for the articulation of panopticism, where the subject of the panoptican gaze ultimately becomes the object of it as well. For example in the prison, the inmate is confined to a cell where the body can be observed by supervisors employed by the prison authorities but the inmate does not have the facility to communicate. The regime of the prison regulates the body in a fashion that is similar to the factory where the supervisor on the shop floor organises labour time in a manner that prevents the possibility of the loss of productivity, where the worker as a subject loses subjectivity to the objectifying discourse of production targets and profit margins.[93]

Foucault's panopticism is therefore an example of the tension of modernity itself. One the one hand it produces the discourse of individual freedom and dignity that does not allow a more traditional solidarity to operate in so far as repressive laws are concerned, removes the privileges of the monarchy to free the individual from the immediate bondage of serfdom but encloses the same individual within the confines of bourgeois class boundaries submitting the body to surveillance and intimate control. Dandekar argues that for Foucault 'the emergence of bourgeois society is founded simultaneously on formal social and legal equality on the one hand, and a regime of the disciplines and substantive socio-economic inequalities on the other' (Dandekar, 1990:27)

The entrenchment of the discourse of discipline has another interesting but nonetheless important consequence for policing. It accelerates the imperative of the rational modern system to detach the structures of social control and non-negotiable violence fused hitherto under one rubric into specialised agencies, keeping in touch

[93] It is interesting to note that Max Weber had seen the position of the individual as rather bleak, enclosed as the individual is in the 'iron cage' of rational modern bureaucracy. Individualism in the Weberian schema of things is not a pure and simple expression of individual rights, freedom and space but a concept that is mediated and ultimately compromised by the development of modernity itself (Kantowski,1982:167-68).

with the transformations within societies. This argument can be extended to explain the differentiation of the military and the police, each holding a separate and particular brief.

I have tried to show in the previous pages the importance of the idea of punishment and discipline for matters of policing. The argument offered is one that frees the police as an organisation from the immediacy of its links with the ruling class and the state. I however would not state as Dandekar (1990:60) tries to argue, that the army and the police, and indeed other modern bureaucratic structures were institutions that were self-determined and should be seen as the outcome of historical opportunism[94]. That would be to deny the history of discipline and its specific discursive features as experienced in the West. Opportunism is never outside the boundaries of history and as I have argued throughout this chapter, Marx, Engels, Durkheim, Weber and Foucault were all acutely aware of the constraints of history. I shall now turn to the specific case of Indian policing to show how the separate course of history has meant the institution of a police force located within a different discourse of practice.

5.5 Discipline in Post-colonial India

Discipline refers fundamentally to the subordinated cogs in the machine, to permanent coercions through indefinitely progressive forms of training leading to automatic docility (Foucault,1977:169). It is clear that India did not witness at any point of time such dynamics of state and society as was experienced in the West. The Foucauldian idea of docility can be read as the stage in Western history that heralds the arrival of the civil society. Support for the police is part of a larger philanthropical agenda that is being negotiated between the state and its citizens. It is also inherently a modern idea, a discourse that is part of Durkheim's organic solidarity. The

[94] I think that Dandekar is trying to argue that historical events like war, rebellions or other mass disorders were determinants of certain organisations for which no *a priori* planning on the part of the state or the ruling classes could be attributed.

institutionalisation of discipline provides the idea of governability with a certain notion of conducting and controlling a series of actions which ultimately make decisions taken by the political leadership seem acceptable to the majority. In other words, there is involved in this process an ideal of voluntarism that cuts across class and other social stratificatory criticals.

I have suggested above that the concept of discipline provides us with a template, a coded space that helps us to understand the nature of post-colonial policing in India. I would like to emphasise the idea of using the concept of discipline as a template on which certain acts are inscribed. This is not to negate Herbert's (1996) critique of Foucault's concept of discipline-mechanism identifying limits to police power. The refusal of gang members to co-operate in investigations, the disabling nature of technology that de-skills the traditional observational skills and the alienation of 'technologized police operations' (Herbert,1996:52) are all impediments to the Panoptican 'gaze'. More importantly these limits show that the 'disciplinary net itself is not as well knit as casual observation might suggest' (Herbert,1996:51). I would argue that nevertheless, these instances do not contradict the fundamental assertion of Foucault, that the nature of modern disciplinary society is one that essentially tries to structure the various acts of disparate individuals through a particular regime of surveillance and observation rather than through carceral spectacular punishments.

I would argue that by applying the concept of discipline-mechanism or more accurately by showing the historical inability of its growth in India, it would help to explain as to why independence did not bring in a disjunction of policing practices even as the new state was trying to forge new ideas regarding industry, agriculture, welfare and social justice and equality. Mitra finds the post-colonial state of India to be a modern and resilient state, a resilience that Mitra attributes to the 'success in incorporating some of the key features of the Indian tradition while retaining the essential features of modernity' (Mitra,1990:91). Scholars are largely unanimous that

the modern state of India is a culmination of British colonialism. Marx had long ago identified colonialism as providing the basis for the growth of modernity in India. However, this modernity is one that is mediated by the needs and attributes of the colonialism itself. In other words modernity in India, unlike the experience of Europe is not a logical culmination of the growth of a bourgeois society, but I would suggest, a series of interventions in traditional Indian society for the purpose of colonial administration, trade, defence and colonial governance. Modernity of this kind is not an all encompassing discourse that brings together state and society by an inclusive thrust of politics, but a discontinuous and at times discrete mosaic of moments and spaces bound together by tenuous hegemony. The post-colonial state is in this sense the inheritor of the colonial state. While the post-colonial state strove to innovate and redefine certain aspects of its inheritance, it kept on at the same time the armed and coercive apparatuses in an almost unchanged manner. This then questions the degree of applicability of the notion of discipline mechanism that Foucault had conceptualised. The modern post-colonial state shows the limits of the Panoptican gaze not only against the real impediments that Herbert (1996) had described, but by the very lack of its development. As I had earlier argued, while the Foucauldian notion of discipline provides us with an entre to the nature of post-colonial policing, it does not exhaust the possibility of order and compliance by other means. Jessop had argued citing Poulantzas, that the 'importance of violence, legal-police network and law in general in securing compliance' (1990:228) cannot be underestimated.

I would argue that this overt reliance on the repressive, prohibitive side of disciplinary power indicates a lack of hegemony and consensus for the new state. In many areas of India, especially in the rural areas where the inequalities of life were at their sharpest, the transition to an independent state remained notional. For the vast majority of the Indians, especially in their dealings with the civil administration and the police, it was the continuities of history in the post-colonial state that were prominent and visible. It was in such continuities, or in other words in the failure to

arrive at certain crucial and critical discontinuities of colonial history, that the importance of state violence through police-legal networks (Jessop,1990:228) essentially fashioned to serve the interests of a colonial regime, have assumed such a critical role in post-colonial Indian policing.

I would however like to define the colonial continuities as continuities of structures and discursive practices as opposed to simple structural derivatives. This allows the possibility of explaining the resilience that authors like Mitra have pointed out yet moves beyond the meta-narratives of the state and nation building that debates on post-coloniality invariably lead onto. It also allows the possibility of moving beyond structuralist explanations and models that I have referred to in chapter four by taking recourse to the awareness gained from an application of Foucault's discourse on 'discipline'.

I would suggest that though formal laws are 'modern' in the sense of being structured within the domains of liberal political assumptions, and in that sense restitutive and carceral, the post-colonial condition in India in so far as policing is concerned operates within the discourse of the discipline-blockade or the lack of the Panoptican gaze. Certain attributes of the colonial state and society or to be more precise certain discursive features remain rooted in the post-colonial space. These discourses are invariably part of the administrative/ bureaucratic and police set-up. Since colonial administration embodied the colonial state, it also came to represent the alienness of the colonial rule. It lacked legitimacy and was seen as being exploitative and unrepresentative. By carrying on the attributes mentioned above, the bureaucracy of the post-colonial state came to occupy the same discursive spaces with its accompanying problems.

Kaviraj (1994) argued that the colonial state which was inextricable from the rationality of the Enlightenment had produced three unintended but dissimilar

relations with the public. The colonial state 'in its dialogue with British public opinion...adopted a tone of reasonableness; with the indigenous middle class it carried on a dialogue through education and legislation; while vis-à-vis the sullenly distant popular masses, it adopted primarily a monologue of force' (Kaviraj,1994:21). I suggest that in the post-colonial phase the state's dialogue with the British public opinion is replaced with a dialogue with the English educated upper classes, whilst with the other two segments of the population the relations remain unchanged. Thus, though the bureaucracy in the post-colonial state (and in the police administration) was apparently to be utilised in the service of the national agenda of 'developmental administration' (Chatterjee1993:205), the inability of post-colonial society to move from discipline-blockade used to police the colonial state to a more subtle and encompassing form of policing is clearly evident. This is the primary, and I would argue most important, reason for the continuation in virtually an un-altered form of the civil administration and the police. Chatterjee comments:

> For various reasons that were attributed to political contingency ... the new state chose to retain in a virtually unaltered form the basic structure of the civil service, the police administration, the judicial system, including the codes of civil and criminal law, and the armed forces as they existed in the colonial period (Chatterjee,1993:204-205).

