



**Sardar Vallabhbhai Patel
National Police Academy**

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1. PREVENTION OF ROAD ACCIDENTS THROUGH MICRO LEVEL LOW-COST TRAFFIC REGULATORY SYSTEM

K C Mahali, IPS

The exponential growth of motor vehicles has direct impact on the road accidents and fatality. Moreover, poor road condition, lack of safety measures on the road, congestion, sharp curve and faulty road design are the major contributory factors for the road accidents. A concerted effort by the traffic engineer, traffic police, transport department, PWD official, local elected representative is necessary to address the accident related problems. Traffic engineering has to be implemented in our roads to reduce the accident rate. The objective of traffic planner should be to prevent the accidents, to reduce the accident and ultimately to eliminate the accidents. Instead of depending on Macro-Level planning which involves multi-crore projects with long gestation period, a Micro-Level Low-Cost Traffic Engineering can be implemented to reduce the road accidents.

Micro -Level Low- Cost Traffic Engineering is the technique which aimed at maximization of traffic flow and minimization of road accidents by placing low-cost traffic equipment and by constructing Micro-structure on the road.

Accident Mapping

Accident mapping is one of the most important techniques in the Micro level traffic planning. A map of the City/District has to be prepared, clearly indicating the major and minor roads. One year fatality data may be taken from the City/District based on the CD file. A thorough study has to be done about the accident pattern, road condition, type of vehicle, time of occurrence, health condition of driver, mechanical worthiness of the vehicle etc. Whenever, accident takes place on the road that spot may be visited and yellow circle may be drawn. The yellow circle is drawn on the road to indicate that an accident has already taken place so that road users are cautioned to be careful while driving. Secondly, on the spot, study is conducted to find out remedial measures to prevent accidents in future. Later on, a black spot is put in the map corresponding to the ground. Once all the black spots are marked on the map, a particular pattern will emerge which

will indicate the accident prone zone. Wherever frequent accidents have taken place that stretch of road has to be paid proper attention in terms of micro-engineering.

Study of Statistics

A tabular chart on monthly fatality figure is prepared. This figure will indicate the increase or decrease in accidents and fatality. If accidents are increasing every month, planner has to take much attention and reduce the accidents by micro-level construction or by placing low-cost equipments. Statistical data are taken for study for a period of one year to make future planning. Data like monthly fatality figure, male or female fatality, age group of the victims who lost their lives in the road accident, time of occurrence of accident, type of vehicles involved and percentage of deaths based on road users. Data may be collected road by road, as a result, study can be conducted to know which road is contributing more number of deaths/fatalities per month and per year. Similarly, statistical data may be collected for study on injured persons also. The study of above parameters would give the planner a clear-cut impression to concentrate on a particular road and type of road users. Hence, collection of statistical data is very useful for future planning.

STUDY OF STATISTICS

Sl. No.	From 01.01.2008 TO 31.12.2008													Total
	ROAD	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
1	KAMARAJAR ROAD	0	0	0	1	0	0	0	0	0	0	0	0	1
2	THADAGAM ROAD	0	0	0	1	0	0	1	2	0	0	0	1	5
3	MARUTHAMALAI ROAD	2	0	2	0	0	0	0	0	0	0	1	0	5
4	L&T BYEPASS ROAD	0	0	0	5	0	0	0	2	0	0	0	1	8
5	METTUPALAYAM ROAD	1	1	0	1	1	1	1	0	1	0	1	0	8
6	PERUR ROAD	0	0	1	1	0	2	0	1	0	2	0	3	10
7	POLLACHI ROAD	0	1	0	1	1	0	1	1	0	3	4	5	17
8	PALAKKAD ROAD	1	1	4	1	4	1	2	0	2	0	2	1	19
9	TRICHY ROAD	2	1	1	2	5	4	1	4	1	1	2	1	25
10	SATHY ROAD	7	2	4	5	4	2	1	0	2	0	2	0	29
11	AVINASHI ROAD	5	3	0	2	2	4	3	6	4	2	2	9	42
12	ALL CORPORATION ROADS	10	14	15	19	8	17	11	13	12	7	8	9	143
	TOTAL	28	23	27	39	25	31	21	29	22	15	22	30	312

Planning

Planning is done feet by feet, meter by meter and road by road. Each feet, each meter and each road requires planning. While drawing a plan for a road, every stretch of road has to be taken into account based on the accident mapping. Planning is done on the ground addressing the reasons for the accidents and preventive measures ensured on the road to avoid future recurrence. While drawing the planning, National Highways Engineers, State Highways Engineers, Corporation Engineers, Local Councilor/Panchayat President of the area are associated in the planning process and their opinion is taken into account for consideration. Since, micro-level planning has financial implications, local elected members are to be associated while drawing plan. Unless and until, people's participation is encouraged, the planning process may not succeed.

Co-ordination

Co-ordination is done among the various departments for implementation of plan decided on the road. Many major decisions with regard to the road safety and allocation of fund is done in Collector's Road Safety meeting. In the co-ordination meeting, Collector can give direction to the National Highways Department, State Highways, TNSSTC, Electricity Department, Corporation Officials regarding the construction of pavements, provisions of electricity, street lights, diversions of road, restrictions of heavy vehicles, provisions for one-way, shifting of vendors, provisions of traffic signals, allotment of funds for road safety equipments, construction of drainage, removal of light posts, provisions of car parking and auto parking, provisions of centre median, provisions of speed breakers and removal of unwanted structures which are hazardous to human health. All concerned departments have to be involved to put their resources on road safety.

Equipment

The whole stretch of road has to be studied and plan has to be drawn. In the road, some unwanted gap may be closed and as a result sudden entry of the vehicle into the road can be avoided. A thorough study has been conducted in Trichy road in Coimbatore City at the a stretch of 12 Km. It was found that 14 unwanted gaps in the centre median are available in the road which are the main reasons for accidents. Hence, low-cost equipment like iron barricades have been mobilized and all 14 unwanted gaps have been closed

temporarily. Similarly, exercise was also done in all other 10 major roads of Coimbatore City. Such method of placing the barricades has significantly reduced the accidents and fatalities.

Wherever the iron barricade could not be mobilized, in such places plastic cones may be placed as the road divider to segregate the traffic and avoid direct collision. The fixing of cat's eye serves very good purpose, particularly at night. The light emitted from the cat's eye gives an impression to the road users a clear-cut demarcation of lane as a result, direct collision can be avoided. Road marking is very necessary to regulate the traffic. Discontinued line drawn at the centre of the road regulates road users. Similarly, continuous margin line drawn in both edges of road gives an impression to the road users not to park the vehicle beyond margin line, so that discipline can be enforced. Signage fixed on the road side cautions the driver on objective available ahead of him. Cautionary sign, mandatory sign and informatory sign help the driver to manoeuvre the vehicle. Observation of speed limit in the City, fixed on the signboard in the various roads prevents accidents. Use of speed radar gun to detect the speed of the vehicle and subsequently imposing penalty on over-speed brings down the rate of accidents and enforces discipline. Drunken driving is a menace in the City. So, it has to be curbed, otherwise drunken drivers may resort to ruthless driving and kill the innocent people on the road. Hence, breath analyzer is used to detect the alcohol percentage of the driver. As per Section 185 of Motor Vehicles Act, 1988, Whoever, while driving or attempting to drive a motor vehicle has, in his blood, alcohol exceeding 30 mg per 100 ml of blood detected in a test by a breath analyzer is punishable.

Micro-Level Construction

Micro Level Construction on the road is one of the most important methods of road traffic engineering. Therefore, speed breakers are constructed on the 'T' road junction to prevent the speeding vehicle to enter suddenly into the main road from the branch road and cause accident. In such T road, study is conducted by measuring distance. In the T road junction, 10 to 15 feet ahead of the main road, speed breaker is constructed to prevent sudden entry of vehicles. Hence, once the speed of the vehicle is reduced, direct hit in the vehicle from the side road is avoided. While constructing the speed breakers on the T road junction, IRC (Indian Road Congress) norms should be followed. The decision of construction of speed breakers should be taken by engineers, councilors, traffic Police, revenue authorities and corporation

authorities on the spot. The speed breakers are constructed with the consent of all concerned departments and local elected representatives as a result unnecessary controversy is avoided.

Accident map has to be studied thoroughly and wherever frequent accidents are occurring, black spot may be plotted. In such places, centre-median has to be constructed. Engineers are taken to the road and convinced that centre-median construction is very much necessary based on the accident map and past statistics. Construction of centre-median has got financial implications. Plan has to be drawn and budget estimation is worked out. On obtaining the financial sanction, the median can be constructed on the road. Once centre-median is constructed, the accidents will decrease gradually. Centre-median can prevent direct head-on-collision as a result death and destruction can be minimized. Moreover, even accident occurs on the road, the collision would be from the same direction in which, impact of the collision is reduced as compared to head-on-collision. Wherever the permanent median construction is not possible, due to financial constraints, in such road, hollow bricks may be continuously placed on the centre of the road with the white paint to segregate the traffic. Safe passages may be given to the pedestrian by drawing “Zebra-crossing” (Pedestrian Crossing) to reduce accidents.

Road Hazard Management

While going on the road, we may come across several road hazards like digging of road due to leakage of water from the pipe line. If such diggings are allowed, it will cause human hazard in the night time. Hence, prior permission has to be taken from the traffic Police/local Police before digging. It is the duty of the concerned department to follow safety measures before digging. It is also the duty of the traffic Police/local police that such place is closed by proper barricading. Proper cautionary boards with reflectivity are fixed on the road to indicate that hazard is ahead for the safety of the road users. In many places, tree branches used to grow which cause obstruction on the road, particularly to the buses and the trucks. In such places, branches of the trees may be cut to give free passage to the heavy vehicles. Occasionally, it is also seen that tree branches and leaves have grown in such a manner, it obstructs the illumination of the street light as a result at night time darkness prevails in spite of availability of light. Hence, trimming of the branches is necessary to avoid accidents. In some places, electric wire, cable wire, telephone wire are hanging in such a manner, it may cause hazard to the road users. Hence, such wires may be tightened and

unnecessary sagging of the wire is avoided. In some places, on the drainage channel, big gaps are left out. Night time, it may be a hazard. Manholes have to be closed on the road or they have to be properly barricaded till the work is over.

Synopsis

A sustained planning has been done in Coimbatore City and all techniques of Micro Level Low-Cost Traffic Engineering have been implemented. A comparison has been made for a period of one year between planned period and unplanned period. It is nice to note that 9 lives have been saved through Micro Level Low-Cost Traffic Planning. Similar result was also obtained in the non-fatal cases. The rash and negligent driving cases (u/s 279 IPC) have fallen down by 50%, simple injury cases (u/s 337 IPC) have gone down by 47% and grievous road accident cases (u/s 338 IPC) have been reduced by 12.7%. Hence, over all, there is a downward trend of accidents in Coimbatore City over a period of one year. The same, Micro-Level Low-Cost Traffic Engineering may be implemented in any City/District in the State to reduce the accident.

2. PREVENTIVE DETENTION AND HUMAN RIGHTS

Dr. M.S. Malik

The detention of Mr. Varun Gandhi, MP. Pilibhit (U.P.) has again proved that the preventive detention is a negation of the rule of law and the principles of fair trial, though the Hon'ble Supreme Court of India has recently settled the issue after disposing off the petition filed by Mr. Gandhi. However, it needs to be examined in detail as to why the Executive authorities misuse law without proper application of mind at different times, places and circumstances.

It is also quite strange that there is no authoritative definition of the term "Preventive Detention" under the Indian Law. However, this impression and its original language was used by the law lords in England while explaining the nature of Detention under Regulation 14(b), made under the Defence of the Realm Act, 1924 passed after the outbreak of World War and same was repeated with emergency Regulation during World War." Hence, the term Preventive Detention is used worldwide concerning detention of a person by executive order to prevent him from endangering the security of the State, disturbing public order of essential services/supplies adversely affecting specified object of public interest.

Hence, it is essential to have a glance at the tables given below indicating briefly the Preventive Detention, the State and the law, and also the rights of the detainees in different countries of the World.

Table 1: Preventive Detention, the State and the Law

Sl. No.	Country	Legal Basis for Preventive Detention	Who has power to detain	Administrative Review
1.	Bangladesh	Constitution, Art 141-A, Special Powers Act 1974	Government	Automatic and binding
2.	India	Constitution Sch 7; National Security Act 1980 conservation of Foreign Exchange & Prevention of Smuggling Act 1874, Terrorist and Disruptive Activities Prevention Act, 1967.	Central & State Governments Limited delegation to Civil Police Personnel & District Magistrates	Automatic but not for period of less than 2 months, not binding

Sl. No.	Country	Legal Basis for Preventive Detention	Who has power to detain	Administrative Review
3.	Kenya	Constitution, S. 83; Preservation of Public Security Act.	Minister	Automatic and not binding
4.	Malaysia	Constitution, Art. 150; Internal Security Act; 1960; Emergency (Public Order & Prevention of Crime) Ordinance.	Minister and Police	At detainees' election; not binding
5.	Malawi	Preservation of Public Security Act, 1965.	Minister and Police	At detainees' election; not binding
6.	Nigeria	State Security (Detention of Persons) Decree 1984	Vice-President	Uncertain
7.	Pakistan	Security of Pakistan Act, 1952, Maintenance of Public Order Ordinance 1960	Central Government & District Magistrates	Automatic and binding
8.	Singapore	Internal Security Act, 1960	President, acting on advice from Govt; Police & Internal Security personnel	At detainees election; not binding
9.	South Africa	International Security Act 1982; Public Safety Act, 1953	Minister for Law and Order & Police	At detainees election; not binding
10.	Sri Lanka	Prevention of Terrorism (Temporary Provisions) Act, 1979; Public Security Ordinance under state of emergency.	Minister	At detainees' election; but not for members of prescribed organisation; not binding.
11.	Swaziland	Detention Order, 1978	Prime Minister (subject to consent of the King)	At election of detainee or any family member, not binding.
12.	Tanzania	Preventive Detention Act, 1962; Deportation Ordinance, 1921; Expulsion of Undesirable Persons Ordinance 1930; Area Commissioners Act, 1962; Regions & Regional Commissioners Act, 1962	President	Automatic after three months, not binding

Sl. No.	Country	Legal Basis for Preventive Detention	Who has power to detain	Administrative Review
13.	Trinidad & Tobago	Constitution, S. 6	Minister of National Security	At detainees' election then every six months; not binding.
14.	United Kingdom	Prevention of Terrorism (Temporary Provisions) Act, 1974; Northern Ireland Emergency Powers Act, 1991.	Secretary of State & Police	On request within one year of detention; thereafter every six months; not binding.
15.	Zambia	Prevention of Public Security Act.	President	At detainees' election: not binding.
16.	Zimbabwe	None at present	Minister of Home Affairs & Police.	Automatic; not binding

Table 2: Detainees' Rights

Sl. No.	Country	Judicial Review	Notification of grounds	Maximum length successive detention	Rights in admin review process
1	Bangladesh	Objective Test	Within 15 days	Indefinite with approval of Min/Yes.	Representations in writing only, no legal
2	India	Quite vigorous subjective test	Within 15 days; relatives informed in writing	1 year; 2 years in Punjab & Chandigarh/No	Oral and Documentary, evidence; examination of witnesses; detainee has right to cross-examine
3	Kenya	Weak and limited	Within 5 days	Indefinite	Six monthly review
4	Malaysia	Subjective test imposed by statute	As soon as possible & allegations of fact	2 years; 60 days police detention/unlimited (extendable in period of two years even on original grounds)	No right to legal representation
5	Malawi	Very limited	No right to be informed	Indefinite (ministerial); police investigative detention subject to reasonableness test	No formal hearing no opportunity to make representation.
6	Nigeria	Subjective test	No right to be informed	6 weeks/unlimited	Procedure unclear
7	Pakistan	Objective test	Within 15 days unless Federal Govt otherwise directs	8 or 12 months in any period of 24 months/in 3 months increments subject to review board approval.	Right to legal representation,
8	Singapore	Subjective test imposed by statute	As soon as may be	2 years (President); 30 days (police must report to Minister after 14 days)/in increments of 2 years.	
9	South Africa	Quite Vigorous subjective test	Right to be adequately informed of reasons	Indefinite (minis); 180 (police).	Legal advice in drafting written representation to review board; Min must give reasons to RB; RB can hear oral evidence including from detainee.

Sl. No.	Country	Judicial Review	Notification of grounds	Maximum length successive detention	Rights in admin review process
10	Sri Lanka	Quite vigorous despite constitutional Limitations.	Right to be informed at AC	Indefinite under state of emergency (but this must be renewal monthly)	
11	Swaziland	Very weak	Published in Govt. Gazette	60 days /renewable for unlimited further 60 days period.	No formal review process.
12	Tanzania	Subjective test.	Formal entitlement to release if not informed of grounds within 15days	Indefinite	Procedure unclear
13	Trinidad and Tobago	Uncertain	Grounds must be cited in detention order	Indefinite	
14	United Kingdom	Uncertain	As soon as Possible	Indefinite	Oral and written representations, legal costs in representations; no legal representation.
15	Zambia	Objective Test	Within 14 days	Indefinite	Right to legal to representation.
16	Zimbabwe	Objective test	Within 7 days; sufficient to make meaningful representation.	Indefinite (mins) 30 days (police)/no re-detention within 180 days of release unless fresh grounds	Right to legal representation usually doc evid. only but detainee can call witness and give evidence.

It is indicated at sl no. 1 of Table 1 above that the Preventive Detention has a Constitutional validity in our Country.

Article 22 (4)-(7) of the Constitution of India relates to the Preventive Detention. The first case with regard to Preventive Detention was *Gopalan's case*, AIR 1950 SC 27. The Article 22 clause (4) states that no law providing for Preventive Detention shall authorise the detention of a person longer than three months unless an Advisory Board reports that in its opinion sufficient cause for such detention exists. Furthermore, the right of communication of the ground of the detention at the earliest possible is provided in Clause (5). From *Tarapada De V. State of West Bengal*, AIR 1951 SC 174 till a decision in *P.U. Abdul Rahiman V. U.O. I.*, AIR 1991 SC 336, the court has held that non-supply of the grounds of the arrest was an infringement of the right conferred by Article 22 (5). The accused is not only to be informed of the grounds of the arrest but these grounds must not be vague or irrelevant, must be in the language which the detenu understands so as to enable him to make a purposeful and effective representation and if the grounds are served in a language which he does not understand the purpose is not served. Article 22 (5) gives the detenu the right to make a representation for the personal liberty of a person is at stake. The emphasis has been laid on giving the detenu an opportunity to make a representation. It not only offers them a chance to make a representation but the representation must be considered and disposed of as expeditiously as possible so that it does not lose both its purpose and meaning.

In a decision, *Kartar Singh V. State of Punjab*, 1994 (3) SCC 569, the Apex Court considered Preventive Detention and other aspects in relation to it, very widely. It emphasized that laws should give any person of ordinary intelligence, a reasonable opportunity to know what is prohibited, so that he may act accordingly. The Court laid down certain guidelines regarding confessions also. It also stressed that designated Courts should dispose of cases pending without any delay in consonance with "speedy trial" which is an essential component of fundamental rights.

The Court in *Attorney General for India V. Amartlal Prejivandas*, 1994 (5) SCC 54 did not agree with submission of petitioner's counsel, that Government had not chosen to specify the date from which amendments to substitution of Clauses (4) & (7) of Article 22 come into force. It was of the view that it was not necessary to decide as the failure of the Government to

specify the date after lapse of more than 14 years, in this case and applicability of *A.K. Roy's case*, AIR 1982 SC 710, decision was not in need to be considered, though the court had an opportunity to re-examine the decision in *A.K. Roy's case* and consider the question of applicability and enforcement of amendments left on Central Government to specify, which have been lying dead for past so many years.

The question regarding the release on bail has been considered in *Sanjay Dutt V. CBI Bombay (I)*, 1994 (5) SCC 402 case where the Division Bench held that the provision to Section 167 (2) of the Code r/w Section 20 (4) (f) of TADA, creates an indefeasible right in an accused person on account of the “default” by the Investigating Agency in the completion of investigation within the maximum period prescribed or extended, as the case may be, to seek an order for his release on bail. Another obligation cast which was raised by the Court is to inform the accused of his right of being released on bail and enable him to make an appropriate course in that behalf.

If reasoning and logic underlying observation in *Hitendra Vashu Thakur*, 1994 (4) SCC 602, are extended it could mean that every time magisterial order authorizes the detention of accused in custody beyond 15 days, he would be obliged to give notice to the accused and hear him. Such a course may neither be feasible nor warranted. The view taken probably calls for reconsideration.

In *Saniay Dutt V. CBI, Bombay (II)*, 1994 (5) SCC 410 case, it was expressed that if accused applied for bail under the provision of expiry of period of 180 days or extended period as the case may be, he has to be released on bail forthwith. The accused, so released on bail may be arrested and committed to custody according to the provision of Cr.P.C. It is settled that petition seeking the Writ of Habeas Corpus on the ground of absence of a valid order of detention of accused has to be dismissed. It is the nature and extent of the right of accused to be released on bail under section 20(4)(bb) of TADA Act read with Section 167 Cr.P.C in such a situation. Thus the position in *Hitendra Vishnu Thakur's* 9-A of 1994 (4) SCC 602 case is classified.

In view of the decision of Constitutional Bench in Kartar Singh of 1994 (3) SCC 569 case, on meaning and scope of sub-section (8) of Section 20 of TADA Act the court expressed the opinion that it does not require any further elucidation.

It is submitted that the rights inherent in Article 22 that all arrested, detained or imprisoned shall be provided with opportunity to be represented or to consult a lawyer in consonance with provisions of Human Rights as laid under International Instruments. As majority of the Indian masses are poor, illiterate and not aware of their rights, so all of them should be educated so that they can take care of themselves. Since wheels of the same cart, the courts should take care that the Article is given full effect so that any injustice, lack of opportunity or exploitation of these poor and uneducated persons is allowed to be prevailed. If the detained persons are dealt with cruelty, they should be entitled to such remedy, as when they can be released as justice requires.

