



ISSN 2395 2733

**SARDAR VALLABHBHAI PATEL
NATIONAL POLICE ACADEMY
JOURNAL**

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Psychological Autopsy in Equivocal Death Investigation**
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Vol. LXXII, No. 2 & LXXIII, No. 1
DECEMBER, 2023 & JUNE, 2024



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Fax: 91-40-24015179, E-mail: publicationsec@svpnpa.gov.in

SVP National Police Academy

Journal

December, 2023

&

June, 2024

Vol. LXXII, No. 2 & Vol. LXXIII, No. 1



Published by
SVP National Police Academy
Hyderabad



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Fax:91-40-24015179, E-mail: publicationsec@svnpa.gov.in

Volume 72 Number 2, December, 2023 & Volume 73 Number 1, June 2024

ISSN 2395 2733

SVP NPA Journal
December, 2023 & June, 2024

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Sardar Vallabhbhai Patel
National Police Academy
Journal Vol. LXXII No.2 & LXXIII No.1, (P. 1 - 16)

Leverage of Behavioral Evidence & Psychological Autopsy in Equivocal Death Investigation

Dr. Navdeep Singh Brar, IPS*

“The behaviors that occur unthinkingly are the evidence of our truest selves” – Aristotle

Introduction:

An equivocal death is one in which the cause of death may be known, but the mode of death is unclear (Shneidman1981). The mode of death is classified by way of the NASH acronym: natural causes, accident, suicide, or homicide. For example, if an individual is found floating in a river, the cause of death may be asphyxiation due to drowning, but the mode of death may be unknown with three possibilities arising: an accidental drowning, a suicide, or homicide. Hence, equivocal death is “Any death where there is uncertainty as to the surrounding circumstances of the death, creating the relatively equal probability of two or more possible manners of death” (Lacks, Westveer, Dibble, & Clemente, p.150, 2008).

The most overlooked aspect of death investigation is the psychological dimension, which can provide unique leads, correct false assumptions, enhance investigative awareness, and solve cases in surprising ways. In the instant article/paper, attempt has been made to portray the importance of scientific aid and forensic psychology/psychological autopsy technique through case study of

* AGMUT-2012, HOB/CBI/CHD

equivocal death case of a 11 years old young boy, whose death was initially registered as a homicide/murder by local police. However, the case was reinvestigated by CBI from all possible angles using forensic evidence and behavioral and psychological history of the deceased with the finding that death is more consistent with suicide than homicide.

Keywords:

Psychological autopsy, Equivocal death, Behavioral evidence, Forensic psychology.

The Psychological Autopsy (PA):

To resolve the challenges of equivocal death investigation, a handy tool was designed in 1950s by the name psychological autopsy. It is retrospective construction of a decedent's life initiated to get a better understanding of his death. It is used to determine the victim's psychological intent, using interviews and examination of documents to reconstruct the behavior, personality, lifestyle, habits and history of the victim prior to death. (Moses,2012).

History and Definition:

The first psychological autopsy was carried out by Gregory Zilboorg in the investigation of ninety-three consecutive suicides by police official in New York City during 1934 to 1940. But it was Edwin S. Shneidman an American clinical psychologist, who coined the phrase "Psychological Autopsy" to portray the post-death evaluation process.

He defined it as: "*A behavioral scientific impartial investigation of the psychological (motivational, intentional) aspects of a particular death. It legitimately conducts interviews (with a variety of people who knew the decedent) and examines personal documents (suicidal notes, diaries, and letters) and other materials (including autopsy and police reports) that are relevant to the role in the individual's death*" (Sampath et.al 2007).

Types of Psychological Autopsy (PA):

There are two types of Psychological Autopsy: the Suicide Psychological Autopsy (SPA) and the Equivocal Death Psychological Autopsy (EDPA). The SPA is to identify which psycho-social factors have contributed to suicide and is performed when the manner of death is unequivocally a suicide; while EDPA is performed when the manner of death is still not very clear. (Dana S., 2008)

Methodology:

The standard guidelines for leading psychological autopsy are based on Shneidman's 15 SPC Categories for Psychological Autopsy which includes:-



To conduct the psychological autopsy, Forensic Psychologist requires the following authenticated information

- Interview with the family members, friends, suspects, witnesses & their statements
- Records (school, military, work, medical, and prescriptions)
- FIR and Investigation report
- Crime Scene Investigation report

- Medico-Legal Opinion (Post mortem report)
- Crime Scene Visit
- Other Forensic inputs available

In the process, the main elements are explained further as stated below:

- **Physical Reactions:** Real life incidents, noticeable behavioral changes, behavior prior to death etc
- **Physiological Changes:** Medical history, alcohol habits and drug abuse.
- **Psychological Changes:** Fear of failure, arrest, apprehension, psychological history like illusion, hallucination, schizophrenic and motive assessment
- **Verbal Revelations:** Pre-suicidal revelation, discussions, suicide Note, SMS and Whatsapp messages etc
- **Circumstances:** Choice of weapon, time and place of incident, lethality and familiarity with the mode of killing
- **Other inputs:** Statistical, forensic, crime scene reports and any other details that suggests possible suicide

Application:

A psychological autopsy (PA) has been used in several developed countries as an aid of criminal investigation, when there is uncertainty on the mode of death. Further, it is also used in suicide cases to know the cause of suicide and to find out whether there is any contributing factor behind such suicide. The first noticeable case of use of PA in USA was that of Theresa Jackson (*Theresa Jackson v. State of Florida* 553 So.2d 719 (1989)).

In Theresa Jackson v. State of Florida, daughter of accused committed suicide for which accused was held guilty on basis of the psychological autopsy report. In a psychological autopsy, it was found that the accused and her little girl had an exceptionally turbulent relationship. Even though the accused person was the mother for the person in question, she constrained her little girl into the profession of nude dancing. On that very night, when the victim was engaged with nude dancing for the first time, she returned home and shot herself by pulling the trigger of her mom's .357 Magnum gun into her mouth. A psychological autopsy held that the victim had committed suicide. The report has also confirmed that the relationship between the victim and accused was the 'substantial contributing factor' behind the girl's suicide. Accused was held guilty of abetment to suicide.

Indian context:

Burari case (2018) – In India, psychological autopsy was successfully used in the ambiguous case of Burari deaths in Delhi in which 10 members of a family were found hanging while the body of an elderly family member was found in the adjoining room. It was through the psychological autopsy of the diaries left behind by the family members and interviews of the remaining family members that concluded that the hanging of the whole family was not the result of a mass suicide but due to an accident during a ritual.

The Case Study:

The present case study pertains to death of 11 years old boy, who died due to burning, allegedly by pouring kerosene oil and setting him afire. The matter was referred to CBI by the Constitutional Court.

Sensitivity/challenges of the case: 11 yrs. old boy (Hindu/Jain by religion) living in Muslim majority district of Punjab, died in suspicious circumstances in September 2013 (*one month after Muzaffarpur riots*) in which the public opinion was swayed towards communal mischief. Law and order situation worsened when the video of deceased boy was uploaded on social media platform under tagline "Justice for Shaheed

‘deceased name’ Malerkotla’’. The hardliner/extremist organizations gave bandh call and 42 cities of Punjab were affected. Human Rights Commission also took cognizance of this case. The local police investigation was stuck for obvious reason i.e. not to earn displeasure of either of communities.

Gist of FIR:

The case was registered U/s 302/34 IPC on the complaint of uncle of deceased alleging that on 30.9.2013, deceased left his house at about 10.00 AM on cycle to deliver tiffin for his younger brother at his school. At about 10.30 AM, complainant received a call from his brother informing that some unknown persons had set the boy on fire at Bagh Colony, Malerkotla. The family reached the Govt. Hospital, Malerkotla where child had been taken in the meanwhile. From there, family decided to take him to CMC, Hospital Ludhiana, where child was declared brought dead. It was alleged that 4/5 days back, deceased boy had a minor altercation with another boy of Muslim community on the issue of thread of kite and in order to take revenge, the said boy with the help of his friends had set the deceased child on fire.

Investigation revealed that deceased boy, studied at Vidya Mandir School, Malerkotla from 2006 to 2012 (till Class-4) and was shifted to SS Jain Model School, Malerkotla in Class-6, taking a jump of one class, i.e. Class-5. On 30.09.2013. He was studying in Class-7 at SS Jain Model School, Malerkotla and his younger brother was studying in Class-2 in Vasant Valley School, Malerkotla, a convent school. Deceased was doing reasonably well at an English medium CBSE School but after being shifted to Hindi medium school, his grades started declining. The boy failed in three subjects during the examination held in September 2013 as well, i.e. the month of his death. His overall percentage had dropped down from 82.3% in previous school to 29.7%. It is relevant to mention that on the incident day (PTM) Parent Teacher Meeting was scheduled in deceased boy’s school and her mother was planning to attend and the boy had not performed well in his mid-term examinations as disclosed by the school records.

On the Incident day, i.e. 30.9.2013, deceased boy got up at 6.00 AM and first went to collect some flowers for puja and then went to the family shop to open the shutters at around 8.00 AM. After about half an hour, he returned home. After visiting a Jain Temple nearby, he went for lighting a lamp on the occasion of *death anniversary of a Jain Guru at another temple situated in the Bagh*. Thereafter, he reached home and at around 10.00 AM, he took the tiffin for his brother from his mother to deliver the same to his school on his bicycle (*it was the first time when he left alone for the school of his younger brother to deliver tiffin*). However, he never reached the school and was found to have been burnt, with tiffin still kept on the spot.

After the incident, video was shot by local police constable on his mobile phone that shows deceased boy in burnt condition in which he is heard telling his name and also told that he has been set on fire by 2 Muslims. Then he replies that he does not know them but can identify them, if they are brought before him.

Before the treating doctor at Civil Hospital, deceased boy said that one boy elder to him was responsible for the incident. However, on the way to Ludhiana deceased boy did not disclose anything about the incident to his family. Forensic Science Laboratory, Mohali confirmed the presence of kerosene oil on the burnt clothes and sand collected from the spot. A report from the Board of Doctors, who conducted the Post Mortem, ruled out the possibility of sexual assault.

Verification of Alibi of the suspects: (who interacted with deceased boy at toy shop of his father w.r.t kite thread purchase) The two suspect A and B (belonging to muslim community) stated that on the relevant date and time they were in their respective schools appearing in the September examination which was verified and confirmed by oral, documentary and expert evidence (*handwriting sample matched with their answer sheet written on the incident day*).

Forensic opinion from PGIMER, Chandigarh and AIIMS, New Delhi was obtained on the nature of injuries of deceased which opined that homicidal nature of the burn injuries cannot be ruled out.

Eye Witness Account:

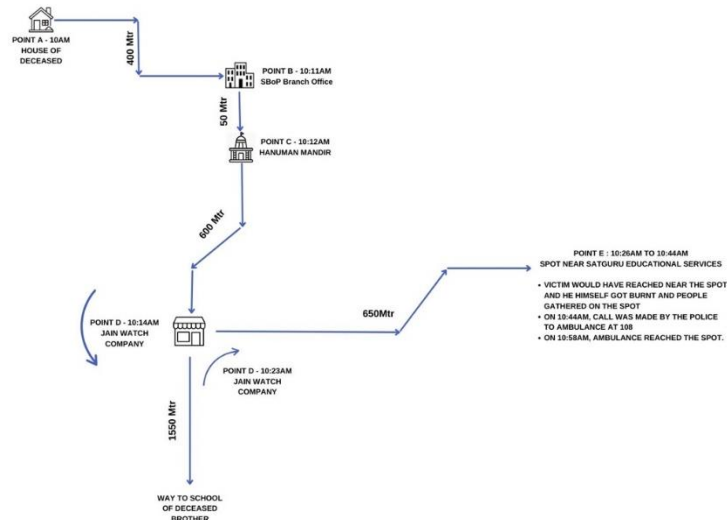
The only eye witness to the incident Mr.X (*Having medical condition of severe deafness and no meaningful speech, communicating through gestures only*) was not ready to reveal anything as he was agitated by frequent questioning of local police.

In these circumstances, 3 sign language experts from UT administration were roped in and shown the video recording (in which Khalil is enacting the sequence of events to local police/his sole statement). The CD of the video recording was played before all these 3 experts and Mr.X was also present for any clarifications. The Sign Language Experts have recorded their findings in a memorandum:-

“Mr.X was cutting grass on the road side. He saw a boy coming on a bicycle on the road. Then that boy took 2-3 rounds on the road in front of Khalil. Thereafter, that boy entered a semi constructed shop along with his bicycle. That shop was near to the place where Mr.X was cutting grass. There was no one else present on the spot at that time. Then, Mr.X noticed smoke coming out of the shop. Mr.X ran towards the shop to check what has happened. Mr.X saw that the boy was in flames near the wall, holding his hands near his chest. At that time there was no one else inside the shop apart from that boy. The boy then came out of the shop and fell on the ground in front of the shop. After that many people had gathered there.”

Reconstruction of movement of victim on the incident day using the various frames of footage of 3 CCTV installed in route and record of ambulance control room:

- Deceased boy started from point **A** (Residence) around 10.00 AM on his bicycle and crossed point **B** (CCTV at state bank Branch) 400 mts apart 10:10 AM.
- Deceased passed from the CCTV at point **C** (Hanuman Mandir at 10.12 AM) about 50 mts from Bank.
- Boy passed from the CCTV at point **D** (Jain Watch Co. at 10:14 PM), which is about 600 mts from Hanuman Mandir towards school of his younger brother.
- After about 9 minutes i.e. 10:23 am, victim is again spotted on bicycle (in CCTV camera of point **D**) and it turned toward place of occurrence point **E**, and a blue coloured substance is seen on this bicycle in polythene.
- Victim must have reached the spot **E** about 650 mts from point **D** (Jain Watch Co.) in about 03 minutes.
- Deceased was found burnt on the spot in Bagh Colony.
- One of the passers by informed the police officials on patrol namely and they reached the spot.
- As per record, call was made to ambulance at 10.44 AM and ambulance reached the spot at 10.58 AM
- Deceased boy brought to the Civil Hospital, Malerkotla at 11.10 AM.



Sketch Map of Route

Psychological Autopsy Principle & Procedure followed:

Retrospective reconstruction of deceased's life was attempted by calling subject expert with view to understanding better the thought, attitude, and the motive of the deceased. The idea was to discover the state of mind of the victim preceding to his death which involves the examination of physical, physiological, psychological environment/condition of the deceased & the circumstances prior to the death of the decedent's life in order to determine the mode of death with better accuracy and the victim's role if any in hastening or affecting his own death.

Suicide Assessment Checklist was applied in the analysis of the death of victim child with an objective to find out the mode of death (Murder or Suicide). The possible stress indicators exhibited through physical reactions, physiological changes, psychological factors, verbal revelations, circumstances of the incident and other relevant forensic inputs in detail are compared with the facts of the case under investigation.

The following were taken into consideration for psychological autopsy study:

- FIR and the Investigation report.
- Post Mortem reports of the deceased.
- Report of the film factory Bangalore on CCTV footage.
- Interviews and the statements of the relatives and the friends.
- Crime scene photographs and the video clips of crime scene inspection.

The data collected from the above mentioned sources were classified and checked for any congruence in the light of Assessment Checklist. The data considered are tabulated and the inference was drawn accordingly.

Observation:

On the perusal of the data available, the following facts are observed from the perspective of psychological autopsy in respect of the deceased.

- Deteriorating academic performance in the class tests may be the possible motive behind the incident.
- Deceased was anticipating Parent-Teacher Meeting & its outcome on the date of the incident.
- Adolescent deceased had no friends and was an introvert.
- Deceased was calm; but quick to get angry, suggests possible mood swing.
- Skipped breakfast and left only with lunch pack for his brother on the date of the incident.
- Often scolded by mother for being poor at studies and playing with the mobile could have been the triggering overt.
- Insisted a day before to go alone to deliver the lunch indicates he created an isolation position himself.
- Had an access to kerosene and was seen carrying it in a bottle before the incident indicates a preparation on his part.
- Absence of defensive wound indicates a probable self-inflicted attempt.

- Time analysis shows no farther tasks was done in between.
- Khalil's statement (sign statement as interpreted by the experts) indicates the deceased choose that spot after a proper check.
- Match box used was found at the SoC and the cycle was parked inside the shop.
- Place of the incident was secluded by time.

Opinion:

On the basis of psychological autopsy of decedent, the expert opined that this incident is a case of suicide.

Assessment Chart of the Victim is as follow:

S No	Stress Manifestation	Facts observed in the case
1	Physical Reaction	
	Real life situation	Deteriorating academic performance, Poor attendance in school
	Noticeable changes	Insisted to go alone
	Behavior prior to death	Check the spot suitability
2	Physiological changes	
	Medical history	NAD
	Alcohol/drug abuse	NIL
3	Psychological Changes	
	Anticipation of failure/arrest	Anticipation of PTM outcome
	Psychological history/stress	Addicted to play mobile/ computer games, slow to react and introvert
	Motive Assessment	Poor academic performance
4	Verbal Revelation	
	Pre-suicidal behaviour	Skipped breakfast, found carrying kerosene
	Suicide note	NIL

5	Circumstances	
	Choice of weapon	Accessible and known
	Time and place of incident	Secluded place by time
	Lethality	probable
	Familiarity with mode of killing	YES
6	Other inputs	
	Statistical	Probable as per NCRB data
	Scene of crime report	No sign of struggle, nothing was stolen
	Circumstances suggest possible suicide	No defensive wound
	Forensic inputs	NAD

Thus, investigation concluded with the findings that the deceased boy had committed suicide on the fateful day due to his deteriorating academic performance, anticipation of Parent-Teacher Meeting, its outcome and frequent scolding by the mother for being poor at studies. The motive, intention, preparation, choice of death date (death anniversary of religious figure) and thought process were fully unravelled in the psychological autopsy. The finding was further corroborated by the reconstruction of sequence of events and the accounts of oral testimony of witnesses.

The findings of CBI investigation were accepted by Hon'ble High Court and accordingly final report was filed in the competent court.

Legal Status and Admissibility of Psychological Autopsy in India

The psychological autopsy satisfies the Daubert standard of admissibility in the court.

What is Daubert Standard?

The "Daubert Standard" provides a systematic framework for a trial court judge to assess the reliability and relevance of expert witness testimony before it is presented to a jury. Established in the 1993 U.S.

However, the Supreme Court case Daubert v. Merrell Dow Pharmaceuticals Inc., 509 U.S. 579 (1993), this standard transformed the landscape of expert testimony by placing the responsibility on trial judges to act as "gatekeepers" of scientific evidence.

The Daubert case introduced a more comprehensive approach that requires judges to scrutinize not only the expert's methodology but also the underlying scientific principles. Judges are required to assess the methodology and reasoning behind an expert's opinions, rather than simply relying on the expert's credentials or reputation.

Under the Daubert Standard, the trial court considers the following factors to determine whether the expert's methodology is valid:

1. Whether the technique or theory in question can be, and has been tested;
2. Whether it has been subjected to publication and peer review;
3. Its known or potential error rate;
4. The existence and maintenance of standards controlling its operation; and
5. Whether it has attracted widespread acceptance within a relevant scientific community.

In India, admissibility of expert evidence is governed by Section 45 of Indian Evidence Act and subjected to judicial scrutiny under Section 293 CrPC. Section 45 IEA allows for an expert to give his testimony/opinion, when the "expert" claims to have special knowledge in the subject matter of enquiry, without which, the court is unlikely to form a correct judgment. However, the opinion of an expert cannot by itself ever be substantial evidence, it can only be corroborative in nature. (*Malay Kumar Ganguly v Dr. Sukumar Mukherjee AIR 2010 SC 1162*).

In the case of *Dharam Deo Yadav v State of Uttar Pradesh*, the Supreme Court emphasizes on the fact that the Indian judiciary needs to move forward with the technology, and give way to innovative and scientific methods of evidence analysis. The court also mentions the factors that were laid down in the Daubert case to determine the reliability and relevance of evidence. The dual test established under

Daubert- relevance and reliance, even though not explicitly mentioned, is followed in India as well.

For an expert evidence to be admissible, the expert first has to be examined as a witness in the court. This kind of cross examination can prove whether the evidence that is being presented, is relevant and reliable or not. There is definitely a general acceptance of scientific evidence and expert's opinion in Indian courts. Even though no standard has laid, but many courts have opined that in case of any doubt, the guidelines in the Daubert standard can be adhered to. (*Dr. Kantak MP, Ghodkirekar, Perni SG., "Utility of Daubert guidelines in India" Journal of Indian Academy of Forensic Medicine. 2004*)

There are instances when court directed investigating agencies for conducting the psychological autopsy where mode of death was ambiguous.

(*Kasarkode, Kasi QM Abdulla*).

Conclusion:

The Psychological Autopsy has become an important part of the evaluation of manner of death in difficult forensic cases. It outlines how behavioral evidence can often provide the necessary components and "missing pieces" to complement physical evidence as an essential tool for incident reconstruction.

If the circumstances surrounding a death are equivocal, psychological consultants can compile information retrospectively about a deceased person's mental state and possible motive to assist with unravelling ambiguity about the manner of death.

From the research studies conducted in India and abroad, it is found that behavioral approach and Psychological Autopsy technique can be of great help in the investigation of equivocal death.

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Journal Vol. LXXII No.2 & LXXIII No.1, (P.17-26)

A Study on Impact of Socialization on Police Dogs

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“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”

– Mahatma Gandhi

In line with the values of Mahatma Gandhi, the father of our nation, an integrated approach was adopted of being morally responsible for the entire life of the canine cops starting from their puppyhood to retirement until their last rites.

Keeping this idea in mind, several initiatives were



taken in the Dog Squad of 23rd Bn of SAF, Madhya Pradesh Police in Bhopal in July 2023.

Firstly, it was ensured that the police dogs get retired at their official retirement age

of 10 years. A ceremonial parade followed by felicitation was made a norm to mark the retirement of the canine heroes in a formal **Retirement Ceremony**. This was introduced to instill a greater sense of pride in the dog handlers and to express gratitude for the service rendered by their canine counter parts.



AN INTEGRATED APPROACH TO POLICE DOG RETIREMENT

1. Ceremonial
parade followed
by felicitation in a
formal Retirement
Ceremony
2. Free & relaxed
life in a retirement
home built in the
lap of nature
3. Guard of Honor
on demise of
police dog
4. Police dog
memorial called
the K9 Memorial

**Paying back to
canine cops for
their incomparable
loyalty and
devotion to the
police and society**

Secondly, it was noted that a Police Dog lives a life of solitude right from the time it joins training and also when it serves in the field. A major part of its life is spent in Police Dog Kennels living a disciplined life, like a police jawan. Sadly so, post-retirement the dog loses its handlers and spends the rest of its life alone in confinement. Old age coupled with separation anxiety leads to a significant deterioration of their health and wellness, soon leading them to their ultimate end.

Thereby, it was felt that post-retirement, the canine cops should be entitled to a free and relaxed life close to nature. To put these notions to reality, a retirement home was conceptualized, called the *Seva Nivrit Shwan Aashray (Home for Retired Police Dogs)*. It is one of its kind retirement home cum wellness center for police dogs in the country. Spanning an area of 12,500 sq. ft. amidst lush green surroundings is the homely abode for police dogs offering a free, herd like life to them. It not only houses the veteran/ retired police dogs but also is a home to the police pups, disabled, ailing and paralyzed dogs.

Currently, it is inhabited by 21 retired dogs, 3 dogs under medical rest and 2 puppies. There are 6 spacious kennels and 8 more are proposed, which are likely to get constructed by mid-2024. The kennels are well lit, airy and have provisions for all the seasons viz. fans, coolers, blankets, mosquito/ insect catcher machines etc. Cots and mattresses have also been arranged to provide orthopedic support to the aged canines.

For maintaining good health & wellness of the inhabitants a special diet plan has been designed which offers nutritious meals, 4 times a day, including vegetables, fruits, dalia, kibbles, meat and eggs on a regular basis. Once a week and on special occasions a feast is served to them to break the monotony. Moreover, prescription diet is given to the dogs with special condition/ailment. Nutritional supplements (multivitamins, calcium and omega3) form an essential part of their regular diet.