He goes onto describe the 'unlovely ironies' of Indian army regiments proudly displaying the trophies of colonial conquest and their participation in counterinsurgency operations that were basically designed to suppress nationalism and anti-colonial sentiments.

The failure of the birth of a disciplinary society in a post-colonial state is essentially the failure to shift from 'sovereign power' to 'disciplinary power'. The police remains as before the representative of the sovereign, upholding a top-down method of social control, where the pomp and splendour of the apparatus is more important than the efficiency of the system. I suggest that policing in post-colonial India fails all the three attributes of a disciplinary-society that Foucault mentions - the criteria of efficiency of power and maximum effect at minimum cost, maximum intensity and

extensive throughout society without fail and lastly the failure to increase the docility of the population as a whole so as to make them manageable and easily policed. The consequence of this has been a system of control that has been always contested, a police that has relied upon physical coercion and armed might and the persistence of human rights abuse and corruption. On the other hand it has also meant the persistence of a strong 'mechanical solidarity' that has made the execution of restitutive laws problematic.

Finally, I would like to highlight the concept of resistance that is closely related to the concept of power. All power is exercised against the will of some. If power is concentrated and visible, as in the post-colonial state, the resistance to such discourses of power would also be focused in a certain area intensively. In other words the failure to de-centralise the system of power allows the resistance to the execution of it to be concentrated in one particular field. The more the concentration of power the more the intensity of resistance. On the other hand if relations of power are dispersed in a wide field or space, the resistance to this power would automatically be dispersed and fragmented. In all developed capitalist states where power is de-centralised, the resistance to the execution of power is invariably scattered over a wider field. In post-colonial states the concentration of power in state bureaucracies or authority structures and the concomitant weakness of civil society facilitates resistances to be concentrated against the state. From non-violent protest to armed insurrections the post-colonial state is the arena of contest as well as a party to it. This makes the police increasingly aligned against the people, highlights the coercive aspects of policing, and completely negates the various alternatives of policing strategies that could have been adopted. In that sense there is no new history of post-colonial policing practices. The domain of policing and indeed that of civil administration as well is a 'bureaucratic function, to be operated at a level above the particular interests of the civil society' (Chatterjee,1993:205). It was in this sense that the colonial state, whose 'history must be written as part of the discourse of the

Enlightenment' (Kaviraj,1994:21) was different. It was different to the European experience of state development because it failed to project the rationality of its existence in universal terms through civil society. A consequence of this has been the continued deficit of legitimacy for organs of control and coercion and the failure of the police to efficiently control the social and political space within the post-colonial state. Kohli (1991) described this development as 'the breakdown of the civil machinery intended to enforce the law and maintain order' (Kohli,1991:3). A consequence of this ungovernability is that in many parts of India there has been a proliferation of private 'armies' which have become popular with certain sections of the populace, especially as in rural Bihar. Post-colonial policing is inscribed both by the structural failure of colonial administrative mechanisms to respond to the aspirations of an independent state and polity and by the failure to go beyond the discourse of discipline as blockade.

5.6 Summary

In this chapter I have argued that to understand the nature of post-colonial policing, reference to the state (structure) and discipline (discourse) would have to made. This approach facilitates the study of post-colonial policing beyond the considerations of structure *per se*. I have shown in this chapter that policing is conditioned by certain unique features of the post-colonial state, especially its incapacity to create a hegemonic presence within the civil society. This is related to the peculiar history of the development of the state and civil society and inability of the state to be seen as the representative of 'universal interests'. I have also argued that by continuing with structures of bureaucracy and administration that the colonial regime had put in place it uncritically accepted certain aspects of the colonial rationale in policing and social control.

On the other hand, any institutionalised social arrangement of role and function as codified in notions of 'models' do not exhaust the possibilities of understanding power and discipline as factors in social control. As in the case of the post-colonial state, the notion of discipline is also unique to its history. I have argued that the notion of discipline in countries like India is essentially at the level of discipline-blockade i.e. where the modality of the exercise of power is essentially negative in its connotation. Though the police as an organised form operates within a structure and is linked to notions of sovereignty and rationality, the operation of power remains specific as also the mechanism of application. In this respect the focus of power shifts from macro structures of regulation to micro structures. Thus, while the formal or structural considerations of control may be common to a large variety of states, e.g. the protection of property and life, crime prevention and public order maintenance, the manner of execution would vary enormously. Thus it is important that post-colonial policing be understood both at the level of the historical development of the

state and also its ineffectiveness in transforming the modality of the exercise of power from the spectacular to the subtle.

CONCLUSION

The main argument of this thesis has been to show how colonial policing structures have continued to encompass policing strategies and attitudes in the post-colonial state of India. However, it is also the argument of this thesis, that post-coloniality is a state of politics, society and policing that is not a simple chronological continuity of history. It is a 'model' that can be studied separately from other forms of policing because it can be analytically separated by structure and form, discourse and practice. In so far as these variables are identifiable, post-colonial policing supersedes the boundaries of geography and nation-states. Aspects or features of post-colonial policing may be found in policing forms not defined as post-colonial, as in the incorporation of certain public order styles and tactics in the British police from erstwhile colonies (Jefferson,1990:9). However, I would argue that the key to the identification of a post-colonial style is in having a holistic view. By this I mean that in defining the 'post-colonial', aspects of structure, politics, culture, ideology and situation all constitute a composite whole and that post-colonial policing cannot be reduced to any one variable. This thesis has tried to locate post-colonial policing not only within the structure provided by a legal-rational definitions but also in discursive spaces of the social, historical and political. This provides the broadest possible features that Reiner (1992) mentions as important for an understanding of policing. Such an exercise involves the use of both idiographic and nomothetic methods of enquiry. Whilst the idiographic focus brings about the cultural and historical particulars, as has been done in chapter one and two of this thesis, the nomothetic would focus on the construction of general law-like propositions. Chapters three and four of this thesis engages with such an exercise.

As a consequence of the continuation of colonial policing strategies and structures, legitimacy and consensus remain the key outstanding issues in post-colonial India. It can be argued that, generally speaking, policing must always be seen as operating within the remit of legitimate power. Legitimacy requires validation of power and authority from legal strictures and statutes as well as acceptance from the populace in general. When police action is legitimate, it can be said that the policing is by consent. Ideally, it can also be argued that the quantum of legitimacy determines the political ethos of the state. In a democratic state the action of the police is based upon wide consensus whereas in an authoritarian state[95], the police operates more through coercion. Though this binary opposition is valid to a great extent, it must be mentioned that for effective policing a certain amount of consensus is necessary for the system to function.

A post-colonial state like India cannot be formally classified as an authoritarian state. Since its independence in 1947, regular elections to the national Parliament as well as the several state assemblies have been held. Barring the brief interlude of Indira Gandhi's 'Emergency', when fundamental rights were suspended and opposition leaders put to jail, formal democracy have not been suspended. Yet, human rights violations in certain parts of India, especially in Punjab, Jammu and Kashmir and in the North-Eastern states have been well documented. Torture by the police and armed forces in suppressing several political and social movements have also been highlighted in many parts of India. These incidents have made scholars (Guha,1976; Vanaik,1990) argue that post-colonial India is an authoritarian democracy and that elections have been more like plebiscites for a certain ruling party or personality. The paradoxical nature of the Indian state and society has led scholars like the Rudolphs (1987) to argue that India has a 'weak-strong state' and its economy a 'rich-poor

[95] Authoritarian policing in the former Soviet Union shared many attributes of colonial policing practices and with similar consequences (Shelley,1996:3).

quality' (cited in Gupta,1996). This as I have explained in chapters four and five has made the universal attribute of the Indian state rather uncertain and has provided the police with a partisan image that has made consensual policing a problem of immense dimensions.