Preventive Detention on the ground of public or State security is a flimsy and highly suspect justification for the deprivation of liberty. Abuse of power is seemingly widespread throughout the jurisdiction surveyed here. This does not mean that preventive detention can never be justified. But such more rigorous criteria than generally applied ought to be met if the practice is to be convincingly defended.

Preventive Detention is typically based on alleged and vague prospective suspicion rather than, as for detentions in the criminal judicial system, accusations resting on a specific criminal offence retrospectively proved. The suspicions which result in the issuing of detention orders originate in secret and intimately political decision making processes. Detainees are seemingly often suspected criminals and political dissidents, rather than those who pose a genuine threat to public order or national security. Only few details of the grounds for detention are likely to be disclosed to the detainee. Nor is it intended that detentions should be reviewed by genuinely independent administrative or judicial agencies before whom a defense can be offered with a real hope of release from potentially indeterminate confinement. As Stavros states, "there exists a point in time beyond which the administrative deprivation of liberty sheds the character of preventive measure and is transformed into a sanction imposed without due process".

The Principal task in this field for justice and others should be as follows. First, the complex relationship between political and legal systems should be carefully studied in order to ascertain why some countries appear more pre-disposed to instability or intolerance and hence require preventive detention, than others. Secondly, much stronger safeguards with respect to the decision

to detain should be developed by all the states. Constitutions should expressly limit preventive detention in times of war, or states of public emergency which threaten the life of a nation. These should be declared in accordance with international norms and should be subjected to domestic legislative and judicial review. Thirdly, the lawyers should be allowed to be present before the Review Board, otherwise how can a layman fight his case before the Board without the help of the counsel. Hon'ble Apex Court has already held that, no absolute immunity could be claimed by the administrative authorities as and when fundamental rights of citizens inclusive of freedom of movement and pursuit of normal life and liberty are involved. Fourthly, the necessary amendments should be made as per the recommendations of The National Commission for reviewing the working of the constitution for inclusion of all serving High Court Judges in the Advisory Board as Chairman and members. At the same time, the detention should not exceed six months. Fifthly, High standards of proof are a must for preventive detention as the laws need to maintain a balance between the Human Rights and the Security of a Nation for maintenance of public order etc. Sixthly, There should be a provision for adequate monetary compensation by the State though the same is not enough to compensate for detenus mental torture, harassment and loss of reputation.

Within this framework, the circumstances in which detainees can legally be held should be defined as strictly as possible by legislation. All cases of preventive detention should automatically be referred to Administrative Review Boards where detainees should be entitled to legal representation at the expense of the State. Review Panel Decisions should be binding upon the detaining authorities. All detainees should also have speedy access to the Courts through habeas corpus, or its equivalent. In reviewing detentions, independent Courts should apply the objective tests, with the burden of proof resting firmly on the executive to justify its decision to detain.

Thus, to protect the dignity of Human beings and the society, the judiciary has to come to the rescue of individual against the excessive and abusive use of power by the State. It is for the judiciary to protect individual freedom and liberty against draconian laws of the State.

Hence, no activity of the State is beyond judicial scrutiny. The judiciary has rightly been striking down arbitrary, irrational and unfair actions of the State. Further,

the Law Commission may be asked to re-examine the entire scope of preventive detention in accordance with contemporary needs, requirements and need for checks and balances. In the meantime, Hon'ble Supreme Court may also lay down elaborate guidelines to be followed by the state governments prior to issue of orders for preventive detention.

Above all, the State Human Rights Commissions should be constituted in all States and Union Territories as per the provision of National Human Rights Acts. Then only the National and State Human Rights Commissions can play a pivotal role in cases of abuse and misuse of powers relating to preventive detention.

At the same time, preventive detention should also be incorporated as a separate chapter in the Criminal Procedure Code through an appropriate amendment.

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3. DRUG CONTROL AND HUMAN RIGHTS

Dr. Ish Kumar, IPS

1. Introduction

Drugs destroy lives and communities, undermine sustainable human development and generate crime. Drugs are a grave threat to the health and well being of all mankind, the independence of State, democracy, the stability of nations, the structure of all societies and the hope of millions of people and their families (United Nations General Assembly Special Session, 1998). Drug abuse leads to addiction and chemical slavery. It destroys the dignity of individuals, their freedom to think, and ability to evaluate the difference between right and wrong; thus limiting human potential. Drug abuse among young people is increasing worldwide (Annexures 1A & IB). Young people are starting to take drugs at younger ages. The health impacts of drug abuse are evident: dependency, addiction, overdose and sometimes death. Approximately 2 lakh people die every year because of illicit drugs. It is estimated that the entire illicit drug industry is worth US\$500 billion per year, 2nd largest after illegal arms smuggling.

Whether illicit drug use should be considered a crime, a disease, a social disorder or a mixture of all these is a matter of debate.

2. Human Rights Instruments & Drug Users

A series of core human rights' treaties — including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and a range of conventions addressing the human rights of specific groups or concerns (such as women, migrant workers, children, people with disabilities, and racism) — elaborate on the fundamental human rights commitment of states under the UN Charter and as articulated in the Universal Declaration of Human Rights (1948).

Human Rights' documents do not differentiate between drug users and non drug users. Drug addicts are entitled to enjoy all Human Rights including "Right to Health" (ICESCR Article 12). Article 33 of Convention on the

Rights of the Child (CRC) stipulates “States parties shall take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances”.

Treatment of drug abuse must go beyond the provision of a medical remedy and drug abusers may need other kinds of help to live without drugs. Perhaps most obvious is the opportunity to earn a decent livelihood.

Related to this is the right of those who grow or sell illegal drugs to have economic alternatives that provide them with a decent standard of living. Individuals who use drugs do not forfeit their human rights. These include the right to the highest attainable standard of physical and mental health (including access to treatment, services and care), the right not to be tortured or arbitrarily detained, and the right not to be arbitrarily deprived of their life.

3. International Drug Control

The international drug control system is governed by a series of treaties adopted by the United Nations. These treaties require that governments exercise control over production and distribution of narcotic and psychotropic substances, and combat drug abuse and illicit trafficking. Existing treaties include: the 1961 Single Convention on Narcotic Drugs, that Convention as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances, and the 1988 UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The UN Commission on Narcotic Drugs (CND), a treaty body, is the main policymaking body for all matters of international drug control. All UN drug control activities are coordinated by the United Nations Drug Control Programme (UNDCP), established in 1990 (now called United Nations Office on Drug and Crime).

An independent committee, the International Narcotics Control Board (INCB) was established to monitor implementation of the above drug treaties. The INCB plays a key role in monitoring the production and manufacture of illicit drugs and trafficking in those substances. However, it is also tasked with ensuring access to opiates for medicinal purposes. States have obligations to maintain regimes that control access to and use of dangerous drugs, as well as obligations to ensure that certain narcotic drugs are available for therapeutic purposes.

4. Human Right Violations of Drugs Users

Prohibition and punishment for the use for certain drugs have driven the international approach to drug control and dominate the approach of most countries, guided by the three UN drug control conventions.

The drug control policies, and the accompanying enforcement practices entrench and exacerbate systemic discrimination against people who use drugs and result in widespread, varied and serious human rights violations. As a result, across all regions of the world, people who use illegal drugs are often among the most marginalised and stigmatised sectors of society. They are a group that is vulnerable to a wide array of human rights violations, including abusive law enforcement practices, mass incarceration, extrajudicial executions, denial of health services, and, in some countries, execution under legislation that fails to meet international human rights standards. Local communities in drug-producing countries also face violations of their human rights as a result of campaigns to eradicate illicit crops, including environmental devastation, attacks on indigenous cultures, and damage to health from chemical spraying.

4.1. Denial of Health Services/Coercive Treatment

The lack of access to “harm reduction measures” such as needle and syringe programmes means that people who inject drugs must share and/or reuse injecting equipment, thereby increasing the risk of transmission of HIV, Hepatitis C and other blood-borne viruses.

In some countries people are required to register for drug dependence or health care treatment. Drug user registries act as a barrier to health care and drug treatment by discouraging people from seeking treatment and permitting or fostering both real and perceived breaches of confidentiality. In some cases, for example, state clinics and doctors routinely share this information with law enforcement agencies. This leads to a stigmatization of drug users that is severe enough to drive a fear so deep that people don't even dare to show up to take advantage of services that could save their lives. With the degree of demoralization, despair and even fatalism resulting from a life of abuse, drug addicts are not motivated to protect themselves from HIV.

In China, the law states that ‘drug users must be rehabilitated.’ Those arrested for drug possession and use can be consigned to forced detoxification centres without trial. Once inside, detainees are required to

perform unpaid, forced labour and are also subject to mandatory testing for HIV and other sexually transmitted infections and to militarized psychological and ‘moral education’. Investigations have uncovered extreme ill-treatment in the name of ‘rehabilitation’, such as the administering of electric shocks while viewing pictures of drug use.

Large numbers of drug de-addiction centres run by various NGOs in India are poorly equipped to deal with the problem. Most centres make the folly of straightaway detoxifying rather than following the correct procedure i.e. stabilization, reduction & then detoxification. In Punjab, in 2006, 11 fake de-addiction centers were busted and 300 people were rescued. In many of these centers inmates are confined in shocking conditions and are also subject to torture.

4.2. Arrest and Ill Treatment & Racial Discrimination

Drug users continue to face police harassment even when doing socially helpful things like seeking clean needles, mostly as law enforcement agencies are ignorant about harm reduction measures, especially in India. People who use drugs make especially easy targets for arrest or ill-treatment by police needing to fulfil arrest quotas (Human Rights Watch reports on Russia, Kazakhstan, and Ukraine). In addition, the need to fulfil arrest quotas or achieve convictions may encourage police to engage in torture or other abusive tactics to extract confessions from criminal suspects.

Many people who use drugs find themselves incarcerated at some point in their lives, often cycling in and out of custody over many years. Upon incarceration, many opioid-dependent prisoners are forced to undergo abrupt opioid withdrawal. Forced or abrupt opioid withdrawal can cause profound mental and physical pain, have serious medical consequences, and increase the risk of suicide among opioid-dependent individuals with co-occurring disorders.

In a study in the US it was found that “Most drug offenders are whites, but most of the drug offenders sent to prison are black,” Across the 34 states, a blackman is 11.8 times more likely than a white man to be sent to prison on drug charges, and a black woman is 4.8 times more likely than a white woman

4.3. Punishment for Drug Addiction & Death Penalty

As per the provisions of NDPS Act 1985, a drug addict possessing small

quantity of drugs for personal consumption will undergo an imprisonment from 6 months to 1 year in India. In case he subjects himself to undergo treatment he can be sent to a de-addiction centre. However, the moot point is that if a drug addict is considered a victim & a chemical slave, he should not be treated like a criminal & should not be imprisoned. Actually Indian law does not distinguish between a drug peddler and a drug addict.

The NDPS Act is a draconian law as it prescribes a minimum punishment of 10 years of sentence in case of possession of commercial quantity of drugs & the Judge has no discretion in reducing the sentence. Bails are extremely difficult to get in case one is caught with commercial quantity of drug. It is ironical that an accused in a murder, rape and dacoity offences gets bail including anticipatory bail, much faster but not in a drug offence.

The death penalty for drug offences is a violation of international human rights law, yet almost thirty countries retain capital punishment for drug offence. In Malaysia, between July 2004 and July 2005, thirty-six of the fifty-two executions carried out were for drug trafficking. Around 100 people are executed by firing squad in Vietnam each year, mostly for drug-related offences. Since 1991, more than 400 people have been executed in Singapore, the majority for drug offences. In recent years, China has used the UN's International Day against Drug Abuse and Illicit Drug Trafficking (26 June) to conduct public executions of drug offenders. In February 2003, the government of Thailand launched a violent and murderous 'war on drugs', the initial three-month phase of which resulted in some 2,275 extra-judicial killings. In November 2007, the Thai Office of the Narcotics Control Board disclosed that some 1,400 people killed had no link to drugs at all. UN Secretary-General (1995) noted that for capital punishment in drug offences threshold ranged from the possession of 2g to 25,000g of heroin. Hence there is no uniformity/proportionality in sentencing structure.

Whether drug trafficking qualifies to be the most serious and the rarest of the rare crimes to attract capital punishment is a subject of debate. Most of the civilized societies in the world have already done away with the death penalty. For many drugs carriers and farmers, it is more of a question of livelihood & they are either ignorant or not bothered about its consequences. I personally feel that only when a drug trafficker is a part of large drug syndicate & drug money is being used to fuel Narco-Terrorism against the country's stability and integrity, death penalty may be imposed.

4.4. Crop Eradication & Livelihood

In Afghanistan, Poppy cultivation provides some two million farmers with subsistence income, apart from wages to laborers. Research conducted in 2002/2003 by the UNODC in Myanmar (Burma) found that illicit crop eradication led to a 50% drop in school enrolment, and that two of every three pharmacies and medical practitioners shut down. The rapid elimination of the farmers' primary source of cash income caused 'economic and social harm to the region.' Decades of forced eradication efforts in Latin America have left a trail of social conflict, political unrest, violence and human rights violations.

There is ample reason for concern that chemical spraying causes serious harm to the environment and human health, both immediately and in the long-term. The damage is often inflicted upon illicit food crops - and hence food security for a very vulnerable segment of the population is also cause for concern.

5. Is UN Drug Control Policy Leading to Human Rights' Violations of Drug Users?

The impact of drug control is often disproportionately focussed on vulnerable groups and marginalised communities. The victims in the majority of the human rights violations documented above are not the major drug traffickers, drug 'barons' or 'kingpins'. Rather, they are the poor farmers, small time dealers, low level drug offenders and, overwhelmingly, people who use drugs. The majority are poor.

None of the HR principles are evident in the drug conventions, nor are they evident in the governance and monitoring structures in the drug control system, "whereas obligations of parties to the Conventions on drug control concerning reduction in illicit supply are clearly defined, implementation of demand-side obligations of States Parties are not specific and depend on the ability of States parties to carry out education, information & treatment.

The drug conventions are entirely silent on the active involvement of people who use drugs, key among those whose health and welfare are at stake and who bear the consequences of the drug control treaties, or the involvement of communities affected by drug use, production and trafficking & crop eradication etc.

On one hand, the UN is tasked by the international community with

promoting and expanding global human rights protections.

On the other, it is also the body responsible for promoting and expanding the international drug control regime, the very system that has led to the denial of human rights to people who use drugs.

A growing body of research casts doubt on the link between harsh enforcement of drug laws, and reduced levels of drug use or problems. The question must be asked - if a measure fails to achieve its 'legitimate aim' can it ever be considered 'necessary' to achieve that aim?

6. Responses from Drug Control Organs

The General Assembly adopted a Declaration on the Guiding Principles of Drug Demand Reduction (resolution 54/132), pledging a "sustained political, social, health and educational commitment to investing in demand-reduction programs that will contribute towards reducing public health problems, improving individual health and well-being, promoting social and economic integration, reinforcing family systems and making communities safer."

"World Drug Report 2008" says, "The drug users are excluded and marginalized from the social mainstream, tainted with a moral stigma and often unable to find treatment." More resource are needed to prevent people from taking drugs, to treat those who are dependent and to reduce the adverse health and social consequences of drug abuse.

The International Narcotics Control Board recently recognized the necessity for Harm Reduction measures in its 2008 report "measures that may decrease the sharing of hypodermic needles among intravenous drug abusers are necessary to reduce the spread of AIDS".

In World Drug Report 2009, Mr. Antonio Maria Costa, Executive Director, UNODC has laid emphasis on:

- i) Promotion of "Right to Health" of drug addicts & universal access to treatment.
- ii) Law Enforcement Agencies should shift its focus from drug users to drug traffickers.

Further, Executive Director, UNODC in the preface to World Drug Report 2008, has mentioned that although drug kills, we should not kill because of drug. Public security and public health must be protected in a way that

upholds human rights & human dignity. Human Rights should be a part of Drug Control regime.

7. Suggestions to Make Drug Control Regime Human Rights Compliant

- i) Eliminating mandatory minimum sentences and restoring judicial discretion to sentencing of drug offenders; abolishing of death penalty.
- ii) Increasing public funding of drug abuse treatment and prevention.
- iii) Young people & civil society must be involved in the conceptualization, implementation and assessment of programs to address substance abuse prevention and care.
- iv) The CND should adopt a resolution instructing UNODC to develop human rights impact assessments for all current and future drug control programmes, through collaboration with the OHCHR.
- v) UN should appoint a Special Rapporteur on HIV/AIDS and human rights.
- vi) Contradiction between health and law enforcement must be reconciled.

ANNEXURE-1A

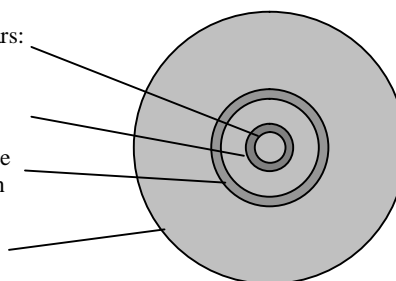
Illicit drug use at the global level

Number of people who inject drugs aged 15–64 years:
11–21 million persons

Number of “problem drug users” aged 15–64 years:
18–38 million persons

Number of people who have used drugs at least once
in the past years aged 15–64 years: 172–250 million
persons

Total number of people aged 15–64 years in 2007:
4,343 million persons



Source: World Drug Report 2009 (Published by United Nations Office on Drugs and Crime)

www.unodc.org

ANNEXURE-1B**Extent of Abuse at Global level (Drug wise) 2006-07**

	Cannabis	Amphetamines-type stimulants		Cocaine	Opiates	of which is Heroin
		Amphetamines	Ecstasy			
Number of abusers (in Million)	165.6	24.7	9	16	16.5	12
In % of Global Population age 15-64	3.90%	0.60%	.020%	.040%	0.40%	0.30%

Source: World Drug Report 2008 (Published by United Nations Office on Drugs and Crime)
www.unodc.org

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4. ROLE OF POLICE DURING NATURAL DISASTERS/EMERGENCIES

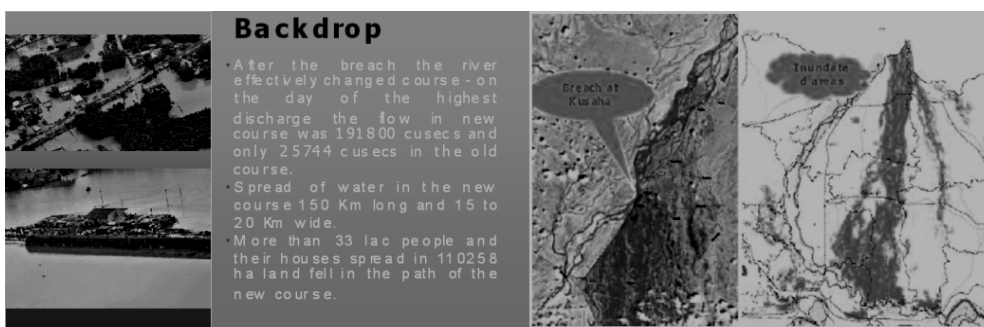
Paras Nath Rai, IPS

Disasters, whether natural or man-made, are happening all around and in all such situations police force have always responded as first organized response. Police is the first responder for most of emergencies and naturally so, given the reach and proximity that a police station has to a disaster site. Its organizational capability makes it suited for variety of tasks including rescue and relief work.

The present paper has made an attempt to analyze the role of Police in disaster management. The role of police is being discussed in the background of Kosi disaster 2008 when the author had the opportunity to organise rescue and relief operations as Special Secretary in the department of Disaster Management, Government of Bihar. The paper studies police role not only in the context of immediate response in terms of rescue but also in different stages of relief and recovery.

BACKDROP

On 18th August, embankment of river Kosi suffered a breach at Kusaha, 10 kilometers inside Nepal bordering Supaul district of Bihar.



MCTP

Name of affected Districts-

Supaul, Madhepura, Saharsa, Araria, Purnia

1. No. of blocks affected – 35

2. No. of Panchayats affected	– 412
3. No. of villages affected	– 993
4. Population affected	– 3329423
5. Live stock affected	– 712140
6. Area affected in hectare	– 368000
7. No. of human deaths	– 527
8. No. of live stock deaths	– 19323
9. No. of houses damaged	– 220174

§ **Search and Rescue** More than a million people were evacuated in one of the largest evacuation operations ever. This had to be undertaken under conditions of terrible constraints. Roads, rail tracks, bridges and telephone lines were thrown out of use. Families of those responsible for the rescue operations stood marooned, looking for shelter. Moreover, there were no boats in the area since it had not seen floods for years. At peak 35 columns of army, 4 units of navy coast guard, 855 National Disaster Response Force personnel, 3500 police personnel and approximately 5000 civilian personnel and more than 1500 country boats and 561 motor boats were deployed for evacuation. Each column had 120 personnel and was commanded by Col./Lt. Col/Major/Captain. Each had 8-10 boats. Columns came from all over the country including Ranchi, Shillong, Bareilly, Bhatinda etc. by AN-12 aircraft & by road. The traffic was so heavy that Purnea & Patna major airhead / railhead got clogged many a time.

§ **Resource mobilization** Police could be of immense help in mobilizing resources including boats for mounting rescue work. During Kosi calamity 2008, the state government launched mammoth evacuation operation using boats and motor boats and boatmen. As this area did not have boats, 1500 boats were transported to the affected districts by trucks and tractors from all over the state. Police had played significant role in locating, loading and transporting these boats. Moreover, those boats had to be operated under the guidance and protection of police. In addition 561 motor boats were mobilized from NDRF, Army, Navy and our own sources. In all, more than 2200 boats and motor boats were deployed and

around one million people were evacuated. This has been one of the largest evacuations ever in the country. More than 1500 country boats and 561 motor boats were deployed for evacuation.

