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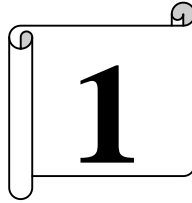
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MEDIA TRIALS

Umesh Sharraf, IPS*

As yet another example of police leadership failing to set its house in order and allowing an authority to step into the breach, so as to speak, the apex court on 7th February 2017 expressed concern over the media trial of suspects in criminal cases and hinted that the Supreme Court would draw the line on how much policemen can tell the media during the pre-trial, investigation stage as reportage sometimes undermines free and fair trial. The bench, comprising CJI Khehar and Justice NV Ramana, agreed with a suggestion by amicus curiae Gopal Shankarnarayan that there be some norms on police briefings for the media.

“Reputation of a person is very important. People may be arrested... If they are shown on electronic media, their reputation is smeared forever, even though they may be acquitted later,” CJI Khehar observed.

The Court was dealing with a host of petitions calling for guidelines for the police or investigating agencies briefing the media about any ongoing investigation. The petitions have been pending since 1999. Lawyer Prashant Bhushan had

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argued that releasing the names of suspects even before the FIR was filed in some cases in press statements results in pre-judging a case. Often the reputations of totally innocent people are smeared beyond repair. "This not only causes serious harm to the reputation of the person but also affects the trial," he said. The CJI noted with concern the fact that the issue had been pending before court since April 1, 2010, without any fresh developments. The CJI directed the central government and all interested parties such as state governments, the Press Council of India, NHRC etc to submit their views through a questionnaire prepared by the amicus curiae which would decide whether an accused can be paraded before the media, whether his identity can be revealed or the evidence against him played out live on TV, etc.

The court will base its orders on the responses of all stakeholders and revise the existing central government advisory to investigative agencies on the do's and don'ts of media briefings by police. This would decide how much they can reveal to the press without compromising the possibility of upsetting the fundamental premise of our criminal justice system – that a person is innocent until proven guilty. The proposed guidelines, in line with the existing MHA advisory, will decide whether policemen can parade the accused before cameras, whether their identities can be revealed, etc.

The MHA advisory issued on 1st April 2010 had said: "A good relationship of Police with media helps focus on the positive work done by the Police and the good detective and investigative efforts made. When crimes occur, the situation should be used to put the crime and law and order situation in correct perspective, bring out efforts being made by the police

to nab the accused, prevent unnecessary panic, and send a message to the public from the angle of crime prevention and alert them against terrorist acts etc. Press communiqués and conferences form a vital component of communication channel between police and media. However, while sharing information with the public through the media, adequate precautions need to be taken to ensure that only authentic and appropriate information as is professionally necessary is shared without hampering the process of investigation or issues of legal/privacy rights of the accused/victims and matters of strategic and national interest.

The following guidelines may be scrupulously adhered to while dealing with media:

- I. Only designated officers should disseminate information to the media on major crime and law and order incidents, important detections, recoveries and other notable achievements of the police.
- II. Police Officers should confine their briefings to the essential facts and not rush to the press with half-baked, speculative or unconfirmed information about ongoing investigations. The briefing should normally be done only at the following stages of a case:
 - a. Registration
 - b. Arrest of accused persons
 - c. Charge-sheeting of the case
 - d. Final outcome of case such as conviction/acquittal etc.

In a case that attracts the interest of the media, a specific time may be fixed everyday when the designated officer

would make an appropriate statement on the investigation.

- III. In the first 48 hours there should be no unnecessary release of information except about the facts of the incident and that the investigation has been taken up.
- IV. The general tendency to give piecemeal information/clues, on a daily/regular basis, with regard to the progress/various lines of investigation, should be strongly discouraged so that the investigations are not compromised and the criminals/suspects do not take undue advantage of information shared by the Police authorities about the likely course of the investigation.
- V. Meticulous compliance with the legal provisions and Court guidelines regarding protection of the identity of juveniles and rape victims should be ensured, and under no circumstances should the identity of juveniles and victims in rape cases be disclosed to the media.
- VI. Due care should be taken to ensure that there is no violation of the legal, privacy and human rights of the accused/victims.
 - a. Arrested persons should not be paraded before the media.
 - b. Faces of arrested persons whose Test Identification Parade is required to be conducted should not be exposed to the media.
- VII. No opinionated and judgmental statements should be made by the police while briefing the media.

- VIII. As far as possible no interview of the accused/victims by the media should be permitted till the statements are recorded by the police.
- IX. The professional tradecraft of policing and technical means used for the detection of criminal cases should not be disclosed as it alerts potential criminals to take appropriate precautions while planning their next crime.
- X. In cases where National security is at stake, no information should be shared with the media till the whole operation is over or until all the accused persons have been apprehended.
- XI. The modus operandi of carrying out the operations should not be made public. Only the particulars of apprehended persons and details of recovery should be revealed to the media on completion of the operations.
- XII. There should not be any violation of court directions and other guidelines issued by the authorities from time to time on this matter.
- XIII. Preferably, there should be one officer designated as the Public Relations Officer to handle the immediate information needs of all media persons and give the correct and factual position of any crime incident.
- XIV. As and when instances of misreporting or incorrect reporting of facts/details pertaining to an incident or the department come to notice, a suitable rejoinder should immediately be issued and, in more serious cases, the matter should be taken up at the appropriate levels for remedial action."

Perhaps the day of issue of the advisory made the police leadership take it casually!

As far as reporting Court proceedings is concerned, the Supreme Court had said on March 28th 2012 itself that it would lay down guidelines for the media on court reporting with a view to striking a balance between protecting press freedom and protecting the right to life. A five-judge Constitution Bench of the then Chief Justice S.H. Kapadia and Justices D.K. Jain, S.S. Nijjar, Ranjana Desai and present CJI J.S. Khehar had said: "We have to balance Article 21 with Article 19 (1) (a)." The then CJI had said, "We are not interested in controlling media content. We are interested in prevention rather than initiating contempt of court proceedings against the erring media. How to prevent before the damage is done."

Senior counsel Fali Nariman, appearing for Sahara India, which had filed an application, had said that the court could issue orders in specific cases restraining the press from publishing any report prejudicial to business sentiment or interfering with the administration of justice but it could not lay down any general guidelines. For, the court had no such power. "Even if the court does, how is the court going to enforce it in the absence of a law backing it? The question is whether a guideline is enforceable? Enforceability is an element of law," he had said.

Mr. Nariman had said that the court laying down guidelines would result in punitive action against erring reporters, in the absence of a law. "Judges and lawyers say all sorts of things in court. We can't build a wall around us. This is not a club. But it can't be a judge's whims. Let us not go

down that slippery path." The court could draw the attention of the editor or the Press Council of India to any misconduct by a journalist, he had said. He had suggested self-restraint by lawyers and judges. "We can't build a cocoon around ourselves in the information age." He had urged the court to issue, instead, injunctions in specific cases to the media not to report proceedings in the public interest. He had suggested self-regulation and wanted every newspaper to have an ombudsman to deal with complaints against it.

Attorney-General G.E. Vahanvati had said any guideline could only be normative and not coercive. "The media is the public surrogate," he had said, quoting Bentham who said that there was no justice where there was no publicity. "Publicity is the very soul of justice." An affected individual could always seek damages or press defamation charges, he had said. He had suggested that the media regulate itself and refrain from embellishing or commenting while reporting on court pleadings. "While it is undoubtedly true that the right of freedom of speech and expression of the press is sacrosanct, it is also equally true that improper reporting of court proceedings can, at times, severely affect and impede the process of administration of justice. An attempt at laying down guidelines for reporting has to take into account and balance two competing principles, the right of free expression and ensuring that judicial proceedings are not prejudiced by improper reporting. The process of framing of guidelines has to strike a delicate balance between the aforesaid competing principles," Mr. Vahanvati had said.

During the course of hearing, the Bench had expressed concern over trial by media in several pending criminal cases.

“The media reports sub judice cases in a manner which makes the accused seem guilty even before the court has convicted him and the media attempts to drum up support for the sentence he should eventually be handed out.” Justice Khehar had said: “The media creates a mindset about what is right or wrong. When the judgment is not on those lines, the judge's image is tarnished and all sorts of motives are attributed to him and his judgment becomes suspect.” The court was specifically concerned about cases in which an accused was arrested and “the media goes to town projecting him as guilty.”

At the close of arguments, Justice Kapadia had pointed out that the “the press issues denials or a clarification after the damage has already been done.” He sought to know from senior lawyers whether preventive action could be taken; whether the court could ask Parliament to make a law to deal with this issue or pass judicial orders as it had been doing in the cases before the Forest Bench or in any other area to fill up the absence of a law such as the Vishaka guidelines it had framed to deal with sexual harassment cases.

However, on 11th September 2012, the Supreme Court finally decided against framing guidelines for covering so-called sub-judice matters, or those before the courts. The special constitutional bench steered clear of doing so, although it created room for allowing courts to temporarily ban the media from reporting a case if it could adversely affect a trial. Many observers had felt that the net effect of the judgement would be to add to the ‘chilling effect’ that the press and the other news media were already experiencing from other unreasonable restrictions and pressures. Critics felt that instead

of a blanket ban on court reporting or a blanket okay on court reporting, the Court had taken an in-between path which was prone to be arbitrary, ad hoc, subjective and in the long run, dangerous. Who would decide that the media coverage should be postponed? What was to prevent a 2G or coal scam accused from claiming his/her rights were being trampled?

(There had been some attempts to regulate the media. For instance, earlier in 2012, a Congress MP had given notice for moving the Print and Electronic Media Standards and Regulation Bill, 2012, seeking to create a regulator with sweeping powers. The plan was subsequently abandoned.)

In its 56-page judgement, the bench, headed by the then Chief Justice S.H. Kapadia, had said that if publishing news related to a trial would “create a real and substantial risk of prejudice to the proper administration of justice or to the fairness of trial”, the court could grant a postponement order, temporarily gagging the media from reporting on it. The judges had written: “Anyone, be he an accused or an aggrieved person, who genuinely apprehends on the basis of the content of the publication and its effect, an infringement of his/her rights under Article 21 to a fair trial and all that it comprehends, would be entitled to approach an appropriate writ court and seek an order of postponement of the offending publication/broadcast or postponement of reporting of certain phases of the trial (including identity of the victim or the witness or the complainant).” The court could grant such preventive relief after balancing the constitutional rights to a fair trial against freedom of speech, the bench had said, keeping in mind that “such orders of postponement should be for short duration”. “The principle underlying postponement

orders is that it prevents possible contempt," the court had argued, adding that in rare cases, such as some murder trials, even fair and accurate reporting of a trial could be prejudicial.

Some media lawyers had felt that the ruling would not apply in all cases where a deferment of reporting was sought as the court had made it clear that this will be done on a "case-by-case basis and will be an exceptional remedy". Yet, even they had admitted that there was a cause for concern. As the judgement had itself recorded, there had been many cases where the court had granted postponement of reporting. It was the first time that the Supreme Court had crystallized that law and every litigant might seek such deferment.

The bench had also asked journalists to 'understand their boundaries' so that they did not cross the line and were found to be in contempt of court, but once again, stopped short of defining this boundary clearly. Most of the editors critical of the judgement had felt that the bench had lost an opportunity to clearly define freedom of speech and expression and that the judgement only underlined India's ambiguous position on free speech. The judgement was seen as a logical culmination of India's penchant for content-based regulation of free speech.

On 29th August 2014, the Supreme Court had said that security agencies should stop parading accused before the media as it is an affront to the person and dignity of the accused who was presumed innocent until convicted of the crime. A three-judge Bench led by the then Chief Justice of India R.M. Lodha had said agencies should also stop giving media briefings immediately after the arrest of a suspect, as what is said by investigating officers in press conferences

prejudices the person even before he is charged of the crime. "Media briefings by investigating officer during on-going investigations should not happen. It is a very serious matter. This issue touches upon Article 21," the then Chief Justice had said.

The Bench had made its view clear while hearing a petition filed by NGO People's Union for Civil Liberties seeking direction to frame guidelines for reporting of the criminal cases and encounter killings by the security agencies. The court had said that even statements made by witnesses in a pending case affects the fundamental right of the accused and works to create a stigma against him. "Even statements made u/s 161 and 164 of the Criminal Procedure Code are released before the media. Even when the trial is on, a parallel trial is run in the media," Justice Kurian Joseph, who was on the Bench along with Justice Rohinton Nariman, had observed. The Bench had appointed advocate Gopal Sankaranarayanan as *amicus curiae*, asking him to present a detailed note on the practices followed in other countries to protect the constitutional rights of an accused. It is this matter that has come up before the Court now.

On 25th July 2015, citing pressure on the judiciary during the Nirbhaya rape case, the same Supreme Court Judge Kurian Joseph had said that media trials in pending cases should be avoided and thereby judges saved of the enormous strain created by it. "Please stop trying (cases) in the media till a case is over. Never try a case in the media, it creates a lot of pressure on judges, they are also human beings," he had said addressing a meet held by the Bar Council of India. Referring to "the amount of pressure that is built," he had recalled how a

judge who dealt with the case had once told him that "had he not given that punishment, they would have hung him."

The above examples make it clear that the judiciary is wary of the influence of the media on court trials and yet is chary of framing clear guidelines to regulate the media in an omnibus manner as far as court proceedings are concerned. However, the same will not be true for the security agencies. The Court will frame omnibus guidelines and our repeated violations of prudence before and after 2010, the MHA advisory, means that we will be told to do what we should have done on our own! How many times have we seen the unedifying sight of police leaders in the middle of a photograph with the proof of 'good work'- the recovered property, jewellery, weapons- what have you- in the middle, flanked by junior policemen on one side and the culprits/accused on the other? How many times have we seen police leaders make fools of themselves in press briefings?

On the night of 15th May 2008, Aarushi Talwar had been found dead in her bedroom. The main suspect was the missing domestic help Hemraj. Despite obvious gaps in the evidence, the Noida police wasted little time in claiming that Dr Rajesh Talwar was the killer. In an infamous press conference, then Inspector General of Police (Meerut range) introduced the honour killing hypothesis, saying Talwar committed the crime in a fit of rage after finding Aarushi in an "objectionable though not a compromising position" with Hemraj. The IG's theory had met with outrage and led to his eventual transfer, with the police being blamed for a shambolic investigation. His second claim — even more sensational — that Aarushi had opposed her father's alleged relationship with

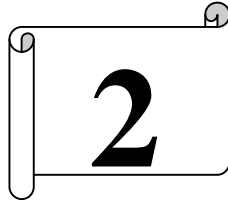
a doctor colleague — opened up a seamy chapter of orgies that the Talwars were whispered to be indulging in behind the facade of regular middle-class lives. These rumours, with no evidence whatsoever, had turned the case in the public's imagination.

But his is not an exception. This urge to be in the limelight has little to do with the public's right to know, the media's right to information and the need to engage with the media as the fourth estate. It has much more to do with personal aggrandizement and publicity. The self evident pitfalls of this are firstly that our entire policing has become 'arrest' oriented. Because it is the 'arrest' that has the photo-op and because it is the 'arrest' that is proximate in time to the event, it makes much more sense for such glory seeking police leaders to harvest the entire publicity with the 'arrest'. No one wants to invest time and effort in investigation and prosecution that are time consuming with the reward of conviction after trial being not only uncertain but also remote. This also has had a subtle effect of subverting the process of 'going from the crime to the criminal' to 'going from the criminal to the crime' by placing 'arrest' at the beginning of the investigative process than at the end of it. The correlation with custodial violence was bound to follow.

Another pernicious fallout of such 'media briefings' is that the 'good news' associated with policing gets linked with police leadership but the 'bad news' remains linked with the rank and file. This acts as a self-fulfilling prophecy and results in a negative effect on police image. Superior police officers usually do not make arrests, issue traffic challans, investigate criminal cases, search for missing persons, issue F.I.R.s, or

patrol the streets. The only contribution made to these efforts by us is through resource and personnel allocation, policymaking, and encouragement. The officers at the lower end of the spectrum get the job done; those at the upper end act as cheerleaders and spectators. But, this is not the message the police leadership is sending to the public! What prevents briefing of the media, as per an approved S.O.P., by the person who did the good work?

One can only hope that the police leadership, at least now, distinguishes between genuine engagement with the media and personal publicity seeking by certain officers that distorts public discourse, violates the rights of the accused and hampers investigation and prosecution. If we do not evolve a robust media policy, including engagement with social media, we will continue having such leadership failures. The rank and file will take its cue from its leaders and have rogue engagements with the mainstream and social media with concomitant adverse effect on discipline and organizational culture.



COUNTER-TERRORISM - NEED FOR A DE-RADICALIZATION POLICY FOR INDIA

Dr. Nikhil Gupta, IPS*

Introduction

There is an emerging consensus among counter - terrorism analysts and professionals that to defeat the threat posed by Islamist extremism and terrorism, there is a need to go beyond security and intelligence measures, taking proactive measures to prevent vulnerable individuals from radicalizing and rehabilitating those who have already embraced extremism. World over, one can see a complete shift in the police focus from the conservative policing to tackling direct terror issues to radicalization. Earlier a person from India needed to physically cross over borders to go to Pakistan and get radicalized. But today, there is no such need and sitting at home; a youth can get radicalized through computers. They can even learn how to make a bomb through internet which has given rise to phenomenon like the 'Lone Wolf syndrome. In 2014, the ISIS spokesperson gave a call to its cadre and

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sympathizers-whenever they are; to contribute by beheading a policeman or army personnel with the kitchen knife¹. Thus, the game has changed totally. Unlike in the past, today it's an ideological war and nations don't need tanks and fighter planes to bring about destruction in another nation-radicalization can do the same job. In such a scenario there is an urgent need to prepare and execute a de-radicalization policy for India by understanding why radicalization is happening and what the countries world over are doing about the same. While radicalization may happen in case of a person belonging to any religion, this paper focuses primarily on De-radicalization strategy for minority (Muslim) youth in India.

