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National Police Academy**



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### *The NPA . . .*

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# Academy Journal

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# **VICTIMS OF CRIME - NEED FOR PRO-ACTIVE ROLE BY THE FUNCTIONARIES OF CRIMINAL JUSTICE SYSTEM**

R K Bag

## **INTRODUCTION**

Victimology is basically study of crime from the victim's point of view. In other words, it is the science which makes victims the centre of study and aims at extensive understanding of the victim - offender relationship, investigates the victim's share in crime causation, examines the ways and means to protect the victims before commission of crime, during investigation and trial of the offender and also restitution and reparation of the damages caused to him by perpetration of crime. The definition of "Victim" adopted by the U. N. General Assembly resolution in November, 1985 on "Declaration of Basic Principles of Justice for victims of crime and Abuse of Power" may include not only victim of crime, but also victim of accidents,

victim of natural calamity and victim of state atrocity. However, the object of this article is to highlight the problems faced by the victims of crime while passing through the different stages of the criminal justice system and the need of proactive role by the functionaries of the criminal justice system.

## **GRIEVANCES OF THE VICTIMS OF CRIME**

The problems faced by the victims of crime can be summarized as follows :-

- (i) Want of legal assistance to the victims of crime belonging to the lower strata of the society;
- (ii) Want of prompt medical assistance to the victims of body offences and victims of accidents;

- (iii) Failure to get back the property seized or recovered in connection with property offences by the police during investigation;
- (iv) Inadequacy of law in allowing the victim to participate in the prosecution of a criminal case instituted on a police report;
- (v) Failure on the part of the police and prosecution to keep the victims informed about the progress of the case;
- (vi) Inconvenience and humiliation of the victim during interrogation by police, and lengthy court proceedings;
- (vii) Lack of protection when the victims are threatened and vilified by the offenders who are released on bail during investigation and trial of the cases;
- (viii) Violation of privacy of the victims by media in sexual offences during investigation and trial of the cases;
- (ix) Inadequacy of law for payment of compensation to the victims.

## SUGGESTED REMEDIES

The functionaries of the criminal justice system may be sensitized to make use of the existing provision of law and to make dynamic approach for removal of the plight of the victim of crime.

### (i) Legal assistance to the victims :

The provisions of Article-39A of the constitution provide for free legal aid and the Parliament enacted the Legal Service Authorities Act., 1987 for providing free legal aid to the downtrodden and weaker sections of the society. The victims of crime who are children or women or who are members of scheduled caste or scheduled tribe or who earn less than rupees fifty thousand per annum, can approach the District Legal Services Authority or the Sub-Divisional Legal Services Committee for legal assistance free of costs. Public awareness is needed for proper implementation of the scheme

of free legal aid provided in the Legal Services Authority Act. 1987.

In “**Delhi Domestic Working Women’s Forum -V- Union of India**” {1995 SCC (Cri) 7}, the Supreme Court has given instruction to the Government for providing legal assistance to the victims of sexual assault free of cost from the stage of giving information to the police till the conclusion of trial. This direction of the Apex Court is required to be implemented in letter and spirit at the district level at the initiative of the District Judge in charge of the district.

### (ii) Prompt medical assistance to the victims :

The victims of body offences and the victims of accidents need immediate medical assistance. In the case of “**Pt. Paramanand Katara V. Union of India** (AIR 1989 S. C. 2039)” the question arose before the Supreme Court whether every member of the medical profession has the obligation to extend his services with due expertise for protecting life. In this case, the doctor avoided his duty to help an injured scoterist on the plea that it was a medico-legal case and ultimately the injured succumbed to the injuries before getting medical assistance in another hospital. On consent of all concerned the Supreme Court has laid down the law that whenever a man of medical profession is approached for professional assistance, it is the obligation of each member of the profession to render all help which he could do and if the case needs better assistance he must make all efforts to ensure that the injured reaches the proper specialist doctor as early as possible. The practice of certain government institutions and private practitioners to refuse even the primary medical aid to the patient and referring them to other hospitals because it is a medico-legal case, is violative of code of medical ethics framed U/s. 33 of the Indian Medical Council Act. 1955. The members of the medical profession must be persuaded and motivated to follow the law laid down by the Apex Court.

### (iii) Prompt disposal of property :

The fact of congested malkhana in the police station and in the court indicates that the properties seized by the police during investigation are not returned to the victims for reasons like lack of awareness on the part of the victims of their rights or lack of initiative on the part of the investigating officers and the public prosecutors. Even when the orders are passed by the court suo motu for disposal of seized property on conclusion of trial, the order is not communicated to the respective police station by the prosecutor for proper compliance. It is held by the Supreme Court in **õSunderbhai Ambalal Desai -v- State of Gujarat**” {2003 C. Cr. L. R. 122 (S.C.)} that movable properties seized by the police during investigation must be disposed of within specific time limit viz., the vehicle must be returned on some conditions within six months. The prosecutor and police must be diligent and assist the court for proper implementation of the guidelines of the Apex Court.

### (iv) Participation of the victims in prosecution :

The victims have no right under the law to participate in the prosecution of any criminal case instituted on the basis of police report. Under the existing law the victim can engage an Advocate who will assist the prosecutor and who can submit the written argument on conclusion of trial. The District Magistrate and the state government have been authorized by way of amendment of Sec. 378 of Cr. P. C. to prefer appeal against order of acquittal passed by the court of Magistrate or the Court of Sessions respectively, and as such the victims can approach the District Magistrate or the State Government for redressal of grievances.

### (v) Information about progress of the case :

The officer-in-charge of a police station may not investigate the case related to cognizable offence, if he thinks

that there is no sufficient ground for entering into investigation, but the duty is cast on the said police officer U/s 157(2) of Cr.P.C. to inform the victim of the fact that the investigation will not be taken up. Owing to ignorance of law or lack of sensitivity many police officers at the level of the police station do not inform the victim of the action taken by the police relating to the commission of the offence reported to the police station as per provision of sec. 173 (2) (ii) of Cr. P. C. The police should ensure the victim about the action taken by the police with regard to the offence reported to the Police station. The innovative method of giving information to the victim introduced by the apex court in “**Bhagwant -v- Commissioner of police (AIR 1985 S. C. 1285)**” is that the Magistrate must give an opportunity to the victim (informant) to be acquainted with the result of police investigation and also to raise objection, if any, before discharging the accused on the basis of final report submitted by the police U/s. 173 of Cr. P. C.

**(vi) Humiliation of the victim during investigation and trial :-**

Interrogation of the victims in general and the victims of sexual offences in particular should be done by the police in a dignified manner and by following the procedure of law, viz. the female victims and male victims below the age 15 years cannot be called to the police station for interrogation as laid down in section 160 (1) of Cr. P. C. The Presiding Officer of the Court may also protect the victims appearing as witnesses before the court by introducing the time of examinations in the summons, without calling all the witnesses in mechanical way at 10-00 A. M. and by checking prolix and irrelevant cross examination. The Government should provide sufficient fund to the police and court for payment of travelling allowance, pocket allowance and professional loss to the victims appearing as witnesses before the police and court. The Supreme court has given direction for protection of the

minor victims of crime in “**Sakshi -v- Union of India**” {2004 S. C. C. (Cri) 1645} by holding trial of child sexual abuse or rape in the following manners:-

(a) A screen or some other arrangements may be made where the victim or witnesses do not see the body or face of the accused.

(b) The questions put in cross-examination on behalf of the accused, in so far as they relate directly to the incident, should be given in writing to the Presiding Officer of the court who may put them to the victim or the witness in a language which is clear and not embarrassing.

(c) The victim of child abuse or rape while giving testimony in court, should be allowed sufficient breaks as and when required.

**(vii) Security of the victims**

The courts must be very cautious at the time of granting bail to the accused persons involved in heinous offence like rape, murder, dacoity etc. The aggrieved victims of crime may approach the District Magistrate with request to take steps for cancellation of bail of accused persons who threatened the victims and witnesses after being released on bail.

**(viii) Protection of privacy of the victims of sexual offences :-**

It has become the practice of the Investigating Agency to disclose the evidence and the names of the victims in the print and electronic media during the stage of investigation of the criminal cases. By incorporating the provisions of Sec. 228A in the Indian Penal Code by way of amendment in the year 1983, the legislatures have prohibited publication of the identity of the victims of certain offences in the print and electronic media without the permission of the concerned court. Similarly, there is provision for in-camera trial of sexual offences for protection of privacy of the victims U/s 327 of the Cr.P.C. The protection available to the victims of

rape by way of in-camera trial is also made available to the victims of offences U/s 354 and U/s 377 of the I. P. C. during inquiry and trial as per direction of the Apex Court in “**Sakshi -Vs- Union of India**” {2004 SCC (Cri) 1645}. The functionaries of the criminal justice system must invoke the above provisions of law, so that the identity of the victims in general and the victims of sexual offences are not disclosed in the print and electronic media till conclusion of the trial.

**(ix) Payment of compensation**

The limited provision for payment of compensation Under Section 357 (3) of the Cr. P. C. may be invoked by the Courts for awarding compensation to the victims of crime only when the case will end in conviction. The statistics available go to show that only 7% of the criminal cases end in conviction in our country. However, the Supreme Court interpreted the provisions of section 357 (3) Cr. P. C. in “**Harikishan -vs.- Sukhbir Singh**” (AIR 1988 SC 2127) and directed all subordinate criminal courts to exercise the power of awarding compensation to the victims in such liberal way, so that the victims may not have to rush to the Civil Courts for compensation. The victims are not entitled to get any compensation from the criminal courts under the existing law, when the case will end in acquittal. The legislation for awarding compensation to the victims of crime by constituting Criminal Injuries Compensation Board, is required to fulfil the obligation of our country to the International covenant on Human Rights.

**CONCLUSION**

The police, prosecution, judges may be sensitized for proper implementation of various provisions of law and the guidelines of the Apex Court, so that the limited rights granted to the victims of crime may be enjoyed by them under the existing criminal justice system.

# DOMESTIC VIOLENCE AND LAW

V K Bhawra

In common parlance, we understand by 'domestic violence' a form of violence confined to the four-walls of the house, within members of the family in which the state should ordinarily have no role to play. Both the parties to the violence, perpetrator and victim, have a special relationship by way of marriage, consanguinity (blood relation or lineage) or adoption. Although according to general connotation, any family member could be in the role of perpetrator vis-à-vis any other member as victim, two forms of violence are more prevalent throughout the world – Matrimonial violence (called as Intimate Partner violence in western countries) and child abuse. The western countries, particularly USA, have tried to tackle this problem by enacting

special laws. 'Honour killings' are prevalent in some parts of Pakistan and India. The most comprehensive international instrument on women's rights is the Convention on Elimination of Discrimination Against Women, 1979, of which India is one of signatories. It outlined international standards on women's rights, including equal rights in family law. The UN Millennium Declaration, 2000, envisaged to promote 'gender equality' and 'empowerment of women' under one of the key objectives 'peace, security and disarmament'.

## LAW IN INDIA - EARLIER LAWS

The earlier criminal and civil laws addressed some of the relevant women's

issues. The existing criminal law had provisions to deal with demand of dowry and related violence under Dowry Prohibition Act, 1961. Apart from it, section 498-A of Indian Penal Code (IPC) makes subjecting a married woman to cruelty within 7 years of marriage punishable. Dowry deaths are punishable under section 304-B IPC. Sexual assault or rape is punishable under section 376. On civil side, various personal laws like Hindu Marriage Act, 1955, and Hindu Succession Act, 1956, outlined equal rights of women in matters of marriage, divorce, property etc. All these were found insufficient to deal with low-intensity violence involving continuing emotional, mental and psychological harassment without involving serious physical injuries. There was no way to deal with domestic violence after 7 years of marriage without attracting the provisions of Dowry Act. Most of the Police officers have experienced that the victim parties often used to incorporate ingredients of Anti-Dowry law based on half-truths and conjectures to make their complaint of domestic violence actionable.

## DOMESTIC VIOLENCE LAW

The **Protection of Women from Domestic Violence Bill, 2005** after being passed by the Parliament and receiving Presidential assent in September 2005 has become law of the land. It aims to protect the women from violence within the family. The significant aspect of Indian law is that aggrieved person (victim) can be **woman** only and the respondent can be **adult male**. Both the parties have a common thread (present/ past) of **domestic relationship**, some of the examples being marriage, consanguinity, adoption, shared household and joint family. Therefore wife, ex-wife, daughter, daughter-in-law, mother, sister can file complaint of domestic violence against husband, ex-husband, father, father-in-law, son and brother respectively.

Depending upon the situation, adult male relatives of respondent can also be made co-respondents.

Domestic Violence has been defined in section 3 as any act, omission or commission, and conduct, if it harms/injures/endangers the health, safety, life, limb or well-being of the aggrieved person. The definition is wide enough to include **physical violence** (physical abuse), **sexual violence** (sexual abuse), **mental and psychological violence** (verbal and emotional abuse including insult, humiliation, name calling, ridiculing for not having a male child) and **economic violence** (economic abuse including deprivation of resources, disposal of household assets). For the purpose of determining as to whether any act, omission, commission or conduct constitutes domestic violence, the overall facts and circumstances shall be taken into consideration. The information about domestic violence can be given to Protection Officer (appointed under section 8 of the Act or preferably a woman), Police and Service provider (Voluntary Organisations/ NGOs). Protection Officer is supposed to prepare a domestic incident report and submit to the Ilaqa Magistrate with copies to officer-in-charge of Police Station and service provider of the area, apart from providing free legal aid. If needed, safe shelter home and medical examination facilities are also to be provided by the Protection Officer. If the information is received by the Service Provider, it will also prepare domestic incident report and submit to magistrate with copy to Police.

The Magistrate can grant a number of reliefs under the Act or protection order (section 18), residence order (section 19), monetary relief (section 20), custody order (section 21), compensation (section 22) after being satisfied that domestic violence has taken place or is likely to take place. The protection order is essentially a

prohibitive order and would have the effect of protecting the victim from respondent by prohibiting him from committing, aiding, abetting domestic violence, entering her workplace, communicating with victim, alienating assets and causing violence to dependents/other relatives. The purpose of residence order is to provide safe accommodation to the aggrieved party. It can have both prohibitive (do not sell, do not enter her portion, do not dispossess her, do not renounce your rights in property) and affirmative (provide her alternative accommodation, remove yourself from shared household) components. The custody order deals with the issue of temporary custody of minor children to the mother and allowing occasional visits of father. Monetary relief can be awarded by the court to meet the loss of earnings, medical expenses, maintenance of aggrieved person and her children. It can be further supplemented by compensation/damages for the injuries, including mental torture and emotional distress.

There are only two penal sections in the Act. The breach of protection order (final/interim) is punishable under section 31(1) of the Act with imprisonment upto 1 year. The offence is cognizable and non-bailable and under the sole testimony of the aggrieved person, the court may conclude that the offence has been committed. Section 33 is another penal section providing for punishment to protection officer for not discharging the duties assigned by the court without any sufficient cause.

## BENEFITS OF THE 2005 ACT

The gap in law on how to deal with domestic violence would be largely addressed by enactment of this Act. Under the new law, Police have also been authorized (apart from Protection officer and service provider) to initiate action on domestic violence complaint, even if it does not involve demand of dowry.

More serious cases attracting the provisions of Dowry Prohibition Act, sections 498-A or 304-B would continue to be dealt under existing laws.

### **ADDITIONAL FEATURES OF AMERICAN LAW**

In America, the Violence Against Women Act (VAWA) was enacted in 1994 to tackle domestic violence as crime rather than family matters which was reauthorised in the years 2000 and 2005. Under this Act, Services, Training, Officers, Prosecutors (STOP) grants provide assistance to Govts to deal with domestic violence more effectively. These have been used to provide training to police officers, prosecutors, judges, health professionals; round the clock response teams to victims; free legal aid to victims and several other services. In the state of Delaware, at least 25% of grants are spent on law enforcement initiatives. The additional features in VAWA brought about by the latest amendment include establishing new federal crime of domestic violence to fill-in jurisdictional gaps. Funds have been authorized for next five years (upto the year 2011) for training of law enforcement officers, prosecutors and court staff and providing safe haven for children affected by domestic violence.

The perpetrator of domestic violence is not allowed to purchase firearms, in the interest of safety of victim. He can be ordered to stay 100 yards away from victim, her residence and workplace to protect her from physical violence.

### **SUGGESTIONS**

1. Taking the Act as a whole, it only tries to tackle domestic violence on women by men. It is well accepted that most of the domestic violence is perpetrated by men on women. However, the Act leaves the relatively smaller number of cases of domestic violence by women on men and

by women and women uncovered. The Act could have covered such cases also and presumption of law could have been that of guilt in cases of violence by men on women and that of innocence in cases of violence by women on men and women and women. It is common knowledge that some women relatives (mother-in-law, sister-in-law) play a pivotal role in perpetration of violence on daughter-in-law.

2. The Rights of Child can also be protected from violation within family by enlarging the scope of 'aggrieved person' and 'respondent'. Under the present scheme of the Act, grievances of male child remain unattended.
3. The law enforcement officers used to restrain themselves from responding to domestic violence cases, so far on the ground that these are family matters and were non-cognisable offences. There is need to impart training and sensitise the police, judiciary and prosecution to deal with such cases, so that privacy within the family is not invaded except to the extent required for investigation and enquiry.
4. There is need to lay down some objective criteria to deal with complaints of 'verbal and emotional abuse' and 'economic abuse' to prevent its misuse/abuse to lodge false complaints. In most of these cases, witnesses either don't exist or are not willing to depose, making the sole testimony of complainant most crucial piece of evidence.
5. A victim is more vulnerable to domestic violence during pregnancy. Any violence during that period needs to be made punishable more severely and

the Act should provide for enhanced punishment for it.

6. The alleged perpetrator should not be allowed to acquire new/retain old firearm so long as the complaint against him is pending. If found guilty, he should be disqualified from retaining/ acquiring arms license.
7. Victim assistance programs in Indian criminal justice system have not yet taken off. The victim of domestic violence needs it the most in terms of shelter, livelihood, legal aid, child education etc. This is high time that victim assistance schemes should be started. Without effective victim assistance programme, this Act may not be able to instill sense of confidence in the victim who has to stand up against perpetual violence within the family, largely supported by the society. A separate fund needs to be created for this purpose on the pattern of fund under VAWA in USA.
8. Protection officer (preferably woman) is the most crucial institution in successful implementation of the Act. Breach of protection order issued by her is punishable under section 31-A. A woman having elementary knowledge of health-care and psychology of victim would be suitable for this job.
9. However, section 33 prescribes for punishment to protection officer for not discharging duties assigned. It appears a little harsh and would put her under tremendous pressure in discharge of duties. The protection officer is appointed by Govt (and can also be removed) and can perhaps be held administratively liable instead of fixing criminal liability.

10. The definition of rape under Indian Penal Code (IPC) mentions that a husband cannot be held guilty of rape of wife if she is not below 15 years of age. How a complaint of sexual violence by wife against husband needs to be dealt needs to be elaborated.

Last but not the least, it is a well-intentioned Act and if properly used, can mitigate the sufferings of genuine persons on both sides of complaints

of domestic violence not yet attended would get response from agencies mentioned in the Act and the sufferers of alleged misuse of 498-A and Dowry Prohibition Act will find a less severe Act to deal with complaints against them.

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2. Violence Against Women - Statement of Lynn Rosenthal executive Director, National Network To End Domestic Violence, Committee on Senate Judiciary of July 19, 2005.
3. Communication dated 28.11.2005 from Violence Against Women Act Implementation Committee to Police Chiefs.
4. Website [www.ncjfcj.org](http://www.ncjfcj.org) of the National Council of Juvenile & Family Courts Judges.

### *THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005*

*The Protection of Women from Domestic Violence Act, 2005 was enacted for the purpose of providing effective protection for women who are victims of violence of any kind occurring within the family ensuring enforcement of their rights guaranteed under the Constitution. This Act in essence is a substantive civil law since various forms of redresses available to the victim are of remedial in nature, for instance compensation order, custody order, protection order, residence order etc., This appears to be the reason as to why this Act does not contemplate police as enforcers of this Act. However, it is to be noted that the provisions of the Cr.P.C, 1973 shall govern the proceedings under the Act. A laudable provision of this Act is its extension of protection to those women who are sisters, daughters, daughters in law, mothers etc., This Act needs to be complemented for its exhaustive definition of violence spelling out clearly various kinds of abuse, such as physical abuse, sexual abuse, verbal or emotional abuse and economic abuse. The main functionaries under the Act are Protection Officers, Service Providers and Courts. This Act recognizes the fact that public generally approach Police in case of any violence and obviously obligates police officers to inform the complainants about their right to make an application for various orders from the Court, their right to free legal services, their right to file a complaint under section 498A of IPC and the availability of services of Protection Officers and Service Providers.*

# FORENSIC HYPNOSIS

Muktesh Chander

**T**he word hypnosis has been surrounded with mysteries, controversies and negative connotations in the last two centuries to such an extent that it means different things to different people based on their perception and what they have seen, read or heard in movies, TV channels, story books, media and gossips. It is widely misunderstood due to its association with occultists, stage magicians, frivolous practitioners and faith healers. For a layman it is often difficult to separate truth from myth. Its discovery itself was surrounded with paradoxes that King Louis XVI of France appointed Royal Enquiry Commission consisting of famous personalities of that time, including scientist and

American ambassador to France, Benjamin Franklin, famous chemist Antoine Lavoisier and Dr. Joseph Guillotin, which concluded that "animal magnetism" does not exist as was being claimed by Mesmer, who started Mesmerism, the first name which was given to hypnosis. However, the commission did not say that the mesmeric phenomenon lacked authenticity. Since then various persons have experimented with it and gave their own explanation of the elusive phenomenon. Proper research and scientific experimentations about hypnosis started only in twentieth century. It is only in last few decades that hypnotic phenomenon has gained

scientific basis and has found profound use in psychology and medicine.

Use of hypnosis in criminal justice system, particularly by the investigating agencies, is fairly recent and its potential has not been fully understood and utilized.

## DISCOVERY OF HYPNOSIS

The existence of hypnosis like phenomenon has been found in several ancient civilizations and religions. The oldest record can be traced to Embers Papyrus of 1550 BC, which describes techniques used by ancient Egyptians which are similar to those that are used even now to induce hypnosis. Sleep temples of Asclepius, the ancient Greek God of healing were places where sick could meditate and sleep till they were cured. There is a mention in *ĀBhoj Prabandh* written by Pandit Ballala Sen that in 527 AD Raja Bhoj underwent a surgery using *ĀSammohini* (Hindi equivalent of the word hypnosis) which also finds mention in *Sushruta Samhita* (600 BC). In Europe it was a Viennese physician Franz Anton Mesmer (1774) who first time started experimenting with it while treating his patients. He called the newly discovered phenomenon as *ĀAnimal Magnetism*, since he could not give any better explanation of it at a time when the world was excited about new discoveries of electricity and magnetism.

Lack of proper explanation and Mesmer's personal extravagant, flamboyant and theatrical style in using the hypnosis, gave rise to controversy and skepticism which was inadvertently perpetuated by followers of Mesmer and other practitioners, who attempted to give their own inadequate explanations of hypnosis. A leading physician of London, John Elliotson (1791-1868) used hypnosis to perform painless surgical operations. Dr. James Esdaile (1808-1859), a Scottish surgeon of East India Company, while practicing in India,

also conducted more than 1000 operations in Imambarah Hospital, Hoogly, Calcutta without anesthesia using hypnosis. Lord Dalhousie, the then Governor General of India, was so impressed that he sanctioned establishment of a mesmeric hospital near Calcutta. The significance of work of painless surgery of Esdaile was lost when the anesthetic properties of ether and chloroform were discovered soon after. Mesmerism, Somnambulism, Lucid sleep, Monoidealism, autosuggestion, biofeedback are some names which were given to hypnosis.

It was an English physician, James Braid, who coined the word *ĀHypnosis* (Greek word *Hypnos* mean sleep) and tried to give scientific explanation of the phenomenon and the acceptance of hypnotism started increasing since then. Even though the word hypnosis is again a misnomer (Braid himself regretted about it at later stage of his life) but now it is used world wide and it is too late to be changed now.

In between Hippolyte Bernheim, Sigmund Freud, Dr. Auguste Ambroise Liebeault, Dr. Jean Martin Charcot, Abbe Jose Faria from Goa and Ivan Pavlov from Russia contributed to the knowledge of hypnosis.

The name of Abbe Faria and his contribution to hypnosis need special mention. Abbe Faria was born in Candolim in Goa on 31<sup>st</sup> May, 1756 and studied theology in Rome. Later he moved to Paris and studied hypnotism. He was a contemporary of Mesmer and was first to disagree with the Animal Magnetism theory and concluded that hypnosis worked purely by power of suggestion. He published his book *ĀCausas do Sono Lucido* (*On the Cause of Lucid sleep*) which has now been translated in English by Dr. Laurent Carrer, a French hypnotist based in USA. Several writers of history of hypnosis recognise Faria as father of Nancy School of Hypnotism. Except in Goa, his name has been lost in obscurity

in India, but has been recognized worldwide. *ĀFaria* was great, because he had no fear and fought for truth rather than for his place at the vanity fair. The Abbot de Faria's mystery does not lie in the circumstances of his life that are unknown to historians and lost forever; his mystery lies in his talent, courage, and quest for truth. His mystery was the mystery of someone who was ahead of his time and who blazed a trail for his descendants due to his sacrifice. *Ā*said Dr. Mikhail Buyanov, President of the Moscow Psychotherapeutic Academy, and author of *A Man Ahead of His Times*, a study in Russian of Abbe Faria.

Today the credibility of hypnosis as a science has been established beyond doubt and it is being used in clinical therapy, self-improvement, psychology, psychiatry and behaviour modification. Hypnosis has received official professional approval for therapeutic use by British Medical Association (1955) and American Medical Association (1958) and the pace of research work has increased manifold in recent decades.