Apart from nutritious food, overall wellness has been the focus. Therefore, ways to ensure wellness was explored. Studies showed that

dogs respond positively to soothing music, hence, music was introduced to them.

Living a community life has also proved to be a boon for the police dogs. The incumbents have showcased significant improvement in health and temperament. They are getting much needed attention and care with limited number of handlers, who are able to take care of them collectively. Living freely as a group has given them a chance to engage socially and have an enhanced sense of belongingness and togetherness. The puppies also freely interact with the veterans which is mutually beneficial and therapeutic for both alike. Also, the ailing dogs under prescribed rest have been observed to have faster recovery in free and green environment.

Moreover, green surroundings, water fountain, water fall and sand pit also add to their intrinsic wellbeing and an all-encompassing experience of wellness.

Need based medical support and assistance is available for all dogs 24*7. Their regular health checkups and periodic blood tests are done to monitor health conditions closely. Paralyzed/ disabled dogs are provided with wheelchair, artificial limb, orthopedic shoes etc. based on their medical condition.



The Shwan Aashray has separate sections for feeding, washing and stool. Other special-zones are:

Recovery Zone:

It is a separate open-air section amidst greenery for both retired as well as working dogs which have been prescribed



rest due to their medical condition. Moveable enclosures of various sizes are also available for dogs with movement restriction.



Isolation Zone:

This section houses temperamental dogs and dogs in heat. Based on their condition they are kept alone or in groups. Although they are separated but are held in open cages amidst greenery with ample space to move around.

Palliative Care Zone:

This section, which is coming up, will provide medical support to dogs which are terminally ill. It will offer pain management and life support to such patients.

Thirdly, a new practice was initiated of giving **Guard of Honour** to police dogs on their demise, before their burial. Moreover, in order to pay homage to these brave and devoted souls, a **Police Dog Memorial called K9 memorial** has been erected.



Some cases with remarkable changes in behavior and temperament was noticed in certain dogs.

It is a 3.5 yrs. old female German Shepherd sniffer dog. She was very active and alert before she got paralyzed due to an accident. After suffering an injury while she was posted in Naxal area, Iti had lost hope and had become very depressed. Her handler was no longer with her as he was assigned a new dog. However, after being amongst her companions in Shwan Ashray there her life has rejuvenated. She was equipped with a wheel chair and started moving around swiftly. Iti enjoys living freely with her peers. Her zest for living has been restored. She is now under training as a demo dog for ceremonies.



Dhara is a 2.5 yrs. old female Kanni tracking dog. She had a very weak and feeble nature since puppyhood. She always remained bundled in one corner of her kennel. Dhara got terrified at the slightest of sounds. She was so intimidated by others' presence that she would eat her food in solitude in absolute silence. Her appetite was very poor and her body was getting weak with every passing day. Even though multiple handlers tried to befriend her but none could succeed. Medications also could not help her much. Dhara finally got rejected from training because of her fear. However, after she started living in the Shwan Ashray, an astonishing change has been noticed in her. Eventually, Dhara has overcome her inhibitions and has become comfortable with her peers and has started trusting her care takers. She has become fearless and playful. Dhara has befriended all the dogs of the Swan Ashray and has developed a protective instinct for all her companions. Her appetite has significantly improved and she is now comfortable eating along with the other dogs in the open.



Bunty is a 13 yrs. old male Labrador sniffer dog. His nature was in perfect contrast of his breed. He was temperamental and didn't get along with anyone other than his handler. He used to scare everyone

around him. However, since Bunty has started living in the Swan Ashray, a radical change in his behavior is evident. Now, he is friendly with everyone and seems very relaxed. His aggression has subsided completely.

Jaya, a 13 yrs. old female Labrador sniffer dog, was a friendly dog but was ailing with many medical conditions due to age. She was overweight and couldn't manage to get up on her own. She spent most of the time lying on the floor and had very limited movement. Jaya's condition was deteriorating swiftly. She seemed under stress all the time. Ever since Jaya has started living in the Swan Ashray, she has become very relaxed and comfortable. Now, she is on a special prescription diet suited to her medical condition. Eating small light meals several times in a day has really helped her recoup. Jaya has also started getting up without assistance and moving by herself in the natural surroundings.



Prince is a 14 yrs. old male German Shephard tracker dog. He was temperamental, and not friendly with other dogs. Due to his age and health condition, he was bed ridden. Prince had skin and ear infection which was not evident due to lack of personal attention of the handler. However, after joining Shwan Ashray his medical concerns were noticed when his fur was trimmed as a part of his regular upkeep in the retirement home. Post treatment he has recovered from his skin and ear infection. Prince is now in better health.

Even though, due to his age he spends most of his time inside the kennel but he has gathered the strength and zest to stroll around several times during the day. Prince is very fond of his new mattress which gives him relief from joint pain. He is very possessive about his mattress and shares it only with his kennel mate Duffy, a female Labrador of 14 years. Although, Prince doesn't get social with all the residents of the Swan Ashray, he has developed bonding with all his kennel mates. He is quite protective about them.



Usha, a 13 yrs. old female Doberman tracker dog, was spending her life in solitude; as was **Roger**, a 13 yrs. old male Coker Spaniel sniffer dog. Both have a quiet and reserved nature. However, living together in Shwan Ashray they have found a companion in each other. Now, they spend time relaxing together on the same mattress. She doesn't allow anyone other than Roger to sit on her mattress. Both of them seem to be enjoying living in the natural surroundings. Roger has become playful and Usha has become protective about him.



Sundari is a 2.5 yrs. old female Mudhol hound tracking dog. She had deformity in her legs and had developed a nerve problem in one of her hind legs. The loss of sensation in the hind leg led to severe bruising every time she moved. Thus, Sundari was under restricted movement and regular bandaging. She had become dull and hopeless. Her appetite was also very poor. Since the time Sundari was shifted to the Shwan Ashray, a change in her temperament and medical condition was observed. Even though in her new adobe, her movement was limited, but she seemed happy in open and green surroundings. Here, she would feel a part of her community. She was provided with a customized shoe to support and protect her hind leg from injury. Now she is happy and comfortable.



These cases testify the success of this initiative and a justified pay back for their incomparable loyalty and devotion to the police and society. It also shows the positive impact of socialization on the life of police dogs.

Further, to bring in compassion and gratitude to these four-legged retired cops, the Shwan Ashray would welcome families, school children, senior citizens, animal lovers etc. who would be interested in visiting and petting these veterans. Moreover, a dog show is also under planning which will demonstrate the skill and training of the police dog to the public.

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Journal Vol. LXXII No.2 & LXXIII No.1, (P.27-53)

Scientific Criminal Investigations: Interview and Interrogation of Accused Persons and Obtaining Leads

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Abstract:

This article aims to explore the role of the scientific method in criminal investigations, proposing how criminal investigators can utilize standardized, objective, and scientifically validated techniques for interviewing and interrogating individuals accused of crimes to gather leads. It also attempts to suggest the growing importance of adopting systematic approaches grounded in behavioral science and psychology to elicit credible information while adhering to legal and ethical principles. By analyzing principles of effective communication, rapport-building, and interpreting non-verbal cues, investigators can enhance the accuracy and reliability of information obtained during interviews and interrogations. The growing significance of corroborating evidence by utilizing advanced technology, such as forensic analysis, data mining, contact chaining, and Call Detail Record analysis, to supplement investigative efforts is highlighted. This has been necessitated particularly due to trial courts placing increasing reliance on the validation of statements recorded before police officers that are ipso facto not admissible as evidence. The due emphasis is highlighted on the pivotal role of scientific methodologies in shaping contemporary

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investigative practices and underscores the potential for interdisciplinary collaboration to maximize outcomes in Scientific Criminal Investigations.

Keywords:

Scientific Criminal Investigations (SCI), Criminal Transaction (CT), Reduction of Resistance, Successive Approximation, Cognitive Dissonance, Impaired Cognitive Functioning, Interrogation Plan, Interrogation Setting, Reciprocity Principle, Tendency to Ingratiate, Mirroring Effect, Professional Closure, Call-Detail Record (CDR) Analysis. De-Freezing, Credibility-Quotient, Response-Consistency, Peripheral Zone, Structured Interrogation Statement, Five-Axis Method (FAM), Reid Technique, PEACE (Preparation and Planning, Engage and Explain, Account, Closure and Evaluate) Model, 4. Kinesic Interview Technique, Confessional Behaviors, Relative Consistency.

Introduction:

What is interrogation?

The most basic definition of the term 'interrogation' is 'formal and systematic questioning to gather leads and other clues for an inquiry or to solve a criminal case'. The terms 'formal' and 'systematic' underscore the inherently scientific aspect of interviewing an individual, whether or not they are in custody. Law enforcement officers consistently rely on interrogation methods and techniques to prompt and extract responses to a set of questions aimed at gaining insights into the crime being investigated. This process is conducted with the aim of obtaining useful information, particularly information relevant to the crime under investigation. It is formal in nature, involving the recording of responses and their evaluation against the facts of the case. It is systematic as it typically follows a methodical approach to eliciting responses based on the available information.

What is not interrogation?

1. Placing a person in distress, physical or otherwise. This might significantly alter the optimal functioning of cognitive faculties of a

person under interrogation. Any attempt to introduce distress or torture would significantly diminish the effectiveness of questioning and the responses elicited thereunder. Although a certain level of relative deprivation and psychological distress is inherent in the interrogation setting, the distress shall not be consciously introduced so as to disable the effectiveness of the cognitive faculties of the subject under interrogation.

2. Renowned Harvard Psychologist Darius Rejali in his book 'Torture and Democracy' (2007, p. 522) professes upon considerable empirical evidence that torture as an interrogational theory and practice is a complete and utter failure. There are studies that prove that stressors produced during the torture causes tissue loss in the brain regions concerned with memory (especially in the temporal lobes). Chronic and severe stress significantly and adversely alters psychological functioning, impairing recall, besides other negative effects.
3. Use of mind-altering substances in interrogation can destroy the very purpose for which interrogation is being done. It is outright criminal to induce the subject of interrogation with any substance that even mildly alters the state of mind. Such techniques are increasingly being abhorred at, and are downright illegal besides irreparably damaging the reputation of the investigation agency.
4. The Body of Principles for the Protection of All Persons under Any form of Detention or Imprisonment (adopted by the UN General Assembly as resolution 43/173 of 9th December, 1988), forbids 'methods of interrogation which impair the capacity of decision of judgement'.
5. Participation of physicians in interrogation would not be considered valid interrogation which is expressly forbidden by World Medical Association. Physicians must neither conduct nor directly participate in an interrogation, because a role as physician interrogator undermines the physician's role as healer and thereby erodes trust in the individual physician-interrogator and the medical profession.

What is an Interview? Is it different from Interrogations?

An interview is significantly different from an interrogation. Every interrogation has employment of interview techniques but not vice versa. These two are related but qualitatively different processes. Interview is

elicitation of verbal responses from the subject of interview to understand the theme or the objectives for which the interview is being conducted. The primary method employed in interview is question-answer format. Interview is more like conversation between two or more people with the sole purpose of gathering as much information as possible about the subject of interview with the ultimate aim of taking a decision about the person under review.

The subject of interview would be a person who has been called for an interview. Interview is then a technique of conversation with a view to gather information about the person under review. The purpose of an interview generally is to make a reliable judgement about a person (his character, antecedents, aptitude, intelligence etc.). For this reason, interviews are the most employed technique in person selection (whether it's a job, an opportunity or marriage).

Interrogation on the other hand is focused towards finding out the role of the subject in the crime under investigation and to get information that might lead to evidence to incriminate him (or revelation of exculpatory information/evidence). Interrogation is normally conducted with the goal to elicit information about facts that would eventually incriminate the subject participating in the interrogation. Interview on the other hand can be just to elicit relevant information to gain insight into a part or whole of a criminal transaction under investigation.

Interview is more of an open-ended format wherein the subject is encouraged to talk about his assessment, feelings and knowledge about the criminal transaction. It is non-suggestive and conducted primarily to understand what the subject knows about the criminal transaction under investigation. Unbiased professional attitude is a must to collect information wherein the subject of interview is made at ease and is encouraged to talk freely. Interviewer must be objective and non-judgmental.

Four Phases of Interrogation:

No matter what kind of interrogation technique is used, the interrogation usually involves four parts. These are highlighted as follows:

1. **Reduction of Resistance:** The goal of the interrogator is more often than not is to obtain a truthful account of the criminal transaction under investigation and the subject's role in the criminal transaction. This is oftentimes done by introducing an atmosphere of understanding and empathy, use of psychological techniques, pressure tactics, increased understanding of the minimization and maximization of consequences for the subject under investigation etc. The intention is to up the ante for the subject so that required cooperation is achieved.
2. **Obtaining the admission:** The interrogators usually want the subject to admit of his involvement in the criminal transaction under investigation truthfully and by giving description of the criminal transaction in such a way that it leads to revelation of evidence that can be gathered for effective prosecution.
3. **Development of the admission:** It is done to gather sufficient evidence. One of the ways in which it is achieved is to make the subject reveal intimate descriptions of criminal transaction that substantiate his involvement beyond reasonable doubt.
4. **Professional Closure:** When the descriptions given by the subject is transcribed properly, evaluated, and substantiation is done by objective evidentiary verification.

The First Step: Interrogation Plan: Dossier & Questionnaire:

1. Establish a reasonable degree of certainty that the subject might have committed the crime. Evaluate available evidence if any that has indicated the involvement of accused person. If the accused person has been arrested due to a testimony, evaluate the testimony's credibility by interviewing the witness if not done earlier.
2. There is nothing worse than an unprepared interrogation. The officer(s) conducting interrogation must have significant information (in a form of a dossier) and a questionnaire for the interrogation.

3. **Factual Analysis:** Here, one needs to identify factual details about the accused person that may reveal any connection with the crime or the propensity/motive towards commission of that crime. Pertinent details about the subject such as background information, phone numbers used by the subject in the past, names of significant friends and associates, past travel details, important locations extracted from Call Detail Records (CDRs), any relevant detail that connects the accused with the crime must become part of the dossier. In short, the interrogators should have all the relevant information that would give the impression to the subject of interrogation that they have sufficient information about him and it would be difficult for him to lie.
4. Gather information about him from his associates, like his likes and dislikes, past and current relationships, anything peculiar in personal relationship must be duly noted. CDR of his numbers must be run for contact-chaining wherein connection with persons who have a criminal background must be highlighted.
5. An interrogation is necessarily an accusatory process. However, at the initial stage confrontational posture must be avoided. The communication pattern from the interrogation side can sometimes be confrontational. A good interrogator has all the relevant information about the suspect/accused and gives an impression that he already knows about subject's involvement in the crime and giving him a chance to be truthful for his own benefit.

To sum up, review the suspect/accused profile, criminal record, and past investigations if any.

Second Step: Preparing the Interrogation Setting:

1. Remember, that putting a person in distress might significantly impair his ability to remember details and he might give inaccurate descriptions. The interrogation setting therefore must be in a room that is clean and it must be made clear to the interrogation subject that he might not get such facilities once he is in jail.

2. Never interrogate more than one accused in the same room. Interrogation of more than one accused in the same room vitiates the process of extracting valuable information due to following tendencies:
 - Mirroring effect: the accused persons might feel the pressure to tell the same story. They might not tell you how the things happen as they actually were. They might just mirror each other and try to support each other to give an impression that they are innocent.
 - Every person has his own perspective about happenings in a criminal transaction. Every person who participated in the criminal transaction had a specific role and vantage point due to which no two people would have the same point of view and a factual matrix to discuss and reveal.
3. The room where the interrogation is scheduled to take place should be well lit and aerated. A dungeon like setting would be uncomfortable for both the interrogator and the one that is being interrogated. There should be provision for CCTV coverage so that a record is maintained to see that no untoward incident takes place. The person who is being interrogated should be made to sit in a chair. No unnecessary restraints should be placed upon the person being interrogated. Honourable Supreme Court in *Paramvir Singh Saini vs Baljit Singh & others*, SLP (Cr.), 3543 of 2020 directed all the investigation agencies to ensure installation of CCTV cameras and to record all the interrogations.
4. It is a good idea to make the person being interrogated at ease before the questions are asked. Assure him that all that the interrogators want from him is that he be truthful and if there is anything that he requires from the interrogator it would be considered provided he stays truthful and forthcoming. Explain to him that it is up to him how he wishes to be treated.
5. Remember that the object of interrogation is not to compel the subject/accused to supply incriminating statements but to understand his role in the entire criminal transaction under

investigation. This is important as in several cases of unstructured/unscientific interrogation it is seen that interrogators outpour barrage of incriminating statements onto the hapless subject even before hearing him out. This negative style of communication can be counterproductive due to following reasons:

- A clever subject may understand that you have a wrong story and he might put words in your mouth by explaining how things happen leading you to unfruitful investigative tasks like finding out evidence in places untruthfully explained by the accused person under investigation. Smart criminals know that you have a limited time of police remand and they would just play along with what you want them to say.
- Always remember that in Indian criminal justice system, the statement given by an accused is governed by Section 25 of the Indian Evidence Act as well as Article 22 of the Indian Constitution. Any incriminatory statement made by the accused person has *ipso facto* no admissibility as evidence in any court of law. A smart accused can thus be tutored by his counsel not to resist provocation by interrogation and provide incriminating statements (that are false and would lead to wastage of investigative efforts) that suit the police side of the story.

Step 3: Establish a rapport:

1. Psychology is the ultimate guide when we interact with other human beings. A salient principle of effective social interaction is ‘tendency to ingratiate’. Another is ‘principle of reciprocity’. It is a natural tendency of human being that we like someone who likes us. It is like give and take. ‘You like me and that’s why I like you’. If an interrogator assumes only an accusatorial position there would an increasing likelihood that the whole exercise might fail. Instead, interrogator must appear to be genuinely interested in the background and personality of the individual under interrogation. Some amount of warmth and even friendly tone goes a long way in

establishing rapport. Just providing water, a token refreshment has the potential in opening up a conversation from a subject who is otherwise non-cooperative.

2. Socio-economic status of a person under interrogation is an important determinant in establishing rapport. Do not ever take for granted an individual who appear to have come from a lower socio-economic background. Everyone expects respect and dignity. On the other hand, if the subject is from a higher stratum of society, it would be highly counter-productive if the interrogator does not show acknowledgement of the status of the individual under interrogation. Appeal to conscientiousness strikes the most to such individuals. Attempt should be made to make the subject understand that his social standing is being taken due notice of and no attempt to demean him would be made and his sensibilities would be duly noted and taken care of.
3. Subject may be encouraged to talk about his family background, his interests and hobbies, and considerable attention to be paid to details shared by him. At this stage there is no need to take notes and it should be shown to him that the interrogator(s) is genuinely interested in his background and his feelings. All of us are liked to be heard and appreciated for what we are. At this stage make an attempt to understand how he appreciates his standing in the society.
4. At this stage the entire atmosphere of the interrogation setting needs to be positive and empathetic. Such a setting helps to create an environment of openness and trust with the subject. It has a potential to gain trust and cooperation.

At this stage the subject may try to make exculpatory statements and explanations to make the interrogator understand that he is not involved in the criminal transaction as he is innocent. No attempt to be made to acknowledge or deny such statements. It can be made clear to the subject that the police have no intention to force confession of anything that he may not have done. At this stage assurance to be impartial is necessary.

Step 4: Asking Questions: Initiating the Interrogation

1. Have you ever used an USB Drive? Chances are you must have. How easy it is to transfer information from one computer to another? Till such time we have the similar facility of data transfer from human being we would have to rely upon investigative methods such as interrogation. One of the best ways to gather information about a subject is to ask questions from relevant individuals. However, when a criminal investigator employs questionable methods to elicit information from a subject under interrogation there is greater chance that the statement given by the subject would have low credibility and reliability and the reasons for such a tendency are too obvious to be discussed. What then can we do?
2. We know that torture is a highly questionable method of gathering information and suffers from unreliability and credibility issues besides being inhuman. So, the real object of interrogation would be to ensure that the forthcoming information is both reliable and credible. How can that be done?

Phase I: 'De-freezing'.

- Start by asking questions that you already have the answers for. Such questions might straight come from the detail profile (of the accused person) with the interrogator. Such questions can be, 'what is your phone number?', 'do you remember having a phone number xxxxxx in the past?', 'what do you know about your friend xxx?', 'are you aware that your friend xxx was charged with the offence of xkx and is now running from the law?', 'where does your father work?', 'What was the name of your math teacher in your school'? These questions are asked to establish Credibility Quotient. Credibility quotient is the number of correct responses given to a set of questions. The credibility quotient of questions coming from the detail profile shall be high as the subject would have enough information

about such topics. Subject should also be told that the interrogator has enough information about him.

- Establish *Response-Consistency*: Response-consistency is the tendency of an individual to give correct responses after increasing awareness that his responses are being factually evaluated on an immediate basis. When an interrogator has sufficiently detailed information about the subject the likelihood of increments in response-consistency would also be high. In other words, when a person knows that every response that he gives to series of questions is being immediately evaluated (from the detailed profile) the credibility of interrogator in the eyes of subject increases.
- Go back to the questions that have been answered, and ask for further related information. Suppose the subject has told you regarding his phone usage habits. He said that he goes to sleep by 11PM every day. The CDR/GPRS report shows that the subject is being on the phone after 11PM on frequent basis. On such definitive questions the subject must be told that he is lying without being told specifics. Ask the subject why is he lying as you have all the relevant information.
- Slowly build up pressure on the subject to be consistent about his responses as you have facts that need clarification and his story is not adding up. Factual responses need clear extraction from memory. Appear to be genuinely interested in helping the subject to remember facts. Never try to show that you are goading him to incriminate himself. Show, that you are only interested in clarifying the details that you already have. This way the subject might understand that his being non-consistent is being noticed and he cannot play a cat and mouse game for a long time.
- Always remember that it is extremely difficult to hold a lie and fairly easy to say the truth. A lot of cognitive effort is required to be invested in building a web of lies and repeated clarifications on the factual points of story being told by the

subject puts him in a difficult position as he slowly realizes that his inconsistency of verbal inputs is being noticed.

Phase II: Successive Approximation towards Facts and the Truth

- A successful interrogator is never in a hurry. Patience is the determining ingredient of a successful interrogation. Behavioral Psychologists use a technique called '*Successive Approximation*' to condition responses of a subject under study. It is a method of shaping behavior (under operant conditioning) by reinforcing responses similar to desired behavior. In other words, desired response can wait while any response (answer) that is even approximating towards the desired response is rewarded/reinforced on a consistent basis. Initially, responses roughly approximating the desired behavior are reinforced. Later, only responses closely approximating the desired behavior are reinforced. To illustrate, let us assume that a child is not doing homework despite several attempts by his parents to make him understand the importance of doing his homework. The father then rewards him with a candy and a praise even when the boy opens a book, then a candy is only given when the boy does a partial task of the home work. Any subsequent positive behavior of doing homework is thus rewarded till such time that the boy daily completes his homework. Candy is then substituted by positive praise and appreciation. This is 'successive approximation' in effect. Most of our behaviors are 'conditioned' and are formatted by this process.
- An interrogator therefore must reinforce truthful tendencies of the subject. Similarly, responses that demonstrate that they do not have factual consistency with what is on record should be rebuked by exposure. Responses that appear to be approximate to the desired responses should be encouraged by verbal reinforcements (sometimes also by light refreshment like tea etc.). This way, the subject may realize that it pays to be truthful and that the interrogator is genuinely interested and is keeping a

close watch on the reliability and consistency of his responses. This would also make a good impression on the mind of the subject that interrogator knows his job. Experienced interrogators know that before they evaluate the subject it is the subjects who evaluate them.