I have argued in this thesis that the central problem that concerns the post-colonial police is one of acceptance. The mechanisms of colonial administration made it structurally impossible for the police to create a community oriented relationship with the police. The police by following the colonial ethos of administration found it difficult, it can be argued, to translate their legal powers to the more subtle and nuanced forms of legitimacy and consensus. More importantly, the post-colonial police, it may be suggested, could not create the structural pre-requisites needed to implement a positive police-public relationship. Community policing requires organisational de-centralisation to 'facilitate two-way communication between police and the public' (Skogan,1995:86). This structural arrangement makes it possible to be responsive to citizens demands and involves the police in neighbourhood 'crime prevention programmes' (Skogan,1995:86). Since the police are in close contact with the populace it has been argued that 'they are constantly and actively engaged in the construction and reconstruction of the moral and social order' (Lofthouse,1996:44). This argument assumes two propositions. One, that there is a close and benign police-people contact or relationship and that the police have legitimacy within the civil society. The thesis has shown however, that the post-colonial police is a highly centralised police force and that it responds to 'macro' issues that are exclusively related to the maintenance of public order. I have argued that this is so because the civil society of a post-colonial state is a weak construction and that the statist orientation of the police does not provide it with the mechanism to perform an expressive role in society. Community policing is a style of policing that is embedded within the civil society and in the assumption that the police are capable of playing a positive role in terms of socialising the mass of the population to accept the welfarist

role of the police. However, as I have argued in this thesis the public-police interface is adversarial and I would therefore like to suggest that the post-colonial police is organisationally as well as cognitively unprepared to develop a more friendlier police-public relation.

It must be noted that though legality is an attribute of the state and provides the structure of legal-rationality to define a formal office, it does not automatically ensure that the same would provide authority. It has been argued that 'legality cannot provide a fully adequate or self-sufficient criterion of legitimacy' (Beetham,1991:68). The authority that the police require has to be drawn from the civil society. This is because the state apparatus cannot be assumed to be entirely self-contained (Beetham,1991:118). Values such as respect for the police and other social and political institutions are obviously factors that are beyond the letter of the law. Thus whilst the state can legislate through the specific mechanism of law making, it cannot mechanically create a legitimate authority for itself. In other words, the state may not be able to provide the moral and normative bases needed for habitual obedience and co-operation from the people. Normative and moral aspects of power are located within the civil society and they complement formal state structures. However, in a society that has a weak civil society the moral and normative aspects of power are poorly articulated with the result that there is a constant 'legitimacy deficit'. A deficit of legitimacy is a condition of discrepancy between rules and supporting beliefs or an absence of shared beliefs (Beetham,1991:20).

This thesis has shown that the post-colonial police operates through the rational structure of law and the state and thus formally inhabits the space of what can be called the universal reason. It can also be argued on this basis that the modern police of India shares with other police forces a similar history of cause. Modern police forces were established to maintain public order and that also meant the safe guarding of private property from the hands of the those who were not privileged by wealth and

economic power. The only significant difference that has to be noted while positing such a singular history is that in the case of India the modern police were brought in to protect the property of a capitalist order that was based upon colonialism. In other words it was not the indigenous capitalist class of India who ushered in the need for the 'new' police but like capitalism itself, the police had foreign roots. This is essentially what the colonial intervention entailed and it privileged the state over the civil society, thus weakening it and making the state apparatuses central to the very act of governance.

The lack of deep-rooted legitimacy and also the failure of the police to have an indigenous base within civil society, has meant that the police have been forced to operate in an environment that is essentially divided. Post-colonial policing is policing within a divided environment, a society that has rigid fault lines and endemic conflicts built around the factors of caste, ethnicity, class and other criticals like religion. The colonial police tried to overcome this segmentation by adopting the strategy of policing by strangers. The rationale for this seems to be to use the alleged ethnic neutrality of a certain group vis-a-vis another ethnicity. This fundamentally meant the ethnicisation of the force as certain ethnic groups were designated as martial races[96]. In doing this the colonial administration paradoxically exacerbated the fissures of caste, religion and ethnicity that it had hoped to overcome by bringing in a supposedly neutral ethnic group. In the post-colonial environment, it is the armed police and the paramilitaries that have kept alive the alien aspect of colonial policing. In this context the role of the central officer corps, the Indian Police Service (IPS) is also critical. Members to this service are recruited on an all-India basis and deployed across the country. It is usual to find officers hailing from the south being posted in the north and vice-versa. In a big and diverse country like India this means moving from one cultural/language zone to another. This is presumably to ensure that the key

[96] Castes and sections of the population from which recruitment could be made were detailed. The favourites in the colonial period were the Rajputs, Jats, Ahirs, Sikhs, Gurkhas, Brahamans, Sheiks, Sayyids, Pathans, Punjabi Muslims and Afghans (Gupta,1979:140).

command positions remain neutral to various ethnic pressures. But this at the same time brings in an element of alienness both within and outside the force.

One other consequence of lack of legitimacy has been an increase in armed police and paramilitary forces. Whereas police is a 'state subject', that is, it is controlled by the state governments within the Indian Union, paramilitary forces are CPOs or Central Police Organisations. An increase in CPOs by strength and effectiveness (weapons, training, communications, etc.) means a real increase in the level of centralisation of coercion. Thus, though constitutionally the police are de-centralised, in real terms through the appointment of key command positions to the centrally recruited IPS cadre and the raising and maintenance of efficient paramilitaries, the post-colonial police of India effectively becomes a centralised force to be deployed in semi-military situations. An ex-senior police officer of the IPS has commented that:

> while the people in the countryside have suffered from lack of security, and the work of prevention and detection of crimes, which is the prime responsibility of any civil police service, has been cold-shouldered, the strong arm of the department, i.e., the armed police, has gone on expanding steadily in all states and also at the centre on the plea that law and order has to be maintained (Nath,1978:117).

Nath goes on to state that almost 50% of the state police budgets have gone to the armed components and crime detection work has suffered as a result. He also argues that the legal powers of the civil police (the Indian Penal Code, the Criminal Procedure Code, etc.) is more than enough to confront the likely violators of the law, but:

> 'The emphasis on the arms, ammunition and equipment of the police has mystified the people (and) ... employment of this strong arm for partisan ends has also been obvious and this has greatly added to the feeling of disenchantment with the administration' (Nath,1978:118).

In addition to the display of weapons and the deployment of 'aliens', the police in post-colonial India have been alienated from the populace by allegations of corruption. Corruption in the Indian police, both in the colonial and post-colonial

period, have been long endemic. All police commissions[97] have tried to resolve the problem of corruption and misuse of power, but the problem has persisted. It has been pointed out that the low wages of the constabulary has been the prime cause of corruption and the only attraction to join these ranks was for the likely acquisition of illegal gains. Employment conditions have also remained poor for the constabulary and prospects for promotion negligible. The low wages and miserable work conditions have been attributed to the fact that the state was not prepared to spend more money on the subordinate ranks. Arnold (1986: 64ff) feels that the colonial state economised on the constable's pay and in the post-colonial state, it can be argued, the parsimoniousness of the authorities on this issue has persisted.[98]The issue of corruption and the resolution of this persistent problem has continued to elude police reformers. A former police official has argued that de-centralisation of control and curtailing the level of police involvement to matters of very serious nature only is a possible resolution to the persistence of corruption. For this he has argued for changes in the law and the empowerment of local bodies of governance like the panchayats[99] (Nath,1978:36).

No doubt this is a radical proposal and one that would need more than mere administrative reform to secure the changes. Political will to change must be exhibited and voluntary consent for the acts of the state would have to be found. A

---

[97] Apart from the Police Commission of 1903 and the more recent National Police Commission of 1978-81, state governments constituted commissions found corruption to be endemic. The Kerala Police Reorganising Committee of 1960, the West Bengal Police Commission of 1960-61, the Punjab Police Commission of 1961-62, the Bihar Police Commission of 1961, the Maharastra Police Commission of 1964, the Madhya Pradesh Police Commission of 1965-66, the Delhi Police Commission of 1967-68, the Assam Police Commission of 1969-71, the Uttar Pradesh Police Commission of 1970-71, the Tamil Nadu Police Commission of 1971 and Rajasthan Police Reorganisation Committee of 1972 found rampant corruption in the police (NPC,1980a:25).

[98] The Deputy Director of the National Police Academy, Hyderabad in an interview on February 9,1996 stated that the cost of modernising training and amilieorating the working conditions of the constabulary would be too great for the economy to bear. Increase in the constable's pay would impact upon the pay of higher officers and others of similar rank and position in other wings of the government.

[99] A panchayat is a traditional village adjudicative body where five (or *panch*) men constituted a forum for redressal of grievances. In some states of post-colonial India, panchayats have been empowered by modern legal measures to act as the local government as part of the efforts at de-centralisation.

narrow view of coercion that is based on a short-term perspective of order maintenance would ultimately undermine the efforts to achieve a more democratic state. Though policing is inherently coercive it has to be made compatible with democratic aspiration and changes. The period of 'Emergency' that was in place from 1975 to 1977 showed how easily powers of the police can be used to undermine democratic political values. By the same token it can be said that the manner in which the police use coercion within a democratic set-up is an important aspect of the democratic credentials of a state. Albrow has argued, following Weber, that the belief in legitimacy is an important component of social order (1990:163). This belief may be generated by a number of reasons, for example by the fact that individuals were accustomed to it, or that it was traditional. However, for legitimacy of authority to be firmly entrenched I would suggest that the habitual obedience given to it must transcend the boundaries of mechanical acceptance. I would further argue that though a certain legal position may apparently make a certain state organ or apparatus legitimate, its effective acceptance within the general populace must be more than the sum of the legal position. Aydin argued that 'even if the law loses legitimacy, it can still retain legality' (1995:224). Thus to overcome the deficit of legitimacy, the police in India must be more than the formal legal-rational office that it holds. The problem for Indian policing, and this I argue can be applied to policing in other post-colonial countries as well, is that it has more than the requisite legal backing that is needed to maintain public order but is rather weak in terms of the value consensus that it enjoys with the public.