What Explains the Flow of Foreign Fighters to ISIS?

Efraim Benmelech of Kellogg School of Management and Esteban F. Klor of Hebrew University in their report published in April 2016² have analyzed the reason for flow of foreign fighters to ISIS. According to this report, there were around 30000 fighters from 85 countries who have joined the ISIS by December 2015. The report analyzes the link between economic, political and social conditions with the global phenomenon of ISIS foreign fighters. The major findings of the report say that "Economic conditions are not the root cause of the global phenomenon of ISIS foreign fighter. In fact many of them originate from countries with high levels of economic development, low income inequality and highly developed political institutions. The reason lies in the ethnical and linguistic homogeneity. The more homogeneous a country is, greater the difficulty experienced by the Muslims to assimilate in the countries where they live. In other words, the determining factor behind the phenomenon of radicalization

is “Ethnic and Religious fractionalization or Absence of Integration”. Many young men and women feel increasingly marginalized economically, socially and politically and are in a perpetual identity crisis. They are not able to identify if they are a Muslim first or an Indian or a German or French. They live under such split personality and the recruiters are easily able to tap them into radicalization. There appear to be a truth in this interpretation as out of the 30000 odd foreign fighters with ISIS, there are only around 23(official) /45(Unofficial) Indian citizens. Despite a history of communal incidences in the past, India still offers a great environment for minorities including Muslims to easily assimilate in the society. There is of course no denying a fact that if steps are not taken now, we may see many more young people from India joining ISIS cadres as the factors which causes radicalization(Ethnic and religious fractionalization) are very much present in India though there are constant efforts to keep the same under check. Thus, it appears to be a right time for evolving the de-radicalization policy for India which is suited to our cultural-social and politico-economic conditions-before it's too late.

Learning form Others

It will be important to take a look at the de-radicalization programmes/strategies adopted in some other countries affected by the problem. While we must develop our own de-radicalization policy, there is always a possibility to learn from good practices. Given below is a brief account of de-radicalization efforts made by some other Countries³:

Algeria

Algeria has adopted a three step programme centered on restoring peace; supporting national reconciliation, solidarity and reintegration; and preventing the recurrence of civil discord.

Bangladesh

Bangladesh programme is characterized by a strong State presence. It rests on four pillars: Incarceration, intelligence, intellectual intervention, and investment in all the four above.

Egypt

The Egypt programme is mostly focused on imprisoned members of the two major groups viz. Gamaa al Islamiyya and Al Jihad. The strategy includes giving imprisoned members both rights and rewards by way of halting executions and tortures, solitary confinements etc. The rewards include prisoner release, improved jail visits, imprisonment near the village of the prisoner etc. The state also took an education based approach that encouraged prisoners to study, allowed access to newspaper and Television and interaction with group leaders.

Indonesia

Indonesian government started with a trial and error approach initially. The programme now is based on the theory that filling the void that withdrawal from a terrorist group leaves in a person's life will successfully remove that person from the path of violent extremism. As such the programme consists of; dialogue, family involvement, prayer sessions, medical care, support in starting business etc.

Jordan

The Jordanian state approach is based on the premise that violent extremism is not a political issue but rather stems from misguided youth taking a perverse view of Islam. The state has tackled this issue with a two pronged approach that focuses on military measures and an education initiative.

Morocco

There is no official de-radicalization programme for Morocco but slowly the state has incorporated measures into its policy agenda while simultaneously encouraging civil-society organization to do the same. The state has adopted amnesty and release of political prisoners, pardon and dropping of charges against the exiled individuals, improving the treatment of prisoners by prohibiting tortures and allowing access to their families.

Saudi Arabia

The Saudi programme can be described as 'Religious, psychological and cultural'. Beneficiaries are allowed to attend social meets, including family gatherings and sports but at the same time are engaged in a programme consolidating the 'correct notions and concepts of Islam'. The programme also encourages marriage, further education etc.

Germany

Strategy Hyat meaning life had a major contribution by a German police officer named Bernd Wagner. Here the project is run on the belief that if police officers are involved in the de-radicalization process, the trust factor will never be achieved. Hence support of the NGO's is taken. Then there is a concept of 24 hour helpline where counselors counsel youth and help them in connecting them with their families. It is

believed that a family from where a youth has gone to ISIS is both under 'Fear' and 'Shame' from Police and society respectively. Non involvement of police in the process ensures that both fear and shame are taken care of. The policy also involves identifying a set of people who would then go to different places where young people may get influenced by radical ideas like schools and colleges. These people go to such places and talk to these potential recruits.

Singapore

Singapore took services of Maulanas to monitor the net. There is a constant net propaganda by recruiters to attract and instigate the youths. If they find any wrong interpretation of Kuran that can instigate the youth and radicalize them, they intervene and give correct interpretation and show the other side to clarify the real meaning.

One can see that different nations have adopted different strategies towards de-radicalization efforts. Some of these policies have failed while some were successful. There is no easy or readymade solution for de-radicalization and only after careful analysis of the local conditions and needs, a nation should decide its policy and strategies therein.

Proposed De-radicalization Policy and Strategies for India

Every nation should have a de-radicalization policy which is suited to its social, political and economic conditions. Each country has its own unique problems and so is the need for a unique policy-though one should not feel shy from learning and adopting from best practices suited to them. With this end in mind, following are suggested for consideration in formulating the De-radicalization policy for India. The suggestions are based on the Academic research and

discussions with police practitioners working in this area. The suggestions can be divided into two parts- Police strategies (Preventive approach) and (non-police) Government strategies (Integration approach).

1. Police Strategies

While a long term Integration policy is framed and implemented, it is very essential to immediately get onto preventive strategies to stop any immediate radicalization efforts. This can be best done by police agencies. Some of the steps that police should consider doing are:

a. Sensitization of Police First

There is an immediate need to sensitize our own police officers and men at the police station level about the approaching fear of radicalization and its dangerous impacts. There is a general complaint by the minority Muslim community in India that police at the police station are biased against them. Such complaints are not completely incorrect. In fact, a research conducted many years ago by Mr. Vibhuti Narayan Rai (IPS)⁴ concluded that maximum numbers of people who die of police firing and arrested in communal riots are from minority (Muslim) community. The report also mentioned the deep bias at the police station level against the Muslims. Since then the things have changed but not to the satisfactory level. Even now there is a feeling that minority community does not get proper treatment at the police station and they often go back with bitter experience. Our policemen need to show that khaki does not have any colour of religion or any caste or language. They should be encouraged to involve Muslim youth in discussing policing issues in their

areas, play popular games with them and let the feeling of mistrust be slowly reduced.

b. Look for Missing Youth

Police station receives complaints of missing people regularly. Police should carefully look into the age profiles of missing people. Those in their youth, whether male or female-should be watched carefully. There is every possibility of some youth gone missing being radicalized and slipped through international borders to fight for Iraq.

c. Watch those Traveling to Middle –East

Police should also closely monitor international traveler, especially youth travelling to Iraq, Iran and Turkey as workforce. There is every possibility that they use these destinations as gateway to Syria. They may cross over, get radicalized and come back to their native places. Special branch of all the places with airport should examine reports of such movements on a daily basis.

d. Radicalization in Prisons

Most of our prisons are overcrowded. Statistics shows that around 21% of under trial prison population comprises of Muslims⁵. There are chances of terror accused getting mixed with other accused. There is also every possibility of these prisoners getting intermingled during court hearings. A senior police officer recollected an instance in Mumbai where an accused had gone inside the prison as a chain-snatcher and came out almost radicalized. Similarly instances of motor vehicle thief going inside prisons, getting indoctrinated, coming out and stealing vehicles for Jihadi's were also shared by a police officer. Thus it is imperative that the prison

authorities in India must ensure proper segregation of the hardcore terror related prisoners and the ordinary ones.

e. Monitoring the Vernacular Press

In order to understand the undercurrents in the society, it is necessary to monitor the vernacular press especially Urdu. There is a need to train as many police officers as possible to read and understand Urdu language and other local languages so that they can read and monitor the vernacular press. It is a common experience that the vernacular media has been criticizing the government and police on a regular basis. It is required to engage and persuade them for truthful and positive reporting. Our officers also need to be sensitized to give fair treatment to the vernacular press reporters. Sitting and talking with the editors of the Urdu and other vernacular media regularly and understanding them while educating them simultaneously can go a long way in the process of de-radicalization.

f. Monitoring the Social Media

Similarly, the social media- the biggest source of radicalization and propaganda today, need to be very closely monitored. While there is always a possibility of taking expert help, it is suggested that the police leaders should identify some cyber savvy personnel in the department themselves and give them the job of monitoring the net. Expert believes that only 0.5% data is ordinarily accessible while approximately 99.5% data is hidden. It is necessary that our boys are well trained to monitor the net to look for potential radicalization attempts.

g. Monitoring the Court Premises

It is also possible that attempts for radicalization take place in court premises. When accused of terror related acts are brought to the court, their well wishers, friends and relatives come to meet them. There is not much monitoring on these places and messages are passed to these people which may take some people on the path of radicalization. It is advocated that monitoring on who all are coming to meet such accused persons on the court premises be done through video cameras. Similarly noting down the number plates of vehicles of these people is done to keep a check on them.

h. Reactivation of the Khabri

There is too much of dependence on Technical intelligence these days. The age old informant system (Khabri) needs to be reactivated and strengthened. Every police officer should develop his own informant network and similarly every police station should have their informants. However this will require building credibility and building trust –which unfortunately is missing at present.

i. Understanding the Importance of Friday Namaz

On every Friday, almost every police station in India deploys bandobust in the communally sensitive areas-mechanically. It will be a good idea to understand the importance of Friday Namaz and linking the same to our de-radicalization policy. Scholars believe that the Friday Namaz started approximately 1400 years ago during Mohammad's time. It is very sacrosanct for all the Muslims. On that time they are in a receptive mood to listen to the Maulavi. Whatever they are preached on this day is heard and absorbed seriously by the Muslims attending the namaz. It was observed

by a senior police officer in Hyderabad that most Mosques where Imam's have come from Bangladesh or Bihar are found to be more radical. Similarly, Al-I-Hadis branches are slowly taking over the Mosques by entering into the Mosque committees. There is a need for engagement with these Mosque committees and well meaning Muslim leaders to prevent any radicalization attempts in Friday namaz. If we are able to persuade the Imams/Maulvis to speak positive things for the development of the Muslim communities rather than speaking against the government and building hatred against other communities, it is possible to prevent radicalization to some extent.

2. Integration Strategies

While the above strategies are mostly related to what police should do to prevent radicalization, it has to be kept in mind that de-radicalization cannot happen effectively if it is left to police alone. Like Naxal problem, this too is a social issue which needs to be tackled at social level. As pointed out by Efraim Benmelech and Esteban F. Klor, the root cause of radicalization is **"Ethnic and Religious fractionalization or Absence of Integration"**. Thus the Government will have to step in to bring about the needed Integration by roping in all the departments. Following strategies are suggested:

a. Education is the Key

Most of the Muslim boys go to Madaras for education where they get free food and clothing. Most poor Muslim parents will send their boys to Madaras for free food and clothing apart from their religious beliefs. Governments may step in to provide such facilities in government aided schools for minorities and encourage the minority parents to send

their children to such schools which could even be residential schools with mainstream education facilities. Government may also bring in awareness amongst Muslim community to send their girls also to such schools. Only when a whole generation of young Muslim boys and girls will be educated along with other children, integration will happen automatically.

Similarly Government may take a relook at our school syllabus to include inputs that will emphasize the importance of democratic principles as enshrined in our Constitution.

b. Get them Jobs so that they don't sit Idle

A lot of Muslim boys fail to clear 10th standard exams and leave the studies forever. They then do some small time daily wage jobs or sit idle. Government may arrange and help such boys for raising their standards and clearing their 12th class and then get them jobs in private companies or help them set up their own business by imparting them skill based education. Concerned Government departments need to take proactive action. Banks may be encouraged to provide soft loans to such boys to set up business.

c. Improve Representation of Muslims in Police and other Government Jobs

The representation of Muslim boys and girls in police is very low especially at the rank of Constables, SIs and Dy.SPs⁶. Similar is the case with other government jobs. Experience shows that while these boys and girls are very good in physical part of the recruitment process, they find it difficult to clear the written exams. Government may organize special training to such boys and girls to prepare them for recruitment in

Police and other government jobs so that the community feels empowered and the process of integration gets a boost up.

d. Develop International Exchange Programmes

Government should develop international exchange programmes to expose young Muslims to what is happening in other countries and communities, areas of social and economic progress and new innovations and ideas that can be replicated to benefit them and their families and communities.

e. Prison Reforms

Government need to at once take prison reforms by rehabilitating prisoners through community programmes, education, enhancing professional qualifications and assigning responsibilities within the prison set up. Experience in Saudi Arabia, Egypt and Yemen shows almost 80% of the prisoners who went through such programmes were rehabilitated and became role model for other prisoners.

f. Encourage Sports Activities

Special programmes should be implemented to encourage Muslim boys and girls to join sports activities and opportunity should be provided to them to showcase their talent and ability to excel, while supporting those who seek to establish their social identity and recognition. There are many popular games that Indian youth like and attention may be given to organize coaching camps for such sports.

g. Make them part of Decision Making

Make Muslim boys and girls take part in local political discussions and dialogues and decision making processes. This should start at ward level in cities and village level in rural areas. Once they start participating in decision making to improve the status of their community along with the society

at large, they will take the ownership for success and feel integrated in the society.

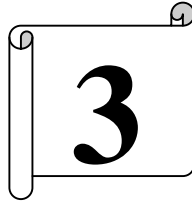
Conclusion

It is a fact that the total numbers of youth who joined or tried to join ISIS from India are very less-compared to many other nations. However, this should not be taken as an excuse to delay framing a robust De-radicalization policy. India has every potential to get seriously hurt by this phenomenon of radicalization for variety of reasons dating back to partition in 1947 and thereafter. Ideas, whether negative or positive, have consequences for people and nations, whether or not we desire them. "We are seeing a "new cycle of partition" that could constitute a long-term threat to India's territorial integrity, says journalist Siddharth Singh"⁷. India has influential organizations like Jamiat Ulema-e-Hind which has said that the Muslim Personal Law cannot be subjected to the Constitution of India⁸. Thirty madaras of Ujjain were in the news for seeing religion in food as they refused to accept mid-day meals from a Hindu temple⁹. In 2014, youths in Jharkhand's Dhanbad district wore t-shirts that had slogans like: Islamic State Pakistan¹⁰. All these are enough indicators for framing a national policy on De-radicalization for India. Any further delay will only be fatal and disastrous.

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POLICING IN INDIA: SOME ATTITUDINAL DILEMMAS

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1. Behavioural and attitudinal change in the Indian Police has always been a matter of concern. It always boils down to the training of cops and their all efforts eventually end up with creating more training infrastructure. There is no doubt training is important but then equally important is to be able to appreciate the difference between 'training' and 'learning' as part of an inherent response.

2. Several sensitive police officers have undertaken some innovative initiatives that have been successful to some extent. Such impacts, however, have remained short lived. We are aware that gradually a vicious circle of perceptions has been generated between the people and the police. The police works on the presumption that people are bad and fearless while people carry the perception of police being brutal, corrupt and criminalised. The efforts invested so far to make the paradigm shift have focused on a collaborative approach with the community and to emerge as a service provider to

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the people. When a criminal gets a message that all complaints would be taken cognisance of, irrespective of the status of the victim or accused, this would create real fear in them. That is what the professional response of the police should be all about. The delivery of quality services irrespective of the status reflected through absolute transparency, integrity and quality response in real time. An attitudinal change is needed on either side but the initiative needs to be taken by the police. We find that effective police leaders have been improving the cutting edge level for a good performance through delegation, capacity building and a deserving reward towards good and prompt responses. The demonstration effect created by such leaders by setting a personal example and concern for the delivery of police services further bridges the gaps as well as the trade-offs. Besides competence development, relationship management learnings also help. Ironically, the police has to deal with people and people alone, yet they are often found poor in human relationship management.

3. Peel's famous points on policing also focus on the test of police efficiency. What matters is the absence of crime and disorder, and not the evidence of the police action in dealing with it. Police needs to remember that police is the public and the public is the police. Accordingly, violence has to be the last option and kept to a minimum, in terms of quantum as well as duration. Police does not need to be guided by the public opinion but by the impartiality of law. The degree of public cooperation is directly proportional to the observance of these core principles. In fact, the civil police is meant to generate a multiplier response through

community cooperation and their participation in policing. Police actions must have the public approval.

4. It has been empirically observed that attitudinal change would come through collaborative performance, by generating a sense of security for all, irrespective of status. Intrinsic change, though confined to the linguistic refinements or image enhancers in the form of public advertisements, would never be the game changer, particularly so in the digital world of today where social media is hyper critical.

5. In a recently conducted seminar at the National Police Academy, our group laid particular stress on the point of reducing the scope of personal manipulation or bias through e-governance and transparent public domains. That means, coming out of pseudo - secrecy domains and going for standardisation as well as digitalisation of processes. In other words, there is a need for organisation support for technological adaptations as well as a scientific approach to policing. Technology may be self subversive but it provides a huge opportunity if used with effective intelligence systems. No doubt that the environmental support is necessary to generate an autonomous response capability and accountability, depending on the optimal equilibrium on that grid, the police as a 'professional' can still generate synergy with various stake-holders as service providers and they can draw strength from this public participation. An internal strengthening through job enrichment, career progression and effective leadership would do wonders. The external environment then is not just a limitation but a challenge. We must, therefore,

understand the intricacies of learning processes, art of managing situational responses, arousing behavioural changes through key mentors and focusing on learning through failures, rather than successes.