- § **Provide rescue teams** Many states have raised specialized disaster management units within the police organization. Orissa has OSDRF, Bihar has sanctioned one battalion of SDRF for disaster management. Special battalion of home guards is also being trained. And, of course the highly trained 8 BNs of NDRF are actively involved in emergency response. Police has its own boats that can be brought in operation. CPMF including SSB, BSF are equipped with boats for serving people which can be mobilized in emergency.
- § **Provide security to resources** During times of emergency, local responders too get affected. As such, the resources mobilised from outside get lost. Boats sent from other places required guides and security since many a time unscrupulous elements hijack them to operate their own services for personal benefits. In addition, people to be rescued want to board first and naturally so, many a time along with their belongings including cattle which to many is all their wealth. Therefore policemen have to be placed on boats to prevent overcrowding and capsizing to ensure orderly and safe rescue work. Even army boats needed them during Kosi.
- § **Communication During** Kosi operations, rescue teams operated in mostly unknown area. The current being very strong boats capsized a few times. Moreover, they had to traverse long distances and since local guides were not available, they got lost on several occasions. In addition, teams needed to be informed about marooned people based on information received in control rooms at district/state level as well as senior officers. This was required to help them reach right place in real time. Good communication was required for the safety of rescue team also as they operated in extremely adverse conditions as mentioned above. On the other hand telephonic communication broke down since the cable got damaged and the exchanges were closed for safety purposes. Mobile phones stopped working, landlines hardly worked. The police wireless therefore was most useful. In fact, in such emergencies this could be most useful since it is readily available and provides integrated and secure

communication. Given the wide network of mobile phones they can be extremely useful. But they have limited application as they cannot be given in short time and get discharged quickly.

Later on when army and others arrived, SIMs was given to each column for unitary communication. Satellite phones were obtained from MHA and given to the field formations.

- § **Crime control and law and order Safety** of houses vacated/abandoned by people. As villages and towns became vacant, it was a task of gigantic order to prevent crime with water swirling around. When people are evacuated from their homes or neighborhoods, houses are left unsupervised and opportunities to commit crime can be rampant. In addition, large amount of cash for distribution was carried to remote villages on boats and on foot with few policemen as escort.

People are without job during such times and therefore incidence of crime generally increases. Additional police forces with boats & communication are required to be deployed to prevent crime and apprehend suspects when required. Thus controlling criminality in time of stress and migration becomes one of the primary jobs of police.

- § **Coordination with cooperating units like NDRF, army** The outside rescue units mostly of uniformed personnel, police officers could be most suited for coordination. Army officers and others would feel more comfortable in working with the police. Thus, SP at the district level should be the coordinating link. The State of Bihar has realised the advantage and now, after Kosi, a police officer working in Home department as Special Secretary has been given additional charge in disaster management department.
- § **Relief operation/camp management** Co-terminous with the largest ever evacuation operation undertaken in this country was the regular supply of food packets to marooned people. 1,21,892 food packets along with 1,74,387 water bottles and 4,38,680 halogen tablets were air dropped by 11 helicopters in 314 sorties in one month. Apart from air droppings, 2,48,929 food packets were also distributed by boats and other means. Immediate relief was organized by housing displaced people in relief camps located in every available building/open high ground wherein basic food in form of 'khichri' was provided. Subsequently the scale of

facilities was considerably enhanced and mega and semi permanent camps were established where the Camp inmates were provided not only food (3 times a day) but also means of entertainment and occupational training.

It was an entirely new experience. Never before did the state administration arrange camps for victims of natural disasters specially floods, even though they are recurring phenomenon. In previous years, the role of state administration was limited to providing absolutely temporary shelter in the form of polythene sheets to those staying on embankments or other high ground/housetop available in the area and make temporary camps in government buildings.

Relief Camps were established in school/college buildings, polythene sheets, tents and GCI sheets. At peak of the relief operations, 362 relief camps were setup which housed over 4 lacs people. In addition, 119 food centers were functional in interior areas for persons who could not / did not come to the relief camps. Later on, 35 mega relief camps having population of more than 5000 in each were established with 12000 tents received from CPMF, army etc. The discharge in the new course was not expected to come to a level that could help closure of the breach before January 2009. As such breach closure was not expected before Jan. 2009. Moreover, the school buildings had to be vacated for normalization of teaching work. The onset of winter also necessitated arrangements where people could stay comfortably. Therefore 168 semi permanent camps with GCI sheets were also established so that people could stay for longer time.

- § **Security in Camps** Camps had people from many villages with different religious, political and caste backgrounds and thus there was potential for friction. As it is, political leaders made frequent visits to the area. Many of them were critical of the arrangements and therefore their visits had potential to create trouble. Clothes, utensils are distributed in the camps. Food was distributed 3 times a day. Therefore, policemen had to be deployed for security of camp inmates, Camp managers and doctors etc.

Summary of Relief Distribution in KOSI Calamity -2008

Phase-I (22nd Aug - 30th Nov 2008)	Phase-II-(6th Jan - 25th Feb 2009)	Phase-III - (26th Feb - 30th Mar 2009 & 20th May -29th Jun 2009)
<ul style="list-style-type: none"> • Distribution of one qtl of grain, Rs. 1000/- each for clothes and utensils and Rs. 250/- for 838443 flood affected family i.e. • 838443 qtls grains and Rs. 18256.61 lac distributed. • Distribution of kits which includes Dhoti/ Lungi/ Saree, Gamachha, garments for children, one Thali, one Glass from Chief Ministers Relief Fund, • 198036 kits distributed. • Air Dropping - 121892 nos. of food packets dropped till 13.09.08 (Chura-365982 Kg, Sattu-121646 Kg, Salt 60956Kg, Gur-60956 Kg, Water Bottle-174387, Halogen Tablets-438680) ³¹ 	<ul style="list-style-type: none"> • Distribution commenced from 6th Jan 2009. • Distribution of cash @ 1590/- in lieu of one qtl of grain and Rs.250/- as cash dole for every flood affected family. Rs. 13211.5 lac against grains and Rs. 2077.28 lac against cash dole distributed. • Payment of Rs. 250/- each for blankets from CMRF, Rs. 2161.75 lac distributed. • Distribution of educational assistance from CMRF for students @ 800/- upto class 8th 1000/- for class 10th and 1200/- for class 12th Rs. 3420.01 lac distributed amongst 422671 students. ³² 	<ul style="list-style-type: none"> • Distribution commenced from 26th Feb 2009 • Agricultural input subsidy assistance to the farmers. Rs. 4579.035 lac amongst 199835 farmers. • Assistance for desilting of land @ 6000/- per hectare. Rs. 553.213 Lac amongst 22256 farmers. • An amount of Rs. 7639.875 lac distributed against house damage assistance to 131876 households. • Ex-Gratia payment for human death @ 1 Lac from CRF Paid to 186 next to kin of the deceased. • Rs. 226.266 Lac given as assistance for Live stock replacement for 2639 animals. ³³

§ **Scale of relief operations** We all agree that relief distribution that too of the magnitude shown above has huge potential for discontentment/dissatisfaction. Even though, administration may devise ways and means to ensure impartiality, acts of omission and commission may result in security problems. However, if distribution process is fair and quick, the possibility of that is greatly reduced as happened during Kosi. There was no security problem worth mentioning. The measures included constitution of District, block and panchayat Level Relief Monitoring Committees. District committee was headed by Minister-in-charge while representatives of all political parties were members with District Magistrate as Secretary. The committees played very important role in entire relief procurement and distribution process. The list of beneficiaries of flood affected families was finalized by them only and distribution of GR & Cash Dole was done at identified points in the presence of committee members. Relief distribution process was videographed. Detailed

guideline was issued to all concerned District Magistrates for distribution of GR & Cash Dole. The details regarding the disaster and subsequent relief operations were posted daily on website - <http://disastermgmt.bih.nic.in> to ensure transparency. Special cell was constituted in every district as well as the State Head Quarter.

- § ***Security of personnel and material engaged in distribution*** of relief was a stupendous task. Alongside evacuation, administration has to start relief operations. This involves opening of camps and distribution of food grains and cash, clothes, utensils, kits and later on compensation for loss of crop, damage to land etc., for which distribution centres are located in interiors close to the affected villages. Huge quantity of grain and lakhs of rupees were stored at these centers for distribution where large number of people gathered. Minister in charge of the district supervised distribution work. Peace had to be maintained among people who were in such dire straits and had lost so much. Tardy distribution of relief again provides opportunity for beating up government staff or disrupting traffic movement necessitating police intervention. During Kosi calamity, once they beat up army men. This occasion has great potential for law and order since there are some people who claim to being denied what they believe was their due. These events develop into flash points requiring immediate police response. Thus there is need for good number of policemen for safety of all concerned.
- § ***Security of grains being transported specially by trucks*** Wheat and rice was being continuously sent by road and rail from Patna and other FCI and SFC godowns to storage places nearer to the flood areas for transportation to the relief distribution centers located in Panchayats or supply to the hundreds of relief camps for feeding more than 4 lac people.
- § ***Security of food godowns*** In the initial stage when the displaced people do not get enough relief, they do indulge in looting of food grains kept in godowns or being transported. This is also the time when there is not enough police and or it itself is in distress. Therefore, police must prepare contingency plan to cater to existing as well as temporary food storage sites. Additional police forces must be made available at the earliest.
- § ***Security of cash sent from the chests to storage/ distribution centers*** many banks / branches located in the affected area got closed when people needed money for their emergency needs. More than that, the

government required huge cash to distribute as dole. Money was also required by camp managers to buy relief material, pay for fuel etc. Further, many of the branches did not have the capacity to hold the huge amount of cash required for relief operations. Their limit was less. It is worth mentioning that Rs. 235 Cr. was distributed during the Kosi operation. Therefore cash had to be transported from currency chest branches located in far off places including Purnea for which dedicated escorts were provided for safety of the cash.

- § ***The NGOs, charitable bodies, religious and social groups*** P SU's and UNICEF etc., play key role in the relief work. They were quick to reach the area, establish kitchens wherever they could. Later on many of the NGOs chipped in with help in the form of clothes, food packets. However, it must be appreciated that their reach was limited to roads whereas affected habitation and temporary shelters were located in the interior areas away from the main roads where most are unable to reach. The food and clothes get looted in the early days. It is not possible to provide security to each and all, but the safety of the providers and inmates during distribution is a difficult job but an essential one. Many of them do not go without police escort since they feel threatened and rightly so as the food and clothes get looted in the early days. After all, people were in distress.
- § ***Security at railway stations where relief material is*** received and stored before being dispatched to destination. During Kosi calamity, special trains with relief material from state governments, organizations arrived at three main railheads – Purnea, Katihar and Patna. They had to be collected, stored at the station before being dispatched to the destination as decided by the department of disaster management. This required deputation of policemen at all these places round the clock to ensure safety.
- § ***Security for VIP visits*** Political leaders of different parties including those critical of the government initiatives frequently visit the affected areas and the relief camps which provide opportunity to politically opposed/dissatisfied to resort to protests. This results in threat to VIP and law and order problem.

During emergencies, rescue teams of armed forces and central paramilitary forces and police forces of different states arrive. In addition,

large numbers of government functionaries are deputed for rescue, recovery and rehabilitation. These personnel too need policing at times

§ ***Traffic management*** For providing easy access to rescue and relief

personnel/vehicles National highways/other roads had to be kept free for movement of rescue teams and relief material. Check-posts were established along the highways for ensuring safety of relief material. The highways were continuously patrolled for safe passage of army convoys, boats and other resources sent from outside. Vehicular movement in and around relief camps, DM office and control room increased manifold with rescue team reaching with boats and tents, NGOs & other Charitable bodies rushed with all kinds of help. Therefore regulation of vehicles in DM office, control room and camps was a big challenge which should be provided for in any emergency management SOP.

§ ***Major task that emerged was arranging vehicles for army columns*** etc. Each column required one small vehicle, 2 buses, 4 trucks and 1 medium vehicle for administrative work. The requirement of vehicles can be gauged from the scale of operations- 35 columns of army, 850 NDRF personnel and equal number of outsiders. Vehicles had to be picked up from the road and requisitioned. No wonder within no time national highways became deserted. All these vehicles needed fuel. It was huge requirement. Petrol pumps needed to be protected since fuel was in short supply.

Conclusion

The Kosi disaster has amply demonstrated the significant role of the police. Police involved in each and every activity of rescue & recovery. Policemen were critical to evacuation of people, maintenance of law and order in affected areas and relief camps, security of responders etc. Its resourcefulness, widespread presence and organized nature make it ideally suited for role of first responder. But there is no allocation of resources to perform all these jobs. Given the functions that a police has to perform during such emergency, it is essential to build capacity of the responders. Therefore, the state police force should be properly trained in all the above dimensions of their work. While the police have a significant role all along, its role has not been highlighted suitably. To institutionalize this and also to have better coordination with other stakeholders it is suggested that the organization must find

representation at appropriate fora. Hence this needs to be rectified and the acts amended suitably and SOPs prepared accordingly. Finally, the organization should be provided with sufficient funds to equip it and build capacity. Only then it could fulfil the expectations of all the stakeholders including the public.

5. CAREER PLANNING OF WOMEN IN POLICE

Anupam Kulshreshtha, IPS

Introduction

Career Planning of Women in Police assumes great significance as the theme for the conference is Women Police as agents of change. The focal issues that make career planning almost a need of the hour is the organisational response to the growing number of women in police and the very fact that their growing numbers have impacted the Police organization very positively.

What is Career Planning?

Career planning is nothing but the progression of career from one position or job profile to another through a series of such job descriptions lasting through the functional lifetime of a woman's career. Nearly 35-36 years of her youth, middle age and to the onset of senior age the woman spends charting her career path in a Police organization. Now when she is spending most productive years of her life in the service of an organization that until some decades back was considered a traditional male bastion, the Organization should recognize her contributions and provide her the flexibility to avail career options that would suit to her exclusive life stages and help her maintain life style equilibrium.

To 'plan' means to make preparations for and to decide on and arrange something in advance. Through Career Planning both organizations and individuals evaluate their abilities and interests, consider alternate career opportunities and establish career goals, it gives the necessary discretion and direction/flexibility and variety/leeway and scope and option in routing a career path. The attempt is to bring an alignment between the goals, ambitions and aspirations and circumstantial needs of the individuals with that of the organization for mutual benefit. This enhances employee's job performance as it also dispels boredom from setting in (often the root cause of under productivity) and the overall effectiveness of the organization. The most suited personnel for specific assignments get identified as a result of this exercise and hence it gives greater job satisfaction to individuals which

adds to their high self esteem and position attitudes, prevents under productivity, increases employee commitment, involvement and satisfaction in the organization.

How to Plan

There are many empirical ways to plan out careers. Decide where you want to be 5, 10, 15 years from now. Build flexibility into your career plans to allow for changing circumstances. Tools include:-

CAREER ASSESSMENTS, A WORKPLACE VALUES EXERCISE, A PERSONAL MISSION STATEMENT AND A SWOT ANALYSIS

Why Career Planning for Women

Why we need to plan career for women in police is because of the

- i) Substance a woman is made of,
- ii) Her impacting contributions to the department.

An organizational response to increasing number of women in the department and yet a nascent experience of the department in upbringing their women counter parts,

- iii) The fact that they enjoy greater public confidence and faith,
- iv) That the life stages of women require concurrent attention.
- v) As a HR Strategy to earmark or identify certain roles that match with their innate qualities and suit them during unique/distinctive life stages.

This does not mean to push her from the mainstream and typify certain roles for her alone. But only to give her the necessary relief in her distinctive periods that need to be organizationally supported and at the same time give her the professional job satisfaction in doing those roles. This problem is most acute for non gazetted ranks of police where there are insufficient job opportunities of hopping from the active field to equally significant non field jobs and back. Now these non-field jobs have to be made equally mainstreamed.

We need more women to join the department for which certain incentives need to be incorporated as motivational tools. Endlessly performing one type of role leads to boredom and there are no opportunities for new learning and sustaining interest in job. For Optimization of performance it is essential to

provide a window of opportunity and freedom to schedule job assignments in conformity with life stages and age. It is more important for women because they have more twists and turns to negotiate along the road to career success than do men. If she has a road map she is less likely to become derailed if she decides to be with a significant other- like have a baby or suddenly need to care for an elderly parent.

Substance a Woman is Made of

The substance a woman is made of are amazing - Passion, Patience, Perseverance, Fairness, Sense of justice, Soft Skills and communications, Negotiation skills, Mediation skills, Multi-tasking, Natural mentors, Intuitiveness, Consistency, Humaneness, Accessibility to women and children in distress, Restraint, Tolerance and endurance, Honesty, Sincerity, Mental strength and courage.

Her Impacting Contributions

We start with the basic premise that women in general are capable of all assignments if trained well. However, there are certain roles for which they may be better suited. They can and have made Valuable contributions in many fields.

Challenges

This is no mean achievement in the face of certain hard challenges they have faced in the department which can be classified as -

- i) Functional,**
- ii) Attitudinal,**
- iii) Professional training, and**
- iv) Familial.**

Functional Challenges

While in the field functions and roles, the women have difficulty due to late working hours/hectic, unsystematic and disorganized schedules/ lack of basic infrastructure at police stations like toilets, rest rooms/ family accommodation/night rounds and carrying out raids that are besotted with problems catering to exclusive life stages like - period of menstruation, pregnancy, child care, etc and their vulnerability during mob handling.

Attitudinal Challenges

The organizational attitude and thinking needs a sea change. Non cooperation and problem of acceptance from male subordinates and colleagues, harassment by local politicians in collusion with defiant subordinates, character assassination by mischievous subordinates, tendency to keep women away from core police jobs the trust deficit there is always a question mark whether women can perform as well particularly in positions considered male preserves like Field Postings Females not being considered for posts regarded as tough and exclusive preserves of male. Many lady officers get posted in naxal affected districts and those who have, have made a mark. But do we talk about them and recognise their contributions. Biggest problem is handling of the subordinates. Subordinates find it extremely difficult to take and follow orders from the female superiors. Ladies are not able to elicit same degree of cooperation from the subordinates as like their male counterparts. Women are considered a liability and possible sexual harassment at workplace only compounds difficulties.

Professional and Training Challenges

In many states the focus of the trainers is mostly on the male trainees, so lady trainees are not trained to the same extent and do not get adequate opportunities because of the inherent gender bias at the cutting edge trainer level, women are considered soft, training curriculum is not tailor-made to suit the requirements of the lady trainees. In some states, they are given a lot of concessions in outdoor. Training is more casual in some states and does not build their capacity and skill. It is so very important to build their skills to give them the necessary confidence and correct strategy to face the situation. There is no uniform structure or syllabus the training is administered in some places seriously, elsewheres casually and lot depends on the Head of Academy. Women get pushed around in a job or tendency is to put them on social service functions for compliance of all social legislations consequently they are markedly under utilized at times as there is no properly planned career progression keeping in view their atypical status.

Familial Challenges

The family issues like marriage/separation from family, extra marital issues

of spouses, care of children particularly if number of children is more and it is a nuclear family with no support and back up, pressures from family, in laws, spouse's profession being equally tough such that he is unable to shed off her family load/ and in addition there is also dependency of parents/ in laws to add to her burden.

Having made a point here for why Career Planning is so vital if we wish to retain and sustain the services of not only the existing women in police and optimize their contribution but also to make the organization receptive to their peculiar needs and attractive to other women also to take up Police as a career option if we truly want women to be change engines of the organization and give it a facelift, I now proceed to delineate the strategies for Career Planning of women in Police.

Career Planning Strategies, Career Planning Policy

The department needs to restructure its human resource strategy by looking inwards and adopt a career planning policy which gives the required flexibility to women to exercise the right choice concomitant with their life time situation so that there is mutual synchronization of needs of individual and organization. The task of planning has to begin in advance and before the onset of her policing career and after training. There should be clarity in assessment of the women intake as recruits at various levels, and their career mapping as per life stages, aptitude tests and SWOT analysis. This should be an exercise done as a cadre management policy.

Recruitment & Training

They should be recruited and trained as a unified cadre. Mostly equity and differential training only to some extent are preferable. The first few years when women are unmarried and do not have family responsibilities to cater to they could be put to field duties this would also utilize productive youth force for strenuous field jobs and give women a sense of pride of having done as well as their male counter parts. They should have mandatory minimum field tenures within limited flexibility of time span to complete that, later they can mature into roles that suit life stages. It is important that we mainstream them in the department, those in mainstream give them independent charge of a police station, reserve lines, etc

Career Option & Placements

Create cadres also for forensic experts, psychologists, negotiators,

counselors so that they take over staff functions, are productively employed in all stages and at the same time release other workforce for operational work and mainstream these cadres as well so that they derive maximum job satisfaction and a sense of worth, this means to give them job options for lateral movement/free deputation opportunities and train them simultaneously like induction as drivers, in skill based work like IT and cyber field, as training instructors etc. This way they would have had a complete job by having not only protective preventive placements but at all command/ creative levels too.

Attitudinal

Women also need to realize that their placements will be performance based. It is as important to change mindsets in the organization and realize that maintaining a life-style balance is imperative for the women.

Mentoring

Mentoring and awareness generation programmes would go a long way in telling women in police what are the roads open to them at a particular stage of their life for maintaining lifestyle balance and what would be the expectations from them in that assignment that would help them make the right choice. Mentoring and training for teaching them consistency, team work, multi tasking, acquiring Knowledge, skills, having role models, taking risks and leadership roles, and having passion would make them desirous of taking on challenges and turning challenges into opportunities.

Capacity building on the job / skill building and sending them for advanced training and also making them aware of what openings it would bring to the them in career is the right strategy rather than taking up placement issues haphazardly. There is a requirement to make them more organized and aware and equipped to handle a professional challenge.

Career Planning & Management System

Mentoring programme can help in career growth. It can be used as a career planning strategy for addressing career needs. It can also grow in the form of Career Planning & Management System through electronic media and act as a resource centre to provide career information for making informed choices about future careers, for having access to relevant, up to date occupational information is an essential part of career-decision-making process. A technology based Career Planning and Management System can be

introduced in the form of intranet, bulletin board. The Career Planning & Management System can be customized to needs of women police and can provide descriptions of career opportunities available in police organization, database to access more information about a particular career of interest, access to mentors who can assist women police with career planning and mentoring as a consultative process.

Organizational Response

Equally important is to introduce flexible working conditions part time work including job sharing, flexible rostering and flexitime, home based work in certain emergency situations, family leave/ child care leave/career breaks including periods of leave in which access to training / study leave would be possible/family friendly policies posting couples together/ nearby (whether in government or otherwise), creches for child care, school facilities, toilets and rest rooms.