- The subject would be unsettled due to the realization that inconsistency of verbal inputs is being noticed increasingly. At this stage, he might show tendency of not speaking much. If this happens, show him that you do not have any problem with the responses and that you know that memory fails sometimes and its natural. Assure him that it happens all the time and there is nothing unusual about it. You may show that you can trust him and that he can trust you. Remember, at this stage, increasing the rapport might put him back on track.
- Ask him whether he needs another glass of water or some refreshment? However, continue with the interrogation. Giving a break at this stage is not advisable and consistent interrogation is the key to unfolding. Resistance to speak the truth comes due to overwhelming fear of being caught and exposed (and the ultimate fear of being punished). An appearance of a secure environment and conversational approach are necessary tool for increasing the success rate of any interrogation.

Phase II is primarily an exercise in building up tempo where the emphasis is on asking open ended questions, building rapport and avoiding questions that would increase resistance.

Phase III: 'Nudging the Peripheral Zone'.

- Successful approximation technique should by now make the subject open up a bit. During this phase, questions directing at the peripheral zone should be asked. These may include questions about his associates, surrounding area of the crime, any information about his visiting that area (general area where the crime was committed) in the past should be discussed and purpose may be asked.

- **Peripheral Zone Questioning:** Any question that does not directly touches upon incriminating aspects or the crime committed but has a tendency to hover around the same is a peripheral zone question. To illustrate, suppose person 'X' has committed the murder of person 'Y' then questions asking 'what do you know about the personality of Y?', 'Since how long do you know the family of Y?', etc. would be peripheral questioning. These questions should not be provocative but should indicate the tendency of the interrogator to gather as much data as possible and emphasis should be only on clarifying doubts then gather incriminating data. Posture is very important at this stage. The process of interrogations is very akin to 'Defreezing' wherein the person under interrogation needs to be soften so as to lessen his resistance to divulging information.
- **Use of Successive Approximation (SA) Technique:** Suppose, the interrogator wants to know where 'X' really was when 'Y' was murdered. 'X' has given an alibi to the interrogators that he was with his aunt's family (which is just about 2 km away) when the murder occurred and his aunt's family has recorded their statements recording the same. However, a shopkeeper near the house of 'Y' saw 'X' exiting the building where 'Y' resides on the fateful night when 'Y' was murdered. CDR analysis of 'X' mobile phone is not convincing regarding his location because phone was inactive during the period. CDR does not show that he made any call to any member of his aunt's family before he came to their house as claimed. Interrogator can declare that he has all his call data and location history for the past few years. Interrogator can also declare that he has data from his phone service provider that his phone was switched off during the crucial period. Why was so? Did he call anyone of his family to tell them that his phone was switched off? Did he leave any of his clothes in his aunt's house? These are the questions that should elicit fact-based answers. It might

be extremely difficult for X to provide false answers to any of them. Interrogator must concentrate on factual data and sustain the pressure.

- Suppose, at this time 'X' says that he did not leave his aunt's house till the time police arrested him. The investigator has counter proof of that. The CCTV footage from a nearby house shows that he came out of her aunt's house at 1431hrs on that day and proceeded to the market. Hereinafter the CCTV footage taken from surrounding area does not show his movement (indicating a possibility that he may have used a vehicle). Closely watch his emotional state when this detail is disclosed to him. The interrogator can also say that which vehicle did he take to leave the place? Such details do have the propensity to unsettle the accused since he knows that there is a limit to which he can resort to lies. Evaluate his response and declare that his version is being inconsistent with the wealth of data that the investigators have gathered about him. The interrogator can also say that he has a statement of an eye witness regarding which vehicle the subject took.

Phase IV: Sustaining the Pressure and Zeroing in on the Incriminating Part:

- At this stage the interrogator must have sufficient background data to break the perimeter of resistance shown by the person under interrogation. By this stage the interogatee must clearly establish that the factual inconsistency of his made-up version is all in tatters and that the interrogators have a lot of information about him and the criminal transaction that he is involved in. There is a high likelihood of a sense of helplessness in his behavior coming out of emptying up of his quiver of lies.

These phases are not strictly sequential but can be resorted to in a cyclic manner till such time that the resistance is broken. Suppose at this stage the interogatee concedes that he was lying regarding some details however he did not commit the crime. The interrogation must establish

by now that all that he lied about has exposed him to such a degree that it would not be a difficult task for the prosecution to establish a case against him and that it would be for his benefit if he fully cooperates with the investigation.

Step 5: Preparing the Interrogation Statement:

Five Axis Method:

Interrogation Statement is most effective when it is prepared in a structured manner. The writer proposes a way to standardize interrogation statements. It is named as *Five Axis Method (FAM)*, in this method the interrogation statement is prepared in five different axes:

- a) *Axis 1: Personal Details:* This includes all the usual (name, father's name, phone numbers and all other pertinent identifiers) plus, anything unusual about him, his habits, his psychological propensities, any intelligence input about him etc.
- b) *Axis 2: Associates & Other Significant Individuals in his life:* Names and other identifiers of his associates must be entered correctly. Especially if he has associates who have been earlier involved in criminal activities. Phone numbers and other significant identifiers of his relatives and friends who are close and relevant for the investigation should also be entered.
- c) *Axis 3: Affiliations:* Political, Ideological etc. These can be political organizations, or organizations that are actively engaged in political and affiliated activities. If he has been associated with member of any organization which is engaged in activities prejudicial to the internal security of the country such facts should be clearly brought out.
- d) *Axis 4: Descriptive Statement: With Notes on Deviations:* The statement should be in an uninterrupted flow and should not contain anything from the side of the interrogator. There are two methods to write a statement. One is question-answer method and the other is 'write as you go'. Question-answer method is an excellent method; however, it suffers from tendencies that may be

interpreted as 'guiding' the accused or other subjects of interrogation. Interrogation should be ideally written in the way as the subject is speaking. However not every utterance needs to be entered as it is. A careful gist without compromising the structural integrity of his narration needs to be entered as statement. This is a skill that needs to be developed and no clear-cut guidelines can be delineated. Care must be taken to enter all the identifiers like phone numbers, addresses, names etc. are entered correctly, and for this confirmation must be sought from the subject/accused. Today, word processors like MSWord etc. have facilities for appending notes to every page where these notes can also be linked to a particular highlighted paragraph. Such word processing software can be used for noting deviation from facts that have yet come in the investigation and that do not match from evidence already gathered.

- e) *Axis 5: Assessment by the Interrogator:* A brief note on assessment must be added to the interrogation statement. This is one of the most important steps in the entire interrogation cycle. Here the interrogator must give his true assessment regarding the genuineness of the statement, factual consistency derived from the statement uttered by the subject, his own opinion on the overall value of statement for the purpose of investigation and need if any for further clarifications/ground verification on the certain salient points in the statement.

Some of the techniques used by Investigation Agencies to Maximize the Effectiveness of Interrogations:

Unlike in the western countries where most of the investigation agencies including Police employ adversarial system of interrogation where the primary focus of interrogation is to compel (without the use of torture) the accused to confess to the crime and record the confession to be used as evidence, such an approach is expressly barred in India (express bar to the police) under Section 25 of the Indian Evidence Act. Nonetheless the Section 25 of the Indian Evidence Act does not bar the interrogator to take an adversarial stance wherein even when the confession has no

evidentiary value the facts revealed in the statement can be verified/corroborated to obtain reliable evidence.

The Indian Evidence Act in so many words preclude any attempt by the investigators to present as evidence *ipso facto* any statement made by the accused person. However, it does not prevent the investigation agencies to rely on the statement of the accused person to corroborate revelations by facts. There is an important difference between what is being said and what is being found upon substantiation. Suppose, if the accused 'X' has said that he hid the pistol thorough which a crime was committed and the investigator has not been able to recover the pistol than this statement has no evidentiary value whatsoever. However, if statement reveals that 'X' was at a particular place at a particular time and there is a corresponding statement (by an eyewitness) and CDR location confirming the fact then it can be cited as evidence that the accused was indeed present at the place and time as stated by him in the interrogation statement. Let us look at some of the methods interrogators use to extract relevant leads by way of interrogations:

1. *Promise of Leniency*: Interrogators sometimes declare at the outset to the subject of interrogation that leniency would be shown to him if he cooperates with the investigation and state everything truthfully. This is sometimes the first step and the experiments conducted by Kassin & McNall (1991) have shown that Promise of Leniency is an effective method to extract confessions. Promise of Leniency is most effective against first time offenders and those who have not been engaged in the criminal activities in the past.
2. *Reid Technique*: This technique of interrogation was developed in the United States by John E Reid in the 1950s. This technique is known for creating a high-pressure environment followed by show of sympathy and offer of understanding and help to extract confessions and heavy use of deception is made. Due to this reason the technique has been heavily criticized and several studies have marked questions on the effectiveness of this technique and it has been claimed that the method has resulted in an unacceptably high rate of false confessions especially that by juvenile and mentally

impaired. However, proponents of the Reid Method say that it is useful in extracting information from otherwise unwilling suspects. This technique has 9 steps of interrogation:

- *Positive Confrontation:* Wherein the interrogator confronts with the accused that the evidence has linked him to the case and they know that he is involved.
- *Shifting the blame:* Wherein the interrogator explains to the subject that it is something else or the circumstances due to which the crime has occurred and that the accused is unfortunate enough. This is done to psychologically justify or excuse the crime. Themes are created to elicit adequate response from the subject.
- *Minimizing denials:* The interrogator does not give any credence to the attempts made by subject for any ex-culpatory statement made. Sustained pressure is mounted to compel the subject to only make statements that reveal incriminating details.
- Try to use ex-culpatory statements given by the accused to shift to what they did. This might reveal approximations towards the incriminating acts.
- Reinforce sincerity of disclosures made.
- Any behavior toward crying or helplessness should be shown to the accused as admission of guilt.
- Giving two options (alternative questioning) and the easier the option is more the guilt is to be proved.
- Leading the witness/accused towards admission of the guilt before other accused/witnesses to corroborate the testimony.
- Convincing the accused person to voluntarily give audio/video recording of his incriminating statement to bolster sincerely and credibility.

Reid technique has been heavily criticized for being guilt-presumptive, confrontational, psychologically manipulative whose only purpose is to extract a confession.

3. The *PEACE (Preparation and Planning, Engage and Explain, Account, Closure and Evaluate) Model*: This model/technique has been developed in Britain which is more in the form of a dialogue between the investigator and the suspect. It is a five-stage process in which investigators try to build rapport and allow a criminal suspect to provide their account (their side of the story) of events uninterrupted, before presenting the suspect with any evidence of inconsistencies or contradictions. This method presupposes that psychologically coercive techniques often lead to false confessions and starts with an apparent clean slate. PEACE technique is structured way of doing interrogation without negative mediating variables that vitiate the process (confrontational and prejudicial style of questioning). Let us look at the steps involved in this method of interrogation:

- *Planning and Preparation*: It is fact finding and collection of as much information about the criminal transaction and persons involved.
- *Engage and Explain*: At this stage establishment of rapport is done. Showing concern for subject's welfare, giving reassurances and taking due care of the subject's apprehensions and anxieties.
- *Account-Clarifications and Challenge*: At this stage the interrogator tries to get the account of the criminal transaction from the perspective of the subject without any interference. After the full explanation the interrogator may ask the supplementary questions or any clarifications. However, at this stage the stress is on the subject's account and his side of the story. If any contradictory information is in possession of the interrogator which does not match with the subject's story, the interrogator may challenge the reliability of those descriptions.
- *Closure*: At this stage the reiteration and summarization are done of the subject's description of criminal transaction. It is done to ensure that there is a mutual understanding between

the description of criminal transaction from the perspective of subject and what the investigation has so far gathered.

- *Evaluation:* It is to evaluate the effectiveness and reliability of the interrogation process by examining whether the interrogation has led to enhanced understanding of the causal factors in the criminal transaction under investigation.
 - *Effectiveness of the PEACE method:* This method has been adopted by police forces of Australia, New Zealand, Norway and Canada. Vietnam and Indonesia were also considering using this approach. However, the study conducted on the effectiveness and reliability of this approach point towards the causal factors such as proper training of the interrogators, nonconfrontational manner of interrogation, show of confidence and competence by the interrogators as determining factors in the effectiveness and reliability of this approach.
4. *Kinesic Interview Technique:* Kinesic is the study of non-verbal communication. It is a highly professional field requiring domain expertise and significant level of training. This technique presupposes that there is a significant and quantifiable difference between the non-verbal responses between subject's who are guilty and those that are not. It is also based on studies that indicate that subjects who are guilty often display telling indicators of deception, receptiveness, and nervousness through body language. Introduced and developed by famed US Anthropologist Ray Birdwhistell in the 1950's, Kinesic interview technique has been in vogue in the west and significant number of expert Kinesic Interrogators and Interviewers are employed by the law enforcement agencies and investigators in corporate sector. It involves following techniques.
- *Looking out for 'Confessional behaviors':* These are non-verbal cues that are oftentimes displayed by persons who either know intimately about the criminal transaction or have been involved in it. Some of these are, crying, slumping in a chair, anything

indicating abnormal responses to stress such as jiggling, biting nails, avoiding eye-contact etc.

- *Using time as space as an advantage:* Kinesic uses time and space as an advantageous tool. The subject is asked to narrate his own side of the story without any interruption. Subject is time and again asked to provide details on almost every description after that. In this way, fatigue and stress builds up very slowly and the subject shows more non-verbal cues oftentimes revealing his dissatisfaction with his own narrative and details. The interview room and the hot seat is an understandably uncomfortable experience and prolonged exposure to such condition has been shown to significantly reduce resistance to speak the truth.
- *Relative Consistency of behavior when similar stimuli is presented:* Kinesic has this as its primary principle. When the subject is asked a question repeatedly during the different time of the interrogation stage the responses must be relatively constant. Inconsistency denotes untruthfulness and a tendency to hide.
- *Establishing a Baseline:* The Kinesic practitioners generally establish a behavioral and psychological baseline of the subject and then evaluate the responses to check significant divergence to this 'normative baseline behaviors. This significant divergence may indicate tendency of the accused person to hide significant incriminatory details from the interrogators (detection of 'weak spots'). For example, the subject 'X' is otherwise does not stammer and his voice modulation is clear and intonation does not show much variation. However, whenever the interrogator asks about his girlfriend and whether she was aware of his involvement in the criminal transaction his voice show unusual tendency to change in modulation and produces a bit of stammering. It might be interpreted by the Kinesic practitioner as the possible involvement of his girlfriend in commission of the criminal transaction.

A Note of Caution: A common mistake in judging the person's credibility is to assume that being stressful may indicate lack of credibility and admission of guilt. The interrogator must understand that the conditions under which interrogation is done are inherently unpleasant despite the best efforts on the contrary. Kinesic practitioners are much aware of this aspect and they would use the fact to their advantage to evaluate the modulation in stress state with the resultant modulation in non-verbal behaviors displayed by the subject under interrogation. Kinesic professionals generally classify stress behaviors into three categories, general stress, incriminatory stress, and discriminating stress signals that are qualitatively different.

Incriminating stress cues are the one that are shown more than usual by the person who has knowledge of the criminal transaction and still wishes to hide descriptions for whatever reason. Deceptive subjects do exhibit more of these cues than the ones who are being honest.

On the whole, the Kinesic Method of Interrogation and Interview places utmost reliance on clusters of behaviors rather than specific clues that can be oftentimes unreliable indicators of deception.

Conclusion:

1. Any undesirable and undue emotional stress introduced in the interrogation process can backfire. The interrogators must be very careful while uttering statements and their tone and manner in which those statements are being made.
2. Unplanned interrogation is an ineffective way of eliciting credible responses. Sufficient background information about the subject and other material about the role of subject shall be studied carefully before the interrogation process starts. Subject must have a clear image of the interrogators that they are prepared and know a lot about his role and the case already. There can be nothing worse than appearing unprepared before the person who is to be interrogated. REMEMBER: If you ask stupid questions, you'll get stupid answers.

3. There is no legal requirement of extracting confessions from the accused persons. Never appear to be interested in extracting confession from the accused. The subject might sense it quite early in the process of interrogation that all the interrogators want is a confession. This has a tendency of building unnecessary resistance. The subject must be convinced that the interrogators just want to understand his side of the story and want to fill the gaps in information that they already have.
4. Interrogation is a fact-finding exercise by conversational engagement. Contrary to popular belief, the interrogation need not always be confrontational. Cognitive Dissonance (perceived uneasiness and unpleasant feelings when what one says and what one does do not correlate or are contradictory) is a powerful motivator for the subject to start unlayering the truth. The interrogator must therefore make the subject realize that his responses do not tally with his own earlier responses. The factual inconsistency in the statement of the accused person should be made plain to the subject time and again. Utmost premium shall be placed on consistency and reliability of statements made by subject and this fact must be reinforced on the subject periodically.
5. Preparation of *Structured Interrogation Statement* with verifiable facts is a must and should never be lost sight of. A good investigator keeps jotting down the relevant information and gathers sufficient details for further investigation and corroboration. The interrogation statement shall be structured as per Five Axis Method (FAM) to have the maximum relevance and utilization.
6. Interrogations within the realm of Scientific Criminal Investigation adhere to stringent standards, ensuring objectivity, fairness, ethics, and professionalism throughout the process. Employing scientific methodologies and principles is paramount, necessitating a systematic and evidence-based approach. Investigators must maintain neutrality and impartiality, devoid of bias or preconceived notions, to uphold the integrity of the interrogation. Each step is

guided by established principles rooted in behavioral science and psychology, emphasizing the importance of standardized techniques. Furthermore, ethical considerations dictate the treatment of the individual being interrogated, safeguarding their rights and dignity. Professionalism dictates that interrogators conduct themselves with utmost decorum, respecting legal boundaries and preserving the reliability of obtained information. Through adherence to these principles, Scientific Criminal Investigation ensures that interrogations yield credible insights while upholding ethical standards and preserving the integrity of the investigative process.

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National Police Academy
Journal Vol. LXXII No.2 & LXXIII No.1, (P.54-72)

The Perfect Victim - An Insight into Online Child Sexual Abuse

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Domain: Crimes

Sub Domain: Crime Against Children/ Protection of Child Rights



“A young 9 year old XXX stared at me through my mobile phone screen. Her eyes looked blank, her body lay bare and as the video progressed - every passing second robbed her of her childhood, her dignity and carved her into a blob of trauma. Whilst she was being

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sexually assaulted under the blue sky by the man on the sands of an abandoned quarry land - he videographed his pleasure. And therewith completely exposed the little girl forever to the world”

Introduction:

Police deal with a range of community issues, which, if improperly handled, can spill into the valley of crime. Problem oriented policing is a concept that is developing with various studies of Herman Goldstein gaining prominence. It goes to the core of a police (crime- noncrime) issue by analyzing available data figures and putting community-based policy perspectives and interventions into motion. The POP module activates the core issue infrastructure by analyzing crime data trends. Unlike several government actions that adhere to a top-down vertical approach, a problem-oriented mechanism will involve a bottom-up, decentralized approach along with nuances of a horizontal purview of understanding societal matters. POP is an approach to develop targeted interventions rather than intervention (College of Policing, 2017).

As society evolves, the nature of crime also becomes more nuanced. Grave crimes become an extension of existing fault lines of society, and law enforcement's data inertia (not acting on data promptly) can further the vicious cycle of crimes. There is a need to study grave crimes from a societal perspective and plug in the aspect of police being co-producers of security rather than a security monopoly.

Sexual Abuse reflects a gory display of the dark aspect of the human psyche. It lays even the most animalistic instincts to shame. Online child sexual abuse has taken a rather ugly turn with the advancement of technology. Child pornographic content is rather readily available on various platforms and has become easily accessible. As a cyber footprint, once left in cyberspace, it never fails to leave the data stack - the trauma of young children is immortalized.

Background:

Kerala Police has followed a target-based cyber safety and security intervention model. Kerala Police's approach to cyber crimes has ranged

from adopting a public-private partnership like the Cyberdome to developing a concentrated effort to protect our children from sexual abuse in the digital space by establishing a Counter Child Sexual Exploitation (CCSE) Center.

Child sexual abuse material (CSAM) is available rather quickly (only 3 clicks are required to be able to access CSAM) on varying social media platforms. Owing to the dark web, the further penetration of such content has been expanding. Law enforcement and civil society organizations have worked in various realms to address this crime. It is a crime of horrifying nature as the perpetrators include not just those who upload such content but also those who consume such content. Social media and dark web patrolling, enforcing P Hunt raids against consumers/sellers of CSAM in the state of Kerala, integrated task forces for victim identification and rehabilitation, awareness camps, and analysis research are just starters in the war against CSAM.

In accordance with the legal provisions, the state police have tirelessly been registering cases U/s 67B of the Information Technology (IT) Act and associated provisions of the Protection of Children from Sexual Offences (POCSO) Act. Our data reflected more than 700 cases registered in Kerala since 2017. In this realm, the state police were lauded for their single-track dedicated efforts against online child sexual abuse. The issue lies in this single-focused approach. Online child sexual abuse was seen in isolation and not plugged with the actual rise in offline child sexual abuse cases.



Narrative:

The National Human Rights Commission, NHRC, India has taken suo motu cognizance of a media report that the circulation of Child Sexual Abuse Material (CSAM) has increased by 250 to 300 percent on social media in India. The Hon. Chairperson of NCRB in March 2023 at the National Conference on Child Sexual Abuse Material (CSAM) stated that CSAM had been a clear violation of the human rights of children and intruded on the right to privacy.

As part of the Interpol South Asian Victim Task Identification Force, the author began consuming CSAM in 2021 as part of a crime study profile. Kerala Police's integrated community and all-stakeholders approach exposed the study of CSAM as a crime beyond our state and national borders. It brought several law enforcement agencies to collaborate under the National Center for Missing And Exploited Children (NCMEC) and International Center for Missing and Exploited Children (ICMEC) portals. ICMEC has an INTERPOL extension called ICACCOPS (ICAC Child Online Protection System), which searches peer-to-peer online media and generates identifiers of CSAM consumers, sellers, creators, and victims. Further, under the aegis of the CoCoN conference Annual Cyber conference held by Kerala Police, several National and International civil society organizations came together. They uncovered the prevalence of the Perfect Victim.

These collaborative approaches lead the author towards studying The Perfect Victim - The sexually abused child. Their vulnerabilities constituted a part of a chain of trauma where the child felt like a criminal and hence became a subaltern. These vulnerabilities perpetuated the WeGlobal Alliance to comment that a scenario of the Perfect Victim existed because of a lack of congruence between assault data, academic data, online data, and field survey data. This led to a hypothesis that a vicious circle could exist between two similar parallel crimes. The more the society consumed CSAM, the more was the penetration of child sexual abuse. The more the child sexual abuse continued, so did the demand for CSAM content increase.

Hence, to put this data analytics into perspective, Goldstein's SARA method of problem-oriented policing was utilized for this study :

1. SCAN the crime heads in their individual capacity of aggravated POCSO cases under Section 3 r/w 4 and 376 IPC on the one hand and CSAM cases registered under Section 67B IT Act and Section 15 of POCSO Act.
2. ANALYZE the data trends relation in a statistical format, with a focus on any common trends in the comparison sheet.
3. RESPOND by using a stick and carrot method - a balance between strict enforcement in the form of arrests and convictions combined with community-based deterring initiatives against child sexual abuse - physical and online.
4. ASSESS the problems faced and the way forward.

The above SARA METHOD was an excellent starter for placing aggravated POCSO and CSAM cases on a data analytical sheet. However, the following concerns were bound to crop up:

1. Not getting exact credentials of online consumers of CSAM due to VPN/encryptions causing inability to detect consumers/ creators/ sellers of CSAM.
2. A taboo associated with crime which, if wrongly implicated, pushes families to the verge of social ostracism.
3. Untimely support and response from telecom and social media intermediaries.
4. Identifying victims of content found on social media and ensuring concealment and rehabilitation.
5. Identifying the age of victims on online abuse material actually to ascertain that they are children.
6. Owing to the vast expanse of the cyber world, one cannot look the other way if the child belongs to another nationality. Hence, there is urgent need for synergy across various stakeholders beyond borders.
7. Trauma management of police personnel consuming such sexually

explicit material was crucial as it was an occupational hazard.