6. Recently, the Prime Minister in an address to the police officers observed that problems arise by ignoring the small points. Hence, solutions would emanate also from smaller beginnings and not only by the big changes. It appears so true in real life. I recall the discipline in our family. It came from the little things our mother insisted upon. Before going out, pray to the Almighty (so that conscience remains active), plan your route and return (sticking to schedule and not wasting time, besides it being a concern for safety), on returning first wash your hands and feet (hygiene issues). List goes on and is endless. The important issue is the habit of leading a disciplined life. As an experiment in a district we never applied the big laws of IPC. We began with minor acts (we can easily count more than three dozen) and it was seen that it brought about a consciousness, a restored awareness towards law and its obedience. Look physically fit, smile, maintain cleanliness, be polite, and of course be concerned. Even if you fail to get a solution despite your best efforts, the public would then understand and still respect you.

7. Learning and perception management as part of an attitudinal change for appropriate police-public behaviour are such processes which have thin roots beyond the formal training. The power of 'informal' environment has to be invoked. Secondly, police response is always dynamic. Hence, deviations and error tolerance for bonafied acts needs to be accepted. Thus, constantly subjecting the police to newer

SOPs in order to control its action may actually prove to be counterproductive beyond a point. When an expert commented 'police leadership in India means issuing instructions on paper and punishing subordinates for the non compliance of the same', it sounds relevant to suggest the need to strike the right chord between the administrative and the operational perspectives of policing.

8. To summarise the attitudinal changes in police in real terms may come faster and with considerable sustainability potential, if we just take these initial steps –

- Standardise various processes.
- Put maximum police services on integrated techno platforms with a conducive legal support.
- Empower the cutting edge level to take decisions at their level and ensure that they follow the processes.
- Change police culture from secrecy to community collaboration formats.
- Carve out progressive HR Policies. Rewards as well as punishments have to be made glaring by evident.

9. There may be many more requirements of capacity building. The neo-police act with certain professional parameters is also the need of the hour. However, attitude and behavioural responses have a larger systemic base. Initial psychological testing at the time of induction and training could be relevant but not sufficient. The same Force continues to deliver as per the change of leaders and systems. The same people, who callously flout the rules, when visiting

other countries, automatically fall in line there. That is also an attitude after all!

10. To put it in a nutshell, vectors promoting cultural coherence need to be augmented to prevent situation of 'silos' ridden sub cultures leading to varied forms of stratification and disintegration. This also leads to undesirable demonstration effects and deviant tendencies. Systemic insulations could also be needed initially till all segments evolve as viable professional entities so as to mutually respect the spaces marked for them.



INVESTIGATION OF ENCOUNTER KILLINGS

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1. The term 'encounter' is popularly used in the context of use of force, usually by firearms, by the police or any law enforcement agency when faced with armed offenders. During the 'encounter', use of force by the police may result in killing of the offender. An 'encounter killing' of the offender in police action is essentially a homicide as it involves killing of a (living) human being by a (living) human being.

Homicide

2. A homicide becomes punishable when it is a culpable homicide. Section 299 of the Indian Penal Code (IPC) provides that a person commits the offence of culpable homicide when the act of the person, which results in the death of another person, is done (i) with the intention of causing death of that person, or (ii) with the intention of causing such bodily injury to that person as is likely to cause death of that person, or (iii) with the knowledge that by his act he is likely to cause death of that person.

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3. Section 300 of the IPC provides that culpable homicide is murder if the act by which the death is caused (i) is done with the intention of causing death, or (ii) is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or (iii) is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or (iv) If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

4. Section 300 also provides certain exceptions under which a culpable homicide would not amount to murder. These exceptions are

(i) culpable homicide committed by the offender whilst being deprived of the power of self-control by grave and sudden provocation;

(ii) culpable homicide committed by the offender in the exercise in good faith of the right of private defence of person or property but exceeding the power given to him by law in exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence,

(iii) Culpable homicide committed by a public servant or by a person aiding a public servant acting for the advancement of public justice, exceeding the powers given to him by law, and causing death by doing an act which

he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused,

(iv) culpable homicide committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner, and

(v) culpable homicide committed of a person, being above the age of eighteen years, by his own consent. These exceptions are thus 'partial defences' which reduces the criminal liability of an offender, accused of culpable homicide.

5. Punishment for the offence of culpable homicide has been provided under the following sections of the IPC:

(i) An act of homicide, which falls under one of the three clauses of section 299 of the IPC and also under one of the comparable four clauses of section 300 of the IPC but does not fall under any of the five exceptions provided in section 300 of the IPC, would be a **culpable homicide amounting to murder** which is punishable under section 302 of the IPC. Such culpable homicide is the greatest form of culpable homicide for which maximum punishment has been provided.

(ii) An act of homicide, which falls under one of the three clauses of section 299 of the IPC and under any of the four comparable clauses of section 300 of IPC but also falls under any of the five exceptions provided in section 300 of the IPC, would be a **culpable homicide not**

amounting to murder which is punishable under Part 1 of section 304 of the IPC. Such culpable homicide is also called second degree offence of the culpable homicide for which relatively lesser punishment (than punishment for murder) has been provided.

(iii) An act of homicide, which falls under the three clauses of section 299 of the IPC but not under any of the four clauses of section 300 of IPC, would be a **culpable homicide not amounting to murder** which is punishable under Part 2 of section 304 of the IPC. Such culpable homicide is the lowest form of the culpable homicide for which least punishment (for an offence of culpable homicide) has been provided, and this refers to death caused by a person without having intention to cause death, but the act causing death of a person is done by the offender with the knowledge that his act is likely to cause death, or to cause such bodily injury as is likely to cause death. This situation basically refers to a rash act resulting in death of a person.

6. A homicide becomes punishable in one more situation, if it is caused by a rash and negligent act of a person. A rash act involves advertent negligence; when a person commits an act fully knowing the wrongful consequences of his act but commits the act with total indifference to the wrongful consequences of his act. A negligent act involves inadvertent negligence; when a person does not have criminal intent but while committing the act (resulting in death of a person) he fails to take due care and attention which he should have taken as a prudent member of the society, which the law expects him to be. An unlawful homicide resulting from a rash and

negligent act of a person is punishable under section 304A of the IPC.

7. Under the scheme of criminal offences as contained in the Indian Penal Code, an homicide can however be lawful too, under certain circumstances, wherein the 'General Defences' as contained in Chapter IV of the IPC becomes applicable. Applicability of the general defences totally wipes of the criminal liability of an offender. For example, a homicide is excusable if committed by a child less than seven years of age, as provided by section 82 of the IPC. Similarly, a homicide is justifiable if committed in the exercise of right of private defence, as provided in Chapter IV of the IPC (section 96 to 105).

Right of Private defence

8. Section 96 of the IPC provides that nothing is an offence which is done in the exercise of the right of private defence. Section 97 of the IPC provides that every person has a right to defend his own body/the body of any other person, as well as the right to defend movable/immovable property of himself or of any other person. Section 97 of the IPC however provides that while the right of private defence is available to a person against any offence affecting the human body, the right of private defence to defend property is available to a person only in case of the offences of, or attempt to commit the offences of, theft, robbery, mischief or criminal trespass.

9. Section 100 of the IPC provides that the right of private defence of the body extends even to the voluntary causing of death if the offence which occasions the exercise of the right be such an assault as may reasonably cause the apprehension that

death will otherwise be the consequence of such assault; an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault; an assault with the intention of committing rape; an assault with the intention of gratifying unnatural lust; an assault with the intention of kidnapping or abducting; and, an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

10. Similarly, section 103 of the IPC provides that force can be used to the extent of even causing death of the offender if the offender commits or attempts to commit an offence of robbery, house-breaking by night, mischief by fire committed on a human dwelling or as a place for custody of property, and theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

11. Thus in the context of a police operation while exercising the right of private defence of the body the police can use force even to the extent of killing the offender only if the offender indulges in "such an assault as may reasonably cause the apprehension that death or grievous hurt will otherwise be consequence of such assault".

12. Right to use force in self defence is however not an absolute right; it is subjected to restrictions under the scheme of law provided in the IPC. Section 99 of the IPC puts a limit on the extent to which force can be used during exercise of the

right of private defence and provides that “the right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence”. Thus, under the right of private defence the police do not have the unlimited right to use force to any extent in case of a situation of encounter. Provision of the IPC (section 99) prohibits excessive use of force during an encounter situation and requires minimum use of force by the police in the encounter.

13. Further, during a police operation an armed offender cannot be fired upon merely upon seeing him carrying a fire arm, anticipating that the armed offender would open fire upon the police. Position in law regarding commencement of use of force in exercise of right to private defence is - since firing by the police personnel during the course of a police operation is resorted to in exercise of the right of private defence – that the use of force in exercise of right of private defence of the body commences only when a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues (section 102 of the IPC). Therefore during a police operation force cannot be used against the armed offender merely upon noticing that the offender is armed with fire arms.

14. Similarly, section 105 of the IPC provides that the use of force in exercise of right of private defence of property commences when a reasonable apprehension of danger to the property commences. This section also provides that the right of private defence of property against theft continues till the offender has effected his retreat with the property or either the

assistance of the public authorities is obtained, or the property has been recovered; the right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues; the right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief; and the right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house-breaking continues.

15. In a police operation when an armed offender offers resistance and uses force against police, killing of the offender in police action can be justified if the death of the offender takes place under the circumstances wherein the police uses force in exercise of right of private defence satisfying the above discussed provisions of law related to the exercise of right of private defence. If the above conditions are not satisfied, the plea to use force in exercise of right of private defence cannot be successfully taken by the police in case of death of the offender and under these situations the killing may amount to an offence of culpable homicide.

16. It would also be pertinent to mention here that the right of private defence is a preventive right; it is not a punitive right. Thus, in an encounter situation, firing by the police on a fleeing offender, which may be inferred by presence of firearm injuries only on the back of the deceased offender, cannot be justified to have been done in exercise of the right of private defence. Further, the criminal background

of the deceased offender that he was involved in many heinous cases or, that he was a 'rewardee' criminal is not material in any manner. Criminal background of an offender does not give the police the right to kill an offender even if armed. What matters is the manner and the circumstances under which he was killed in the action by the police; whether it was in exercise of private defence by the police or under the circumstances as provided in section 46 of the Cr.P.C.

17. It would also be relevant to mention here that the 'Right to life' has been held as the most important of all the fundamental rights granted to the citizens of the country. Article 21 of the Constitution of India very emphatically provides that "No person shall be deprived of his personal liberty except according to procedure established by law". Hon'ble Supreme Court of India in the case titled *Smt. Maneka Gandhi v. Union of India*¹ further expanded the scope of the provision of the 'Right to life' as guaranteed in Article 21 of the Constitution and ruled that a person should not only be deprived of his personal liberty except according to the procedure established by law but the procedure of law depriving a person his right of personal liberty must be 'just, fair and reasonable'. In *The Chairman, Railway Board v. Mrs. Chandrima Das*² [(2000) 2 SCC 465] the Apex Court has ruled that the Constitutional rights under Article 21, that is 'Right to life', are available even to the non-citizens also. Death of an offender in the course of police action, therefore, has to be properly justified, lest it will amount to the violation of the fundamental right 'Right to life' guaranteed by

1 [(1978) 1 SCC 248]

2 (2000) 2 SCC 465

the Constitution and can also amount to commission of the offences even of murder.

18. The provisions contained in the Constitution of India, Indian Penal Code, 1861 and the Criminal Procedure Code, 1973 make it clear that law does not authorize police to use force to the extent of killing even an armed offender except under certain situations arising at the time of face off with an armed offender. Such situation may arise either during arrest of the armed offender resisting his arrest by the police, or an armed offender attacking the police personnel - police being the visible authority of the State - as often happens in terrorism affected areas. Depending upon the facts and circumstances of the case, an encounter killing, which is a homicide, would be an offence of culpable homicide punishable under section 302 of the IPC, or section 304 part 1 of the IPC, or section 304 part 2 of the IPC, unless it is justified by the police. Further, death of a person resulting due to rash and negligent act of the police personnel during the course of an operation can be punishable under section 304A of the IPC also.

19. An encounter killing of an armed offender, which results from the use of force by the police against the armed offender, can be justified by the police only on two accounts; one, if the death of the offender was caused during the use of force by the police against an offender - accused of an offence punishable with death or with imprisonment for life - during the course of arrest if such person forcibly resisted the endeavour to arrest him, or attempted to evade the arrest (as has been provided in Section 46 of the Criminal Procedure Code, 1973); or, if the death of the offender was caused in

action by police wherein the police personnel used force in exercise of the right of private defence as provided under Chapter IV of the Indian Penal Code, 1860.

20. In the absence of proper justification of killing of an offender by a police, the police party can have criminal liability for the following offences:

(i) Offence under section 302 of the IPC: This is likely in case of a killing in a 'fake' police operation only; in cases where in an offender has been killed by the police party after his arrest and the police gave it a colour of a killing during a police operation. Except for this situation, a police party cannot be ordinarily held liable for an offence under section 302 of the IPC in a genuine police operation where the police fired presumably in exercise of right of private defence.

(ii) Offence under section 304 part I of the IPC: Police can be held liable for having committed the offence under section 304 part I of the IPC if during the police operation an armed offender offers resistance to the police and the offender is killed in the firing by the police in the exercise of the right of private defence of person or property, but the police exceeded the power given to them by law in exercising such right of private defence (as provided in exception (ii) of the section 300 of the IPC); or, if during the face off with the offender the offender gets killed in the firing by the police, exceeding the powers given to them by law, by doing an act which the police, in good faith, believed to be lawful and necessary for the due discharge of their duty without ill-will

towards the person whose death is caused (as provided in exception (iii) of the section 300 of the IPC).

(iii) Offence under section 304 part II of the IPC:

Police can be liable for having committed the offence under section 304 part II of the IPC if during the operation for arrest of an offender the police personnel behaved in a rash manner and opened fire without justification which resulted in killing of the offender or any other civilian.

(iv) Offence under section 304 A of the IPC:

Police can be held liable for having committed the offence under section 304A of the IPC if during the operation for arrest of an offender, death of the offender or any other person is caused due to a rash and negligent act by a police personnel; for example, an offender, who was unarmed and also did not offer any resistance to the police, or a civilian present in the area, got killed due to firing by a police personnel which was resorted to without taking due care and caution. Similarly, a police party may be held liable for negligence if any unexploded explosive materials such as hand grenades used during the operation, either by the police party or by the terrorist, if not detected and if remain at the spot after the operation, results in killing of the civilians who visit the site after the police left, for clearing the area.

21. However, the police can get some immunity or protection in the event of an unjustified killing in case of applicability of an Act like Jammu & Kashmir Disturbed Areas Act, 1992. Section 4 of the said Act provides that "in a

"disturbed area", any Magistrate or Police Officer not below the rank of Sub-Inspector or Head Constable in case of the Armed Branch of the Police may, if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning, as he may consider necessary, fire upon, or otherwise use force, even to the causing of death, against any person who is indulging in any act which may result in serious breach of public order or is acting in contravention of any law or order for the time being in force, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons or of fire arms, ammunition or explosive substances". Section 6 of the Act also provides that "in a "disturbed area", any Magistrate or Police Officer not below the rank of a Sub-Inspector may, if he is of the opinion that it is necessary so to do, destroy any arms dump, prepared or fortified position of shelter from which aimed attacks are made or are likely to be made or are attempted to be made or any structure used as a training camp for armed volunteers or utilised as a hideout by armed gangs or absconders wanted for any offence".

22. The above discussion shows that killing of an offender in a police operation can be justified mainly on the grounds that that use of force by the police, which resulted into death of the offender, was in exercise of the right of private defence, whether of body, or of property. In the absence of a sound justification of a killing in police action the police personnel would be liable for having committed the offence of culpable homicide/murder.

23. A relevant point comes here, as to at what stage whether during the investigation or during the trial of the case

the plea of the police using force in exercise of the right of private defence can be raised and established, so as to absolve the police party of being guilty of committing the offence of culpable homicide. In this context it would be relevant to quote section 105 of the Indian Evidence Act, 1872 which prescribes that "when a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances". However the general practice is that during investigation of the case involving encounter killing itself the police personnel involved in the action take plea of exercising their right of private defence justifying the use of force and the final report in the case is submitted to the court proving offences against the deceased offender, mainly under section 307 of the IPC.

24. This issue was discussed by the Hon'ble High Court of Andhra Pradesh in the case titled Andhra Pradesh Civil Liberties Committee v. The Government of AP in the writ petition Nos: 15419 of 2006; 26358 of 1999; 7906 of 2000; 14475 of 2002; 440 of 2003 and 857 of 2008.³ In the instant case the High Court in its judgment dated 06th February 2009 held that "where a police officer causes death of a person, acting or purporting to act in discharge of official duties or in self-defence as the case may be, the first

³available at the website, <https://docs.google.com/document>

information relating to such circumstance (even when by a Police/Public Official; whether an alleged perpetrator is named or not) shall be recorded and registered as FIR, enumerating the relevant provisions of Law, (u/Sec. 154(1) Cr.P.C.) and shall be investigated (u/Sec. 156/157 Cr.P.C.)” and “that the existence of circumstances bringing a case within any of the Exceptions in the Indian Penal Code including the exercise of the right of private defence (a General Exception in Chapter IV IPC), cannot be conclusively determined during investigation. The opinion recorded by the Investigating Officer in the final report forwarded to the Magistrate (u/Sec. 173 Cr.P.C.), is only an opinion. Such opinion shall be considered by the Magistrate in the context of the record of investigation together with the material and evidence collected during the course of investigation. The Magistrate (notwithstanding an opinion of the Investigating officer, that no cognizable offence appears to have been committed; that one or more or all of the accused are not culpable; or that the investigation discloses that the death of civilian(s) in a police operation is not culpable in view of legitimate exercise by the police of the right of private defence), shall critically examine the entirety of the evidence collected during investigation to ascertain whether the opinion of the Investigating Officer is borne out by the record of investigation. The Magistrate has the discretion to disregard the opinion and take cognizance of the offence u/Sec. 190 Cr.P.C.”