I have argued that post-colonial policing is marked pre-dominantly by a paramilitary style of policing. Former police officials have often stated that they found this to be detrimental to crime control functions as scarce resources have to be diverted from the civil police to fund the heavily armed quasi-military forces. One of the reasons behind the growth of the paramilitarism is the increasing refusal of the army to be deployed in domestic public order duties. The political leadership is also hesitant to

deploy the army often, as it is afraid that the military would through constant domestic policing duty, come to play a more direct role in the politics of the country. This has made the raising and deployment of paramilitary forces a convenient way out of the problem. The paramilitary has increasingly become a substitute for military deployment in civil affairs as it allows the civilian authority to have at its disposal a quasi-military organisation that can use, if need be, lethal force effectively. The paradox here is that the modern police was established to replace the military, yet by encouraging the growth of paramilitary style of policing the distinction seems to be continually blurred. This as I have argued, is a direct offshoot of the political agenda of the post-colonial state that privileges the security of the state over matters of participation of the populace and matters of development.

Lofthouse has argued that 'paramilitarism in civil society is the ultimate structural expression of the police core mandate' (1996:48). Paramilitarism according to him is a technological 'fix' for what are essentially political problems of state and society. Given that post-colonial societies suffer from severe resource scarcities and that in general scarcities are always relatively greater than those in advanced capitalist countries, it can be argued that the coercive or technological 'fix' that the paramilitarism offers would seem attractive to the political leadership, especially in the short-term. The consistent failure to resolve outstanding problems of civil society would consequently result in a policing philosophy 'that incorporates technology, scepticism and mistrust as its primary policing technique' (Lofthouse,1996:48)[100].

However, the question of legitimacy and consensus, or in the post-colonial police the lack of it, can, I would argue be stated by another theoretical frame. This frame is not necessarily a definitive explanatory tool. I do not propose to reduce the problematic of post-colonial policing to single constituent answers. Yet, I feel that it would be useful

[100] Jefferson has argued that military discipline cannot be transferred to policing without altering the nature of policing itself (1996:424).

to see policing as part of a practice, that is as a discourse that complements the structural constraint of a state-oriented law and order question. It is here that I propose that the issue of post-colonial policing be seen as part of a failure of a larger agenda of the discipline mechanism that Foucault argues is part of the modern system of population management. Not only does the state and the police operate well when the issues in contention are decided by consent and hegemonic domination, it can be said that it operates best when powers of enforcement are subtle and light. When a society internalises the concept of order, resistance to acts of enforcement would be less. Coercion would be 'normalised' because power would be seen as productive and helpful. However, in the opposite form, the discipline-blockade of Foucault, power is negative. It is something that is imported from outside the parameters of society and civil order itself. In this discourse of power the enforcement agencies are essentially trying to enforce an alien concept of order or a system of order that is contested intensely. I would argue that what separates the two, the concept of discipline mechanism from that of discipline blockade is the character of resistance. The efficiency of the discipline mechanism is related to the fact that it faces little resistance to power. Or in other words the resistance that it faces can be dealt with without disturbing the general equilibrium of social forces existing at any given time in society. In the practice that is related to the use of discipline blockade, resistance to enforcement of power is high. This negates the subtlety and lightness of power that marks the efficiency of the modern system of power enforcement. The contest that follows such resistances then shapes and provides the rationale of public order maintenance.

A discursive sense of policing that complements the structures of order maintenance by incorporating an understanding of 'the character and style of policing' (Reiner,1992:762) is as important as the more mechanical aspects of policing strategy. Since public order policing is a litmus-paper test for the nature of political tolerance within a society, an 'understanding (of) policing requires a consideration of

the broadest features of social structure and change' (Reiner,1992:762). Thus while it has been argued that for all police forces the core mandate is essentially 'a war like mission' (Lofthouse,1996:47) nevertheless the political climate is a mediating factor in deciding the limits of the 'mission'.

For example what was 'acceptable' policing in apartheid South Africa is no longer politically acceptable in the post-apartheid republic. Thus while killing, maiming, terrorising and torturing by the police was characteristic of South African policing, the democratic South African police system would have to devise more consensual and politically effective means to provide security and maintain order. It has been argued that reform of South African policing from competent oppressor to competent protector would have to be carried out keeping in mind the democratisation of South African polity (Brogden and Shearing,1993:178). In other words the core mandate is not simply a non-mediated phenomenon standing above the political and social sensibilities of the state, nor is it beyond the discursive reaches of ideas of social control and order.

Finally, given that all police systems are robust and adapt to changes in politics and society, what are the implications for the post-colonial police in relation to the profound changes that are taking place at the end of the twentieth century? Policing is essentially a consequence of modernity. Giddens has characterised the term modernity as being predicated upon 'two distinct organisational complexes....the nation-state and systematic capitalist production' (Giddens,1990:174). This definition follows from the specifics of European history but has increasingly moved beyond the limits of historically given space to encompass other parts of the world. In England and Wales it developed in response to the particular needs of the industrial revolution. Its function was legitimated by the need to protect private property and secure public order in the face of rapid industrialism and urban expansion. As part of the discourse of Enlightenment, the 'New Police' was also vital in securing a social order that

respected the individual rights of the citizen and in consonance with the moral and political order of capitalism (Reiner,1992:30). Even though one of the fundamental consequences of modernity has been globalisation of Western institutional organisations and arrangements in the colonies the logic of modernity worked differently. This is because globalisation is a 'process of uneven development that fragments as it coordinates' (Giddens,1990:175) and creates peculiar kinds of interdependencies. Colonies within this globalisation process had a specific role to perform. This obviously produced a structure that had a particular impact upon colonial policing. As colonies were the providers of vital raw materials needed to sustain industrial growth and reproduce the conditions of modernity in the metropolis, policing in the colonies were therefore directly linked to the political economy of imperial rule. As has been pointed out in chapter one and two, this implied the marginalisation of crime prevention and property protection as prime police concern, unless of course the nature of the crime did posed a serious threat to imperial rule itself. Thus, the powers of the colonial police were not encumbered by notions of individual rights and citizenry. I would like to suggest that this was a crucial difference between colonial policing and policing in England and Wales. Policing in the colonies was essentially the policing of subjects, who were qualitatively and politically different than citizens. Thus, whilst the 'New Police' in England and Wales were keen to transform power into structures of authority and to gather a modicum of consent for their role in society, in the colonies the search for consent was always mediated and transmogrified by the more pressing need of the pacification of the native population.

However, it can be asserted that both policing environments were implicated and inscribed within the ethos of modernity by the rationalisation of force and organisation of personnel along bureaucratic lines. Thus policing in England and Wales as well as in the colonies moved from localised and irregular attempts at social control to highly organised, standardised and politically regulated regimes. A

consequence of modernity was the centralisation of policing activities, a feature that is well represented in the colonial and the post-colonial police forces. Centralisation and regulation were accompanied by privileging the notion of progress and growth as inherent features of modernity. Reiner points out that in 'orthodox' accounts of English police history, the arrival of Peel's 'New Police' not only stabilised order maintenance but became agents of transformation of national character and even world civilisation (Reiner,1992:20). In the colonial Indian context, the suppression of the native population was legitimated by reference to the modernity and progress. Police in India, it was claimed, helped in administering one of the least developed of human societies (Townshend,1993:29). How relevant is the ideology of progress as a legitimiser of social control methods and the police as a force in post-colonial India?

Many scholars (Giddens,1990; Turner,1995; Lyotard,1994) have proclaimed the end of 'modernity' and the beginning of a new era. Terms like post-industrialism, post-capitalism and post-modernism have all been used to refer to this shift. I shall here use the term post-modern as a signifier of the shift from modernity and as representative of all the other terms mentioned above. The condition of post-modernism refers to the disappearance of the modernist faith in progress and other such 'grand narratives' of human development. Modernity privileged the claims of reason over tradition and sustained it by proclaiming to deliver a greater degree of certitude than the preceding system of knowledge. It has now been claimed that modernity actually 'subverts reason' (Giddens,1990:39) and that the question of knowledge with certainty is misconceived. The displacement in epistemology means the interrogation of definite pasts and predictable futures and a plurality of heterogeneous claims to knowledge (Giddens,1990:2). As a consequence, centralised and homogenous structures would have to be de-centralised and made more flexible and transparent. The new post-modern order represents a move beyond the modern rather than being against modernity (Turner,1995:12; Giddens,1990:163). It is, argues

Giddens (1990:164-165) a complex organisation with multi-layered democratic participation and demilitarisation leading to the politics of emancipation.