## WHAT IS HYPNOSIS

Describing hypnosis is difficult and attempting a proper definition is even harder. It is easier to explain what hypnosis is not than defining what it is. Contrary to what the name suggests, hypnosis is not sleep but an altered state of consciousness in which body is relaxed, attention is focused and mind is highly susceptible to suggestions. Electroencephalograms (EEG) of hypnotised person reveal that it is more like day dreaming in which brain switches to alpha frequency region. Subject is aware of his surroundings and is not under the will control of hypnotist as is commonly believed. It is not an unconscious state but heightened state of consciousness related to subconscious mind. Subject under hypnosis cannot be made to do, and will not do, any thing against his

will or which he would not do in his conscious state and such a suggestion normally results in termination of the hypnotic trance. It is a myth that those with weak will power can be hypnotized. On the contrary, it is the strong willed people who make better subject as ultimately all hypnosis is self hypnosis and a hypnotist only assist a willing and cooperating subject to take himself to hypnotic state. British Medical Association defines hypnotism as “*A temporary condition of altered attention in the subject which may be induced by another person and in which a variety of phenomena may appear spontaneously or in response to verbal or another stimuli...*”

The Hypnotism Act of 1952 of UK defines hypnotism as “*any act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind... is increased or intended to be increased*”. In hypnotic state, the path between conscious and subconscious mind opens and memories become easily accessible. It is this power of hypnosis to produce hypermnnesia which is used in forensic hypnosis.

## FORENSIC HYPNOSIS

A victim or witness of a crime has opportunity to see and observe the crime, criminal and the surroundings. All the sensory organs are involved in the process of observation. The ability to recall the details minutely depends upon many factors. Fear, shock and post-traumatic stress affects the memory and delay in examination by the investigation officer may lead to loss of vital information from the memory. Investigation officer often come across this problem of lack of ability of the victim or witness to recall information which sometimes is critical to solving of the case. Under hypnosis a persons ability to recall past events alongwith associated smell, taste,

sound, etc. increases manifold. The subconscious mind is able to store and recall much more information than is available to conscious mind. Many times it does not reveal certain events associated with unpleasant or traumatic events to protect the person. Under a skilled hypnotist, during hypnosis, victim can describe the crime and criminal with minute details vividly and completely without the associated trauma. “One thing we know about hypnosis, and it has been demonstrated again and again, is that somebody who is hypnotised does recall more”, said Dr. Brian Oppy, Cognitive Psychologist and Professor at Chico State University, USA. This is particularly useful when victim is suffering from post-traumatic stress after rape, child abuse, or violent attacks and undergoes traumatic amnesia also called as dissociative amnesia.

Although there is a recorded instance of use of hypnosis to refresh memory of witness in court in a case of murder in 1846, it was in 1968 a US court, in *Harding Vs State* in Maryland, first time allowed hypnotically refreshed memory and we can say that forensic hypnosis was born on that day. Many countries particularly USA, Russia and UK have started to use forensic hypnosis. Nearly half of the Texas Police detectives are trained in use of forensic hypnosis.

It must be remembered that forensic hypnosis is not a truth detection technique, but only a tool to aid the investigating officer and corroborative evidence has to be collected by other means. It can provide vital clues and details on which further investigation can lead to recovery of evidence and case can be solved. Although hypnosis can also be used on suspect, accused or defendant there are number of problems associated with it. It is well known that hypnosis cannot be induced if the subject does not cooperate. His consent and cooperation is necessary.

If forced he may pretend to be under hypnosis by faking it. In such cases, help of hypnotic injectable drugs like Sodium Pentothal Seconal, Hyoscine, Sodium Amytal, etc. is taken to produce hypnosis and the test is called Narco Analysis.

## HYPNOSIS AND LAW

Considerable debate has been going on world wide about the legal admissibility of hypnotically recalled memory of a witness or victim in the court of law. The US Courts have been following three different rules. In 1968 in *Harding Vs State* Maryland supreme court ruled that “hypnosis is like any other memory aid device” and allowed it. In this case a lady victim of shooting and attempted rape identified her assailant only after she was able to recall details during hypnosis. This was called “Open Admissibility Rule”.

However, later on the US courts started adopting the “Per se Exclusion” Rule which was propounded in 1980 by Minnesota supreme court in *State V. Mack* and by California supreme court in *People V. Shirley* 1982, 31 c3d 18. The courts ruled that hypnosis lacked reliability and created confabulations and undue false memories in a subject who is under increased suggestibility and such a witness cannot be effectively cross examined. However, the rule does not debar police from taking help of hypnosis for extracting clues from victim/witness to solve cases or discover admissible evidence. It only restricts the deposition of a witness to the statement given before hypnosis.

The third rule called “Totality of the Circumstances” rule is being applied by many states in USA and as per this rule, hypnotically refreshed recollection can be admissible in court provided certain safeguards and guidelines are followed. Also called “Admissibility with Safeguard” test, it was

pronounced in *State V. Hurd* (1981) by New Jersey court. The court also listed the guidelines in this regard which are now called Hurd Standards. Relying on Hurd's case, New Jersey supreme court again decided in favour of Admissibility with Safeguard rule in *State V. Fotig*, 1996, NJ LENS, 1952.

Some important safeguards in use of forensic hypnosis are as follows:

1. The pre hypnotic version of witness/victim must be recorded in audio/video tape.
2. The subject must give his informed consent to undergo hypnosis.
3. Hypnotic session must be conducted by a well qualified, licensed and independent medical doctor or psychologist.
4. The hypnotic session must be video taped.
5. Police must not be present when the session is conducted.
6. Hypnotist must avoid leading questions and take special precautions not to add any false memories on the mind of the subject.

## INDIAN CONTEXT

In India, forensic hypnosis has not been used in police investigation, even though polygraph, brain wave mapping and Narco analysis have been used on suspects notwithstanding that their acceptability in the courts has always been a matter of debate. However, in famous multicore fake stamp scandle, Mumbai High Court in *Ram Chandra Reddy & Ors. Vs. State of Maharashtra* ruled in favour of Narcoanalysis on accused.

Maharaja Sayaji Rao University, Vadodara, Gujarat is offering a PG Diploma in Clinical Hypnosis and has trained a number of doctors and psychologists in hypnotic procedures. A large number of hypnotists, doctors and psychologists are already using hypnosis in India, inspite of the fact that Indian Medical Association still does not recognise hypnotherapy and their expertise can be used after following strict procedural safeguards. Unfortunately, most of the police officers have not heard of forensic use of hypnosis. While writing this article I contacted a cross section of people connected with criminal justice system

in India but did not come across any case reference about forensic hypnosis.

## CONCLUSION

Through this article, a humble attempt has been made to make readers aware of one of the fastest growing areas of specialisation which provides, yet another tool to investigating officers. World over its acceptance, in criminal justice system, is increasing and Indian police must start experimenting it in selected cases after acquiring proper knowledge in hypnotic procedures and with full safeguards.

Indian courts have always been inclined to give credence to scientific evidence and only the time to come will decide the future course of forensic hypnosis in India. But it is high time that a beginning must be made.

Just when a scientific principle or discovery crosses the line between the experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential forces of the principle must be recognised - *Frye Standard*. {Frye V. United States, 293 F.1013 (D.C. Cir. 1923)}

*We are responsible for what we are, and whatever we wish ourselves to be, we have the power to make ourselves. If what we are now has been the result of our own past actions, it certainly follows that whatever we wish to be in future can be produced by our present actions; so we have to know how to act."*

*Swami Vivekananda*

# TRAFFICKING IN PERSONS

K Krishna Prasad

## CASE ILLUSTRATIONS SEXUAL EXPLOITATION

Sudha (17 years) in a village in West Godavari district, passed 10<sup>th</sup> class, was in two minds, whether to continue further education or not. The family was challenged with poverty at every step and there is rising expectation and competition to increase the life style in the village. Around that time, Sunitha, who went away for employment to Mumbai 10 years back, came to the village for a festival visit. She was wearing costly dresses and came in a car. She was carrying cell phones, camera, and other gadgets. She was approached by the parents of

Sudha to show her job opportunities. Sunitha promised a good job such as receptionist in a corporative office and gave one thousand rupees to the parents of Sudha. They were very happy that their daughter will also earn money and send some money home. After a week Sunitha and Sudha boarded the train and went to Mumbai. On reaching the Mumbai Railway Station, they were received by two men and taken in a car to a place which looked strange. As the evening approached, the place became busy, with lot of men arriving and taking away women into rooms. Sudha tried to escape but got caught and beaten by a madam who said Sunitha has sold her.

That night Sudha was raped by seven men. The saga continued. She was forced to have sex six times a day. She could not escape and her living conditions were very bad. After nine months, she fell ill and she was taken to doctor, where she was detected to HIV positive. .

## BEGGING & CHILD LABOUR

Sathyam, 8 years old, in Karimnagar was promised good clothes, food and education. His poor parents accepted. He was taken to Rajasthan by a construction company to do labour work carrying brick loads on his head. He does not know his salary, his work timings, where his workplace is located, cannot speak the local language nor can understand. The food that is given to him is neither adequate nor the type his mother used to serve back home. He found himself estranged memories of his home, parents, siblings, village slowly started fading. Life offered no hope, nothing to look forward to.

## CHILD CAMEL JOCKEYS

The trafficking and exploitation of South Asian and African children as camel jockeys has increased in the Gulf States, which, with the discovery of oil and the associated surge in wealth, transformed camel racing from a traditional sports pastime to a multi-million dollar activity. Today, thousands of children, such as Salim (6 years), some as young as three or four years of age, are trafficked from Bangladesh, Pakistan, and other poor countries and sold into slavery to serve as camel jockeys. These children live in an oppressive environment and endure harsh living conditions. They work long hours in hot temperatures, live in unsanitary conditions, receive little food, and are deprived of sleep, so that they do not gain weight and increase the load on the camels.

They are harassed by the handlers, who often beat them. Some are

reportedly **abused sexually**. Many have been seriously injured and some have been trampled to death by the camels. Those who survive the harsh conditions are disposed of once they reach their teenage years. Having gained no productive skills or education, scarred with physical and psychological trauma that can last a lifetime, these children face dim prospects. They often end up leading destitute lives. Trafficked child camel jockeys are robbed of their childhoods - and of their future.

Sudha, Sathyam and Salim are the victims of trafficking. They were cheated, tricked, coerced, forced and kept captive for exploitation. Either physical, mental or sexual.

## TRAFFICKING CAN BE DEFINED AS

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

## SCOPE OF THE PROBLEM

About two million persons are trafficked every year all over the world. People are trafficked for many purposes. But men, women, and children are trafficked for forced labor into construction, agriculture, sweet shops, and factories. Children are trafficked for camel jockeying, and to be child labors, or into brick factories, rug-making, sweetshops, or cocoa plantations because their small bodies and little fingers are useful in making or picking these products. Women and children are

trafficked for domestic servitude and sexual exploitation.

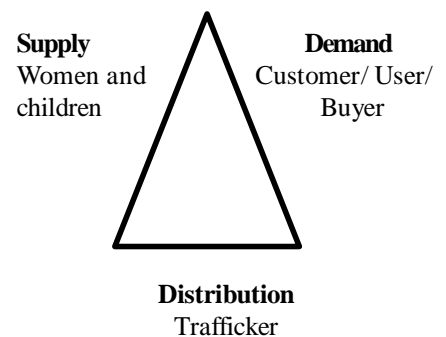
Generally speaking, almost every country in the world has a trafficking problem. Countries can be divided roughly into countries of **origin** (usually the resource-poor countries or countries that are politically or economically unstable); countries of **destination** (usually resource-rich developed countries, where demand is located); and **transit** countries (countries along a trafficking route, where traffickers have safe passage and harbor). Some countries, such as India, Thailand and Nigeria, are countries of origin, transit, and destination.

Human trafficking is certainly a big business. According to UN source traffickers of people make annual profits of some \$7 billion (Rs.31,500 crores) in prostitution alone.

## THE CAUSES OF TRAFFICKING

The causes of human trafficking are complex and often reinforce each other. Victims constitute the **supply**, and abusive employers or sexual exploiters (also known as sex buyers) represent the **demand**. The people who act as conduits to traffick persons are traffickers and represent **distribution**. Typically, demand side and distribution side gain economically and the supply side suffers from all angles.

### THE TIP TRIANGLE



The supply of victims encouraged by many factors including poverty, the

attraction of perceived higher standards of living elsewhere, lack of employment opportunities, organized crime, violence against women, regional imbalance, economic disparities, socially challenged, government corruption, political instability and armed conflict.

On demand side, factors driving trafficking in persons include the sex industry and the growing demand for exploitable labor. Sex tourism and child pornography have become worldwide industries, facilitated by technologies such as the Internet, which vastly expand the choices available to “consumers” and permit instant and nearly undetectable transactions. Trafficking is also driven by the global demand for cheap, vulnerable and illegal labor. For example, there is great demand in some prosperous countries of Asia and the Gulf for domestic servants who sometimes fall victim to exploitation or involuntary servitude.

There is an unsatiable demand from Middle East for “virgin” brides from Hyderabad City. Often the newspapers and media show a 16 years old bride being married off to a 70 years old sheik. What happens after the marriage is anybody’s guess. How many times, she will be sold over and again is something that is just not possible to know.

### **THE SOCIAL COST OF TRAFFICKING**

Victims of human trafficking pay a horrible price. Psychological and physical harm, including disease and stunted growth, often have permanent effects. In many cases the exploitation of trafficking victims is progressive: a child trafficked into one form of labour may be further abused in another. Another brutal reality of the modern-day slave trade is that its victims are frequently bought and sold many times

over - often sold initially by family members.

Victims forced into sex slavery can be subdued with drugs and subjected to extreme violence. Victims trafficked for sexual exploitation face physical and emotional damage, from forced damage, from forced sexual activity, forced substance abuse and exposure to sexually transmitted diseases including HIV/AIDS. Some victims suffer permanent damage to their reproductive organs. When the victim is trafficked to a location where he or she cannot speak or understand the language, this compounds the psychological damage caused from isolation and domination by traffickers.

89% of people trafficked into sex trade want to escape. 60 to 70% of women in sex trade have been raped. 70 to 95% have been physically assaulted, and 68% met the clinical criteria for post traumatic stress disorders.

### **THE HUMAN RIGHTS DIMENSION**

Fundamentally, trafficking in persons violates the universal human right to life, liberty, and freedom from slavery in all its forms. Trafficking of children violates the inherent right of a child to grow up in a protective environment and the right to be free from all forms of abuse and exploitation.

### **PROMOTING SOCIAL BREAKDOWN**

The loss of family and community support networks makes trafficking victims vulnerable to traffickers’ demands and threats and contributes in several ways to breakdown of the social structures. Trafficking tears children from their parents and extended family. The profits from trafficking allow the practice to take deep roots. The “opportunity” of becoming a trafficking victim can lead vulnerable groups to look the other way, away from schooling

and family structure, thereby defeating national programmes of primary education, etc. The loss of education reduces the vulnerable groups’ future economic opportunities and increases their vulnerability to being re-trafficked in the future. The lure of money will eventually influence some weak persons (weak link in the chain) of the vulnerable groups to become conduits of the Organized Traffickers. These “small time” pushers become both influential as well as hated persons in the vulnerable group. This leads to serious suspicions, breakdown of trust within the social group, thereby promoting social breakdown.

### **FUELING ORGANIZED CRIME**

The profits from human trafficking fuel other criminal activities, according to the U.S. Federal Bureau of Investigation, human trafficking generates an estimated \$9.5 billion (Rs.42,750 crores) in annual revenue. It is closely connected with money laundering, drug trafficking, document forgery and human smuggling.

### **PUBLIC HEALTH IMPLICATIONS**

Victims of trafficking often endure brutal conditions that result in physical, sexual, and psychological trauma. Sexually transmitted infections, pelvic inflammatory disease and HIV/AIDS are often the result of being used in prostitution. Anxiety, insomnia, depression and post-traumatic stress disorder are common psychological manifestations among trafficked victims. Unsanitary and crowded living conditions, coupled with poor nutrition, foster a host of adverse health conditions such as scabies, tuberculosis, and other communicable diseases.

### **THE LINK BETWEEN HIV/AIDS AND TIP**

Approximately 4.2 crore people are

living with HIV/AIDS worldwide. The global epidemic affects women and children who are trafficked for purposes of prostitution. Globally, women in prostitution and those who have been trafficked for prostitution have a high prevalence of HIV and other STDs. For example:

In South Africa, HIV prevalence among women in prostitution is 70.4 percent. In Zambia it is 31 percent, 28.8 percent in Cambodia and 20 percent in Nepal our neighboring country.

In addition, the HIV/AIDS epidemic may be spread by human trafficking. Some experts have linked sex trafficking to the spread and mutation of the AIDS virus. They believe that sex trafficking is aiding the global dispersion of HIV subtypes. HIV cannot be controlled without preventing TIP.

## **EROSION OF GOVERNMENT AUTHORITY**

Many governments struggle to exercise full law enforcement authority over their national territory, particularly where corruption is prevalent. Armed conflicts, natural disasters, and political or ethnic struggles can create large populations of internally displaced persons, who could be vulnerable to trafficking. Human trafficking operations further undermine government efforts to exert authority, threatening the security of vulnerable populations. TIP includes big money parallel economies that weakens legitimate governments. This is more so in small and developing economies.

## **INDIAN SCENARIO**

India is an Origin, Transit and Destination country for women, men, and children trafficked for the purposes of sexual and labor exploitation. Indian men and women are trafficked into situations of involuntary servitude in countries in the Middle East, and

children may be forced to work as beggars or camel jockeys. Bangladeshi women and children are trafficked to India or trafficked through India en route to Pakistan and the Middle East for purposes of sexual exploitation, domestic servitude, and forced labor. Nepalese women and girls are trafficked to India for sexual exploitation, domestic servitude, and forced labor. India is also a growing destination for sex tourists from Europe, the United States, and other Western countries. India is also home to millions of victims of forced or bonded labor.

Comprehensive statistics on trafficking-related investigations, prosecutions, convictions, and sentences are not available. Available statistics show 195 prosecutions and 82 convictions obtained for offences related to trafficking for sexual exploitation in 2004. An estimated 2,058 prosecutions and 1,051 convictions for child labor offenses in 2004.

India being both a destination and a transit zone for traffickers is faced with the problem of tackling interstate as well as international trafficking. A survey sponsored by the Central Social Welfare Board (CSWB) in 1991 in six metropolitan cities of India indicated that the population of women and children victims of commercial sexual exploitation is between 70,000 to 1,00,000. It also reveals that about 30% of them are below 18 years of age.

As many as 24,179 persons in the last 3 years were reported missing in the country. As many as 7134 persons for the same period, were reported missing from Delhi, 2485 from West Bengal, 2014 from Tamil Nadu, 1840 from Harayana & Kerala, 1671 from Orissa, 1344 from Maharashtra, 1157 from Uttar Pradesh, 1080 from Andhra Pradesh. Now, the question is where have they gone and what is the possibility of they being trafficked, detained and exploited - sexually or physically.

## **LEGAL FRAMEWORK**

The Government of India being a signatory to the Convention on the elimination of All forms of Discrimination against Women, also brought about legislations responding to Article 16 dealing with family law and family life. In the well known cases, Vishal Jeet v. Union of India and Gaurav Jain v. Union of India, the Supreme court called on the central and the state governments to set-up advisory committee on matters relating to child prostitution and to develop strategies for their rescue and rehabilitation. The Secretary, Department of Women and Child Development also constituted a committee on prostitution, child prostitute and children of prostitute.

The primary legal framework that deals with the problems of trafficking in the prevention of human trafficking is UP Act of 1986. This Act is supplemented by the provisions of the Indian Penal Code (IPC) that are based on the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

The Immoral Traffic (Prevention) Act, does not prohibit prostitution per se. It penalizes commercial sex workers who are caught soliciting customers in public places whether by words or gestures or willful exposure of a person. It is ironic that a sex worker can practice her profession inside a house but cannot solicit clients on the streets. The law has several loopholes. Another incongruity is that while minor girls are rounded up during raids and detained in homes, the pimps, brothel keepers, and clients go scot-free. They also manage to secure bail and continue running their business while blatantly exploiting the minor girls.

The Immoral Trafficking Prevention Act (ITPA) criminalizes the offenses of selling, procuring, and

exploiting any person for commercial sex as well as profiting from prostitution. However, Section 8 of the ITPA also criminalizes the act of solicitation for prostitution, which has been used in the past to arrest and punish women and girls who are victims of trafficking. The Inter-Ministerial Committee on Trafficking in Persons has drafted revisions to the ITPA, in consultation with civil society groups and has submitted these revisions to Parliament for consideration. The revisions would eliminate Section 8, thereby affording victims, of trafficking greater protections.

The Juvenile Justice Act of 1986, amended in 2001, provides modest criminal penalties for sexual offences committed against minors, including the prostitution of children, but provides strong protections for child victims of trafficking through child Welfare Committees in each state and mandatory care provided in state-approved protection homes.

The Juvenile Justice (Care and Protection of Children ) Act, 2000, has elaborate provisions for the care and protection, treatment, education, vocational training, development and rehabilitation of children in the age group 6 to 18 years rescued from those procuring, inducing and taking person for the sake of prostitution and detaining persons in premises where prostitution is carried on. Such children are covered under the enlarged definition of children in need of care and protection. The Act provides scope for voluntary institutions to run children's homes, drop-in-centres, juvenile homes, special homes, etc.

The Child Labor Act of 1986 has adequate provisions for the freeing and rehabilitation of children found in forced labor conditions, but carries provisions for criminal sentences of a maximum of only three years. Similarly, the Abolition of Bonded Labor Act of 1976 provides

adequate protections for victims of bonded labor but carries only a maximum sentence of three years' imprisonment.

Thus, we find that the penal section and punishment are not in commensurate with the dimension of this problem and the damage it is causing to the social fabric of society. Therefore, quantum of punishment should be increased. As well, the onus of proof (Sec.114 A, Indian Evidence Act) should be on the trafficker, particularly when the victim is complaining.

Besides any property or structure, be it a building or a vehicle or a farm house, used for the purpose of trafficking OR is proved to have been procured out of the earnings of the trafficking should be seized and forfeited and auctioned. The proceeds of the auction should be deposited in the state Exchequer which can be later on used to fund the Rehabilitation Homes.

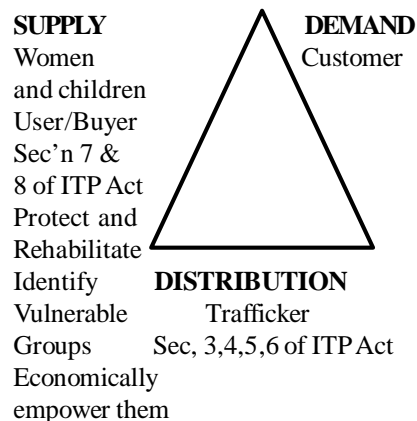
### EFFECTIVE STRATEGIES IN COMBATING TRAFFICKING:

To be effective, anti-trafficking strategies must target all the three sides of triangle,

- a) the supply side
- b) the distribution side - the traffickers and
- c) the demand side - the owners.

Traditionally, the law enforcement agencies have been targeting the sex workers and arresting them in large numbers and prosecuting them. Very very little has been done to prosecute the perpetrators of this evil. The organized crime, the gangsters continue to have their sway on the victims, continue to make tonnes of money, continue to make a mockery of this law of the country. PITA act now provides an opportunity to crack down on these perpetrators, aptly using sections 3,4,5 & 6 of the act.

### PARADIGM SHIFT



Thus, in the supply demand and distribution triangle, the present strategy demands a shift to the distribution, i.e., trafficker which needs to be broken to crack the network. The network of the traffickers should be crippled.

On the supply side, the conditions that drive trafficking must be dealt with through programs that alert communities to the dangers of trafficking, improve and expand educational and economic opportunities to vulnerable groups, promote equal access to education, educate people regarding their legal rights, and create better and broader life opportunities. Launch massive publicity and awareness programmes.

The second paradigm shift is on the **supply side**, instead of harassing the victims now, the much required shift is to rescue them, protect, re-habilitate and re-integrate them. It involves identification of the target groups and economically empowering them and there by calls for a strong will and huge budget

Regarding traffickers, law enforcement must vigorously prosecute traffickers identify and plug trafficking routes through better intelligence gathering and coordination. The clarity should be there in the entire enforcement agencies that the victim is not the problem. The problem is **the**

**traffickers** the pimp, the madam and the pusher. Therefore, prosecution should-be against traffickers and not against the victim.

The 3<sup>rd</sup> paradigm shift is on the demand side, wherein a customer /user/ buyer should be targeted, arrested, names publicized and shamed.

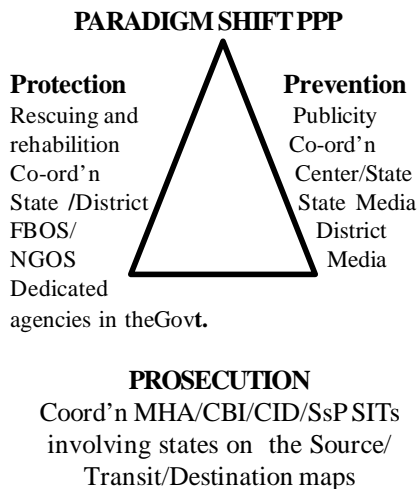
Local, state, national and regional programs to fight trafficking must be coordinated. By drawing public attention to the problem, governments can enlist the support of the public in the fight against trafficking. Anti-trafficking strategies and programs developed with input from stakeholders (civil society and NGOs) are the most effective and likely to succeed as they bring a comprehensive view to the problem.

Knowledge about trafficking must be continually improved, and the network of anti-trafficking organizations and efforts strengthened. Religious institutions, NGOs, schools, community associations, and traditional leaders need to be mobilized and drawn into the struggle. Victims and their families are important stakeholders in the fight against trafficking.

Government officials, across the departments side as police, revenue, judicial and women and child welfare, must be trained in anti-trafficking techniques and methods, and trafficking flows and trends must be closely monitored to better understand the nature and magnitude of the problem, so that appropriate policy responses can be crafted to tackle trafficking. Such an attempt was made by A. P. Police Academy in its 2 day workshop in Vijayawada on 28<sup>th</sup> and 29<sup>th</sup> November 2005.

## THE 3 Ps

- a) Prevention of Trafficking through publicity
- b) Protection of victims including rescuing and re-habilitation, and
- c) Prosecution of perpetrators needs to be addressed on a balanced and focused manner, so that all the three strategies are aggressively taken up.