One thing that will make a difference is Departmental Acceptance and taking pride in our women keeping them in the forefront and trusting their capabilities, continuously training them and giving them upgraded skills. Fix mandatory minimum field tenures but give her the flexibility over a reasonable time span to complete it.

Multi-Strategies

The PAR exercise of identifying areas best suited to inherent potentials and orientations should be seriously enforced that's where mentoring to enable individual woman to recognize her capabilities and orientations can play a major role.

Forums can be set up for immediate grievance redressal at district level with a woman in charge. The organization needs to make a positive discrimination towards its women as enshrined in the Indian Constitution. Everything should be within her reach. However both organization and women need to realize that everybody cannot be everything. Just like all men are not alike so are not all women. Hence stereotyping women is not right. Everyone has her own personality the key is to develop in such a way so as to optimally utilize our inherent potential and forge ahead in fields where we can make greater contribution. Open house or Darbars for all ladies of the Cadre by the senior lady of the State to mentor/ counsel and sort out their issues. Help of a psychologist/psychiatrist can also be taken.

Implementable Optimism

(Women also have to unleash the power within them/to draw more strength out of their education and skills to continue their education. It lies in the hands of women to change the mindsets of men.) Career planning can only optimize their contribution. Career planning through life stages would counter under/low productivity due to no planning. Mentoring at all levels for the first five years at least by professional counselors and department seniors would help as we need to care for and own our women folk with pride and guide them.

Equipping them with training and recognising their innate strengths and aptitudes that are further enhanced and weaknesses too that are taken care of with proper training as proper training can help to handle challenging assignments. Encourage those who volunteer to lead in male bastions, encouragement, reassurance and motivation is what they need and modernization of mindsets is what they need from the organization. Women also have to constantly strive for improving their skills, knowledge of emerging fields.

Make women the face and fist of police by increasing the numbers and see what magic they do.

Recommendations***Career Planning Policy***

The department needs to restructure its human resource strategy by looking inwards and adopting a career planning policy which gives the required flexibility to women to exercise the right choice concomitant with their life time situation so that there is mutual synchronization of needs of individual and the organization.

The task of planning has to take place in advance and before the onset of her policing career and after training.

There should be clarity in assessment of the women intake as recruits at various levels, and their career mapping as per life stages, aptitude tests and SWOT analysis. This should be an exercise done in advance as a cadre management policy.

Recruitment and Training

Changes in the State Recruitment Policy for constabulary as in GOI

Adoption of Transparent Recruitment Process by States uniformly Physical test to be only qualifying in nature.

There should be differential eligibility criteria for women in terms of height, etc.

They should be recruited and trained as a unified cadre.

Mostly equity and differential training only to some extent.

They should be trained together and no separate women Police Training Colleges.

Training

In-service Training for women - Specifically invite nominations for certain percentage of women participants. In-service training to have creche facilities, family accommodation, etc.

More women to be inducted as trainers/instructors particularly for outdoors - that would also take care of prevention of the problem of gender discrimination fit Sensitize them, right at training level SI Veena Shastri Rajasthan Police Academy is an outdoor instructor.

Women should be given scope to exercise option for specialization and trained for that but that should not in any way lessen their promotional Opportunity Training for specialised cadres like motor driving/ IT based work, etc.

Placements

Minimum field duties first 5 years, utilize productive youth force Mandatory minimum field tenures within limited flexibility of time span to complete that and later they can be given job options to suit life stages- flexibility and relaxation.

- Mainstream them in the department.
- Those in mainstream give them independent charge of a police station, reserve police lines, etc.

Create cadres also for forensic experts, psychologists, negotiators, counselors - so that interested women can take over such staff functions, are productively employed in all stages and at the same time release other workforce for operational work.

-
- Mainstream these cadres as well.

Career Option / Placements

Lateral movement/free deputation opportunities, particularly for non-gazetted ranks. Policies of Rotation of postings to accommodate Family life as well and Induction as drivers in all women are taught to ride a bullet and drive a vehicle for night patrolling. Skill based work like IT and cyber field As training instructors Not only protective-preventive placements but at all command/creative levels where they can make a difference.

Promotion

Common list for promotion at all levels.

There should be no difference in opportunities for progression for women.

Recognition

Women component should be looked at and the best be considered for recognition through award of already existing medals, DGs insignia.

More Medals for recognizing good work of both gender, could be instituted at State level and awarded fairly to both Appreciation letters, commendation/certificates by seniors for recognizing good work with equality and sense of justice. Women should not feel as if their good work has gone in vain and have been overlooked despite their good work, when it came to award of medals Performer of the month- public recognition by open house rewards ceremony during monthly parade. It is a motivational tool that would only help to perform still better.

Attitudinal

Build women's self-esteem and give them the exposure to skills/personality development/grooming courses. Women too to assert their genuine needs. Sexual harassment to be dealt with an iron hand Change mindset-Gender Sensitization of constabulary by distant learning package programmes and creating a group of trainers among SI and Inspector rank to sensitize force from place to place periodically- on the spot training.

Why do women need to prove themselves again and again of their worthiness and capabilities Life style balance (weekly off)

Mentoring Programme

Mentoring and awareness generation programmes- telling them what are the

roads open to them at a particular stage of their life for maintaining lifestyle balance and what would be the expectations from them in that assignment that would help them make the right choice.

Mentoring and training for teaching them consistency, team work, Multi tasking, acquiring Knowledge, skills, having role models, taking risks, and having passion thereby turning challenges into opportunities.

Mentorship

Capacity building on the job/ skill building and sending them for advanced training and also making them aware what openings it would bring to them in career. Need to make them more organized and aware and equipped to handle a professional challenge. Career Planning and Management System Mentoring programme can help in career growth. It can be used as a career planning strategy for addressing career needs. It can also grow in the form of CPMS through electronic media and act as a resource centre to provide career information for making informed choices about future careers movement, for having access to relevant, up to date occupational information is an essential part of career decision making process- A technology based Career Planning and Management System can be introduced- in the form of intranet, bulletin board.

Career Planning & Management System (CPMS)

The CPMS can be customized to the needs of women police and can provide descriptions of career opportunities available in police organization, database to access more information about a particular career of interest, access to mentors who can assist women police with career planning and mentoring as a consultative process.

Organizational Response

Flexible working conditions-part time work including job sharing, flexible rostering and flexi time, home based work in certain situations, family leave. Provision of creche, boarding schools, hostels, Child care leave to be enforced in all States as a uniform policy. Career breaks including periods of leave in which access to training would be possible Study leave. Family friendly policies- posting couples together (whether in govt. or otherwise)/nearby, creches for child care, school facilities, toilets, rest rooms and family accommodation particularly at time of transfer. The next

Supervisory Officer (SP or Commandant) to be empowered to grant permission to wear Maternity Uniform.

The organization needs to make a positive discrimination towards its women as enshrined in the Indian Constitution.

Infrastructural Changes before Structural Changes like in BSF/ITBP and CISF. RPF and SSB also to pattern it likewise. Separate funds be allocated for infrastructure.

Ensure womens' rest rooms are not converted for any other use. Buses with toilet facilities/ mobile toilets for law and order situation, Women representative to be part of decision making committee for placements and for proper appraisal of all Women SHO.

Departmental Acceptance and taking pride in our women- keeping them in the forefront. Trust their capabilities.

When request for posting is made by a woman she should not be discriminated against and given a side posting in that place. Fix mandatory minimum field tenures but give her the flexibility over a reasonable time span to complete it.

Modernization of mindsets

Career planning to optimize contribution mentoring at all levels- for first five years at least by professional counselors and department seniors we need to care for and own our women folk with pride. Equip them with training, address their strength and weaknesses. The training academy should give specialised training so that innate strengths and aptitudes are identified and further enhanced and weaknesses too are taken care of with proper training. Proper training can help handle challenging assignments continuous training and education.

Career planning through life stages - would counter under/low productivity due to no planning Encourage those who volunteer to lead in male bastions Encouragement, reassurance and motivation Women also have to constantly strive for improving their skills, knowledge of emerging fields.

6. SOCIETY MUST HAVE A VISION FOR ITS POLICING

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We should not need 26/11 Mumbai episodes or 5/4 Dantewada incidents to remind us of the type of policing modules the society needs to cater to various threat perspectives and ensure delivery of security services conducive for the much coveted peaceful environment. Aptly so, the security concerns occupy the front line when systems fail to deliver. However, the focus is not perpetual and fades away in the bureaucratic tangles, taking advantage of short-lived public memory. Hence, there is a need for constant debate to keep the issue alive. This brings us to the nitty gritty of the policing issues in India. Maintenance of peace and order in society is an essential condition for growth and development in any sphere, may it be economic, social, political or cultural. The dynamics of Indian Society, marred by stratifications and displacements in each such sphere, has presented an outcome where analysts find it difficult to overcome the segmental limitations and see progressive vectors through a holistic spectrum. It is interesting to glance through such observations as follows – ‘Policing in India has not seen a planned approach till yet. Capacity building measures have often been the outcome of compulsions when the monster of terrorism spread its tentacles in various directions and perpetrated the already existing conflict grids on Indian hinterland. Policing, being a state subject, where the federal political and bureaucratic setup has been slow in accepting change in the colonial control system, has also witnessed pulls and pressures that are professionally centrifugal.’

Analysts also claim to see through the hidden agenda amidst various exploitative influences. One may perceive infiltration in the system either through recruitment, transfer or posting, and more often than not, the informal directives.

It is alleged that States have perpetuated the vacancies in police cadres and not even bothered to evolve viable operational systems, to the dismay of all those craving for peace to return.

The efforts of Union/Federal authorities to tackle the problem of ‘policing-deficits’ have evolved amidst varied claims and counter claims. The

tradeoffs have been, at times, very painful when clash of interests across various power centres tend to overlook the public interest. Amidst such an environment, police has developed a subculture of shortcuts, defiance and neglect. Some sort of 'spoilt-system' has been seen, demarcating the favored and the non-favored, depending upon the type of elites controlling the system.

The above observations could be close to the reality, unless based on the perceptions, which may largely defy the reality. We may not need a 6a (sixth sigma) analysis as, otherwise too, the public responses are more governed by the perceptions. However, the existence of problems should not be taken as a dissuading factor. Rather, it calls for evolving dynamic models of policing in a stratified and differentially growing Indian Society. One may factor in for cost-benefit ratios based on various yardsticks, yet there cannot be two opinions on the minimum policing norms of safety, security and emergency relief services by a policing system that is fair, transparent and behaviorally sensitive.

The job profile of Indian Police calls for capacity building on a dynamic scale. On one hand the classical policing model might be largely desirable for the rural areas, on the other hand, metropolitan policing modules would demand generation of specialized skills in controlling traffic flows, organized crimes, cyber frauds and so on; besides evolving "crack teams" to tackle the onslaught of extremism and insurgencies having global connectivity, the modules of community policing would also undergo changes as the community advances. Under such a task profile, the generalistic module based on bureaucratic norms is not likely to succeed. The policing have to be viewed as a highly specialized profession and managed accordingly on the basis of specialized responses for different environmental subsets. It has to be based on constant R&D supplements for growth and sustenance in a technologically facilitated criminal behaviour having 'wide-area' linkages.

The conception of the National Police Mission with micro modules for specific areas has indeed been a welcome move. However, its modulation and implementation in a large federal system, where policing is a federal subject, may not be so easy. Generic requirements and perceptions of such requirements may pose their own problems of assimilation. Response to recent Public Interest Litigation on the subject of a new model Police Act

and the police reforms make an interesting case study to substantiate the intent and content of such postulations, if at all we deem so.

Police is an agent of law, and as such when it is a part of the whole cycle of criminal justice administration system, the effectiveness of the law & order mechanism calls for the review of other partnerships too in the process to improve upon the quality of public services, delivering justice with a sense of equality, equity, safety and it is beyond functions cannot be outsourced. But what is the security?

The need of the society for security is the basic need. When official systems fail to deliver, people tend to evolve various options for sustenance, which could even extend beyond the legal domains. Over a period of time, various alternatives have, therefore, mushroomed in private sector right from security agencies and detectives to technological surveillance, intelligent processing systems in integrated-formats and the forensics. Government sector had to later on bring legislations to exercise its control. Privatisation of police functions has, therefore, been more a reactive stance, rather than the proactive approach. Hence, for an organic and dynamic profession like police, public – private formats have to be evolved on a planned matrix. Further, the bureaucratic format of police induction and HRD may have to be changed. Inducting a generalist and then training into a specialist is more often a lose-lose option in terms of cost to the state exchequer as well as quality of the services delivered. We must hire experts directly from market under open collaborative options, as relevant for any growing organization. This may vary from sharp shooters to drivers, computer sleuths to communication experts and forensics to financial trails. Real time response adaptability and flexibility in delivery systems as per the dynamics of the changing environments call for such management systems. Not only this, certain services may have to be outsourced from time to time on activity or project basis. The orientation towards organisational norms can be made subservient to the required job skills.

What if we cannot ensure correct behavioural responses on part of the peace keepers? What is the intrinsic strength of the system if it cannot be purposeful, transparent and trustworthy? Hence, another concern is to prudently think over building the systems where individual manipulations could be ruled out. Inducting quality people as per the job requirement and evolving checks and balances, where inefficiency or dishonesty could not

thrive or find gaps to perpetuate under the garb of innocuous procedures or state immunity, constitute further circles of concern.

This is a food for thought for all those either in the system or outside the system. It is a matter of concern for all those who are either on the giving end or the receiving end. If other countries in the world can do it, why can't we evolve viable formats of policing? What is the point to be satisfied with a system where we are ourselves not sure of the appropriate response at the 'delivery-end' or 'cutting edge' level. It does not need foresight to know what it is that we are heading for.

Hence, the debate must continue on the following issues:

Policing formats for stratified segments - remote areas, rural areas, urban segments and metropolitan towns; special social segments like children, women, minority, and marginalised citizens and so on. Policing formats for security of important persons, vital installations and critical infrastructure, Policing formats for acute situations of terrorism/insurgencies/extremism, including covert policing.

Policing formats to provide for emergency relief services as first responder.

Policing formats to provide interface with fast changing technological and life style domains.

Policing formats to provide collaborative interface with the community and generate synergetic responses.

Last but not the least, society must also realise that extreme situations of policing are inherent with high opportunity costs. The high operational needs call for high levels of tolerance, resistance and commitment. In fact, society facilitates policing through covert intelligence inputs and the motivation it can grant to those who undertake the risks to neutralise the given threats.

7. VICTIM SERVICES IN HUNGARY – A WORKING MODEL

*Dr. Beulah Shekhar**

Introduction

Alongside the development of the four freedoms, (Freedom of speech and expression, Freedom of worship, Freedom from want & Freedom from fear) as envisaged and articulated by Roosevelt way back in 1941 which are the very foundation of the European Community, it is recognized that Victims of crime and victimization are also an International priority. The EU's answer to address the concerns of victims, was the Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings and the Council Directive 2004/80/EC relating to compensation to crime victims. The Stockholm Program has assigned the main steps to take in the period of 2010-2014 for an open and secure Europe. In the Stockholm Program the European Council has stressed the importance to provide special support and legal protection to those who are most vulnerable or find themselves in particularly exposed situations, or persons who fall victim in a Member States of which they are not nationals or residents. The report made by the Commission in 2009 appointed that the member states have already made a lot for their national systems of victim support, just like for the evolution of the European one. Starting on the 1st of January 2006, Hungary had ensured the performance of tasks related to victim support and state compensation through a reformed and extended system in accordance with the requirements of the European Union. Though some significant measures were taken in the year 2010 in order to make public administration more rational, the basic structure of this organization and the structure of Offices of Justice is fundamentally the same since its establishment in 2006. Statistics reveal that in Hungary there are average of 2,30,000 persons who are Victims of crime every year. Victim support aims at reducing the impact of the Victimization and dealing with the related trauma. Statistics show that

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there are another 5,00,000 people immediately affected through crimes all over Hungary. One of the principle responsibilities of the Criminal Justice System & its Policy is to alleviate the harmful effects of crime, like the Physical, Psychological and financial impact of the victims of crime . The State must make explicit the solidarity of society and the community with victims. The Hungarian Parliament passed Act CXXXV of 2005 on Crime Victim Support and State Compensation on the 29th of November 2005. On the basis of equity and social solidarity the Act aims at providing services for those whose financial, social, physical and psychological conditions have deteriorated as a result of a crime. The Act also regulates recognition as a victim as well as the services to be provided for victims.

The victim's right

- To decide if a complaint should be made
- To initiate the blocking of the perpetrator's bank account and belongings to provide means for the mitigation of damages
- To make a motion for exclusion about the leaders, expert, adviser, translator, etc. of the acting authority
- To give a request for justification for any delay
- To see the papers after closing the investigation
- To receive copies of the documents concerning the crime
- In certain cases to get personal protection
- To be present during various phases of the investigation
- To make proposals and comments throughout the whole process
- To initiate questions during the court case
- To speak during the court case about the guilt of the perpetrator
- To ask for the reimbursement of expenses occurring when appearing at the court as witness
- To get information about his/hers rights in the case
- To use the mother tongue
- To ask for a closed court case without public participation

Definition of Victims

Hungary has implemented the definition of a victim laid down in Council Framework Decision 2001/220/JHA in the widest possible sense. Nevertheless, broadly speaking, Victims could be anyone who gets into any trouble (homeless, poor, unemployed, victims of catastrophes, accidents, etc.) the victims of violation of human rights and abuse of authority and most definitely victims of crime. Victim is the natural person offended by crime, his/her close relatives, further more the people who are physically, psychically, emotionally, financially offended or their basic rights are violated. The Domestic legislation in Hungary recognizes as victims both natural and legal persons, and victim support assistance may be provided not only for those having directly suffered but for all natural persons having suffered any injuries as a consequence of criminal acts. Other victims could be the witness who discovers the crime, the eye witness, the people affected by a non-expected death, and the relatives of missing persons. It has no bearing on the status of the victim if charges are rejected or the proceedings are terminated at a later point in time; nor is it affected if the court establishes that the perpetrator may not be punished because of reasons determined in the Act. All victims are entitled to some forms of support, while other forms are only available for those proving need.

Registration of the Case

The police are the Front line Professionals and contact the victims and the witnesses after the Crime occurs. However, if the act results in an assault and the recovery is within eight days, the victim can decide whether to register the case or not, but if the criminal act takes place and the recovery for the Victims takes longer than eight days, then the police will have to make a complaint and a criminal case is started. The police may also receive a report from the signalling system of one of the support services.

The following support services would have such a signalling system:

- District nurse system
- General practitioners
- Family aid services
- School child protection system

Eligibility for the victim Support Service

In order to get help from the Victim Support Service a certificate issued by either the police, the public prosecutor's office or the court is required. If the victim cannot provide the certificate it must be obtained by the Service.

In the said certificate either the police, the public prosecutor or the judge certifies that either a report has been made or an investigation or criminal procedure has been commenced in the case.

Act CXXXV of 2005 on Crime Victim Support and State Compensation:

- Personal scope - Definition of Victim: Victim can be the injured party of a crime or any natural person who has suffered injury as a direct consequence of a criminal act, in particular bodily or emotional harm, psychological trauma or shock or economic loss.
- Territorial scope:- General rule: the scope of the Act applies to victims of crime committed in the territory of the Republic of Hungary.
- 2 exceptions Specified in this act.

Legal and Institutional Framework of Victim Support:

Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings.

Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims had to be implemented by 1 January 2006.

Act CXXXV of 2005 on Crime Victim Support and State Compensation came into force on 1st January 2006.

Central Victim Support Service: provides methodological and administrative leadership.

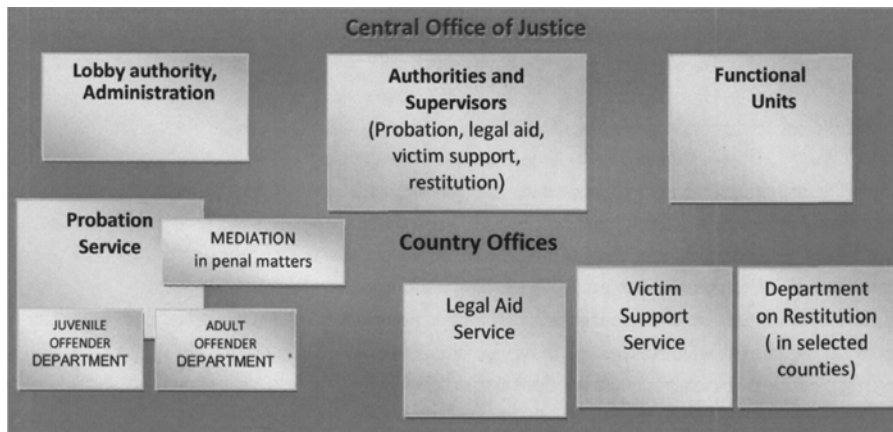
County services (19 in county seats and 1 in the capital): deal with victims of crime directly.

Organizational Background

Some significant measures were taken in the year 2010 in order to make public administration more rational but the basic structure of this organization and the structure of Offices of Justice is fundamentally the same since its establishment in 2006.

The victims may turn to the victim support services of the competent offices of justice for assistance. These services, as specialized administrative organs of the Metropolitan and county government offices, decide on the form and measure of assistance and provide several victim support services. They also act as an assistance (the Metropolitan service also as a deciding) authority. The Office of Justice of the Ministry of Public Administration and Justice, functioning under the control of the Ministry of Public Administration and Justice, is responsible for the professional supervision of the victim support system, manages the appropriations for compensation and instant financial aid, and makes yearly analytic reports. Another task of this central organ is to act in cases of public authority proceedings as an organ of second instance. It is important to stress that the Legal Aid Service, working within the same organisation, also contributes significantly to victim support. Whenever a victim is in need of specialized legal advice in order to assert his or her rights, it is provided by the State through the Legal Aid Service, earlier a pyramidal structure controlled by the office at Rona Utca. Now these offices function independently from government offices in each County.