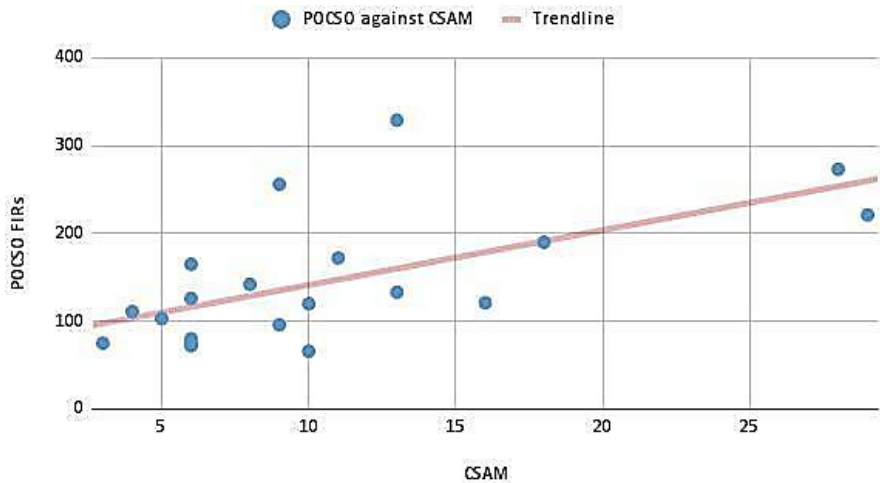
8. Data sanitation as various factors of a socio-economic nature need to be plugged in whilst doing a district-wise comparison.
9. Whole figures may lead to comparing non-comparables owing to varying population and socio-economic indicators.

Procedure For Addressing the Problem:

According to the Redirection Project by an organization called Protect Children stated that CSAM users are at a high risk of direct offending against children. According to their study, 52% of respondents have felt afraid that their CSAM use would lead to an in-person offense, and 37% have sought direct contact with children online. 44% have at least once thought of seeking direct contact with a child through online platforms. The risk factors of CSAM users seeking direct contact with children online include frequent use of CSAM, older age of first exposure to CSAM, viewing CSAM depicting toddlers and infants, having thoughts of self-expressing before viewing CSAM, and being in contact with other CSAM users. These comments set the premise to study the crime data for Kerala and put it into the context of addressal in the district of Thrissur, Kerala.

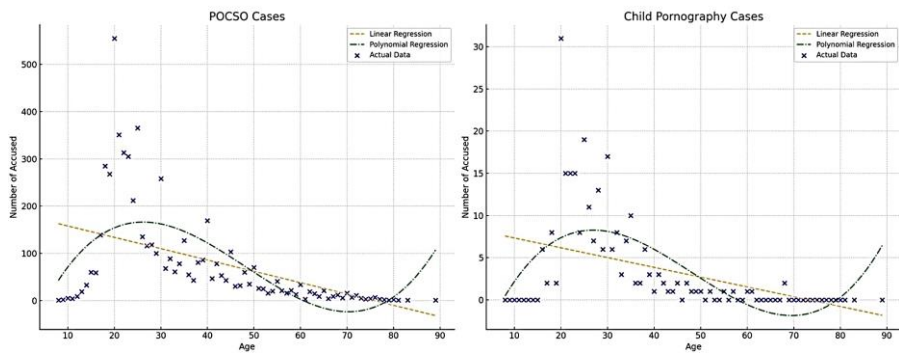
The FIRs for the state of Kerala across 19 police_districts were studied for the year 2018 to 2022. The FIRs of POCSO cases (only 376 IPC and 3 r/w 4 POCSO Act) were pitted against CSAM-based FIRs made available as part of the P Hunt enforcement. A correlation coefficient between the total number of POCSO cases and the total number of Child Pornography cases of approximately 0.60 was found. This indicated a positive correlation, suggesting that consuming child porn does have a higher chance of child sexual abuse being reported/inflicted in the state under consideration in Kerala. It's important to remember that correlation does not imply causation, but this positive correlation does suggest a notable relationship between the two variables.

POCSO Cases vs. CSAM Cases



Further, the author studied the perpetrators' age group, and the data visualization model was used. Visualizations showed how the Linear and Polynomial Regression models fit the data for accused age groups in POCSO and Child Pornography cases. In POCSO Cases: The Polynomial Regression model (in green) seems to offer a more nuanced fit, especially in the age groups where the number of accused peaks. In Child Pornography Cases: The Polynomial Regression model (in green) again provided a slightly better fit. (Refer image)

Corrected Model Fitting for Accused Age Groups in POCSO and Child Pornography Cases



This hence reflects that 65% of CSAM cases accused are between the ages of 20 and 30, and 52% of the accused in POCSO cases are between the age group 20-30. This close snuggle of age group was extremely crucial in handling cases of such a critical nature more holistically involving the community.

This data analytics put the perspective of child sexual abuse in the societal context of Kerala. The situation studied showed the need to integrate community perspective in fighting child sexual abuse. Hence, in this context, the following actions enabled responding to the problem:

1. Victim Counselling centers are erected to identify victims from the state who have been featured in child sexual abuse videos, and they are counseled and rehabilitated. Two hundred such children have undergone counseling. MOU has been signed with Bachpan Bachao Andolan to create more counseling centers in the state where maximum child abuse cases are reported. This then falls in line with even physical abuse victims coming under the radar of sustainable and continuous counseling by these centers.
2. Further, understanding that the vulnerable group includes those in the age group of 20-30 years, the author took district-specific action for Thrissur. As the open discussion in sexual engagement is still taboo, the district initiated youth club activities and gave legal awareness of POCSO laws. The youth groups, residence associations, and colleges came together to discuss the matter in a Cyber Tech Fest: Code Combat 2023. Then, youth in the age group were identified and made as community-based Cyber Ambassadors who further took the baton on action and prevention of child sexual abuse.



Cyber Ambassadors briefing in Thrissur, 2023

3. The author studied Thrissur districts' POCSO cases for the years 2022 and 2023, and a police station named Kaipamangalam topped with the highest reporting. The accused in these POCSO cases were randomly sampled, and many accused confessed to having watched CSAM material at some point. Further, since most of the IPC offenses in this police station were 377 in nature along with POCSO, young boys from broken families and vulnerable coastal groups were identified by the local panchayat authorities and district child commission and were counseled.

A



Community based intervention for the vulnerable groups of Kaipamangalam Police Station, Thrissur 2023.

4. Further, CCSE worked along with NCRB on the Cyber Tipline reports. This reporting portal has led to more specific intel inputs and, owing to better authenticity, a 73% increase in the detection of CSAM cases were reported in the state. Further, based on the surety of content on suspected devices, the CCSE center classified data into Most Probable/Probable and the suspected media platform used for CSAM consumption. In this regard, Thrissur district arrested individuals across several P Hunt operations and, successfully questioned the accused and identified one case of second layer supply of CSAM by a young man within the district at Rs 100/- per CSAM video.



5. The State Police have also been able to do seller identification through social engineering and social media group entry. The CCSE Team has identified 5 CSAM sellers within our state, 30 people from other states, and 3 people from different countries.
6. There were questions about identifying if the victim was a child, and revictimisation took place as several stakeholders watched and rewatched the videos. To address the same, suspected cases were brought for trial - the videos were subject to personal scrutiny of the judges whose personal viewing convinced the judges of cases under consideration. This has thus led to almost 22 cases getting convictions. It is a slow, uphill journey, but a journey towards ensuring definite justice.
7. The CCSE team has collected and removed almost 3TB of CSAM content from the internet by contacting the domains of various social networking and social media platforms to remove these malicious accounts. Intermediaries are brought in as crucial stakeholders, and Rule 7 of IT rules has also been pressed upon.
8. The state police conduct an annual cyber event, CoCoN, with a specific track on CSAM. Stakeholders from various countries, states, civil society organizations, and academia formulate task

forces to delve deeper into the matter and collaborate. In the 2023 conference, tools were discussed for data analysis on CSAM across various platforms. Project MARS (Media Archival Retrieval System), KATALYST, AviaTor, and ICACCOPS have set the ball rolling for insights into how CSAM is consumed by data analysis. CCSE has extensively used ICACCOPS to pin IP addresses. Once the same is mapped, inter state coordination is initiated.

9. Further, victim identification and video origin were studied by extracting EXIF data and using tools of suspected video/media cleansing for availing markers for identifying the victim's location based on background indicators.
10. Children are herewith educated at the school level through a program called Kid Glove initiated at the state level. Further, in the district of Ernakulam, cyber simulator rooms were set up to expose children to online abuse instances experientially.



Reflection:

The above study put forth the need to emotionally dissuade oneself from the gravity of the crime. Any crime concerning children puts the law enforcement agency in a fix owing to the trauma associated with it. As part of Interpol's South Asian Victim Task identification force, the author consumed more than 200 CSAM content over a period of 15 days. It pushed the author to a psychological brink of exhaustion owing to the gravity of the abuse. Consuming content that showed the grim reality of the rawest of human actions provoked the author to delve into the subject of CSAM and put it in the context of POCSO law enforcement and, therefore, connect the psychological and physiological impacts of both these crimes.

The Director NCRB at the CSAM conference of 2023 stated that the data about CSAM with CCNTS and NCRB may not reflect the total number of cases as the "Principal offense rule" is followed for data collection wherein legal provision about more a heinous crime will take precedence. It is yet crucial to study the available data to put strategies in place as we are putting the most vulnerable group - children, in the most vulnerable space - the cyberspace for the most profound type of crime-sexual abuse.

The Global Threat Assessment of 2023 on CSAM by WeProtect Global Alliance stated the urgent need for an innovative response. As stakeholders worldwide have delved deeper into this matter, there has been an 87% increase in CSAM reporting since 2019. Further, owing to the spread of this crime, the world has seen 32 million CSAM data and reports being analyzed in 2022-23, furthering better law enforcement response. Each state must accept the existence of this crime and its continuous evolution owing to AI self-imagery, and social grooming, which need to be put into the context of digital penetration in India and all states. According to Kerala's latest Economic Survey of 2023, digital penetration in the state is almost evenly placed, hence expanding the vulnerability of the children across districts in the state. Kerala was declared the first digital state in India in 2016, and incidentally, the rise in CSAM and its first detection happened in 2017.

Children are the Perfect Victims. They seek their safety and security in both online and offline places. They seek the community and law enforcement as their safety and security co-producers. Our enforcement data is available - what lies is the ability of enforcement agencies to adopt the principles of predictive policing and put it into the framework of problem oriented policing, where the community and all stakeholders are equally involved in preventing Child Sexual Abuse.


Way forward:

The policy landscape is continuously evolving, including the introduction of the new Data Protection Bill and Digital India Bill. It should make the Perfect Victim a crucial central point in its formulation. The NCRB is an essential data center for Crime In India. As the nature of crime becomes more integrated, there is a need to generate data analytical reports. Incidentally, NCRB has addressed this issue in its latest advisory to all State/UT governments for upholding the Rights of Children against the Protection, Distribution, and Consumption of CSAM. NCRB has to expand its national database of sexual offenders further to include even CSAM offenders convicted under Section 67B of IT Act and Section 15 of the POCSO Act.

The CBI has access to Interpol's International Child Sexual Exploitation (ICSE) database. CBI should allow ICSE access to be further expanded to states for timely intervention. To fructify the required action, all states should have a dedicated Data analytics wing under DCRB/SCRB and a state-level dedicated center for addressing Child Sexual Exploitation. Personnel working in this unit should undergo proper psychological tests to be assured of their ability to deal with the trauma, and continuous therapy of these personnel should be ensured to keep their vulnerabilities under check. Regular multi-level stakeholder dialogue is crucial to understanding child sexual abuse in the larger context (Annexure 1). Data of victims, accused, platforms of CSAM content, IP addresses, and hot spot mapping of offline child sexual abuse, when pitched together, can provide a larger canvas to study the crime and, therefore, address it with a community-based response.

Annexure I

1. Global Strategic Response by We Protect Global Alliance 2023.

<div> GLOBAL STRATEGIC RESPONSE: Eliminating Child Sexual Exploitation and Abuse Online</div>						
Thematic Pillars	Policy/Legislation	Criminal justice	Victim support services and empowerment	Technology	Societal	Research and insight
Capabilities	1. Political will Accelerated leadership & willingness Action at the highest level Adequate government resources Multi-stakeholder leadership Evidence-based approaches	4. Information sharing and collaborative targeting Shared intelligence to international database, child sexual abuse material evidence, and targeting methodologies Formal data sharing frameworks; high volume, frequent data exchange	8. Crisis response Effective and timely support 10. Victim and survivor voice Advocates for change 11. Victim and survivor privacy and confidentiality Protected by the timely removal of all exploitative material	13. Innovative solutions Use of technology, including blockchain, to detect, locate and prevent illegal and exploitative content 14. Technology-led risk and safety assessment Technology-led risk and safety assessment platforms and software innovation providers	17. Digital culture development Demanded for online child safety to be an effective and essential technology, increased publicisation of digital safety and prevention programmes 18. Ethical approach, consent Ethical approach, consent	21. Threat analysis and monitoring Detailed and up-to-date assessments of threats and risks 23. Research to understand online vulnerabilities and effective safety education systems Online safety and preventative approaches
	2. Legislation Comprehensive legislation, including child safety, technology empowerment, protection of offenders, child sexual abuse material, and prevention of child sexual exploitation and prevention of "sextortion" companies	5. Risk/threat assessment matrix for victim ID and offering targeting for prevention 6. Modernised reporting systems reporting systems 7. Collaborative online expertise Collaborative, cross-development to addressing offenders	9. Victim identity protection Preserve the anonymity of victims 12. Victim identification of victims Preserve the anonymity of victims	15. Voluntary principles for child sexual exploitation and safety Voluntary principles for child sexual exploitation and safety and consistent adherence among industry	19. Restriction of children's exposure to illicit and harmful content Systemic mechanisms to prevent children's exposure to illicit and harmful content	22. Offender research Offender behaviour, drivers, pathways and effective interventions 24. Long-term victim trauma analysis Victim trauma, societal and economic impacts
	3. International commitments Capacity development, both cross-center technology-based improvements and technical improvements within countries and the prevention of ineffective state response systems	3. Dedicated, trained officers and prosecutors with expertise in handling online child sexual exploitation and the prevention of ineffective state response systems	16. Increased transparency Greater and public transparency reports on detection & removal of child sexual abuse material, and ensure data shared by exploitable methodology strategies	16. Increased transparency Greater and public transparency reports on detection & removal of child sexual abuse material, and ensure data shared by exploitable methodology strategies	20. Education and outreach Regular messaging appropriate to age, community and culture 20. Outreach Routinely targeted safety interventions strategies	25. Ethical AI and Innovation Ethical AI and innovation research, and the development of ethical AI and safety-enhancing solutions
	Renewed of high-level commitment at a national and international level Efficient funding, focus and legal frameworks in place at a national level Prevention of child sexual exploitation and abuse internationally	Resources are pooled to identify, pursue and apprehend offenders and resolve cases Successful joint investigations and prosecutions are conducted	Victims have access to the support they require Standardised procedures for reporting issues, material and contextual information to receive victims evidence Dedicated Child Protection Centres for all forms of child exploitation Standardised practices to protect the identity of victims Expand victim "voice" groups	Industry, lawyers and legislation to prevent platforms being used as a tool for abuse Government and non-governmental organisations use technology to identify and remove content legislation to ensure platforms are not used as tools for abuse Regular reporting Strong law enforcement engagement and policies on local compliance Proactive and responsive international engagement with technology sector Increase volume of technology sector engagement with technology and safety by design Broaden use and application of national security and law enforcement	Children are protected from sexual exploitation and abuse, no matter where they live. Parents are empowered to protect their children from online threats, no matter where their Public action holds government and companies accountable Global public service announcement elevating priority of child protection in the digital world Further measures taken to reduce offending Children, experts, teachers and other professionals aware of risks and prevention measures Awareness-raising through the public domain Offenders and potential offenders deterred Understanding and boosting confidence in self-generated child sexual abuse material	Government, law enforcement, civil society, academia and industry have clear understanding of the latest threats Regularly updated insight into global trends and the impact of international treaties through an annual Global Threat Assessment Deeper understanding of the long term impact of abuse, including the impact on mental health Deeper understanding of the impact of child sexual exploitation on economic cost Assessment and online safety education programmes
Outcomes	Formally renewed WeProtect Global Alliance commitments Increase country members to the Alliance and strengthen engagement Continue child sexual abuse material consistent with Lanzarote Convention, protect victims' privacy for consent classification Increase the protection for victims of children online in domestic and global level Best practice legislation merge with regional samples Ensure laws and technology, including cyber security, are up to date so that increase online harms to zero	Centralised online resource centre for all countries Investigative tools to counter anonymisation tech Centralised image repository for Collective Victim ID analysis and forensic digital investigation Formal guide for collecting high quality evidence for sharing Increased use of sharing frameworks, universal cooperation frameworks, and support for legal interoperability	National law enforcement, interregional and regional partners National and international civil society organisations with specialist expertise	International national technology companies, industry associations and national and international law enforcement	National governments, regional organisations, international and national civil society organisations and academic institutions	National governments, regional organisations, international and national civil society, industry organisations, national and international law enforcement, and academic institutions
Partners	National governments, regional organisations, UN agencies and industry partners	National law enforcement, interregional and regional partners	National and international civil society organisations with specialist expertise	International national technology companies, industry associations and national and international law enforcement	National governments, regional organisations, international and national civil society organisations and academic institutions	National governments, regional organisations, international and national civil society, industry organisations, national and international law enforcement, and academic institutions
<div>Coordinated capacity building</div> <div>Establish comprehensive model of capacity building that incorporates all sectors of Member National Response</div> <div>Establish coordination between countries conducting bilateral capacity building</div> <div>Dedicated training for policy leaders to develop the Member National Response</div> <div>National and regional policy leaders trained to identify strengths, gaps and opportunities</div>						

2. Legal provisions referred to:

**a) Section 67B in The Information Technology Act, 2000-
Punishment for publishing or transmitting of material depicting
children in sexually explicit act, etc., in electronic form.**

Whoever-

- (a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or
 - (b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner; or
 - (c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or
 - (d) facilitates abusing children online, or
 - (e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children,
- shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

b) Section 3 POCSO Act: Penetrative sexual assault.: A person is said to commit "penetrative sexual assault" if-

- a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person;
- b) he inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person; or
- c) he manipulates any part of the body of the child so as to cause

penetration into the vagina, urethra, anus or any part of body of the child or makes the child to do so with him or any other person; or
d) he applies his mouth to the penis, vagina, anus, urethra of the child or makes the child to do so to such person or any other person.

c) Section 4 POCSO Act - Punishment for penetrative sexual assault.

(1) Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.

d) Section 14 POCSO Act - Punishment for using child for pornographic purposes.

(1) Whoever uses a child or children for pornographic purposes shall be punished with imprisonment for a term which shall not be less than five years and shall also be liable to fine and in the event of second or subsequent conviction with imprisonment for a term which shall not be less than seven years and also be liable to fine.

(2) Whoever using a child or children for pornographic purposes under sub-section (1), commits an offence referred to in section 3 or Section 5 or Section 7 or Section 9 by directly participating in such pornographic acts, shall be punished for the said offences also under Section 4, Section 6, Section 8 and Section 10, respectively, in addition to the punishment provided in sub-section (1).

e) Section 15 POCSO - Punishment for storage of pornographic material involving child.

(1) Any person, who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, as may be prescribed, with an intention to share or transmit child pornography, shall be liable to fine not less than five thousand rupees and in the event of second or subsequent offence, with fine which shall not be less than ten thousand rupees.

(2) Any person, who stores or possesses pornographic material in any form involving a child for transmitting or propagating or displaying or distributing in any manner at any time except for the purpose of reporting, as may be prescribed, or for use as evidence in court, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

(3) Any person, who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished on the first conviction with imprisonment of either description which shall not be less than three years which may extend to five years, or with fine, or with both and in the event of second or subsequent conviction, with imprisonment of either description which shall not be less than five years which may extend to seven years and shall also be liable to fine.

f) Section 376 IPC - Punishment for rape.

(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever, (a) being a police officer, commits rape-(i) within the limits of the police station to which such police officer is appointed; or(ii) in the premises of any station house; or (iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

- (b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or
 - (c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or
 - (d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or
 - (e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or
 - (f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or
 - (g) commits rape during communal or sectarian violence; or
 - (h) commits rape on a woman knowing her to be pregnant; or
 - (i) commits rape, on a woman incapable of giving consent; or
 - (j) being in a position of control or dominance over a woman, commits rape on such woman; or
 - (k) commits rape on a woman suffering from mental or physical disability; or
 - (l) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or
 - (m) commits rape repeatedly on the same woman,
 - (n) be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.
- (3) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

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Journal Vol. LXXII No.2 & LXXIII No.1, (P.73-89)

Open Jails: Challenges for Women Prisoners

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Abstract:

Open jails primarily aim at rehabilitating and reintegrating inmates into society, offering enhanced freedom and employment opportunities. They not only help reduce recidivism, mental health problem, suicide/death and overcrowding in jails but also bring down the expenditure on prisoners considerably. However, only a mere 0.78% of the massive prison population consisting of 5,73,220 individuals, actually reside in open jails in India pointing out the urgent need of establishing more open jails in the country along with making the process of transfer of prisoners to open jails more transparent, flexible and liberal by amending the existing colonial rules and regulations. Though there are 23,772 female prisoners in the country, only four states of India viz. Maharashtra (66 prisoners), Kerala (08 prisoners), Rajasthan (53 prisoners) and Jharkhand (05 prisoners) have open jails for women. Rest of the 24 states and 08 union territories have no open jail for women prisoners. This analysis, drawing from existing data and over four years of personal experience in the Prison department, aims to deeply comprehend India's open prison system particularly with respect to female prisoners, some of whom live with their children, suggesting potential improvements within the existing prison system. Though the total budget for the financial year 2022-23 for all prisons in the country has increased to Rs. 8,725 crore

* IGP, 2004 Batch West Bengal Cadre

from Rs. 7,619.2 crore in 2021-2022, the scarcity of open jails persists seeking display of a strong administrative will.

Keywords:

Open Jails, Women Prisoners, Convicts, Undertrial Prisoners, Female Prisoners, Rehabilitation, Reintegration.

1.Introduction:

Open Jails adopt an innovative approach to incarceration, prioritizing rehabilitation and societal reintegration. In contrast to traditional closed prisons, they provide inmates with increased freedom and employment opportunities, often allowing them to work beyond prison confines. Focused on fostering accountability and self-governance, these facilities emphasize developing essential life skills through communal living and vocational training. The ultimate goal is to equip individuals for a successful reintegration into society through a nurturing and carefully structured environment. These modern rehabilitative centres have less stringent regulations, accommodating well-behaved individuals in enclosed correctional facilities. Aligned with United Nations standards, open penitentiaries are recognized as an effective method for rehabilitating selected inmates by offering a semblance of everyday life, including purposeful occupation and, occasionally, the ability to reside with loved ones.

Open jails are a type of prison reserved for individuals who have been convicted of a crime. These prisons are designed to house inmates who have exhibited good behaviour and meet certain criteria. Despite being classified as minimum security, open jails engage prisoners in agricultural activities.

According to Prison Statistics India-2022 published by the NCRB, New Delhi, out of the 5,73,220 prisoners in toto in Indian jails as on 31.12.2022, 5,49,351 were male, 23,772 (4.33%) female and 97 transgenders. Amongst female prisoners, the number of convicts was 5412, under trial prisoners 18146, detenues 120 and others 94. The maximum number of female prisoners were in Uttar Pradesh (4809)

followed by Bihar (2938), Madhya Pradesh (1917), West Bengal (1778), Maharashtra (1596) and Punjab (1555).

However, it is important to note that as the number of female prisoners in India continues to increase, the prison system, which is predominantly male-oriented, denies women essential rights such as access to open jails. Out of 28 states and 08 union territories in India, only 17 states have reported about the functioning of open jail out of which only 04 States viz. Rajasthan, Maharashtra, Kerala and Jharkhand have women prisoners residing in open jails, which implies that women are being denied the benefits of open jails in rest of the 24 states and 08 union territories and that there is no existence of any open jail in 11 states and 08 union territories.