On the Prevention Side of the triangle, a massive scale nation wide awareness programme should be launched with a perfect co-ordination between all the governmental departments, NGOs & FBOs.

On the-Protection Side of the triangle, the victim should be rescued and rehabilitated. This involves lot of budget and co-ordination between the state headquarters and the district administration. Agencies in the district should be created on an exclusive and dedicated basis without any additional load or burden.

On the Prosecution side, since the problem is not isolated and is in fact national as well as international, it calls

for dedicated investigation and enforcement wings/ cells in CBI, State CIDs and vulnerable districts across the length and breadth of the Country.

## COORDINATION

Prevention requires coordination at National and State level where electronic and print media are effectively used to reach the millions of Indians, particularly the vulnerable groups.

Protection requires coordination between the state governments, district administration, NGOs and corporate bodies.

Budget requirement is huge and implementation requires focused, special exclusive agencies on a dedicated basis and not the same old agencies which implement one hundred and odd other things.

The prosecution requires a close coordination between Ministry of Home Affairs, CBI, State CIDs and state police. Special Investigation Teams (SIT) should be formed involving the districts /states on the source - transit - destination map of the country.

Vulnerable areas should be wrapped immediately. Vulnerable social groups within the vulnerable areas should be identified without any further loss of time. Special projects should be launched with Officers on Special Duties (OSD) with swaying power and budget for each of these vulnerable areas/ vulnerable groups action to the ITDA concept with a clear cut sub plan.

After all, about twenty lakh persons are trafficked every year world wide. The effort suggested above is not only worthwhile, but is essential and necessary.

## OUR BELOVED C.D.I.

Vijay Kumar

One person whom I would not be able to forget throughout my life was our Chief Drill Instructor, Spadigam at the National Police Academy, Mount Abu, Rajasthan. He was originally from Malabar Special Police of Kerala. He came on deputation to Mount Abu in the year 1957 as an Inspector of Police. The Academy itself was then known as Central Police Training School. He was Chief Drill Instructor at Mount Abu from 1957 to 1970. He got promotion to the rank of Deputy Superintendent of Police while at Abu. He was over 6' tall and jet black in color. He always wore white shorts and white half shirts. He had a thundering voice. His English was excellent. I have not heard any one speak better English than him in my life. It

really pained me when I learnt that he had to leave Mount Abu for some obscure assignment in Railway Protection Force as the Government of India did not agree to give him promotion to the rank of Additional Superintendent of Police, despite the best recommendations from the then Director, N.P.A.

Spadigam was responsible for training 13 batches of I.P.S. Officers from 1957 to 1970. He tried to inculcate in the probationers the right inclination and the right aptitude for the Indian Police Service. He desired to bring in them true quality of leadership through his morning and evening sermons at Abu Maidan and put before them the

right attitude through his own conduct and behavior.

In the chilly mornings of Mount Abu, when the temperature would be sub-zero, and our fingers would be numbing due to cold, when visibility would be so low that it was difficult to identify your own colleague standing next to you in your own section, when all the cells in the body would yearn for the cool comfort of a quilt, the resounding voice of Spadigam was sufficient to awaken millions of cells in your body. He would thunder as follows:

*“Don’t shiver like a bloody sissy. Stand up like a man, if you can not stand up like a Police Man, it is not your fault. It is the fault of those well cushioned gentlemen sitting at New Delhi who have selected you and sent you to become the future leaders of the police force of this country. God save the Indian Police, God save the country”.*

Where as some of these sermons were given just to arouse millions of sleeping cells in our body like an electric charge, many of them contained solid instructions. Many of these instructions were meant to uphold the dignity of Indian Police Service. Let us have a look at the following:

*“Gentlemen, while you are shivering in this chilly morning some of your wiser colleagues have decided to hibernate in the mess. Look here, what they have sent me as an apology; a piece of toilet paper. Toilet papers are not meant to be used for any purpose other than what they are supposed to do”.*

He was actually referring to the applications for leave sent by our colleagues stating the reasons of absence. Many of our colleagues sent them unmindfully on small bits of papers which Spadigam used to refer as toilet papers. He insisted that all applications to the superiors must be

sent on white fullscale A4 paper with proper margin on the left hand for writing the orders by the superiors. The result was that I always used fullscale paper for sending any application or letter to the superior authorities.

He gave us sermons on roughly every aspect of the Police work. I quote below one of his sermons on Police work:

*“Rain or snow, thunder or storm, cold or heat, day or night, the work of the Police can not stop and will have to go on. It is a continuous battle against anti-national and anti-social forces and any lack of vigil even for a split second is bound to cause not blunder but catastrophe. You as the future leaders of the Police Force, would have to ensure it”.*

How true? It was true then, it is true today and it shall be true tomorrow. I have always felt that his quotations need to be kept in golden frame in all the Police Stations of India. It is very important for the Superior Officers to remind the policemen the need to keep a constant vigil. The lack of vigil has caused several catastrophes in this country. Our beloved Prime Minister, Smt. Indira Gandhi, was shot dead by her own security guards at her own residence at New Delhi on 31<sup>st</sup> October 1984 causing ripples through out the country for several days. Another young and dynamic Prime Minister of our country Shri Rajiv Gandhi was assassinated on 21<sup>st</sup> May 1991 at Sriperumbadur in Tamilnadu by a human bomb reportedly planted by L.T.T.E. Had our police been more vigilant, had our intelligence been more alert, we could have possibly avoided such tragedies. Several examples can be given when due to our negligence there have been blunders and catastrophes in this country. Instead of acquiring more and more professional knowledge, we are always busy chasing for what we call

a good posting. In my humble opinion what has suffered most during the last 60 years is the professionalism in the Indian Police.

Let me give here one example of how he taught us to be courageous enough to admit one’s mistakes. One day, one of our colleagues was late in the evening for sports roll call. He went to Spadigam and sought his permission to join in the roll call. Spadigam asked him the reason for coming late. He replied that he was suffering from diarrhea and as such was late. Spadigam retorted in a thunderous tone which was quite audible even in the remotest corner of the maidan as follows:

*“Do not talk like a bloody sissy. Behave like an officer. If you have committed a mistake you should have the guts to accept it. Instead of beating around the bush and coming up with silly excuses just admit like an officer that you have been late and that you are sorry”.*

We all make mistakes. Sometimes it is an error of judgment. Sometimes it is due to misinformation or insufficient information. Instead of blaming others for the same, it is always better to own up your mistakes at the first detection.

Let us see Spadigam’s advice on compliments and salutes. It so happened that some members of Senior Officers Course at Mount Abu complained to the Director that the probationers are not paying proper compliments to them. Director asked Spadigam to convey their feelings to us and instructed him to advise us to pay them proper salutes whenever we see them. One day when the Senior Officers were having their cup of tea and we had assembled for our evening roll call at 16.00 hrs, he retorted as follows:

“Gentlemen, it has been brought to my notice that you are not paying proper compliments to your Senior Officers, who have come back to the

Academy after 5 to 6 years with their pot bellies. Where as, I do not have any intention of defending your actions, I would like to convey the wishes of the Director that you shall always pay them proper compliments. I would also like you to remember that salute is never demanded, it is given. If you deserve a salute you will always get itö.

It was another teaching of Spadigam that got stuck into my brain. I should deserve a salute and then get it. It meant that I have to earn the respect of my sub-ordinates by my action and deeds and not crave for it, just because I am a member of the Indian Police Service. Throughout my life, I always tried to earn the respect of my sub-ordinates by doing small things, which, I thought they needed and thereby earn their admiration and respect. I have never demanded a salute in my life just because I was senior to someone in service.

Before we passed out of Mount Abu, to be exact on the day of our passing out parade we had collected in front of the Central Armory in our full Winter Muster Parade Dress, i.e., tunic, tie, cross belt and all to take our rifles for the last time from Mount Abu Armory for the Parade, we saw Spadigam in tears. We were wondering whether they were tears of separation or tears of joy or both rolled over into one. Suddenly we found Spadigam addressing us as follows:

*“Gentlemen, today is going to be your last parade on the grounds of the National Police Academy. Many of you shall not see a parade ground after your departure from here. Those of you who have an opportunity of visiting a parade ground should make it a point to do the same and uphold the traditions of the Indian Police”.*

Then suddenly his pitch of voice changed. It was surcharged with emotion and pangs of separation. He added:-

*“Gentlemen, I may have behaved rudely with many of you during the course of your stay here on and off the parade ground. It was not done with any bad intentions on my part, but to make you equal to the task that you are supposed to perform in your later life.”*

And last but not the least paragraph of his last sermon ran as follows:-

*“Gentlemen, as a very junior member of the Police Force, I am hardly competent to give you any advice at this stage. However, as a very junior member of the Indian Police Force, I would only like to advise you that as a senior member of the Indian Police Force, you should always keep your nose high up in the air and never look back”.*

öAlways keep your nose high up in the air and never look backö- I remembered this golden advice from Spadigam throughout my life. I have always tried to keep my nose high up in the air and have never regretted any decision of mine, i.e., I have never looked back. If all members of the Indian police Force remembered this little advice from Spadigam the conditions of the Indian Police would have been much better than it is today.

Spadigam was tough at the Parade Ground but he was an epitome of courtesy in his office chamber. Once or twice he awarded Punishment Drill to me in the morning at the Parade Ground. When after lunch I reported to his office chamber in Drill Uniform for the punishment drill, I found him a completely different man. He got up from the chair, welcomed me to the room and offered me a chair. I felt quite flabbergasted at his behavior. He was like a lion to me at the Parade Ground but here he was behaving like a perfect gentleman. The conversation that followed would be as follows:-

öYes, Mr. Kumar what can I do for youö?

öSir, you announced 7 days punishment drill to me in the morning. I have come to report for the sameö.

öOh is it? Well that you have reported, I think you have realized your mistake. Please be careful about the same in the futureö.

öO.K. Sir, Thankyou very muchö.

öWouldyou like to have some tea or coffeeö?

öNo Sir, Thank you very much. I beg your permission to leaveö.

The emphasis on correction and not retribution was the greatest lesson that I learnt from Spadigam. *Hate the sin and not the sinner.* Advice of Mahatma Gandhi and the behavior of Spadigam, was there any difference.

We in turn paid highest regards to Spadigam. It was realized when after last guest night we took Spadigam on our shoulders to his residence, which was nearly a kilometer away shouting all the way:

**“He is a jolly good fellow”**

Indeed a jolly good fellow he was. The Indian Police should honor persons like Spadigam who silently and earnestly devote their time, energy and money for building a bright and better Police Force. The Police Department should honor such persons by bringing out books in their honor, by displaying their photographs in all the Police Training Centers and last but not the least, by following the character and conduct of such persons in its entirety. I am not sure whether he is alive or dead today. In either case, I want to salute him for all that he taught me during the training period at Mount Abu and thank God, that I could follow his teachings throughout my long service career of 37 years and 6 months.

# STRESS DIMENSIONS OF POLICE FIGHTING, TERRORISM, EXTREMISM AND INSURGENCY

Madugula Madana Mohan

## TERRORISM, EXTREMISM AND INSURGENCY

**Terrorism** : According to *Chambers 20<sup>th</sup> Century Dictionary*, 'Terror' is defined as "extreme fear: a time of, or government by, terrorism; an object of dread; one who makes himself a nuisance." 'Terrorism' is defined as "an organized system of intimidation, esp. for political ends."

The *Oxford English Dictionary* defines a *terrorist* as "some one who attempts to further his views by a system of coercive intimidation .... The term now usually refers to a member of a clandestine or expatriate organization aiming to coerce an established

government by acts of violence against it or its subjects."

The *Oxford Advanced Learner's Dictionary* defines 'Terrorism' as "the use of violent action in order to achieve political aims or to force a government to act"; and 'Terrorist' as "a person who takes part in terrorism."

**Extremism** : According to *Chambers 20<sup>th</sup> Century Dictionary*, 'Extremism'; 'Extremist' is defined as "one ready to go to extremes; a holder of extreme opinions; an advocate of extreme action".

The *Oxford Advanced Learner's Dictionary* defines 'Extremism' as

“political, religious, etc. ideas or actions that are extreme and not normal, reasonable or acceptable to most people” and ‘*Extremist*’ as “a person whose opinions, especially about religion or politics, are extreme, and who may do things that are violent, illegal, etc. for what they believe: left-wing/ right-wing/political/religious extremists.”

**Insurgency :** *Chambers 20<sup>th</sup> Century Dictionary* defines ‘*Insurgent*’ as “*adj.* rising; rushing in; rising in revolt. – *noun.* One who rises in opposition to established authority: a rebel. – *ns.* *Insurgence, insurgency* a rising up or against: rebellion: insurrection.

According to the *Oxford English Dictionary*, ‘*Insurgency*’ is “an attempt to take control of a country by force” and ‘*Insurgent*’ as “a person fighting against the government or armed forces of their own country.”

### **Blurring division of the three terms**

Of late, there has been a blurring in the division among the terms ‘extremist’, ‘terrorist’ and insurgent. For the police officer involved in dealing with the extremist/terrorist/insurgent, the semantic nuances do not matter practically. This is because of the fact that the person involved is using the same means and methods towards the achievement of his objective. The mindset of the person is almost the same, by whatever name he is called. The police officer faces the same type of situations and professional challenges in dealing with extremism, terrorism and insurgency. So, for the purposes of this article, the word terrorism is used to cover all these three terms.

### **DIMENSIONS OF TERRORISM**

Terrorism has no logic or reason. It is purely based on emotions of certain individuals or groups with real or perceived suffering or discrimination. The perpetrators of terrorism advocate

use of violent means to achieve the projected goal. In reality, the actual goal of the perpetrators is different from that of the advocated one. The ground level terrorist genuinely believes that there is a problem or grievance which cannot be redressed within the ambit of the system. So, he is convinced about the terrorist means he needs to adopt. Most of the time, the ground level operator of terrorism is unaware of the planning or scheming of the perpetrators. So, the terrorist comes with a mission on hand and is prepared to give his life, without realizing that even after laying down his life, his advocated cause is not served. One martyrdom gives birth to many more ground level terrorists. So, the society has to fight the well motivated and convinced operators prepared to die for the believed cause to mitigate the perceived injustice.

The ends justify the means for the extremist/terrorist/insurgent. For him, he will adopt any method and target any person/institution for achieving his goal. He wants to terrorize the common man through his actions, erode the authority and credibility of the legally established authority, overthrow the authority and ultimately run parallel writ or take over the administration. The prime targets include the police, political leadership, symbols of government and the soft civilian people. They use religion, regional differences, economic disparities, political ideological differences, etc. to motivate their cadre. The levels of motivation vary from organization to organization; and person to person. The extremely motivation persons are ‘*fidayeens*’ (suicide bombers) of Sri Lankan LTTE, Middle East Hamas and Kashmir valley terrorist groups like Lashkar-e-Toiba/Jaish-e-Mohammed. They do not hesitate to take the help of other countries financially and for training purposes. They use weapons ranging from crude country-made guns to the sophisticated Kalashnikov series automatic rifles; explosives ranging from the local made explosives to advanced/

sophisticated ones. Their motivation levels are so high that they can be viewed as “mad after their goal”.

### **TERRORISM/ EXTREMISM/ INSURGENCY IN INDIA**

India has been facing the problem of extremism/terrorism/insurgency, ever since it got liberated from the British rule and became an independent nation. The nascent Indian nation had its share of teething troubles. The partition left behind bitter scars of mass migrations across the two nations and the ensuing communal violence. The communal divide created by the partition is some times effectively utilized by the anti-national elements to sever their goals. The historical and ethnic problems in the North East India led to insurgency problems there. For about a decade, Punjab faced a major terrorist problem which was created and organized by the Pakistan Inter Services Intelligence propped up organizations. The issue of Kashmir has been kept alive by some vested groups, and there is a major problem of terrorism in the Kashmir valley. The ultra Left Wing Extremist groups, led by the Communist Party of India (Maoist), spread in 72 districts of 11 states have been waging a guerilla armed struggle to overthrow the democratic system. They propose to create a ‘Red Corridor’ from the Southern tip of India to Nepal in the North. Each of these problems is a major topic in itself. In addition to these, Pak ISI has been systematically operating and guiding terrorist modules in India. But, for the sake of this article, it is suffice to say that irrespective of the type of terrorism, extremism and insurgency, the Indian police have to face the associated stress.

### **FIGHTING TERRORISM, AN INTERNATIONAL MISSION**

Terrorism is the biggest challenge faced by the civilized society so far. Till recently, the West either ignored or tacitly gave legitimacy to armed groups

in various parts of the world in the name of 'self determination movements'. The West got a rude shock in the form of 9/11 attacks in US. After 9/11, the crusade against terrorism in the world tended to get a common cause among all the nations fighting terrorism. Now, barring a few nations (who themselves are propping up terrorism), the rest of the civilized world has accepted fighting terrorism as an international mission. There is more and more convergence regarding the strategy and tactics to be adopted among the nations in fighting this menace.

### **TERRORISM POLICING, A UNIQUE JOB**

With the development of nations and societies, the differences on the lines of ideology, economic disparity, regional hatred, religious intolerance, etc. grew. The groups championing the causes of a few sections of people aggrieved on the above lines have adopted violent means to achieve their goals. The conventional wars were replaced by the non-conventional low intensity conflicts, which employed the guerilla methods coupled with the modern technologies in communications, explosives, etc. With this, the clash which was hitherto with the army, became a clash with the law enforcement agency, viz. police. The battle ground is no more the national borders, but right in the middle of the civilian populated areas. Unlike the conventional wars, there are no rules of the game for the terrorist or extremist or insurgent. The civilians were chosen as the soft targets to create terror and undermine the credibility and legitimacy of the system. The targets are not confined to the well trained armed forces or police. Terrorism no doubt, seeks to hit at the security forces. But its favourites are soft harmless targets, like common people who are in public places, markets, trains, etc. or vital economic installations or important and iconic personalities or leading scientific and research

establishments. In the light of this, in addition to protecting the common people, installations, important personalities and maintenance of public order; fighting terrorism has also become the job of the police.

Conventional policing involved tasks like prevention and detection of crime, collection of intelligence and traffic control. The crimes to be dealt with were conventional ones like crime against person and property – theft, robbery, burglary, decoity, assault, rape, murder, etc. The police officers over a period of time were trained in the methods of conventional policing. The 20<sup>th</sup> century has witnessed a rapid rate of change on all fronts. With the change and development, the pattern of crime has also undergone a sea change. The criminals became more sophisticated in their techniques, using the changing technology. So, the police which was trained to fight unorganized criminals is now faced with groups of organized, well trained, motivated, financed and guided terror groups. Now, the police require a specialized training and technique to deal with the policing associated with extremism, terrorism and insurgency.

Policing the extremist, terrorist and insurgency prone areas is unique. Some of the unique features are enumerated below.

- Well trained enemy
- Well motivated enemy
- Technologically savvy and even advanced enemy
- Financially sound enemy, often being financed from abroad
- Enemy, many times guided by anti-national forces/countries
- King pin, generally staying outside the country
- Long hours of police operations
- Operations deep inside jungles
- Operations in the thickly populated areas

- Element of surprise in attack from enemy – ambush, encounter, etc.
- “Enemy has to succeed only once; Police to succeed all 100 times”
- Suicide attackers
- Threat to family members of police
- Collateral damage to civilians in the fight

### **TERRORIST, A DIFFERENT CUSTOMER TO DEAL WITH**

The police officer, no doubt possesses the patriotic character. But an average policeman has joined the service viewing it as a means of respectable employment to eke out livelihood and take care of his family. He has obligations towards his family. But, the terrorist has joined the terrorist group with a mission. He has no family obligations or attachments. He has no patriotic feelings. For him only his cause matters. The policeman needs to follow the rules of the game. The terrorist has no rules of the game. For him, the end justifies the means. For the policeman, the means (the Acts, Rules, Regulations, Procedures, Ethics, Morals, etc.) are more important. It is an unfair game where rules of the game apply to only one team. The bottom line in the fight between the terrorist and the policeman is – the terrorist is prepared to lay down his life for the cause he is fighting for; and the average policeman is carrying on this fight as part of his job and certainly not prepared to die. All these things make the terrorist a 'different' customer to handle and 'policing of terrorism' a unique job.

### **DILEMMA IN TERRORIST POLICING**

The society, which is the worst sufferer of terrorism, has very high expectations from the police officer. For the common man, the end result, i.e. neutralizing a terrorist and terrorism is

more important than the methods or the process involved. The criminal justice system and the Constitutional guarantees provided to citizens, including the terrorists (for that matter even the foreign origin terrorists, when arrested are extended the same privileges and treatment) impose a lot of procedural constraints and leads to visible delay in dispensation of justice or in control of terrorism. The common man is unaware of these most of the times or even if he is aware of these, thinks that the police officer can and should violate them in the overall interest of the society. That is when they expect the police to violate the rules of the game and win it; and consequently the police officer faces a lot of dilemma in his approach to tackling terrorist and terrorism.

### WHAT IS STRESS?

Stress means different things to different people. To a house wife preparing food in time for the child to go to school is stress. To an employee, handling an indisciplined subordinate is a stress; and to the same subordinate tolerating the tough boss is a stress. An extremist is a source of stress to police and the reverse is also true. When we recollect or list out the words and objects associated with stress, we invariably list down negative things.

Stress is an essential; and integral part and parcel of everybody's life, from the moment the child starts the cognitive process of development. Not getting milk in time is stressful for an infant, not getting good marks for the student, not being able to look smart for the young, not getting a good job for the adult, etc. Stress has socialistic approach. It affects or afflicts a person irrespective of age, sex, ethnicity, region, religion, caste, class, status, etc.

Stress might be at a low level for the Stone Age man, because he had very few things to worry or care about. But with the growth in civilization, the wants

and needs of man have increased tremendously. His life style has become more complicated. The rate of change in modern civilization would accelerate to such a degree that enormous numbers of people would experience shattering stress and disorientation (*Alvin Toffler/ American journalist & sociologist, 1970*). Toffler described this condition as *Future Shock*. Many civilizations are feeling the impact of global change. The effects of change reach into every crevice of life putting people more and more under pressure. Human biological evolution is lagging behind developments in technology and lifestyle. Physiological and psychological stress emerges as a result of a growing deficit between daily demands and coping resources. Today it is virtually impossible to avoid stress. Many try but find that the avoidance strategies frequently generate more stress rather than reducing it.

### DEFINITIONS OF STRESS

*Hans Selye (1956)*, who was one of the pioneers of the study on stress, defines stress as "the body's non-specific response to any demand placed on it, which may ultimately lead to the diseases of adaptation."

According to *Cox (1978)* stress can only sensibly be defined as "perceptual phenomena arising from a comparison between the demand on the person and his ability to cope. An imbalance in this mechanism, when coping is important gives rise to the experience of stress and to stress response. The latter represents attempts at coping with the source of stress. Coping is both psychological (involving cognitive and behavioural strategies) and physiological. If normal coping is ineffective, stress is prolonged and abnormal responses occur."

*Klarreich (1990)* defines stress as "a non-specific physiological and psychological response to events which are perceived as a threat to one's well

being, and are thus handled ineffectively; and stressors are basically events, situations or changes one encounters either in his life or his personal life."

*Ruben* calls stress "a generalized arousal of the psycho-physiological systems, which if prolonged can fatigue or damage the systems to the point of malfunction or disease."

According to *Brian Clegg (2000)*, stress is the impact of a demand on a human being. The source can be external or internal. The demand can be positive or negative.

### STRESSORS IN POLICE

People in all walks of life experience, and must find ways to cope with, some degree of stress. However, since the 1970s, criminal justice officials and researchers have highlighted causes and effects of stress that are unique to, or more pronounced among, law enforcement and police officers. Many researchers, as well as officers and family members themselves, consider law enforcement to be one of the most stressful of all occupations, with correspondingly reported high rates of divorce, alcoholism, suicide, and other emotional and health problems. Furthermore, despite the growing number of departments that offer training and treatment for stress-related problems, and despite the reported increased recognition among some officers that experiencing stress is normal but sometimes avoidable, much of the literature and many respondents indicate that officers feel they are under considerably more stress now than were law enforcement personnel 10 or 20 years ago.

Police work is highly stressful and is one of the few occupations where an employee continually faces the inherent danger of physical violence and the potential of sudden death. The police officer is continuously subjected to

cruelty and aggression and is often called upon to make critical 'life and death' decisions within seconds. Situational crises and traumatic experiences often wreak havoc with an officer's emotions. Being shot at, almost killed; viewing and handling dead and mangled bodies; dealing with abused and battered children or sexually molested children; etc. all exact a high toll on the police officer.

According to *statistics in USA*, Police officers have one of the highest suicide rates, possibly the highest and rank second in divorce rate. They are problem drinkers about twice as often as the general population. Researchers use suicide, divorce and alcoholism rates as three key indexes of stress in a group of people. Clearly, police work is stressful. *Hans Selye*, said "*police work is the most stressful occupation in America even surpassing the formidable stresses of air traffic control.*" One study in *Detroit* concluded that the single, most important factor that led to a police suicide was marital discord. *Studies in New York* showed that almost all officers were intoxicated at the time they commit suicide. The three indexes of stress are intertwined for police officers.

No other occupation so completely affects, not just the officer, but his or her family as well. All too often the police officer's life becomes chaotic and unmanageable. While it is easier to quantify the number of physical injuries and deaths as a result of police work, it's not so easy to enumerate the number of broken homes, broken hearts, and broken lives that are the direct result of the emotional toll on officers and their families.

Stress is naturally inherent to a police officer's job. During parts of any given shift he or she may simply be in a state of low-level readiness or "hyper-vigilance" doing routine duty. Suddenly, an emergency call comes in and the

officer responds totally with adrenaline racing, heart pounding, blood pressure rising, body tensing for action - ready for the challenge of what may follow. When the emergency is over, he can turn off his vehicle's emergency equipment but he cannot turn his body off. The "fight or flight" response, nature's way of dealing with stressful situations, continues to thunder. There may be no time to recover from this state of "alarm" before a second and third emergency occurs. This leads to exhaustion since the body cannot continuously be in a state of readiness. All too often, the police officer remains in a state of exhaustion for long periods of time. This physical and mental exhaustion leads to a less effective officer.