It can be argued that post-colonial policing has a very unique relationship with both modernity and the transformative and transcending epistemology of post-modernity. The reason why I suggest an examination of post-colonial policing vis-à-vis the post-modernist understanding of change is due to the nature of globalisation. Since no post-colonial state or society is outside the boundaries of globalisation, such an exercise may not be out of context. Globalisation refers to the modes of connection between different social contexts and regions. It can be 'defined as the intensification of world-wide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa' (Giddens,1990:64). Thus, it can be stated that post-modernism, like its predecessor 'modernism' is not restricted by geographical boundaries. I would submit that though this is true in so far as the post-colonial situation is concerned certain aspects of post-coloniality remain outside the embracing folds of the new era. It can be argued that the impediments to post-modernity lies in the legacy of imposed modernity that arrived in the post-colonial world via colonialism. It can also be argued that the acceptance of the discourse of modernity was discrete and mechanical. In other words the failure to develop an organic understanding of modernity disturbs the sequence of the unfolding of the new era. In this sense one can argue that the project of modernity has not completed its 'mission' or potential in so far as the post-colonial state is concerned. I have argued following Ray (1991) that the post-colonial state exhibits two different levels of formalisation. Whilst one of it (the outer order) is validated and predicated upon the rational-legal structure, the other order is outside the discursive space of modernist organisational structure. This hiatus between the modern and the traditional is what makes the modernist project an incomplete one.

BIBLIOGRAPHY

Ahire, T. P. (1991) *Imperial Policing: The Emergence and Role of the Police in Colonial Nigeria*, Milton Keynes: Open University Press

Akhand, S. A. (1967) *Tero Nambar Lord Sinha Road,* Calcutta: Mitra and Ghosh Publishers.

Alavi, H. (1973) 'The State in Post-colonial Societies: Pakistan and Bangladesh', in K. Gough and H. Sharma (eds.) *Imperialism and Revolution in South Asia,* New York: M.R. Press.

Albrow, M (1990) *Max Weber's Construction of Social Theory*, London: Macmillan.

Ali, A. (1994) 'The Role and Range of Police Training', in S. Sen and A. Saxena (ed) *Police Training: Problems and Perspectives,* New Delhi: Rawat Publications.

Althusser, L. (1976) *Essays on Ideology*, London: Verso.

Amnesty International (1974) *Short Report on Detention Conditions in West Bengal Jails,* London: International Secretariat.

Amnesty International (1994) *Annual Country Report* on India, London: International Secretariat.

Anderson, D. (1994) Policing the Settler State: colonial hegemony in Kenya', in D. Engels and S. Marks (eds.) *Contesting Colonial Hegemony: State and Society in Africa and India,* London: British Academic Press.

Anderson, D. and Killingray, D. (1991) *Policing the empire: Government, Authority and Control, 1830-1940,* Manchester: Manchester University Press.

Anderson, D. and Killingray, D. (1992) *Policing and decolonisation: Politics, Nationalism and the Police,1917-65,* Manchester: Manchester University Press.

Arnold, D. (1977) 'The Armed Police and Colonial Rule in South India:1914-1947', *Modern Asian Studies* II (1): 101-125.

Arnold, D. (1985) 'Bureaucratic Recruitment and Subordination in Colonial India: The Madras Constabulary, 1859-1947,' in R. Guha (ed) *Subaltern Studies IV* New Delhi: Oxford University Press.

Arnold, D. (1986) *Police Power and Colonial Rule, Madras 1859-1947*, New Delhi: Oxford University Press.

Arnold, D. (1988) 'The Congress and the Police', in M. Shepperdson and C. Simmons (eds.) *The Indian National Congress and the Political Economy of India 1885-1985*, Aldershot: Avebury.

Arnold, D. (1992) 'Police power and the demise of British rule in India,1930-47', in D. Anderson and D. Killingray (eds.) *Policing and Decolonisation: Politics, Nationalism and the Police,1917-65,* Manchester: Manchester University Press.

Aydin, A. (1995) *A Comparative Study of Police Organisation in England & Wales And Turkey: the case for centralisation and decentralisation*, Unpublished PhD. thesis, Centre for the Study of Public Order: University of Leicester.

Ballhatchet, K. (1980) *Race, Sex and Class under the Raj:Imperial Attitudes and Policies and their Critics 1793-1905*, London: Weidenfield and Nicholson.

Basu, S. (1994) *Workers Politics in Bengal, 1890-1929: Mill Towns, Strikes and Nationalist Agitations,* Unpublished Ph.D. thesis, Darwin College: University of Cambridge.

Baxi, U. (1982) *The Crisis of the Indian Legal System,* New Delhi, Vikas, cited in Vanaik,1990.

Bayley, D. (1969) *The Police and Political Development in India*, Princeton, New Jersey: Princeton University Press.

Bayley, D. (1982) 'A World Perspective on the Role of the Police in Social Control,' in R. Donelan (ed) *The Maintenance of Order in Society*, Ottawa: Canadian Police College: 1-7.

Bayley, D. (1985) *Patterns of Policing: A Comparative International Analysis*, New Brunswick: Rutgers University Press.

Bayley, D. (1994) *Police for the Future*, Oxford: Oxford University Press.

Bayly, C. (1996) *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870,* Cambridge: Cambridge University Press.

Beetham, D. (1991) *The Legitimation of Power,* London: Macmillan.

Benyon, J. and C. Bourne (1985) *The Police: Powers, Procedures and Proprieties*, Oxford, Pergamon.

Bhambri, C.P. (1978) 'Role of Paramilitary Forces in Centre-State Relations', *Economic and Political Weekly* 735-737.

Bozeman, A. (1976) *Conflict in Africa: Concepts and Realities*, Princeton: Princeton University Press, cited in Ray (1991).

Brass, P. (1990) *The Politics of India Since Independence*, Cambridge: Cambridge University Press.

Brearley, N. and M. King (1996) 'Policing Social Protest: Some Indicators of Change' in D. Waddington and C. Critcher (eds.) *Policing Public Order: Theoretical and Practical Issues,* Aldershot: Avebury.

Brewer, J. (1991) 'Policing in Divided Societies: Theorising a Type of Policing', in *Policing and Society,* vol (1) : 179-191.

Brewer, J., Guelke, A., Hume, I., Moxon-Brown, E., Wilford, R. (1996) *The Police, Public Order and the State: Policing in Great Britain, Northern Ireland, The Irish Republic, The USA, South Africa and China*, London, MacMillan.

Brogden, M. and C. Shearing (1993) *Policing for a New South Africa,* London: Routledge.

Brown, J. (1985) *Modern India: The Origins of an Asian Democracy*, New York: Oxford University Press.

Calman, L. (1985) *Protest in Democratic India: Authority's Response To Challenge,* Boulder: Westview Press.

Cartwright, J. (1995) *The Evolution of the Hong Kong Police as a British Colonial Police Force 1898-1941*, Unpublished MA dissertation, Centre for Study in Public Order: University of Leicester.

Chakrabarti, R (1992) 'Guardians of Peace and Order', *The Statesman.*

Chandoke, N. (1991) 'Expanding the Marxian Notion of the Post-Colonial State', *Social Scientist* 19 (9-10): 63-89.

Chatterjee, P. (1986) *Nationalist Thought and the Colonial World: A Derivative Discourse,* London: Zed Books.

Chatterjee, P. (1993) *The Nation and its Fragments: Colonial and Postcolonial Histories*, Princeton: Princeton University Press.

Chatterjee, P. (1994) 'Was there a Hegemonic Project of the Colonial State?', in D. Engels and S. Marks (eds.) *Contesting Colonial Hegemony: State and Society in Africa and India,* London: British Academic Press.

Chatterji, S. (1961) 'The Police in Ancient India', *The Indian Police Journal,* Centenary Issue: 11-18.

Chaturvedi, S. (1988) *Rural Policing in India,* New Delhi: B.R. Publishing.

Cohen, S. (1985) *Visions of Social Control: Crime, Punishment and Classification*, Cambridge: Polity.

Curry, J. (1932) *The Indian Police,* London: Faber and Faber.

Dandekar, C. (1990) *Surveillance, Power and Modernity: Bureaucracy and Discipline from 1700 to the Present day*, Cambridge: Polity Press.

Dangwal, P. (1996) *"I Dare!": Kiran Bedi, a Biography,* New Delhi, UBSPD.