2.Literature Review:

The idea of including open prison systems was initially extensively debated by the international community during the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which took place in Geneva in 1955. The year 2015 witnessed the unanimous adoption of the UN Standard Minimum Rules for the Treatment of Prisoners, commonly referred to as the Nelson Mandela Rules, by the UN General Assembly. These rules outlined the goals and objectives of open prisons. Furthermore, in response to global appeals for prison reforms, the All-India Prison Reforms Committee in 1980 recommended that the government establish and advance open prisons in each state and union territory.

Depending on the jurisdiction or institution, the term 'open prison' can have different meanings. Generally, it refers to a prison where residents are not always locked or fully confined, as stated by Mastrobuoni and Terlizzese in 2014. The idea that the open prison is based on can be seen in two dictums of Sir Alexander Paterson. First, a man is put in jail as punishment and not for punishment. Next, you can't teach a man about freedom if he isn't given more freedom and less restraint (Paranjpe 2001).

Involvement with the open prisoner's family aids in the gradual healing of the community's wounds caused by their crime (Merkel 1994). In the realm of incarceration, open prison stands as a fortified community wherein wrongdoers are bestowed with the chance to forge meaningful connections amongst themselves, the staff, and individuals hailing from the realm of freedom. This fosters a profound sense of embrace within the prisoner's perception of the external realm and effectively refashions his own understanding of self-definition (Ekunwe, I. 2007).

In order to guarantee the well-being and reformation of inmates, the All India Jail Manual Committee (1957–59) proposed the establishment of open prison facilities (1960: 96–99), as part of their noble mission to uphold human rights and dignity. Initiated by the Rajasthan State Legal Services Authority (RSLSA), a study on open prisons (Bhatnagar 2017) concludes that the need to create more open prisons across the state arises from their cost-effectiveness and low resource requirements.

In their study, Goodley and Pearson made known that instances of absconding, re-offending, and temporary release failures (TRFs) by residents of open prisons are uncommon. The study focused on a group of 316 prisoners who were released from two open prisons in England and found that the rates of failure were only 0.9% for re-offending, 1.3% for absconding, and 3.2% for TRFs. To further elaborate on the rarity of these events, Hillier and Mews delve into the matter in their work published in 2018.

According to Vibhute (2015), engaging in vocational activities within open prisons not only allows inmates to partake in productive pursuits during their sentence, but also equips them with skills that can be utilized upon release. Furthermore, the meaningful work provided by these institutions keeps the inmates mentally engaged, preventing them from succumbing to negative influences. This fosters self-confidence and a sense of self-worth among the individuals. Additionally, it plays a crucial role in cultivating a positive and respectful outlook towards society (Borah 2018: 66–74).

In the insightful research conducted by Mastrobuoni and Terlizzese (2014) *op. cit.*, the captivating findings unearthed from an Italian open prison revealed strikingly positive figures when it came to recidivism and violence rates, especially in comparison to their counterparts within closed institutions. Using mixed methods, [De Motte, C. (2015)] found that older prisoners in England and Wales were more satisfied with the quality of life in an open unit than in a closed unit. Despite limited availability of rehabilitative programmes in the open centre, a study by Botello (2017) reports that at a female open prison in Australia, low rates of recidivism compare favourably with Nordic rates. Some other studies (Armstrong, et al. (2011), Ekunwe (2007), Mastrobuoni and Terlizzese, (2014) and Shammas (2014) – *op. cit.*) have brought attention to the decreased financial costs linked with open prisons. These savings are attributed to lower staffing and security requirements. Additionally, these studies have emphasized the positive impact on local and national communities and economies when individuals in custody are actively involved in education or employment. One quantitative study (Vanhooren, S., Leijssen, M. and Dezutter, J. (2017)) in three Belgian prisons (including one open institution) found significantly lower levels of distress among those in the open system.

In the year 1996, the Supreme Court, in a significant case known as *Rama Murthy v. State of Karnataka*, upheld the importance of open prisons. The highest court of the land mandated the creation of "an increasing number of open jails," commencing with the district headquarters across the nation. Acknowledging the challenges that may arise in managing such institutions, the court nonetheless remarked that these obstacles are not impossible to overcome when considering the immense benefits that open prisons can bring to society. The National Human Rights Commission (NHRC) has consistently emphasized the importance of open prisons in addressing the issue of prison overcrowding. This viewpoint has been reiterated in multiple annual reports, spanning from 1994-95 to 2000-01. In a significant development, the All India Prison Reforms Committee put forth a recommendation in 1980, suggesting the establishment of open prisons in each state and

union territory. Furthermore, in the case of *Dharmbir v. State of Uttar Pradesh* (1979), the highest court in the land acknowledged the potential benefits offered by open prisons in protecting young offenders from various negative influences prevalent within closed jail systems. In the Constitution of India, there lies a significant provision that ensures the basic right of each and every citizen to lead a life filled with dignity. This profound guarantee can be found in Article 21 of the Constitution. Moreover, within the Directive Principles of State Policy, specifically in Article 39A, it is made clear that it is the responsibility of the State to ensure that justice is administered efficiently.

3. History of Open Prisons:

The notion of open jails traces its roots back to 1891 in Switzerland, but it was not until the 1930s and 1940s that the idea gained significant momentum with the establishment of open prisons in the United Kingdom and the United States. Gradually, this concept began to permeate across various nations worldwide. Switzerland made commendable strides by constructing the first semi-open prison called 'Witzwill' in 1891, followed by the United States in 1916, the United Kingdom in 1930, and subsequently, the Netherlands in 1950.

In the year 1933, England and Wales witnessed the establishment of New Hall Camp, which marked a significant milestone as the first open prison for adult males. This groundbreaking initiative aimed to address the issue of limited employment opportunities faced by individuals who had been incarcerated for a considerable duration. Interestingly, New Hall Camp not only accommodated individuals serving shorter sentences for less severe crimes but also those who had committed more grave offenses and were approaching the end of their imprisonment term (Smith, 2018).

Following one in 2015, Zimbabwe's Marondera Female Open Prison is the second to open in Africa, after Mauritius.

In India in 1905 in Bombay Presidency, the inception of the first open jail took place. This innovative establishment catered to a select group of individuals hailing from the special class inmates of the Thane

Central Jail in Mumbai. However, this open jail was closed in 1910. Thereafter, the first open jail was set up in 1953 for the construction of a dam over the river Chandraprabha near Banaras. After the completion of this dam, the prisoners were transferred to the nearby site for construction of a dam over the river Karmnasa.

On the 15th of March in the year 1956, an open jail was established in Mirzapur. Its purpose was to provide employment for prisoners who would work in extracting stones for the Uttar Pradesh Government Cement Works at Churk, Mirzapur. The inspiration behind this initiative was the triumph of previous open jails. Initially, there were 150 prisoners in this open jail, but that number gradually grew to reach a peak of 1,700 before eventually declining.

In the year 1960, a new open jail by the name of Sampurnanad Shivir was established in Sitarganj, a place nestled in the Nainital district of Uttarakhand. At its start, it covered a vast stretch of land measuring up to 5,965 acres. However, to make space for those who were displaced, the Uttar Pradesh government made the decision to reclaim a chunk of 2,000 acres. It is worth mentioning that Sitarganj is highly esteemed for being one of the largest open jails on a global scale and presently encompasses an area that spans across 3,837 acres.

A remarkable instance of an open prison in India is the captivating case of Sanganer Jail in Jaipur, Rajasthan. This correctional facility has a rich history, as it was established way back in 1954 and presently accommodates approximately 450 convicts. What distinguishes Sanganer from other open prisons across the nation is its unparalleled philosophy of granting prisoners the opportunity to reside with their loved ones and engage in gainful employment to sustain themselves. Similarly, in the Lalgola Open Correctional Home in West Bengal, twenty convicts dwell in cottages alongside their families, while other prisoners reside in a distinct enclosure; nevertheless, no female prisoner calls this place their home.

In Gerwada, Pune in 2010, the first open jail for women was set up. Similarly, in Poojappura, Kerala in 2012, the first such jail was established in South India.

4. Selection of Inmates for Open Jail:

The process of selecting inmates for open jails is quite intricate and involves a thorough evaluation conducted by a Board comprising experienced Prison, Police, and Civil Officers. This diligent assessment aims to ascertain whether the inmates are suitable for a less restrictive environment. Several factors are taken into account during this evaluation, including the nature of their offence, their behavior while in prison, and their potential for rehabilitation. Even though open jails offer inmates more freedom, they are closely monitored by authorities to ensure that they adhere to all the rules and regulations. The ultimate objective of open jails is to strike a delicate balance between punishment and rehabilitation, thereby contributing to a criminal justice system that places great importance on reforming offenders and facilitating their successful reintegration into society. Mostly convicts who have completed 10 years of imprisonment are considered for transfer to open jails in some states; however, in Jharkhand even under trial prisoners both male and female are kept in open prisons. As per the rules laid out in the Rajasthan Prisoners' Open Air Camp Rules of 1972, prisoners who are deemed eligible for transfer to open jails must have served one third of their sentences. The colonial rules for selection of prisoners for transfer to open prisons need to be made uniform and relaxed so that a greater number of prisoners could be made eligible for residing in open prisons.

In certain states, open jails grant inmates unrestricted freedom of movement as they do not follow a daily lock-up routine. The gates are opened at 06:00 hours in the morning, and the night lock-up commences at 20:00 hours. Between the hours of 6:00 a.m. and 8:00 p.m., inmates are at liberty to roam wherever they please and pursue any occupation either within or beyond the confines of the jail. But they are required to go back to the jail by 8:00 p.m. The inmates residing in open jails are instructed to secure jobs within a 20-kilometer radius from the facility, enabling them to return to the jail every night. Additionally, after 6 months, they are eligible for a 20-day parole. During their initial three

months in the open jails, they are provided with meals. However, following this period, the prisoners are responsible for arranging their own food.

5. Benefits of Open Jails for Women & their Children:

The establishment of open jails for women provides multifaceted benefits aimed at rehabilitation, reintegration into the community and addressing the specific needs of female prisoners. In particular, the emphasis on rehabilitation, rather than punitive measures, allows women access to vocational training, education, and various programs to address issues such as trauma and addiction. These initiatives equip women with valuable skills, fostering personal development for their eventual return to society. Open jails significantly contribute to women's community reintegration by allowing employment outside prison during daylight hours, promoting gradual responsibility assumption and facilitating the restoration of familial bonds. This family-centric approach not only benefits individuals but also breaks the cycle of intergenerational incarceration. Overall, open jails offer a comprehensive and supportive environment for women, aiming to reduce re-offending and empower them for fulfilling lives post-release. Women prisoners with children are specially benefitted in open jails as children's centric benefits are also provided in open jails for women and the mental and emotional development of children are not inhibited here.

The Ministry of Women and Child Development, in their report released in June 2018, has recommended that female prisoners should be given priority for housing in open jails. This arrangement would particularly benefit pregnant women and those who are incarcerated with their children. There were 1,537 women prisoners with 1,764 children as on 31st December, 2022. Among these women prisoners, 1,312 women prisoners were undertrial prisoners who were accompanied by 1,479 children and 198 convicted prisoners who were accompanied by 230 children.

To address this issue, the Supreme Court in R. D. Upadhyay's case stated that a child should not be treated as an undertrial/convict

while in jail with his/her mother and issued a set of guidelines to ensure these children have access to essentials such as food, medicine, shelter, clothing, education and recreational activities as a matter of right.

The Bureau of Police Research and Development (BPRD) published report number 165 which highlighted the lack of necessary resources for the psychological and social growth of children in closed prisons. According to the report, these guidelines are merely theoretical and do not align with the actual conditions. It is crucial for the authorities to shield these innocent children from the harmful atmosphere prevalent in closed prisons and offer them a secure space to nurture their physical, mental, and emotional well-being. One possible solution to address this issue could be the creation of dedicated Open Jails exclusively for women. This approach would provide a conducive environment for female prisoners to prioritize their well-being as well as that of their children. Additionally, the implementation of more lenient regulations in these open jails would allow pregnant inmates to reside alongside their families, guaranteeing them the necessary support and care they require. Open jails empower women to develop essential life skills while fostering a supportive atmosphere that aids in their reintegration into society, ultimately reducing overcrowding in closed jails, expenditure on inmates, recidivism and contributing to the overall well-being of both women and their children.

6. Open Jails and Women:

Sl. No.	Type	Number of Jails	Capacity	Population of Inmates	Occupancy Rate
(1)	(2)	(3)	(4)	(5)	(6)
1	CENTRAL JAIL	148	197052	246155	124.9
2	DISTRICT JAIL	428	168981	264534	156.5
3	SUB-JAIL	574	47270	45679	96.6
4	SPECIAL JAIL	42	7573	7171	94.7
5	OPEN JAIL	91	6043	4473	74.0
6	WOMEN JAIL	34	7080	4258	60.1

Sl. No.	Type	Number of Jails	Capacity	Population of Inmates	Occupancy Rate
(1)	(2)	(3)	(4)	(5)	(6)
7	BORSTAL SCHOOL	10	1204	489	40.6
8	OTHERS	3	1063	461	43.4
9	TOTAL	1330	436266	573220	131.4

(Source: Prison Statistics India – 2022 NCRB)

In India, there are a total of 91 Open Jails. These unique institutions house 4,473 inmates, resulting in 74% occupancy. These open prisons have the capacity to hold up to 6,043 prisoners. Only a mere 0.78% of the massive prison population, which stands at a staggering 5,73,220 individuals, actually reside in open jails in India pointing out the urgent need of establishing more open jails in the country.

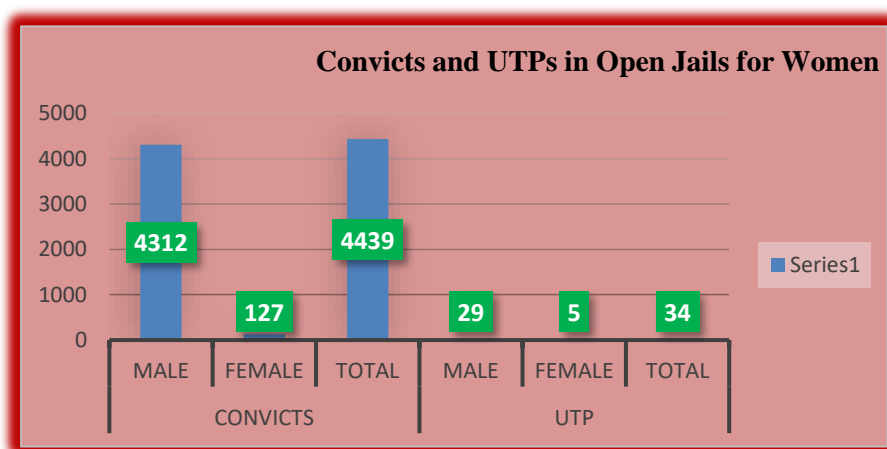
As of 31 December 2022, a total of 4,473 prisoners were housed in various open prisons in the country, of which 4,341 were men and 132 were women. These figures were well below the total capacity of 6,043 prisoners, which included 5,913 men and 130 women. Of all the states, Maharashtra had the highest number of prisoners at 1,725 in open jails, followed by Rajasthan with 1,367, Kerala with 437, and West Bengal with 261.

State	Number of Open Jails	Total Capacity of Inmates			Inmate Population			Occupancy Rate (in %)		
		M	F	Total	M	F	Total	M	F	Total
JHARKHAND	1	90	10	100	30	5	35	33.3	50.0	35.0
KERALA	3	448	20	468	429	8	437	95.8	40.0	93.4
MAHARASHTRA	19	1512	100	1612	1659	66	1725	109.7	66.0	107.0
RAJASTHAN	41	1488	0	1488	1314	53	1367	88.3	-	91.9
TOTAL(ALL-INDIA)	91	5913	130	6043	4341	132	4473	73.4	101.5	74.0

(Source: Prison Statistics India–2022, NCRB)

Occupancy of men's open prisons is 73.4% and women's open prisons 101.5%, and the total occupancy of open prisons is 74.0%. Only four states of India viz. Maharashtra (66), Kerala (08), Rajasthan (53) and

Jharkhand (05) have open jails for female prisoners. Rest of the 24 states and 08 union territories have no open jails for women prisoners.



(Source: Prison Statistics India–2022, NCRB)

Out of 4,473 prisoners in toto in open jails, there are 4,439 convict prisoners consisting of 4,312 men and 127 women; 34 undertrial prisoners live in open jails comprising of 29 male and 05 female. Convicts mainly live in open jails, but only in Jharkhand state undertrial prisoners (29 male+5 Female) too are accommodated in open jail. Female prisoners live in open jails only in four states of India viz. Maharashtra (66 convicts), Rajasthan (53 convicts), Kerala (8 convicts) and Jharkhand (05 undertrial prisoners). As per estimate, only less than 3% of the total prisoners living in open jails are women. No transgender prisoner lives in open jail.

7. Gender Inequity:

The topic of "prisons" in India falls under the jurisdiction of the State List, which implies that state governments are mandated to devise the appropriate regulations and instructions for the management of Open Jails. The process of selecting prisoners for these correctional facilities also hinges on these regulations, which differ significantly across different states.

Presently, in the vast country of India, there exist only four states - Kerala, Jharkhand, Rajasthan, and Maharashtra - where female prisoners are granted the privilege of residing in Open Jails. Astonishingly enough, although 13 other states have established these facilities, they exclusively accommodate male prisoners. This peculiar discrepancy persists despite the fact that a considerable number of female convicts inhabit Central, District and Women Jails across the nation. Curiously, not a single female prisoner from these institutions has been relocated to open jails within these 13 states.

Furthermore, it is worth noting that in Assam, women are legally prohibited from taking up residence within Open Jails as dictated by Rule 5 of The Assam Superintendence and Management of Jails (Supplementary Provisions) Rules, 1968. It is clearly a violation of women's fundamental rights as stated in Article 14 to deny them the opportunity to stay in these prisons without any valid reason. These rights ensure that women are treated fairly and are not discriminated against on the basis of their sex, as highlighted in Article 15. Typically, open prisons are not meant for specific types of prisoners convicted of some serious crimes falling under barred sections of law. By excluding women from Open Jails, authorities are essentially classifying them alongside these particular group of prisoners.

The sanctioned strength of jail staff was 91,181 while the actual strength was 63,578 as on 31st December, 2022 due to vacancies not being filled up. The actual strength of woman jail officers/staffs was 8,674 (including 295 medical officers/staff), amounting to 13.6% of the total jail staff.

To examine the feasibility of setting up open prisons, the Ministry of Home Affairs convened a meeting on 13.2.2018 with the DG/IG Prisons of all States and UTs. The Rajasthan State Legal Services Authority (RSLSA) organized a comprehensive analysis of the open prison system within their state.

8.Challenges in setting up Open Jails:

Creating and maintaining effective open jails, considered as an alternative and rehabilitative approach to traditional prisons, faces several critical challenges. A major concern revolves around some prisoners becoming dependent on open prison resources, leading to potential difficulties in their reintegration into society after completing their sentences. Despite directives from the Supreme Court, certain states have failed to enact laws enabling open prison establishment, hindering their utilization. Existing open jails operate below capacity, with opaque criteria for inmate selection raising questions about fairness. Outdated legislation, such as the Prisoners Act of 1894, contributes to difficulties in managing modern prisoners, exacerbating gender disparities in open jail availability. Administrative deficiencies, including limited facilities, financial resources, and staffing, coupled with concerns about selection integrity, impact the overall effectiveness of the open prison system. Critics emphasize security and discipline, raising doubts about the leniency of open jails and the prevention of repeat offences, underscoring the need for continuous evaluation and improvement in this correctional approach within the Indian criminal justice system. Acquiring land for setting up open jail along with infusion of matching financial grant for its construction is the main stumbling block for the district administration. However, a determined administrative will may overcome all such obstacles provided sincere efforts are made in this direction.

9.Conclusion:

Open Jails for women have a positive impact on rehabilitation, empowerment, and successful reintegration into society. These institutions offer an alternative to punitive measures by addressing the fundamental causes of criminal behaviour and preparing female prisoners for a fruitful and law-abiding life after their time in custody. By investing in opening greater numbers of open jails for women, we can cater to the needs of rehabilitation and reintegration of the growing number of female prisoners in jails, some along with children, and remove the present gender discrimination embedded in the system against women prisoners

along with reducing prison expenditure, recidivism and overcrowding in jails. This will also help in improving the mental health of prisoners and the number of suicides/deaths in prisons. We can look after the special needs of emotional development and education of the children of women prisoners by establishing creche in the open jails. It is also imperative to make the rules for transfer of prisoners to open jails more relaxed and liberal by amending the existing colonial rules to facilitate the entry of higher number of prisoners into open jails. What is required is a strong administrative will towards this noble cause at the appropriate level.

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Md. Imran Wahab, IPS is an officer of the Indian Police Service belonging to 2004 batch. In his police career spanning more than 30 years, he has held various positions within the police force and served in different districts of West Bengal. He worked in Kolkata Police for

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Journal Vol. LXXII No.2 & LXXIII No.1, (P. 90-108)

Challenges of Students and Youth Unrest in Current Scenario

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Abstract:

Youth is the most integral part of any country and the role they play is crucial for a country's social and economic future. We can identify a person as youth, if they fall between the ages of 17-30 years. They mostly comprise of college, school and university students. Most of them are unemployed, are looking for jobs in private or government sector through various competitive examinations or are aspiring entrepreneurs.

Youth unrest is essentially a manifestation of Discontent and Dissatisfaction. They publicly demonstrate discontent when their expectation is led down by a huge margin thereby creating discontent and hopelessness. On the other hand, government resources have become increasingly difficult to manage in a way so that it ensures egalitarian use of resources for every aspiring youth across the country. With rising population, this problem is getting compounded every year. The youth of this country has limited access to competition-based employment because of their ever-increasing number. It further exacerbates socio-economic inequalities. Social inequalities coupled with hopelessness sometimes make them take extreme steps and with their ever-increasing number, it has become an imperative to have a closer look at this issue.

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This article examines carefully the issue of youth unrest and discontent, various ways of its manifestation and how we can deal with such situations. Gaining first hand insights into the younger generation mindset and having the opportunity of interacting with them on multiple occasions as a police officer, this article dwells deeper into the issue and suggests some way forward.

We need to open continuous channels of dialogue with the youth in all educational institutions so that they start communicating freely and are able to reach out whenever they feel any discontent. Besides, understanding the youth and their problems is the first part of finding any solution. Empathizing with them and understanding their challenges in detail can go a long way in assuring them of a viable solution. A holistic and integrated approach with coordination from all the relevant departments can go a long way in resolving a crisis such as youth agitation. Additionally, improvisation with each experience is needed so that such crisis could be handled in a more comprehensive way.

Keywords:

What do we understand by Youth unrest? Reasons for youth unrest, Progression of events, Challenges faced, Lessons learnt, Possible ways to address youth unrest, Initiatives, Frequent interactions with stakeholders, Optimum usage of social media platforms for dissemination of information as well as for monitoring such activities, "Coffee with SP" program, Strategic Planning, Encourage Constructive Dialogues, Regular Interactive Programs, Timely dissemination of all relevant information to stakeholders, More Sensitivity towards issues of younger generation, Proper Grievance Redressal System, Community Policing & Social Media Monitoring, Use of Technology: Drone, Cyber Patrolling, Satellite Phones, Artificial Intelligence, Machine Learning and other new technical equipment, Detailed documentation of Incident, Feedback & Analysis, A holistic and integrated approach with co-ordination from all the concerned departments.

Introduction:

The young generation is the most important part of any country as they are considered as the future of that country. The young generation mostly comprises of college and school students of the country. When this young generation gets violent, then the state has limited recourse to deal with such situation. Therefore, the problem of youth unrest is a critical one. This paper will discuss in detail one such incident from Motihari district of Bihar in June 2022 where protests by students and young college students broke out against the proposed “Agni veer Scheme” which led to massive outbursts of anger which also resulted in some public properties being damaged by the angry students.