25. Thus, in view of this judgment it would be compulsory for the police to register an FIR against the police officers after every police operations resulting in death of an offender. It had also ruled that their plea of self-defence should be

considered by the judicial magistrate only after the investigating officer had filed his final report. However, on an appeal filed by the Andhra Pradesh Police Officers Association, the Hon'ble Supreme Court has stayed the verdict of the High Court and the case is under consideration in the Hon'ble Supreme Court.

Investigation of Encounter Killing

26. Since an encounter killing is a homicide, investigation into the death of an offender resulting from use of force by the police should clearly establish the following facts in order to establish that it was a lawful and justifiable homicide:

(i) that the force used by the police, which resulted into killing of the armed offender was used by the police in exercise of 'right of private defence';

(ii) that sufficient warning was given by the police to the armed offender to surrender before start of use of force by the police in exercise of the right of private defence; and

(iii) that the force used by the police in exercise of right of private defence was only to the extent of inflicting of such harm as was necessary to inflict for the purpose of defence. In other words, it is to be proved that only minimum required force, and not excessive force, was used by the police personnel during the incident.

27. The fact that police used force, which resulted into killing of the armed offender, was used by the police in exercise of the right of private defence, in addition to other evidences such as evidences by the eyewitnesses and nature and

position of the wounds on the dead body of the killed offender, etc., can be proved to a great extent by the following:

i. The facts that the weapons seized from the possession of the deceased offender was in working condition, that the weapons had been fired, and that the empty cartridges seized from the site of the incident were fired from the weapon seized from the possession, are strong indicators that the armed offender used the firearms against the police.

ii. Matching of the fingerprints of the deceased and fingerprints on the weapons seized from the site of the incident would be strong scientific evidence that the weapons seized from the possession of the deceased offender or seized from the site of the incident were used by the offender against the police. Similarly fingerprints on the other articles/materials used by the armed offenders, such as fingerprints on the body of the vehicles used by the offenders, would also have strong evidentiary values supporting the police version.

iii. Presence of gun powder residue in the hand-wash of the deceased offender would be strong scientific evidence that the deceased offender had fired a weapon in the incident in which the police used force.

28. Scientific evidences as mentioned above are particularly important if the incident has taken place in a remote desolate place where there is no independent civilian witness to the incident.

29. In view of the legal provisions, especially those contained in the Indian Penal Code and the Criminal

Procedure Code, the following points need to be specifically taken care of during investigation of the killings resulting from use of force by the police in an operation:

- (i) A proper site plan of the place of the incident giving all the details should be prepared, clearly showing position of the police party and the armed offenders. In addition, a 'Spot Panchnama' should also be prepared, clearly describing the scene of incident.
- (ii) Proper photography of the scene of crime and of the deceased should be got conducted. Photographs of the deceased should clearly show all the wounds on the body of the deceased offender as well as all the body parts to exclude presence of any torture mark, blackening or tattooing.
- (iii) 'Hand wash' of the deceased offenders should be taken, preferably at the site of the incident itself, and it should be sent for forensic examination to ascertain presence of the residue of gun powder.
- (iv) Finger prints of the deceased and fingerprints on the weapons seized from the site of the incident (belonging to the deceased offenders) as well as fingerprints on the other articles/materials belonging to the deceased and seized from the site of the incident should be carefully lifted and sent to the forensic expert for matching. Similarly, fingerprints on the other articles/materials belonging to the deceased and seized from the site of the incident should be carefully lifted for matching. For instance, if the offenders were on a motor cycle when intercepted by the

police party, fingerprints of the offenders from the motorcycle should also be lifted.

(v) The arms and ammunition as well as the empty/spent cartridges found at the site of the incident, which were used by the armed offender against the police, should be properly seized, and should be promptly sent to a Forensic Science Laboratory (FSL) for ballistic examination in order to ascertain that the seized arms were in working condition, and that the empty cartridges were fired from the weapons seized from the site of the incident.

Delay in sending the seized arms & ammunition may result in loss of important evidences due to rusting of weapon and other possible damages. Further, sometimes ballistic examination is got done by an armourer which would however be of very little evidentiary value.

Sometimes it may also happen that the associates of the deceased armed offender take away weapon of the deceased and only empty cases/spent cartridges are recovered from the spot. In this situation, the weapons used by the police should be sent for ballistic examination to establish that the empty cases seized from the site of the incident were not fired by the police weapon used in the operation.

(vi) Clothes of the deceased offender, especially those having bullet marks, should be forensically examined for presence of gunpowder and other depositions associated with firing as it can give an indication of range of firing.

(vii) In case a police vehicle or the vehicle used by the offenders got damaged during the operation or was hit by

a bullet, this fact should be properly brought on record. Photographs showing damages to the vehicle should be taken and the vehicle should be properly got examined by the Motor Vehicle Inspector.

30. Further, all the records in connection with the use of force resulting in killing of the offender during the operation should be properly prepared. The police party, before going out for the operation should make an appropriate entry in the General Diary of the Police Station. Similarly on return after the operation, a detailed account of the incident should be entered in the General Diary and other records of the police station. Senior police officers who led the police team during the operation should themselves lodge the First Information Report (FIR), clearly bringing out relevant facts and circumstances of the incident, particularly those which necessitated use of force by the police in exercise of right of private defence, injury to any police personnel during the incident, damage to any vehicle, seizure of arms & ammunitions and spent cartridges and number of rounds fired by the by the police party. Seizure of the arms/ammunition, spent cases, blood stained earth sample and other relevant evidences from the spot should be effected following appropriate procedures, and a proper seizure memo indicating names and signature of the witnesses - preferably independent witnesses, date and time of the seizure, etc. should be prepared. The investigating officer should make a proper entry in the General Diary of the Police Station regarding action taken by him such as seizure of arms/ammunition, empty cases and other articles, taking of hand wash, taking of fingerprints, conducting photography, identification of the dead criminal

(identified by whom and how) and handing over of the dead body to the relatives of the deceased, etc. During the course of investigation the Investigating Officer should collect all the evidences which are relevant to prove genuineness of the circumstances leading to use of force by the police.



TRAINING AND DEVELOPMENTAL INTERVENTIONS FOR BETTER ATTITUDINAL ORIENTATION IN POLICE

Dr. A.K. Saxena*

1. Introduction

Quality Policing requires blending of Professional Knowledge and Skills with right attitudes by Police. Attitudes guide behaviour. In our country, Police image is a matter of concern. Media focuses mostly on the incidents which reflect negative image of Police. Thousands of good acts by Police per day do not find space both in print and visual media. Whatever may be the reasons the police suffers from the bad effects of negativity thereby leading to negative attitudes in them. An intensive search of literature in the form of research studies yielded no results. No research studies on the subject have been reported for incorporation of the findings in quantitative and empirical manner in this paper. However, a survey was conducted at the National Police Academy by Rajgopal and Saxena (2002) in which the perception of public towards police was studied. The results were as under:

**Professor (Retd) SVP National Police Academy Hyderabad, Based in Hyderabad (anilsaxena1977@gmail.com)*

Q1) How do you feel when you see a policeman in uniform?

Response by public

- 4 % Frightened
- 24% Worried
- 29% Happy and Protected
- 43% No Effect

Q2 a) What do you feel about Police?

Response by public

- 28.2% Corrupt
- 13.7% Brutal
- 6.7% Friends of People
- 13.9% Inhuman
- 11.8% Helpful
- 6.7% Justice Providers
- 13.0% Law Breakers
- 6.0% Partial –favour political party in power

Q2b) To what extent do you feel fully safe and secure in the presence of Police?

Response by public

- 4% Fully safe and secure in the presence of police
- 29% To a great extent and secure in the presence of police
- 43% To a little extent safe and secure in the presence of police
- 24% Not at all safe and secure in the presence of police

Q3) To what extent do you feel that following people are safe in the hands of the police?

Response by Public

	Groups		Fully	To a great extent	To a little extent	Not at all
(a)	Minorities – Muslim, Christians (Any other)		9.0%	28%	47%	16%
(b)	Down-trodden and Poor		3.0%	8.0%	39.0%	50%
(c)	Women in Custody		5.0%	23.0%	39.0%	33.0%
(d)	Children in Custody		15.0%	32.0%	40%	13%
(e)	Victims of crime		8%	26%	44%	22%
(f)	Complainants		8%	30%	44%	18%
(g)	Politicians		75%	22%	1%	2%
(h)	Rich		75%	22%	1%	2%

Above-cited quantitative findings reveal a lot about the present status of police image in our country. It is essential that the police provide better 'Quality of Service' in consonance with the expectations of the society. Attitudes i.e. intent to behave properly plays a vital role in this respect. The author is of the opinion that the findings still hold in current scenario also.

2. Attitudes and Behaviour

Attitudes determine altitude of human-beings, organizations and country as a whole. Importance of attitudes is highlighted by the following simple arithmetic calculations by putting placement value of each alphabet in word ATTITUDE as under:

A – 1; T-20; T-20; I-9; T-20; U-21; D-4; E-5 .The sum is 100 .

It means that the `Attitude' amounts to Cent-Percent (100) effectiveness in our lives. Following definition of attitude is worth mentioning here:

"Attitudes are likes and dislikes – favourable or unfavourable evaluations of and reactions to objects, people, situations, or any other aspects of the world including abstract ideas and social policies"

Hockenbury et al-2008

"Attitude as a learned tendency to respond to people, objects or institutions in a positive or negative way".

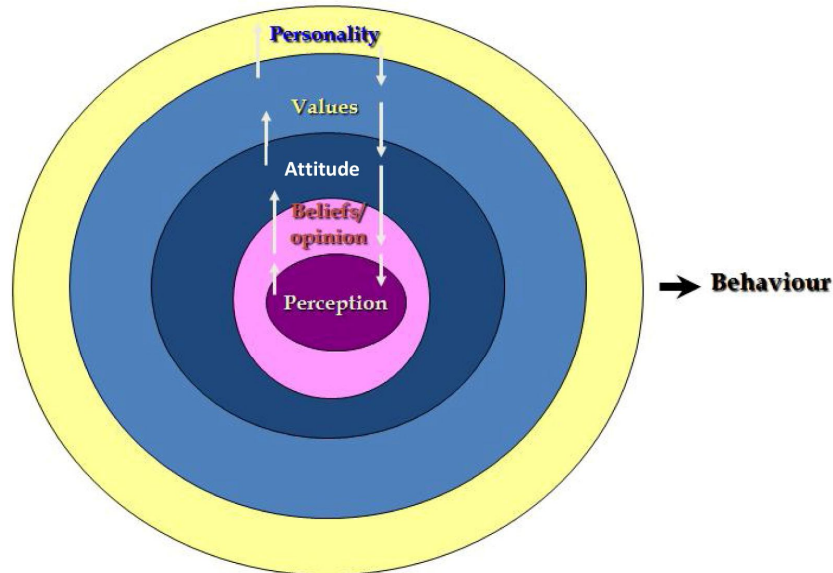
Olson and Zanne -1993

Attitudes are positive or negative, but they can be ambivalent when we have mixed feelings about an issue or person.

Below-cited Figure 1 beautifully describes the dynamic nature of `Perception', `Beliefs', `Attitudes', `Values' and `Personality'. These are `Covert' and result is `Overt" behaviour of a person. `Behaviour' is the result of internal dynamics of perceptions, beliefs, attitudes, values and our personality.

Diagram 1- Attitudes and Behaviour
(Source –unknown)

Attitudes & Behaviour

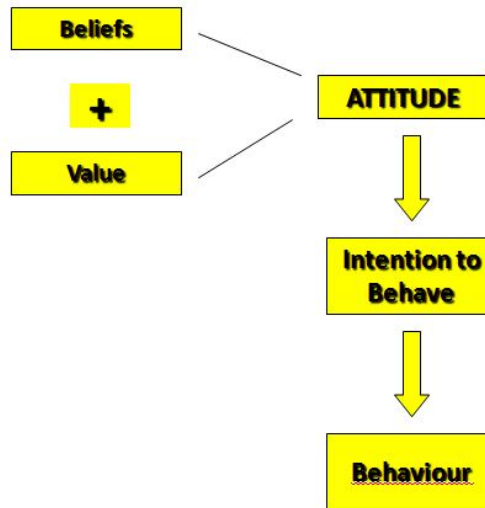


The diagram is self explanatory. The arrows reflect that perceptions shape beliefs /opinions which in shape our attitudes, values, and personality. A stage comes in life when our personality starts guiding our values, attitudes and perceptions to behave properly.

Another interactive Diagram 2 communicates the relationship among various factors including attitudes and behaviour.

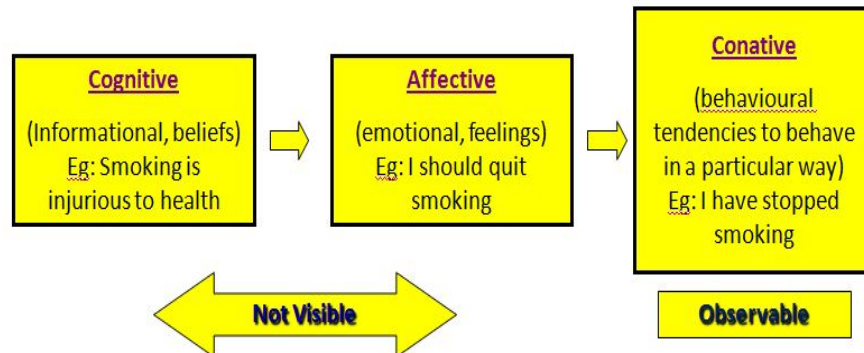
Beliefs and Values together shape our attitudes resulting in behaviour.

**Diagram 2: Beliefs, values, attitudes and behaviour
(Min-Sun Kim & Hunter -1993)**



The components of attitudes are depicted in Diagram - 3 as under:

**Diagram 3: Components of Attitude
(Pareek -2007)**



The components encompass Cognitive, Affective and Conative dimensions of attitude. Adequate knowledge is important in the development of all components of attitude.

The various functions of attitudes are as under;

Adjustment function- To adjust to work environment.

Ego defensive function- To defend self- image.

Value expressive function- To provide basis for expressing values.

Knowledge function- To help in organising and exploring the world. (Luthans -2008)

3. Attitudes Crucial for Police

If Police were to be the greatest provider of yeomen service to the people of our country, following attitudes are to be considered for focusing on training and non-training interventions:

First Set: Organizational context

- The greatest regard and positive attitude to the 'Constitution of India' and the 'Law of Land'.
- Attitude to Police Organization (Pride in Organization)
- Pride in Uniform
- Attitude to 'Scientific Aids to Investigation'.
- Attitude to ensure 'Social Justice' by having very positive inclination to serve the following sections of society:
 - Poor
 - Underprivileged
 - Minorities
- Attitude towards the observance of Human Rights.

- Attitude of fairness towards people belonging to on the basis
 - all religions
 - any Caste/Region
 - various levels of Socio-Economic Strata.

Second Set: Functional Aspects

Attitude Towards:

- Use of Force
- Patrolling
- Custodial Violence
- Women and Children in custody
- Third Degree
- Gender Discrimination at the workplace
- Sexual Harassment

Third Set: Stakeholders

Positive attitudes will Circum scribe

- Superiors, colleagues and subordinates.
- Outside experts.
- Internal customers. (Judiciary, Magistracy and Correctional Administration)
- External Customers (People to be served}
- Media both print and visual.
- Elected Representatives of people.

Fourth Set: Quality of Service

Attitudes will focus on-

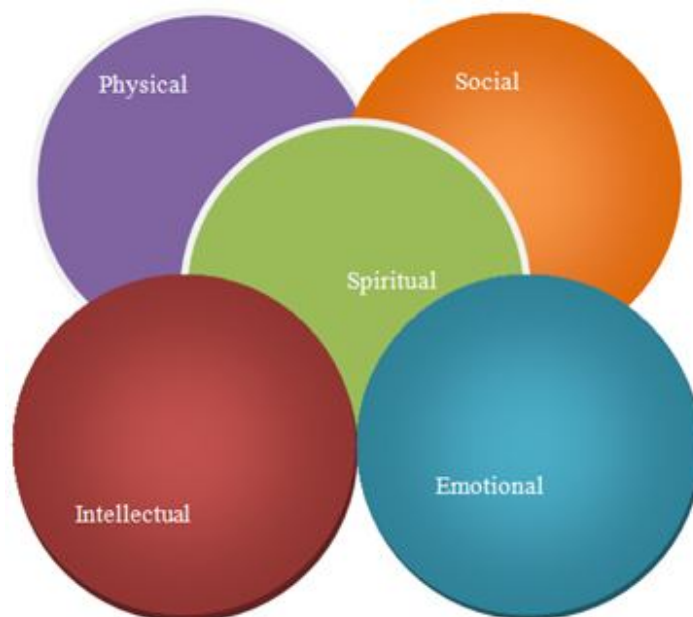
- Attitude to the quality of service
- Attitude to the innovativeness and creativity

Fifth Set: Self

- Attitude to self leading to higher levels of self-efficacy, self-esteem and optimism.
- Attitude to learning and change.