Dermot, W. and B. Dickson (1994) '*Police Accountability in Divided Societies: A Literature Review,* Jordanstown: University of Ulster.

Durkheim, E. (1933) *The Division of Labour in Society*, Illinois: The Free Press.

Emsley, C. (1991) *The English Police: A Political and Social History,* London: Longman.

Engles, F. (1985) 'The Origins of the Family, Private Property and the State', in D. Held *et al* . (ed) *States and Societies*, Oxford, Blackwell.

Enloe, C. (1980) *Police, Military and Ethnicity: Foundations of State Power*, London: Transaction Books.

Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*, London: Penguin.

Freitag, S. (1985) 'Collective Crime and Authority in North India', in A. Yang (ed) *Crime and Criminality in British India,* Tuscon: The University of Arizona Press.

Gerth, H. and C W Mills. (Eds) (1991) *From Max Weber*, London: Routledge.

Ghosh, A. (1996) 'A nation of frozen identities: can we afford it?', *The Asian Age*.

Giddens, A. (1972) *Emile Durkheim: Selected Writings*, London: Cambridge University Press.

Giddens, A. (1990) *The Consequences of Modernity,* Cambridge: Polity.

Gordon, C (1980) *Michel Foucault: Power/Knowledge*, London: Harvester Wheatsheaf.

Gramsci, A. (1996) *Selections from the Prison Notebooks*, London: Lawrence and Wishart.

Gregory, F (1981) 'The Indian Police System and Internal Conflicts', *Conflict Quarterly* II (1): 18-23.

Griffiths, P. (1971) *To Guard My People: The History of The Indian Police*, London: Ernest Benn Limited.

Guha Roy, J (ed) (1992) *Policing a District,* New Delhi: Indian Institute of Public Administration.

Guha, R. (1976) 'Indian Democracy: Long Dead, Now Buried' *Journal of Contemporary Asia*, 6(1): 39-53.

Gupta, A. (1979) *The Police in British India: 1861-1947*, New Delhi: Concept Publishing.

Gupta, D. (1996) *Political Sociology in India: Contemporary Trends*, New Delhi: Orient Longman.

Habermas, J. (1975) *Legitimation Crisis,* Boston: Beacon Press.

Habermas, J. (1986) 'Taking Aim at the Heart of the Present', in D. Hoy (ed) *Foucault, A Critical Reader,* Oxford: Basil Blackwell.

Haragopal, G. and Chandrasekhar, C. (1991) 'The State Apparatus in the Third World: The Theoretical and Methodological Dimensions', *Social Scientist* 19 (9-10): 35-47.

Hegel, G. (1985) 'Lectures on the Philosophy of World History', in D Held *et al* (ed). *States and Societies*, Oxford: Blackwell.

Hegel, G. (1991) *Elements of the Philosophy of Right,* Cambridge: Cambridge University Press.

Held, D. (1993) *Political Theory and the Modern State: Essays on State Power and Democracy*, Cambridge: Polity.

Herbert, S. (1996) 'The geopolitics of the police: Foucault, disciplinary power and the tactics of the Los Angeles Police Department', *Political Geography* 15(1): 47-59.

Hills, A. (1996) 'Towards a Critique of Policing and National Development in Africa', *The Journal of Modern African Studies*, 34(2):271-291.

Hindess, B. (1996) *Discourses of Power: From Hobbes to Foucault*, Oxford: Blackwell.

Hoffman, J. (1995) *Beyond the State: An Introductory Critique*, Cambridge: Polity.

Hoy, D. (ed) (1986) *Foucault, A Critical Reader,* Oxford: Basil Blackwell.

Inden, R. (1990) *Imagining India*, Oxford: Blackwell.

Jary, D. and J. Jary (1991) *Collins Dictionary of Sociology,* Glasgow: Harper Collins.

Jefferson, T. (1990) *The Case Against Paramilitary Policing,* Milton Keynes: Open University Press.

Jefferson, T. (1996) 'Pondering Paramilitarism: A Question of Standpoints?' in R. Reiner (Ed), *Policing : Cops, Crime and Control: Analysing the Police Function*, Aldershot, Dartmouth.

Jeffries, C. (1952) *The Colonial Police,* London: Max Parrish.

Jessop, B. (1990) *Putting Capitalist States in their Place*, Cambridge: Polity.

Jha, S. (1995) *Raj to Swaraj: Changing Contours of Police,* New Delhi: Lancer.

Kantowski, D. (1982) 'Max Weber on India and Indian Interpretation of Weber', *Contributions to Indian Sociology*, 16(2): 150-151.

Karan, V. (1992) 'A Case for a "Cultural Revolution" of India's Police', in J Guha Roy (ed) *Policing a District*, Delhi: IIPA.

Kaviraj, S. (1991) 'On State, Society and Discourse in India', in J. Manor (ed), *Rethinking Third World Politics*, London: Longman.

Kaviraj, S. (1994) 'On the Construction of Colonial Power: structure, discourse, hegemony', in D. Engels and S. Marks (eds.), *Contesting Colonial Hegemony: State and Society in Africa and India*, London: British Academic Press.

King, M. (1987) *The Growth of Police Powers in the Federal Republic of Germany: an analysis of the relations of the state, legitimation and coercion*, Unpublished Ph.D. thesis, University College Cardiff: University of Wales.

King, M. (1997, forthcoming) 'Policing and Public Order Issues in Canada: trends for change', *Policing and Society.*

King, M. and Brearley, N. (1996) *Public Order Policing: Contemporary Perspectives on Strategy and Tactics*, Leicester: Perpetuity Press.

Kohli, A. (1990) *Democracy and Discontent: India's Growing Crisis of Governability*, Cambridge: Cambridge University Press.

Kosambi, D. D. (1965) *The Culture and Civilisation of Ancient India in Historical Outline*, London: Routledge and Kegan Paul.

Kothari, R. (1988) *State against Democracy: In Search of Humane Governance,* New Delhi: Ajanta.

Kudaisya, G. (1992) *State Power and Erosion of Colonial Authority in Uttar Pradesh, India: 1930-42,* Unpublished Ph.D. thesis, Churchill College, University of Cambridge.

Lasswell, H. and McDougal, M. (1960) 'The Identification and Appraisal of Diverse Systems of Public Order' in M. McDougal and Associates (eds.) *Studies in World Public Order,* Yale: University Press.

Liang, H. (1992) *The Rise of Modern Police and the European State System from Metternich to the Second World War,* Cambridge: Cambridge University Press.

Lofthouse, M. (1996) 'The core mandate of policing', in Critcher, C and Waddington, D. (eds.) *Policing Public Order: Theoretical and Practical Issues,* Aldershot: Avebury.

Lyotard, J. (1993) 'Defining the Postmodern', in S. During (ed) *The Cultural Studies Reader,* London: Routledge.

MacKenzie, J. (1992) 'Introduction' in D. Anderson and D. Killingray (eds.) *Policing and Decolonisation: Politics, Nationalism and the Police, 1917-65*, Manchester: Manchester University Press.

Mandal, D. (1978) 'Appointment of National Police Commission', *The Indian Police Journal,* :5.

Marshall, P. J. (1987) *Bengal : The British Bridgehead, Eastern India 1740-1828*, Cambridge: Cambridge University Press.

Mawby, R. (1990) *Comparative Policing Issues: The British and American Experience in International Perspective,* London: Unwin Hyman.

McKenzie, I. and G.P. Gallagher (1989) *Behind the Uniform: Policing in Britain and America,* Hemel Hempstead: Harvester Wheatsheaf.

McNay, L. (1994) *Foucault: A Critical Introduction*, Cambridge: Polity.

Mills, C W. (1959) *The Sociological Imagination*, Oxford: Oxford University Press.

Mitra, S. (1990) *The Post-Colonial State in Asia: Dialectics of Politics and Culture*, London: Harvester Wheatsheaf.

Morris-Jones, W. H. (1987) *The Government and Politics of India*, Huntingdon: The Eothen Press.

Mullik, B. (1961) 'Police Through the Ages', *The Indian Police Journal,* Centenary Issue: 5-10.

Mullik, B. (1970) 'A New Scheme for Police Training', *The Indian Police Journal* XVI (4): 2-17.

Nath, T. (1978) *The Indian Police: A case for a new image*, New Delhi: Sterling Publishers. .

Nath, T. (1981) *Forty Years of Indian Police*, New Delhi: Concept Publishing.

National Police Commission (1977) Ministry of Home Affairs, New Delhi: Government of India.

National Police Commission (1979a) *First Report*, Ministry of Home Affairs, , New Delhi: Government of India.

National Police Commission (1979b) *Second Report*, Ministry of Home Affairs, , New Delhi: Government of India.

National Police Commission (1980a) *Third Report*, Ministry of Home Affairs, New Delhi: Government of India.