Now, India has the distinction of being the most populous country having highest number of youth population. According to United Nations Population Fund (UNFPA) projections, India will continue to have one of the youngest populations in the world till 2030¹. India’s youth face numerous challenges, including access to competitive and employment focused education, gainful employment, gender inequality and child marriage. Challenges of students and youth are one of the major impediments which need to be addressed in order to ensure long term sustainability of growth and holistic development for all. This paper is an attempt to uncover the reasons that students and youths of this country are grappling with. This paper is mainly divided in two parts, the first part will discuss the challenges that the younger generation of this country are facing, and especially the problem areas which needs attention and the second part will discuss the possible mitigating options for these challenges along with a case study.

Part A:

Challenges of Youth Unrest in India

Youth unrest has been defined by many scholars. Humayun Kabir (1956) in his book ‘*Education in New India*’ defines, “*Student Unrest is a spirit of general turbulence and rebellion among large sections of the young*

¹See URL- <https://india.unfpa.org/en/topics/adolescents-and-youth-8#:~:text=India%20has%20its%20largest%20ever,that%20will%20last%20till%202025>.

and is today a common phenomenon in many countries. The destruction of old values and the failure so far to create new values have led to the growth of a spirit of cynicism, avarice, and rebellion. As an integral and perhaps the, most sensitive section of the community, it is among students that the malice is most acute.”²

India is a large country with varied issues faced by the youth in every state. Yet, there are some challenges which are common for all the states and in my opinion, these are the issues which need attention more than the localized ones. With limited resources as well as opportunities to do so, it has become increasingly difficult for the government to ensure egalitarian use of resources and provision of equal opportunities for students and youth across the country. With the rising population, this problem is getting compounded every year. It is precisely because of this reason that the problem of youth unrest is getting traction and various think tanks across the country are brainstorming around this idea to address and resolve the contradiction which lies ahead with this problem. Some of the major challenges faced by the current younger generation of this country are as follows:

1. **Lack of Desired Employment Opportunities:** Less numbers of desired work opportunities in India can lead to frustration and disillusionment among the youth. Many educated and skilled youth are unable to find suitable employment opportunities, which can result in a sense of hopelessness and unrest.
2. **Pace of Technological Innovation:** With advent of Artificial intelligence and other technological innovation, it is getting increasingly difficult to expand the number of skilled jobs as many jobs are being done through Machine Learning and Outsourcing which further de-stabilize the job market because of the large number of informal jobs. In order to keep these jobs, youth of this country must upgrade their skillset which sometimes becomes difficult.
3. **Economic Inequality:** Economic inequality in India, with a significant gap between the rich and poor, can lead to feelings of injustice and inequality among the youth. The perception that only a

²Kabir, H., *Education in New India*, London: G. Allen & Unwin, 1956.

select few are benefiting from economic growth, while many others are left behind, can fuel youth unrest.

4. **Social Discrimination:** Discrimination based on caste, religion, gender, or other social factors can contribute to youth unrest in India. Marginalized and disadvantaged youth may feel excluded and oppressed, leading to protests and demonstrations demanding social justice and equality. While social discrimination is on the decline but the stigma around social inequality is still at play.
5. **Political Disillusionment:** Disenchantment with the political system, including corruption, nepotism, and lack of accountability, can lead to youth unrest in India. Many youth feel disconnected from the political establishment and believe that their voices are not being heard, leading to protests and demonstrations. Recent minor gas bomb attacks in our Parliament on 13th Dec. 2023 could be a speaking example of such disillusionment in which few misguided youth tried to disrupt the procedure of hon'ble parliament.
6. **Lack of access to Quality Education and Healthcare:** Access to quality education and healthcare is a huge task for authorities because of the limited resources and growing demographic pressure in any state/country. However, limited access to quality education and healthcare can create a sense of deprivation among the youth in India.
7. **Use of Drugs, Disillusionment, and Utopian Understanding of Entitlement:** Use of drugs and other intoxicants is on the rise among youth of this country. While use of drugs also has monetary implications, it further severs the financial position of family resulting in unrest and protests.

The Economics of Youth Unrest in India: From an Academic Standpoint

While there are many reasons discussed above which tries to understand the reasons behind youth agitations and unrest in India, it is evident that mostly, the youth protests or agitates because of one central reason which is directly related to money. It is therefore an imperative to highlight this

problem in this paper. Various scholars have also highlighted the role of economic hardships leading to unrests among youths of this country.

Humayun Kabir (1958) in his book- 'Student Unrest: Cause and Cure' has emphasized on this point and argued that problems of economic difficulties are the main cause of student unrest. According to him, 'there are four causes responsible for student unrest: loss of leadership by teachers, the growth of economic difficulties, defects in the existing system of examination and general loss of idealism'.³

It is easier to point out towards the problems that are facing the youth of this country which leads to their agitation but it is not so easy to provide solutions to these challenges especially when we are living in a resource constrained environment. The next section is an attempt to look at some of the possible solutions to the problem facing students and youth of this country.

Possible ways to ease Youth Unrest and Agitation:

The foremost solution to this problem is to understand the problem as it presents itself. The youth agitation should not be mistaken by a false understanding that they are not interested in study and they only criticize institutions and governments and that they enjoy doing protests. It is better to look at these problems from their perspective. Student unrest is only an expression of discontent and dissatisfaction and nothing else. And this discontent and dissatisfaction cannot be cured by what is called the Police Method. Rules of militant and terrorist cannot be applied to students as they are the foundation of our country's growth and future.

The only way this student unrest can be solved is by dealing with them in a very careful and sensitive manner. The possible ways in which youth unrest can be eased out and dealt with are as follows:

1. **Provide Actionable Employment:** To cope up with the ways of technological innovation and changes happening around the globe, there is a need to provide actionable and efficient changes in our education system. There is a need to go beyond the conventional style

³Kabir, H., *Student unrest: Causes and cure*, Orient Book Company, 1958.

of education and add some courses which can provide employment. Highlighting the use of vocational courses can also be helpful.

2. **Leveraging Technology to Provide Employment:** Technology can be a discriminator but it can also be leveraged to better the development and prospects of youth in this country. Technology cannot be curbed; it can only be leveraged for specific goals. Digital revolution initiated by our Honorable Prime Minister is a crucial step towards this and there is a need to keep focusing on this so that the youth become more aware and are integrated with the global ecosystem of technologies.
3. **Opening a Continuous Channel of Dialogue** in all schools and colleges so that the youth of this country start communicating their grievances before taking any action on it. They should be encouraged to speak their mind about their aspirations and also about their expectation. Further, they should also be communicated the point of view of the government. They should know the challenges that the government faces and that everything will be done to meet their expectations.
4. **Understanding that Life is as Complex** for them as it is for majority of the population. Listening to the students with empathy and making them understand their opportunities that still exist can go a long way in calming their perpetual frustration with the system.

Part B:

Case Study: What and when it happened?

The author of this paper was posted as the Superintendent of Police, East Champaran, Motihari, during the massive protests by students & youth across the nation against "Agniveer Scheme" in June 2022. Motihari district has population of approx. 07 million people. It comprises of around 50 Thanas and 06 Sub divisions which is huge in terms of administrative workload. Moreover, the district is also known to be a local education hub where thousands of students and youth reside and study for coaching as well as to prepare for competitive examination. On the first day of protest, i.e., 16th June 2022, we faced the challenge where

students started disrupting train services as part of their “Train Roko Movements” at various railway junctions across the district and which was successfully negotiated by personally talking to them and assuring them of better results with genuine empathy.

But, despite our preventive measures, on second day i.e., 17th June 2022, Train no. 19038 Avadh Express was vandalized. Almost all bogies of train were shattered, stones pelted, protestors tried to burn the train as well but they were not successful because of the timely intervention of the Police and Administration. Thousands of students and youth were on railway tracks and mob was really charged. We rushed to the spot (Bapudham Motihari Railway station, outer signal), warning on loudspeakers was duly given, Tear gas shell was charged following which Lathi charge had to be done; finally the situation was brought under control. Dozens of protestors were arrested on the spot, hundreds were spotted on the CCTV footages and consequently cases were registered under relevant sections of IPC and the Railway Act. Later, necessary actions were duly completed for judicial purposes. This was the incident as it happened- there were numerous challenges as well as gaps which emerged from this incident. As the SP of that district, main challenges which emerged are as follow:

1. Gathering exact and timely inputs about various protests, which were to be held at different locations at different times in my district.
2. To ascertain the strength, nature, exact cause of aggression, extent of protestation, leadership, and political affiliations. These things are important because it gives the required input of the extent and nature of protest to do a timely intervention.
3. Protection of all important and strategic locations which can see some damage as a result of protests. Places like Railway station, government buildings were to be secured by deploying forces and ensuring an open line of communication between all necessary official channels.
4. Maintaining a balanced coordination between various departments of government such as civil administration, Fire safety office, Ambulance-Hospital services, GRP-RPF and other CAPFs available

in the district area, DRM-Railways officials, Police Lines, Judicial offices, print & electronic Media, social media handles etc. along with getting all emergency services lined up for quick response and timely intervention.

5. Keeping a close watch on communal, regional, and caste-based issues emerging out of protests and elsewhere in the city so that further violence could not erupt which may add further flare to flame.
6. Ensure that the order is being followed and the chain of command remains intact. This ensures that the reaction made by the police is within the orders and there is no overstepping by anyone from the law enforcement.

Lessons Learnt:

Sharing some of these crucial lessons is important to understand the key nuances of such youth protests.

1. The first lesson I learnt was to keep a close eye in colleges as well as universities whenever there is a tense situation. These are the places which initiates a momentum whenever there is unrest in the city. Pre-emptively closing schools and colleges for a day or two can also be considered whenever the situation gets tense.
2. Knowing what is happening and sometimes focusing on the rumours which are being circulated is important beforehand. The more we know as police personnel, the more comprehensive and timelier our response will be.
3. For student and youth agitations, an SIT or close group should be formed to look after every single telegram/ WhatsApp/other social media group as their messages/calls of violence/protests are being spread through these social media platforms easily.
4. Need to have a dedicated and well-equipped media handling team for proper and timely briefing about actions of police/administration as misinformation could further aggravate the situation.
5. CCTV footage collections and other evidence gathering should be done carefully and scientifically in order to get the conviction for

perpetrators of this crime and also if these things are done well in advance and communicated properly, then pre-emptively these things might be controlled.

6. Use of drone, satellite phones and other new technical equipment could be of immense help in ascertaining the nature of crowd and responding to it accordingly.
7. Frequent interaction with younger generation leaders as well as influencers could be helpful in controlling the crowd and negotiating their demands and plans.
8. Organic link between youth and police must be established in every district in order to gain their trust and open dialogue whenever there is a need. I had started a unique initiative namely “COFFEE WITH SP” in which I used to guide them about their career prospects, how to prepare and strategies for success, how they can become good citizens by following rules and regulations, their fundamental rights as well as the emerging need to follow their fundamental duties. These steps really helped me in controlling the agitation by youth.
9. Maintaining a good and updated social media handles for police in order to disseminate useful information to people. It certainly creates a good image of police as well as it gives a platform for two way communications between police and public. Once their genuine grievances are addressed in rightful manners, chances of agitation become minimal.

Way Forward:

1. We should certainly train our trainers (teachers of schools/ coaching institutes in particular) regularly. They ought to be taught the morals and requisite techniques which may be helpful in shaping the young mind and directing their vision towards not only the fundamental rights but towards their fundamental duties as well. Also, their feedback regarding behavior, need and aspirations of youth residing in their respective areas must be considered. Any disruptive tendency must be dealt with utmost precision.

2. The authorities/ school administration should understand that students are just like their own children; they should give empathetic ears to students and try to understand them and give solutions to their problems whether personal or educational. Students need hope, encouragement, sympathy to become idealistic and for this, they need teachers and authorities who become their living examples to turn to. Teachers should help in solving the problem not only 'for' the students but 'with' the students.
3. The authorities/ institution should also avoid taking immediate decisions and actions. Before applying any new rules or restrictions on students, the proper notice should be displayed well before the rules are to be enforced. The students should be given time to think about the new rule and present their views on it and discuss it with authorities.
4. It should be made mandatory in all educational institutions and universities to have counselling and guidance centres so that student's energy and enthusiasm can be guided for the development of not only the student themselves but also of the country.
5. In order to curb the menace of unemployment, significant job opportunities along with ways of self-employment and other schemes for youth could be provided with so that they can utilize their tremendous energies for beneficial purposes and development of the Nation by providing their talent in various useful service opportunities.
6. Intervention of administration, police and political parties et al should be monitored closely and the excess by any section should be minimized as they tend to affect youth on massive scale.
7. Inspirational and motivational talks by eminent personalities should be organized on regular basis; their best practices should be discussed for better learning.

Conclusion:

A better integrated approach with co-ordination from all the relevant departments can go a long way in resolving a crisis such as youth agitation. Some pre-emptive measures also must be taken such as closing of schools and colleges whenever there is sensitivity around issues which might lead to unwanted agitation and damage to public property. Youth agitations are part of a democratic set up. This has happened several times in the past and will possibly happen again. The best way to deal with such a situation is to be prepared in advance, hold regular conversations with all the stakeholders and act on intelligence inputs when it is available. It has been a learning curve for me and what I have realized the most is improvising with each experience is needed if this situation is to be handled in a more comprehensive way.

Appendix:

With the help of some photographs as well as news clips, this section highlights the initiatives taken by the district administration to deal with the youth agitation and unrest happened in Motihari district of Bihar in 2022.



Pic 01- A circulating poster highlighting strict administrative guidelines

डीएम व एसपी ने शहर के चप्पे-चप्पे पर लगायी गश्त

मोतिहारी, हिन्दुस्तान प्रतिनिधि। अग्निपथ स्कीम को लेकर शहर में हुये बवाल पर डीएम व एसपी ने शहर के मेन रोड समेत हर कोने में गश्त लगायी। वाहनों की काफिला लंबी थी। पैथर मोबाइल की टीम काफिला के आगे चल रही थी। सायरन की आवाज शहर में गूंज रही थी।

विधि व्यवस्था विगड़े नहीं इसको लेकर पुलिस प्रशासन लगातार गश्त लगा रही है। शहर की सड़कों पर पुलिस की ही गाड़ियां अधिक दिख रही थी। आम लोगों का सड़क पर मुवमेट

रविवार को कम रहा। एसपी डॉ कुमार आशीष का कहना है कि विधि व्यवस्था विगाड़ने की जो कोशिश करेगा उसे बख्शा नहीं जायेगा। जिले के हर एसएचओ व डीएसपी को निर्देश दिया गया है कि उपद्रवी तत्वों से सख्ती से निपटे। वहीं एसपी का युवाओं से अपील है कि शांति में सहयोग करें। अपनी बात व मांग को शांतिपूर्ण तरीके से सरकार के पास रखें। जिला प्रशासन की ओर से शहर के सभी स्कूल व कोचिंग संस्थान को बंद कर दिया गया है।

Pic 2: District administration response to the students and youth agitation, showing strength and preparedness of administration.



Pic 3: A sample picture of the aggressive protest by students



Pic 4- Stone pelting on Train Avadh Express at Motihari railway station outer signal.

तोड़फोड़ व आगजनी में 1500 लोगों पर केस

रेलवे स्टेशन पर सुरक्षा कड़ी दिनभर गश्त लगाती रही पुलिस, डीएम व एसपी ने स्थिति को बताया सामान्य

मोतिहारी, संस : सेना में बहाली के लिए प्रस्तावित अग्निपथ योजना के विरोध में हुए हंगामे एवं उपद्रव के बाद शहर में चौकन्नी रही। शहर के सभी चौक-चौराहों पर पुलिस की तैनाती की गई थी। इसके अलावा वरीय अधिकारियों के नेतृत्व में सशस्त्र बल के जवान लगातार गश्त लगाते दिखे। डीएम शीर्षत कपिल अशोक, एसपी डा. कुमार आशीष, सदर एसडीओ सीरम सुमन यादव, डीएसपी अरुण कुमार गुप्ता, मुख्यालय डीएसपी सतीश सुमन, प्रशिक्षु डीएसपी विनोद सिन्हा व लाइन डीएसपी रमेश कुमार साहू के अलावा पुलिस निरीक्षक नित्यानंद चौहान सशस्त्र बल के साथ शहर में भ्रमण करते रहे। इधर, पैथर मोबाइल की टीम भी शहर में दौड़ लगाती रही। जिला पुलिस के द्वारा रविवार को 500 जवानों के साथ शहर के ज्ञानबाव चौक, गांधी चौक, कचहरी चौक, मानाबाजार, गौशाला रोड, बड़ी मस्जिद के साथ कई इलाकों में प्लैग मार्च किया गया। वहीं, शहर के विभिन्न संवेदशील इलाकों में पुलिस सज्जित रही। एसपी ने बताया कि पूरे जिला में विधि व्यवस्था की स्थिति सामान्य रही।

स्टेशन पर तोड़फोड़ व आगजनी मामले में एक और प्राथमिकी दर्ज मोतिहारी, संस : केंद्र सरकार द्वारा सेना में बहाली को लेकर प्रस्तावित अग्निपथ योजना के खिलाफ 16 जून को बापूधाम मोतिहारी स्टेशन के रेलवे फाटक संख्या 160 स्पेशल पर हंगामा, तोड़फोड़ व आगजनी मामले में एक और प्राथमिकी दर्ज की गई है। स्टेशन अधीक्षक राकेश कुमार त्रिपाठी के बयान पर रेलवे सुरक्षा बल ने 1500 अज्ञात उपद्रवियों के विरुद्ध प्राथमिकी दर्ज की है। प्राथमिकी में कहा गया है कि 1500 अज्ञात उपद्रवियों ने हुजूम बनाकर रेलवे फाटक संख्या 160 स्पेशल पर धावा बोल दिया। इस क्रम में



बापूधाम रेलवे स्टेशन पर सुरक्षा व्यवस्था को जायजा लेते अधिकारी • जागरण

बेतिया में हुए उपद्रव मामले में तीन गिरफ्तार

मोतिहारी, संस : केंद्र सरकार की अग्निपथ सेना बहाली योजना को लेकर बेतिया में किए गए तोड़फोड़, आगजनी व उपद्रव के मामले में मोतिहारी पुलिस ने यहां के तीन युवकों को गिरफ्तार किया है। स्थानीय पुलिस ने इन तीन युवकों की गिरफ्तारी के बाद उन्हें अग्रतार कारवाई के लिए बेतिया पुलिस को सौंप दिया है। एसपी डा. कुमार आशीष ने बताया कि गिरफ्तार उपद्रवियों में छत्तीस घाना क्षेत्र के छोटा बरियारपुर निवासी राजू साह का पुत्र विक्रम कुमार, शिकारगंज थाना क्षेत्र के कपूरफाटी गांव निवासी मुकेश सिंह का पुत्र छोटू कुमार व संगमपुर थाना क्षेत्र के

तिवारी टोलो निवासी किनोद तिवारी का पुत्र चंदन तिवारी शामिल हैं। एसपी ने बताया कि मोतिहारी पुलिस जिले के विभिन्न वाटसरूप गुप्त पर टेक्निकल सेल की मदद से सतत निगरानी कर रही है। पुलिस द्वारा सार्वजनिक स्थलों पर लगाए गए सीसीटीवी कैमरे के फुटेज को लगातार खंगाला जा रहा है। स्थानीय लोगों की सूचना पर शांति व्यवस्था भंग करने वाले लोगों के विरुद्ध कार्रवाई की जा रही है। एसपी ने सभी युवाओं से अपील की है कि भ्रामक खबरों पर ध्यान नहीं दें। बापू की इस घरती पर हिंसा की कोई जगह नहीं है। सभी युवा पुलिस और कानून व्यवस्था में सहयोग करें।

उपद्रवियों ने आगजनी कर नारेबाजी की। जिला पुलिस के पदाधिकारी, रेलवे सुरक्षा बल और रेल पुलिस के अधिकारी मौके पर पहुंच कर उन्हें समझाने की कोशिश की, लेकिन वे मानने को तैयार नहीं हुए। इस क्रम में उपद्रवियों ने आउटर सिग्नल पर खड़ी अवध एक्सप्रेस पर पथराव कर एसपी और स्लीपर बोगी के सारे शीशे तोड़ दिए। पथराव में एक महिला रेल यात्री 37 वर्षीया शबाना परवीन जखमी हो गई। इस क्रम में स्थानीय प्रशासन ने उपद्रवियों को खदेड़ा तो उपद्रवी स्टेशन के प्लेटफार्म नंबर

दो पर पहुंच गए। यहां पर उपद्रवियों ने आरक्षण काउंटर और स्टेशन परिसर में तोड़फोड़ की। इस क्रम में आरक्षण पर्यवेक्षक रविश कुमार की स्कूटी संख्या बीआर 05एएल 2551 बुरी तरह क्षतिग्रस्त कर दी गई। पथराव के दौरान नगर थाना के पुलिस निरीक्षक विजय कुमार राय व दो अन्य जवान भी जखमी हो गए। पथराव के दौरान स्थानीय थाना की दो अपाची बाइक पर पेट्रोल छिड़ककर आग लगा दी गई। इसके बाद रेल पुलिस, आरपीएफ और स्थानीय प्रशासन ने मिलकर उपद्रवियों को खदेड़ दिया।

बापूधाम स्टेशन पुलिस छावनी में तब्दील

मोतिहारी (पू. चं), संस : केंद्र सरकार द्वारा अग्निपथ सेना बहाली के विरोध में प्रदर्शन के मद्देनजर बापूधाम मोतिहारी स्टेशन पर रविवार को दूसरे दिन भी सुरक्षा बढ़ा कर पुलिस छावनी में तब्दील कर दिया गया। बापूधाम स्टेशन पर दंडाधिकारी के तौर पर सदर सीओ की तैनाती की गई है। मजिस्ट्रेट की मौजूदगी में पुलिस ने स्टेशन पर प्लैग मार्च किया। इस क्रम में डीएम शीर्षत कपिल अशोक और पुलिस अधीक्षक डा. आशीष कुमार ने बापूधाम स्टेशन पर सुरक्षा व्यवस्था का जायजा लिया। डीएम ने कहा कि जिले में निषेधाज्ञा लागू है। अब तक 50 से अधिक लोगों को गिरफ्तार किया गया है। 20 को कुछ संगठनों ने भारत बंद का आह्वान किया है। जिसको लेकर पहिवात बरत जा रहा है। इस क्रम में उन्होंने स्टेशन पर मौजूद पुलिस पदाधिकारियों को आवश्यक निर्देश दिया। इस दौरान सदर डीएसपी अरुण कुमार गुप्ता, आरपीएफ कमांडर फजल कुमार गुप्ता, सब इंस्पेक्टर विपुल शर्मा, प्रभारी रेल थानाध्यक्ष मिथिलेश कुमार, सब इंस्पेक्टर पूजा कुमारी

बापूधाम मोतिहारी स्टेशन पर मजिस्ट्रेट की मौजूदगी में पुलिस ने किया प्लैग मार्च, डीएम और एसपी ने लिया जायजा के अलावा पुरुष और महिला जवान मौजूद थी। इस दौरान आरपीएफ कमांडर फजल नेतृत्व में पुलिस पदाधिकारियों व जवानों के साथ रेल ट्रेक पर मार्च करते हुए रेल फाटक संख्या-160, 161 और माल गोदाम को सतर्क रहने और आसमाजिक तत्वों के जमावड़े पर अखिलब सूचना देने का निर्देश दिया। बता दें कि केंद्र सरकार द्वारा अग्निपथ सेना बहाली के खिलाफ उपद्रवियों ने गुरुवार को बापूधाम स्टेशन और रेलवे ट्रेक पर धावा बोल आगजनी और तोड़फोड़ कर भारी क्षति पहुंचाई थी। उपद्रव के दौरान हुई पथराव में एक पुलिस पदाधिकारी, आधा दर्जन जवान जखमी हो गए थे। इस घटना में 24 उपद्रवियों को गिरफ्तार किया गया। मामले को लेकर रेल पुलिस और जिला पुलिस अग्रत-अलग प्राथमिकी दर्ज की है।