## DEFINITION OF POLICE STRESS

Although there are many definitions of stress in the literature (*Kolbell, 1995; Kureczka, 1996; McGrath, 1992*) police stress has been defined as "an imbalance between what is required of an officer and what the officer is capable of giving, under conditions where failure may have dire consequences" (*McGrath, 1992*). A stressor can be both positive and/or negative and a person's reaction to a stressor is highly individualized and dependent on the meaning that she attributes to an incident (*Alexander, 1994a*). How an officer constructs her interpretation of the incident will determine how severe her reaction will be (*Everly, 1994a*).

### Categories Police Stressors (*Fuller, 1990*)

1. Stressors due to the nature of police work
2. Stressors resulting from departmental policies
3. Stressors dealing with the criminal justice system and societal expectations about police conduct
4. Stressors resulting from

psychological issues unique to each officer

According to *Terry (1981)*, there are **4 Types of Police Stressors**.

1. Police external stressors:
  - Unfavourable public opinion
  - Dislike of political decisions perceived to be interfering with policing
2. Police internal stressors:
  - Poor equipment
  - Perceived prospects of promotion
  - Effects of shift work
3. Task related stressors:
  - Exposure to violent situations
  - Witnessing distressing events
  - Seeing victims of child abuse
4. Individual stressors:
  - Concern about one's ability
  - Personal safety

*Brown and Campbell, 1994* have identified shift work; and job overload, perhaps not found in other work as the Organizational Stressors in police. Police specific stressors can be subdivided into *Routine* such as attending the scene of a death; and *Traumatic* such as being held hostage or attacked. Police are a hierarchical organization with different ranks. Each rank has a different level of stress (*Perrott and Taylor, 1995*). *Cooper, Davidson and Robinson (1982)* looked at stressors in 200 British police officers (Sergeant, Inspector, Chief inspector, Superintendent and Chief Superintendent) and identified mainly 4 ranges of stressors – Work overload; Lack of personal recognition and frustrated ambition; Unnecessary obstacles that inhibit police work; and Autocratic management.

*Brown, Cooper and Kircaldy (1996)* looked specifically at senior ranks viz., Chief Superintendents and Superintendents. According to him, their main stressors included:

- Staff shortages
- High staff turnover
- Lack of resources
- Poor organizational communication
- Levels of paperwork
- Overwork
- Managing without overall control
- Keeping pace with new techniques and developments
- Similar to many senior managers in other occupations.

The following have been identified as the **Operational Stressors** in police.

- Attending scene of violent death
- Violent confrontation
- Encountering a person with a weapon
- Hostage negotiation
- Fear of being taken hostage
- Search for a missing person
- Answering a call for officer assistance
- Appearing in court
- Supervising Crowds or public order events
- Dealing with victims of violence
- Unlike most other jobs police may at any time be called upon to face shocking or unexpected events.

According to *Sewell (1983)*, the **Stressors for US police** are:

1. Violent death of a partner in line of duty
2. Dismissal
3. Taking the life of someone in line of duty
4. Shooting someone in line of duty

5. Suicide of an officer who is a close friend

#### **“Top Ten Most Stressful Law Enforcement Critical Life Events”** (according to *FBI*)

- 1) The violent death of a partner in the line of duty.
- 2) The dismissal or loss of the job.
- 3) Taking of a life in the line of duty.
- 4) Shooting someone in the line of duty.
- 5) Suicide of an officer who is a close friend.
- 6) The violent death of another officer in the line of duty.
- 7) A murder committed by a law enforcement officer.
- 8) A duty related violent injury such as a shooting.
- 9) A violent job related injury to another officer.
- 10) A suspension from the job.

Sources of Psychological Stress in Police (*International Association of Chiefs of Police*)

#### **A. Intra-Organizational Practices and Characteristics**

1. *Poor supervision.* The actions and attitudes of police supervisors can either increase or help alleviate the stress of the job.
2. *Lack of career opportunities.* The promotional process is frequently viewed as being limited and unfair, causing frustration among officers.
3. *Inadequate rewards.* Recognition for a job well done is rare; however, criticism for mistakes is frequent.
4. *Offensive policies.* Many departmental requirements are viewed as threatening or unreasonable.
5. *Excessive paperwork.* The need for duplicate forms of

every police transaction is often questioned.

6. *Poor equipment.* An officer's well-being may depend on the quality of his or her equipment; therefore, faulty equipment is a significant source of anxiety.

#### **B. Inter-Organizational Practices and Characteristics**

1. *Lack of career development.* In most police departments, there is little room for advancement regardless of the performance of the officer.
2. *Jurisdictional isolationism.* There is often an unfortunate lack of cooperation between neighboring jurisdictions; sometimes an unhealthy competitive relationship exists.

#### **C. Criminal Justice System Practices and Characteristics**

1. *Ineffectiveness of corrections system.* Officers are alarmed by the recidivism rate of criminals who seem to be perpetually “on the street” rather than incarcerated.
2. *Unfavorable court decisions.* Many court decisions are viewed by officers as unfairly increasing the difficulty of police work.
3. *Misunderstanding of judicial procedure.* Officers find the adversary system difficult to adjust to, particularly when their testimony is challenged.
4. *Inefficient courtroom management.* Delays, continuances, and inconvenient scheduling make courtroom appearances a frustrating experience.
5. *Preoccupation with street crime.* The police officer must focus on street crime, often committed by disadvantaged people, yet the officer knows that “white collar” crime in

business and politics flourishes.

#### D. Public Practices and Characteristics

1. *Distorted press accounts.* Reports of incidents are often inaccurate and perceived as derogatory by officers, whether or not the inaccuracy is intentional.
2. *Unfavorable minority attitudes.* Allegations of brutality and racism are often viewed as unfair and damaging by police officers.
3. *Unfavorable majority attitudes.* The police are frequently accused of being incompetent by majority members of a community.
4. *Criticism from neighbors.* The criticisms of neighbors, relatives, or acquaintances about the police profession are felt deeply by police officers.
5. *Adverse local government decisions.* Issues of local importance such as budgetary restrictions or police-citizen hearing boards may have an impact on police officers.
6. *Ineffectiveness of referral agencies.* The lack or ineffectiveness of social service agencies often frustrates the officer who views these agencies as the only viable source of assistance.

#### E. Police Work Itself

1. *Role conflict.* Officers often experience conflict, for example, attempting to apprehend a criminal yet ensuring that none of his or her rights are abridged.
2. *Irregular work schedule.* Shift work is disruptive to the personal lives of most police officers.
3. *Fear and danger.* The police profession contains many

elements of danger that affect officers in both obvious and subtle ways.

4. *Sense of uselessness.* The inability to resolve completely people's problems confronts the police officer daily.
5. *Absence of closure.* Much of police work is fragmented, opportunities for follow-up on a case are limited, and feedback on the results is minimal.
6. *Human suffering.* Officers are constantly exposed to the inequities and brutalities of life. Such experience must take its emotional toll on even the most well-adjusted individuals.
7. *"The startle."* At most any time a quick response to a particular condition is required, and such a response is jolting to the officer's physical and mental state.
8. *Consequences of actions.* The seriousness of the issues and consequences of police work is both physically and mentally demanding.
9. *Twenty plus years.* Stress is cumulative in nature, and stressful events are connected to one another with long-term continuity.

#### UNIQUE STRESSORS IN TERRORISM POLICE

Since the Terrorism Policing is unique, even the stressors associated with it are also unique. In a normal situation, a lathi wielding constable can confidently face a peaceful law abiding crowd of about 100 people. The same constable can face a group of a few lathi wielding protestors. But even an armed policeman feels shaky to face even one man, if he knows that he is a terrorist. Such is the psyche of policeman when it comes to facing the terrorist. The unique stressors associated with terrorism policing can be broadly classified into – (A) Environmental; (B) Societal; (C)

Organizational; (D) Familial; (E) Peer-group; and (F) Individual Stressors.

#### (A) Environmental Stressors:

- ***Groping in jungles.*** Fighting terrorism in the interior hilly tribal areas is most of the time groping in dark, trying to locate a needle in the hay stack. The long range patrollings, general area domination operations, through-out the night ambush laying, etc. without any specific intelligence could be very stressful.
- ***Fear of ambush, encounter, landmine, attack on camp.*** While operating in a terrorist environment, the police officer is always worried about an impending ambush by the terrorists. He might walk into an unplanned and unexpected encounter firing with the terrorists. While on the move, he may walk into deadly land mines. In the interior Police Stations and Armed Police Camps, there is always a lurking fear of attack and threat to the lives of the police officers.
- ***Hostile population, police are symbol of repressive system.*** The police in the terrorist infested areas are projected by the terrorists as oppressors, repressors and 'agents' of ruling classes. As a result, the police are treated as outsiders and disliked, some times even hated by the common people. This hostile attitude creates a lot of stress, as the police require the cooperation of the people in tackling the problem of terrorism. In this antagonistic environment, the people extend logistic support to the terrorists, to the disadvantage of the police.
- ***Tough physical environment.*** The terrains in which the

counter terrorist operations are carried out are physically very tough. Many times the police have to cross tough mountains, negotiate steep slopes, cross deep jungles where losing way is more common than finding it, swim across the streams, etc. Reaching the operational area itself is very stressful. After reaching there, the tired out police have to face the physically and mentally fresh terrorists. Snake bite and litch bite are potential sources of stress.

- ***Fear of diseases.*** The terrorism police operate in highly inhospitable conditions, which are very conducive to deadly diseases. Every year, there are deaths of policemen in Tripura due to the Cerebral Malaria (*Plasmodium Falciparum*). Soon after first showers, the streams carry contaminated water, which the police are forced to drink, due to lack of proper drinking water sources. A lot of policemen suffer from gastro enteritis, and some die due to lack of proper treatment.
- ***Remote locations.*** The jungle based counter terrorist operations are always away in remote areas. Staying in those locations, which do not have even the basic facilities, is in itself very stressful. There are no good markets and recreational facilities. For security reasons, even the movements are restricted.

#### (B) Societal Stressors:

- ***Societal expectations.*** The expectations of the society from the police on the fight against terrorism are very high. They want instant spectacular results. These high expectations in themselves

impose a lot of stress on the police. The society is least bothered about the legal constraints on the police. In case of failure, the society is unfairly critical of police.

- ***Human Right/Civil Rights activist pressure.*** This is another major stressful aspect of terrorism police. These groups and activists are the sympathizers, and many times the front organizations of the terrorist groups. Their sole aim is to exploit the legal system and its loop holes to the advantage of the terrorists. The police are under constant stress on this count.
- ***Pressure of minority/religious groups.*** The minority groups many times accuse the police of unfairly targeting the minorities in the counter terrorist operations. This constant criticism coupled with the electoral politics, creates a lot of stress during the counter terrorist operations.
- ***Critical Judiciary.*** The police feel a lot of stress from the critical judiciary in the fight against terrorism. The judiciary is correct in expecting the normal legal procedures to be followed. But the terrorism police feel that extraordinary situations require extraordinary methods, which are not sanctioned by the present criminal justice system.
- ***Collateral civilian damages.*** In the fight against terrorism, the collateral damage to the innocent civilian lives is inevitable, as the terrorists some times take refuge in populated areas. But the police pressing the trigger of the weapon to hit at the terrorist, inadvertently hits at the civilian. The police officer, in

his life time, cannot excuse himself for that killing; and continues to suffer from that guilt through out his life. This causes a lot of stress.

- ***Political compulsions on laws.*** As mentioned above, extraordinary situations require extraordinary laws. But due to political compulsions, such laws are always not possible. Even when they were brought in, did not last long. So, the police face a lot of stress on this count of fighting a high intensity battle with a low intensity legal framework.
- ***False criminal cases.*** The police often face false allegations of molestation and harassment of innocent people, during the course of counter terrorist operations. These allegations are leveled by the sympathizers of terrorists to deter the police from effectively operating against the terrorists. These cases linger on and on, creating a lot of stress to the accused police officers. Some successful police officers in counter terrorist operations have faced criminal cases of murder. As per the existing Court ruling, criminal case under section 302 IPC is required to be booked in every case of encounter. In such a situation, all the police officers involved in successful encounters have to defend themselves against murder charges. That creates a lot of stress.

#### (C) Organizational Stressors:

- ***Targets and Results.*** In the fight against terrorism, the bosses always set targets – monthly, quarterly, annually, etc. for arrests, surrenders, encounters, recoveries, etc.

But in the counter terrorist operations, it is very difficult to achieve targets. Police officers of all levels face a lot of stress on this count.

- ***Unwilling team members.*** Many times, the team members in the counter terrorism are unwilling players. They are more a liability than contributors in the operations. Such team members are a great source of stress.
- ***Inconsistent transfer policy.*** The police officers working in the terrorist areas generally complain of unfairness in personnel and transfer policy. They feel that those with 'pull' manage to avoid a posting in the terrorist area. Those without it have no option but to continue in the tough areas affected by terrorism.
- ***Insufficient staff.*** Since the problem of terrorism is expanding and the demands on the police on account of other wings of policing are fast increasing, there is always a shortage of staff for the Police Stations, Armed Police Camps and Operational Parties meant for the counter terrorism. This shortage of staff causes a lot of stress in the interior areas, where there is always a looming life threat to the police and getting timely reinforcements is very difficult.
- ***Inadequate infrastructure.*** Due to lack of adequate financial resources, the police fighting terrorism suffer from lack of adequate fighting gear. The weapons of police like the outdated .303 rifles are far behind the AK series automatic weapons used by the terrorists. The kit items are generally not replaced on time, due to

procedural problems. On the other hand, the terrorist outfits, financed by the foreign agencies, are equipped with the best of items. This mismatch creates stress for the police. However, the funds released by the central government for police modernization have eased the situation a little bit.

- ***Inadequate training in Guerilla Combat.*** The average police officer is trained in all wings of policing in the police training school or academy. But the terrorism policing requires different field craft and tactics. Guerilla combat is the core of the fight against terrorism. So, any police officer posted in the terrorist areas without the specialized training, feels very inadequate professionally and is diffident to face the situation. This professional inadequacy creates a lot of stress round-the-clock.
- ***Mistrust among ethnic/religious groups.*** Due to the plurality and fairness of Indian society, people of all ethnic, religious and regional backgrounds are recruited into the police. But the terrorist groups advocate distorted philosophies based on these sentiments. In the counter terrorist teams, some times the misunderstandings based on these feelings create stress. One group tends to disbelieve the other. In the North East, the tribal and non-tribal divide is one such example.
- ***Lack of adequate leave and rest.*** Due to the pressure of counter terrorist work load, it is very difficult for the police to get adequate leave and rest. It is very stressful for the already stressed police officer.

#### **(D) Familial Stressors:**

- ***Discouraging family.*** In almost all the cases the family is against the police officer participating in the counter terrorist operations. They invariably discourage him, which is very de-motivating. This lack of support from the family to an already stressed officer creates further stress.
- ***Family becoming a target.*** Another serious source of stress for the police is the fact that his family members are easy and soft targets for the terrorists. The uncertainty for the family is the biggest stress.
- ***Family dislocation.*** Due to the remoteness and toughness of the counter terrorist tasks; and also the fact that family members become targets, the police officer prefers to stay alone at the location. He is to maintain two establishments and the worry about how the family is getting along is a source of threat to the police officer.

#### **(E) Peer-Group Stressors:**

- ***Killing of colleague in operations.*** During the counter terrorist operations, there are instances where the police officer sees a colleague dying for the bullets of the terrorist before his eyes. This is such a traumatic incident that it will have a great stressful impact on the officer.
- ***Fear of attack by exhausted colleague.*** Due to the heavy stress associated with the counter terrorist work, the frustrated police officers tend to attack violently their colleagues. This possibility of attack is a stress. We have

heard many such instances of frustrated police officers shooting their colleagues, esp. their seniors.

society is another source of stress.

increased operational efficiency of the police fighting against terrorism.

#### (F) Individual Stressors:

- **Moral issues.** The fight against terrorism is a fight against an ideology advocated by the terrorist group. The means adopted by the terrorist group may not be acceptable, but the ideology may not always be unacceptable even to the police fighting the terrorists. This dilemma is a source of great stress to the police.
- **Fear of death and uncertainty.** The constant fear of uncertainty and death is always hanging over the head like a Damocles' sword. This is the biggest of the stresses for the police officer fighting terrorism. The question – “What will happen to my family after me?” is one of the biggest sources of stress.
- **Feeling of Isolation.** Due to the nature of counter terrorism work, the police officer keeps himself aloof from the general public. He lives in a self imposed isolation and keeps himself busy in that work. That cutting off from the general

#### CRITICAL INCIDENT STRESS AND TRAUMATIC STRESS

In law enforcement, stressful or traumatic incidents are often referred to as critical incidents. A critical incident has been defined as a stressful event that is so consuming it overwhelms existing coping skills (Kureczka, 1996). A critical incident is any situation that results in an overwhelming sense of vulnerability or loss of control (Roger Solomon, Ph.D.). Examples of critical incidents are – encounters, ambushes, landmine blasts, killing of colleagues in action, accidents during police operations, inadvertent killing of innocents in operations, etc. The terrorism police face critical and traumatic incidents on day-to-day basis. The resultant stress is called Critical Incident Stress and Traumatic Incident Stress. This stress leads to a disorder known as Post Traumatic Stress Disorder (PTSD). The effects of these stresses can be mitigated through techniques known as Critical Incident Stress Debriefing (CISD) and Critical Incident Stress Management (CISM). These stresses need to be identified and treated timely. This will go a long way in improving the well being of the police personnel posted in the terrorist, extremist and insurgency infested areas; which ultimately contributes to the

#### CONCLUSION

In the coming days the police in India are going to face more and more professional challenges and load on account of terrorism. In view of the foregoing discussion, there is an urgent need to recognize the gravity of implications of stress of the terrorism police by the various police departments, the governments and the researchers; and address the issue before the associated stress cripples the already professionally overburdened police.

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*“Success is not measured by what you accomplish but by the opposition you have encountered, and the courage with which you have maintained the struggle against overwhelming odds.”*

*Orison Swett Marden*

# BETWEEN ART OF LIVING AND ART OF LEAVING

A P Maheshwari

**T**he phrase 'Art of living' may raise many queries in the mind of the common man. Will it help resolve his personal problems? Shall he get relief from official commitments, which constantly weigh him down? Will it offer reprieve from his daily chores? Will it solve family issues? However, a few days back, I had penned an article on the 'Art of Dying'. How it took shape, was sheer coincidence. The article succeeded in drawing some applause. It basically promoted the concept of art of 'Leaving'. The logic is not difficult to understand. Change is, inevitably, a constant process. Hanging on to the 'status-quo' becomes the root cause of all malaise. Not accepting the change and ignoring to make best use of the available options in the present, forces

one to dwell between the remorse of the past and hopes of the future. The loop becomes suffocating unless we decide to come out of it. The golden rule is to 'let things go'. As one learns to 'let things go', one strikes a more balanced equilibrium in life. Another concept, which we have to be clear about, pertains to our awareness regarding our physical form, perception of society about us and the intrinsic configuration of our own 'self'. 'Physical-self' perpetually keeps changing. Impressions of 'social-self' may hang on for sometime, but eventually, it is the transformation of physical-self into the spiritual-self that makes all the difference; so much so that death becomes the only positive 'forward-leap' in life. The higher the

level of self actualization, the easier the transition. This may appear to be a complex philosophy to digest, more so for those who take death as an unwanted move. Yet, coming back to the arena of the art of living, there surfaces some sense in what it focuses upon. It too starts from the basic hypothesis that a person hangs between the remorse of the past and hope of the future, without putting the  $\text{present}\ddot{o}$  to its optimum use. If we come to believe in it, we would learn to enrich our past and ensure a promising future, since the former goes forever as part of our memory, and the latter is bound to turn into the  $\text{past}\ddot{o}$  someday. With breathing exercise (Pranayam), the innerself is reignited to rid itself of all the stumbling blocks in the present, including the monumental impediment, known as  $\text{ego}\ddot{o}$ . It follows a simple theory  $\ddot{o}$  elevate to a higher mental plane and enjoy a different bliss. The problems of the lower plane will cease to trouble you $\ddot{o}$ .

Anyway, the interesting phenomenon is that we, the  $\text{cops}\ddot{o}$  were asked to undergo this programme. Cops, by the general social perception, are considered brutal, high handed and insensitive, besides being a part of the bureaucratic system. Hence, one could not have avoided the naturally creeping contrast with respect to this perceptual background.

The initiative by the Ministry of the Home Affairs to run courses on the ART OF LIVING for cops was anyways welcomed by us. With all the doubts and conflicting theories in our mind, we tried to know the basic postulates. The police  $\text{mind}\ddot{o}$ , in the habit of constant interrogation, had to be set at rest before its gates could open to absorb what was due. What we could grasp follows now  $\ddot{o}$

$\ddot{o}$  It is not anything new, it is not something that is beyond us. It all lies within. This is only an exercise to enhance our inner synergy level and help ascend to the higher echelons of mind. (It is not surprising that even a

genius uses not more than 4% to 5% of the total capacity of the mind,. Think of the unrealized potential that lies dormant in us). In fact, this journey begins from the lower state of the mind to its higher formats which are, in a way, part of the conscious mind. It would be wrong, even prima-facie, to use the word sub-conscious. It is, in fact, supremely conscious and limitless, but cut off by layers of unconsciousness. Through this exercise, one peels off the layers one by one and experiences the growing radiance. One is able to accept the things as they are, live upto the present moment and rejoice within, whatever be the extenuating circumstances surrounding him in the external world. But one has to see it in the correct perspective and do it under a teacher (Guru) $\ddot{o}$ .

The best thing about the whole process is that it is optional. Unless one decides to belong to one's own  $\text{real-self}\ddot{o}$  and in turn to associate with others, who believe in it, one cannot reach a state of  $\text{take-off}$ . One may read these themes in books, but may not feel the ripple until he undertakes the journey of the inner-self, even in a minuscule way. And mind it, it is always minuscule. As one evolves, he would find the inner circle ever widening with more synergies, even the centre of that circle would appear to be another magnificent circle where one can keep finding a loci one after the other. Am I giving the picture of taking you into a  $\ddot{o}$ loop $\ddot{o}$ ? No please. Not at all. Let us go ahead and see what this  $\text{Art}\ddot{o}$  speaks all about.

The most wonderful system that exists on earth is the human being himself. How much do we know about it? What is its  $\text{internal-configuration}\ddot{o}$  and how does it perform? Various branches of science may define it within their given rules in terms of chemical constituents, biological segments or physical phenomenon. Yogic science, however, takes an integrative view and defines the system as constituted of :-

- É Body - the physical self
- É  $\text{Pran}\ddot{o}$ - the breath
- É Lower Mind - constituted of all emotions and wishes
- É Intellect - the logic unit
- É Memory - recorder of the past happenings and experiences
- É Ego - the proud in its negative sense
- É Real self-the inner core/spiritual self

The basic concept rests on certain premises and processes. They can be seen as follows:

(A) Whatever we do or feel is the result of the affairs at various cognitive levels of an individual, irrespective of the external environment. The level of internal configuration decides the level of happiness (and not otherwise). One can improve one's internal configuration and vary the level of inner bliss, that is, we can maximize our synergies. We are then ready to take life as it comes and be blissful in every moment of our  $\text{Present}\ddot{o}$  (rather than swinging between remorse of the past or hopes of the future). At the cost of repetition, I emphasize again,  $\text{if we don't learn to be true to our own self while in the present}\ddot{o}$  the same would create remorse, when it becomes our past and we would spoil the future too, as we fail to learn to use the present. $\ddot{o}$

(B) Elementwise, we have the concepts of  $\text{Tamas}\ddot{o}$   $\text{Rajas}\ddot{o}$  and  $\text{Satva}\ddot{o}$  in yogic science. If we can reduce Tamas, balance Rajas and increase Satva, we can change the level of our internal configuration. We have to realize the  $\text{Satva}\ddot{o}$ , develop faith in it and increasingly identify with it in order to leap into a state of eternal rejoicing. It is the bliss, which no external factor can damage.

(C) Since our  $\text{realizations within}\ddot{o}$  depend on our acts of commissions and omissions, we must commence our life with a note that we are responsible for everything and therefore, be ready to

do our best in the present. There are ways to get rid of the accumulated negative charges or toxins.

(D) The ðbreathð is the intrinsic link between the physical body and the higher levels of the mind. It is like the thread of a flying kite. Once we control it, we can control the kite (mind and its emotions) which act as a bottleneck to our ðinner-blissð. Breath regulated carefully, in different patterns and lengths, releases whirlpools of energy.

The journey begins from the control of body intakes (food) to yogic exercise of physical nature with coordinated breath. We then go in for pranayam to reduce toxins in each portion of the body and increase Satva, supplemented by basic sound spectrums (merging with breath). Thereafter, we undertake well defined combinations of breathing with given counts and higher sound spectrum. Taking resort to yogic rest, one is thereafter able to let loose the emotions in order to realize the inner-self. The whole exercise is done with ðshut-eyesð in order to shun the externalities and develop inner-vision. By the end of the process, one can feel the change ðwithinð and traverse from the state of upheavals to emotional rest. One even feels the whirlpools of energy leading towards a sparkling light which keeps growing. Add on the meditation to it, one may carry vision beyond oneself, expanding upto the horizon. That is a different journey all together. The eventual bliss cannot be defined in words. One had to do this to believe in it. Meditation then appears to be an experience, not of ðconcentrationð but de-concentration.

So are you ready? Its worth giving a try! Witness the change of perceptions! And if you have spiritual inclinations, you can also relate the spiritual tenets of your faith, whatever they are, with the experience during the process and feel the intrinsic of what has been said. Religiosity, of course, needs to be kept at bay.