It is said that the quality of a person's life is directly proportional to his commitment to excellence. The question arises what are those dimensions of excellence? Olpin and Hesson (2013) have defined the components of 'Self' by labelling those as the dimensions of Health as under:

Diagram 4: Dimensions of Health
(Olpin and Hasson, 1993)



How much do we value our health and physical well being? How much do we bother about better nutrition? The persons with positive attitude will worship their bodies. They will engage themselves in exercises and physical fitness programmes. They will take nutritious food. They will not fall

victims of drugs (alcohol and tobacco are also drugs). They will learn the ways to manage stress. The persons with positive attitudes will be 'social'. They will not be either asocial or antisocial. They will mix up with people and have affection towards them. We know the cost of being 'Antisocial' and 'Asocial in police'. The Emotionally Competent/mature people will have positive attitudes in their lives. They control their emotions to adjust well, with the environment. They are competent in regulating their emotions in their behaviour. The emotions usually include: Anger, Happiness, sadness, Fear, Disgust, Surprise, Anxiety, Shame, and Interest. Emotionally mature people are socially competent and enjoy excellent health (both physical and mental). If people have not learnt to be positive towards emotions, they will have the following signs of emotional deterioration:

- Increasing distrust of others
- Emotional Fatigue.
- An increasing dependence on others
- Feelings of inferiority
- The desire to regress back to an earlier age
- Long-lasting irritability
- Frequent periods of sadness or depression
- Social withdrawal
- Changes in appetite for no physical reason

Emotional resilience and emotional hardiness in policemen will result in proper behaviour and conduct in society. The persons who have positive attitude to 'thinking self' will always use their analytical powers and creativity for solving problems and making decisions. They will always learn to be more analytical and creative in their lives through self-

introspection and training. The persons who are positively inclined towards their 'spiritual selves' will always use moral and ethical framework and value base in decision making and action. The persons with positive self-concept love their lives, achievements, people and the environment around them. They always have winner's script in their lives. The spirituality at the workplace has been defined very well by Olpin and Hesson (2013) "Factors that seem to promote spiritual health include trust, honesty, integrity, altruism, compassion and service....Five qualities of spiritual health that cut across many religious and spiritual beliefs have special relevance in stress management:

A sense of meaning and purpose in life, faith in God or a higher power-however you choose to define it, a feeling of connection to others and seeing oneself as part of something bigger, compassion for others and participation in religious behaviours or meaningful spiritual rituals".

The positive attitudes towards our organisation reflect our love and devotion towards its -

- Vision
- Mission
- Targets
- Culture (norms/values/traditions)
- Infrastructure
- Environment (psychological and physical)

Following lost love negative attitudes are frequently expressed by the employees of an organisation.

- Criticising Organisation in public places
- Always find faults in the organisation

- Taking job casually.
- Hiding capacity to perform.
- Setting low targets.
- Concealing information from others.
- Ganging up against someone.
- Generating false report to please top management.
- Preference for comforts and pomp & show.

It has been hypothesized that the rate of learning in an organization should be equal or greater than changes in its external environment. If it is not so, the organization will be unable to avert the future shock. It is generally found that when we grow in years we develop the following negative attitudes to learning:

- I am too old to learn.
- Learning is restricted to schools and colleges only. Because I get degree/diploma certificate.
- Nobody is a potential source of learning for me.
- If I learn, I will be over burdened with work.
- If I share my willingness to learn, people will feel that I am a /weak person.
- I learn for others not for myself.
- I do not gain anything by learning.
- Whatever I have learnt in past is sufficient for me to be effective executive.

Every Policeman should the value of continuous for better professional standards.

4. Training and Non Training Interventions

Following practical interventions are put forward –

- i. The superiors should be great role models for their subordinates. Focal areas in role modelling include attitude to learning and change, innovative mindset, pride in self and uniform, behavioural decency, positive outlook - health consciousness, sociability, morality, achievement motivation, fairness and love for people to be served.
- ii. The Mission and the Vision of Police should be defined by having external help. These should be made very clear to the personnel through training, workshops and thematic discussions.
- iii. In order to understand the various strata of society, their problems etc. eminent Sociologists should be invited to interact with the police trainees. This intervention will help trainees understand their external customers more effectively. The Case studies pertaining to the customs and the traditions of the various strata's of society should be discussed.
- iv. In the training curriculum following themes may be considered for coverage :
 - Mindfulness Training and Rational Emotive Behavioural Therapy for stress management.
 - How to Improve our
 - Self-Perception
 - Positive Self-Concept
 - Self Esteem.
 - Stress Management Techniques (Specially to control Post-Traumatic Stress Disorder- PTSD)
 - Nutrition and Health
 - Interpersonal effectiveness training to control 'asocial' and 'Antisocial Behaviour disorders.

- Emotional Resilience and emotional Hardiness.
- Spirituality at the workplace.

v. Special visits should be arranged by the training institutions to the NGOs like Mother Teresa's Home, Home for Aged etc. The police personnel will develop sensitivity towards such people. In the National Police Academy, these interventions have been tried. The response of the IPS probationers was very positive.

vi. For any attitude resulting in behaviour, a very strong knowledge (cognitive) base related to attitudinal object is very much necessary. The knowledge will develop affective component leading to the manifestation in behaviour. Therefore, the Police training should focus very effectively on the development of cognitive base through well researched subject matter of quality especially in Law, Forensic Science and other Police sciences. Very effective training methodology will develop affective domain related to the knowledge. The methods may encompass – training in real settings, field exposures, simulations, role plays, case studies, thematic discussions and problem - solving exercises. Sensitivity training and visioning exercises.

vii. There should be continuous supply of literature/training material to the police personnel pertaining to the following:

- Recent enactments.
- Court decisions.
- Scientific Aids to Investigation.
- Human Rights Issues.

- Case Studies of successful police personnel.
- Knowledge Management Architecture in Police is a great necessity.

viii. The personnel should be motivated and rewarded to do at least one act of kindness per day. They should be motivated to record those acts of kindness in their diaries.

ix. The police personnel, who excel in their duties, should be rewarded. Stringent punishment should be given by superiors to the police personnel who do not abide by the Law and violate the Human Rights of people.

x. The Subordinate ranks should be treated with decency, decorum and respect. Any departure in behaviour of superiors leads to poor self image leading to low levels of self esteem and high levels of stress in Police. The subordinates develop a lost love attitude towards self and the police organization which are very detrimental. Fairness, firmness and assertiveness go together in developing pride in uniform, service and the people to be served. It should be appreciated that aggression and arrogance are very poor substitutes of assertiveness and forthrightness.

xi. Research Projects should be undertaken in Police to identify the desirable attitudes in police for better performance. Based on the findings Attitude Scales should be developed for utilization in selection and training of Police personnel.

xii. Public opinion surveys covering literate, semi literate and illiterate masses should be conducted. The obtained

feedback will be useful to facilitate the action planning by Police for ensuring quality service to the people.

xiii. The views of an esteemed former Director Sh. Shankar Sen of the National Police Academy are worth considering on the issue of attitude development to spark the debate.

"I am not sure if attitudinal orientation has been or could be really achieved through brief training interventions. Attitudes are formed and frozen due to various factors and circumstances in one's life and how far they can be changed or modified through training interventions is open to debate. However, definitely, change in behaviour through proper innovative training and organizational culture is possible and only from changed behaviour a change of attitude in due course can come the view that training should be on correct behaviour and conduct that may eventually result in change of attitude. This however is my personal view on the subject based on long years of experience in different capacities and institutions".

5. Summing-Up

In this paper, an attempt has been made to define 'Attitude', its components and relationship among attitudes, values, beliefs and perception. Attitudes are covert but behaviour is overt. Attitudes have been connected with police image and quality policing. Attitudes in police have been classified into 5 categories namely- organizational context, functional aspects, stakeholders, quality of service and self.

Training and non-training interventions have been recommended viz. role modeling by superiors; communication

of vision and mission of police; management of emotions and stress; exposure visits to NGOs; development of very strong knowledge base in law and other police science; provision of literature and training material to the police personnel; rewards for exemplary service to the study; research for identifying; measurement and development of attitude and utilization of feedback from public opinion for improving quality of service to people.

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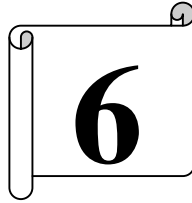
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A RESPONSE TO: CAN STAMPEDES BE PREVENTED?

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The article "Can Stampedes be Prevented?" appearing in Sardar Vallabhbhai Patel National Police Academy Journal (June 2016 Issue) flags an issue of considerable professional interest. Police in India are the lead agencies for the planning and management of mass gathering events with relevant help from the civil and municipal authorities at the district level. Despite having around 5000 years experience of managing the Kumbh gatherings, the contemporary police have drawn flak for failing to prevent the so called "stampedes". Since the well-documented crowd disaster that happened at the Allahabad Kumbh Mela in 1954, more than 2000 people have become victims of crowd related disasters in India. Crowd disasters are not unique to India and at the same time, the Indian police, administrators, inquiry commissions, researchers and academicians are not alone in characterizing these crowd disasters as "stampedes".

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In this response, the author contends that, firstly, crowd disasters are not “stampedes”, and if they happen at all, happen very rarely. The second contention of the author of the response is that crowds are not always blameworthy. Crowds may lack information and knowledge about safety measures, they may sometimes behave in an inappropriate manner sometimes leading to some disasters but most of the time, it is not the crowd which is responsible for the disasters; instead the crowd is a victim of poor venue designs and managerial failures for which the organizers and administrators are to be blamed. The original article’s author’s averment that pilgrims on becoming part of a large crowd become little reckless also and mindlessly follow the crowd and in this sense they may become a little directionless and lose their normal discretion² is not supported by any of the prevailing view about the crowd behaviour.

I. Crowd disasters are not stampedes

II. Crowds do not become irrational, directionless during crowd situations

To delimit the scope of the response, and also due to the constraints of space, the response will address the issues of stampede and the putative irrational behaviour of crowds together.

All crowd disasters are not stampedes. Whenever a crowd tragedy happens, all the stakeholders, including the media are quick to typify the incident as stampede. This has

²Can stampedes be prevented? P. 94

happened in the past during the Allahabad Railway Station tragedy (2013) and also when incidents happened at Sabarimala (1999, 2011), Malabar Hill, Mumbai (Syedna death, 2014), Nashik Kumbh Mela (2003), Mandardevi Temple (Satara, Maharashtra, 2005), Love Parade (Duisburg, Germany, 2010), crowd crushes at Mecca, Hillsborough (1985) and so on. However, experts across the world have scoffed at such characterization that labels crowd disasters as "stampedes".

The term "stampede" is used to label all kind of crowd disasters whereas, according to experts, true "stampedes" (and "panics") rarely occur except when many people are fleeing in fear, such as from a fire, and trampling by people in such "stampede" conditions rarely causes fatal injuries. The epithet "stampede" negates the concept of crowd density as in true stampede people are able to flee from a danger out of panic or fear to survive and hence, the crowd density would be thinnest so that people have adequate space to run away. The experts are of the view that on the extremely rare occasions that a real stampede happens – that is, people running over you – it is unlikely to be fatal. "If you look at the analysis, I've not seen any instances of the cause of mass fatalities being a stampede," says Keith Still, professor of crowd science at Manchester Metropolitan University. "People don't die because they panic. They panic because they are dying."³

³Leo Benedictus: Hajj crush: how crowd disasters happen, and how they can be avoided; available at

<https://www.theguardian.com/world/2015/oct/03/hajj-crush-how-crowd-disasters-happen-and-how-they-can-be-avoided>;
Saturday 3 October 2015; retrieved on July 23, 2016.

Professor Edwin Galea and his Fire Safety Engineering Group at the University of Greenwich use behavioural experiments and mathematical modeling to understand how crowds move in different scenarios. Galea too has refuted the idea that crowd disasters are stampedes:

‘One word bears a lot of blame, at least in English. Mention a “stampede” in front of Galea and he starts to look pretty wild-eyed. “This is just absolute nonsense,” he says. “It’s pure ignorance, and laziness ... It gives the impression that it was a mindless crowd only caring about themselves, and they were prepared to crush people.” The truth is that people are only directly crushed by others who have no choice in the matter, and the people who can choose don’t know what is going on because they’re too far away from the epicenter – often reassuringly surrounded by marshals and smiling faces.’⁴

Professor Gelea has aptly summed up the argument. In his blog posted on July 25, 2010, a day after the Love Parade crowd disaster at Duisburg in which 19 people were killed and 340 got injured, he wrote that “as soon as news of the incident in Duisburg began to hit the front pages of the world’s

⁴Leo Benedictus: Hajj crush: how crowd disasters happen, and how they can be avoided; available at <https://www.theguardian.com/world/2015/oct/03/hajj-crush-how-crowd-disasters-happen-and-how-they-can-be-avoided>; Saturday 3 October 2015; retrieved on July 23, 2016.

newspapers and websites, familiar terms such as 'crowd panic' and 'crowd stampede' began to be used to describe the tragic incident in Duisburg". Continuing his argument he said that "this is the typical media response, and of more concern, the typical first response from officials to fatal crowd incidents all around the world. I don't intend to discuss here the lack of understanding that the media, the public and officialdom have of words such as 'panic' and 'stampede". Rather, I want to discuss the implications that using such phrases have on the public's understanding of the event'.⁵ Reactions to crowd disasters in India are too no different, as will be discussed subsequently.

In a similar vein, other scholars have expressed their reluctance in classifying every crowd disaster as stampede. Anne Templeton, doctoral candidate in psychology at the University of Sussex with a focus on collective behaviour in crowds, says that the use of the word stampede implies that the pilgrims were running mindlessly (during Hajj tragedy in 2015) and had caused the deaths themselves in order to sensationalize the tragic incident. Continuing with her argument she says, "the rhetoric of 'stampede' is often used to imply that the crowd is animalistic or mindless, but from a crowd psychology point of view, I'm sure that there was a logical explanation for the crush". "The density of the hajj has been shown to reach up to 6-8 people per square meter, so I

⁵Fire, Evacuation and Crowd Safety Blog: Duisburg Love Parade Crowd Tragedy 24 July 2010 – written by Prof Galea, 25 July 2010, 14:00; Posted on 25/07/2010 by Prof Ed Galea; available at <http://fseg.gre.ac.uk/blog/?p=1>; retrieved on August 14, 2016.

would be very surprised if a stampede (implying people running mindlessly) could occur in the first place," she concludes.⁶ Her argument that the critical crowd density levels at Hajj played a significant role in causing tragedy is significant way forward in understanding the tragedy in a proper perspective.

To conclude the argument that crowd disasters are not always stampedes, that stampedes happen rarely, and that crowds are also not mindless or directionless, reference will be made to some inquiries conducted in India into crowd tragedies and also to media reports concerning some of the crowd tragedies. An analysis of the inquiry reports conducted into the disasters of Sabarimala incident (1999), Mandardevi (Satara, Maharashtra, 2005) and Allahabad Railway Station (2013) and the media reports about tragedy ahead of Syedna funeral categorically points out that these incidents were not stampedes.

Allahabad Tragedy (2013)

A committee constituted by the Railway Board conducted an inquiry into the Allahabad tragedy. The report has concluded that:

As per available CCTV clippings, it appears that a huge crowd surged into the station (Foot Over Bridge-I) from

⁶Jack Moore: What Caused the Hajj Tragedy; September 24, 2015; available at <http://europe.newsweek.com/what-caused-hajj-tragedy-333566>; retrieved on July 24, 2016.

the Civil Line side and started moving towards Platform No. 4/6 (Island platform). It was totally unplanned and led to a crowd of people trying to go down a 42-stair staircase. A careful examination of the CCTV at this location shows that **there was no stampede like situation even remotely. Therefore, it appears that someone amongst the crowd lost their balance and then others fell over them and these people got trampled/injured.....This is being erroneously called a stampede.** It is actually a sea of humanity, with their belongings on their head moving in an orderly and slow manner from a Foot Over Bridge, which has a 824.10 Sq. Mtr Deck through a 42.90 sq. mtr staircase. It is unplanned in the sense that they were not supposed to be on this Foot Over Bridge and from Civil Line side in the first place as per agreed planning between Railways and Civil Administration. (Sic., emphasis supplied)⁷

Clearly, even though the crowd was moving in an orderly, slow manner but even then it became a victim of tragedy. However, the report candidly admits managerial failures when it says that the crowd movement was unplanned, as the agreed crowd management plan was violated.

Sabarimala Tragedy (1999)

Let us advert to the cause of crowd disaster during Sabarimala tragedy in 1999. The Judicial Commission of Inquiry has mentioned in its report that:

⁷Report of the Committee to Inquire into the Incident at Allahabad Junction (NCR) on 10th February during Kumbh Mela 2013. See pages 19-20

Paragraph 4.91: Immediately after viewing the Jyothi the pilgrims rushed towards the parking places and bus stand. It was at about 7.30 p.m. Some pilgrims stumbled upon the temporary coconut shell heap on the left side of the road and started falling down. This resulted in heavy rush from behind and more people started falling down.