National Police Commission (1980b) *Fifth Report*, Ministry of Home Affairs, New Delhi: Government of India.

National Police Commission (1981a) *Sixth Report*, Ministry of Home Affairs, New Delhi: Government of India.

National Police Commission (1981b) *Seventh Report*, Ministry of Home Affairs, New Delhi: Government of India.

Nelson, J. (1868) *The Madura Country Manual*: Madras, cited in Arnold,1986.

Oommen, T. K. (1997) *Citizenship, Nationality and Ethnicity: Reconciling Competing Identities*, Cambridge, Polity.

Pearce, C. B. (1990) *Indian Copper, Adventures of an Indian Policeman*, Surrey: The Book Guild Limited.

Police Commission Report (1902) Government of India, cited in NPC, 1980a.

Potter, D. (1986) *India's Political Administrators:1919-1983,* Oxford: Clarendon Press.

Prateep, V. P. (1996) 'Friends of Police Movement: A Concept for Empowerment and an Experiment in Community Policing', in M. Pagon (ed) *Policing in Central and Eastern Europe*, Lubljana: College of Police and Security Studies.

Rabinow, P. (ed) (1986) *The Foucault Reader,* London: Penguin Books.

Raghavan, R. (1989) *Indian Police: Problems, Planning and Perspectives,* New Delhi: Manohar Publications.

Raj, S. (1990) *Police Powers and Social Conflict,* Unpublished M.Phil. thesis, Centre for the Study of Social Systems, Jawaharlal Nehru University.

Ray, P. (1991) *Conflict and State: Exploration in the Behaviour of The Post-colonial State in India*, Calcutta: Sarat Book House.

Raychaudhuri, R. *et al* (1997) *Runu Sada na Kalo?*, Calcutta: Abhijit Adhikari.

Raychaudhuri, T. (1994) 'Dominance, Hegemony and the Colonial State: the Indian and African experiences', in D. Engels and S. Marks (eds.), *Contesting Colonial Hegemony: State and Society in Africa and India*, London: British Academic Press.

Reiner, R. (1992) *The Politics of the Police,* London: Harvester Wheatsheaf.

Reiner, R. (1996) 'Have the police got a future?', in Critcher, C and Waddington, D. (eds.) *Policing Public Order: Theoretical and Practical Issues,* Aldershot: Avebury.

Robb, P. (1991) 'The Ordering of Rural India: the policing of nineteenth-century Bengal and Bihar', in D. Anderson and D. Killingray (eds.), *Policing the Empire: Government, Authority and Control,1830-1940*, Manchester: Manchester University Press.

Rokkan, S. (1970) "The Growth and Structuring of Mass Polities in Western Europe: Reflections on Possible Models of Explanation", Scandanavian Political Studies (4) cited in Bayley 1985.

Rudolph, L and Rudolph S. (1987) *In Pursuit of Lakshmi*, New Delhi: Orient Longman, cited in Gupta 1996.

Rustamji, K. (1992) 'The Wrong Tests of Policing', in J. Guha Roy (ed) *Policing a District,* New Delhi: IIPA.

Saha, K. (1990) *Police and Development: A Case Study of West Bengal 1951-1971*, New Delhi: Sangam Books.

Said, E. (1993) *Culture and Imperialism*, London: Verso.

Said, E. (1995) *Orientalism, Western conceptions of the Orient*, London: Penguin.

Samudavanija, C. (1991) 'The Three-dimensional State', in J Manor (ed), *Rethinking Third World Politics*, London: Longman.

Sen, S. and Saxena, A. (1994) *Police Training: Problems and Perspectives*, New Delhi: Rawat Publications.

Shah, G. (1993) *Image Makers: An Attitudinal Study of Indian Police*, New Delhi: Avinav Publications.

Shelley, L. (1996) *Policing Soviet Society: The Evolution of State Control,* London: Routledge.

Shore, F. (nd) *Notes on Indian Affair,* cited in Griffiths 1971.

Sigler, R. and King, D. (1992) 'Colonial Policing and Control of Movements for Independence', *Policing and Society* 3: 13-21.

Silver, A. (1967) 'The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police, and Riot', in D. J. Bordua (ed), *The Police : Six Sociological Essays,*. New York: John Wiley & Sons.

Singh, R. (1992) 'Terrorism, State Terrorism and Democratic Rights', *Economic and Political Weekly*: 279-289.

Skocpol, T, and Rueschemeyer, D. (1985) *Bringing the State Back In,* Cambridge: Cambridge University Press.

Skogan, W. (1995) 'Community Policing in the United States', in J. Brodeur (ed) *Comparisons in Policing: An International Perspective,* Aldershot: Avebury.

Smart, B. (1985) *Michel Foucault*, Chichester: Ellis Horwood.

Smith, A. (1983) *State and Nation in the Third World: The Western State and African Nationalism,* Brighton: Wheatsheaf Books.

Sobhan, R. (1989) 'The State and Development of Capitalism: The Third World Prespective', in S Kaviraj and K Bharadwaj (eds.) *Perspectives on Capitalism: Marx, Keynes, Schumpeter and Weber*, New Delhi: Sage.

Spear, P. (1970) *A History of India* II, Harmondsworth: Penguin.

Subramanian, K. S. (1992) *Political Violence, Social Movements and the State in India,* Brighton, Institute of Development Studies.

Sztompka, P. (1990) 'Conceptual Frameworks in Comparative Inquiry: Divergent or Convergent?', in M. Albrow and E. King (eds.) *Globalisation, Knowledge and Society*, London: Sage.

Thapar, R. (1973) *Asoka and the Decline of the Mauryas*, New Delhi: Oxford University Press.

Thapar, R. (1976) *A History of India* I, Harmondsworth: Penguin.

The Calcutta Review (1884) no. 157, Calcutta: Government of India.

The International Institute of Strategic Studies (1994) *The Military Balance*, London, Oxford University Press.

The International Institute of Strategic Studies (1995) *The Military Balance*, London, Oxford University Press.

The International Institute of Strategic Studies (1996) *The Military Balance*, London, Oxford University Press.

The International Institute of Strategic Studies (1997) *The Military Balance*, London, Oxford University Press.

Turner, B. (Ed) (1995) *Theories of Modernity and Postmodernity,* London: Sage.

Vanaik, A. (1990) *The Painful Transition: Bourgeois Democracy in India,* London: Verso.

Vanaik, A. (1997) *The Furies of Indian Communalism: Religion, Modernity and Secularisation*, London: Verso.

Voigt, J. (1967) *Max Mueller: The Man and his Ideas,* Calcutta: Firma K. L. Mukhopadhyay.

Waddington, D. and Critcher, C. (eds.) (1996) *Policing Public Order: Theoretical and Practical Issues*, Aldershot: Avebury.

Walzer, M. (1986) 'The Politics of Michel Foucault', in D. Hoy (ed) *Foucault, A Critical Reader,* Oxford: Basil Blackwell.

Weber, M. (1968) *Economy and Society: An Outline of Interpretive Sociology,* New York, Bedminster Press.

Weber, M. (1985) 'Politics as a Vocation', in D Held *et al.* (eds.) *States and Societies*, Oxford: Blackwell.

Wynne, M. (Ed) (1985) *On Honourable Terms: The Memoirs of some Indian Police Officers, 1915-1948,* London: BACSA.

Yang, A. (ed) (1985) *Crime and Criminality in British India,* Tuscon: The University of Arizona Press.

APPENDICES

APPENDIX I

Remit of the Indian Police Commission, 1902-03.

i) whether the organisation, training, strength, and pay of the different ranks of the district police, both superior and subordinate, foot and mounted, whether on ordinary duty or in reserve, are adequate to secure the preservation of public peace and the proper investigation and detection of crime, and if not, what changes are required in them respectively, in each Province with regard to its local conditions in order to attain these objectives;

ii) whether existing arrangements secure that crime is fully reported or require to be supplemented in any way; and, in particular, whether the village officers and the rural police in each Province are efficient aids to the district police in the matter of reporting crime, and if not, how the relations between the former and the latter can be improved;

iii) whether the system of investigating offences now in force in each Province, the object being to provide for the full investigation all serious crime while avoiding interference by the Police in trivial matters, is capable of improvement, and if so, in what manner; and whether the institution of fully organised Criminal Investigation Departments, either Imperial or Provincial is recommended;

iv) whether the form of statistical returns now adopted is satisfactory or capable of improvement, and whether the use to which such returns are now put as tests of police working is appropriate or not;

v) whether the general supervision exercised by the Magistracy over the Police, and the control of the superior officers (including Inspectors) over the investigation of crime are adequate to prevent oppression on the part of the subordinate police; and if not, how they can be made so;

vi) whether the existing organisation of the railway police, its operation as between Provinces and States, and its connection with the district police are in a satisfactory condition, and if not, what improvements can be effected; and

vii) whether the career at present offered to natives in the Police in each province is sufficiently attractive to induce the proper stamp of men to enter it; and if not, what steps can be taken to remedy this evil consistently with the recognised measure of necessity for European control in district charges (NPC,1980a:79-81).