Since, we all undergo a stress prone life, where proper balance as well as synergetic growth of inner strength is at stake, there is a strong case for making this a part of our routine. At least, we shall learn to take things in the right spirit and the proper perspective. Learn to accept the changes and make the best use of our potentials in the present. It doesn't teach us any professional skill but develops the art of using any skill in its optimum format. We can then break the vicious circle of ðgarbage-in and garbage-outð After all, we are not cyber machines. We can evolve on our own without there being the need of changing the Mother-board or RAM. Just make use of this ðsoftwareð to enhance the capacity of our system. We will have multiple windows to comfortably run the programmes of life which otherwise ðHang-upð our system. I may be excused to use Cyber-metaphor to collate real life situation but that says it all. ðVirtualð has better explanations than the ðrealð

On the face of it, there may appear nothing new as these techniques exist in our age old wisdom of Shastras and Yogic science. Yet they are new, since we have forgotten them and learnt to move in our own way ignoring the ðrealð art of living. Important is not whether it is Ram or Ravi and Dev or Shanker. The objective should be to pick up what best may suit our system to ensure a pleasant and a successful journey of life. Many people subsist without knowing how best to ðliveð and many ðleaveð this world without experiencing the best way to ðleaveð Some may know it late in life (like me). But I believe it is never too late. It is only a singular golden moment of realization between the ðlivingð and the ðleavingð That single moment makes all the difference!

#### KEY WORDS

1. ART OF LIVING
2. ART OF DYING
3. ART OF LEAVING
4. LET THINGS GO

5. BALANCED EQUILIBRIUM
6. PHYSICAL SELF
7. INTRINSIC CONFIGURATION
8. OWN SELF
9. SOCIAL SELF
10. SPIRITUAL SELF
11. FORWARD-LEAP
12. SELF ACTUALIZATION
13. REMORSE OF THE PAST
14. HOPE OF THE FUTURE
15. INNER SYNERGY LEVEL
16. LAYERS OF UNCONSCIOUSNESS
17. GROWING RADIANCE
18. INNER BLISS
19. COORDINATED BREATH
20. INNER-VISION
21. WHIRLPOOLS OF ENERGY
22. DE-CONCENTRATION
23. SYNERGETIC GROWTH

#### KEY THOUGHTS

CHANGE IS, INEVITABLY, A CONSTANT PROCESS.

1. I HANGING ON TO THE ðSTATUS-QUOð BECOMES THE ROUTE CAUSE OF ALL MALAISE.  
  
AS ONE LEARNS TO ðLET THINGS GOð, ONE STRIKES A MORE BALANCED EQUILIBRIUM IN LIFE.
2. TRANSFORMATION OF PHYSICAL-SELF INTO THE SPIRITUAL - SELF MAKES ALL THE DIFFERENCE; SO MUCH SO THAT DEATH BECOMES THE ONLY POSITIVE ðFORWARD-LEAPð IN LIFE.
3. A PERSON HANGS BETWEEN THE REMORSE OF THE PAST AND HOPE OF THE FUTURE WITHOUT PUTTING THE ðPRESENTð TO ITS OPTIMUM USE.

- |  |   |  |
|--|---|--|
| <p>4. I WITH ðPRAN AY AMö THE INNER SELF IS REIGNITED TO RID ITSELF OF ALL THE STUMBLING BLOCKS IN THE PRESENT, INCLUDING THE MONUMENTAL IMPEDIMENT, KNOWN AS ðEGOö</p> <p>WITH THE ELEVATION TO A HIGHER MENTAL PLANE, THE PROBLEMS OF THE LOWER PLANE CEASE TO TROUBLE US.</p> | <p>OTHERS WHO BELIEVE IN IT, ONE CAN NOT REACH A STATE OF TAKE OFF.</p>   | <p>THIS JOURNEY AND ACHIEVE THE LEVEL OF EVENTUAL BLISS.</p>   |
| <p>5. UNLESS ONE DECIDES TO BELONG TO ONE'S OWN ðREAL-SELFö AND IN TURN TO ASSOCIATE WITH</p>  | <p>6. (THE LEVEL OF INTERNAL CONFIGURATION DECIDES THE LEVEL OF HAPPINESS.</p> <p>ONE CAN IMPROVE ONE'S INTERNAL CONFIGURATION AND VARY THE LEVEL OF INNER BLISS.</p> | <p>8. MANY PEOPLE SUBSIST WITHOUT KNOWING HOW BEST TO ðLIVEö AND MANY ðLEAVEö THIS WORLD WITHOUT EXPERIENCING THE BEST WAY TO ðLEAVEö</p> <p>IT IS ONLY A SINGULAR GOLDEN MOMENT OF REALIZATION BETWEEN THE ðLIVINGö AND THE ðLEAVINGö</p> |
| <p>7. MEDITATION APPEARS, TO BE AN EXPERIENCE NOT OF CONCENTRATION BUT DE-CONCENTRATION, IF SOMEONE UNDER TAKES</p>  |   |  |

## *GENEROSITY*

*Mahatma Gandhi went from city to city, village to village collecting funds for the Charkha Sangh. During one of his tours he addressed a meeting in Orissa. After his speech a poor old woman got up. She was bent with age, her hair was grey and her clothes were in tatters. The volunteers tried to stop her, but she fought her way to the place where Gandhiji was sitting. "I must see him," she insisted and going up to Gandhiji touched his feet. Then from the folds of her sari she brought out a copper coin and placed it at his feet. Gandhiji picked up the copper coin and put it away carefully. The Charkha Sangh funds were under the charge of Jamnalal Bajaj. He asked Gandhiji for the coin but Gandhiji refused. "I keep cheques worth thousands of rupees for the Charkha Sangh," Jamnalal Bajaj said laughingly "yet you won't trust me with a copper coin." "This copper coin is worth much more than those thousands," Gandhiji said. "If a man has several lakhs and he gives away a thousand or two, it doesn't mean much. But this coin was perhaps all that the poor woman possessed. She gave me all that she had. That was very generous of her. What a great sacrifice she made. That is why I value this copper coin more than a crore of rupees."*

# **POLICE EXPECTATIONS AND FIELD REALITIES**

Dr P Mohan Rao

**P**olicing today has become an extremely difficult and delicate occupation. At any time anywhere in the world, the job of a policeman is not a happy one. It is aptly said that from no other profession so much is demanded with so little recompense.

The Indian Police which is now 143 years old, after its constitution in 1861, is the most unique in the world. Although police is a state subject, and the union government has no direct say in the maintenance of law and order, prevention and detection of crime, or the organization and administration of the police force in any state, all these are common all over

the country. The criminal justice system is based on the Indian Penal Code, the Code of Criminal Procedure and Indian Evidence Act. The police sub-system functions all over the country within the parameters of these enactments. All over the country the Police uniform and their rank structure are common and the basic ethos of the people - both law abiding and law breaking - appears to be very similar although languages separate each state from the other.

Even after the dawn of independence on 15<sup>th</sup> August, 1947, the systems of administration have continued through the last 59 years

more or less intact. In policing, particularly, there has virtually been no change except cosmetic variations like redesignation of the head of the force as Director General. The range, the district, the sub-division, the circle, the station house, are all there, functioning more or less in the same manner as laid down in 1861 and later in 1902.

A review of the most important societal aspect of policing, viz., interaction between society and the police is the subject matter of this project. This interaction between society and police determines to a very large extent how acceptable the police are and how society views the whole government system itself.

Police are a part of the community - it is the community that maintains the police and to serve the community the police exist. Good police community relations, therefore, play a vital role in any society and more so in a democratic society like ours where the police need the continuous support, respect and approval of the citizens for their functioning. Accordingly, a good community-police relations program which aims at emphasizing the mutual interdependence of the two in the maintenance of law and order as well as in the prevention and detection of crime is a necessity. A good program aims at developing natural respect and understanding between the police and the people and promotes an atmosphere conducive to greater public cooperation and eventual police effectiveness. A facilitating factor of building good police image lies in the capability of the police officers in understanding of the community that they serve and total acceptance of one of legitimate techniques to maintain order.

Most of the times, a citizen approaches the police in a distress situation. Naturally, in such a situation

the citizen expects a patient hearing and a sympathetic indication of possible police response and relief, if during this important phase of citizen contact the personnel in uniform exhibit absence of sympathy and understanding projecting a hostile rude and unhelpful attitude, it contributes a lot to tarnishing their image. National Police Commission has rightly identified that the police, because of their constant interaction with criminals, perhaps develop a style of functioning which may be relevant vis-a-vis hardened criminals, but definitely totally unsuitable with regard to respectable law abiding and cooperative citizens. To make up their deficiency not only training is to be strengthened but performance appraisal of a particular official in relation to public relations is also given due weightage to enable and sustain the officer with an attitude of utmost courtesy and consideration. The behaviour of the police officers at the lower level depends largely on the way they are treated by their own higher-ups. Therefore, it concedes a simultaneous need for reform in inter-departmental behaviour and conduct of police officers towards the lower ones.

Community's attitude and image towards police is influenced by the actions and behaviour of the individual police officers on the streets and how they generally conduct themselves. Police misconduct - whether defined as brutality, harassment, verbal abuse, or gross discourtesy - contributes directly to a greater extent in lowering of respect for police as a profession. A growing basic distrust between the police and community deprives police of the cooperation and support from the citizens. Today, both police and community misunderstand and misinterpret each other and the growing antagonism is leading to a point of total distaste and dissatisfaction.

The existing public attitude towards police is also conditioned by the lack of knowledge of police methods and the conditions under which police have to operate. It is, therefore, time that the department organizes something like 'Open House Show' at least once in a year, where some section of public are encouraged to visit and see for themselves the conditions under which the policeman works. A good public relations department at state level is a long felt necessity. Right now there appears to be an unfilled gap to supply the relevant information without loss of time and also to project the police point of view to an extent that has happened. Owing to this gap, the public are made to accept whatever is made out by the press. Most of the times, the police version of an event is not readily available to the public, so as to assess the event and form an opinion. This has given rise to some undesirable consequences. One is, a tendency to avoid the police and another is, denial of cooperation viewing the policemen as the enemies.

August Vollmer in his book 'The Police and Modern Society' said that 'the ideal police officer is expected to have the wisdom of Solomon, the courage of David, the strength of Samson, the leadership of Moses, the kindness of the good Samaritan, the strategy of Alexander, the faith of Daniel, the diplomacy of Lincoln, the tolerance of the carpenter of Nazareth and finally an intimate knowledge of every branch of natural, biological and social sciences'.

Law enforcement can be done without fear or favour only, if the law enforcement machinery has independence of action, like the Judiciary. In fact, the police are the agency that set the judicial process in motion, and the independence of the judicial process has little meaning, if

the initiation of that process itself can be manipulated. The greater the control, the greater the scope for manipulation. Therefore, the British created a police which was under the total control of the executive, so that it would enforce the laws as they wanted. The Police Act of 1861 and other administrative controls were created with these ends in view. They are totally unsuited for an

independent, self-governing country and are against the spirit of democracy. These anachronisms, however, continue even after 59 years of independence.

This is not to say that police should not be accountable to any one. They should be accountable to the law and to the people through independent bodies such as security commissions

as suggested by the National Police Commission.

It is time that the recommendations of the Dharmavira Police Commission regarding independent security commission for overall administrative control over the police is implemented and the new Police Act as drafted by the commission adopted.

### *Life Still Has A Meaning*

*If there is a future there is time for mending-  
Time to see your troubles coming to an ending.*

*Life is never hopeless however great your sorrow-  
If you're looking forward to a new tomorrow.*

*If there is time for wishing then there is time for hoping-  
When through doubt and darkness you are blindly groping.*

*Though the heart be heavy and hurt you may be feeling-  
If there is time for praying there is time for healing.*

*So if through your window there is a new day breaking-  
Thank God for the promise, though mind and soul be aching,  
If with harvest over there is grain enough for gleaning-  
There is a new tomorrow and life still has meaning.*

*~ Author unknown~*

# POLICE REFORMS

Mahmood Bin Muhammad

**J**udicial activism in India is very much alive and kicking. By an unprecedented intervention on the issue of Police Reforms, in September, 2006, the Supreme Court has jolted the Government into action. Police business is far too serious business to be left entirely in the hands of myopic politicians. It is a paradox that even sixty years after independence, there is no human institution in India which inspires so much distrust and enmity as the police. For too long, they have remained sacrificial goats. For too long, they have been kept in isolation as some kind of an unhealthy pocket in society. Recommendations for reform made by several Police Commissions, at national as well as state levels, are kept in cold storage, all because of vested interests,

bureaucratic and political. But, to be sure, can society survive without the police? We may not love policemen. But we like chaos less.

The public perceives the police as a "Closed Fraternity"; they are rude, cruel and corrupt; they are partisan during communal riots; they are not "popular"; they are politically pliable; they are "inactive" if there is no pressure, excessively reactive if there is pressure and rarely professionally proactive; they are "criminals in uniform"; they are also "immoral." The answer to this perception is to be sought, not in individual policemen but in the out-dated police system. The police is the coercive apparatus of the Government. It is the most visible symbol of state

authority. It functions in an authoritarian setting. It is under constant public gaze. Rightly or wrongly, an impression exists in the public mind that it is the only agency, which can redress all wrongs. People helped don't remember; those punished never forget. By the very nature of its tasks, the police cannot aspire to be the most popular profession. But there is no reason why it should not be a respected profession. 'Popularity' will come to them as a bonus for the respect they earn by dint of hard and honest work.

While the directions of the Supreme Court will now be thoroughly examined and necessary steps taken by Government, it would be useful, at this stage, to identify and highlight some of the priority areas for consideration.

#### (i) Recruitment:

If the foundation stone is crooked, the wall cannot be straight, said the Persian philosopher Sheikh Saadi. The recruitment policy in the police force is, in my view, the proverbial Achilles heel and there is a peremptory need to restructure the selection process. The men wanted in the police are the right men, not just the bright ones. There is no room here for a square peg in a round hole. As most of the qualities required in a successful police officer are emotional qualities such as courage, compassion, humility, patience, a sense of humour and reverence for life, the importance of a selection machinery based on some kind of psychological and aptitude tests (as recommended by the Gore Committee in 1971) cannot be over-stressed. The ailments of recruitment should not be mistaken for the ailments of training.

#### (ii) Training:

One of the basic problems of national training institutions in India is that the training inputs given to individual officers do not make the

necessary impact, because the organisational culture is not receptive to change. In other words, there is a dichotomy between the idealistic assumptions of the training institutions and the ground realities of the organisation itself. To this end, it would be necessary to undertake an Organisation Development (OD) exercise at the national and state levels, so as to make the police responsive to the social imperatives.

#### (iii) Police-public-media relations:

The importance and efficacy of the 'Trinity of the Police, Press and Public' as a bulwark against crime and disorder has to be recognised. The Trinity should always meet in a spirit of mutual solicitude and cooperation. There is need for an open-door policy aimed at a better understanding of police problems. In fact, its importance has greatly increased following the enactment of *Right to Information Act (2005)*. Points of non-punitive contact between the police and the public must be increased, providing greater opportunities of patronage and mutual solicitude. The power of the police and the press has to be harnessed for the general good of the community.

#### (iv) Shortage of resources:

Diversion of police staff to non-police tasks, for whatever reason, must stop. Clerical, mechanical and other ancillary duties of a specialised and technical nature are best handled by civilian personnel. The emphasis should always be on optimum utilisation of scarce resources. Quality counts far more than numbers.

Police expenditure must be made a Plan subject. In line with international practice, a Crime Prevention Expert should be inducted into the Planning Commission as there is sufficient evidence to show that development and crime grow together.

#### (v) Legislation

The 1861 Police Act, which is outdated must be revised. The police are agents of the law, not of government in power. The District Magistrate's intervention is more a hindrance than a help. Police behaviour is directly related to the authority to which they are accountable. Power and responsibility are inseparable. The present law makes the police responsible to their political masters, which is a British legacy and an anachronism. The brutalities of 1942 were committed because of police subordination to the DM who invariably avoided giving written instructions.

#### (vi) Police Board:

A Police Board may be set up in every state. The Board should be independent of the police and include at least five respected, high profile, high calibre and non-political members. They may be retired high court judges, eminent psychologists and public men. The Police Chief should be the convener. The Board should have no say in the day-to-day police operations or investigation, but should be responsible for longer-time management for the development of an effective force. Its key-role should be an advisory role in the area of improving selection procedures, promotions and senior appointments to minimise the risk of political interference at senior level. It would give the Police Chief additional expertise and a civilian influence in the process of solving problems. It should meet once in a month and give the state Home Minister and the Legislative Assembly an annual report. The Board should also make recommendations on policy relating to training personnel, finance and planning and property management. In addition, the Board should process the various Commission Reports for implementation.

Police reforms in India are long overdue. The opportunity is here. The climate is right. The time to act is now.

# RECONCILING POLICE ORGANISATIONAL STRUCTURE AND WORK CULTURE

Hasmukh Patel

**T**he colonial ruler established the police organization in India. It went through changes over a period of time. But still it has not fully succeeded in fulfilling the needs and aspiration of the people of independent nation. The organization has failed to create trust among the people. Poor police image, lack of professionalism, poor performance, lack of sensitivity to the problem of women, weaker sections, juvenile delinquents, etc., are other areas needing immediate attention. In this context the structure and organization culture of police organization needs to be reformed.

## A) Organization Culture:

Each organization has its unique

set of characteristics and properties. This psychological structure of organization and its sub-units is usually referred to as **Organizational Culture**. It is a relatively enduring quality of the internal environment that is experienced by the members, influences their behaviour, and can be described in terms of values of a particular set of characteristics of the organization.

The following characteristics describe the organizational culture of police organization:-

- High degree of internal discipline
- Well-defined structure with rigid chain of command and hierarchy

- High rule orientation
- Low degree of individual autonomy especially for lower ranks
- Low reward orientation
- Low degree of consideration warmth and support
- Low risk taking orientation
- High degree of control
- Low degree of progressiveness and development
- Poor communication
- Low degree of delegation, responsibility and accountability

The high degree of internal discipline, well-defined structure, hierarchy, well-defined chain of command and rule orientation gives the police organization clear framework to work effectively, impartially and neutrally. The low degree of individual autonomy hinders initiative. The organization also suffers from 'the senior is always right syndrome'. This prevents the lower ranks' contribution in terms of ideas, initiative, and enthusiasm. Low reward orientation and too much emphasis on control and punishment demoralize the lower ranks. Low degree of consideration, warmth and support also brings the same result in terms of demoralization and lack of sense of belongingness in lower ranks. The low risk taking approach of the organization hinders the movement towards excellence. Such organization cannot move beyond minimum required performance. The low degree of progressiveness and development inhibits the innovativeness and doesn't give the members necessary scope for growth. The poor communication stems from autocratic functioning tendency. This prevents the lower ranks from contributing in terms of ideas, initiative, enthusiasm, etc.

## **B) Organization Structure and work culture:**

Organization structure refers to the formal, established pattern of relationships amongst the various parts of a firm or any organization. Following points need special attention:-

### **a) Officer oriented work culture:**

There is continuous shifting of responsibility, authority and accountability from constables to higher ranks. Superior officers expect results from Sub Inspector level officers. He doesn't get the necessary support from constabulary. The constabulary staff, rather than doing responsible job of importance, is deployed in mundane jobs like bus-station duties, fixed point night duties, court orderlies, guard duties, summons duty, various fixed point duties during daytime, like in the market areas, cinema, etc. They do not have sense of responsibility and belongingness. They don't think their jobs to be important. It is also fact that they don't perform real professional police jobs. Obviously they don't put in their heart in to it. In some of the states even the head constables are not allowed to investigate the cases. This puts lots of work pressure on Investigation Officers. The Station House Officer is responsible for investigation of important cases in addition to the all-important job of management of police station, law and order duties, public relation and response etc. The law and order duties have increased many folds. This has resulted into very poor investigation of important cases and extremely poor rate of conviction of this cases resulting into degradation of effect and fear of law amongst lawbreakers. Also his management functions are badly affected due to overwork and lack of sufficient time.

### **b) Poor scope for growth:**

The promotion prospects amongst constabulary and officers are

very poor. This has made the process of performance evaluation totally useless. The promotion in constabulary generally makes little difference to them in terms of importance of jobs and status in the organization.

## **C) Recruitment:**

Recruitment is the process of selecting human resource for any organization. It is very important process for any organization as it decides the quality of the personnel selected. If the personnel selected are not as per the need, any amount of training will not make them fit for the organization. This applies to police organization too. The Indian Police consist of 83 % of the constabulary and 17% of the officers. Obviously the overall performance of the organization will largely depend on the quality, capability and performance of this component of the organization. In most of the states the educational eligibility criteria for constable is SSC examination. In some states it is even less than this. They are recruited at the age of 18-21 years. Even in recruitment test much emphasis is given to the physical capabilities rather than mental capability. This kind of recruitment process cannot find out right kind of persons for the organization - persons having aptitude for police job, persons who have qualities of honesty, sincerity, patriotism, service orientation and secular values.

The weightage given to physical capability, written test and oral interview in Gujarat in the selection of constable is given in Table-I. It is very clear from it that in the selection of constable much more weightage is given to the physical fitness rather than the mental fitness for the organization.

The constable with this much education, at a very young age, after training of around 10 months, is expected to deal with complex problem of crime, VIP security, law and order, etc.

Some of them come from rural areas and have never before been exposed to the problem of urban area.

#### **D) Training:**

The induction training is the process of moulding the persons as per the need of the organization. It is also the process of cauterization of the person in the organization.

The problem discussed above at the recruitment level should be tackled to some extent in the training. But, police training in general has failed to address the major challenges faced by the organization. It suffers from the following weaknesses:

##### **a) Too much emphasis on outdoor training.**

The outdoor training has very less weightage in terms of marks, but very high in terms of time spent in teaching them when compared with indoor subjects. Table-2 showing this data for the Deputy Superintendent of Police in Gujarat makes it clearer. The IPS induction training is not much different.

Here subjects like Drill, Weapon Training and Tactics, Firing, Physical Training, Unarmed Combat, etc. are taught. Subjects like PT and UAC are quite useful to develop attitude for physical fitness. These subjects may also help the officers in future while dealing with different situations. No police officer can work without the knowledge of handling and using weapons and field tactics. So these subjects also need due attention. But unfortunately much time in outdoor training is given for the subjects like squad drill, platoon drill, ceremonial drill, sword exercise, rifle exercise; bayonet fighting, guard and sentry duties. Table-3 shows the various drills taught to the DySP probationers in Gujarat. It makes this point more evident. Most of these drills have little utility in field duties.

Too much emphasis and time on outdoor training makes the officers tired. They are unable to pay attention in indoor classes. The problem of drowsiness in indoor classes is a very common problem in all level of police induction training.

##### **b) Training approach**

Training approach is another major and most important area and is root cause of all major police problems. Trainees of all recruitment level are very badly treated in the induction training course. It is believed that the training should make the officer “tough” and “disciplined”. It also introduces the newly inducted trainees to the culture that seniors can never be questioned. They are made to fall in half an hour in advance before any event. This doesn’t serve any purpose but to make them accept the general culture of wastage of time in the organization. The bandobast is deployed days in advanced and nobody is in a hurry to withdraw once the occasion is over. The trainees are punished for minor faults. “Rifle uper” and “saja khayoge” are very commonly used phrases during induction training. This sets the tone of expected future treatment in the organization. Too much regimentation hinders creativity, which should be hallmark of any successful organization. The trainees lose the self-esteem in the beginning of their career. The public gets the same treatment as the police officers get from their trainers in the beginning of their career during induction training. No organization could afford to treat its personnel like this and expect good performance. This sets in culture of poor communication in the organization, which is another very important cause for poor performance.

##### **c) Very little importance on behavioral aspects:**

As discussed above, 87% of the police force consists of constabulary staff. They are recruited from SSC pass

young candidates. They generally come from rural background and poor strata of society. They obviously don’t know how to behave with different people. This makes the training in behavioral aspect one of the most important areas of training. But unfortunately, it is the most neglected area during training. Table-2 gives syllabus of the induction training of the unarmed constables in Gujarat. There is no specific subject or part of subject covering behavioural aspects. Too much time given for the outdoor training doesn’t leave enough time for such training. Even if we teach our trainee about the importance of good behaviour with public, but we don’t improve our behaviour with the trainees, it is not going to have any effect on them. Therefore, the behaviour with trainees needs thorough change. Without this, any amount of teaching will not have any impact on this very important aspect of police work.

This kind of insensitive behaviour is badly damaging police image. Public avoid coming in contact with police. No police force could function effectively without the cooperation of the people. Training doesn’t prevent this problem, rather it promotes it.

#### **D) Recommendations:**

As discussed above, the problem in the organizational culture, officer oriented work culture, total non-reliance on constabulary staff, unnecessary deployment of constabulary staff in mundane non-police jobs and consequent burden on officers, poor promotional avenues and resulting demoralization of the constabulary and officers, faulty recruitment policy, too much emphasis on outdoor training, too little importance to the behavioral aspect during training, insensitive training approach and resulting insensitive behaviour of police force towards public are some of the problems needing immediate attention. Following recommendations are made keeping

these issues in mind with a view to promote organizational culture with high degree of individual autonomy (with the framework of rules and procedures), high reward orientation, high degree of consideration, warmth and support, better growth prospect for the members of the organization, high degree of responsibility, accountability and sense of belongingness:

### 1) Rank restructuring:

- The abolition of rank of constable and the constabulary and restructuring police rank on army pattern. Reducing present four level to three level entry as under:
  - a. Police officers
  - b. Second lieutenant
  - c. Captain (IPS)
- The 'police officer' will be the lowest rank and will perform all kind of duties including investigations and holding charge of the General Diary. Various duties at the police station level will be given to this police officers based on their capability and seniority.
- The police officer will be promoted to the rank of sergeant and the sergeant to the rank of second lieutenant.
- The sergeant will work as team leaders and supervise the police officers working in different teams like investigation team, traffic unit, community police unit, etc., at the police station level.
- The newly recruited second lieutenant, after completion of induction training, will hold charge of smaller police stations. Later on keeping their capability in mind they will be posted in important police stations.

- This officer on first promotion will hold charge of Police Station, presently held by Police Inspector.
- On promotion to the rank of captain, he will perform the duties presently performed by the Deputy Superintendent of Police.