Paragraph 5.26: The Commission is of the opinion that the evidence in the case can indicate only one thing as to the cause to the tragedy; that is the uncontrolled crowding of pilgrims at the Hill Top in Pamba and the rushing down by those pilgrims, immediately after seeing the Makarjyothi. As has been pointed out by most of the witnesses, immediately after viewing the Jyothi, the pilgrims rushed down towards parking places and bus stand. This was about 7.30 P.M. on 14-1-1999. Pilgrim stumbled down. There was heavy push from behind and more people lost their balance. When the movement stopped, there was commotion⁸. (Emphasis supplied)

Though the report has mentioned the fact of rushing by pilgrims towards buses etc. yet the cause of tragedy was not rushing but stumbling of some pilgrims upon the coconut shell heap, an obstruction that compromised the flow of the crowd thereby leading to a crowd collapse. The Sabarimala

⁸Justice T. Chandrashekhara Menon Commission of Inquiry on Stampede Tragedy at Sabarimala, Final Report, Volume I-IV (With Annexures & Appendices), 7th June 2000.

tragedy was again a managerial failure and the venue design was also not suitable for the huge crowd gathered there.

Mandardevi Tragedy (2005)

Again when we examine the inquiry report of Mandardevi crowd disaster, which the author of the article in the journal has erroneously attributed to bursting of cooking gas cylinder and consequent panic resulting into stampede,⁹ we find that this tragedy was again a crowd collapse. Apparently, the cylinder-bursting theory was only imagination of the media and officials. The inquiry report has concluded that:

Route at the accident spot was too narrow which became slippery because of spill of coconut water and oil offered to the deity. One lady slipped and fell down. Her associates also fell down. Within moments, pilgrims behind them fell upon them. In this melee, electric cable illegally supplying power to stalls/shops there also got snapped. Due to crowd collapse and electric shock, people could not extricate themselves or even officials also could not pull them out to stop multiple deaths. Electric supply could not be stopped at least for half an hour thus leading to multiple deaths.¹⁰(Emphasis supplied)

It is evident that there was no running around and trampling by the fleeing crowd. Again all facts indicate

⁹Can stampedes be prevented? P. 100

¹⁰ Report of Justice Rajan Kochar into the accident during Kalubai Yatra Mandarbai, Taluka Wai, District Satara, occurred on 25 January 2005 See pages 44 to 46 of the Report (casual translation from Marathi by the author).

to crowd collapse and a secondary disaster (snapping of electric cable and electrocution) occurring because of this crowd collapse. There were no indications that the pilgrims behaved irrationally. Here too, the report underlined the failure to plan the event adequately.

Tragedy Ahead of Syedna Funeral (2014)

Let us also have a look at what happened ahead of spiritual guru Syedna's funeral in South Mumbai in January 2014 when 18 followers were suffocated to death and the media and the officials again characterized the tragedy as a stampede. The following facts have been gleaned from two media reports, which also attribute some statements to the then Mumbai Police Chief:

"People from all parts of Mumbai and around the city came to pay their last respects around 9 last night. The roads were narrow...It led to suffocation. It was difficult for the people to breathe."

"Some people fell unconscious. Gates were closed following which some people fell on each other. As the doctors are claiming, cause of the death was suffocation."

Crowd management around Syedna's house was poor, and the police was badly overwhelmed by the huge numbers of mourners. We did not think the crowd would be so great. Also, it's an emotional occasion when

police cannot take harsh measures to push back the crowd.”¹¹

These facts clearly indicate existence of abnormal crowd density at the time of tragedy, which could not have allowed people to run away out of panic, stampede and kill each other. People indeed became victims of poor crowd management. Space was narrow and inadequate to accommodate the mass of devotees. Shutting down of the gate of the house of the deceased further aggravated the situation. Crowd behaviour apparently was normal. Incidentally, the tragedy is a classic case of crowd crush just as the Love Parade was a classic case of failure to manage crowd flows and poor venue design.

The Datia tragedy (2013) was clearly a result of inadequate and poor venue design as well as of failure of crowd management. The tragedy at Ujjain Kumbh Mela (2016) was consequence of structural collapse because of heavy rains and speedy winds and not necessarily a stampede. The author has also studied the crowd tragedies of Nashik Kumbh Mela (2003), Chamunda Devi, Jodhpur (2008), Naina Devi, Himachal Pradesh (2008), and Sabarimala (2011), but did not find any footprints of stampedes causing deaths during these tragedies. The facts gathered indicated the tragedies were

¹¹ See <http://timesofindia.indiatimes.com/city/mumbai/18-killed-in-stampede-in-Mumbai-ahead-of-spiritual-leader-Syednas-funeral/articleshow/29000436.cms>
and
<http://www.independent.co.uk/news/world/asia/stampede-at-mumbai-funeral-leaves-18-dead-as-as-thousands-mourn-muslim-leaders-death-9069247.html>

consequences of crowd collapses occurring because of different reasons. However, the media and officials have faithfully and ritually described all these incidents as stampedes whereas they resulted from poor venue designs, space limitations of venues, failures to address risks and managerial failures. Failure to manage crowd flows and densities at all these venues played a significant role in causing the tragedies. Crowds also did not behave irrationally or mindlessly except in one case when the pilgrims overcame barricades and caused counterflow during the Nashik Kumbh Mela (2003), but here too the crowd behaviour was not the sole cause of disaster. The Nashik tragedy was consequence of a combination of various factors; the stampede was anticipated based upon the events that unfolded during the first Shahisnan and the crowd here was expected to overcome barricades.

III. Conclusion

The manner in which tragedies in India have happened unambiguously points to a phenomenon known as “progressive crowd collapse”, which is caused by a densely packed group exerting pressure on each other, but kept in place by pressure from the other side. A shockwave through the crowd or a slip can cause a fall. The fall of one person creates a sudden gap in the crowd and removes the opposing force that kept the crowd in equilibrium. Others fall into the new space, and more follow them until the pressure eases. Keith Still in a personal mail to the author has explained that “indeed – the studies show that collapse and densities are related, running can only occur at lower densities. High density is high risk of trip/slip fall. Pressure at high density is a

risk to life and limb. So it's the packing density that gives rise to the risk of crowd collapse. Crowd collapse (high density) is like a heap of dominoes falling over."¹² The author's analysis has also revealed domino effects and heaps of dead bodies during Indian tragedies or suffocation, as seen in the tragedy ahead of the Syedna funeral.

It should also be appreciated that the situations involving crowds are complex and dynamic situations, which require good organizational concept that should be resilient ('forgiving'), i.e. it should be robust to mistakes and complications (Helbing & Mukreji, 2012).¹³ However, the author's study found that many of the systems designed by the organizers to manage the events and the organizational concepts adopted therein were not robust and resilient. Therefore, the many disasters studied as part of this response did not have a single causative factor, were a result of many events and factors concatenating to trigger the tragedies. In Nashik (2003), the absence of contingency plan to manage crowd flows, inadequacies of the venue and coordination failures, interalia caused the disaster. In Manderdevi (2005), the failure to plan the event and prepare the venue for huge crowds led to the accident. The Sabarimala, Chamundadevi, Nainadevi, and Datia incidents also had design problems; the accidents spots were narrow and steep and the crowd managers failed to manage the crowd flow and crowd density.

¹² Email dated July 13, 2016.

¹³ Dirk Helbing and Pratik Mukerji (2012): Crowd disasters as systemic failures: analysis of the Love Parade disaster, EPJ Data Science 2012, 1:7

Additionally, none of the events were risk-proofed by the organizers. None of the inquiry reports, judicial or magisterial, studied by the author herein have discussed the issue of risk assessment that should have been thoroughly embedded in the event design and throughout its development and production process to ensure the risks associated with the event are managed effectively (Silvers, 2008)¹⁴. Keith Still has expressed that when major incidents are investigated, the riskassessment is the first document to be reviewed. One of the key questions posed at this point is: "Did the eventorganiser, approval/licensing officer and operations teams understand the risks during the event?"However, the Indian inquiries conducted into the crowd disasters continue to remain silent on risk assessment aspects of events.

Further, the author concurs with Helbing and Mukerji (2012), when they aver that "we don't deny that stampedes do not exist at all but we assert that they happen rarely. There certainly exist some instances of this kind. However, the hypothesis of a 'psychological state of panic' as reason of crowd disasters has been questioned many times"¹⁵. Many times when the crowd tries to escape crowd situations as it did during the Love Parade in Germany by climbing traffic sign on the ramp it is misinterpreted as improper behaviour or as signs of an excited or directionless, mindless crowd. However, the temporal coincidence of these events shows that people try to escape from the crowd in any possible way, when they

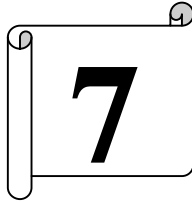
¹⁴Julia Rutherford Silvers (2008)-Risk Management for Meetings and Events at p. 3

¹⁵ Dirk Helbing and Pratik Mukerji (2012): Crowd disasters as systemic failures: analysis of the Love Parade disaster, EPJ Data Science 2012, 1:7

encounter danger (Helbing and Mukerji, (2012). Contrary to the dominant viewpoint, many studies have found that rather than behaving selfishly and mindlessly, the crowd members try to help the members of the crowd without losing normal discretion, as most crowds are comprised not of unattached individuals but of small, often primary groups. Group bonds constrain totally selfish behaviour, even when situation seems life threatening (Johnson, 1987))¹⁶. The small group phenomenon is a normal feature of Indian crowds and is best exemplified during Kumbh Melas or other religious mass gathering events when small groups walk down holding hands of other group members. In one of the earliest studies on panic and crowd behaviour during crowd situations, Johnson (1987) reported evidence showing that panic did not cause the death and injury of numerous young people prior to a concert by the rock group, The Who, at Cincinnati's Riverfront Coliseum in late 1979. His study established that people did not "stampede" over others in their rush to enter the Coliseum as media accounts contended. Instead, participants tried to help others, and most competition that did occur reflected efforts to escape the crush rather than to enter the concert.

Johnson concluded that theoretical models of panics or "crazes" within the literature on collective behavior are not very useful in explaining these types of incidents. As this paper demonstrates, Johnson has been proven right over the years when we study the Indian crowd tragedies.

¹⁶Norris R. Johnson (1987): Panic at "The Who Concert Stampede": An Empirical Assessment in Social Problems, Vol. 34, No. 4 (Oct., 1987), pp. 362-373



YOU ARE, THEREFORE, I AM! **(Leadership through self-management)**

Dr. A.P. Maheshwari, IPS*

The above given doctrine of assimilation has been the ultimate surviving principle which has been upheld by all civilizations and self-actualised souls after having gone through several oscillations in their life. Only they would emerge who actually know how to merge. As we traverse the journey of the "Self", we experience the stage of 'being' to 'not being' and then 'being everywhere'. In order to make positive strides in life and to keep at bay conflicts, this principle often helps. The situation of non-assimilation with the 'truth' leads to a series of conflicts that saps one's creativity. We are all aware that we can be creative only in our present, not now in the past and certainly not in the imaginative future. And anyways, the future would manifest itself only in form of the then 'present' and the 'present' alone.

2. Recently, I attended certain functions where people from different places with a different set of knowledge, skills and experience had assembled together. The task of drawing synergy between such groups of heterogeneous

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characteristics started with the core understanding of these principles of assimilation. 'Recognising the inevitability of differences and yet binding them together with a cord of coherence'.

3. The process starts with self-analysis and self-tutoring to nullify the conflicts within and result in the alignment of body, mind and soul to draw sustainable strength from within. This technique often helps one to win over any physical or mental ailment. Various constrictions arising due to non-alignment of these vectors may deprive a person of his inner bliss. As you mature within, you realise the relevance of locating and activating the energy points through visualisation of the 'super-ordained' and using the techniques of meditation for the upward mobility towards a higher level of consciousness.

4. I recall the culminating years of my mother's life. She had contracted cancer. The disease initially left her baffled and yelling with frustration and pain. But soon she aligned herself with her super ordained mission, the ultimate faith she nurtured towards her deity. Then came a turn in her 'being'. She rose to evolve the 'art of leaving'! She rose to discovered that 'death' was the only positive forward leap one could make in one's life. She practiced the principle of assimilation and elevated to the level of higher consciousness where all her conflicts both within and outside vanished, and she transcended from the art of 'living' to the art of 'leaving'. As her care taker, I too gained enlightenment and felt enriched with the experience.

5. The state of being 'everywhere' evolves around 'forgetting' differences and 'forgiving' people. It is nurtured by

being humble and tendering apologies for any inconvenience caused to others. It's not getting affected by social perceptions or material exhibitions. On the contrary it thrives on inner bliss and the peace within. The radiations emanating from such a 'being' tend to align others with the inner core. Indeed the receiving people should also be capable of processing such energy waves or vibes to its optimum. Lack of reception capabilities may thus create varying impacts in different people. Hence, conveying such thoughts and may even sound vague and pointless to a few.

6. This also brings us to the fact that the world is not only dynamic but also constituted out of the pairing of opposites in varying degrees. Hence, it is necessary to understand and accept various extrinsics. This would lead to a point of assimilation where anger itself would cease to exist. This is the ultimate transition from the 'fanciful mind and perception' to 'inner intellect'. When focus shifts from extrinsics to the intrinsics, the same environment then gains relevance and becomes meaningful, then leading you on in the direction of synergetive success. That is what transpired with Arjuna in the Mahabharata when Lord Krishna gave him direction and helped carry him far above his myopic view on life.

7. This golden principle also prompts us to realise that it is the joy of giving, rather than of taking, which lead to the eventual happiness. It is a shift of desires from the 'me' to the 'you'. This is what Kabir too emphasised upon i.e. to merge into a state of oneness from a state of separateness or dualism. That is why loving people remain soaked in a state of permanent bliss. There is no denying that the only thing which is permanent is 'love'. The only thing which leads to

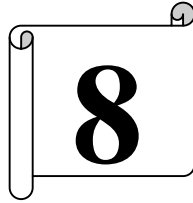
eternal bliss is 'love'. Impermanence, in fact, flows out of imperfections leading to conflicts and disharmony. In other words, art of loving, forgiveness and forgetting differences facilitates the process of the 'merger' and grants permanence.

8. However, the focus has to shift from extrinsics to the intrinsics. A shift from 'what is this' to 'who am I'? A neo culture of an advanced and mature self would carry you close to the universe and its core nature. Infact, when one scholar made a statement that, 'the way you cultivate nature determines your culture', it left a deep impact on me. The process of assimilation and ultimate marination depends upon the way we get close to nature which has unlimited options to offer to us. In the Indian context, saints have defined them as the 'five tatvas' and 'three gunas'. This combination matrix is just infallible.

9. The concept of self evolution emerging from such philosophies has also been imbibed by various management experts and presented in evident formats of leadership influences, motivational patterns, and communication impacts and conflicts resolutions.

10. Such an actualised person suo-moto realises that leadership is not a noun. It is a verb. Hence he takes everyone along as equals. He is aware that a person behaves in a particular way because he cannot behaves otherwise. Hence he recognises the diversities and finds ways to motivate the people as per their level X, Y or Z capabilities. He knows that every man wishes to succeed. Hence, he starts to facilitate people in order to succeed. He uses different strokes for different folks in order to assimilate various diversities and subcultures towards a synergetic outcome. He believes in the open self to avoid

conflicts and help the team to sail along smoothly. He learns to take a balcony view of the self and not allow the 'elephant within' to go wild. He takes a larger picture of events and is not constricted by any narrow versions. He takes the governance beyond 'silos' to capture the holistic advantages with their multiplier effects. He becomes the custodian of hope and values and nurtures the organisation like a mother, making people successfully emerge out of their failures.



PARADIGM SHIFT REQUIRED IN INDIAN POLICE

*Kannan Jegadesan IPS**

Indian Police is a huge success story, when we consider the huge diversity of population, culture, archaic laws, the urban-rural divide etc., However, one area in which the Police leadership has failed is 'exploitation of technology'. When we look around, everything has changed. Since Independence, entertainment has changed from radio to television to computers to mobile phones. Transportation has changed from mass transportation to more cars and air travel. Banking has changed from branches to ATMs to Cash-less. However our service delivery mechanism has not changed at all.

At the time of Independence, one had to go to a police station to redress his grievance and even today, he has to do the same. The organization depended on the personal ability and effectiveness of the SHO to address issues and it has not changed till date. Over a period of time, the urgent issues have gained priority over the important issues.

We have a 'Police station-centric' approach. Our 'service delivery point' earlier was the police station, just like

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the bank branches. But, now people don't go to a bank nor do they wish to go to a police station. Traditionally, we had Police Stations, with territorial jurisdictions, as mobility was a constraint. The people in a geographical area had distinct cultures and habits and policing had to be in accord with that. But now mobility is not a constraint and due to the advancements in communication technology, the expectations of people are becoming common across the various strata of society.

Most of the blame that Indian Police receives is due to the activities of our lower sub ordinates. The police leadership has tried to address this issue by improving the quality of our manpower. This is a noble task. But its success is in doubt, as our manpower comes from certain sections of the society and their attitude and outlook is firmed up, by the time they join us. Humans, by nature react differently at different times. A stressed constable may not talk politely with a nagging complainant. An outburst by a constable would have been tolerated earlier, but not now. So, a solution has to be found.

An alternate way to improve image of police is reducing the human contact of citizens with our lower subordinates. More often, strange solutions prove effective. For instance, the Right to Information Act has proved more useful in fighting corruption, than any law enforcement agency. The strategy of RTI is to empower every victim of corruption to fight his case, by providing him the information. RTI became a reality, only after the government realized that it alone cannot fight corruption. Similarly, police leadership has to realize that a constable, who has had just basic schooling, cannot be expected to be a master at the multifarious duties that we

undertake. He cannot be a good beat constable today and be a security expert tomorrow.

A professional organization is one where all its members act/react in the professed manner, with everyone at every time. Machines are best suited for such behavior. An example would be bank ATMs. Earlier, customers had to wait in line to withdraw their own money. No amount of pleasant behavior by bank staff would have made a customer happy, if he had to take half a day leave to visit the branch. Now, people are happy with bank, as they don't have to go there. Similarly, if our operations can be automated in such a way that people don't have to visit us, our goodwill is bound to increase.

