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MANAGING LOW INTENSITY CONFLICTS

‘Human Terrain Mapping holds the key’

A P Maheshwari

Not very long, back, there was a newspaper report to the effect that tribals in Chattisgarh are facing the terror brunt from all the three sides - the naxals, the security forces and the locally sponsored self defence groups. It may not be an absolute truth but the contrary is also not liable to be completely discarded. Nevertheless, it throws open a big question before all of us. The question, which is valid across the globe, hits the basic premise, ‘what are we looking for?’ Is there anything important for our security forces to know while undertaking operations against the target groups?

Best way to visualize what could be wrong in our approach is to step into the shoes of the local habitats. We

would then soon realize that it is not only relevant to ascertain ‘who our enemy is’, it is equally crucial to demarcate ‘who *our enemy is not*’. This holds good for all those conflict zones on the internal security grid where the local populace lives in the constant fear of a ‘terror triangle’. Technologically exported global terror, a major cause of concern for all, already keeps the common man bewildered about what may be the next untoward threat lurking in the dark, and waiting to raise its ugly head the next moment. And as if that is not enough, the known ‘counter terror sleuths’ too, at times, leave behind a chilling impact that cuts across the bones of these masses, notwithstanding the pressures of the self defence groups that they have to live with. Thus, one is

left really confused in this world of the 'known unknowns' and 'unknown unknowns'. A significant 'credibility gap' is thereby constantly perpetuated.

The security forces, as part of their compartmentalized notions, generally develop two types of cognitions towards the public in such conflict zones, either in terms of their being a part of terror support structure or a potent conduit of the information about them. It is beyond these particularities, that we have to understand the concept of 'Human Terrain Mapping'. Secondly, it is also in sharp contrast to the 'physical terrain mapping' which otherwise forms a part of the 'learnings' of the security forces for dominating the area to reverse the lose-win situation.

Mere physical terrain mapping, however, is not sufficient. This aspect, however, assumes prominence due to the sizable number of Armed Forces that are pumped into the conflict zones to counter the violence, as in extreme situations counter-violence becomes the only alternative. The forces which are trained to undertake surgical operations on the detection of the 'enemy' often fail to differentiate 'who the enemy is not'. During the unguided operations, therefore, many more casualties of trust, goodwill and hopes find their way which totally negate the impact of whatever progress we would have made in sanitizing the given area. It is here that we must relearn our lessons when we are not being humane towards the 'non enemies.' The way one analyses the geographical terrains in the area of operation in terms of safe routes or alternate routes, IED prone areas or sanitized segments, contours or the local camouflage etc; similarly one has to conduct the Human Terrain Mapping (HTM). This appears essential for two reasons. One, the enemy is well blended in the general populace and non-segregation may lead to avoidable torture and thereby the alienation of the 'non enemy'. Two, the forces would fail to achieve 'value-based' performance

which has a propensity to further widen the credibility gaps in the system.

'Value based' performance should not be taken to mean the creation of 'sources' for effective operational results. Creation of 'sources' in these conflict zones is altogether a different ball game where a person is approached by the forces or agencies with a definite motive and his weaknesses are exploited for a favourable operational outcome. Mostly such people are spoilt professionals who have the potential to make the crossover. HTM is not concerned with a mere knowledge of such people for operational intelligence. Rather, it takes a pragmatic approach to a 'cultural intelligence' about the local people so that the 'non enemies' are not confused with the real 'enemies' or vice-versa. We must try to know the local people as intimately as a mother knows her child. We would then be able to undertake various psycho-behavioural operations to make a mark and indirectly wipe out the 'enemy'. Needless to say that none of the sides in this dangerous game of fierce guns and explosives can survive without the public support, be it covert or overt. Optimising the proper use of the support base of the local people, not for operational intelligence, but for meaningful intervention and stabilization holds the key to success in today's era of proxy war. One may also have to think in terms of 'politico-security' to usher in the democratic process so that people have an alternate viable option to the 'terror dictats'. Understanding behavioural dynamics of the local population, given the socio-cultural and the economic constants, is sine-quo-non for peace to return pronto and that too with the desired stability. Like in the body, the holistics of the system too needs to be well understood before the surgeon decides where to cut and how deep, notwithstanding the past and future sustenance of the concerned patient.

Hence, the HTM concepts necessitate multifaceted socio-cultural

interface in the region with the help of experts dealing with various facets of life. It may range from a political worker to the social or human rights activists; psychologists, doctors, lawyers, musicians, playwrights, journalists etc. to the historians. This leads us to the need for an advisory team consisting of the above in the given zone of conflict to guide the captains of the security forces working in that area so that they don't miss the mark. Physical security, in fact, would tend to become redundant if carried out without 'cultural security' where a person loves to sustain himself along with cognitively nurtured 'self-emotions'. War of perceptions is, nonetheless, far more potent than a war of guns in this democratized world of ours where each human being deserves a humane treatment, much less the essential social respect.

It is not difficult for the police chiefs or the commanders of the para military forces to get attuned to the HTM. They are well aware of the importance of the 'Human Mapping' of the soldiers they lead in order to ensure that they be counted amongst effective leaders. A well considered extension of the human terrain approach shall assist them to lead well in the 'physical terrain' they are asked to operate within.