### 2) Police Recruitment and Promotion Board:

- A state level Police Recruitment and Promotion Board will be set up with at least 5 members, including 2 non police members, having experience in administration, judicial services or public life.
- The minimum educational qualification required for constable should be graduate.
- The law graduate should be given preference.
- All promotion will be given based on written examination for promotion.
- The exam will consist of written exam and oral interview with weightage of 70% and 30% respectively.
- The eligibility criteria for promotion examination will be number of years of service and performance evaluation reports.
- Weightage will be given to the numbers of years of service and all performance evaluation reports of the present rank will be considered for deciding eligibility of the officer for promotion examination for next rank.
- Based on this criterion a list of eligible candidates will be prepared 6 months before the dates of examination based on vacancies on that date.
- The promotion examination for

each rank will be held every two years. The exams for different ranks will be spread over a period of 2 years, so that all ranks will be covered in two years time.

- Based on general law and order duties, calendar for next two years will be published in the beginning of the years and they should not be postponed except in exceptional cases like major election, major communal disturbances etc
- The results, will be declared within 6 months and the list of qualified candidates will be valid until the declaration of result of the next exams.

### 3) Police Station Structure:

Police station will have the following points:

- Investigation and data base unit
- Traffic unit.
- Intelligence and Operation unit.
- Community police Unit.
- Personnel, account and logistic unit.
- Patrol unit
- Sergeant will head each unit and he will report to the station Commander.
- The police station will function in shift- Morning shift (0800 hrs-1600 hrs), Evening shift (1600 hrs-2400 hrs) and Night shift (1600hrs-2400hrs)
- The patrol unit will work in 3 shifts. The traffic and investigation unit will work in morning and evening shifts. Other units will work only during morning shift.
- The station investigation unit will investigate all non-serious cases.
- The station traffic unit will investigate all non-fatal traffic accident cases.

- Divisional Serious Crime Squad will investigate all serious crime and accident cases. This will ensure supervision by Sub Divisional Police Officer. It will also reduce the burden of station commander and he will be able to concentrate on management functions.
- All police officers will work 8 hours a day, 48 hours in week. They will be called for extra hours of duty in exceptional cases but will get compensatory time off.

#### **4) Enactment of Private Security (Regulation) Act:**

One of the important reasons for poor police performance is wastage of manpower in unnecessary duties. Police is performing some of the functions, which should be performed by private agencies. Most of the security and guard duties like duties on banks, petrol pump, market places, fixed point night round duties, bus station duties, cinema point, etc., can easily be performed by private security agencies.

Some of the establishments like banks, petrol pump, etc. should take responsibility of their own security by engaging some private security agency. But most of them don't do so. This results into some sensational crime, making hue and cry of police failure in preventing the crime. This not only shows police in bad light but also increases police work.

Presently, the private security industry is highly unorganized sector. These agencies recruit its personnel without character verification. They are very poorly paid. The agency owner exploits them, as he doesn't pass even half the amount he charges per personnel from the unit. Due to this, these agencies don't function effectively, rather in many cases these personnel are involved in stealing the property they are protecting. Sometime they indulge into more serious offences increasing the

crime and police workload. If these agencies are properly organized and regulated they can relieve police from unnecessary duties and so police may concentrate on their core functions.

This may be termed a limited privatization of policing. If successful, may pave way for further privatization.

Following points need to be kept in mind in such enactment:

- Making private security compulsory for establishments having movable property or handling cash beyond a particular limit.
- Licensing 5-10 agencies for each state or a group of states (like telecom circle).
- Asking for competitive bidding for each circle. The parties quoting highest amount as registration fee should be given license for particular circle.
- To ensure the quality of services, a training centre will be set up in each circle or for group of circle by one time contribution by the participating (licensed) agencies. These agencies will make contribution to meet with the running expenditure of the training centre based on the number of trainers trained for each licensee or any other services rendered to each of them.
- The functioning of these centres will be handled by some senior police officer to ensure the quality of training.

Following points are suggested for rationalization of police work:

- Special force for protection of jails.
- Use of videoconferencing technology to avoid production

of the under trial accused in the court.

- If this doesn't materialize, the special jail protection force should handle this kind of production.
- This force should handle treasury guard too.
- No fixed point duty ( even for night round). All such duties should be in the form of patrol duties.
- Summons should be served through Registered AD Post.
- If a person doesn't follow the summons, a warrant should be issued. Police will serve this warrant, but, on production, the person so produced will have to pay some fixed amount as expenses for the service of warrant.
- Govt agencies like municipality, State electricity board, etc., should normally hire security personnel for short term as well as long-term basis. Only in exceptional cases police should assist.

#### **5) VIP Security and other law and order duties:**

Security of important persons puts lot of strain on police resources. It hinders normal police duties. The following suggestions are made to deal with this problem:

- The private parties and persons expecting some threat from any should also hire private security personnel.
- Only VIPs should be secured by state security agencies. For this, a special force should be created in each state from existing armed battalions.
- Different battalions should be treated as resource centre for

different duties, by making them specialized in different areas like disaster management, flood operations, communal disturbance, VIP security, etc. This will create specialized capabilities in different battalions.

- Each station should have small operation and intelligence unit. This should collect intelligence and handle small law and order issues, processions etc. In addition to this, a special force should be created from existing strength at each sub-division. This unit should assist station operation unit when required. In case of bigger occasions the state level agency should assist the district unit.

- No rallies, procession, public meeting, functions should be permitted without registration with the police authorities.
- Normally they should be made responsible for their security. They should hire private security. Police security arrangements for such private programmes should be discouraged, but in case the responsible police authority thinks it fit, needing police security, it should be provided on payment of expenses.
- Permission for such functions, rallies, etc. should be given only after sufficient private security arrangements are contracted or payment for police arrangements is made.

## 6) Training reforms:

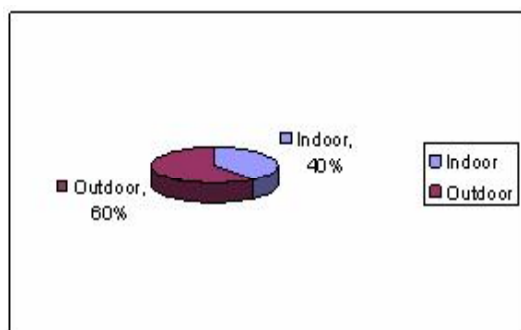
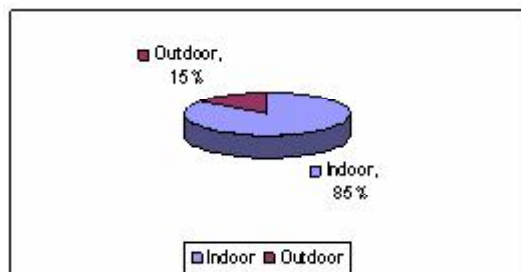
- Treating trainees of all rank in a dignified manner.
- Special emphasis on behavioural aspects.
- Bringing down emphasis on outdoor training. Time allotted for outdoor training should be in proportion to the marks. Removal of subjects of Squad drill, ceremonial parade, platoon drill from the training of constables.
- Removal of sentry duties, Bugle calls, etc., from the induction training of Dy.SP and similar subjects from the IPS training.

**Table 1: Selection test for recruitment constables.**

Sr.No.	Test	Marks
1	Physical test	50
2	Written test	30
3	Oral interview	20

**Table 2: Syllabus for induction training of DySP probationers.**

Sr.No.	Subject	Marks	%age of total	Time (%)
1	Indoor	1100	85	40
2	Outdoor	200	15	60
3	Total	1300	100	100



**Table 3: Syllabus for outdoor training for DySP**

Sr.No.	Test	Marks
1	Squad drill	15
2	Platoon drill	15
3	Ceremonial drill	15
4	Sword exercises	5
5	Skirmishing and extended circle order drill	15
6	Rifle exercise	10
7	Musketry	10
8	Bayonet fighting	5
9	Mob drill	20
10	Guard and Sentry duty	10
11	Physical exercise	15
12	Self defence and use of lathi and the baton	10
13	Bugle calls	5
14	Riding	50
15	Total	200

## **A&N ISLANDS POLICE: THE FIRST RESPONDERS IN CAR NICOBAR**

Vikram Kapali Porwal

**O**n the quiet morning of 26<sup>th</sup> December, 2004, friendly nature suddenly turned furious - as if to test the resilience of the people inhabiting the beautiful Emerald Islands – better known as the Andaman & Nicobar Islands. The shattering earthquake measuring 8.9 intensity on the Richter scale was followed by 12-13 metres high tidal waves, called the ‘Tsunami’, which caught the people unawares as if to re-ignite the long forgotten memories of a similar incident generations ago, in 1883. Wireless messages revealed that the North and Middle Andaman areas were minimally affected by the Tsunami. South Andaman, the administrative headquarters of the Union Territory, also suffered damages on the coastal belt, but was largely safe for human beings, being hilly. But there was an ominous silence from the Southern Islands, those

of the Nicobar group consisting of a string of scattered Islands culminating with the Great Nicobar Island, which also marks the southern-most tip of India at the lighthouse at Indira Point, as well as Little Andaman. Wireless messages had stopped coming in from many Islands such as Teressa, Chowra, Pilo-Millow, Katchal and Kondul. The Police Wireless is the solitary life-line to the Southern Islands. Thus, we were in the dark about the actual magnitude of the disaster in the Southern Group of Islands, which led the head of the Police Department, the Inspector General of Police Shri S.B. Deol, IPS, to immediately muster officers and all available force, and dispatch them to these Islands to take stock of the position and report back, and start helping the inhabitants, so that further loss of life could be minimized.

Exactly 24 hours after the Earthquake at 0630 hours on 27.12.2004, I along with a Nicobari Police officer and other officers of the Administration and Defence Forces, boarded a Dornier of the Indian Air Force straight for Car Nicobar, the District Headquarters of the Nicobar group. When we looked down from the window, the sea seemed to have regained its calm after the horrific spell. The shores of the tiny islands were being washed gently as if to assuage the hurt of an old friend. An inexplicable feeling gripped me – I hoped the best for the innocent fellow beings at Car Nicobar where I was going to arrive in 40 minutes. Clouds perched high in the sky looked like moot witnesses to the catastrophe. And as time flew, Car Nicobar Island came right below us, starting with the Keating Point where the Mus Light House & Jetty are located.

Car Nicobar is a pear shaped island, with a circular coastal road 46 km in length on which sixteen villages are located, spread on both sides of the road. Eleven of the sixteen villages are on the eastern coast, the northern-most being Mus (pronounced 'Moos'). As the plane cruised southwards, flat washed-out stretches of land were visible - denuded of any plantation or buildings. Before I knew it, I was face to face with reality - the Nicobari Police officer accompanying me was staring blankly at me and gesturing towards a barren stretch of land below us where his village Lapathy had been located. All the double and triple - storied buildings that once stood had disappeared. Speechless, we surmised that hardly anyone could have got a chance to save oneself from the sudden surge of the sea. I comforted him, hoping against hope. Likewise, village after village could be seen from the aircraft like a clean and washed land where construction is yet to begin. Aghast and dumb-founded, we landed at the Airport, one end of which was damaged by the Tsunami. We could see hundreds of people, including ladies and children, milling around tents with doctors of the

Armed Forces providing medical aid to them. These people were the families of the Air Force personnel who were posted there and had managed to save themselves from the killer waves. More than a hundred Air Force officers and their relatives lost their lives. Many buildings in the Air Force Station including the guest-house, which were situated right in front of the sea, were razed to the ground by the sheer force of the giant waves that gave the inmates no time to run and no structure to climb upon. Only those who ran towards the runway, which was at a slightly higher level, managed to save themselves. One side of the runway was damaged completely by the ingress of seawater and four huge 25,000 - litre tanks of fuel oil were picked up and dumped a kilometer deep and hundreds of meters apart into the forest by the waves. Seawater had entered the fuel tanks meant for the helicopters and had rendered them in-operational.

The 'Headquarters' area of Car Nicobar houses several government offices. The Police Station Car Nicobar is also located nearby. We hitch - hiked on an ambulance to reach the P.S. Car Nicobar. On the way we saw several Nicobarese people together in groups, using leaves to sit on the ground and to save themselves from the Sun. Finally we reached the Police Station Car Nicobar where we met our jawans, albeit in lungies and vests, as they had lost everything with the wiping out of their barrack which was close to the sea in the nearby Malacca village. This was a startling situation where the first responders to the calamity themselves were seen robbed of their bare essentials. They had already lost two of their comrades from the Fire Brigade, one with his wife and the other with his son.

Now began the real task of coming to terms with the situation and starting one step at a time, keeping a farsighted orientation. Luckily, the wireless station was at the Headquarters area, around

two kilometers away from the sea on a slightly higher ground, and was continuously passing messages. We immediately informed our IGP of the magnitude of disaster as estimated by us in about an hour of experience. The population of Car Nicobar was estimated to be around 30,000 and looking to the limited response time the people got, we estimated that not more than half could have survived the disaster. If such a large number of corpses were lying out in the open, their decomposition would lead to another danger for the survivors in the form of epidemics. We requested for immediate deployment of a large number of troops, as we required war-like efforts to deal with the emergency.

Right in front of the Police Station is a big ground, which was full of people converging from different villages in tattered clothes and without any belongings. Most of them were desperately searching for their relatives who had scattered while running to save their lives. Utter confusion prevailed. The Police Wireless endlessly relayed signals to Port Blair enquiring and responding about the welfare of individuals and families. We tried to pacify the survivors by promising to make every effort to find their family members. We came to know that the roads to all other places except Perka and Malacca villages were blocked either due to waterlogging or due to deposition of the masses of trees uprooted by the waves. Thus, nobody knew the actual situation in other villages except for those whose inhabitants had managed to cross the jungles to reach the Headquarters area. On the first day, it was reported that, of the 850 residents of the Kimios village, over 500 were missing. Later during the day, some of the missing persons appeared from the jungle where they had run away to save themselves. Thus, it was really very difficult to judge the real number of casualties in the absence of any communication - road, wireless or telephone.

Evacuation of victims of the tsunami had started at the Airport, and they were being flown to Port Blair. Malacca village was the biggest village of Car Nicobar, housing a large population of about 3,000, comprising of not only the native Nicobarese, but also a large number of settlers from mainland India who engaged in the service sector and either owned or worked in the shops of the well - developed market place. Most of these local residents of Malacca had rushed to the high ground in the Headquarters and were gathered in the open ground in front of the Police Station. The settlers, most of them Tamilians, wanted to leave the Island immediately and join their families and relatives in the mainland or at Port Blair. They were taken to the Airport and evacuated by sorties of the aircraft of the Indian Air Force which continued throughout the day for several days.

A Company of our paramilitary force of the India Reserve Battalion, two years of age, and still in the process of being raised in the A&N Islands, managed to disembark at the Mus jetty on the third day, but could not proceed southwards as the roads were blocked. They held the fort at Mus and provided instant relief to local residents who had escaped to high grounds near the historic Mus Church – the oldest Church in Car Nicobar. The jawans also shared their rations among the locals and helped them in erecting temporary shelters. We, at Headquarters, could only discover this when two jawans covered the entire distance by foot along the coast and reached us. The jawans at Mus took upon themselves the task of clearing the roads by cutting the fallen tress with the help of axes and *daos* (local word for a sword- like tool used to cut coconuts, leaves, bamboo, etc.) and removing them.

Meanwhile at Headquarters we were strengthened in right earnest by the 60 – odd additional jawans and officers who arrived by flight from Port Blair on the 28<sup>th</sup> Dec 2004.

By now, the people had been emerging in ones and twos from the jungles and this gave us a fair idea as to the real magnitude of the disaster. Speaking to them, it pleasantly dawned on us that the number of casualties in Car Nicobar Island was much less than what we had feared, probably owing to some kind of divine intervention. 26<sup>th</sup> Dec 2004, the day the catastrophe struck, was a Sunday. Local tribal customs came to the rescue of the people. As per the Nicobari tradition, all the villagers have to assemble for prayers at the village Church every Sunday morning. The first divine intervention was that it was 6:30 am in the morning when most of the villagers were out of doors, ready to go to Church. Thus the earthquake or Tsunami did not catch them asleep in the dead of night. Also Sunday being a holiday for school children, they were saved although several school buildings were destroyed. Further, the Nicobarese are physically strong. They are adept at fishing and climbing coconut trees. They are friends of the sea. Over the centuries, they have developed a physique which is very conducive for the release of sudden bursts of energy, like in the game of football. The Nicobari school-boys have won the prestigious Subroto Cup National Football Tournament four times (in the years 1966, 1967, 1969 and 1984, and were also runners-up in 2003). Their agility and the in-built reservoir of energy came to their advantage. In most of the villages they were alerted by the elderly people, who saw the giant waves approaching from afar. As most of them were already out of their homes after the advance warning given by the earthquake, they got on to a sprint that saved their lives. Only those who could not run fast owing to age, disease, or some other handicap, were engulfed by the soaring waters. The seawater intruded up to 1.5 – 2 km inland, ruthlessly destroying everything in its way – trees, buildings, vehicles, human beings and animals. Places where dense jungles existed turned into clear grounds with their peripheries full of the

debris of uprooted trees. Those who survived had run willy –nilly deep into the jungles, without any track of their family members. As hours and days passed, these people found each other and gathered on high grounds deep into the jungles – bereft of all belongings, surviving only on the ubiquitous coconut – their ally for centuries against hunger, and more important, thirst.

The topography of Car Nicobar Island is such that the gradient of the slope of land at the coast is very gradual and at some places, at a slight distance inside the coastline, there is a negative gradient, i.e. the land slopes downwards below sea level like in the case of a saucer. The topography is almost flat and close to the sea level. Local inhabitants chose to locate their villages right next to the sea which gave them a two-fold advantage – firstly, soft drinking water which is most essential for survival and is a major factor in deciding the location of settlements all over the world, was readily available just a couple of feet below the surface. Secondly, they could freely venture into the sea for fishing. They maintained coconut plantations further inside the settlements. Thus, all the sixteen villages were located in the low-lying coastal belt, which was a major disadvantage when the Tsunami struck. In places where there were depressions in the land inside the coastal belt, like in the case of the villages Kimios and Kakana, people were trapped as the water that entered did not flow out when the wave receded. Kimios suffered the largest number of casualties – around one-third of the population of the village perished.

One remains awestruck when one perceives the sheer force with which the Tsunami had struck - and within no time one is convinced about the littleness of oneself before the unfathomable might of Mother Nature. Things considered huge by human dimensions, like cranes, trucks (Photo) and pontoons went down like nine-pins, lifted and thrown kilometres away, what to talk of lesser

structures such as houses and household articles. And as if to underline His presence, the Almighty even considered it apt to save the lives of some small children in spite of them being soft and fragile like flowers - so dear to God!

The sight of the destruction was really very painful and left us all bamboozled as to where and what to begin with. Every structure in the affected area was smashed and thrown aside by the Tsunami. The road leading to the Kakana and Kimios villages along the south-eastern coast had disappeared, and only plain ground littered with trees remained. Bridges leading to Teetop and Auckchung were swept away, and road communication was broken. Malacca jetty was completely destroyed, the pontoon was driven over a kilometre inland. Mus jetty suffered major damages and a huge crane was toppled and shifted afar. One ship berthed on the shore was lifted and perched inland destroying the buildings in its path. Countless trees were uprooted by the 5-6 consequent high and powerful waves that churned around the structures and swept away everything that came on the way either deep into the sea or up into the forests of the interior. The debris swept ashore was deposited deep inside the landmass, and household articles like TV, almirahs, fridges, etc. were deposited kilometres away, sometimes on shores even four kilometers away. On being asked, the survivors testified that right after the earthquake, the water in the sea receded considerably, upto about 1-2 km, which was unusual and the elders alerted the villagers. Soon, the seawater looked like it was boiling, and giant waves with tremendous force began sweeping in towards the land. Everyone ran for his life. Many climbed trees but could not survive as the trees themselves were swept away. Many survivors helplessly saw their kith and kin being cruelly swept away by the unsparing waves. People were

no more than straws in the wind, and in many cases whole families perished.

Faced with such a discomfoting reality, we set out to identify the immediate task ahead. A meeting was called by the Lieutenant Governor, A&N Islands, Prof. Ram Kapse, in which the tasks were identified and responsibilities of different departments were fixed. There was immediate need for food, drinking water, medical aid, shelters, clothes, and other essential items for the survivors. And most important of all, the need to defend them from a possible epidemic, as thousands of dead bodies of human beings and animals that were trapped in the debris and scattered in the jungles had started to putrefy. These dead bodies needed to be located and then disposed of properly to ensure that no possibility of infection remained. This mammoth task was to be carried out without loss of time and was the primary task for the A&N Islands Police. Further, in order to reach the villagers trapped in jungles far away from the Headquarters area, it was imperative that road connections be re-established – either by clearing the huge amount of debris lying on the roads or by providing alternate roads wherever the road was inundated with water. This task was also enjoined on the Police, along with elements of the Indo Tibetan Border Police and the Indian Army.

We immediately sent out several teams to search for dead bodies and dispose of them, and to carry out combing operations simultaneously near different villages. Resources were limited. The jawans had to face immense risks in exposing themselves to maggot-infested corpses. They had to stay in open tents in the nights, bearing mosquito bites all along, and had to brave the sand flies which even penetrated their mosquito nets. They had to survive on monotonous food and scarce drinking water, and had to use the open jungles for sanitary purposes. They had to do without electricity for few days, which was a tough

proposition when combined with continuous howling of dogs throughout the eerie dark nights. Vehicles were not available, tools for digging and for cutting wood also were scarce. However, our highly motivated jawans set out for the task on foot, walking through an ‘obstacle course’ upto 20 kilometers in a day, covering several villages which were approachable only through the jungles. We also motivated some of the survivors to join us as guides and also to identify the dead bodies.

The task was Herculean. First we could sense the location of a dead body only by its typically foul smell. Then, looking for it in the massive piles of debris was a big challenge. Corpses would be found lying below a heap of trees and debris, or perched atop a tree, hanging. We had to first take them out using scattered planks of wood as our tools, dig a grave, and bury the remains. At many places, owing to water-logging, burial was not possible. Here we had to cremate the corpse with the help of diesel or petrol. Most of the bodies that smashed against hard trees were found with fractured skulls, amputated limbs, bereft of clothes, and having bloated beyond recognition. Some could be recognized by the villagers only with the help of their clothes or some other identification marks such as bangles and ear-rings. Corpses were strewn deep into the jungles, and very few were found on the shores. One by one, we patiently plodded on, locating the bodies, attempting to identify them, and then disposing of them. Our jawans would enter the jungles early in the morning, survive on coconuts during the day, and come back in the evening to a meal at the Police Station camps, with satisfaction writ large on their faces despite the tiredness.

A lot of improvisation had to be resorted to on the spot, e.g., we would gather wood required for burning a body from the debris consisting of broken frames of doors & windows, almirahs and other remains of smashed houses.

Many a time diesel or petrol was not handy. We would search for a vehicle, which had been thrown away into the jungle by the Tsunami, and siphon off the fuel from its tank into any plastic bucket or plastic can available, and then use it for cremation. We also had to take care that the surrounding trees did not catch fire in the process.

Thus, day by day, persistently for over two weeks, our jawans carried out the noble task of respectfully performing the last rites for our fellow beings who fell prey to the Tsunami. We also made immense efforts to identify the dead bodies before disposing of them, so that their families would not miss out on the ex-gratia compensation which would subsequently be given by the Government. We also took photographs of the corpses, which we hoped would be useful later in identification, but most of them were beyond recognition.

Villages like Arong and Sawai were cut off as the bridge joining them to Jayanti village was swept off by the Tsunami. Our jawans were the first to meet the survivors of Arong and Sawai in the jungles, who hugged them and reposed faith in them having being convinced of some safety. It was a very touching moment for our brave jawans. They then pointed out alternate routes to their villages passing through the jungles. Thirty - odd jawans stayed at the spot overnight. Undaunted, they returned the next evening after disposing of around 60 dead bodies, almost all of which were identified with the help of the villagers. Thus the number of dead bodies disposed of by our jawans grew everyday and their number crossed 500 in just two weeks. And the most gratifying fact is that no case of any epidemic was reported on the Island, thus making it absolutely safe for everybody in the future. A great service to the humanity indeed!

In addition to the above, we had also deployed teams to visit each and every temporary camp of the villagers

to collect accurate data about the name, age and sex of the persons dead or missing (feared dead). We met the Captains of the villages, who gave us efficiently prepared lists of the missing and dead members of their '*Tuhets*' ('*Tuhet*' - local word for a clan which may consist of over a hundred families) in their respective villages. This was extremely necessary to enable the family members of the deceased to receive financial support in future. Care was taken to collect the minutest details including correct spellings of the names.

Moreover, one team constituting the India Reserve Battalion (IRBn) jawans was deployed for the challenging task of road clearance. It was necessary to reach the villages with essential items like food, water, clothes and medicines, which was possible only if a road connection could be established. Huge piles of trees and debris were strewn on the roads for kilometres at a stretch. The trees were to be cut and then removed. The IRBn Jawans showed exemplary grit in cutting the trees manually with axes, and then shifting the logs by hands, off the roads (Photo). At only a few places could the earthmovers reach to help the removal of the logs. The action was two-fold. One stretch that was cleared linked the Headquarters area to the Airport, which obviated the need to take a much longer route, thus easing the movement of people and relief materials. Clearance of another stretch was undertaken by the IRBn Jawans stationed at Mus. Apart from helping in the unloading of relief materials, the jawans also accomplished the task of broadening an old Japanese route to Lapathy junction. The good old Japanese, who occupied the Islands for a short period of two years in the 1940s, had built several kutcha roads, about one meter wide, incorporating the wisdom derived from tsunamis back home in Japan. The contours had been so selected that the roads were built continuously on high elevations. And even during the present Tsunami, these alignments remained

untouched by seawater! Another stretch of the old Japanese road from Tapoiming village to Lapathy junction was cleared and broadened by the Indian Army and the Indo-Tibetan Border Police.