Organizational Structure of the Office of Justice- Victim Support Service Central Office of Justice



- Information and advice (to anybody)
- Victim Support Services (certificate from police/public prosecutor/court is necessary)

1. Instant monetary aid

-
2. Facilitate the protection of the victim's interests
 3. Legal Aid
 - State Compensation (certificate is necessary + 3 restricting conditions)

The following types of support or assistance may be provided:

Information and Advice: It is of primary importance that those whose rights have been violated, and who are often vulnerable as well, receive sufficient information. The Act provides that victims of crimes committed in the territory of the Republic of Hungary be given free, timely and professional information to help them solve the difficulties arising as a consequence of the crime. Anyone turning to the county/Metropolitan centers of justice may receive such information; there is no obligation to prove their status of victim. Apart from those turning to them, the victim support services also have to inform anyone whose victimization has been brought to their knowledge through other channels.

The information has to cover-

- the rights and obligations of victims in criminal proceedings;
- all available forms of support;
- the conditions and ways of applying for such support;
- any other available benefits or allowances, or ways of asserting victims' rights;
- the contact details of other organizations involved in helping victims of crime;
- Advice on how to avoid repeated victimization; and - for victims of trafficking in human beings, also their entitlement for a certificate of temporary stay and a residence permit.
- **Facilitate The Protection Of The Victim's Interests:** Besides general information, victims can receive further help from the service to assert their interests. They need personalized information on their fundamental rights and all the health, insurance or social provisions they are entitled to. If need be, the service assists them in getting access to these provisions as soon as possible. The interests and protection of victims should be taken into consideration during all phases of criminal proceedings. To this end, Hungarian rules of law have built several

institutions into the judicial system. It is in order to protect victims and to prevent repeated or secondary victimization that the legislator has established the possibility of treating the data of witnesses confidential, and of having in camera hearings or having hearings transmitted through special telecommunication networks. Separate legal rules regulate the institution of removal, which is of crucial importance in preventing repeated victimization, or - for instance - the additional special means of witness protection. The possibility of mediation has also been built into criminal procedure, which has further strengthened the consideration of victims' interests.

- **Legal Aid:** If clients need further, specialized legal assistance, the Victim Support Service refers them to the Legal Aid Service, who - either through the legal assistants of the service or by way of a support counsel - provide appropriate legal representation both in litigious and extra-judicial procedures.
- Criminal offences often entail the deterioration of the victim's financial situation, which in certain cases might even involve the risk of complete financial breakdown.
- **Instant Monetary Aid:** Victims of crimes may need instant financial aid to cover their most basic needs (accommodation, clothing, travel, food, medication etc.). The county/ metropolitan office of justice decides on the question of instant financial aid according to the principle of equity; its decision is based on the situation that has developed as a consequence of the crime and not on a means test. The Act lays down how the amount of this one-time assistance is calculated according to the current economic performance of the country. Thus the maximum amount of instant financial aid for 2011 is HUF 85.914, a basic amount changing from year to year and serving as a basis for further calculation. Applications for instant financial aid may be submitted within five days of the date of the perpetration of the criminal act.
- **State Compensation:** Victims of intentional offences against the person are entitled, apart from instant financial aid, to state compensation as well. This latter is not a form of indemnity reparation, nor is it automatically granted. Compensation might be paid in a lump sum or in the form of regular payments, as an expression of the solidarity of society. If the damages caused by the criminal offence are recovered

from a different source at a later point in time, the amount paid as state compensation will be considered as an advance and must be paid back. Compensation is payable to the direct physical victims of crime who have suffered bodily or health injuries as consequence thereof, as well as to their relatives or dependants. Eligibility is also granted to those having paid for the funeral of those deceased as a consequence of violent crimes against the person. Eligibility also depends on need, which is established on the basis of the victim's income. Compensation may be paid as a lump sum, proportionate to the actual damage, as partial or total compensation for the damage caused by the criminal offence. Compensation may be paid in the form of regular payments for a maximum length of 3 years if the criminal offence has caused the victim's inability to work for more than 6 months, and will be terminated if in the meantime the victim becomes eligible to regular financial provision from another source. Applications for state compensation may be submitted within three months of the date of the perpetration of the criminal act.

- **Services Rendered Thus Far By the Victim Support Service.**

The Statistics of the Services provided by the State of Hungary since the introduction of the Services:

County	Information	Number of victim support services	Number of Information and victim support services
Baranya	235	483	718
Bács-Kiskun	237	327	564
Békés	200	178	378
Borsod-Abaúj-Zemplen	262	641	903
Csongrád	735	1013	1748
Fejér	530	1012	1542
Főváros	2185	2219	4404
Győr-Moson-Sopron	502	795	1297
Hajdú-Bihar	189	580	769

County	Information	Number of victim support services	Number of Information and victim support services
Heves	316	473	789
Jász-Nagykun-Szolnok	543	824	1367
Komárom-Esztergom	510	799	1309
Nógrád	215	346	561
Pest	579	601	1180
Somogy	201	372	573
Szabolcs-Szatmár-Bereg	336	550	886
Tolna	67	300	367
Vas	207	375	582
Veszprém	270	539	809
Zala	332	566	898
Total	8651	12993	21644

Protection of Victims

Though there are no separate legislations for the Protection of Victims, however, the legal source of the Prevention Of Victimization through Child Abuse, Elder Abuse and Domestic violence are found in the following documents:

- 4/1999 decree of the Minister of Internal Affairs (MIA) about the creation of offices for the protection of victims.
- 25/1999 order of the National Chief Police Officer (NCPO) about the fulfilment of the above decree.
- 34/2002 order of the MIA about the protection of minors and the victims of home violence.
- 13/2003 order of the NCPO about the fulfilment of the above order.
- 45/2003 Parliamentary resolution about the national strategy on home violence.

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- 209/2001 Governmental decree about the rules of decreasing damage for the victims and about the related roles and responsibilities of the state.

Networking and Cooperation of Related Services:

The victim protection office has a broad system of links to other organisations to provide help for victims. The organisations that the Victim services program work with are:

- Family aid services – in case of minors or home violence – primarily women
- Public guardianship authority – in case of minors, putting them in shelters, temporary - permanent
- General practitioners, specialists – in case of physical assault
- Psychological health services – aftercare
- Social office – social aid
- White Ring Association – providing assistance to all kinds of victims
- Way Out Association – providing assistance to the people who are forced to Prostitution
- Eszter Foundation – provides assistance for victims of sexual crimes
- Companions in distress Association – assists victims of flat-Mafia
- NANE Association – assists in cases of domestic violence
- Baptists Church – assists with Victims of trafficking
- MONA – assists with research findings that are a base for police changes

Networking and co-operation is vital to the success and the survival of any Victim Services program.

Role of NGOs in Providing Victim Assistance

When the researcher attended the Seminar on Trafficking, it was apparent that there is a good working relationship between the Government and the NGO in Hungary. The presence and the participation of the Government and the Diplomats from the neighboring countries suggested the prevalence of

the healthy practice of the consultations with all the stake holders was crucial to the success of any Victim Service program. It is imperative to note that, despite all the efforts of the State to provide the most effective support and assistance possible, the participation of civil society/non-governmental organization is indispensable. Consequently, a close professional co-operation has developed between the territorial services of justice and various NGOs or foundations. Their joint programs, trainings and tenders have significantly contributed to improving victim support from both the organizational and professional points of view.

Roadmap as elaborated by the Hungarian Presidency

The Hungarian Presidency holds that it is equally important to widen the range of assistance provided for victims. It often happens that legal or financial assistance is not sufficient or not even necessary. Criminal offences, however, almost always cause severe psychological trauma in victims. In such cases it is not legal advice or mere financial aid that is needed. Additional services, such as psychological help, are necessary to alleviate or heal these traumas.

The Roadmap indicates five priority areas in order to strengthen the rights and the protection of victims which are as follows:

- A directive supplementing Council Framework 2001/220/JHA of 15 March 2001;
- Recommendation on practical measures and best practices;
- Regulation on mutual recognition of protection measures taken in the context of civil proceedings;
- Amending of Council Directive 2004/80/EC of 29 April 2004 and
- The specific needs of victims in relation to special types of crime.

Recommendations and Conclusion: Justice isn't served until; Crime Victims are ...John Scarr !

The idea of shifting the focus of the Criminal Justice system from the Perpetrator to the Victim, was introduced in 1989, when the existing regime was replaced by the Democratic system, based on the French, Dutch and the UK model. In 2002 the Minister of Justice in the Hungarian government had introduced the concept of Victim services to balance the rights of the Victim

and the Perpetrator. It is very evident from the above report that Hungary has taken a step in the right direction towards a Victim Support System. The most noteworthy aspect is that it is a top down approach, where the Government takes the initiative that shows the commitment of the leaders to be proactive and establish policies in compliance with the international norms and standards of good management and accountability.

However, when analyzed in the light of the four areas, namely Access to justice and fair treatment, Restitution, Compensation and Assistance, as specified in the four documents UN Declaration On Basic Principles of Justice for Victims of Crime & Abuse of Power (1985), Guide for Policy Makers (1999), Handbook on Justice for Victims (1999) and the corresponding Draft Convention (2006), there are a few points that may require attention.

- The existing definition, though comprehensive, may include the phrase about the Victim being identified as one ‘regardless of the familial relationship between the perpetrator and the victim.’
- The certificate from the police that is needed to initiate any Victim support or services may be given to every Victim of Crime who registers a complaint, instead of asking the victim if he needs the certificate.
- This information may also to be passed on to the Victim Support office to enable the office to contact the Victim and offer the needed assistance.
- A victim support person may be deputed at every police station to facilitate the victim services, instead of the victim having to reach the victim support office.
- The need for the involvement of more psychologists in the victim services may also be addressed and the necessary steps taken to accommodate more psychologists in the program. At present there are a majority of lawyers with a very few psychologists in all of the twenty offices. This would go a long way in giving these services the most needed humane approach and a human face.
- The Victim Services 24X7 Helpline may be one with minimum number of digits (preferably three or four) – as the present one has a lot of numbers and is difficult to remember.
- Periodical training may be made mandatory for the Victim Support staff

to be conducted in collaboration with the Universities or by using the expertise the World Society of Victimology (this body has a consultative status with the UN).

- The functionaries, other Criminal Justice officers and front line professionals may also be encouraged to equip themselves with a specialized course in Victimology & Victim Assistance which is a relatively new discipline and hence the need for a strong theoretical knowledge of the concepts in Victimology & Victim Assistance, capacity building and skill development. <http://www.indiaeducation.net/CareerCenter/Miscellaneous/Victimology/index.aspx>. Once trained staff may be retained as permanent employees to ensure continuity and reduce the attrition rate.
- The pyramidal structure controlled by a Head Office would ensure efficient working where the functionaries can report to one head of the Department and training pro-grams/seminars/ workshops could be organized with more ease.
- The larger Countries may need more than one Service to facilitate access to Justice.
- The outreach Programs by the Victim Support Offices to the Victims may be strengthened so as to ensure that more victims embrace these vital services as beneficiaries.

This comprehensive study of the Victim services in Hungary was made possible through the Indo-Hungarian fellowship. The author acknowledges with a deep sense of gratitude, the financial assistance by the Government of Hungary and the Ballassi Institute, the cooperation of the Criminal Justice Professionals through all the discussions and dialogues, chief functionaries of the other offices and all the other assistance, logistic support, translation services made available by the Victim Support office in Budapest. All this, coupled with the support of the University Grants Commission's travel assistance and the hospitality of the citizens rendered the author's stay in the beautiful country of Hungary a great learning experience through all the discussions and dialogues held with the various chief functionaries of the various offices.

8. POLICE REFORMS: THE ROLE OF POLICE LEADERSHIP*

*Kamal Kumar**

Introduction

Policing, in the traditional sense, is perceived as a law enforcement activity, and the police, an enforcement agency. However, policing in a democratic society in the modern-day world can no longer be regarded as merely a law enforcement function but is a 'service' meant to cater to the needs of safety, security and well being of the community. And, the police organisation is the 'service provider' for those needs. The police agencies in India need to adopt this premise as their credo. And, that is the crux of police reforms.

Police in India have inherited their structure, methodologies, and practices from their imperial past, which are clearly not suited to the policing needs of a liberal and vibrant democracy of contemporary India. It is a historical fact that the edifice of Indian Police is based on the foundations laid by the British in 1861, which suited their requirements of those times. Its functioning, however, continues to be governed by the Police Act of 1861 (or its mirror-image adaptations by various States), even after Independence. The Act of 1961 was intended to create a police force for a colonial state, with the sole objective of facilitating smooth and orderly conduct of administration in a static and largely rural society, through ensuring domination of the 'Raj' and control over the native population. The underlying intention of the imperialistic regime was to create a police force that was isolated from the general populace; so it hardly mattered if the methods of policing led to creating any adversarial relationship between the police and the public. Policing had also to be done at the minimum cost to the exchequer, be it in terms of the salary structure, provision of equipment, or other wherewithal for efficient policing. Interestingly, the police system introduced in India by the British was modelled not on their own con-

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temporary police system but on the Irish Constabulary, which was more of an occupational force than a public service.

Such was the level of efficiency of the force created by the Police Act of 1861 that the Second Police Commission, appointed some forty years later, in 1902, by the British Government itself, observed, in the 'Conclusion' of its report thus: "the police force is far from efficient; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence and cordial co-operation of the people"^{*}. Alas, nothing was done to remedy the situation, in the remaining 45 years of the colonial regime before the British left India. Even thereafter, going by the common perception, matters have not improved much, through the years of our Independence so far. The need for change, though, has been seriously felt all along.

The Saga of Abortive Reform Initiatives

Police being a subject under List I ('State List') of the Seventh Schedule of the Indian Constitution, it was natural that the infirmities and inadequacies of the police system were felt first by the states themselves. Starting with Kerala in 1959, several states, therefore, independently constituted their Police Commissions from time to time, to examine the issue in depth and come up with recommendations for improvement. Similar State Police Commissions engaged themselves with the subject thereafter in West Bengal (1960-61), Bihar (1961), Punjab (1961), Maharashtra (1964), Madhya Pradesh (1966), Delhi (1966), Uttar Pradesh (1970-71), Assam (1971), Tamil Nadu (one in 1971 & another in 2010), and Andhra Pradesh (1984).

The Government of India too, concerned about the need for improvement in the efficiency and effectiveness of the police in the performance of its crucial role in a democratic polity, appointed several commissions and committees from time to time to go into the issues relating to reforms of the Indian police system, either exclusively or as part of the national security or administrative apparatus, or the criminal justice administration of the country. Several bodies, appointed at the national level, from time to time, thus, undertook in-depth studies for police reform. These included (i) Gore Committee on Police Training (1971-73), (ii) National Police Commission (1977-81), (iii) Ribeiro Committee on Police Reforms (1998),

* . <http://bprd.nic.in/writereaddata/linkimages/2108898614THE%20POLICE%20COMMISSION%20REPORT%201860.pdf>

(iv) Padmanabhaiah Committee on Police Reforms (2000), (v) Group of Ministers on National Security (2000-01), (vi) Mali-math Committee on Reforms of Criminal Justice System (2001-03), (vii) MHA Review Committee on Police Reforms (2005), (viii) Soli Sorabjee Committee on Model Police Act (2006), (ix) Prof Madhava Menon Committee on Draft National Policy on Criminal Justice (2007), and (x) Second Administrative Reforms Commission (2007-08). The matter was also gone into recently by the Second Centre-State Relations Commission (2008-09) headed by Justice M.N. Punchhi.

All these Commissions and Committees thoroughly examined the various ills dogging the police functioning, identified its weaknesses, and elaborated hundreds of recommendations on the needed reform measures. The 8-volumes of Report of the National Police Commission (NPC), in particular, represent a comprehensive and seminal study of not just the existing structure, methodologies, and weaknesses of our police system but also the policing needs of the modern-day India - a progressive secular democracy, pursuing the goal of a modern, economically strong and socially egalitarian society, and a welfare state. Many other Committees, which were appointed in the subsequent period, picked up most of the threads from the NPC Reports while working on the subject.

In spite of painstaking effort of these esteemed bodies, police in India continue to remain plagued by the ills and shortcomings of their colonial past, further multiplied manifold by the frailties that have piled up since then, as the recommended reform measures have yet to witness any earnest attempt at their implementation. Indeed, some nominal, piecemeal refurbishments have been effected here and there, from time to time, but those have clearly failed to make any overall impact. Not only holistic implementation of recommendations has been conspicuously missing but most of those relating to crucial and structural reforms have also remained untouched so far.

Even certain specific directions of the Supreme Court of India – six of them to the State Government and one of the Central Government – issued in September 2006, in a public interest litigation petition filed by Shri Prakash Singh, a retired Director General of Police (Writ Petition (Civil) No. 310/1996), have so far fallen on deaf ears. Such has been the obduracy of the powers-that-be in their resistance to police reform! The Justice K.T. Thomas

Committee appointed by the Supreme Court to monitor the implementation of its directions, also ruefully expressed in its report, its "dismay over the total indifference to the issue of reforms in the functioning of police being exhibited by the States".

What Next?

The issue before the police leadership now is as to what is to be done in the face of this situation? Should the idea of police reforms be simply given a decent burial, only because it does not find favour with the powers-that-be? If so, will this be an appropriate response to the situation on the part of a class of professionals? Doesn't professionalism demand working out other workable strategies? This paper seeks to examine this last question.

Let us look at what all it takes for any reform process of this kind to be effectively rooted. It essentially requires contribution of one kind or another from various stakeholders. The stakeholders of efficient policing are first and foremost the public at large, then the police themselves, and lastly the political masters. Indeed, the political leadership, duly advised and abetted by the bureaucratic class, has been making no bones about their apathy, even aversion, to the cause of reform. But, the interest of the other two classes of stakeholders can certainly be banked upon and harnessed for taking the matter forward. As far as the police themselves are concerned, what is needed on the part of their leadership is a strong commitment to reform, along with due determination and a vision for change. Also, the reform initiative and processes must have ownership of all the other levels in police hierarchy - the middle-level supervisory ranks as well as the cutting-edge level functionaries. The challenge to bring all of them on board is also to be met by the senior police leadership through motivation, education and all possible persuasive efforts.

The citizenry obviously has huge stakes in good policing and is naturally to be expected to extend its support to the reform initiative, if it can see light at the end of the tunnel. Right now, of course, it is not happening due to their apathy, sometimes even antipathy, because of the twin reasons of (i) adverse police image in the society on the one hand, and (ii) acute lack of public understanding of matters concerning police, on the other. Both these factors need to be taken care of. And, the police leadership certainly has to play a role in this regard. The credibility of the police on account of historical and other reasons is pretty low in the society, and the public tend to view the

police and many of its actions with suspicion, oftentimes even scorn and contempt. While that explains the public antipathy to police reforms, ironically that is exactly the reason also why police reforms are needed. It is a proverbial chicken-and-egg situation. Visible improvement in the quality of policing and in the conduct and behaviour of police personnel in their interface with the public in different situations holds the key to public opinion being garnered in favour of police reforms. This is possible with the implementation of some of the reform recommendations now gathering dust. The police leaders have to take them up on a priority basis as the starting point of reforms.

A careful perusal of the pending recommendations of the various Commissions and Committees would indicate that there are substantial numbers of reform measures that can be attempted for implementation by the police leaders themselves, without the need for any support - monetary, legislative, or otherwise - from any external quarters, including the political masters and mandarins in the secretariats. In fact, an analysis done by the MHA Review Committee on Police Reform Recommendations (2005) shows that in respect of a good percentage of the recommendations, their implementation is possible, in substantial parts, at the level of the police leadership itself; in many of these cases even without the need for any kind of external support. In the case of NPC recommendations alone, for instance, out of a total of 291 of them, 75 are implementable by the police themselves.

Areas calling for reforms

The MHA Review Committee on Police Reform Recommendations, in the process of scrutinising the large number of pending recommendations, had adopted the strategy of examining each one of them from the standpoint of their relevance to the 'Management Universe' of the police system, which consists of the following management forces:

- i) The human element,
- ii) The conditioning/ behavioural environment affecting the human element,
- iii) The police institution i.e., police station and other units of police functioning,
- iv) The institutional environment,

- v) The boundary environment, encompassing:
 - a) Police-public interface
 - b) Interface with the Law and the Criminal Justice System
 - c) Police-political interface

The Committee then identified such of the recommendations as were crucial to professional performance of police organisations, for the purpose of short-listing those which were critically important for the improvement of police performance and their public image.

Any agenda for police reforms has to necessarily take into consideration the crosscurrents of these various dimensions of the management universe of the police system. Over the years, many distortions have occurred in the nature of these dimensions and their interplay with each other, leading to distortions in the functioning and performance of the police organisation itself. Any forward movement towards reform has to incorporate measures to rectify such distortions. We may, therefore, use this very methodology of the MHA Review Committee on Police Reform Recommendations to list out the crucial aspects of the police organisation and its functioning. In doing so, we would perhaps arrive at, by and large, the following items as prominent areas needing urgent attention for reform:

Human Element

- a) Recruitment procedures - to ensure fair, transparent, and merit-based selection.
- b) Appropriate eligibility conditions with reference to age, educational qualifications, and physical, mental and psychological attributes of candidates.
- c) Assessment of character and moral fibre.

Conditioning/Behavioural Environment

- a) Training and periodical re-training.
- b) Service conditions.
- c) Working environment.
- d) Working hours.
- e) Criteria and tenure of posting.

-
- f) Career progression opportunities.

Institution

- a) Infrastructural resources needed for efficient performance at police station level;
- b) Appropriate manpower strength;
- c) Rational division and distribution of work;
- d) Segregation of crime investigation from other functions; and
- e) Appropriate policing structures for urban and metropolitan areas

Institutional Environment

- a) Training infrastructure;
- b) Infrastructure for forensic science, I.T., and other forms of technological support;
- c) Standard Operating Procedures (SOPs) & Protocols for different police functions and activities; and
- d) Computerisation and automation of procedures.