The following are some suggestions by which the citizen's satisfaction with our services can be improved. A common strand running through all the suggestions is automation and centralization, which has been made possible due to advancement in reliable technology, along with reduction in cost.

Non-crime related Services: Police render lot of non-crime services like passport verification, NoC for licenses, issue of permission for public gathering, missing report for lost articles etc., These are simple services which are based on the information given by the applicant himself and the records available with us. The applicants are citizens who would not like to visit us, unless compelled by our systems.

These can be very easily automated. In a normal police station, these services consume sizeable amount of man-hours and if automated, these man hours can be used on effective policing.

Crime Prevention: This is the most important aspect of policing and more often, it is left to the lowest rank – the beat constable. His only methodology is beat patrolling. It depends on the ability and dedication of the beat constables, which varies quite considerably. There are various technological solutions which can assist the leadership in developing crime prevention tools.

Crime Analysis: With latest data processing technologies like i2, it is possible to hold, analyze and make visual presentation of the crime and criminal-related data for the whole state police. With the usage of such tools, meaningful contribution towards crime prevention can be made by all senior officers sitting in PHQ.

Crime Mapping: A crime map is a great analytic tool to plan crime prevention strategies. With the advent of google maps covering the whole earth with so many features, crime mapping at the touch of a button is a reality.

'In-car cameras' in Patrol Cars/ Body-worn cameras: Patrol cars in many advanced countries have cameras that record every interaction with citizens. In a system, where policemen are viewed with suspicion and their integrity questioned at the drop of a hat, automatic recording of his interactions with the public will give them the confidence to act in a polite but firm manner. This would also improve the behavior of policemen towards public.

Along with GPS, this solution would give greater control over the actions of our subordinates.

Crime Detection – crowd sourcing:

We rely to a great extent on human intelligence to work out cases and apprehend criminals. This has created the 'so-called' experts in crime branches, who become indispensable in the system. Due to this, the crime branch becomes a secretive unit with a distinct sub-culture in many police organizations.

Technology empowers police to use every available citizen in the fight against crime. Crowd sourcing is widely used in western countries, as it taps the skill of every citizen. If we scale up our data processing capabilities, it would be a great tool, at least in urban areas.

The following is extracted from an article posted on the internet.

'Police in Bristol, England are using Facebook and the internet to track down the killer of 25 year old architect Joanna Yeates who went missing on Friday 17th December 2010. Joanna's body was found on Christmas Day. The Avon and Somerset Constabulary's website and Facebook page contain a map of Joanna's movements prior to her disappearance, a video plea from her family as well as contact information and links to related news items. Regular visitors and users of Facebook are urged to "Like" the page and pass it on to their friends and family as well as sharing the link with Twitter followers.'

'These uses of crowd sourcing are more than just enabling the public to become amateur armchair detectives. They make available to enforcement agencies a wealth of information and encourage interaction with the public, towards the ultimate common goal of reducing the number of crimes committed.'

At present, in India, even the database of P.Os is not accessible to public. Even if a civilian has a doubt over his neighbor or colleague, there is no way for him to do a preliminary verification and pass on the information to police. If we can publish the photographs & details like name and address of all P.Os on the police website, the average citizen will be able to help. If we can ensure a process, by which the confidentiality of the informant is maintained and still rewards can be paid to informants, police can get lot of leads and it would become difficult for criminals to hide. In any case, details of P.Os are public information and there is no reason for not making it available to public.

PS Jurisdiction map:

In our big cities, finding the police station with jurisdiction over the place of occurrence is a huge hassle. Most of the time, even police officers find it difficult to trace the right PS. With advanced digitized maps, it is possible to give a link on the police website, by which, if an address is typed, the PS with jurisdiction over the address could pop up.

Out sourcing: Many corporate and even government agencies outsource these mundane functions, so that they can concentrate on their core competencies. But, there is huge reluctance in police organizations to outsource. A typical example would be the running of Police Mess or guest houses. Most of them are under the charge of a Havildar or a SI. Many of them are highly overstaffed and still poorly maintained. The salary of men posted there is not considered in assessing the economic viability. A constable costs around Rs.50000/- a month, if we consider his salary, perquisites, medical benefits, pension etc., Now, there would be quite a lot

of hoteliers willing to run them in a qualitative manner at a fraction of the cost.

Enterprise Resource Planning (ERP):

Tasks like pay roll preparation, TA/DA claims, LTC, sanction of leave, maintenance of personal file etc., are very simple, but they absorb lot of our manpower. Ready-made solutions may be available for them with reputed corporates like TCS, Infosys etc., who are reliable and would take care of security precautions and updation of technology.

In fact, lot of grievances of policemen are related to these service matters, as our men working in offices, treat themselves as superior to those posted in field units. If this task can be outsourced, significant number of trained policemen working in various offices can be made available for policing on the streets. The cost of outsourcing would be much lower if we consider the cost-to-government (C2G), of our men working in offices.

Back-office outsourcing:

A major problem, with police organizations trying to computerize in-house, is lack of suitable technical manpower and the inability of our middle-level management to see the big picture. Even if the best talents in computers are recruited, they don't feel motivated enough to excel in support activities, as our core competence has remained 'street-level policing'. It is inevitable and so the best way forward would be to outsource our entire back-office operations to private sector.

There are various other technological solutions like RF tags, drones, CCTV cameras etc., which are highly cost-effective. They can improve our efficiency and increase satisfaction of our citizens. Policing will always remain the

most important function of the State and our functioning is critical to the efficiency and effectiveness of other arms of the government. Hence Police officers, especially at the top echelons should bring about a paradigm shift in the way; Policing has been done in our country for generations.



STRENGTHENING CIVIL POLICE FOR EFFICIENT AND HUMANE POLICING

*Dr. Sanjukta Parasor, IPS**

Gurcharan Das writes in "The Difficulty of being Good" - if good people are not allowed to win by any means, and if they must fight justly, then one must be prepared to face the fact that they may lose. I would like to adjoin when it comes to the police even in the face of inevitable loss, work must be done to the best of one's abilities nonetheless!

Expectations from the perceptions of the police and extant realities in the police are three factors that cause misunderstanding and confusion both for the police and for the community. The lines between them blur and overlap often only adding to the problem. If only the police and the community believe that police exist for the benefit and improvement of society as a whole, perhaps much of these uncertainties would fade away on their own. Yet here we are today where the police are perceived to be corrupt, inefficient, violent; where it is expected that police will stop all murders, thefts and robbery, rescue a drowning child, keep the streets clear of traffic congestion, take on the armed insurgents, break the nexus of oil mafia, coal mafia, sand mafia; recover the hard

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earned money cheated by ponzi scheme artists, secure the lives of pensioners, penalize the smokers, maintain a cordial relationship with the intelligentsia and the media while conducting their lives as saints with the existing crunch of both manpower and resources. This essay attempts to define humane policing, enumerate efficiency in policing and examine the ways and means in which the civil police have been strengthened in the past and the future requirements for the same.

Human Policing

Picture for a moment the world before the social contract. Was it Hobbesian where the life of man was solitary, nasty, brutal and short? Or was it Garden of Eden waiting to be spoilt by the evil snake? Out of the four components of a state viz. population, territory, sovereignty and government; policing happens to be that visible coercive arm of the government which controls population within territory. The state is defined by its claim that it is the legitimate authority to use force to defend itself without as well as within this defined territory. Thus the traditional notion of the police as a force was established, propagated and reinforced. There always were watchdogs over the police and its use of force; however the government of the day also could always subvert the police for their gains as done in medieval Europe, in despotic governments of Libya or Iraq, or even in robust democracies like India. Over the last few decades, states along with the international community, have transformed with acceptance of social and liberal initiatives that changed the ethos of the police into a service.

I want to discuss this segment with the inverse or the contra positive of the converse. What is so inhumane about policing; thus I find myself asking this question instead. Is it the third degree interrogation of extremists who have planted bombs in busy markets? Is it the corruption by the constable collecting money from trucks? Is it the harassment of the victims of crime by making them visit the Police Station over and over again? Is it the rough, rude and crude language used on the street and in the police station? Is it the unfriendly behavior? Is it the inefficiency a loss of credibility? Is it the rising crime graph in the society? Is it the use of force? Is it the padding of evidence? Is it the manipulation of the law so that the big fish get away? Is it the sub human conditions that police personnel are forced to live in as most governments are unable to provide amenities? Is it the enforcement of 24/7 on duty rule for police? Is it the rot within where seniors habitually demand for favors in cash and kind from juniors? Is it the barely adequate manpower in every police station while a large number is deployed for security duty? Is it the blind eye that we turn simply because if a district superintendent suspends officers there would hardly be anyone left to work with? Is it the bribes given for recruitment or those during training which leads to ineptitude? Is it the procedure of trial where the defense lawyer tries to prove that the procedure followed by the police was wrong and hence the drug dealer may be acquitted? Is it the news reporter trying to arm-twist by making false news? Is it the other agencies who try to coerce the police into carrying out less than legal acts? Is it the lack of time and resource arid manpower while the police is made to serve summons, destroy illegal liquor dens,

check tonnage carried by trucks which is essentially entrusted with other departments of the government to begin with? The list could go on and on.

There can be no dispute that the fundamental duty of police is to uphold the rule of law. Suffice to say that humane policing in my opinion, as a citizen and a member of the police myself, would be a system of policing with strong entrenched institutional mechanisms to follow the proper procedure of the law in its endeavor to provide a safe and secure environment for the life and property of the common man. It would include being a constructive member of the reformatory system of justice prevalent in India, maintenance of law and order without the violation of the inalienable human rights of the people, regulation of normal life as per laws, protection of the weak and downtrodden as well as the victims of crime, building confidence in the community with impartiality and fair play.

Efficiency in Policing

A common man perceives and believes that the police can be considered competent only if everyone is following the traffic regulations, if there are no thefts and murders and rapes, and if the police helps them settle all their scores whether stray dog menace, open manholes or a pesky neighbor encroaching their land. The lack of knowledge about the police and the presence of false ideas lead to disconnect between what the police do and what the police is expected to do. Put in that mix the corruption, nepotism, legal deviance of some members of the police and the result is plainly visible. The police is essentially construed to be an inefficient organization which caters to the needs of the powerful, the

whims of' the rich and the fancies of the criminals. An institutional framework with transparently recruited meritorious candidates, well trained, following a set of procedures as laid down by -the law, using scientific aids for investigation and community approach to maintenance of public order and peace, under watchful has to be backed by adequate manpower, adequate training, adequate resources and adequate acknowledgement by all including the police themselves. The steps to be undertaken for police reforms mentioned in the Prakash Singh judgment also have to be followed to the T. Whereas investigation deals primarily with the criminal justice system and its elements; maintenance of law and order becomes a vast arena where starting from traffic regulation and enforcement, the police can reach out to community development, reformation of petty criminals, improvement in security environment for businesses, vital.. installation protection, enhancement of lives of the marginalized sections and safety for the elderly. Separation of investigation from law and order duties is therefore essential to change the mindset of the public as well as to increase the efficiency and output of the police.

Foremost among the factors that weaken the police are the blatant suspicion and disgust that the common man has for the police as a whole. There is simply no acceptance of the policeman as a genuine, bonafide, kind hearted human with similar emotional make up as others. As a result, he transmogrifies into a brute which is further reinforced by his daily work and interactions. Over time as he or she grows in her career there is significant loss to the quality of life led especially that of social interactions outside the workplace.

The rise of a police sub culture can be attributed to this because each member feels that only another in the same profession can understand his dilemma. While I do not deny for a moment that there are the corrupt and bankrupt personnel in the police, it is the straight ones who bear the brunt of this suspicion the most. He is shunned by the society and also by -his own because he is usually in the small minority of those who do not indulge in the corrupt and bankrupt practices. There is no mechanism to address this sense of victimization. The only way to address this would be to increase the number of such people through proper recruitment and to acknowledge them with merit based promotion in their career.

The law that we as police swear to uphold as we all pass out of our training academies demands that each member works towards maintenance of law and order and carries out prevention, detection and investigation of crime. What no one tells us that this is thankless job! There is full accountability and responsibility, yet in the exercise of powers your hands are tied behind your back. Eroding the foundation from inside are some members trying to appease all sides resulting in failure to deliver while at the same time notoriously defining the police as an institution for hire to the highest bidder. Adequate power has to be given commensurate with the responsibility of the police. If any member of the police is pulled up the judiciary, human rights commissions, women's commissions or even child rights commission or any other NGO or the print/electronic media it can be safely assumed that he or she is pretty much on his own. This definitely weakens the

individual police man and the entire police in the long run. An organization can be only as strong as the weakest link.

There is one important additional factor that weakens the police. It is the lack of introspection as an organization, the denial of the changes in societal needs, and the inability to transform with the times as rapidly as everything else does. We have as an organization missed the woods for the trees. The element on the pedestal while conduct of policing should have been the end- users: the civil society, who deserve a tranquil world; safety and security. to carry out their lives. The global village is shrinking at the speed of tweets carried by optical fibers or the 4G network and yet the police have not been able to tap into that to boost the confidence of the people. Somewhere along the way, the Orwellian some-people-are-more-equal-than-others have taken precedence. Somewhere along the way the police have begun to think of themselves as the end users of their organization. Therein lies the agony of the common man. As the most visible arm of the government the police must be the one organization that provides selfless service. Promotion of this value amongst all, including selection of those who are willing to undergo a little discomfort for the greater good, is the need of the hour. A caveat though: every person works for his or her family and leisure; even those in the police. Today thousands of members of the police sacrifice their child's birthday, their holidays and their old mother's medical tests so that the society may celebrate Eid or the visiting dignitary may conduct his visit. Perhaps a revisit into these rules could be undertaken.

Strengthening Civil Police: Past and Future

The ubiquitous solution for strengthening the police proffered is a two-pronged one: increase in manpower and enhance the resources. Quite simplistically put, as the tasks and functions of the police increase, there is need for more boots on the grounds; and as the nature of crime and service to be provided by the police to the citizenry becomes more complicated there is need for utilization of enhanced technology and equipment by the police. Efforts toward both have been continuing in the police from the central and state governments since many years. From rationalization of sanctioned strength in the police station, training of start in the use of CCTNS, emphasis on mid career training and progression, specialization in forensics, transparent recruitment policy, utilization of non lethal tools for riot control, development of crime fighting tools and models, digitization of verification software, use of social media, expansion of community policing strategies, inclusion of civil society in policing processes to establishment of a police accountability commission, separation of law and order from investigation and enactment of new police acts an exhaustive list of actions have been undertaken so far. No doubt alteration, addition and upgrading these measures with the changing need of the hour will be carried out in the future also. Sometimes it shall be an in-house suggestion from the police, sometimes it could be a judicial directive, and sometimes a legislative initiative or sometimes it may even be a demand from the civil society or a mix of all as in the sweeping changes in law and procedure brought forth by the Nirbhaya incident. Along with the institutional and systemic

shifts, an internalized transformation of the police personnel is the need of the hour.

Routine Person to Person Contact happens to be the most common and frequent transaction, where police come in dynamic contact with people from all walks of life and all age groups, whether it is an active engagement pertaining to a case or simply a customary interaction for administrative purposes. The Police personnel wherever they are in whichever capacity need to express themselves physically in a manner which appeals to the common people and helps them get over the archetypical personality, its origins from the colonial raj. It is not a mere changeover of personality or the projection of being people friendly; as incidentally being done in a lot of states, including Delhi, advertisements proclaim that the Delhi Police is 'With you, For you, Always' or the plethora of apps and tele-help lines; albeit with inadequate staff to man the telephone lines or carry out any worthwhile response or actions. It has to translate into visible sincerity, an appeal in conjunction with a radical change in the mindset. It may be the reporting of an accident on the Highways, helping injured to a hospital, reporting a crime at a police station, informing about illegal activities, malpractices, reporting traffic violations, domestic abuse, or cases of people taking law in their own hands. The police have to inspire confidence in the common man that action will be taken. The only way the police can do this, is by actually taking action. All the indispensable equipment must be available with the police along with the willingness and the capacity to deliver by the trained personnel.

It is inherent in society to feel protected when there is somebody looking over us and seemingly protecting us. Instead of merely patrolling the streets a proactive approach in patrolling hotspots, crime prone areas; stopping and questioning people would probably serve a better purpose and prove more useful in ensuring the people feel safe. Embedded traffic policemen on motorcycles waving a moving through traffic, checking and fining defaulters visibly would make them seem more effective in the eyes of the commuters already harassed and troubled by the pathetic state of traffic in most cities. People need to identify the Police as Guardians of Law' and not as people possessing power to do anything. There are successful models of such proactive policing like 'Broken Windows' which may be modified to social profiling methodology suited to the Indian context linked with CCTNS that may be equally successful in preventing petty crimes.

Aggressive professionalism also needs to be imbibed by the police. A 360 degree approach to all the police work is essential. While efficiency in clearance of simple police verification reports may be counter checked by using an SMS based response generator, when it comes to complex tasks like investigation and trial involving many stake holders like the prosecution and the judiciary an inter connected coordination structure has to be created that will include the victim or complainant as well. As on date delay in the trial, conversion into hostile witnesses, failure of prosecution oversight into the investigator, non inclusion of the complainant leads to despondency in those who are in need of justice the most, As every other element of the criminal justice system except for

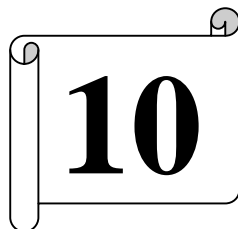
the police is fairly insulated from the public, the police ends up bearing the brunt of suspicion, disregard and contempt of the people. It is human nature to focus on the results and here perhaps we have lost our credibility. Popular stereotype thus show police men and women taking law into their own hands, bashing up the goons as they haul them off to jail, because face it a cop sitting at a desk writing a case diary won't affect box office sales.