बापूधाम स्टेशन पर गश्त लगाती पुलिस • जागरण

Pic 5: A newspaper clip depicting actions taken by the district administration in response to the violent activities by youth agitation



Pic 6- An interactive session with younger generation- Coffee with SP

आयोजन • विश्व नशामुक्ति दिवस पर एसपी ने युवाओं के साथ किया संवाद

कैरियर, अधिकार और कर्तव्यों पर अधिकारियों ने दिया मार्गदर्शन

क्राइम रिपोर्टर। मोतिहारी

अंतर्राष्ट्रीय नशा विमुक्ति दिवस के अवसर पर रविवार को मोतिहारी पुलिस की तरफ से विशेष आयोजन किया गया। बिहार में पूर्ण शराबबंदी एवं नशा विमुक्ति के लिए महाअभियान के तहत मोतिहारी पुलिस अन्तर्गत पहल कचहरी चौक के समीप स्थित ऑडिटोरियम में कॉफी विद एसपी आयोजित किया गया। इसके पूर्व सुबह 5 बजे से प्रभात फेरी नगर थाना परिसर से पुलिस केंद्र तक निकाला गया। इसके बाद नशा विमुक्ति दौड़ सुबह 6 बजे से नगर थाना परिसर से पुलिस केंद्र तक आयोजित किया गया। वहीं ड्राइंग/स्लोगन प्रतियोगिता पुलिस केंद्र, मोतिहारी में सुबह 11 बजे से आयोजित हुआ। कार्यक्रम में मुख्य अतिथि डीएम एस के अशोक शामिल हुए। शाम चार बजे से आयोजित कार्यक्रम की शुरुआत डीएम, एसपी, एसएसबी 71 वी बटालियन के कमांडेंट डी आर सिंह, एमएस कॉलेज

प्रभातफेरी और नशा विमुक्ति दौड़ का हुआ आयोजन



कार्यक्रम का शुभारंभ करते एसपी और डीएम।

के प्राचार्य प्रोफेसर डा. अरुण कुमार, महिला की प्राचार्य चंचला रानी तथा एसपी रक्सील चंद्र प्रकाश ने दीप प्रज्वलित कर किया। कार्यक्रम में युवाओं को संबोधित करते हुए डीएम ने कहा कि कॉफी विद एसपी युवाओं से जुड़ने का एक माध्यम है। प्रशासन व पुलिस का कार्य युवाओं के विकास के लिए डेवलपमेंट पुलिसिंग का एक

नमूना है। युवा मित्रता का व्यवहार पुलिस के साथ रखें। यह बड़ा मौका है, जहां युवा महिला तथा आम लोग सीधे एसपी के साथ जुड़कर अपने चर्चा करें। कार्यक्रम की थीम बिहार में पूर्ण शराबबंदी पर भी आधारित है। नई पीढ़ी नशा के लिए प्रेरित हो रही है। नशा से सबको दूर रहना चाहिए। कंसट्रिब्यूट डेवलपमेंट, युमान

इंपावरमेंट आदि सामाजिक मूल्यों पर चर्चा होगी। युवा अपने आप को सुदृढ़ करें। इससे बिहार समृद्ध होगा। उन्होंने कहा कि मौके पर सभी एसडीपीओ, एसएसबी के अधिकारी सहित अन्य अधिकारी युवाओं को प्रेरित करेंगे। वहीं स्पेशल ब्रांच के डीएसपी फकरे आलम ने युवाओं को बीपीएससी परीक्षा का टिप्स दिया। जबकि एसपी रक्सील चंद्र प्रकाश ने युवाओं को संबोधित करते हुए कहा कि पहले युवा खुद से जानें कि उनकी क्षमता क्या है। कठिन परिश्रम व लगन से हर असंभव से दिखनेवाले कार्य को युवा अपनी क्षमता से आसानी से पूरा कर सकते हैं। उन्होंने कहा कि अपनी दिलचस्पी के आधार पर अपने कैरियर का चुनाव युवा करें। मौके पर दो हजार से अधिक की संख्या में छात्र, छात्राएं, प्रबुद्ध नागरिक तथा भारी संख्या में पुलिस पदाधिकारी व पुलिस के जवान शामिल हुए।

Pic 7- Interaction with youth on Career, Rights and their Duties



Pic 8: Frequent interactive sessions (Coffee with SP initiative) to connect and guide the students and young people.

युवाओं से अपील: नशामुक्त एवं अपराध मुक्त समाज के निर्माण में आगे आये युवा: एसपी



मोतिहारी, संवाददाता

युवाओं को नशा विमुक्ति और शराबबंदी के प्रभावी क्रियान्वयन में एक सक्रिय भूमिका निभाने एवं उनको इस मुहिम के लिए जागरूक करने हेतु पुलिस अधीक्षक द्वारा एक विशेष कार्यक्रम "काफी वीथ एसपी" कार्यक्रम का आयोजन शहर के राजा बाजार स्थित न्यू ऑडिटोरियम में किया गया। कार्यक्रम का उद्घाटन मुख्य अतिथि जिलाधिकारी शीर्षत कपिल अशोक ने किया। कार्यक्रम की

शुरुआत में जिलाधिकारी ने मोतिहारी पुलिस की इस नयी पहल को नशा विमुक्ति एवं शराबबंदी अभियान के लिए एक गेमचेंजर एवं तीव्र उत्प्रेरक बताया।

कार्यक्रम में शिरकत करते हुए एसएसबी कमांडेंट डीआर सिंह ने नशा विमुक्ति एवं शराबबंदी के संबंध में युवाओं को एसएसबी की पहल के बारे में बताते हुए युवाओं के लिए कैरियर के मौकों के बारे में बताया। कार्यक्रम में शामिल सदर एसडीओ सौरभ सुमन यादव एवं रक्सौल एसडीपीओ चंद्र प्रकाश ने



यूपीएससी एग्जाम की तैयारियों की बारीकियों को युवाओं को बताया। साथ ही युवाओं को नशाबंदी एवं शराबबंदी को साकार करने में एक अच्छे नागरिक की भूमिका निभाने का संदेश दिया।

कार्यक्रम के मुख्य वक्ता पुलिस अधीक्षक डॉ. कुमार आशीष ने सभी युवाओं को मोटिवेट करते हुए समाज के अच्छे नागरिक के रूप में ऊर्जा और उत्साह के साथ नशाबंदी एवं शराबबंदी को लागू करने में सहयोग की अपील की।

Pic 9- Coverage of main points of that event in a news clip



Pic 10: Securing the safety of all passengers.



Pic 11: Continuous effort to control the situation by DM & SP

Author's Profile:

Dr. Kumar Ashish A PhD in French Language & Literature from Jawaharlal Nehru University (JNU), New Delhi, Dr. Kumar Ashish (65 RR, BH-2012) is a native of Sikandra, a block under Jamui district of Bihar. Widely acknowledged as a citizen friendly cop, he is also known to be versatile in his approach and creative in his vision and methods of policing. His exceptional approach towards policing has gained him many prestigious awards including the coveted “*Union Home Minister's Medal for Excellence in Quality Investigation*” in August 2020 and “*Excise Medal*” by Govt. of Bihar in Nov. 2021. Many of his citizen friendly initiatives such as *Coffee with SP*, *Pink Patrolling*, *E-Bharosa*, *Aawaz Do*, *Hawk Mobile*, and *Rail Police Pathshala* are few examples of his community policing initiatives. His constant engagement with the public as a law enforcement officer helped him pen down more than 24 articles in various national and international journals. The CBI has published his two recent articles on Policing Issues in its prestigious “*CBI Bulletin*” in last two consecutive issues. Apart from that he has been instrumental in highlighting the importance of cultural and religious traditions through his writings. One such article is on “*Chhath Puja of Bihar*” in French language, which was published by ICCR, New Delhi in 2013 in which he had highlighted the importance and cultural glory of “Chhath Puja” to the people of 54 Francophone countries. He has been in the forefront of every academic as well as policing initiatives for which he has been recognized on numerous occasions.

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Journal Vol. LXXII No.2 & LXXIII No.1, (P.109-120)

Intelligence and its Role in Border Management

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Abstract:

The art and science of gathering critical operational intelligence has been defined in many ways. Intelligence agencies play a crucial role in border management. During 1965, 1971 and Kargil War, intelligence analysis has played a critical role in both offensive and defensive operations. In this way intelligence is even more important in securing the Border. India's border management is a complex and multi-faceted issue that requires the cooperation of various intelligence agencies. Intelligence can be both of tactical and strategic relevance. Both are important in Border Management. We all know that intelligence networks are built in the fullness of time and not when a crisis is upon us. The post Kargil war and post Pulwama Indo-Pak stand-off marks a strategic change - a much more assertive Indian state in response to the terrorist activities of Pakistan-sponsored non-state actors. It demonstrates India's firm determination to root out trans-border terrorism even if that requires smart cross-border operations. External intelligence, espionage and covert operations are a country's first line offence and defense. A well-coordinated and intelligence-driven approach is essential for ensuring the security and stability of India's borders.

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Keywords:

Intelligence, Border Policing, Border-Management, OSINT, Threat Assessment and Trans Border operation

Introduction:

Maintaining the security of our borders is a prime responsibility of the border guarding forces. These border guarding forces work in cooperation with respective state and local law enforcement agencies. The success of their efforts depends on the availability of reliable information on the nature of potential threats to border security. Given the extent of the land borders and the long coastlines of India, the task of identifying nature of threats and law breakers within the overall threat environment is a major challenge. Border guarding and law enforcement agencies obtain information from their usual sources—reports of crimes committed, tip-offs from informers, technical monitoring devices that now include unmanned aerial vehicles, and other sophisticated devices. In recent decades, and especially after Mumbai terrorist attack, the potential for terrorists coming across the border as well as extensive narcotics trafficking have led policymakers to reach beyond law enforcement agencies to seek out information acquired by intelligence sources, including signals intelligence, imagery intelligence, and human agents. India has extremely complex borders. It has 14,818 kilometers of land borders and a coast line of 7,516.6 kilometers. Indian borders run through plains, hills and mountains, deserts, riverine territories and marshes. Managing such a diverse border is a complex task but vital from the point of view of national security.

As we all are aware that India's neighbourhood is in turmoil, several of India's neighbours are undergoing political and economic instability. India also has continuing border disputes with many of its neighbours. Uncertain borders not only raise bilateral tensions but also facilitate cross border infiltration, illegal migration, smuggling and trans-border crime. Illegal migration has emerged as one of the major national security challenges. How to improve India's intelligence collection on the border, analysis and assessment capability was one of the questions considered by the special task force on the intelligence apparatus set up by the

Government of India in May, 2000, in the wake of KRC (Kargil Review Committee) report.¹ The Group of Ministers undertook a thorough review of border management issues and made several recommendations in 2001. Many of these recommendations are being implemented. One of the major recommendations was the setting up of a separate Department of Border Management and Coordination with the different intelligence agencies within the Ministry of Home Affairs.

Intelligence plays a crucial role in border management (BM) in India, as it does in many countries. India shares land borders with several neighboring countries, including Pakistan, China, Nepal, Bhutan, Bangladesh, and Myanmar. Effective intelligence gathering, analysis, and dissemination are essential for ensuring national security, preventing cross-border terrorism, controlling illegal activities, and maintaining peace and stability along the borders.

Intelligence is a cornerstone of India's border management strategy, helping to assess threats, conduct effective surveillance, support counter-terrorism operations, facilitate infrastructure development, and contribute to diplomatic efforts. A well-coordinated and intelligence-driven approach is essential for ensuring the security and stability of India's borders.

Central intelligence agencies and Intelligence wing with border security responsibilities in CAPFs (BSF),² Armed Forces collect, analyze, and disseminate data regarding border security and share information with concerned agencies that are responsible for arresting/apprehending suspected criminals and disrupting illegal activities. These agencies collect

¹ *The Kargil Review Committee (KRC) attempted to collect relevant information from all possible sources within the time available. Its findings are based primarily on official documents, authenticated records and copies of captured documents, while other parts of the Report draw on materials received by the Committee and views of experts and knowledgeable persons who were invited to interact with it. The Report contains 14 chapters with elaborate end-notes and annexures. These are supplemented by maps and appendices.*

² *The BSF is primarily responsible for policing the border during peace time. It also collects intelligence along and across the border. Over a period of time, the BSF has developed significant capability for intelligence acquisition. It sends the information to its HQ and shares this locally as well. It also employs human assets and has a limited capacity to intercept messages and signals along the border.— The Kargil Review Committee Report, December 15, 1999, Sagar Publications New Delhi/ Thousand Oaks/ London.*

and make use of operational information such as border activities across the border and OSINT (Open Source Intelligence) data. They use informants, technical surveillance, and even aerostats-tethered balloons and drones for gathering the information of ANEs (Anti National Elements) near to the border and activities across the border.

In an increasingly interconnected world, the challenges associated with border security have grown more intricate. However, with our country situation is a bit different from the other countries, we are not surrounded by the so much friendly countries. As we know that border needs to facilitate smooth, efficient travel while also ensuring national security simultaneously and effectively.

Intelligence is helpful in Border Security:

Intelligence can be both of tactical and strategic relevance. Both are important at their own level, micro and macro. Raw information is not intelligence unless distilled and analysed, nor is all intelligence actionable or in a form that lends itself to operational action, positive or preventive, this requires careful assessment which is often done at a higher level.

As we know that intelligence plays a crucial role in border security by providing timely and relevant information to help government to make informed decisions and respond effectively to potential threats. Intelligence helps in the early detection of potential threats, such as illegal border crossings, smuggling activities, or terrorist movements. It allows for the assessment of the risk levels associated with different regions or routes, enabling authorities to allocate resources strategically. Continuous intelligence updates facilitate real-time monitoring of border regions, helping authorities respond quickly to emerging threats. Intelligence is crucial in identifying and tracking potential terrorist threats, including the movement of extremist groups across borders.

Intelligence agencies can prevent wars and help win battles but not by themselves. The armed forces have to step in, or, if the threat is economic or technological, other experts are required. The information generated at border is crucial not only in securing the border but it is also

helpful in deciding the fate of the war. During 1971 war on the basis of information supplied also by the BSF (Western Frontier), Karachi and the entire Kutch coast were 'disciplined' by our navy. Karachi lost its importance as a fighting base and limped back to life only after the ceasefire.

The organization must continue to get the appropriate kind of human material to form the core to deal with emerging threats at border, and it must also have access to external expertise from time to time. Intelligence guides the integration of cutting-edge technologies, such as drones, sensors, and data analytics, to enhance border monitoring and security capabilities. It involves combining information from various sources to create a comprehensive and accurate picture of border activities. Intelligence is a critical component of border security, providing the necessary information and analysis to safeguard national interests and protect against various threats. Effective intelligence practices involve a combination of technology, international collaboration, and strategic decision-making.

Threat assessment on the Border:

Intelligence agencies play a crucial role in threat assessment on borders and contribute significantly to national security. Their primary functions include gathering, analyzing, and disseminating information related to potential threats. Intelligence agencies collect information through various means, such as human intelligence (HUMINT), signals intelligence (SIGINT), imagery intelligence (IMINT), and open-source intelligence (OSINT). This information includes activities of potential threats, such as organized crime, terrorism, and illegal border crossings.

Intelligence agencies help establish early warning systems that can detect and alert authorities to potential threats in advance. This allows for proactive measures to be taken to mitigate or respond to the threat before it escalates. Intelligence agencies also engage in counterintelligence activities to identify and neutralize threats posed by foreign intelligence services or other entities attempting to gather information about border security. Intelligence agencies help assess the

level of risk posed by different actors and situations on border. This information is valuable for policymakers in making informed decisions about resource allocation, border infrastructure, and response strategies.

In the event of a crisis or security incident on the border, intelligence agencies play a vital role in providing real-time information and analysis to support crisis management and response efforts. It's important to note that while intelligence agencies are essential, effective border security requires a multi-faceted approach that includes cooperation between intelligence agencies, law enforcement, military, and other relevant entities. Additionally, balancing security concerns with respect for human rights and international law is crucial in addressing border threats.

For our country, the old threats will remain and new ones will arise in unimaginable and unpredictable ways on the border. Any intelligence service that begins to understand what lies ahead and what should be done now to prepare itself for the future will have better chances of providing answers to these emerging threats on the border. The tasks for present-day intelligence analyzer are much more difficult and diffuse than they were in the somewhat placid 1970s.

There are no new surprises for the intelligence world here except that the nature, quantity and lethality of weapons have changed. With respect to our western border, Pakistan-US relations will swing from one end to the other like a pendulum and the US is unlikely to turn away from Pakistan. Our intelligence objectives will remain unchanged regardless of the level of diplomacy and the state of bilateral political and economic relations. The past tendency to scale down intelligence activity when relations show signs of improvement is a dangerous mistake and must never be an option. India carries the burden of three lines drawn by the British on our palm as it were-the Durand, Radcliffe and McMahon lines. We were gifted the Afghan jihad as a fallout of the Cold War. Al-Qaeda morphed into the Islamic State in West Asia and now the latter will

surely be reborn elsewhere in another form. Its ripples will be felt all over, India included.³

Terrorism will remain a major threat emerging from across the border as it changes shape and direction. Intelligence agencies will have to cope with the mountains of data that will continue to be downloaded by technology. It will be impossible to make sense of this, given the near-certainty of inadequate analytical capabilities. By nature, terrorist organizations do not have standard hierarchies and change shape easily; understanding them and assessing their intentions will remain a challenge in securing our borders.

Artificial Intelligence and its applications along with the other new technologies growing at an exponential rate will create new threats on the border. In some western county generals have begun to demand that new guns be equipped with Artificial Intelligence and terrorists and others will have access to it. Financial systems with the technology of blockchain will be another major shift that will complicate the life of an intelligence officer tracking illicit money transactions operating from across the border.

Role of OSINT & Intelligence Analysis and Dissemination in Border Management:

Open-source intelligence (OSINT) can play a crucial role in border security by providing valuable information through publicly available sources. OSINT involves collecting, analyzing, and utilizing information from openly accessible resources such as social media, news articles, government reports, and other publicly available data. It's essential to note that while OSINT provides valuable insights, it should be complemented by other intelligence sources and security measures for a comprehensive approach to border security.

³ Warfare has moved from the trenches of the First World War through the conventional to the present trenches of cyber terror and cyber warfare on the border and across the border. Our standing in the global sphere would be determined not by our efforts to make peace and appease but by visibly defending our interests on the borders and on the global forum. -The Unending Game by Vikram Sood, 2018, penguin/Viking

Border security is an ongoing challenge for the central government, and effective intelligence analysis is critical to protecting borders and countering potential threats. Intelligence analysts must have a multidisciplinary approach that integrates knowledge from various fields, including law enforcement, military operations, and technology. Collaboration and communication between various agencies, organizations, and individuals involved in border security are also crucial in developing a comprehensive understanding of potential threats and developing effective strategies.

Intelligence analysis for border security requires a multidisciplinary approach that integrates knowledge from various fields such as law enforcement, military operations, and technology. This article will provide a comprehensive guide to the approaches, challenges, and best practices of intelligence analysis for border security.

Intelligence analysis for border security presents several challenges, including information overload, interagency coordination, limited resources, and evolving threats. Intelligence analysts must overcome these challenges by using advanced data analysis techniques, maintaining effective communication and collaboration, and continuously monitoring potential threats. Intelligence analysts must adhere to several best practices, including risk assessment, collaboration, continuous monitoring, technology-enabled approaches, simulation models, and regular training and education. These practices will help them develop effective strategies to counter potential threats and protect borders.

Intelligence organizations always cannot compete with information about events, tragedies or threats that occur every day. The electronic media, the Internet and communications take care of that. Intelligence agencies will need to deal with cyberspace and terrestrial threats, moving in great volumes, at times with lightning speed and coming from state and non-state sources from across the border. They will also have to continue to handle immediate and long-term threats. This means having to face up to the present and prepare for the future in a world where reality is getting increasingly virtual.

In nutshell we can say that effective intelligence analysis is crucial for border security, and intelligence analysts must have a multidisciplinary approach, effective communication and collaboration, and use of advanced tools and techniques. Overcoming the challenges in intelligence analysis for border security requires continuous monitoring, advanced data analysis techniques, and adapting to evolving threats. Adhering to best practices in intelligence analysis for border security will help intelligence analysts develop effective strategies to counter potential threats and protect borders. And it is also known that threats to border security are constantly evolving, and intelligence analysis must be able to adapt to these changes. This requires continuous monitoring of potential threats and the development of flexible strategies to counter them.

Border Security now Transformed into Border Management:

The shift from border security to border management reflects a broader and more comprehensive approach to addressing the challenges and complexities associated with border areas. While border security traditionally focused on preventing illegal activities such as smuggling, trafficking, and unauthorized border crossings, border management encompasses a more holistic and integrated strategy. Border management has become immensely more complex over the years. It is now handled by the Assam Rifles, the Border Security Force, Sashastra Seema Bal (SSB)⁴ and the Indo-Tibetan Border Police. Border fencing, especially in Punjab and in general on our western border has produced positive results. Elsewhere, it is implemented on the eastern border for the effective border management. The smuggling of narcotics, man-portable arms and explosives, illegal migration and the infiltration of trained mercenaries have all exacerbated border management.

Border management involves not only security measures but also considers various aspects such as trade facilitation, migration control, and the promotion of economic activities in border regions. The goal is to

⁴ SSB (Sashastra Seema Bal) came into border guarding forces in 2001. The force was originally set up under the name Special Service Bureau in 1963 in the aftermath of the Sino-Indian War to strengthen India's border areas against enemy operations.

strike a balance between ensuring national security and fostering cooperation, development, and stability in border areas. Instead of relying solely on military or law enforcement solutions, border management incorporates diplomatic, economic, and social components to address the root causes of issues related to border regions. The transition from border security to border management reflects an understanding that a comprehensive and cooperative approach is essential to address the multifaceted challenges faced at borders.

And intelligence in border management is essential for understanding, preventing, and responding to various threats and challenges. Intelligence allows border agencies to assess the level of risk associated with different activities and individuals crossing the border. This information enables them to allocate resources effectively, focusing on high-risk areas and profiles, and implementing targeted security measures. Borders can be vulnerable points for terrorist activities. Intelligence enables authorities to gather information on potential terrorist threats, track the movement of extremist groups, and collaborate with international partners to prevent cross-border terrorism. It supports a proactive and risk-based approach, allowing authorities to secure borders while facilitating legitimate cross-border activities. Collaboration, information sharing, and the effective use of technology are all crucial components of intelligence-led border management strategies. Intelligence provides decision-makers with timely and relevant information to make informed choices regarding resource allocation, policy development, and strategic planning. This helps optimize the efficiency and effectiveness of border management efforts.

Conclusion:

Intelligence plays a crucial role in border protection and management for several reasons. Intelligence helps in identifying potential threats before they reach the border. This includes activities such as terrorism, illegal immigration, drug trafficking, and smuggling. Timely and accurate information enables authorities to take proactive measures to prevent security breaches and criminal activities. Intelligence allows for the assessment of risks associated with specific regions or

routes, helping border security agencies allocate resources effectively. By understanding potential threats and vulnerabilities, authorities can prioritize their efforts in areas with higher risks. With intelligence-driven insights, border management agencies can optimize the deployment of personnel, technology, and other resources. This helps in improving efficiency and cost-effectiveness, ensuring that resources are directed where they are most needed.

Intelligence informs the development and implementation of advanced technologies, such as surveillance systems, drones, and sensors, to enhance border monitoring and response capabilities. Integrating cutting-edge technology with intelligence enables real-time data analysis and quicker response times. Intelligence allows for the identification of emerging threats and trends, enabling border protection agencies to adapt their strategies and stay ahead of evolving challenges. Continuous monitoring and analysis of intelligence data help in refining security measures in response to changing circumstances. In nutshell, intelligence is essential for border protection and management as it provides the necessary information and insights to anticipate, prevent, and respond to security challenges, ultimately ensuring the safety and integrity of borders.