Boundary Environment - Interface with Public

- a) Prompt and hassle-free registration of complaints and FIRs,
- b) Feedback to complainants about progress of action in their cases,
- c) Courteous, empathetic, and sensitive behaviour of police personnel, with complainants, victims of crime, witnesses, and members of the public in general,
- d) Fair and transparent accountability measures for any misconduct or wrongdoing on the part of police personnel.

Interface with the Law and the Criminal Justice System

- a) A Police Legislation, in tune with the policing needs of a modern democratic society
- b) Inter-agency cooperation and coordination within the Criminal Justice System
- c) Education of cutting-edge level functionaries on newer legislations and their nuances, and their training in effectively dealing with them.

Police-Political Interface

- a) State Security Commission/ State Police Board, as an interface between policing and politics.
- b) Need for sensitising political leaders, albeit discreetly, from time to time, about the likely consequences of any unprofessional approach in law enforcement.
- c) Regularly apprising them about the resource requirements, the problems and the constraints of the police, including their legal limitations.

A careful scrutiny of these lists clearly bears out that there are many areas of police functioning listed therein where meaningful reforms can be successfully attempted by police leaders themselves without the need for any external inputs or support, and without the apprehension of any outside interference.

Cases of successful reform initiatives

Indeed, there are a number of examples of reform measures having been initiated in many of these areas by enterprising and professionally-committed senior officers of the levels of SP and above, in different jurisdictions at different times. And, most of them with remarkable success too!

Cases of such individual initiatives, implemented from time to time in different states, include:

- (1) Encouraging free registration of complaints and FIRs in police stations
- (2) Prompt communication of the progress of action on complaints/ FIR cases, to the complainants concerned
- (3) Making arrangements for prompt response to emergency calls from citizens in distress
- (4) Constant counselling of cutting-edge level police functionaries on the need for courteous and sensitive behaviour with complainants, victims of crime, witnesses, and the public at large, at all times
- (5) Streamlining the unproductive, long-winding, lackadaisical, and non-people-friendly police procedures
- (6) Rationalization of duties at police stations

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- (7) Greater utilization of Constables' potential
 - (8) Infusion of IT and other useful technologies in different aspects of police work, and so forth Even in matters relating to improvement in the working environment in police stations, there have been many instances of committed senior officers having made a substantial difference by way of utilising the howsoever-meagre available resources or painstakingly mobilising additional resources through augmentation of government grants or help from other willing agencies, taking due care to shun assistance from any controversial quarters.

Some reform-minded officers have also paid a lot of attention to the training of cutting-edge level police officers in both formal and informal settings. In Andhra Pradesh, for instance, an initiative of a DGP, some years back, led to the creation of an efficacious infrastructure of a 'District Training Centre' in every district, utilising the available grants under the ongoing police modernisation scheme, with the District SPs being given the responsibility of organising short-duration training programmes for different ranks and category of police officers from his/her own district, following the syllabi carefully designed centrally, and under watchful monitoring of the Training Directorate of the State Police. The arrangement has worked well and continues to yield visibly good results.

Karnataka, at the initiative of a particular DGP, launched a surfeit of reform measures a couple of years back, aimed at discouraging non-registration of public complaints by the police, which included: (i) introduction of a toll-free number for the people to register their complaints with the police; (ii) displaying the telephone numbers of the SHO, SDPO, District SP, and other relevant officers of the jurisdiction, outside every police station and other prominent places in the area, who could be contacted in the event of refusal of registration of complaints by the police station; (iii) opening of a 'Complaint Centre' in every district headquarters for registration of complaints not entertained by any police station in the district, with provision of supply of a computerised receipt of the complaint to the complainant; (iv) initiating disciplinary action against officers refusing to register complaints; (v) arrangements to keep the complainant informed of the progress in their cases, including recovery of the property, duly fixing a well-advertised weekly time-slot for the purpose, by every police station, etc.

The DGP also persuaded the State Government to create a separate budget Head with provision of adequate funds under this head, and power of sanction vested with District SPs, for meeting all the expenditure on investigation by the police stations. Availability of such funds was also advertised through newspapers for the information of the general public. These are but a few examples of what individual officers can do and have, in fact, done on the ground from time to time, to effectuate the reform process in whichever area of police work found possible by them. There are many number of similar initiatives displayed by several officers who considered police reforms as something not just desirable but doable too. Indeed, there are numerous such areas of reform which are within the reach of senior police leaders. For instance, rationalization, transparency, and fair play in transfer/postings and other service-related matters of subordinates including rewards and punishments, space for which now much more clearly exists with the mandating of Police Establishment Boards by the Supreme Court. Much improvement in the content and quality of policing can also be effected through re-vitalization of the instrument of inspections of police stations and other units, with a special eye on their purposefulness.

So, the objective has to be - to do whatever is possible and achievable to bring about the desirable reforms in the structures, approach, and methods of policing rather than indefinitely wait for the reform process to be kick-started by the others from outside the police organization, either the political bosses or officialdom in the secretariats.

Sustaining Successful Reform Initiatives

The real problem with reform initiatives of individual police officers in the past has been about their sustainability and institutionalization. The reform process is started, proves successful, and is continued long enough to be accepted as something doable. But often, the whole thing comes to an abrupt end with the transfer of the officer who initiated it. Due to a variety of questionable reasons, the successor officer would not touch the initiative with a barge pole. The initiative, thus, remains individual-centric, without getting amalgamated into regular departmental practices. In most cases, neither is there any proper documentation, with the result that posterity does not even get to know about the initiative, howsoever successful. Police leadership has to therefore devise a strategy, along with the ways and means, to ensure institutionalization of all successful reform initiatives introduced

from time to time by different individual officers.

Conclusion

Good policing is a sine qua non for the establishment of the supremacy of the Rule of Law in any society, which, in turn, is the bedrock of a robust democracy. There lies the significance of efficient policing for a democratic society. Police leaders in India, thus, have a crucial role in promoting the sustenance and growth of our cherished democratic polity, entrusted to them by the nation. They must perform this role with a sincerity of purpose, single-minded devotion and determination. For this, they have to do everything in their might to ensure success in the efforts to reform the structures and methods of policing in the country, to bring it to the top of the very best police systems across all democratic countries of the world. It is a challenging task but not all that formidable. Let me conclude by highlighting here the 'motto' adopted by a prominent non-government organisation - namely, the Commonwealth Human Rights Initiative (CHRI) - devotedly pursuing the cause of police reforms. It reads as "Police Reforms - Too Important to Neglect, Too Urgent to Delay". How correct!

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9. JUDICIARY VIS-À-VIS UNDER INVESTIGATION PRISONERS (UIPs)

*Justice B.D. Agarwal**

Whether the Indian Judiciary is a performing or non-performing asset is being widely debated in the recent time. By and large, the Indian Judiciary is appreciated and is also receiving accolades from all corners irrespective of class, creed, religion and political affiliation. At the same time, the judiciary also comes under receiving end on certain issues. Clogged docks in the courts and large number of under trial prisoners (UTPs) are the prominent issues, engaging the attention of all concerned.

In the last more than five decades, the Indian Judiciary has proved that it is independent in the true sense and an effective guardian and protector of the rights of the common citizens under the Constitution. There was a time when some of the progressive judicial pronouncements were characterized as “Judicial Activism” or “Judicial Overreach” by the critics. One section of the critics has been of the opinion that the revolution in judiciary is an encroachment on the powers of Legislature and Executive, whereas, the majority does not share the same view. Having taken note of various landmark judgments, wherein the Indian Judiciary has enlarged the scope of Article 21 of the Constitution of India as well as various other judgments relating to protection of environment, strengthening the offices of Election Commissioners, Chief Vigilance Commissioner, tracking down high profile corrupt persons and down to the issue of unearthing black money in the country, the general view is that the proactive role of the judiciary is good for the country. The section of people holding such view also argues that since judiciary is an important organ of the Constitution, it has equal role in the good governance of the country and maintenance of the rule of law. Thematic content of the arguments regarding the role of the judiciary is that neither the judiciary should become a super legislature nor the judiciary should remain a mute spectator to the infringement of basic features of the Constitution or infringement of fundamental rights of its citizens or the failure of contemporary organs of the Constitution in good governance of the country.

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Despite the brilliant show of the judiciary in some areas, it is a matter of concern that it has not been able to render speedy justice. This is the first area wherein the judiciary is condemned or at least its sincerity is challenged. There is no denial of the fact that nearly 3(three)crore cases are pending in various courts in India. Knowledgeable persons have acknowledged the fact that given the number of Judges in India it would take few hundred years to clear the backlog. Presently, only fifteen thousand (approx) Judges throughout the country are shouldering the burden of three crore cases. In a country of 128 crores of people the Judges' ratio comes to less than thirteen per ten lacs of population. In contrast, in USA the judge-population ratio per one million is 107, in UK it is 51, in Australia it is 41 and in Canada it is more than 75 per one million population.

After the judgment of the Supreme Court in the All India Judges Association case, the Government of India and various State Governments have no doubt taken initiatives to increase the strength of Judges. However, the ailment of large pendency cannot be cured only by way of increasing the strength of judges in small installments. In view of the magnitude of the pendency and large disparity in the Judge-population ratio the Supreme Court has advised the Government in the aforesaid judgment to increase the judges' strength at least to fifty per million population in stages. The implementation of the aforesaid advice in letter and spirit would go a long way to control the menace of the pendency.

Now I shall look at the issue of UTPs. It has been alleged in the print and electronic media that the judiciary is not very sincere to contain the jail population. The full form of the abbreviation "UTP" clearly indicates that only those persons who are inside prison during the pendency of their case in the court should ordinarily fall in the said category. Under the law and as per various judicial pronouncements trial of a case begins only after framing of charge(es). To put it differently a trial has to precede investigation and filing of charge sheet by the police. This process, in average, takes a considerable time. The Code of Criminal Procedure, 1973 has prescribed the maximum period of 90 days, except under State enactments or special laws, which authorizes larger period of detention during the investigation period. Precisely, no accused can be detained in prison beyond 90 days, if charge sheet is not submitted during this statutory period of investigation. Even after filing of the charge sheets most of the accused persons are granted bail depending, inter-alia, upon the nature of the crime, likelihood of non-

cooperation of the accused in the trial, probability of tampering of evidence etc. According to me, hardly 5% accused persons are denied bail even after filing of charge sheets. In other words, 95% of the so-called UTPs are those persons who are detained in jails during the period of the investigation of cases. Hence, it would be just and proper to categorize this class of prisoners as Under Investigation Prisoners, UIPs and not UTPs.

UIPs are also considered as floating population in jails. Statistics show that the UIPs population depends upon the crime rate. The number of UIPs depends upon the number of filing of cases during a particular period. If more number of criminal cases are registered there is every likelihood of higher rate of arrests. Resultantly, the graph of UIP population is likely to go high, despite the average rate of grant of bail by the courts.

I have already noted earlier that in my estimation 95% of the so-called UTPs are, in fact, the UIPs and this population cannot fall in the category of Under Trial Prisoners. Then again the ratio of Under Investigation Prisoners depends upon the number of persons arrested by police, during investigation. For instance, in the year 2001 as many as 68,03,271 persons were arrested under various penal provisions of IPC and special and local laws and the figure of arrest went up to 77,89,937 in the year 2010. In contrast the jail population had increased from 3,13,635 in the year 2001 to 3,68,998 in the year 2010. However, the jail population, including UIPs and UTPs, has come down to nearly three lacs at the end of 2011.

The jail population includes convicts, UTPs and other prisoners. The National Crime Records Bureau has informed this author that they do not maintain separate statistics of UIPs (i.e. detenues during investigation period). However, from a news report that appeared in "The Hindu", Kolkata edition dated 18.3.2012 only 3.2% of persons arrested for various crimes are in prison due to liberal bail system adopted by the courts. This statistic appears to have been provided by the Bureau of Police Research and Development, New Delhi. The global view of the prisoner statistics shows that India ranks fourth in prison population. However, the encouraging information is that per-capita (per one lac) jail population in India is only 29 against the highest per-capita rate of 715 persons in the United States. In the neighbouring countries viz., China, Sri Lanka and Pakistan, the per-capita rates of jail population are 119, 105 and 59 respectively.

As per the study report of the National Human Rights Commission, 60%

arrests are unwarranted. This report is further supplemented by National Police Commission's reports. In its third report the Police Commission has also observed that an arrest during the investigation of a cognizable case may be considered justified in one or other of the following circumstances (i) The case involves a grave offence like murder, dacoity, robbery, rape etc., and it is necessary to arrest the accused and bring his movements under restraint to infuse confidence among the terror stricken victims.;(ii) The accused is likely to abscond and evade the processes of law; (iii) The accused is given to violent behavior and is likely to commit further offences unless his movements are brought under restraint and (iv) The accused is a habitual offender and unless kept in custody he is likely to commit similar offences again.

If the observations of the Police Commission and the NHRC and various judicial pronouncements are adhered to by the investigating agencies, the jail population, more particularly that of UIPs, will considerably come down.

Arrest of suspects and named accused persons is a necessary concomitant of investigation of criminal offences. The police agency is criticized if suspects are not apprehended and arrested and they are also cursed and criticized for random arrests. Hence, it would be wise for the police authorities to religiously follow the norms laid down by the various authorities before arresting a person. The arresting authority should also keep in mind that any irrational or unwarranted arrest offends legal, fundamental and human rights of such an arrested person. Same principle is also applicable to the judiciary. A small percentage of arrestees are detained in prison either during investigation or during trial in public interest. However, a few progressive steps by the judiciary in this regard will also certainly go a long way to reduce the incarceration of accused persons, who are yet to be proved guilty.

10. NAXAL TERROR-A WAR UPON THE STATE

*Rajiv Mathur**

Naxalism, what is it-- a menace or a panacea? In its earliest avatar as Maoism it was a temporary panacea when Mao Dezhong practiced it to purge China in the sixties and seventies. But China witnessed a savage annihilation of thousands of its citizens during this purge. Maoism fell into complete disfavor in China in 1978. China has since then publicly disowned Naxalism as its progeny. But Chinese bullets, grenades, rocket launchers and assault rifles are increasingly finding their way into the hands of insurgents including the Reds.

The rejected principle of Maoism tragically became a tool in the hands of a small section of Indian intelligentsia- in West Bengal and later in the Telengana area. However Naxalism was thrown out twice from WB --first by Siddhartha Shanker Ray who matched ruthlessness with ruthlessness and threw them out in the early seventies. Thereafter the CPI(M) made their reentry impossible by strict village level control. But when the CPI(M) grip weakened, the Naxalites attempted a resurgence recently only to be operationally routed by excellent police action.

It was never a mass movement driven by the oppressed. The Maoist/ Naxalite movement has always been driven by revolutionaries from the Upper castes eg. Ganapathy or Koteswara Rao, vicariously playing out their revolutionary fantasies through the lives of Adivasis. Naxalism, spread over 2000 police stations in 203 districts across 20 States (according to a study covering roughly over 40 percent of the country's area and 35 percent of its population) is a holocaust that has already claimed over 6000 lives in the 20 year period from 1990 to 2010. And they thirst for more. Baptism in bloodbath and an insistence on killing has become the defining feature of the Naxalite agenda.

Chhattisgarh, a predominantly tribal state, has about 3 dozen major and minor tribes, concentrated mostly in Bastar. Their tribal way of life was valuable to them. Raja Pravir Chandra Bhanj Deo of Bastar was their hugely

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popular spiritual and political leader and an icon. He championed the cause of tribals vigorously and fought against corruption in land reforms. His

diabolic assassination with political overtones in 1966 left Bastar vulnerable and devoid of a masterful political presence. It was this vacuum that was fully exploited by the Naxalites from neighbouring Andhra in the seventies and eighties. K Seetharamaiah, the founding father of peoples' war had identified Dandakaranya as the area with immense strategic geo-political importance. Among other advantages, the one weighing most strongly in its favour was this area being a cluster of the remotest corners of the five adjoining states of CG, Orissa, AP, MP and Maharashtra. Dandakaranya roughly translates from Sanskrit to "The Jungle (Aranya) of Punishment (Dandakas)". It covers about 92,000 sq. kms. of land with Abujmarh hills in the North-West spanning about 320 km North to South and about 480 km East to West across five states with the largest chunk being in Bastar area of CG. Abujmarh is the unsurveyed, densest and impenetrable area whose very name "Aboojh" portrays it aptly as an "unsolved riddle ". According to Ramayana exiled persons resided here. It was here that Surpnakha met Lord Rama and the epic took an ugly turn.

Messiahs of the Downtrodden

We must understand that social amelioration of the downtrodden is NOT their aim (which is the true aim of the hundreds of Ram Krishna Mission workers actively engaged in social work in Bastar for decades) it is just their game. The pattern in AP, CG, Jharkhand and Bihar has been roughly the same- studying the local problems and various issues and using it as a fodder to foster their endgame- seizure of power! Their NGOs feast and flourish on local discontent just as a giant fly would feast on an open wound not allowing it to heal. Kujur, a JNU scholar, after an on the spot study on Left wing extremism in CG wrote "Naxal topguns in CGhave a vested interest in keeping poverty alive because it enables them to expand their territory...". No wonder the locals soon realise that social and economic issues take a back seat while the battle for supremacy with the State emerges as the primary motive of the movement. The tribals and the locals are actually the "guinea pigs of revolution ".

They may make public postures against elections but in reality they are actively into politicking and the Panchayats in the guerrilla zone have been

electorally captured by them primarily because a large number of Govt. schemes operate through them. Out of the three tiers of governance (the traditional tribal heads of the villages/ the Panchayats, the District administration and the political representatives) the tribal heads had over the years been systematically exterminated/ the panchayats had been captured, the district administration was in shambles and the politicians were a complete light weight! The vacuum had only to be filled now. The Naxalites presented themselves as the Messiahs of the downtrodden, only this Messiah was not speaking the language of love or persuasion but that of murder and mayhem.

Powerful propaganda Machinery

Let it be known to all, that the propaganda/media machinery of the Naxalites is more powerful than their war machinery. Their NGOs and activists wage a non-stop propaganda war in the national capital and in major towns, against any Govt. step that weakens them, eg. the deployment of the Naga Battalion in CG from 2005 to 2007 that for the first time ever sent shivers down their spines. Nagas were adept in jungle warfare and were the most fearless of warriors, who gave hot pursuit to the Naxals and hunted them out mercilessly from their inaccessible hideouts. Their cadres had started deserting them in hordes. So obviously, all the propaganda might of the Naxalites was pitched (successfully) towards getting the Nagas out of the Naxal theatre in CG. The lesson that was not learnt was that the police needs to have a propaganda machinery of its own. Not a hapless police PRO but a highly budgeted and highly professional media management. It is also well known that the Naxalites, as a matter of strategy, try to besiege major media houses and entice media personnel all the time. They are also reputed to have secret sleeping cells in select media houses.

Salwa Judum—the peoples' Uprising

Salwa Judum was the biggest target of the Naxalite propaganda blitzkrieg. It is an ancient form of "collective hunting" or "collective problem solving platform". It is believed to have been initiated by a school teacher. KR Pisda, the then DM Dantewada dates it to a meeting of local villagers in June 2005 who were fed up with Naxalite intimidation and extortion. According to some it was as a result of the boycott of the tendu patta trade by the Reds that backfired. It spread like wildfire and assumed the form of a mass

movement against the atrocities committed by naxalites. It was soon joined by Mahendra Karma, the lion hearted tribal Congress leader. For those of us who watched the movement from close quarters it was truly spontaneous, peaceful and involuntary. It gathered momentum and was getting bigger! It was a classic text-book case of public uprising against insurgency. It was Gandhian in approach and execution. The churning of Salwa Judum was throwing up young new leadership in much the same way as the Indian freedom struggle threw up real leaders, men like Shri Sharda Prasad Mishra, a retired IPS officer of Raipur, when on deputation to the CRPF in the mid seventies, combated Naxalism first hand in West Bengal and thereafter summarised his views in a brilliant report in which he says "...thus the counter fight has to be conducted among the population and through the population ". Who would know the deadly effects of a public uprising better than the host of intellectuals backing the Naxalites? A public uprising would have sounded the death knell of Naxalism in Bastar, something they could never afford since Bastar had become their biggest bastion after they were hounded out of AP. The uprising had to be crushed at any cost. A two pronged policy was immediately adopted: the emerging leadership of this movement was branded anti-people and orders issued to execute them and its biggest protagonist Shri Mahendra Karma was relentlessly hounded. But the brave tribal leader refused to be intimidated. Secondly their entire propaganda machinery, NGOs and activists were ordered to go on an overdrive and throttle the Salwa Judum movement in its infancy. In a mistaken gesture the police along with the Govt. sat on the band wagon of Salwa Judum's popularity. The Hon'ble SC did not denounce Salwa Judum per se, but among other things strongly disapproved the arming of the SPOs. A fact finding commission of the NHRC appointed by the Hon'ble SC reported that allegations against Salwa Judum were "distortions of truth" by some biased human rights organisations. One of these forums, FFDA (Forum for Fact Finding Documentation and Advocacy) as also the Asian Centre for Human Rights were fuming over Salwa Judum using child soldiers. Where are they, now that it has officially emerged that the Naxalites are themselves engaging children as "Bal Sanghams" to carry out their murderous intentions? Having successfully snuffed out Salwa Judum, the morale of the Reds rose astronomically and the morale of the adiwasis which rose as a groundswell against the Reds was crushed completely.

Let Salwa Judum go down in history as the first freedom struggle of the

Adiwasis. Be sure there will be a second wave of freedom struggle of Adiwasis against the Reds. This time they should be equipped with powerful legal and propaganda cells in New Delhi and the state capitals to counter any challenge the Reds would pose to crush the people's uprising. The then HM, Ram Vichar Netam informed the State Legislative Assembly that between 31st Jan and June 2006 the CPI(M) cadres killed 95 villagers who were involved in the Salwa Judum !!! 95 killed !!! And the killing continues unabated. Emboldened by Mahendra Karma's slaughter they have now issued life threats to remaining tribals who led the Salwa Judum at various levels. Is the legal fraternity listening? The murky souls who call themselves intellectuals and the hardened pro- naxal activists sitting on TV debates in Delhi would not blink an eyelid even in the face of this mans-laughter! No wonder for they are only educated, not civilised and secretly blood thirsty.