APPENDIX II

Terms of Reference of the National Police Commission, 1979-81.

1) Re-define the role, duties, powers and responsibilities of the police with special reference to prevention and control of crime and maintenance of public order.

2) Examine the development of the principles underlying the present policing system, including the method of magisterial supervision, evaluate the performance of the system, identify the basic weaknesses or inadequacies, and suggest appropriate changes in the system and the basic laws governing the system.

3) Examine, if any changes are necessary in the existing method of administration, disciplinary control and accountability.

4) Inquire into the system of investigation and prosecution, the reasons for the delay and failure; the use of improper methods, and the extent of their prevalence; and suggest how the system may be modified or changed, and made efficient, scientific and consistent with human dignity; and how the related laws may be suitably amended.

5) Examine methods of maintaining crime records and statistics and suggest methods for making them uniform and systematic.

6) Review policing in rural areas, evaluate any new arrangements that have been made, and recommend changes that are necessary.

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

8) Examine the steps taken for modernising law enforcement, evaluate the work of police communications, the computer network, scientific laboratories and agencies for research and development, and examine whether modernisation can be speeded up; examine to what extent, as a result of the modernisation of police forces, streamlining of its functions and its re-structuring it would be possible to economise the manpower in the various areas of its activities.

9) Examine the nature and extent of the special responsibilities of the police towards the weaker sections of the community and suggest steps to ensure prompt action on their complaints for the safeguard of their rights and interests.

10) Recommend measures and institutional arrangements:

i) to prevent misuse of powers by the police, and to examine whether police behaviour, outlook, responsiveness and impartiality are maintained at the correct level, and if not the steps such as recruitment and training which should be taken to improve them;

ii) to prevent misuse of the Police by the administrative or executive instructions, political or other pressure, or oral orders of any type, which are contrary to law;

iii) for the quick and impartial inquiry of public complaints made against the police about any misuse of police powers;

iv) for the quick redressal of grievances of police personnel and to look after their morale and welfare, and

v) for a periodic objective evaluation of police performance in a metropolitan area/district/State in a manner which will carry credibility before the public.

11) Examine the manner and extent to which police can enlist ready and willing co-operation of the public in the discharge of their social defence and law enforcement duties and suggest measures regarding the institutional arrangements to secure such co-operation and measures for the growth of healthy and friendly public-police relationship.

12) Examine the methods of police training, development, and career-planning of officers and recommend any changes that are required at any time in their service, to modernise the outlook, and to make the leadership of the force effective and morally strong.

13) Examine the nature of the problems that the police will have to face in the future, and suggest the measures necessary for dealing with them, and for keeping them under continuous study and appraisal.

14) Consider and make recommendations and suggestions regarding any other matter which the government may refer to the Commission; and

15) Any other matter of relevance or importance having an impact on the subject (NPC,1979:1-2).

APPENDIX III

Report of the National Police Commission (1979-81) on Scope of Malpractices in the Indian Police.

1) Bribe demanded and received for registering a case and proceeding with investigation.

2) Bribe connected with arrest or non arrest of accused and release or non release on bail.

3) Bribe for providing unauthorised facilities for persons in custody.

4) Extorting money by threatening persons, particularly the ill-informed and weaker sections of society, with conduct of searches, arrests and prosecution in court on some charge or the other.

5) Unauthorised interference in civil matters between two parties and securing a disposal favourable to one party by threatening the other party with violence and involvement in a criminal case.

6) Fabricating false evidence during investigation of cases and implicating innocent persons or leaving out the guilty persons on malafide considerations.

7) Extortion of periodic payments as 'hafta' from shopkeepers, platform vendors, brothel keepers, promoters of gambling dens, etc.

8) Obtaining free services and entertainment from hotels, cinema houses, shops and transport services, etc., on threat of prosecution for infringement of a variety of rules and regulations.

9) Collusion with hoarders, black marketeers, and smugglers and tipping them off with advance information about any intended raid or searches.

10) Extortion of the bribe while verifying character and antecedents in connection with passport applications, government appointments, etc.

11) Demand and acceptance of bribes for dropping action against violators of traffic rules and regulations.

12) Bribery at the stage of recruitment to the police (NPC,1980a:26).

APPENDIX IV

Ranks Of Police Officers Met During Field-work in India (1996)

RANK	RESPONSIBILITY	PLACE & DATE
Deputy Commissioner	Special Branch, Calcutta Police	Calcutta; 22/1/97, 23/1/97 & 7/4/97
Officer-on-Special Duty	Special Branch, Calcutta Police	Calcutta; 22/1/97, 23/1/97
Assistant Superintendent	Burdwan District, West Bengal Police	Asansol; 24/1/97 - 26/1/97
Deputy Superintendent	Burdwan District, West Bengal Police	Asansol; 24/1/97 - 26/1/97
Circle Inspector	Burdwan District, West Bengal Police	Asansol; 24/1/97 - 26/1/97
Sub-Inspector	Officer-in-Charge, West Bengal Police	Asansol; 24/1/97 - 26/1/97
Constable	Bodyguard, West Bengal Police	Asansol; 24/1/97 - 26/1/97
Constable	Bodyguard, West Bengal Police	Asansol; 24/1/97 - 26/1/97
Constable	Office Clerk, West Bengal Police	Asansol; 24/1/97 - 26/1/97
Constable Driver	Police Driver, West Bengal Police	Asansol; 24/1/97
Deputy Director	National Police Academy	Hyderabad; 5/2/97 9/2/97
Assistant Director	National Police Academy	Hyderabad; 6/2/97
Assistant Director	National Police Academy	Hyderabd; 7/2/97
Head Constable	National Police Commission	Hyderabd; 6/2/97

Constable	Bodyguard, National Police Commission	Hyderabad;5/2/97 & 11/2/97
Constable	Bodyguard, National Police Commission	Hyderabad; 5/2/97 & 11/2/97
Head Constable	National Police Commission	Hyderabad; 5/2/97
Constable Driver	National Police Commission	Hyderabad; 5/2/97
Head Librarian	National Police Commission	Hyderabad; 9/2/97
Deputy Librarian	National Police Commission	Hyderabad; 9/2/97
Trainee IPS	National Police Commission	Hyderabad; 10/2/97 & 11/2/97
Trainee IPS	National Police Commission	Hyderabad 10/2/97 & 11/2/97

APPENDIX V

Records Consulted at National Archive of India, New Delhi.

1) Police (Oudh). 'Proposal to Organise Non-military Force'. [31 December 1858] (206) vide H.D. Police Records for December 1858

2) Police (Oudh). 'Correspondence Regarding the Establishment of a System of Military Police in Preference to the Old Civil'. [10 June 1859] (249-251) vide H.D. Police Records for June 1859.

3) Despatch (Calcutta). 'Secretary of State's Despatch connected with Administration Report of 1861. [30 January 1863] (68b) Judicial Records.

4) Irish Constabulary Force. 'Propriety of having - similar to that of the - in each Civil Division of the Province' [12 November 1858 (19-30); 22 December 1859 (16-19)]

5) Police Branch (Police I Section) [1862-1950] 'Guide to the records in the NAI, Part II, Home Department/ Ministry of Home Affairs (1748 - 1957)

6) Judicial, Fort William, December 31 1858. 'Letter from A R Young, Secretary to the Government of Bengal, to C. Beadon, Esq., Secretary to the Government of India (no. 4058, dt. 12 November 1858).

7) Judicial, Fort William, November 12 1858. 'Letter from A R Young, Esq., Secretary to Government of Bengal, to C. Beadon, Esq., Secretary to Government of India (no. 2734, dt. 3 August 1858).

8) Proceedings of Government of India, Home Department. 'Meeting of the Council of the Governor-General of India, 1858'. (His Excellency The Rt. Hon. Viscount Canning, Governor-General, Lt. General The Hon. Sir James Outram & The Hon. B Peacock)

a) Minute by the Hon'ble H. Ricketts, dt. 4 August 1858.

b) Minute by the Hon'ble J P Grant, President of the Council of India, dt. 8 September 1858.

9) Judicial, Fort William. June 10 1859

Despatch no. 15 of 1859 'Subject of reforms of Police in Lower Provinces of Bengal Presidency' and 'Questions raised in the Governor-General's Minute of 18 February 1857.

10) Home Affairs/Police,1945. (F237/45 Police)

11) Papers relating to reform of the Police in India, 1861. (Lib. 352.2054)

12) Papers relating to Bengal, Indian Police Commission. (Lib. 352.2054)