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Sardar Vallabhbhai Patel
National Police Academy
Journal Vol. LXXII No.2 & LXXIII No.1, (P.121-138)

Policing the Victim: A Survey of Attitudes Among Indian Police Towards Sexual Assault Complaints

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Abstract:

Sexual assault is a pervasive and deeply troubling issue that transcends geographical and cultural boundaries. This thesis delves into the complex dynamics surrounding sexual assault complaints in India, focusing specifically on the attitudes of police officers towards the victims. The research explores multifaceted aspects, including cultural influences, the impact of Westernization, perceptions of women's demeanor, the credibility of victims, and the efficacy of police responses.

The study spans various ranks within the police force, including Additional Superintendents, Assistant Sub-Inspectors/Sub-Inspectors, Constabulary, and Inspectors/Deputy Superintendents. The data, collected through a comprehensive survey distributed to a diverse range of police officers, offers a nuanced understanding of their perspectives, shedding light on critical areas for improvement in handling sexual assault cases.

Keywords:

Sexual assault, Indian police, Cultural norms, Westernization, Victim questioning, Law enforcement, Gender-based violence, Victim-centric approach, Societal perceptions, Cultural influences, Criminal justice

*2022 Batch, 75 RR Bihar Cadre

system, Victim credibility, Law enforcement training, Attitudes survey, Gender sensitivity, Victim advocacy, Police responses, Criminology research

Introduction :

Statement of the Problem:

Sexual assault does not recognize any boundaries, be they geographic or socio-economic. Given that, it is important to understand how law enforcement perceives and responds to sexual assault complaints in the context of India, in an effort to cultivate an approach more sensitive and focused on the victim. This paper, "Policing the Victim," attempts to unravel the attitudes of Indian police officers in relation to sexual assault complaints and bring to the fore the cultural, social, and institutional factors that shape the response. Sexual assault cases often exhibit the intricate play of cultural influences, societal expectations, and institutional responses in their dynamics. This existing gap will be filled by getting the perceptions of Indian police officers, who are very vital in the first line of discourse with regard to sexual assault complaints. Their attitudes, biases, and beliefs will be used for policy changes, training programs, and community initiatives toward creating a more supportive environment for survivors.

Research Methodology and Background Information :

The present study was conducted through a structured questionnaire to draw responses from a wide cross-section of Indian police officers of all ranks and designations. Data were collected from multiple posts concerning various aspects pertaining to sexual assault, like cultural influences, perceptions of Western influence, attitude towards the victim, views on false reporting, dynamics of consent, police response, and the role of the police in sensitizing society.

Questionnaire Design:

The questionnaire contained questions on various issues that surround perceptions of sexual assault. The opinions of the respondents were

drawn in detail through a set of Likert scale questions since it measured attitude. Open-ended questions were suitably put to derive good qualitative insights and hence a holistic analysis.

Demographics of Participants:

Respondents included individuals from all ranks, from Additional Superintendents to ASI/SI, Constabulary, and even Inspectors/DySP. There was a wide variety of participants to ensure that there was representation from different walks of life within the Indian police force.

Data Analysis:

Responses were analyzed across categories such as age, sex, and rank to identify trends, disparities, and commonalities. To this end, statistical tools were required in quantifying the distribution of opinions and a significance test for variation within the dataset.

Participant Distribution of the Survey:

This survey will include the sample population of Bihar Police Academy, comprising trainees and officers. In both genders, most participants are within the age group of 25-30 years, and this is the most represented group because the number of ASI/SI trainees are more. In females, the ASI/SI category has the maximum participation, while in males also it is the ASI/SI category that is most prominent. In both sexes, the Constabulary category has comparatively fewer participants than ASI/SI. In the Inspector/DySP category, participation is more prominent in different age groups of both genders. This analysis gives an overview of the distribution of the participants regarding age and rank/designation and gives a view as to what kind of population was surveyed. It, therefore, presents a basis through which one may further be able to study the attitudes and views of law enforcement officers with regard to their demographic features.

Rise in Sexual Assault:

The question put to them was '*Do you think that sexual assault cases are on the rise in our society?*' to which the responses were received:

Analysis of the Results:

The vast majority of the respondents across all ranks and designations were 1461 who found that cases of sexual assault are increasing. This is drawn from the addition of "Extremely" counts of 94, "Moderately" of 490, and "Significantly" of 607, making up a significant proportion.

Variation Across Ranks

Addl SP (Additional Superintendent of Police): In the case of Addl SP, this response is very varied, though there is a significant number of respondents who have moderate belief about the rise of sexual assault cases. There is also a very noteworthy count in the "Extremely" category, pointing toward the strong beliefs which some of the respondents have in the rise of sexual assault cases.

ASI/SI (Assistant Sub-Inspector/Sub-Inspector): The count is maximum in this category, and the majority of them have the opinion that cases of sexual assault are increasing. The answer is positively biased since more responses are found in the boxes "Moderately" and "Significantly" compared with the "Not at all" and "Slightly."

Constabulary: This category of constabulary has some mixed responses regarding increasing cases of sexual assault. There are big counts for both "Moderately" and "Significantly," though some responses also came in under "Not at all" and "Slightly."

Inspector/DySP (Inspector/Deputy Superintendent of Police): In this category, the amount of belief in the increase in sexual assault cases is rather high; it has a higher count in the "Moderately" and "Significantly" categories. While there are some who believe that the cases of sexual assault are not increasing, as manifested in the "Not at all" and "Slightly" options, the general trend that comes out is that there is a realization among this group that it is upward.

These results strongly suggest that a good percentage of the respondent population does believe, particularly in the case of police personnel of different ranks, that there has been an increase in the number of sexual assault cases in the society.

Whereas there is some semblance of consensus across different ranks and designations, the strength of belief differs, with some groups

indicating a much stronger conviction about the rise of sexual assault cases. There is a moderate to significant majority of respondents who strongly believe in the increasing trend of sexual assault cases, thereby indicating that a heightened level of awareness has been created within the polity regarding the rising spate of such incidents.

Societal Attitudes:

The question put to them was 'To what extent do you believe societal attitudes contribute to sexual assault?' to which the responses were received:

Analysis of the Results:

The majority at all ranks and designations believe that social attitudes do contribute to sexual assault. That is reflected in the combined counts of "Significantly" and "Moderately", which add up to form a very substantial proportion of the responses.

Variation Across Ranks:

Addl SP: In the category of Addl SP, the response was diversified, with a high number showing a medium belief in the societal attitudes that cause sexual assault. More precisely, a remarkable count for the category "Extremely" infers that there is a strong belief among some of the respondents.

Inspector/DySP: The category of Inspector/DySP shows quite a high belief in societal contributions, with more counts under the "Moderately" and "Significantly" columns. Although there are some who believe that societal attitudes contribute "Not at all", by and large, this group realizes that societal attitudes play a part in sexual assault.

ASI/SI: The highest total number of responses falls under the category of ASI/SI. Most of them have respondent perception that societal attitude contributes a great deal or moderately to sexual assault. The distribution is positively skewed, with more "Moderately" and "Significantly" responses than "Not at all" and "Slightly."

Constabulary: The answer to this question about belief in societal contributions toward sexual assault for this category is mixed. While the

counts for "Moderately" and "Significantly" are high, other responses in the categories of "Not at All" and "Slightly" can be noted.

As would be expected, there are varying patterns across age groups and gender for each rank/designation. In general, female respondents for all ranks tended to agree with societal contributions, more so in the "Moderately" and "Significantly" categories. Male respondents also agreed in principle, although with a stronger dispersion between "Moderately" and "Significantly."

These data suggest that this is a majority view among the respondents, and in particular among the police personnel across ranks, that societal attitudes contribute to sexual assault. Expressions of a moderate to important belief in the societal role come from most respondents, pointing out that there is an awareness within the law enforcement community about where efforts should be directed when addressing sexual assault.

Substance Abuse:

The question put to them was '*Do you think substance abuse is a major factor contributing to sexual assault?*' to which the responses were received:

Analysis of the Survey:

Most of the responses of all ranks and designations agree to the statement that substance abuse is a major contributing factor to sexual assault, which can be observed from the combined counts in the options "Agree" and "Strongly Agree," constituting a significant percentage of the responses.

Variation Across Ranks:

Addl SP: Additional Superintendent of Police: In the Addl SP category, all types of responses have been received in huge numbers, including both agreeing and disagreeing. On the other hand, it has a fairly large number of "Strongly Agree" responses that are indicative of strong belief in the link between substance abuse and sexual assault.

ASI/SI (Assistant Sub-Inspector/Sub-Inspector): In this regard, the highest count overall is represented by the ASI/SI category, with 735 agreeing that substance abuse is a big factor. All responses were skewed toward agreeing—that is, more responses were "Agree" and "Strongly Agree" than "Disagree" and "Strongly Disagree."

Constabulary: The response to this Constabulary category is ambivalent; very few people strongly agree or disagree. The counts for "Agree" and "Disagree" are relatively close, indicating some counterbalancing in the views of this group.

Inspector/DySP (Inspector/Deputy Superintendent of Police): In the case of this category, it is found that there is a high level of agreement to the statement, more towards the "Agree" and "Strongly Agree" ends. Though some of the respondents show their disagreement, still the trend suggests beliefs about correlativity between substance abuse and sexual assault.

Generally, there is a stronger response of agreement from female respondents, regardless of their ranks, while more strongly agreeing with the statement. Male respondents agree as well, but responses are more divided between "Agree" and "Strongly Agree."

These data show a strong perception, especially among police personnel of various ranks, that substance abuse is a major predisposing factor to sexual assault. The responses vary when one looks at different groups in detail, but overall, the trend is one of agreement—that is, the realization within law enforcement that addressing substance abuse may play some pivotal role in preventing sexual assault.

Cultural Norms and Traditions:

The question put to them was 'To what extent do cultural norms and traditions contribute to sexual assault cases?' to which the responses were received:

Analysis of the Responses:

The data indicates a high contribution of cultural norms and traditions to cases of sexual assault perceived by respondents at all ranks and designations. This is shown by the combined counts of "High", "Moderate", and "Very High", which form a major share of responses.

Variation Across Ranks:

Addl SP: The response in this category of Addl SP is varied, with quite a number having a moderate belief in the contribution of cultural norms and traditions to sexual assault. At the same time, there is also not a low count under the category "High" showing recognition by some respondents of high contribution.

ASI/SI-Assistant Sub-Inspector/Sub-Inspector: The maximum tally has been contributed by the ASI/SI category, where most of them subscribe to the moderate-to-high contribution by way of cultural norms and traditions in cases pertaining to sexual assault. The responses are skewed toward the "Moderate" category, indicating a general perception in this group.

Constabulary: In the Constabulary category, the degree of belief that cultural norms and traditions contribute to this is mixed. The counts under "Moderate" and "High" are appreciable in number, though there are equally responses under "Low" and "Very Low".

Inspector/DySP— The scale of the Inspector/DySP category conveys a reasonably high amount of belief in the contribution by cultural norms and traditions. This can be seen from the higher count in the categories "Moderate" and "High." While some believe that these factors have a "Very High" contribution, others were of the view that they have a "Very Low" contribution.

The data strongly indicates that a good number of the respondents, particularly at higher levels among police personnel of various ranks, are of the view that cultural norms and traditions contribute to cases of sexual assault. There is a general unanimity across different ranks and designations; some variation in strength of belief is witnessed in that certain groups are found to be much more convinced about the contribution of cultural norms and traditions.

The perceived contribution of cultural norms and traditions to cases of sexual assault might be driven by awareness campaigns, education, and probably policy interventions dealing with harmful cultural practices that turn into such incidents.

Contribution of Western Influences:

The question put to them was 'Do you think that the increasing Western influence in Indian Society has contributed to sexual assault cases?' to which the responses were received:

Analysis of the Survey:

Data shows that the responses related to the influence of Western culture on sexual assault cases are mixed among the different ranks and designations. It only goes on to prove that the combined counts of "Moderately" and "Significantly" are quite high in number.

Variation Across Ranks:

Addl SP: For the category of Additional Superintendent of Police, the response was mixed; the count for a moderate belief that Western influence contributed towards sexual assault is quite high in number. At the same time, there is a count in the "Significantly" category, thus indicating some sort of recognition at this level about the significant contribution.

ASI/SI: This group has a high total count, of which most of the individuals have responded that they believe Western influence has a moderate to major contribution to sexual assault. The responses are biased towards the "Significantly" category, showing preponderance of beliefs within this category.

Constabulary: The response in this Constabulary category varies, with different degrees of belief that Western influence has contributed to sexual assault. While the counts for "Moderately" and "Significantly" are very high, other responses do appear under the "Not at all" and "Slightly" categories.

Inspector/DySP: This category inspector/deputy superintendent of police demonstrates a reasonably high degree of belief in the

contribution from Western influence. While some counters are found in the "Not at All" and "Slightly" categories, there is still a general trend that there is an acknowledgment in this group of a possible impact.

Most of the respondents, in particular, police personnel of different ranks, opined that the contribution of Western influence in cases of sexual assault would be moderate to high. The trends in the responses are generally consistent across ranks/designations; however, the strength of this belief varied slightly, with some categories having stronger convictions about the contribution of Western influence.

This is where the perceived influence of Western culture in the cases of sexual assault needs nuanced discussion and an understanding of the cultural dynamics. It may also be indicative of some underlying concerns over cultural shifts and the need to impart education for respectful behavior and consent.

Falsification of Facts by Victims:

The question put to them was '*Do you think that in most cases of sexual assault the alleged victim woman is making things up?*' to which the responses were received:

Analysis of the Survey:

Response levels regarding victim-blaming in sexual assault cases range from very low to high among both ranks and designations. The combined counts of "Moderately" and "Significantly" form a large chunk of responses.

Variation Across Ranks:

Addl SP: The category of Additional Superintendent of Police reflects a mixed response, with some moderates who believed in victim-blaming in cases of sexual assault. There is a count in the "Significantly" category, which indicates that some of the respondents recognized a significant belief in victim-blaming.

ASI/SI (Assistant Sub-Inspector/Sub-Inspector): This category, in general, also happens to be high-counted on its own; most of them are for moderate to significant victim-blaming in the cases related to sexual

assault. The modal response is positively skewed toward the category "Significantly," showing that this is the general perception.

Constabulary: The response to this is varied regarding belief in victim-blaming with sexual assault cases. What is important here is the counts for both "Moderately" and "Significantly," but there are also responses for "Not at All" and "Slightly."

Inspector/DySP: The rank of Inspector/DySP demonstrates only a lukewarm belief in victim-blaming, with a greater number of questionnaires in the "Moderately" and "Significantly" columns. Even though there are those who believe that the victim-blaming is happening either "Not at all" or "Slightly," the overall trend is one of realizing that maybe there is an issue here.

The data unequivocally reveals that a fair majority of the respondents—that is, police personnel, irrespective of rank—firmly believe that a victim-blaming process does occur to a medium or larger extent in sexual assault cases. Even though there is broad consensus among ranks and designations, there is some variation regarding strength of belief—for example, higher conviction in victim-blaming on the part of some ranks or designations.

The perception of a high degree of victim-blaming in incidents of sexual assault creates the need to sensitize societal attitudes through awareness campaigns and education to avoid stereotypical notions. It also serves as an underpinning toward sensitivity in dealing with cases related to sexual assault within the criminal justice system.

Response to Complaints of Sexual Offences:

The question put to them was '*On getting information of sexual assault, how should the response be?*' to which the responses were received:

Analysis of the Responses:

The data describes how people of different ranks and designations react to information about sexual assault.

Variation Across Ranks:

Addl SP: Most of the Addl SPs favor filing an FIR immediately on receiving information about sexual assault.

ASI/SI: The ASI/SI category also shows the highest count in support of filing an FIR immediately.

Constabulary: This category also shows an inclination to filing an FIR; however, the count is much less as compared to the ASI/SI category.

Inspector/DySP (Inspector/Deputy Superintendent of Police): This category also goes in for filing the FIR with a majority voting for it, like in the case of ASI/SI category.

One-way traffic is very clear from the responses of all ranks and designations: responses seem unanimous regarding the fact that the preferred response in cases where information about sexual assault is received is filing an FIR. This is in conformity with legal provisions and, therefore, underlines the urgency and gravity of the issue. A strong preference for filing an FIR thus clearly shows a commitment toward taking immediate legal action, also for ensuring that legal processes are initiated without delay.

This uniformity in responses across the ranks may imply a shared understanding of the urgency and seriousness of attending to sexual assault cases without any loss of time. It implies that within the law enforcement community, there may exist some awareness and training with regard to the proper response to be adopted while attending to cases of sexual assault. In a way, this shows how important timely intervention is in the collection of evidence, protection of the victim, and setting the legal process in motion.

Questioning of the Victim:

The question put to them was '*How should the sexual assault alleged victim be questioned in the Police Station?*' to which the following responses were received:

Analysis of the Responses:

Data were obtained about opinions on how the victims of sexual assault are to be interrogated in a police station; response options are multiple.

Perceptions Across Ranks:

Addl SP: The majority suggest that interrogation should be done in private, hence an inclination towards privacy in the interrogation process.

ASI/SI: Majority support private questioning, which denotes faith in privacy while questioning the victim of sexual assault.

Constabulary: Mixed with a fair count for private questioning

Inspector/DySP: Majority opinion recommends private questioning, thereby upholding the demand for privacy in the process of questioning.

There is an agreement across the ranks that questioning a victim of sexual assault should be done in private. In all categories, the majority of the responses find privacy important to be ensured during the process of questioning. This implies consideration of the traumatic and emotional nature of cases relating to sexual assault. This would suggest that the privately set environment is victim-centered because it takes into consideration the safety and comfort of survivors as they recount their experience.

The results also underline the need for continuous training and sensitization amongst the force regarding investigating cases of sexual assault, in order to arm the officers with empathy and professionalism. This could institutionalize policies relating to privacy and emotional well-being during the process of investigation of sexual assault survivors by the police department.

It is through collaboration with victim's rights advocacy groups and experts in trauma-informed interviewing techniques that the best possible achievement of high-quality interactions with sexual assault survivors can be reached by law enforcement. Regular assessments of procedures and feedback from survivors may be taken for continuous improvement of the investigative process and support to victims.

It is therefore, identifies an environment that would accord some privacy and emotional comfort to the survivors of sexual assault during the investigation process at a police station.

Sensitising the Society:

The question put to them was '*Do you think that police can play a major role in sensitizing society against sexual assaults?*' to which the responses were received:

Analysis of the Survey:

The data represent opinions on whether police can play a major role in sensitizing society against sexual assaults.

Perceptions Across Ranks:

Addl SP: A majority believe that the police can moderately play a role in sensitizing society.

ASI/SI: The answers are mixed, with quite a number of responses showing a moderate belief in the role of the police.

Constabulary: A mixed response, some indicating a moderate belief in the role of police in sensitization against sexual assaults.

Inspector/DySP (Inspector/Deputy Superintendent of Police): There is a mix of responses, with a substantial count expressing a significant belief in the role of police.

The view on whether the police play a major role in sensitizing society against sexual assaults is not unanimous across ranks. Actually, a good proportion of responses in each category were moderately positive in their belief that the police can play a role in sensitizing society. What this implies is that there is belief in the potential of the police force to contribute to sensitizing society, but at the same time, efforts probably need to be put in to enhance the outreach and awareness initiatives.

Considering the diversity of perceptions, it may be very helpful if law enforcement agencies actively get involved in community programs to sensitize society against sexual assaults. Cooperative efforts with NGOs, educational institutions, and community leaders may add more thrust to such police-initiated efforts.

Such sensitization would be helpful, with periodic assessment and community feedback helping in sensitivity to needs and issues. Sensitization on what the police role is in such activities could build trust

and support from society, and effective communication strategies need to be developed for this purpose. The potentials of the police force contributing to sensitizing society against sexual assaults are pointed out, emphasizing targeted and collaborative approaches.

Conclusion:

Outcomes:

The extensive survey, presented across multiple posts, delves into the nuanced opinions and perceptions of law enforcement officers regarding various facets of sexual assault. From cultural influences to the handling of cases, the survey aims to capture the diverse perspectives within the police force.

Cultural Influences on Sexual Assault Cases: The survey began by exploring the role of cultural norms and traditions in contributing to sexual assault cases. Across ranks and designations, responses indicated a recognition of the influence of cultural factors on the prevalence of sexual assault. The data suggests a need for addressing cultural attitudes to foster a safer environment.

Impact of Western Influence: Examining the impact of Western influence on sexual assault cases, respondents exhibited varying perspectives. While a sizable portion attributed a moderate to significant role to Western influence, a considerable number disagreed. This divergence highlights the complexity of attributing sexual assault solely to external cultural factors, emphasizing the importance of multifaceted analyses.

Demeanor/Attitude of Women and its Role: The survey further probed opinions on whether the demeanor or attitude of women contributes to sexual assault cases. Responses varied, with some acknowledging a role, albeit slight, while others disagreed. This divergence underscores the need for comprehensive awareness campaigns and training programs to dispel misconceptions and stereotypes.

Perception of False Reporting: A critical aspect of the survey centered around the perception of false reporting by alleged victims. The majority of respondents across ranks acknowledged the complexity of sexual

assault cases, with a significant number emphasizing the need for thorough investigations rather than making assumptions. This nuanced understanding is crucial for fair and impartial handling of cases.

Consent Dynamics in Sexual Assault: Exploring the dynamics of consent in sexual assault cases revealed diverse perspectives. While a significant number believed that sexual assault acts often starts consensually and turn sour, there were dissenting views. This dichotomy emphasizes the necessity of sensitivity training to understand the intricacies of consent and the evolving nature of relationships.

Questioning Sexual Assault Victims: The final aspect focused on how sexual assault victims should be questioned in a police station. The majority of responses, regardless of rank, emphasized the importance of a private setting, indicative of a victim-centric approach that prioritizes privacy and emotional well-being during questioning.

Police Response and Sensitization: The survey assessed opinions on police response and sensitization in sexual assault cases. A noteworthy finding is the acknowledgment, across ranks, of the need for immediate filing of FIRs and the sensitive handling of victims. However, disparities exist, underscoring the importance of uniform training programs to ensure a consistent and empathetic approach.

Role of Police in Sensitizing Society: Regarding the role of police in sensitizing society against sexual assaults, responses were largely affirmative. A consensus exists on the potential for law enforcement to play a significant role in creating awareness. This finding suggests a willingness among officers to engage in community-oriented initiatives and education campaigns.

Policy Recommendations:

The results of the survey trace out a very complex landscape of beliefs in law enforcement relating to sexual assault. To this effect, several recommendations come forth toward building a more inclusive and sensitive environment:

Uniform Training Programs: Planning uniform and continuous training programs to sensitize law enforcement officers on cultural awareness, consent dynamics, and trauma-informed interviewing techniques.

- *Community Engagement:* Indulge in community engagement activities that would help bridge the gaps between the police force and society on an individual level, building mutual understanding and cooperation.
- *Policy Improvement:* Policies concerning the investigation of sexual assault must be reviewed periodically and enhanced according to the suggestions received from law enforcement officers and survivor advocacy groups.
- *Interdisciplinary Collaboration:* Engage in interdisciplinary collaboration between law enforcement officials, mental health professionals, and victim advocacy groups for a more comprehensive approach for the survivors.
- *Public Awareness Campaigns:* Launch public awareness campaigns on the issue of sexual assault, its prevention, consent, and the urgency of reporting such incidents.
- *Continuous Feedback Mechanism:* Establish a continuous feedback mechanism through which survivors can provide insights and inputs, aiding the police force in remaining attuned to changing needs and concerns.

That is to say, this survey stresses that it is about time law enforcement begins to have a holistic and dynamic way of addressing sexual assault. A heterogeneous organization that is emphatic and has victim-centered activities would help a lot in making a much safer and supportive society for victims.

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The author is an IPS officer (2022-75RR) borne on the Bihar cadre. He is currently undergoing Phase 2 training at the Sardar Vallabhbhai Patel

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The author has a keen interest in understanding the nuances of the criminal justice system. He hopes to work for the welfare of the police force and in order to do so wants to study varied aspects of their behaviour and its interplay with society. He has been an amateur quizzer and likes reading fiction.

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