In the aspect of prevention, detection and investigation of crime the humaneness of the police can be showcased best. Sensitization of crime infested or prone areas, surveillance on criminals, protection to the victims and solution for the complainants, apprehending the accused all done in the right perspective could display the humane aspect of policing. A visible effort towards these with a more publicized and transparent approach in carrying out the tasks is required. Sensitization exercises, efforts and drills to curb partial attitudes to power centers whether political or financial, nipping them in the bud, greater interaction with the under privileged or the seemingly deprived category of people have to be undertaken. The right incentive must be made available of all who achieve this goal. The common man dreams of criminals being deterred by the sight of the police, he wants to feel secure with the police presence or proximity to a check post, a police station, but does he really feel safe? The day when the common man stops doubting the local police, stops feeling insecure while going and interacting with them or lodging an FIR or a complaint, will be the day the Police would have become humane for them.

Lastly an Image Makeover Exercise as in a structured public relations effort to project the right image of the Police to the common man is essential. Perhaps no other organization has been so misunderstood. The police are everywhere and it touches the lives of all. Whether it would amount to an increased allotment of funds, subtle measures identified or going to extremes of a professional PR blitz over a protracted period, the discretion could lie with the respective state governments. It may range from Public Discourse, Panel Discussions, Seminars by Think Tanks or Media Houses, Addresses by the top political leadership, to advertisements and film clips. I feel a major impetus and a planned initiative would go a long. Ways arid prove extremely useful in projecting the true picture about police, the functions they perform despite the shortcomings; their lives as normal members of the family, thereby making it more human in the eyes of the society at large. Protect the smartest of the and officers and complement and support them, with matching facilities, perks and privileges too, so that it is not entirely a facade, but a distinguished depiction of the police reality.

It is actually time that the Police in the country claim their piece of glory from the nation-state. A common man wants to remember the police as someone who showed him the way, helped a child reach home, aided women against eve teasers, and understood him as he complained of drunkards or loud music in his neighborhood. The police have to listen and respond when people complain of a fraud, a forgery or something illegal, pay attention to suggestions on improving the traffic Police must help the community ward off corrupt officials asking for bribes and help as humane guardians of law

to overcome an elderly gentleman's physical difficulty in crossing a road or boarding a bus. This police man has to be the lowest common denominator of the service who is the constable; only then we would have succeeded. Yes, the police is treated as sub human by the society, is hardened by the vagaries of the profession, is burdened with the responsibilities and over burdened with a resource and man power-crunch but we cannot stop being sensitive to the needs of the society which has placed us here and reposed faith in us. Today's world demands a more involved police in the society and it also commands a more involved society in policing. Let us as police get there ourselves, and bring the community with us. Let us decide don upholding the rule of law as the keystone organizational habit which will improve credibility, enhance efficiency in the police and in turn will make police more humane.



APPROACHES AND PERSPECTIVES FOR DE-RADICALIZATION OF YOUTH IN INDIA TO ACHIEVE COMMUNAL HARMONY AND NATIONAL INTEGRATION

*V. Badrinarayanan, IPS**

Introduction

Radicalization is defined as the process by which a person or group of persons depart from normal social, political and religious beliefs to extreme beliefs and wants a sudden change from status quo by any means available. In today's modern era radicalizations is a highly disruptive force to societal order. In the last 50 years, it has occurred in various parts of world based on religion, ethnicity, language, race, caste ideology etc. among other reasons. Radicalization is not new to and Twentieth and Twenty first century. Over last many centuries, radicalization persisted among the society. Galelio was seen as radical by Catholic Church so was Martin Luther King and Mahatma Gandhi. There is one undercurrent that is common to radicalization across centuries. In any given society at any given time, the youth always is most vulnerable to radicalization and is the most dangerous medium to carry out change in any society.

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Today's India is on the precipice of path to greatness. After 200 years of colonial rule, the last 68 years had seen India slowly marching into greatness, our demographic dividend with nearly 60% of population between age group of 19-30 years and another 20% below 19 is our greatest asset. To leverage the same it is important that we make all efforts to identify radical, elements of society, and lay bare the dangerous trends so that our youth can be guided towards more productive avenues.

With a population containing a myriad of religious, ethnicity, language etc. National Integration and communal harmony is foremost in the minds of every Indian. Our main strength lies in "UNITY IN DIVERSITY" principal of existence. A trend of peaceful co-existence for last 2000 years in Indian subcontinent needs to be continued and the social order of our country needs to be maintained. In such a scenario De-radicalization of misguided youth is the need of the hour for achieving communal harmony and National Integration.

Identifying Radicalization and Why it Occurs

"The foremost step in solving any problem is Identifying there is one" this famous quote aptly summarises where we must start our journey of De-radicalization in our country. A country as diverse as ours has multiple dimensions and perspective on what radicalization is and what forms it takes. For example a scientific explanation which exposes a religious myth can also be termed as Radical but do we need to de-radicalize it? Any activity that threatens our social fabric and divides people along fault lines needs our focus. Thus radicalization due to religion, language, caste, creed, race,

ethnicity etc. needs our attention. In this era of Terrorism, radicalization discussions are limited only to religious dimensions and rest are forgotten. For example, the attack on North East students in Delhi and on Afro-Asians in Bangalore are equally work of radicalized youth as the Islamic terror attacks of Indian mujahedeen.

There is also a great presumption that religion is only motivator for radicalization. This stereotype also emanates from Jihad Networks and ISIS. However world over, it is seen that religions is but one component of radicalization for a person to travel down path of radicalization, many factors namely education, financial situation, need for acceptance, perceived sense of injustice, marginalization, political policies, perception of world around him, peer pressure, glorification of cases, commitment to cause, personal tragedy if any, unfair treatment by system etc. play a major role. It may be a mix of either of above factors to radicalization a youth. For example, LTTE radicalized its cadres only based on Tamil Ethnic cause dividing fault lines of religion. Boko Haram in Nigeria on other hand recruits followers from Algeria on rural side only on promise of sustained wage and respect.

Youth of the world are highly susceptible to radicalization mainly on account of their vibrant thought process, open mind, Inherent quality to rebel authority and access to varied experiences and Information. For example, unemployed youth of Gujarat are whipped into passions by disinformation and misguided to vandalism on promise of achieving goals which are towards their betterment. However this only leads to youth radicalized on bases of caste in a state where Economic prosperity is very high.

Thus every time we come across a youth or group of youth who are radicalized, we need to understand their psychological thought process and attempt to De-radicalized them uniquely. For example, an Hindu youth radicalized in name of religion towards cow protection is a different case from that of Bombay youth radicalized to target North Indians or a Tamil youth radicalized to target Hindi speaking population. Each Instance requires a careful calibrated approach towards de-radicalization.

Functional Approach to De-radicalization

Sociologically, there are certain Institutions that keep up overall society from collapsing. They are school, family, peer group and local community. These institutions, if carefully leveraged, can help in identifying radical tendencies and nip them at the nascent stage. Family plays a major role in de-radicalization as blood ties and emotional attacks always help in relearning a youth. Similarly, any youth who has lost faith in existing order, will be more amenable to debating its merits with family members who are similar to his background than unknown counsellors.

Education and school play vital role as they guide a blind man to path of light from darkness. The curriculum and teaching methods are closely ingrained by young gullible minds in forming their opinions. It is no wonder that Bangladesh and Pakistan, two of most radicalized societies have indentified madrassas root cause of all problems. The belief ingrained in a young man is retained for long. These schools need to be co-opted thought against radicalization.

Local community plays a crucial role as it provides context to a young mind. Any injustice seen to be done to any

part of community has an effect on youth similar is any sense of fairness or justice. If local community is seen as amenable as mutual respect for all religions, ethnics etc. the youth extrapolates his world view to the same. Thus it plays a crucial role. Similarly, any radicalized youth once introduced back into society, decides on reverting back or not only based on how much his local community welcomes him. Peace committees, Mohalla sabhas etc. are all ways to mobilize local communities towards De-radicalization

Economic Argument – Conflict Approach

After it is seen that, poverty, lack of opportunities, unemployment, joblessness etc. are fertile grounds for radicalization. For example, rampant unemployment in Uttar Pradesh provides radicalization on communal lines leading to Muzzafarnagar riots. With a population of 125 crores, India needs to create millions of jobs to ensure the trend is not replicated. Economic prosperity are like the hygiene factors of motivational model. Their absence will surely be a trouble ground for radicalization but their presence will not ensure nil radicalization. The recent episodes of youth from affluent families joining ISIS or carrying out Dhaka attacks show mere economic prosperity will not stop radicalization.

With limited resources available, conflict among population automatically starts. The attacks on North East people can be best described as conflict for few jobs where local youths perceive injustice due to migration of outsiders. The only way to neutralize these causes are to expand available resources by rapid Economic growth.

Countering Cyber Radicalization

One of biggest challenges facing our country today is Radicalization via cyber Space. ISIS has utilized Internet to its fullest advantages by using it as a propaganda medium. De-radicalization or Anti- radicalization is difficult in cyber radicalization as we can't discount the credibility of videos so easily. Only way to nullify this is for government to be highly active in social media and countering every radicalization video with counter arguments. Any attempts to restrict access will only backfire as controlling Internet is very difficult in this era.

Monitoring of chat rooms and cyber space for radicalization efforts needs to be done with a dedicated cadre. The source of this radicalization effort needs to be tracked down and destroyed. It also helps if our own people enter these chat rooms to wean away likely youth who could be radicalized.

Role of State in De-radicalization

The state has a major role to play in de-radicalization both preventive and reactive. Preventive role ranges from equal treatment of all citizens, empowering youth and upholding justice. One of famous videos for Islamic radicalization promises justice, fairness and equality under caliphate. If our youth are driven towards these goals, we need to wonder where we went wrong in delivering these universal goals.

Doing justice and seen as doing justice are two different concept. Our police rounding up random Muslim youth past a blast is no way helpful and may bring into question every

terrorist convicted for terror acts. The role of state agencies in preventions communal flare ups are very crucial as each riot increases the number of radicalized youth in our country. The fact that one district in Gujarat was peaceful during riots is a testament to what our police can achieve.

Sporting Culture- Alternatives Paths

With a 125 crore population with 60 percent of youth of our country still stands poorly in sporting culture. Our youth who are driven towards education only are found aimless when no jobs are available after post graduation. Similarly, the school days and college days are those where lot of free times is available where they could be wrongly guided. A strong network of sports clubs with good facilities will help in utilizing their time more wisely.

The Haryana model of policing where police helped in opening sports clubs in all neighbourhood helped in decreasing crime rate across city. This also helped in developing sports as mainstay of the state with energy utilized in sports. Youth will have very limited time to do any misguided activity.

Sports also bring together people from varied background, religion, ethnicity etc. leading to break down of stereotypes and bias Inculcated. This approach was taken up by Indian army in Kashmir by starting Kashmir premier league to ensure youths don't resort to stone pelting post 2010.

Countering Religious Radicalization – World Practices

Radical youth are not unique to Indian but are prevalent worldwide. De-radicalization programs are present

across counties. The Middle-East Countries namely Saudi Arabia, Yemen, Egypt, Iraq etc. employ de-radicalization by using theological debate. Here they assume their radicalised youth as having wrong interpretation of Islam go about countering them using credible personalities. The “Religious Rehabilitation Group” of Singapore, “committee for de-radicalization” of Yemen are all aimed at Religious conversion to moderate Islam.

On other hand European countries, Australia, USA etc. undertake a program where radicalized youths economic background is improved and steps towards peaceful assimilation is taken. “Living safe together” program of Australia mainly aimed at involving local Imams in identifying radical youths and provides adequate intervention. India had in 2015 decided to adopt aspect of both approaches in its de-radicalization program. Maharashtra which rolled out its plan is still analyzing its impact.

Collective De-radicalization Vs Individual De-radicalization

De-radicalization can be taken up collectively over a community or individually. Collective de-radicalization targets in converting all parts of a radicalized society towards normalization. It involves a series of political, religious, and community led steps. The efforts of New government in Srilanka is a best example of collective de-radicalization of its Tamil population. The linguistic radicalization of southern India in 1960s with demands going for cessation from India was handled by then government by addressing their demands. Collective de-radicalization though truly will lead to good result if properly implemented. Individual de-radicalization on other hand are more targeted and ensure results.

Role of Media

Media plays a very vital role in both radicalization and de-radicalization. The rumors spread before Gujarat riots led to large scale riot while western media's decision not to give air time for ISIS videos helped stop radicalization of youth in UK, USA etc. It is imperative for media to play a balancing role.

Political Will:-

Overall political will must required component of de-radicalization in India. Politically Incendiary statements aimed at electoral mobilization hurt de-radicalization efforts. To communally mobilize people speeches made will go a long way on undoing all de-radicalization efforts made. Jawaharlal Nehru, understood it when he decided to ban religions from his politics. Such politicians are a rare breed Indeed.

Conclusion

De-radicalization is a game of chess played against a threat and enemy who always adopts to every one of your moves. To achieve success, we need to be at our best and use guile to fullest Extent. Changing Hearts and minds are the successful theme of any de-radicalization efforts. But any mind will be willing to listen only if heart is ready to listen for the same. We need to target the heart of radicalized youth by positive emotions delivered by family, school, peer group & community. The logical argument to de-radicalization will be received and Internalized only outside detention and against stable social support.

In 1997, Egypt government achieved success in de-radicalization of top leadership of Algamonaya, an violent offshoot of Muslim brotherhood. This resulted in top

leadership taking along cadre in this journey. In 2016, ULFA was de-radicalized using similar approach by Indian government.

Thus de-radicalization is a journey, a process with light at end of the tunnel. It is imperative that we travel the full length tunnel before expecting results. Today our youth, be it Islamic or Hindu, North Indian or South, Indian Dalit or upper caste are all misguided by vested Interest who operate continuously. To counter them we need to effectively satisfy underlying grievances within democratic space and constitutional framework. The perception of justice done must be felt across spectrum.

Our national Integration and esteem is mainly built upon youth of this country. Being on a responsible position it's our duty to embark upon de-radicalization successfully.

To conclude, I would take to quote "De-radicalization is a process of making arguments which appear Illogical, and unthinkable to a person whose opinions appear unassailable". The tough journey ahead of us is best summaries in above quote. It will be an uncertain journey we make with a fixed goal.

BOOK REVIEW

Stress Management for Life – A Research Based Experiential Approach

Authors	: Michael Olpin Margie Hasson
Publishers	: Wadsworth Cengage Learning, USA
Editors	: International 3rd Edition
Year of Publication	: 2013
Price	: Not mentioned
Pages and Binding	: 400 Pages, Quarto Size and Paper Bound.

Dr. A.K. Saxena*

This book has been reviewed with a view to examine the viability of its contents for police to structure individual and organisational stress management interventions.

In 'Preface' of the Book, the authors highlights the importance of the book in the words:

You too can learn to replace unhealthy stress with life-enhancing energy. The best news is that it's up to you! You are in charge of the choices you make every day. Through reading, thinking, learning and actually practicing the many strategies presented in Stress Management for Life, you will be on your way to a healthier, more balanced, and more productive life. The real power of this book will be found in the action you take. You will learn to experience the benefits of energizing relaxation immediately. And you will be prepared to develop a lifetime plan

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to assure that these benefits will continue long after your class is over.

Stress Management for Life is:

- A practical guide for incorporating stress management into your daily life.
- A holistic approach to prevent, reduce and manage unhealthy stress.
- A “how to” book with clear instructions on stress management technique that work.
- A book that will change your life, enhance your health, and improve your quality of life.

The book throws light on the below-cited important issues:

- Holistic Health (Physical, Intellectual, Emotional, Spiritual and Social Health).
- Science of Stress
- Mind and Body Connection
- Power of Perception and Emotional Hardiness.
- Cognitive Techniques for distorted thinking
 - Positive Self Talk
 - Thought Stopping
 - Power Language
 - Going with the flow
- Mindfulness Training
- Managing Emotions
- Values and Behaviour
- Stress Management through spiritual wellness
- Time and Life Management
 - ABC 123 Prioritized Planning.
 - Quadrant Planning
 - Life Balance

- Serendipity
- Procrastination
- Social Support, Relationships and Communication
- Creating a healing environment.
- Healthy lifestyles
- Relaxation Techniques, Autogenic and Progressive Relaxation.
- Guided Imagery, Yoga and Meditation.
- Laughter, Human and Music for Stress Management.

The book has been organized in very well written 24 Chapters.

The Chapter highlights include:

- Chapter quotations.
- Objectives
- Frequently Asked Questions.
- Real People, Real Stories.
- Research Highlights.
- Stress Busting Behaviour.
- Key points and Key terms.
- Stress Management Labs.

Beautiful cover, attractive use of coloured inks, diagrammatic representations, coloured photographs, research-based matter in boxes, graphical representations and references are the hallmarks of the book. The book is paper bound and is published in quarto-size.

Very useful psychological tests are incorporated in book for self-assessment and subsequent action-planning. Language of the book is simple to follow.

It is felt that for Police this book can provide excellent guidance for structuring training and organization wide

intervention for managing stress. Stress has been eating up police personnel mercilessly. Behavioural manifestation of stress is not very citizen friendly.

Police Leaders of various levels of hierarchy must read this book for implementing individual and organizational strategies for managing the stress cancer in police.