Armchair intellectuals, who wittingly or unwittingly supported Naxalites for their supposed upliftment of the Bastar tribals, should realise that the wily naxals were playing upon their sentiments and their naïveté and if they continue to bolster the image of the Reds after their declaration of war on democracy on the 25th of May, they shall actually be working against the Constitution and the freedom and democratic rights enshrined in it. They would be guilty of pushing the nation into a deep chasm of anarchy and chaos.

War Upon the State

The Naxalites' belief that power flows through the barrel of the gun has been so tragically proven by their brutal carnage of the democratically elected peoples' representatives in the Darbha Valley of Sukma in Bastar on 25th May. In order to establish their sway over the populace they first executed all the traditional tribal village heads over the last two decades (the most recent example being the brutal murder of Modiyam Budhram the tribal sarpanch of village Mankeli Distt. Bijapur, CG in March 2013) then butchered the sole defenders of Democracy - the policemen and now with thousands of crores of rupees in their coffers, weapons of mass murder in their arsenal, powerful NGOs and media management techniques to back them, powerful legal cells in New Delhi and other metros to provide legal umbrella, they have now blown the conch of war against the State. Now the very pillars of democracy - the elected representatives - have been targeted. This is a declaration of war from their "liberated zone" – Dandakaranya. The

declared objective of the Reds is now clear as daylight - "establish a powerful peoples' army with strong base areas in the countryside, encircle the urban areas after liberating the countryside and finally to capture the cities and establish political authority of the people by decisively destroying the State power".

The Reds number around 20,000-30,000 spread over 203 districts (80 of which are in the grip of acute naxal violence) with unknown thousands of village militias assisting them. They are in active collusion with all the enemies of the Indian nation. Their close nexus with the ISI was further cemented when they allegedly gave shelter to Islamist terrorists after the attack on the US consulate in Kolkata. Even though the fight is to capture power in New Delhi with the Red flag flying atop the Red Fort, for which the Reds have joined ranks and fight the State with a unified strategy, it is ironically left to the states faced with grave naxal menace to tackle them individually with no common strategy.

Funding the War

From where did the Reds get their crores of rupees to wage their war against the State ? Dandakaranya provides both mineral wealth and rich forest produce. In tendupatta (bidi leaves) trade, the extortion or "chauth" is through contractors who buy the green bidi leaves through societies. This income is to the tune of 8-10 crores. Other forest produce like bamboo is also transported through contractors who pay chauth upto 10,000 per truck. Districts of Bastar like Sukma, Bijapur, Kanker, Narayanpur on the Maharashtra border are rich in teak while the rest of Bastar has Saal forests. In the guerilla zone entire timber felling is done illegally and cut timber floated down the Indrawati river and collected downstream to be transported to illegal saw mills on the Andhra border.

Cannabis, sown in Malkangiri in Orissa, is illegally transported through CG to international markets. 32.7 tons of cannabis was seized by CG police alone over the last 5 years. Naxalites extort chauth during transportation. In interior areas where their writ runs, they distribute "pattas" of forest land for tilling purposes and 10 percent of the paddy produced is collected in kind or cash. PDS shops which were being looted earlier are now being treated as free grocery collection points. Moreover, disparate policies regarding support price of summer paddy has generated smuggling of paddy from Orissa to CG. Smugglers are required to pay protection money. Liquor

contractors, road contractors (PWD, RES, BRO) and private bus/truck operators are coerced to pay protection money. Sometimes dumpers and machinery are burnt to cow down non-complying contractors or to send a confusing signal of non-compliance when there is actually compliance! About 10 crores is collected from transporters alone. Contractors and bus-Truck operators are thriving.

The existence of rich mineral resources along the red corridor is a major factor amongst the causes of enduring conflict. In Bastar both public and private players operate. Private players, after paying protection money to the Naxalites, reap additional advantage of excavating at will (notwithstanding the mining inspectors) robbing the State of royalty and taxes derived from minerals and filling the coffers of Naxalites to the tune of 20-30 crores.

Ironically Govt. schemes such as MNREGA and IAP too end up benefitting the Naxalites. In MNREGA, contractors are banned but the panchayats and rozgar sahayaks, through whom the scheme operates, work hand-in-glove with the reds in the guerilla zone. Each district is allotted around 50 crores annually. Huge amounts are being siphoned off by the Reds. Similarly IAP scheme, launched for infrastructure development in naxalite affected districts, works through the district administration via contractors, who in turn succumb to naxalite demands.

This thus becomes a vicious circle when State funds are looted by the Reds to fund its war against the State itself. It is the primary responsibility of the Govt. to starve the Reds of their sources of income. All this loot is used to purchase ultra sophisticated arms and equipment from abroad including equipment that allows them to intercept all police communication systems, to establish safe houses in major towns, to purchase weapons of mass murder and explosives eg. the most sophisticated "paper bomb" which is paper thin and can't be easily differentiated from ordinary paper, to engage costly lawyers in New Delhi, finance NGOs and International activists etc.

Way back in 2008 the "Economic Times" had estimated the total collection at 1000 crores (Jharkhand 350 crores, Bihar 200 crores, CG 150 crores, AP 100 crores). Present day collections have more than quadrupled and come from Karnataka and Maharashtra too.

The Way Ahead

So what is it that the Govt of India, the prime target of the Reds, needs to

do? It may not be able to declare Naxalism as a "national problem" due to constitutional constraints but it can use the mighty reach of the electronic media at its disposal to counter the propaganda onslaught unleashed by the Reds; encourage all the left-wing effected states to first of all formulate a common strategy to confront a common foe; speed up the land reform bill; give speedy clearance to all proposals in the guerilla zone involving forest land; raise more and more India Reserve battalions with 80 percent of the financial burden borne by the GoI; provide satellite cover to the affected states for communication, location and search purposes; encourage the states to iron out disparities in policies and taxation rates etc. being exploited by the naxalites; to identify all sources of illicit funding of the Naxals and starve them with a vengeance; to help the states in cracking open the communication channels of the Reds; to help identify their roles in various organisations and unearth their safe houses; to expose the sources and quantum of foreign funding; to increase the Security Related Expenditure and Police Modernisation funds to the affected states from the present 4.4 percent level to at least 15-20 percent of the developmental funds being given to the states and to facilitate a uniform command structure for operational advantages. Lastly, they may not deploy the army at this stage but they must keep them in the loop, because the nation, its Constitution and its freedom are under attack from within.

Now what is it that the affected states can do ? I would propose that for starters the States should bifurcate developmental activities into two major heads—the ones without financial implication and those with a financial implication. Land reforms, totally non financial in nature, should be carried out at top speed. Exercise due care in implementing schemes with financial implications. In the secure zone let all the development schemes of GoI and the State Govt. go in full swing to show-case the welfare face of the Govt. to the tribals. In the semi-secure areas only strategic works such as construction of police stations/out-posts, barracks, strategic roads/culverts, schools and hospitals should be taken up either under a hawkish monitoring system or be executed departmentally eg. a police Engineering Wing could be created on the same lines as an Army Engineering Wing. In the guerilla zone all developmental horses should be put on hold, the area should be secured block by block and only then measured doses of development should be given.

When their aim is to capture power in New Delhi why are we hesitating to

put the emphasis on where it is really needed - in police action. Give a huge boost to the police budget. Remember the Army gets about 17-18 percent of the national budget to combat external threats. Your police forces are fighting a battle every day. Do they lag behind their army colleagues in sacrificing their lives for the state ? Definitely not ! So why this hesitation? Why make them fight battles with a measly 3 to 3.5 percent of the state budget in their pockets ? Look at any aspect of policing and it is reeling under a severe financial crunch, be it police to population ratio or policemen to geographical area ratio. The nation and the States need to sit up and realise that wars are not necessarily being fought on the borders but are being transported to the hinterland. Police is facing multidimensional challenges including international proxy wars. It needs a visionary transformation to enhance its fighting capability, it's numerical strength, it's selection process and it's training, it's professionalism, division into specialised units with unique expertise, a global mindset and above all a trustworthy PPP (Police Public Partnership).

Moreover, the states need to evolve a coordination formula with the Central Armed Police Forces (CAPFs); create a Unified Command backed by a central intelligence agency; lessen their dependence on central forces and enhance their own fighting capability; launch guerilla operations with compact parties in the jungles; reorganise the Thana (covering smaller geographical areas as was done in the Chambal region to combat Dacoity in the sixties); design it like a fortress to withstand a concerted attack; give teeth to the fighting forces; bring down the average age of the fighting forces from 40s to early 30s; the police department should be exempted from various relaxations applicable to other Govt departments regarding age, physical standards etc., to get the finest men and women to fight back the Reds; the recruitment procedure and basic training syllabus of the police should incorporate military concepts eg. psychological profiling, mental toughness, team building capacity, ability to chalk out a strategy etc. instead of mere evaluation of theoretical knowledge and physical prowess; the sale/ distribution and transportation of explosives and detonators should be entrusted to the police which presently is with the mining and other departments; police should acquire trained sniffer dogs in a big way particularly after the local variety of dogs have proved to be equally effective who can also face heat/ sickness etc., better than the European variety; serious research is already underway in other countries to build a

sniffing apparatus that can sniff out explosives even in traces from a distance-- these developments should be watched and apparatus imported at the earliest.

Moreover the Govt. rules for employment of the dependents of deceased employees should be amended to be applicable only to those who lose their lives in action. Dependents of other deceased employees should be accommodated in other departments as per their qualifications; Central and State Govt. should give air support to the troops; deploy Unmanned Aerial Vehicles (UAVs) extensively for aerial surveillance; make the police heavily officered like the army; ask for more funds from the GoI under Security Related Expenditure and Police Modernisation; Naga forces should be recalled; build a super-speciality hospital nearest to the guerrilla zone to provide quality and speedy medical treatment to injured soldiers, launch anti-malaria drives in the fighting zone; the force should be covered handsomely under an insurance scheme whose premiums should be paid by the State Govt.; considering the vast sacrifices made by the members of the police force, the gravity of the situation and the trauma faced by their families the police now richly deserve to be extended Canteen facilities at par with the army; the Govt. should launch confidence building measures among locals preferably by police personnel speaking Gondi or Santhali language and create special cells in State capitals and in New Delhi to counter naxal propaganda as also to handle all legal cases filed by them in the State High Courts and the Hon'ble Supreme Court of India.

If the malady has come from Andhra, seek solutions from Andhra! I would, on operational grounds, strongly recommend taking a huge section of officers and other ranks from the AP police with rich anti-naxal experience on deputation to CG to fight the menace together. This experience can then be shared with other affected states.

Future projections and Strategies

Through the bloody carnage in Darbha valley of Sukma, the Naxals have succeeded in sending waves of spine chilling fear all around. They are no friends of the BJP either. The entire political class is on their radar. After having consolidated themselves in the rural areas by capturing the panchayats through sheer fear psychosis they now seem to aim to use the extreme fear factor to ensure that all political parties flee from the electoral arena and the 12 Vidhan Sabha seats of Bastar are captured by them. The

voters in the jungles are their captive electorate because all tribals opposed to them have already been successfully hounded out of their villages and compelled to live in camps far away from their voting zones. Let the electoral laws be so amended as to require every candidate seeking election to any of the constitutional bodies to submit an affidavit on oath pledging complete loyalty and faith in the Democratic Rule enshrined in the Constitution of India along with an undertaking that he/she will do nothing to subvert the Constitution. Failure to uphold democracy should amount to violating the law, punishment under the law and revocation of his/ her election to the constitutional body. Bitta pleads for postponement of elections by at least two years. Alternatively the elections to these 12 seats could be postponed by at least a year. But knowing the throttling power of their media machine and the loud throated vicious orchestration by their activists as also their powerful legal cells they will exploit all the freedoms available in a free and democratic India to crush this very freedom. A Nepal like situation is likely to emerge in India with Chattisgarh leading the train of subjugated states. Small districts like Dhamtari, Kawardha, Bilaspur, Durg/ Bhilai and subsequently Raipur would be targeted in quick succession. The Govt. needs to shake off its lethargy and inertia. More importantly the Govt. needs to face the challenge bravely without buckling under the impact of terror, keeping its own morale and the moral of the police forces high.

They have cleverly chosen Chhattisgarh as the base to fire the first salvo on the Indian state because they know that unlike other states the police here is severely handicapped by way of numbers and crippling infrastructural constraints. The Govt. and its bureaucrats, instead of being beguiled by the mindless jargon spouted by amateurs about development and poverty, should work out a comprehensive counter strategy in consultation with experts in counter-terrorism and insurgency. The Govt can no more afford to turn a blind eye to the existence of "liberated zones". The Govt. would have to immediately change gears and come in a war mode and strengthen it's neglected security apparatus practically overnight. To what extent the state has neglected the security requirements is evident from the fact that the Bastar Central Jail which houses 468 naxals as under trials and 18 convicted Naxalites has 155 posts of Jail Warders lying vacant ! Instead of waiting for a jail-break the state machinery should be ensuring that all vacancies are filled up at top speed. The Chief Minister should now don the mantle of a Commander-in-Chief and a master strategist and throw his developmental

robes aside. Only then he will be able to achieve the desired objective of rooting out Naxalism. Neglecting this aspect would amount to a great disservice to the nation.

An Advice to Administrators and Intellectuals

With 20 Indian states reeling under the Red Terror it is time our administrators were exposed to the theatre of war. IAS probationers should be compulsorily exposed to this greatest threat to national security otherwise there would be a total disconnect between ground realities and preconceived notions engrained in the minds of young entrants to the service. Administrators both young and old need to reorient their vision. Well meaning senior administrators like Dr H Panda of the Odisha cadre are still reeling off theories of fault lines in the developmental pattern being responsible for the rise of Naxalism. How can we allow the Reds to keep killing policemen while intellectuals debate endlessly over causes and cure for Adiwasia backwardness ? My argument against the Reds is based on the fact that after two decades of claims of Adiwasis' amelioration have they evolved any formula for Adiwasi upliftment ? Have they been able to showcase any area under their control where Adiwasis are living a wholesome, peaceful and contented life ? The tragic ground reality is that their "liberated zones" are the darkest areas of development where there is no free thought, no food except that looted from PDS outlets, no hospitals and schools and only animalized adiwasis performing a deathly dance of murder and devastation. The Naxalites have even animalized their young children who have been trained to kill with a savage glee.

Our intellectuals need to appreciate that Reds are cleverly searching out for local discontent. When they wanted to take roots in AP there were no Adiwasis whose misery they could exploit so they latched on to the biggest prevalent discontent- the Telangana issue - and found immediate acceptance among the masses. Societal disparities/ discontent/ exploitation are real and omnipresent. This is no time to theorise and romanticise. When intellectuals start ranting about tribal exploitation in context of Naxal menace they are actually confusing the Govt. and compelling them to mix their priorities. The Govt. right now needs to stay totally focused on anti-drive .We are faced with an emergency.

A very vital lesson that all departments of the Govt. have to learn is how to strengthen the hands of the police that is engaged in this war for survival of

democracy. Both IPS and IAS officers increasingly need to undergo the excellent Jungle Warfare and Tactics Course run by the SVP National Police Academy, Hyderabad particularly after recent acquisition of 400 acres of land for training in jungle survival, guerilla tactics, GPS, use of sophisticated intelligence gathering tools, strategic analysis, top rate firing experience etc. Only after a proper battle inoculation would the young administrators be able to give a sound and fearless advice to their political bosses. We must never forget the timeless and golden words enshrined in Goswami Tulsidasji's Ram Charit Manas wherein he says:

“सचिव बैद गुर तीनि जौ प्रिय बोलहिं भय आस ।

श्राज धर्म तन तीनि कर होई बेगिहीं नास ।।”

Which broadly translates as: Whenever the Secretary, physician or Guru out of fear or for personal gain speak words which they think the ruler would be pleased to hear instead of giving a truthfully beneficial advice, then the State, personal health of the ruler and Dharma of the realm will soon perish".

Vital Police Decision

The Reds are confident that Political parties would trade innuendoes instead of gelling together to resolve the issue unitedly and their political ships would go down sinking while the Naxal battleship will win the electoral battle. Setting aside party differences, politicians across the board should address themselves seriously to the very real danger that the nation faces, seek advice from security experts and strategists and act fast. In fact the GoI in consultation with the state Govts. should overcome all constitutional constraints and declare left wing extremism as a " national problem" and deal With it severely, professionally and decisively.

Instead of an innocuous sounding " Left Wing Extremism", the movement must be recognised as Red Terror and all organisations advocating and advancing Red Terror should be treated as terrorist organisations. All money inflow from foreign sources should be banned and confiscated. Foreign activists and empathisers should not be given visas to visit India where they have been promoting and justifying Red Terror. These elements have already done immeasurable damage to the fabric of democracy. Naxalite moles in the media who romanticise the Reds should be exposed and dealt with severely. GoI should use its communication satellite to beam intelligent programmes to the tribals to wean them back from the Naxal clutches and

expose them to the ugly face of the Red Terror. Tribals and others facing a threat to their lives for having worked alongside the police either in Salwa Judum or other confidence building measures should be immediately removed from the conflict zone, taken by the police under their protective cover and put up in a "safe house" under an assumed name and an assumed profession as a part of intelligence operation backup.

In Conclusion

The Reds should know by now that they will never be able to capture the imagination of the nation. It is and will continue to be an aberration and an ostracised extreme view that has been shown the door even in China in the present climes of capitalist market values. All it is achieving is killing thousands of innocent policemen, tribals and now politicians, wrecking their homes and spreading spine-chilling terror all around. It is a cure that is deadlier than the disease. Their "liberated zones" are controlled at gun point. Take the guns away and the Reds will lose face and foothold in a week.

Media must stop lionising the Reds and join shoulders with the police in fighting the menace as a duty to the nation. It is time the Media fulfil's its role as the "fourth column of democracy" because when the nation loses its freedom Media would be one of the first casualties of maoist takeover.

A mature Media also needs to show restraint in publishing news that they somehow obtain regarding anti-Naxal operations. The battle is already lost and the force becomes totally vulnerable when all its secrets are out in public domain. We need to learn to keep some secrets.

Let us all salute our martyrs Late Shri Mahendra Karma, Shri Nand Kumar Patel, Shri Uday Mudliar and many others who laid down their lives on the altar of Democracy. We must never forget that they have died so that we may live in a free and democratic India. The importance of freedom is so often realised when it has been lost.

11. 'YOJANA' ON THE CALL OF MOUNTAINS

Late Dr. P.M. DAS

I have often wondered what makes the climber take on the hard challenges of climbing year after year. Despite the well-meaning words of discouragement of near and dear ones, as to the danger of it all. The risk of a fall; of being trapped in an avalanche; of being hit by stone-fall; of an anchor coming loose on an abseil.

Let me narrate a feeling I had while on a traverse high up on the slopes of Mukut Parbat. A diagonal traverse below the last camp was peppered with falling rock and stone which whistled past you at tremendous speed during the daylight hours. Like bullets. I found myself on this traverse with a companion at eleven in the morning, a little behind others in your ascent. On seeing the rock bombardment, my companion wisely suggested we turn back, but my spirits egged me on, if only to see if I had understood their pattern and frequency. I danced and dodged the missiles and safely completed the traverse but turned back from completing the load ferry to the higher camp because it was late in the day and again exposed myself to the rock bombardment on the descent and rejoined my companions at the lower camp. Perhaps enjoying the flow of adrenalin in the process!

Why did I expose myself to this apparently senseless risk on this climb in the first place? On this traverse what had I achieved? Nothing tangible; not even a load delivered to the higher camp for future use. Yet there was this satisfaction that I had been able to move in harmony with dangerous elements of nature. Something the rational man would find difficult to comprehend. Yet it is a common streak in many climbers. It is this kind of urge which brings the serious mountaineer to take on high risk climbing, time and again, irrespective of the toll that these same environs may have taken on others of their ilk.

Asceticism: Sir Arnold Lunn wrote about mountain mysticism and the mountaineer 'in Alpine Mysticism and Cold Philosophy' : "He has chosen the ascetic way to mountain understanding, and among the hills, as elsewhere asceticism is the key to the higher forms of mystical experience. One need not question the sincerity of Ruskin's condemnation of those who

had transformed the mountain cathedrals into arenas for athletic feats, but I have sometimes suspected that the peculiar venom of his attack may have been due to the fact that the mountaineer provoked an unformulated doubt of his own life, which was essentially non-ascetic and soft". The hardships and privations undertaken by the Buddhist monk or the sadhu, suffering a cold winter in the heights of the Himalaya is often for granted. Is it because we have thousands of such ascetics? *Pari passu*, asceticism is part of Indian character and since this quality is a basic requirement of a serious climber, makes the Indian character temperamentally suited to take to mountaineering and the ascetic sports.

Mountain Worship: Few mountaineers distinguish between worship of mountains and worship inspired by mountains. Do they perform a worship inspired by mountains? To Sir Arnold Lunn the latter makes sense but the former appears ridiculous. The Himalaya are resplendent in mountains named after the Gods, as in Gaurishankar, Gurudongmar, Swargarohini, Kailash, Parabati Parbat, Shivling and steeped in religious lore. Not surprisingly gods, goddesses and deities of the hills are deeply rooted in the lives of the simple hillfolk of the Himalaya. Therefore, I have often wondered whether most Indian mountaineers too, in identifying themselves with these hill people, worshipped mountains. What is definite is that the Himalaya is so steeped with religious worshipping, many mountaineers seem to have succumbed to the cant and ritual of it. The scare of the unknown and lack of confidence in the climber's own competence and ability to work in harmony with the mountain leads him to clutch at these straws.

In fact mountaineering is perhaps the only sport in which its devotees to find a substitute for religion. Sir Leslie Stephen who had been an Anglican priest before he wrote 'An Agnostic's Apology' was not the only mountaineer in whom mountains evoked something faintly like the sense of worship evoked by the religion he ceased to believe. In mountain he found "their voice is mystic and has found discordant interpreters: but to me at least it speaks in tones at once more tender and more awe-inspiring than that of any mortal teacher". Under the influence of Leslie Stephen, Arnold Lunn rejected Christianity while at school and explored materialism. He declares that he became a rationalist but by nineteen he became an agnostic if not an atheist by belief. Yet his experience of moving mountain scenery convinced him that "No purely materialistic theory of evolution (as of Charles Darwin) offers the slightest clue to the origin of our sense of beauty". Philo observes

‘All nature is the language in which God expresses his thoughts but the thoughts are more important than the language’.