Slowly, life became slightly more comfortable as essential items kept pouring in, and a major advantage was that the runway was largely saved which could enable the aircraft to land and take off all through the day. People from different villages gathered together and started staying in make-shift camps. There was a tremendous fear psychosis in the villagers, who were so frightened of the sea that many reached the airport, creating an exodus of sorts. Also they had resolved not to locate their future settlements near the sea. Gradually they started picking up reusable items like chairs, gas cylinders, tin sheets etc. from the rubble to build their homes again. From clothes to utensils to chairs and cots, everything was to be pieced together again. And they were penniless. Their plight was really touching. However, the greatest thing I noticed was that the Nicobarese showed extreme gentleness during these hours of stress and agony. They never raised their voice to complain or shout slogans or demand anything from us or from the Administration. They were extremely patient and stoic. And this, when many of their family members had perished right before their eyes. They came forward to work with us, shoulder to shoulder, in searching for and disposing of dead bodies, offering our jawans coconuts at regular intervals, showing great hospitality despite having lost all their material possessions. Hats-off also to our brave jawans, who despite all risks and limited resources carried out an noble task with no advantage but self-satisfaction. This was a real test of character, which the A&N Islands Police the India Reserve Battalion have passed with distinction.

# Plea Bargaining

Pankaj Kumar Singh

## INDIAN CONTEXT

An ever-increasing amount of litigation in India has led to Courts becoming overburdened at all levels. There is a realization at all levels of government that these increasing number of cases are putting an extra burden on the judicial system, as a result of which cases are not able to move quickly through the Courts and the proverbial case of *justice delayed is justice denied* is being seen as more true today than ever before. The court trials take years, decades or even quarter of a century to conclude at times. The fallout of such delays is not difficult to guess ó an increasing bent of people towards litigation, over burdening of courts with cases, witnesses forgetting the sequence of events because of time lag, complainants becoming disinterested in pursuing their matter, important witnesses being won over and the truth

in the cases somehow getting lost along this long and tedious process.

## OVER BURDENING OF COURTS

There were approximately 2.03 crore cases pending in district and subordinate courts all over the country as on 31 October 2001. Of this large number, approximately 1.9 crore cases are pending in 7 states only ó UP, Gujarat, Maharashtra, Madhya Pradesh, West Bengal, Bihar and Karnataka. The condition is about the same in the High Courts and there were 35,57,637 cases pending in the different High Courts of the country as on 31 October 2001. Approximately 5 lakh of these cases are more than 10 years old. The number of cases in the Supreme Court is however manageable and only 21,995 cases are pending therein.

The tardy disposal of cases is also linked to the extremely low judges

per capita ratio in the country. The Law Commission in its 120<sup>th</sup> report<sup>1</sup> observed that the strength of judicial officers in India is far less compared to a number of other countries. India had roughly 10.5 judges per million of population whereas this figure for Australia, Canada, England and the US stood at 41.6, 75.2, 50.9 and 107 respectively.

Apart from the overburdening of the Courts, there is gross neglect and apathy towards the status of under trials, who are lodged in different jails all over the country. Because of the increasing amount of time taken in the dispensation of justice, the jails in the country today are over-crowded with convicted prisoners and under trials. Against a sanctioned capacity of 2.56 lakh prisoners, the jails in the country today have more than 5 lakh people behind the bars.

The state governments today spend approximately an amount of Rs.361 crores per annum on the people imprisoned and undergoing trial @ Rs.55/-per head per day for approximately 1.8 lac prisoners under trial. This situation would be a lot different if matters moved more speedily in the courts. The state governments would then be able to reduce the number of under trials in the jails and bring about substantial savings in this huge expenditure.

## CONCEPT OF PLEA BARGAINING

A plea bargain is a deal offered by the prosecutor to the defendant as an incentive for his pleading guilty on lesser charges. This alternative method of dispute resolution allows the prosecutor to obtain conviction in cases, which may otherwise go for trial.

Plea bargaining has often been talked of as a method of reducing the burden on the courts by accepting the guilty plea of the accused person. A plea bargain provides both the prosecution and the defense with some control over the final result. In plea bargaining the accused pleads guilty to

a lesser charge rather than go through a long, arduous and expensive process of trial and be confronted with a maximum sentence for punishment. In the bargain he is able to receive a lighter sentence, for may be a less severe charge, than might have resulted by taking the case to trial. He is able to bring about savings in his legal fees and also avoids the harassment of going through the entire process of trial. Being convicted on reduced charges for a less serious offence also goes to the advantage of the accused person. Pleading guilty also helps him avoid undue publicity, which is otherwise attracted these days in cases highlighted by the media.

The judicial process also benefits by disposing off cases early by accepting the guilty plea. The entire process of trial, examination, of witnesses, their cross examination etc., need not be gone through. An increasing amount of litigation today is forcing the judiciary to give less and less time to each case, as a result of which the time required to come to a conclusion has increased substantially. A plea bargain, therefore, offers the possibility of lightening the burden of the Courts, thereby giving the judiciary an opportunity to devote more time on cases of importance and those which have a bearing on society or those having serious legal implications.

The prosecutor too benefits as a result of plea-bargaining. He gets an assured conviction in a case and is spared the agony of waging a long drawn out legal battle against the accused, especially when he is willing to confess for the crime committed. The prosecutor can then devote more time to cases that involve complex reasoning of legal matters or high profile cases that attract a lot of media attention.

## TYPES OF PLEA BARGAIN

There are basically two types of Plea bargaining ó

(a) *Charge Bargain* - This is when the

prosecutor allows the defendant to plead guilty to a lesser charge or to only some of the charges that have been filed against him.

(b) *Sentence Bargain* - This occurs when a defendant is told in advance what his sentence will be in case he pleaded guilty. This procedure often takes place in high profile cases wherein media publicity does not permit a charge bargain and therefore a sentence bargain is adopted to the more serious charges against the defendant.

## CAUSE FOR CONCERN

Approximately 54,94,814 criminal cases were registered in India in the year 2003. The conviction rate in our country is abysmally low when compared to other countries. Cyprus has the highest conviction rate in the world with a figure of 95.21 per 1000 people whereas India occupies the 41<sup>st</sup> position in the overall list of countries with a rate of 0.56 per 1000 people. The number of people acquitted in the criminal courts in India is the highest in absolute terms.

## INITIATIVES AT THE LEVEL OF GOVERNMENT

The Law Commission of India in its 142<sup>nd</sup> report<sup>2</sup> considered the concept of plea bargaining as a means to overcome the problems of mounting arrears of cases in the criminal justice system. The report went on to say that a large number of people in India were in favour of this concept because most people arrested were guilty anyway, public money was wasted on trials, both sides gained in the process and time and money was saved by the accused and the government machinery in the process. The Law Commission in its 154<sup>th</sup> report<sup>3</sup> once again strongly advocated in its Chapter XIII that Plea bargaining be made an essential component of the Criminal Justice system.

The Committee on Criminal Justice Reforms headed by Justice VS

Malimath<sup>4</sup> which submitted its report to the Government of India in March 2003 also recommended that Plea bargaining should be introduced into the Criminal Justice system of India to facilitate an early resolution of the criminal cases and to reduce the burden of the courts.

The government has since introduced another Bill in the Parliament called the Criminal Law (Amendment) Bill, 2003<sup>5</sup> which seeks to introduce a new chapter on Plea bargaining in the Criminal Procedure Code, 1973 apart from making other changes in the IPC, CrPC and the Indian Evidence Act. The proposed Bill seeks to introduce a new chapter XXI- A and sections 265 A-K in the Criminal Procedure Code. This Bill seeks to introduce Plea bargaining or *mutually satisfactory disposition* in all criminal cases other than an offence punishable with death or imprisonment for life or imprisonment for a term exceeding seven years. This benefit is not to be extended to habitual offenders or in serious socio-economic offences and offences against women and children below the age of fourteen years. It is also pertinent to note that the Bill envisages an active role for the courts in trying to make the process fair and non-discriminatory. The Courts must ensure that such a plea is made voluntarily by the accused in the court and he is also made aware that by pleading guilty he would be waiving his right to go through the process of trial. This Bill has since been passed by both the houses of the Parliament. It shall now come into force from the date when the Central Government issues notification in the Official Gazette.

The Parliamentary Standing Committee on Home Affairs in its 85<sup>th</sup> report on *Law's Delays and Arrears in Courts*<sup>6</sup> has recommended the introduction of Plea bargaining in India. The same Committee, in its 111<sup>th</sup> report on the Criminal Law (Amendment) Bill, 2003 presented to the Rajya Sabha on 02 March 2005, endorsed the introduction of a new chapter pertaining

to Plea bargaining in the Criminal Procedure Code subject to the formation of the Directorate of Prosecution in all States. The Directorate of Prosecution already exists in almost all states, though with differing local amendments.

### FLIP SIDE

The detractors of Plea bargaining have argued that a plea bargain essentially works as a threat. The prosecutor herein bullies the defendant into Plea bargaining, thereby making him surrender his right to trial and at the same time threatening him that in case he went for trial he would be punished twice over- once for the offence committed and secondly for showing the audacity to commit the case to trial.

It is further argued that most of the people caught in criminal cases are poor and therefore the system by showing the option of plea bargaining tries to portray that this is the best economic alternative available to them. A lengthy period of pre-trial incarceration also, at times, renders the defendant weak and demoralized and pushes him into the prosecutor's suggestion of plea bargaining. It is obvious that a person who faces a 90% chance of conviction during trial would opt to plea bargain for charges which would give him only 50 % of maximum conviction. It is also argued that white collar criminals with good lawyers will probably get off with lighter sentences than what they really deserve.

### CONCLUSION

However, the advantages gained in terms of expeditious disposal of cases, quality of judgements delivered and the important legal issues being given due attention far outweigh the stated evils of plea bargaining. This procedure gives the accused an opportunity to obtain a speedy trial, there is an end to uncertainty and considerable savings towards litigation costs and probability of settling for a lesser sentence.

Considering the overburdened status of our Courts and the increasing bent of people towards greater litigation, plea bargaining appears to be a pragmatic and an unavoidable approach towards reducing the back-breaking burden of the courts. Such a procedure will also reduce congestion in jails and bring about considerable savings at the state level in the administration of the Criminal Justice system.

Besides, an accused who feels remorse or wants to make amends by Pleading guilty in the hope that the community will enable him to pay the penalty for the crime committed by him with a degree of compassion and consideration needs to be treated differently from another who decides to go through the entire process of trial at considerable cost of time and money to the public exchequer.

The proposed Bill seeks to benefit an already over burdened Criminal justice system besides bringing in savings of time, money and effort at all levels. The concept of Plea bargaining has found favour with most of the States. It is indeed an opportune time to give Plea bargaining a chance.

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# CORRUPTION AND DEVELOPMENT

Dr. Sankar Sen

The World Bank has defined corruption as “*the use of public office for private good*”. In its widest connotation corruption includes improper or selfish use of power or influence attached to a public office or to a special position one occupies in public life. Corruption is a complex phenomenon and in one form or other has always existed. In India as early as in 4<sup>th</sup> century BC Kautilya (Minister of Indian emperor Chandra Gupta Maurya) in his famous Arthashastra<sup>1</sup> refers to various forms of corruption prevalent in his times. He writes “just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up or at

least a bit of king’s revenue. Just as fish moving underwater cannot possibly be found either drinking or not drinking water, so government servants employed in the government work cannot be found out taking money for themselves.

The problem of corruption has also been grappled with in ancient Arabic, Chinese and Greek texts. Some of the policy prescriptions from those times such as extra allowances to officers more prone to corruption like tax collectors and magistrates, rotations of public officials, so that they do not become too close to subjects in a particular region, are valid even today. However, with the advent of

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<sup>1</sup> Kautilya’s Arthashastra translated by R. Shamasastry (7th ed: Mysore : Mysore printing and Publishing House 1961), Pg. 70

globalization the problem of corruption has acquired transnational dimensions and is posing serious challenges for developing countries suffering from weak institutions and lack of resources.

### **SPEED MONEY**

Some writers have argued that corruption and bribery are necessary lubricants for a cumbersome system of administration. It enables entrepreneurs to bypass irksome and stultifying regulations and helps the process of development. Samuel P. Huntington<sup>2</sup> has bluntly stated that in terms of economic growth the only thing worse than a rigid, over-centralized, dishonest bureaucracy is a rigid, over-centralized, honest bureaucracy. It has also been argued that corruption can have a desirable distributive impact as it shifts income and wealth from richer individuals and companies to poorer ones. These arguments, however, do not stand the glare of serious scrutiny. Speed money often in practice slows down the wheels of administration. Corruption, even when it is petty and routine, cannot be a means of stimulating economic growth and improving living standards. It causes illegal transfer of state revenue to richer individuals who are in a position to pay bribes to the detriment of those who are not. Available empirical evidence shows positive relationship between the extent of bribery and the amount of time that enterprise managers spend with the officials. World Economic Forum Global Competitiveness Survey for 1997 surveyed 59 countries and obtained responses from 3000 firms showing that enterprises reporting greater incidence of bribery also tend to spend a greater share of management time with bureaucrats and public officials

regarding licenses, permits and taxes<sup>3</sup>. And the available evidence also suggests that cost of capital for firms tends to be higher where bribery is more prevalent. Again, in any society there should be a number of core laws and regulations that serve social objectives such as building codes, environmental controls, banking regulations, etc. The grease argument is troublesome in this context, since bribes can override such regulations and cause serious social harm such as failure to observe building codes designed to ensure public safety. Bribers can also purchase monopoly rights to markets. Unprecedented amounts of grease payments buttress gigantic monopolistic structures.

### **ANTI-DEVELOPMENT**

Corruption jeopardizes development in several ways. First, it distorts public spending. Distortion arises by deflecting allotted resources from their original purpose. Public resources are deflected in corrupt regimes because allocation goes where corrupt officials and politicians gain most. Contracts are awarded in a nepotistic fashion rather than on the basis of merit. Poor people become the primary victims of corruption as they are denied services because the resources are directed elsewhere. Second, corruption undermines efficiency. Public sector efficiency suffers because corruption imposes informal practices over proper views and procedures of the government. It also adds direct and indirect costs to the execution of the programmes. A 1996 survey showed that within Ukraine firm owners, who pay large sums of bribes had to spend one third more time with officials than firm owners who pay less bribes<sup>4</sup>.

Third, corruption also saps economic growth. In a path breaking paper economist Paulo Maro<sup>5</sup> showed that highly corrupt nations have a smaller share of their gross domestic products going into investment. Corruption raises the cost of business and deter would be investors. A study of transition economies reveals that gross domestic investment averaged 20% less in countries with high corruption compared with countries with medium level of corruption<sup>6</sup>. The UNDP Report on "*Human development in south Asia 1999 - The Crisis of Governance*" says that if corruption levels in India were reduced to those of Scandinavian countries, investment in the country will increase by 12% and GDP by 1.5%<sup>7</sup>. Though some investors may conduct their business through payment of bribes, the overall impact of a notoriously corrupt environment is that many potential investors are scared away. Fourth, corruption intrinsically disrupts the economic rationale for progress. Particularly damaging to a country's long-term economic progress is the fact that investors remain at the mercy of the corrupt public officials because new producers need licenses and permits more than the established ones. The World Bank Report of 1997 points out that, bribes are not only a disincentive to further investments because of the immediate costs, but also because they entangle the business in a "*web of time consuming and economically unproductive relations*". Fifth, corrupt regimes are intrinsically arbitrary and they introduce risks of uncertainty that many investors are simply not willing to take. This also automatically raises the transaction cost of investment. As a result, key economic objectives like job creation, development of small and medium enterprises suffer.

<sup>2</sup> Huntington Samuel P : *Order Inter Changing Societies*

<sup>3</sup> Daniel Kaufmann and Shan-Jin Wei ; 1998 , 'Does Grease Money' Speed up the Wheels of Commerce?' paper presented at the meeting of the American Economic Association (Chicago, January)

<sup>4</sup> Monograph No. 40 Corruption and Development some Perspectives. September 1999

<sup>5</sup> Paulo Maro - Corruption and Growth - *Quarterly journal of Economic* Vol : 110 (1995) pp 681.713

<sup>6</sup> World Bank - Anti Corruption to Transition : A contribution to Policy debate (Washington D.C. 2000 p. 19)

<sup>7</sup> Human Development in South Asia

In worst case scenarios the very choice of a project is determined by corruption. Some examples of this kind of corruption are purchase of technology, which is totally unsuited to the needs of a country or the choice of a capital-intensive project, because it is more lucrative in terms of corruption than a labour-intensive one that would have been more beneficial to the development of a country. Thus, real development priorities of a country are thrown to the winds in pursuit of corruption, as it helps decision-makers to amass large fortunes. It may be mentioned in this connection that Africa is littered with deserted motorways, which are now being eroded by savannahs or empty factories that had fallen into ruin only a few years after they were opened. These “*follies of development*” can be found in many other developing countries and not just in Africa alone<sup>8</sup>.

In his work “*Grand Corruption in Third World Development*”, George Moody-Sturt, identified areas which are most vulnerable to corruption. These are most notably the procurement of military and other technically sophisticated equipments, and large-scale works in other words, major capital intensive projects and any scheme, where objective valuation and comparison is hampered because of the technical sophistication involved. Thus a country, which borrows money to finance projects, which do not satisfy its real needs or which are economically futile and absurd, will witness an exponential rise in its debt burden.

## **CORRUPTION AND ENVIRONMENTAL HARM**

Corruption causes environmental harm. Researchers at the Yale University Centre for Environmental Law and Policy,

have designed an Environmental Sustainability Index that ranks nations by environmental performance. Of 67 quality-of-life variables included in the index, corruption is one of the factors closely co-related with environmental quality. One explanation for this link is that officials in countries where corruption level is high often take bribes for not enforcing environmental laws.

Deforestation caused by corruption is well documented. For example, in Indonesia a recent study found that many of the logging concessions covering more than half of the nation's forest areas were awarded by President Suharto to his cronies, relatives and political allies. At least 16 million hectares of natural forest were approved for conversion for plantation in direct violation of existing laws<sup>9</sup>. And corrupt officials allowed logging that accounted for 60% of total supply in 2000. Public officials also used concessions for mining and fueling extractions to liquidate a nation's national resources without passing the revenue to the citizens. In oil rich Nigeria and Angola public officials have used oil money for arms and for personal gain<sup>10</sup>. In July 2002, the family of Nigeria's former dictator, Sani Abacha agreed to return some 1.2 billion that he took from Nigeria's Central Bank.

When bribes mean more than votes, a government fails its citizens. The money that could provide public services is diverted to private bank accounts. The Parliamentary Committee in Philippines calculated that in 2002 corruption cost the government 1.9 billion annually - twice the size of the national education budget<sup>11</sup>. According to an All India Corruption Study 2005, done by Transparency International, common citizens of the country paid

bribes amounting to totally 21068 crores annually while availing important public services. This was the largest corruption study ever undertaken in the country with a sample of 14405 respondents spread across 20 states.

All this does not mean that development takes place only when corrupt practices are identified and eliminated and it slows down as corruption spreads. There are examples to show that development and corruption can co-exist for a period of time, but such growth is not sustainable in the long run. Corruption, like ignorance, is an enemy of sustainable and equitable development.

## **INTERNATIONAL CASTIGATION**

Corruption exposes the participants to the risk of international castigation. Issues of corruption now figure prominently in international agenda. It is no longer a taboo subject. After the Lockheed Aircraft scandal, in Japan and Northrop bribery scandal the US Congress enacted Foreign Corrupt Practices Act in 1977. The Act criminalizes commercial payoffs by American nationals to public servants abroad. Companies found guilty have to pay heavy fines. Ever since US companies have complained that they have been forced to compete on an uneven playing field with their European competitors. But, OECD also followed suit. In December 1997, the convention on Combating Bribery of Foreign Public Officials in International Business Transactions was signed. INTERPOL has now a special working group on corruption. International financial and development institutions have also now woken up to the negative impact of corruption. The World Bank, which was criticized earlier for financially dubious

<sup>8</sup> *Effect of Corruption on Development* : Dieter Frisch: An Article from the Courier ACP-EU No. 158, July-August, 1996 : pages 68-70

<sup>9</sup> Charles Victor Barber et. al. *The State of the Forest: Indonesia* (Washington, DC World Resource Institute, 2002)

<sup>10</sup> Neil Ford : *Oil : Ethics . Vs. Profits*, “ *African Business*, November 2000, pp. 26-27

<sup>11</sup> *Philippine Daily Inquirer*, 6 March 2002, cited in Transparency International

and economically risky projects in developing countries, has focused on anti-corruption strategies and measures. It is conducting spot audits of its projects to catch flagrant misuses of funds.

Last few years have seen several cross-country indices of corruption provided by Business International and Transparency International. However, there have been legitimate concerns that these indices underplay the role of first world corruption. Nevertheless these surveys have acquired an international standing and brought to the forefront the issue of corruption in different countries. Some of these surveys had significant political impact. Pakistan's rating as next-to-worst in Transparency International's Ranking System (1996) raised a furore and was one of the factors precipitating the downfall of Benazir Bhutto's government.

## REASONS FOR CORRUPTION IN DEVELOPING COUNTRIES

Corruption is widespread in developing and transition countries not because the people there are different from elsewhere but because of prevalence of conditions that facilitate it. In many developing countries watchdog institutions responsible for detection, and enforcement are weak. Without powerful anti-corruption mechanisms and presence of able and expert investigators, detection of bribery cases is difficult. Even when there is detection there is seldom-deterrent punishment. This happens more so when corruption is systemic. It is difficult to punish one person severely when many others are equally guilty. Further, the danger of losing job has a limited deterrent effect when the official pay is very low.

Studies by the World Bank in the World Development Report, 1997, provides evidence that countries with poorly paid public officials are more susceptible to corruption. The World Bank has also noted further that *"in general the more favourable the total public sector compensation package compares to compensation to private sector the better is the quality of bureaucracy"*. It explicitly cited the example of Singapore. Not surprisingly Singapore, which is widely perceived to have the region's most competent and upright bureaucracy pays its bureaucrats the best.

However, there is a flaw in this efficiency wage theory that argues that by raising salaries employers raise the cost to the employees of losing the job and in order to keep the job the employee will work harder and better. But the efficiency-wage theory is premised on the idea that shirking employees will lose their jobs. In systemically corrupt governments however, employees do not run the risk of losing the job, on the other hands they may risk their jobs by refusing to participate in ongoing corrupt schemes.

Many of the developing and transition countries have legal codes that criminalize corruption, but these laws are not properly implemented. Tyler<sup>12</sup> studied why people comply with laws and found that although the threats of action play some role, the legal compliance is mainly due to the public feeling that the laws are fairly promulgated and properly applied by legitimate authority. Thus, where legitimacy and fairness is lacking, the law prohibiting corruption may be violated even by the government actors. Moreover, the government may lack capacity to implement and enforce the laws.

## KLITGAARD'S EQUATION

Causes of corruption are usually complex and rooted in the country's policy, bureaucratic tradition, political development and social history. Robert Klitgaard<sup>13</sup>, devised a formula that lies at the heart of corruption problem. He has used this equation:  $C=M+D-A$  ( $C$  = Corruption,  $M$  = Monopoly,  $D$  = Discretion,  $A$  = Accountability). Corruption takes place when a person has monopoly over the goods and services and has a discretion to decide who will receive and how much and is not accountable. Therefore, to reduce for potentials for corruption it will be necessary to eliminate control of monopoly power, reduce discretion by promoting transparency and also increase accountability standards and practices. Secretiveness has helped politicians and bureaucrats to keep corrupt practices under wraps. Careful analysis, presentation and dissemination of data can be effective in raising general awareness, creating momentum for reforms and working out strategies for dealing with corruption. Rose Ackerman<sup>14</sup> has suggested that competitive services might be an answer to deal with the problem of corruption. If service providers competed, they would beat down the equilibrium level of corruption. When the economy expands and becomes more complex, public and corporate officials discover new opportunities to profit from their official decisions. In transitional stages dual-track economy creates endless possibility for profitable collusion and safe dealing<sup>15</sup>.

A high level of corruption is exceedingly difficult to reverse. Theoretical models characterize it as sticky. This happens because increase in corruption creates vested interests not willing to surrender lightly. Members of the network of corruption defend their

<sup>12</sup> Tyler, Tom 1990. *Why People Obey the Law*, New haven: Yale University, Press

<sup>13</sup> Klitgaard, R, 1988 *Controlling Corruption*, Berkely CA: University of California Press

<sup>14</sup> Rose Ackerman Susan 1999. *Corruption and Government Causes, Consequences, and reform* Cambridge: Cambridge University Press

<sup>15</sup> Bardhan, Pranab, 1997 : "Corruption and Development: A review of the Issue" *Journal of Economic Literature*. Vol. 3. pp 1320-1346

interests by weakening the institutions of restraint and thereby further increasing the level of corruption.

There are fatalists who feel that chances of success in anti-corruption drive are limited and it is also time-consuming. They point out that it took more than a century in England to bring corruption under control. However, there are examples of countries like Hongkong, Singapore, which within a

reasonably short time have been able to break out of the corruption trap. Even countries like Botswana, Chili, Malaysia, have attained considerable success in combating corruption. But for effectively tackling corruption broader social and institutional reforms are necessary. Corruption is very often a symptom of political, economic and institutional malaise and for addressing corruption effectively these underlying causes have to be tackled. The

entrenched nature of corruption requires some kind of boldness in implementation. Incrementalism is not likely to work. Anti-corruption revolution, if it is to be credible, must start at the top. To make an impact on the public mind, it is necessary to prosecute and punish some major corrupt figures. Some pave-the-path actions are necessary to jolt the system out of the corruption trap.

*Our duty is to encourage every one in his struggle to live up to his own highest idea, and strive at the same time to make the ideal as near as possible to the Truth.*

*By doing well the duty which is nearest to us, the duty which is in our hands now, we make ourselves stronger; and improving our strength in this manner step by step, we may reach a state in which it shall be our privilege to do the most coveted and honored duties in life and in society.*

*- Swami Vivekananda*

# UNIFIED POLICE SERVICES CENTRE

Umesh Sharraf

## INTRODUCTION

Police renders various types of services to the citizens such as issue/renewal of arms license, special verification services, and various types of permissions etc. In Andhra Pradesh based on the citizen charter, the police department also collects user charges from the citizens for processing their applications. The amount is collected either in cash or Demand Draft from banks.

The general public approach the Unit Police Chief's Office every day seeking permission to hold meetings/ take out processions, organize cultural programmes/ shows (in theatres) etc., grant/renewal of arms licenses, ply vehicles during prohibited hours or issue of documents like FIR Copy, Post-mortem Examination Report, issuance of

Special Verification Certificates/Police Clearance Certificates etc.