Thus mountains may be symbols or images of some other reality’ but the worship of images as if they were something more than images is a form of idolatry in the strict sense of the term’. All those who profess to believe in the religion of the mountains must be prepared to defend themselves against the accusation of mountain idolatry. Thus do we believe, the mountain, Nanda Devi is a Goddess or the creation of God?

Carrying the argument a step further we may conclude that expression of mountain beauty must never be colored by religion. There must be genuine mysticism in response to mountain beauty for the true mountaineer.

The Presence: How often the mountaineer feels as R.L.G. Irving wrote ‘with each succeeding year grows an abiding conviction in the dependence of himself and his surroundings on the benevolence of some unseen power’. It this the revelation which appeared before Willi Unsoeld as he set eyes on Nanda Devi for the first time before his traverse of Everest in 1963 that he came back for an ascent many years later along with his daughter whom he had named after the mountain?

Many climbers at high altitude, under stress have experienced that presence of a companion in accompaniment while perhaps there was none. There is no dearth of instances such as those recorded on the upper slopes of Everest. I recall my own experience after a disaster following an ascent of Bhargirathi-II (6150 metres), 18 years ago. On the descent from the summit one of my companions slipped on the rope and pulled me and another into a fall which we failed to arrest. The result was that I found myself having to sit out a night in the open at 20,000 feet, badly bruised, without an axe, crampons or clothing and beside one dead companion and another dying. Shivering and stamping my feet, I shouted out to the rescue party which failed to reach me.

I prepared to concentrate on keeping up the spirits of my living friend and survival. Throughout the night and till I was found by the rescue party while descending an avalanche chute next morning I felt the presence of a Being. This presence was around me and at times I talked to him and it urged me to concentrate on my survival, which I was doing. It was not a ghost-like apparition but like a companion. A presence. Eventually, the Presence disappeared from my sphere of consciousness as I sighted the rescue party. I

am not sure what this phenomenon was. Was it a hallucination conjured by a weary mind? If it was, it had a positive effect on me. Or was it more than that? Perhaps I made connection with another dimension, in an ethereal space by a medium called stress.

13. ASCERTAINING PROPELLING FACTORS BEHIND POLICE FUNCTIONARIES IN A BID TO STRENGTHEN LEADERSHIP

*Dr. U N B Rao**

ABSTRACT

Police are ‘willy-nilly’ considered to be a necessary evil of civilized living. And as a sequel of this queer concoction of ‘necessary’ and ‘evil’, a policeman’s plight is inevitably unenviable (Singhvi, 1997). Despite all the aberrations and limitations, public see a ‘panacea’ in police and, come up with all sorts of complaints and seek relief, some not even tenable, and pursued. Still, it is a fact that if there is any department continuing to function and deliver results against all such conceivable odds, it is the Police Department. In such a department, strengthening junior / middle level leadership could be better done provided one is aware of the propelling factors behind these officials to function. Are these enjoying authority in public, or perks and privileges, or professional pride and call of the conscience, or command structure, or lure for money, or inescapability or other? The reasons vary from level to level, besides being individualistic. In this article, the author explored to find out what could be these propelling factors, by taking up an empirical study with a sample of 64 police officials – 32 Middle level managers *vis-à-vis* an equal number of Junior level officers. It is ascertained how Middle level police managers feel about their own compelling forces, and perceive the compulsions and considerations of their Junior officers whom they are required to manage. Similarly, what are the propelling factors of Junior level officers, as conceived by themselves, are evaluated. Alongside, an effort has also been made to ascertain what all of them consider most needed measures for making police service more effective and appreciable. In this regard, a 4-part Schedule has been designed and used to collect relevant data.

In management system, a leader ought to know his men and *vice versa*. The leadership gets strengthened out of mutual appreciation and through a consultative approach. Besides listing out the findings, the author also

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suggested some workable mechanisms to strengthen Junior and Middle level leadership in Indian police. It is also hoped that the Schedules used in the study can be adopted by different police forces to evolve better inter-personnel relations and appropriate leadership patterns.

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A policeman, in general, suffers derision, jeering and humiliation. It was painfully written (1997) by Shri G.C.Singhvi, former Director, SVP National Police Academy, that a Policeman got to listen to all sorts of founded and unfounded criticism, nay even vituperative condemnation as well, and that the press, the politicians and the people do not spare the police. He wondered how is it that (in disregard to all these) the majority of them still render service with a smile, and opined that it is , perhaps, resilience – the elation which they get out of doing jobs to their own (self) satisfaction and of course in public interest. Fifteen years since Sh. Singhvi said so, do we see any change for good in the interregnum? Police work seems comparable to a ‘virtual re-enactment of the Sisyphean cycles of completing an uphill task only to lose the vantage and begin all over again yet another Odyssey to the pedestal of peace at the top of the mountain’!

2. Having been a most reluctant entrant into Police service, with Science/ Technology background, the author too wondered all along looking at police sacrifices and their creditable contributions despite all odds that confronted them and tried to explore what is prompting the Police to perform their duties and to what extent, these functionaries could be empowered. In order to quantify the factors that are propelling the functioning of police, the author devised a 4 - part schedule: Part A, pertaining to the Middle level Police Officers; Part B, pertaining to the Junior level Police leaders; Part C, the Most needed Measures as felt by both the categories to make police service more effective and respectable; and Part D, General data about the respondent.

3. A sample consisting of 32 Junior level Police leaders (Head Constable to Sub-Inspector level) and another 32 Middle level Police leaders (Inspector to Additional Superintendents of Police level), is drawn mostly out of Delhi Police. A 7-point Likert type scale, from ‘1’ indicating the lowest weightage to ‘7’ indicating the highest weightage, is designed and used to collect data. In Part ‘A’ and Part ‘B’, only 11 factors have been included, out of which 6 factors are common for both Junior and Middle level officers. These six

factors are: (i) Professional pride; (ii) Perks and privileges (creature comforts); (iii) Enjoying authority in Public; (iv) Scope for corruption; (v) Craving for inner conscience; and (vi) Supervisory control. In Part 'C', 17 measures are listed to obtain graded responses from the participants. These factors/measures are taken up in consultation with a number of officers and by perusing relevant literature. The schedule was also translated into Hindi, and made available to Junior level Officers. It may further be stated that the study could be treated as a 'pilot model' and the findings are indicative and suggestive, rather than accurate and highly conclusive. The author's effort is to identify the propelling factors; bring out discord, if any, in the perceptions at different levels, and the general craving of the functionaries to better themselves.

4. Propelling factors for the functioning of Middle level Police leaders:

4.1. The responses with reference to Part A of the Schedule (pertaining to Middle level police leaders) are summed up below, in percentages, in order to evaluate the priorities:

Table-1: Propelling Factors for Functioning of Middle Level Police Leaders

(Inspector to Additional S.P. Level) ('1' indicates lowest weightage, while '7' indicates highest)

Sl. No.	Factors	Responses (weightage)						
		1	2	3	4	5	6	7
1.	Professional pride	6.5	10.0	19.4	16.1	10.0	6.5	32.5
2.	Boosts one's own ego	14.0	14.0	7.0	14.0	14.0	10.0	27.5
3.	Discipline in lower ranks	17.0	7.0	13.3	30.0	10.0	7.0	17.0
4.	Perks & privileges (creature comforts)	3.4	-	17.2	14.0	27.5	7.0	31.0
5.	Enjoying authority in public	3.1	3.1	18.7	18.7	6.3	21.8	28.1
6.	Scope for maneuverability in application of law	-	7.0	30.0	23.3	20.0	3.3	17.0
7.	Scope for corruption	23.0	3.3	13.3	10.0	33.3	7.0	10.0
8.	Living upto public expectations	10.0	23.3	10.0	10.0	23.3	13.3	10.0
9.	Cannot escape	23.3	7.0	13.3	17.0	10.0	10.0	20.0
10.	Craving of inner conscience	14.2	14.2	11.0	21.4	21.4	7.1	11.0
11.	Supervisory control	3.3	-	3.3	23.3	33.3	17.0	20.0

Note: All values are given in percentage

4.2. The data given above is self-explanatory. However, some salient features are as follows:

- The responses (self expression) from Middle level police leaders are spread out between '1' and '7', with fewer decisive and higher scores;
- Professional pride (32.5%), Perks and privileges (31%) and Enjoying authority in Public (28.1) are stated to be most propelling forces for the functioning of Middle level police officers;
- If summation of weightages from 4 to 7 are considered, Supervisory control received more than 90%, Perks and privileges 79%, and Enjoying authority in Public 74%, which factor values are rather high and notable;
- Strangely, Scope for corruption received higher percentage of summated weightage (sum of 4 to 7) totalling to 60% and Scope for maneuverability in application of Law received 63.3%, which trend deserves a stern check;
- Alongside, as much as 35% weightage (summated 1 to 3) was received for low Professional pride and 37% for less Discipline in lower ranks, which needs to be taken care of. It may be further noted that as high as 30% weightage is received for 'average' (4) level of discipline in lower ranks;
- Inescapability to perform duties figure with a summated weightage (4 to 7) of 56.6% , though similar summated values for craving of inner conscience indicated 60.7%;
- It is worrying to see as many as 35% (summated 1 to 3) indicated low professional pride, and 34% (summated 1 to 3) talked of low self-satisfaction in performing duties; and
- In case of Living up to Public expectations factor (Sl No. 8), only 56% (summated 4 to 7) gave a positive response.

5. Propelling factors for the functioning of Junior Level Police leaders

5.1. The responses with reference to Part 'B' of the Schedule (pertaining to Junior level police leaders), in percentages, are summed up below, in order to facilitate proper comparison. It is seen that the responses included both Middle and Junior level police Officers, whereas responses of Junior Officers are not available in Part 'A'. In other words, perceptions of Middle

level officers about what factors are prompting the Junior level officers to function, besides the Self expression of Junior level officers themselves, as to what is propelling them to work, could be elicited and deduced in Part 'B'. Efforts made to obtain similar responses from the Junior level officers regarding compulsions and priorities of Middle level did not fructify, as the Junior level officers were seen unwilling to talk about officers senior to them and thus, Part 'A ' has only the responses of Middle level officers.

Table-II: Propelling Forces For The Functioning Of Junior Level Police Leaders
(Head Constable to Sub-Inspector level) (‘1’ indicates lowest weightage, while ‘7’ indicates highest)

Sl. No .	Factors	Level of Police officers	Responses (weightage)						
			1	2	3	4 Average	5	6	7
1.	Authority in public	Middle	11.5	8.0	11.5	19.2	31.0	8.0	11.5
		Junior	64.5	22.5	6.5	6.5	-	-	-
2.	Scope for Corruption	Middle	20.0	4.0	16.0	20.0	16.0	8.0	16.0
		Junior	79.3	10.0	-	3.4	-	-	7.0
3.	Better than many other services	Middle	16.0	-	12.0	28.0	24.0	12.0	8.0
		Junior	23.0	10.0	19.3	29.0	10.0	-	10.0
4	Inability to find another job	Middle	9.0	13.0	4.3	17.4	13.0	-	43.4
		Junior	29.0	6.5	6.5	19.4	19.4	3.2	16.1
5.	Creature comforts	Middle	30.4	4.3	26.0	22.0	9.0	-	9.0
		Junior	58.0	10.0	16.1	13.0	3.2	-	-
6.	Professional pride	Middle	27.0	-	35.0	13.0	17.4	4.3	4.3
		Junior	10.0	10.0	10.0	10.0	10.0	28.0	22.5
7.	Craving for Conscious	Middle	30.0	17.0	21.0	12.5	8.3	4.2	8.3
		Junior	3.2	6.5	16.1	10.0	13.0	13.0	39.0
8.	Ability to take care of deprived sections	Middle	28.0	8.0	4.0	16.0	4.0	16.0	24.0
		Junior	3.1	-	9.3	16.0	12.5	6.3	53.0

**Ascertaining Propelling factors behind Police functionaries in
a bid to Strengthen Leadership**

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Sl. No .	Factors	Level of Police officers	Responses (weightage)						
			1	2	3	4 Average	5	6	7
9.	Control from the top	Middle	20.0	-	4.0	28.0	12.0	24.0	12.0
		Junior	5.5	3.2	10.0	3.2	6.5	16.1	58.0
10.	Discipline and fear of punishment	Middle	12.0	-	4.0	16.0	20.0	12.0	36.0
		Junior	9.4	-	12.5	3.1	9.3	19.0	46.0
11.	Lure of reward	Middle	44.0	16.0	4.0	16.0	12.0	8.0	-
		Junior	50.0	-	3.3	13.0	13.3	-	20.0
NOTE: All Values are given in percentage									

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5.2: The data given above is self explanatory. However, some salient features are as follows:

- The responses/self expression from Junior level police leaders are found more conclusive e.g. lowest Authority in public (64.5), lowest scope for corruption (79.3%), lowest creature comforts (58%), low chances of getting rewards (50%), highest inability to find any job (54.3%), higher ability to take care of deprived sections (53%), higher control from top (58%) and higher fear of punishment (46%).
- In case of inability to find another job, creature comforts, control from the top, discipline and fear of punishment, the perceptions of middle level officers and self expressions of junior level officers tallied to a good extent.
- The perceived impressions of middle level officers about the junior level officers *vis-à-vis* the self expressions of junior level officers varied considerably as indicated below:

Table-III:

Sl. No.	Factor	Middle level officers' perceptions about junior officers	Junior officer's self expression
1.	Authority in public	High at 70 (sum of 4 to 7)	Lowest at 100% (sum of 1 to 4)
2	Scope for corruption	High at 60% (sum of 4 to 7)	Lowest at 89% (sum of 1&2)
3	Better than many other services	High at 72% (sum of 4 to 7)	Low at 81% (sum of 1 to 4)
6	Professional pride	Low at 62% (sum of 1 to 3)	High at 81% (sum of 4 to 7)
7	Craving of conscience	Low at 67% (sum of 1 to 3)	High at 65% (sum of 5 to 7)
8	Ability to take care of deprived sections	Low at 56% (sum of 1 to 4)	High at 87% (sum of 4 to 7)

The above figures indicate a serious discord between the self-expression of Junior level officers *vis-à-vis* perceptions of Middle level officers about Junior level officers. This fact needs to be kept in view by Middle

level officers while admonishing or deputing junior level officers for duties, lest a wrong handling would harm the self esteem of junior officers and thus become unproductive.

- It is intriguing to know that Middle level officers perceive that junior level officers enjoy 60% (summated weightage of 4 to 7) chances of corruption whereas juniors feel that there is hardly any scope (summated 1 & 2) for corruption (89%).
- Similarly, Middle level officers feel Junior level officers have lower craving of conscience (68%), whereas the Junior officers feel they have higher craving of conscience (summated 4 to 7) in performing their duties (75%).

A careful scrutiny of the above analytical data suggests that middle level officers need to change their attitudes towards junior level officers, especially with reference to their thinking that junior officers enjoy greater authority and indulge in rampant corrupt practices. Middle level officers need to appreciate and take advantage of self-professed higher degrees of professional pride, craving of conscience and their ability to take care of the deprived sections in order to strengthen the junior level leadership. Middle level officers need to think of better incentives than the usual rewarding system in Police. It is also a matter to ponder over that the junior functionaries have fewer creature comforts and hence should give opportunity to improve their welfare. In the context of presuming that the Police is better service than other services, junior functionaries feel that the Police is not better than many other services (80%).

6. The responses received with reference to Part III, the Most needed Measures for making Police Services effective and respectable, from both Middle level leaders and Junior level leaders, are summed up as follows:

Table-IV: C. Most Needed Measures For Making Police Services Effective And Respectable

(‘1’ Indicates lowest weightage, while ‘7’ Indicates highest)

Sl. No.	Factors	Levels	Responses (Weightage)						
			1	2	3	4	5	6	7
1	Defining police role (not to keep adding various other responsibilities)	Middle	6.3	3.1	9.3	37.5	9.3	3.1	31.2
		Junior	9.0	9.0	9.0	9.0	4.3	9.0	52.1
2	Improvement in working conditions	Middle	4.3	12.5	15.6	-	8.5	3.1	59.3
		Junior	10.0	16.1	6.5	3.2	3.2	13.0	48.3
3	Improvement in pay and allowances	Middle	3.1	6.3	6.3	9.3	16.0	19.0	40.1
		Junior	10.0	-	-	10.0	6.5	10.0	64.5
4	Reforms in police procedures	Middle	3.2	3.2	6.5	6.5	10.0	16.1	55.0
		Junior	9.3	4.3	9.0	16.0	-	12.5	53.1
5	Revision of laws/Acts to suit changing times	Middle	-	3.1	9.3	12.5	16.0	19.0	41.0
		Junior	9.0	-	12.5	8.6	12.5	9.3	53.1
6	Making accountable to people and law rather than party in power	Middle	3.2	-	9.7	3.2	16.1	29.0	38.7
		Junior	-	-	6.5	6.5	6.5	22.5	58.0
7	Save police from political interference	Middle	-	-	7.1	7.1	14.3	7.1	67.0
		Junior	8.6	-	4.3	4.3	-	4.3	84.3
8	Implementing Best Police Practices Countrywide	Middle	-	6.5	3.2	16.1	16.1	12.9	45.2
		Junior	8.6	-	9.3	8.6	-	-	78.1

[illegible]

6.2. Out of 17 suggested measures, in as many as 14 measures, there exist near unanimity in both junior and middle level leaders. Junior level police officers overwhelmingly sought to save police from political interferences (84.3%) and implementing best police practices countrywide (78.1%), whereas the highest weightage was given by Middle level officers for improving working conditions (59.3%) and saving from political interferences (62%). It appears that craving for the implementation of the reforms and other needed measures are felt more by Junior level officers than by Middle level officers.

7. In Para 'D' of the schedule, a pertinent question is asked whether the participant would like to rejoin Police next time and reasons for the same. As feared, it is found that 11 middle level police leaders and 8 junior level Police leaders (total of 19 out of 64) opted to join Police service next time, whereas 18 middle level officers and 23 junior level officers (total of 41 out of 64) categorically said that they would not like to rejoin police service. Four Officials did not respond. Reasons given for rejoining the services are: professional pride of one being a Policeman and the scope for serving the needy and deserving. On the other hand, reasons given for not rejoining the Police are many: no fixed time of duty, no time for family, too much political interference, problem of getting leave and stress in job, no proper system for promotion, no respect either from Seniors or public, poor welfare measures and the like. It is also seen that younger the officer, firmer is the view not to rejoin police service, whereas some old timers found merit in the police service.

8. A few measures are listed below to strengthen the leadership at both Junior and Middle level functionaries

(i) Consultative approach: While we are advocating and implementing the community policing that insists on consultations with public, we should also be consulting our junior functionaries and make them a party in planning out the policing and evolving measures for prevention and detection of crime.

(ii) Adopting proactive approach: A 'planning ahead' approach, instead of usual reactive approach, shall help in optimum utilization of manpower and evolving crime control measures. Emphasis should be more on prevention than of detection.

(iii) Sampark Sabhas and follow-up action: It is not merely holding 'Sampark Sabhas' but ensuing proper follow-up action on the issues raised by the aggrieved police personnel, is found most important. Otherwise, the

Senior officers come across only dumb persons sitting in front of them in the Sampark Sabhas and it becomes a mere monologue of the Senior officer. Once emphasis is given on follow up action on the points raised in these meetings, more and more police officers ventilate their grievances and a better rapport is established between the Middle and Junior level leaders.

(iv) Building up self esteem and authority of junior functionaries: The system of Beat Officers and equitable distribution of perks and privileges, rotation of duties are expected to go a long way. In Police-public interactions, middle level managers need to give due place to the Junior functionaries. Beat Officers/Division Officers may be handed over copies of FIRs/Daily Diary reports/Verification slips every morning by the Duty Officers so that the former are well informed about the happenings/complaints/ bad characters of their area and thus, made responsible for the needed follow up action.

(v) Punishments: Disciplinary action is prerogative of senior officers, which should be used sparingly but not as a matter of routine. Verbal warnings and oral bindings, besides making the subordinate officers accountable to their shortcomings, would yield better results.

(vi) Better methods for evaluation of performance: Instead of merely rushing to punish junior functionaries, Middle level managers need to empower them through better evaluation processes and incentives.

(vii) Welfare of subordinates: Simple measures such as better messing facilities; reasonable working hours and weekly offs would help ensure better performance from both Junior and Middle level police managers. Efforts may also be made to take care of education and employment requirements of children of junior functionaries, which worries indeed impede their performance.

(viii) Knowing one's own subordinates and their potentials: Middle level managers need to know their junior functionaries, including their family composition, previous postings, gist of good work done and aspirations/tasks they wish to perform. Wherever possible, the subordinates are also individually talked on the basis of data given by him/her in a bid to know them better. Additionally, Middle level managers may seek detailed briefing, in the initial stages, from each of their immediate subordinates about their work and problems confronting them. Such a technique helps the officer to

know, in the shortest possible time, not only charter subordinates of his work but also their strengths and weaknesses.

(ix) Simplification of procedures for reimbursement of expenditures:

Middle level managers need to be realistic while assigning duties to their subordinates and be aware of the costs involved. There is no point in expecting subordinates to meet those expenses out of their own 'resources'. Some system be got in place to reimburse official expenses in reasonable time.

9. Conclusion:

The findings from the data collected on the basis of the Schedule, as mentioned earlier, are only indicative and suggestive, but at the same time cannot be overlooked. Middle level officers need to be empathetic (not merely sympathetic) to junior level officers, in order to strengthen the leadership at base level. Unless real concerns of junior functionaries are well appreciated by the Middle level officers and thereafter, work to help mitigate those concerns, the system cannot get energized. After all, 78% police force is in the ambit of Junior level police leaders and a strong base can help to evolve a stronger Middle management and ultimately, support the Top management.

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