Similarly, the subordinate ranks also approach the Unit Police Chief's Office seeking sanction of benefits/ leave, rectification of anomalies on service matters etc.

There is a feeling among the general public as well as Police subordinate ranks that the staff of Unit Police Chief's Office harasses them, making the public/subordinates to roam around on some pretext or other thus wasting valuable time. This feeling among the general public as well as subordinate ranks vitiates the image of the Department and stands in the way of developing Police Public-friendly relations. There are allegations of corruption also.

To achieve the goal of promoting/ developing/ fostering Police Public friendly relations by rendering them a time bound service, the “Unified Police Services Centre” was launched on 18-12-2004 in Vijayawada city. This Centre works more or less as a “Single Window System”.

In this fully computerized centre, all the services that are being rendered by the Department to the general public (37 categories are listed as on today) and to the subordinate ranks (23 categories) are centralized. The time required to process the representations/ applications (for each and every service) has also been calculated and prescribed. The staff working in the Centre receives applications/representations, issue a receipt acknowledging its receipt and indicating the time and date on which the applicant could collect the orders on his/her application. Immediately after receipt of the application/representation, the Centre staff sends it to the concerned Section in CPO, pursue processing, obtain copies of orders and hand over the same to the applicant on the stipulated date and time. Similar is the case with processing the representations of subordinate Officers.

This system was also linked with the E-Seva network of the A.P. Government in 2005 enabling the citizens to access the same services from any E-Seva centre in the City. This model was subsequently adopted in several units in the state. This system also gives the citizens an additional source of any information under the Right to Information Act.

### THE PREVIOUS SCENARIO

- The applications were received by the police department for the processing
- Most of the times the permissions etc were not issued to the citizens in the stipulated time.

- Due to this delay the citizens approached the related officers personally in order to get their applications processed.
- This created difficulties to citizens and resulted in scope for ‘speed money’.
- A similar situation was faced by the subordinate ranks of the police department itself in processing their requests such as medical reimbursement, loan applications etc.

### THE NEW CURRENT PROCESS:

- The centre, a novel system aimed at bringing all services rendered by the police to the public under one roof.
- It works as a single window system to receive applications from the people for various services
- The people can directly approach the centre instead of making rounds to the related police stations/ officers
- The officials managing the cell issue an acknowledgement to the applicants incorporating the time by which the request would be granted.
- This feature enables the applicants to directly approach

the centre on the specified date and receive their licence/ permission etc.

- The centre also handles the representations/requests of sub-ordinate police ranks pertaining to service matters.

### THE SYSTEM HIGHLIGHTS:

- The system is developed in Active Server pages
- The SQL server as backend that can hold large amounts of data
- User access control is defined for system access
- The system displays the list of services
- In case the services requires a set of documents before processing, a checklist of the necessary documents are automatically displayed
- The system displays the date of issue of the processed applications automatically
- Various kinds of daily/ weekly and monthly reports are generated on the numbers of applications issued and processed
- The UPSC was inaugurated by the Home Minister of AP on 18/12/04

### ACCEPT APPLICATION

This form is used to enter the basic information of the applicant and the services requested.

- This centre has handled 13,906 applications since formation and there was a delay of 1 day beyond schedule in only 446 cases i.e. 3.2 %.

### Approve Application:

This form is used to identify that the application is processed/ approved by the processing officers and is ready for issue. The token number is entered and the entire information related to the token number is displayed on the screen automatically.

## Unified Police Services Center

### Record Processed Applications

Enter Token Number:

**Token Number :** 20041227034

**Applicant Name :** Branch Manager, Currency Chest, M.Puram

**Service:** Renewal of Arms Licenses - DBBL for 3 years

**Ref.Number :** --

**Comments :** Renewal of Gun licenses.

### Issue Applicatins:

This form is used to record the issue of the processed applications to the citizens. The system automatically stores the date and time of issue of the applications. Once the token number is entered, the details of the application are displayed automatically.

## Unified Police Services Center

### Issue Processed Applications

Enter Token Number:

**Token Number :** 20050110004

**Applicant Name :** G.Samba Siva Rao, MD, Vijaya Krishna Super Bazar

**Service :** To ply Vehicles in restricted hours and night times - for Lorry/ Tipper- per day

**Ref.Number :** --

**Comments :** Supply of provisions to CASA for Tsunami Relief Programes

# **CITIZENS' PROCESSING:**

Sl.No	Subject	Time for Issue	User charges amount	Granted by	Processed by
1	<u>Renewal of Arms License</u>				
i)	SBBL for 3 years	15 days	60-00	C.P.	G1/ACP/CP
II)	DBBL for 3 years	15 days	60-00	C.P.	G1/ACP/CP
iii)	Rifle for 3 years	15 days	90-00	C.P.	G1/ACP/CP
iv)	Revolver/Pistol for 3 years	15 days	150-00	C.P.	G1/ACP/CP
2	New Arms License	20 days	150-00	C.P.	G1/ACP/CP
3	No objection Certificates for Petrol Bunks, Theatres, Hotels	20 days	1000-00	C.P.	G1/ACP/CP
4	Mike permission per day	2 days	100-00	Concerned A.Cs.P if the jurisdiction is in both the divisions CP/DCP will grant the permission	CI/ACP/M3
		1 day	200-00		
	a) Marriage procession without make	2 days	250-00	L&O	
		1 days	700-00	ACP/Tr.ACP/ M3/DCP/CP	
	b) Marriage procession with mike	2 days	350-00	L&O	
		1-day	700-00	ACP/Tr.ACP/ M3/CP/DCP	
5	To keep open Hotels during night times/night work	3 days	20-00	L&O ACP/Tr.ACP/ M3/CP/DCP	
6	Issue of F.I.R. COPY	1 Day	10.00		Police Station
7	Issue of P.M.Report	1 day	10.00		Police Station
8	Issue of Inquest Report copy	2 days	10.00		Police Station
9	Issue of duplicate Arms license book	3 days	100-00	C.P.	G1/ACP/CP
10	Cultural programmes	2 days	2000.00	CP/DCP	M3/ACP/CP
	i) Commercial application fee		500.00	CP/DCP	M3/ACP/CP
11	Cultural programmes per day	2 days	200.00	CP/DCP	M3/ACP/CP
	i) Non-Commercial application fee		50.00		
12	Premier shows/Benefit shows	2 days	1000.00	CP/DCP	M3/ACP/CP
		1 day	2000.00		
13	To ply vehicles in restricted hours and night times	2 days		CP/DCP	M3/ACP/CP
	i) For buses		30.00	CP/DCP	M3/ACP/CP

	ii) For Lorry/Tipper per day		20.00	CP/DCP	M3/ACP/CP
	iii) For Minivans/tractors per day		10.00	CP/DCP	M3/ACP/CP
14	Special verification report or Police Clearance Certificate in respect of Passport/Visa applications.	2 days	1000.00	CP	SBCI/CP
15	Xerox copy of Passport Covering letter sent from C.P. Office	1 day	100.00	SB Manager	
16	Other S.B. Verification/General Verification	3 days	1000.00	CP	SBCI/CP
17	Temporary Explosive Licences Per month	3 days	600.00	CP	CI/ACsP/G1/ CP
18	Demonstration	2 days		DCP	ACsP/M3/ DCP
19	Demonstration with mike	2 days	100.00	DCP	ACsP/M3/ DCP
20	Demonstration with mike & Tent	2 days	200.00	DCP	ACsP/M3/ DCP
21	Erection of Tent/Pandal	3 days	100.00	DCP	ACsP/M3/ DCP
22	Building construction work	2 days	100.00	DCP	ACsP/M3/ DCP
23	NOC for vehicles	2 days	100.00	DCP	CI CCRB/DCP
24	Other Processions Gods/Rally	2 days	250.00	DCP	ACsP/M3/ DCP
25	Road shows	2 days	250.00	DCP	ACsP/M3/ DCP
26	Temporary Licence for Video Library	3 days	1000.00	CP	CI/ACsP/M1/ CP
27	Renewal of Temporary Licence for Video Library	3 days	500.00	CP	CI/ACsP/M1/ CP
28	Renewal of Temporary Explosive Licence for selling Crackers	3 days	500.00	CP	CI s / A C s P / C P
29	Explosive Licence for selling Crackers	7 days	1000.00	CP	CI s/ACsP/CP
30	Marriage & Other Functions	1 day	1000.00	C.P/DCP	CI s/ACsP/DCP
31	Temporary stall by road side	2 days	20.00	CP/DCP	CI s/ACsP
32	Providing cash escort	2 days		CP/DCP	RI/ACP HQRS./ M3
33	Purchase/Sale of weapon	15 days		CP	CI/ACP/G1
34	Poor feeding	2 days		CP/DCP	CI/ACP/M3
35	Right to Information Act, 2005 (Mandal)	30 days	5.00	CP/DCP	ACsP/CI s/SI s/ AO
36	Right to Information Act,2005 (Others)	30 days	10.00	CP/DCP	ACsP/CI s/SI s/ AO
37	Other	2 days		CP/DCP	CI s/ACsP/M3

**PROCESSING FOR SUB-ORDINATE POLICE RANKS.**

Sl.No	Nature of Request	Time for Issue	Processed by
1	Transfers/Deputations/Promotions	10 days	A1/AO/DCP/CP
2	Probations/Seniority etc	10 days	A2/AO/DCP/CP
3	Death/Retirement Benefits	10 days	A3/AO/DCP/CP
4	Increments/Pay Fixation etc	10 days	A4/AO/DCP
5	Release of suspension/PR request	10 days	A6/AO/DCP/CP
6	Sanction of Leave/ELFP	3 days	A7,A8/AO/DCP
7	Sanction of LTC	7 days	A7,A8/AO/DCP
8	Sanction of TA,LTC and TTA bills	10 days	B1,B2,B3 /AO/ DCP
9	Allotment/Cancellation of quarters etc	10 days	B6/AO/DCP
10	Sanction of Reward Rolls etc.	10 days	B7/AO/DCP/CP
11	Medical reimbursement bills etc	10 days	B8/AO/DCP
12	Sanction of Welfare loans etc.	10 days	B9/AO/DCP/CP
13	Sanction of HRA/Issue of pay certificates etc.	10 days	P1/AO/DCP
14	Drawing of arrears bills etc.	10 days	P2/AO/DCP
15	Drawing of GIS/FBF Bills	10 days	P3/AO/DCP
16	Sanction of GPF/HBA loans	10 days	P4/AO/DCP
17	Sanction of APGLI Loans	30 days	P5/AO/DCP
18	Sanction of FA, Education Advance	10 days	P6/AO/DCP
19	Issue of Kit Articles	3 days	E1/AO/DCP
20	Casual leave	1 day	RI/ACP.Hqrs.
21	APGLI Bond	10 days	P5/AO/DCP
22	GPF Missing Credits	10 days	P4/AO/DCP
23	Others	3& 5 days	Concerned/AO/DCP

# INNOVATIVE ORGANISATIONAL INITIATIVES IN PROMOTING PEOPLE'S RESPECT FOR POLICE - A CHALLENGE BEFORE POLICE LEADERSHIP

K V Thomas

**I**n the present era of globalization and liberalization when concepts and ideas are revolutionizing the society and new ways of life and working styles are influencing all sections of people, innovations which introduce as something new, have become an inevitable component in the proper functioning of any dynamic organization. Police organisation which operate in the midst of a mosaic of challenges and problems arising out of a complex web of socio-economic changes and incredible advancements in the fields of science and technology is not an exception. However, as all innovations are not good; or conducive for the ideal growth of an organization, police leaders should be selective in the

introduction of innovations. Thus, P. Hersey and KH Balanchard had rightly observed; *“to be effective to change process, the police executives must have more than good diagnostic skills. Once they have analysed the demands of their environment, they must be able to adapt their leadership to fit the demands and develop the means to change some or all of their structural variables”*. (1) One major issue that had caught the attention of enlightened police managers throughout the world is police-public relations. The transition from the standard model of policing to the community-based and introduction of diverse innovative mechanisms to bring police closer to public are manifestations of the above trend. But

in many countries including India, police-public relations remained strained, if not hostile. A proper analysis of major factors which influence the police-public relations and the perception of public on police is imperative before initiating innovations.

Basically all good innovations are based on empirical data collected over time and place and planned on analytical feedback. Thus, the first task before police leaders is to analyse the existing scenario of police-public relations on the basis of such data and ground level experiences; identify the problem areas address them through well-planned innovations and solve them to the advantage of the organization. The Studies/Surveys conducted by social scientists, police-research scholars and prestigious institutions on the public image of police and inter-related issues, had identified a number of factors for the lack of public respect for police (2) Some of the major factors that were brought out by these Studies include: (a) historical legacy and image of police as an oppressive instrument of a colonial regime, (b) archaic and outdated organizational procedures and practices which lack professionalism (c) regimentation and paramilitary orientation which alienate the force from the public (d) police demeanour and behavioural aberrations such as corruption, use of third-degree methods during investigations, custodial deaths, atrocities/excesses against women and other weaker sections of the society (e) use of discretionary powers indiscriminately for vested and partisan interests (f) biased or unethical professional behaviour during investigation of cases or maintenance of law and order (g) increase in incidence of crime, delay in the investigation of cases/arrest of criminals and acquittal in large number of cases (h) Sensationalism of police stories by electronic and print media.

The above factors which have direct bearing on the perception and

attitude of the public on police can be broadly classified into historical, organizational, personnel and functional issues connected with police. So long as police maintains an eclipsed image with such negative traits, the task of promoting people's respect for police remains onerous. Thus, the challenge before the police leadership is how to free the organization from these negative influences and change its image.

The historical legacy or the image of police as '*defender of status-quo*' or '*tool of oppression*' in the hands of ruling elite cannot be buried all of a sudden. Instead the strategy should be to refurbish the popular image of the police and improve their acceptability in the society through organizational initiatives, such as amendments in the rules and procedures that govern policing. For example, the National Police Commission (NPC) had recommended the adoption of the model Police Act drafted by it, (3) but so far this has not been done by any State in the country. Similarly, Police Manuals and Rules, which were mostly set in pre-independent era, but still govern the various details of police functions do not bring police anywhere near to the people. It is now established that many meaningful innovations can be introduced on the lines of some of the recommendations of NPC or by making amendments in Police Manuals/Rules without any legal implications. A recent example is Goa Police Act, which has introduced a number of innovative measures in the Act to enhance service edge of policing over the administrative edge. Side by side, the police leadership should encourage a paradigm shift in the role of police from traditional law enforcers to '*facilitators*' or '*advisors*' in the fields of security, development and welfare; for which the personnel should be motivated to involve in service-oriented tasks such as assistance to the victims of earthquake, cyclone, flood, famine, rail-accidents etc. The proper interaction of the personnel with people in distress and

danger and assistance extended to them at the time of crisis and need, would help the organization to attain the image of a '*public-service agency*', much to the liking of the large segments in the society.

In professional organisations like police, the human resources play a crucial role and the productivity of the organization depends on their performance. Thus, induction of right personnel and their proper motivation in line with the organizational goals assume an important task of police leadership. A unique phenomenon of police is that a defaulting policeman becomes the symbol of the entire organization and he is being projected by the detractors of the force to malign the image of the police. Thus the policies regarding recruitment, training, promotion, service conditions and internal discipline and decorum should be rationalized to meet the job requirements of the organization. Gone are the days when every able bodied youth was found suitable for police-job. The new breed of police personnel should have natural attitudes and aptitudes, humane qualities, steadiness and mental alertness besides intellectual and academic depth relevant to their work. The new concepts like '*catch them young*', train them on modern management and human resources development techniques and engage them in genuine policing tasks with a sense of involvement should be implemented.

As Peter Drucker (4) had rightly observed that education in the liberal sense does not deliver '*knowledge*' and it is the organization to do it themselves to their manpower, the police leaders should initiate mechanisms to impart true knowledge to the personnel for qualitative improvement in their professionalism and behaviour pattern. This is more applicable in the case of constabulary which constitutes more than 80% of the total force and having maximum visibility in the society and

interaction with the public. Therefore innovative strategies like '*Constable-oriented manpower structure*' and '*Officer-oriented work culture*' by working out proper synergy between officers and constabulary with the aim to develop mundane qualities of conduct, integrity and professionalism among the latter should be vigorously pursued by the police leadership. Efforts should be made to equip the constabulary to undertake important policing tasks and display a level of conduct good enough to meet the aspirations of the people. For that purpose the self-regulatory mechanisms which have become dysfunctional in the force have to be strengthened after successfully identifying and updating them. Some State police forces have already introduced mechanisms in vogue in this regard. For example, Kerala police has recently introduced steps to link up transfer and posting of personnel with their attitude, behaviour pattern and professionalism. Adverse traits such as involvement in corruption and rude and indecent behaviour towards public would be incorporated in the Annual Performance Appraisal of personnel which would form main criterion during posting/transfers. Simultaneously police leaders should initiate innovative mechanisms that would help to improve the behaviour and attitude of personnel towards public. For example District Police, Patiala (Punjab) in 1999 introduced a novel scheme of all personnel addressing male members of the public as; '*Shrimanji*' or '*Sir*' and all ladies as '*Bhenji*' or '*Mataji*' or '*Madam*' depending upon their age. This scheme which had created positive impact on the behavioural pattern of police personnel and was appreciated by the public because of their polite and decent behaviour was later introduced in more and more areas in Punjab. (5)

The bottlenecks connected with police professionalism and efficiency, especially in the area of detection of sensational crimes, quickly influence the public perception on police. The general

tendency is that the public instead of appreciating the role and limitations of the police in the entire domain of criminal justice system- in which there are other players like prosecution- arrive at quick conclusions on police and squarely blame them for increase in incidence of crime, delay in investigations and law conviction rate. The public alone should not be blamed for such conclusions or perceptions. It is quite natural that the confidence of the public is lost when over 80% of the offences reported to the police are declared undetected and only around 20% of the detected cases end in conviction. Moreover, the overall record of police in their mandatory functions is not up-to the mark. Time and again the Courts and Enquiry Commissions have come down heavily upon their '*functional-aberrations*' during caste/communal conflicts or their inordinate delay in the investigation of sensational cases. The Apex Court's directions on *Bofors*, *Hawala*, *Fodder Scam*, *Best Bakery* etc are a few examples.

Innovations in crime management have become an integral part of the functional efficiency of the police. The first and foremost task is delinking of investigation wing from law and order front and their effective insulation against political interference or any other extraneous forces. The personnel of this wing should be imparted specialized training in interrogation techniques, Forensic Sciences, Finger Printing and other modern scientific aids of investigation, so that many unhealthy professional traits such as use of third degree methods, fabrication of evidence and custodial violence, which belittle the image of police can be minimized or dispensed with. Proposals such as formation of District level Interrogation Centers with a pool of at least one dozen professional interrogators, association of senior officers in the investigation of sensational crimes and appointment of full-fledged Prosecuting Agency as legal advisors of police department should be pursued by police administration to

improve the speed and quality of investigations and the rate of conviction.

The public-perceptions on police are mainly crystallized through the proper and swift response to those who approach the police with grievances and complaints. Thus, Police Stations are the cutting edge level of police functioning where common man comes into contact with police. Most of the policing works are done there. In fact, the image of the police and their productivity is judged at police station level. Though substantial funds have been earmarked for infrastructural development of Police Stations and residential accommodation of personnel under Police Modernization Scheme and Special Schemes by State governments, hundreds of Police Stations in rural areas function in rented dilapidated buildings without basic amenities or facilities. While emphasizing the need of improving the condition and facilities of Police Stations, the reality is that no amount of modernization or infrastructural development would change the image of Police Stations unless the personnel manning them would change their attitude and behaviour towards the public especially the weaker and underprivileged sections which approach the police stations to mitigate their grievances. Use of abusive language, ill-treatment of persons, harassment of women complainants, non-registration of FIRs under one pretext or other, collection of bribe and custodial violence are common in the Police Stations especially in rural areas.

Significantly, a number of innovative mechanisms initiated by the police could overcome many such maladies on the functioning of Police Stations. Specific mention should be made about a scheme viz "*Turant chovis*" (6) taken up in Aurangabad city of Maharashtra in July 2004. This scheme which provides speedy and effective mechanisms at Police Stations with

respect to any complaint lodged there, either through a process of conciliation/arbitration akin to Alternate Dispute Resolution or through registration of case and commencement of investigations within 24 hours of lodging the complaint won tremendous applaud from the public, press and government. An impact assessment of the Scheme revealed that out of 959 local and 856 serious complaints received by the police during the period from July 2004 to November 2004, over 99% were heard within 24 hours whereas 88% of them are disposed off at the stipulated time. The impact study has also disclosed that the innovation helped police in building confidence among common masses about police and criminal justice system as pending cases at PS level were kept at abysmally low level. In view of the spectacular success of the scheme, the government of Maharashtra took decision to introduce the innovation in all the districts of the State. Delhi police has also launched a number of innovative schemes to improve the functioning of the police stations with greater emphasis to make the system speedy, transparent and refined, thereby making it more acceptable to the society. Specific reference may be made about '*Sankaraman Kaksha*' (7) at police station (i.e. a meeting room at entry of the police stations with enough glass-panes, where investigation officers are supposed to meet the complainants), CCTV (to closely monitor the lock-up rooms, sentries and duty officer and the interaction of personnel with complainants) and E-mail facility for easily lodging complaints. The main aim of these schemes which evoked considerable response among the people was to give a new image to police stations. . ÷

Just like Police Stations, District Police Office (DPO)/SSP office is yet another hub of activity in the District-police set-up which is frequented by large number of people to get done a variety of police related job. A study conducted by a senior Police officer (8)

in Jalandhar (Punjab) in 1999 had revealed that the most common reasons for the public to visit these offices were clearance of arms-licenses, passport verification, service verification and complaint verification. Patiala police (Punjab) has launched '*Single Window System*' (9) in order to meet the requirements of the public and to promote police-public friendly relations, quick delivery of service by avoiding wastage of time (of the public) and reduce the inflow of public to the office. An impact study on the scheme has revealed that it gave fruitful results to the public and evoked high appreciation in the society.

The internal innovations in police which mainly focus on the improvement in the infrastructural facilities and functioning of the force constitute only one side of the policing efforts to build up the public image of the police. Equally important are the external innovations aimed at bringing the police closer to the public. The community or Problem oriented policing which involves the people in crime-prevention, Peace-keeping and Social-defence mechanisms falls under the domain of such innovations. Though not systematically conceived, variants of community support for improving Police-Public relations and law enforcement have been subjected to experimentation in India both by means of formal legislations and through the initiative of innovative police managers in different states. The *Karnataka Defence Parties Act (1964)* which had introduced the institution of '*Dalpathy* (Group leader) as interface between the police and rural community was the last formal legislation in this direction. Friends of Police (Tamil Nadu) Mohalla Committee Programme (Maharashtra) Neighbourhood Watch Scheme (Delhi) Gram Rashak Dal (Gujarat) Sallakhar Samiti/Community Interlace Cells (Punjab) Village Defence Samitis (Assam, MP, Chattisgarh, West Bengal) Nagarik Samitis (Rajasthan) Alert Citizens (Mumbai) Citizens Police (UP) and Maithri (Andhra) were the

major innovative experiments undertaken by enterprising police leaders for harmonizing police community-relations. However, most of these efforts could not create any sustainable impact on police functioning or public perception towards police, mainly due to absence of institutionalisation and systematic support - both organizational and legislative. In fact, many of these schemes went into oblivion when their innovators were transferred or they took up more challenging assignments.

Institutionalisation is an essential component for the success and sustainability of any innovative scheme. This is basically an organizational task for which the initiative should come from the organizational hierarchy. In the case of police, the leadership can effectively play this role. As Meterlinck had rightly observed "*each progressive spirit is opposed by a thousand men appointed to guard the past*" introduction of any novelty seems to be out of priority in a regimented and vertical organization like Police. Thus, one cardinal task of police leadership is that they should take initiative for the transformation of the organization from vertical to horizontal one with more flexibility and transparency, so that new fangled ideas and entrepreneurship can find due recognition and acceptance in the organization. Simultaneously the human resources at various levels of the organization should be properly sensitised on the new concepts, so that they should imbibe the spirit of implementation of innovative schemes. The supervisory officers should fix the responsibility of the success of these schemes at each level, as leaving any grey areas would lead to deficiency in the implementation.

The efforts by police leadership to change the police force from a vertical into a horizontal organization with more flexibility would succeed only when they encourage changes in their present style of functioning. They

should discard the mantle of defensiveness and erase the era of mystery surrounding their activities and aggressively solicit public support and involvement. For that purpose, they have to demolish the walls of the 'culture of secrecy' in the force and abandon the 'closed mouth' and 'no comment' policy, which has been exploited by the media and public for 'police-bashing'. The National Police Commission (NPC) has come out with a number of recommendations to harmonise the relations between the police and media (10). The NPC had advocated the sharing of as much information as possible with the media, so that the tendency of the latter to publish highly 'sensational stories' detrimental to the image of police can be effectively curbed. The Commission had also suggested that District Superintendent of Police (DSPs) should be empowered directly to deal with the media, whereas police stations are permitted to furnish routine statistics such as number of cases registered, arrests made etc. In the present 'Information era' when the print and electronic media enjoy considerable power and potential in the 'image building' exercise of individuals and organisations, healthy and honest relations with the media would help the police to brighten its image in the society.

Similarly, a change of attitude of police towards the public is necessary to promote the latter's respect for police. At present, the Police contact with public is distant and occupies mostly in criminal them. For more formal and effective interaction between the police and public, police station level Liaison Committees with police personnel and local persons with integrity and reputation should be constituted. These committees should function as open platform for the police and public to share their views and grievances and hold free and frank discussions on various aspects of policing including legal constraints, resource constraints and the role of the public on assisting police to tackle social problems. Such grass-root level committees with the representatives of police and public, no doubt, will function as 'facilitators' in cementing relations between the police and public with mutual respect.

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*If you give up when it's WINTER, you will miss the promise of SPRING,  
the beauty of your SUMMER and the fulfillment of your FALL.  
Don't let the pain of one season destroy the joy of all the rest.  
Don't judge life by one difficult season.  
Persevere through the difficult patches and better times  
are sure to come sometime or later."*

*Written in 2007 by Ian Campomanes — Philippines*

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