In the social set up where people are not alienated with the local administration and systems of self governance are more or less in place with a participative mode, we have been trying various models of community policing and drawing synergies out of the holistic efforts. In low intensity war zones, till we reach such a point, HTM provides an effective tool. Since 'security' and 'development' in these areas remain part of the vicious circle of abnormality, one being taken as excuse for the other and vice-versa, security forces got to take a lead. The concepts of area dominance have to shift from inorganic physical terrains to organic human profiles.

FUTURISTIC POLICE COMMUNICATION - ASSAM POLICE CONVERGENCE NETWORK (APCN)

Prabir M. Dastidar

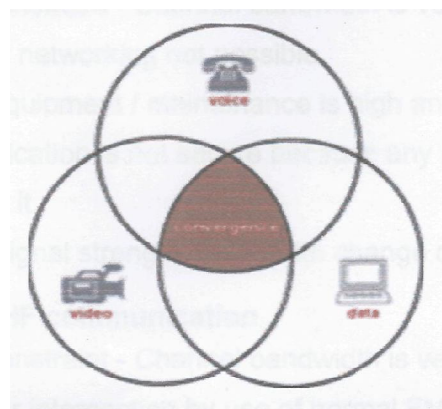
Convergence technology integrating voice, video and data in a single network is a major development in computer and communications technology and found appropriate for adoption in Police Communication. This can be augmented by the 4G like system which adds multimedia facilities to wireless by allowing audio, video and graphics application. The Assam Police Convergence Network (APCN) proposed under Vision 2020 incorporates convergence alongwith the adoption of 4G technology in order to achieve the common integrated networking of Police Communications. APCN can provide integration of the isolated Police nets to achieve an

integrated networking with higher Bandwidth and introduction of a PDA (Personal Digital Assistant) kind of hand-set for the police officials catering to all three requirements of voice, video and data transmissions.

As part of the Vision for POLICE 2020, the focus is on identification of appropriate technology and upgradation of Police Communications with emerging state-of-the-art technology on a National basis and to ensure that the Police Communication network is robust, reliable, secure, multi-tiered and cost-effective in order to efficiently combat crime, tackle internal security and law & order situations.

The constraints in the growth of Police Communication are low Bandwidth and isolated islands of communication networks. There is a genuine need for integrating the isolated police nets to achieve an integrated networking with higher Bandwidth and introducing a PDA (Personal Digital Assistant) kind of hand-set for the police officials catering to all three requirements of voice, video and data transmissions. Instead of one police official using 3 sets for static, hand-held & vehicular mobile applications; he should be able to use a single PDA kind of hand-set catering to all the three requirements. The integration of this communication network with Computers will facilitate a police officer to have instant details (in audio, video & data format) on his PDA hand-set regarding any traffic problem/ accident or law & order incidents and updates.

Convergence technology integrating voice, video and data in a single network is a major development in computer and communications technology and found appropriate for adoption in Police Communication. 3G is an ITU specification for the third generation of mobile communications technology. The 3G technology adds multimedia facilities to mobile phones by allowing audio, video and graphics application. 3G promises increased bandwidth, up to 2 Mbps in fixed applications, 384 Kbps when a device is stationary or moving at pedestrian speed and 128 Kbps in a car. 4G is the



fourth generation wireless superseding 3G in respect of band-width, end-to-end IP, high quality video etc.

Third generation (3G) and fourth generation (4G) system promise faster communications services, including fixed, mobile, voice, data, fax, Internet and multimedia services, anytime and anywhere with seamless global roaming. One of its key visions is to provide seamless global roaming, enabling users to move across borders while using the same number and handset. This technology can be appropriately adopted to cater to the requirements of Police Communication all over India.

ASSAM POLICE CONVERGENCE NETWORK (APCN)

In this article, the Assam Police Convergence Network (APCN) is proposed which incorporates convergence alongwith the adoption of 4G like technology in order to achieve the common integrated networking of Police Communications. APCN will cater to the needs of Assam Police facilitating reliable and secure communication on static and mobile mode offering voice, data and video with higher bandwidth.

Existing Communication Network of Assam Police:

1. Wireless Communication over HF, VHF & UHF
2. Computerised Data Communication Network
3. POLNET

Bottleneck of Existing HF and VHF Communication :

Limitation of HF communication

1. Bandwidth constraint - Channel bandwidth is very less.
2. Scope for HF networking not possible.

3. Cost of the equipment / maintenance is high and require skilled manpower.
4. CW communication is not secure because any Morse code trained personnel can intercept it.
5. Reliability - Signal strength varies with change of atmospheric condition.

Limitation of VHF communication

1. Bandwidth constraint - Channel bandwidth is very less.
2. Vulnerable for interception by use of normal FM Radios. Communication may be made secure but it reduces communication range.
3. Channel constraint. Congestion occurs while using one channel by multiple users as the transmission is in Broadcast mode.

WHAT ASSAM POLICE COMMUNICATION NEEDS :

A Communication Network with following features is necessary for the Assam Police in line with Vision 2020 envisaged for futuristic Police Communication.

1. Convergence of networks - voice, data, video transmission through one portable equipment on static, mobile and hand-held mode.
2. Integration of various communication networks in Assam (existing, under implementation and proposed)
 - HF/VHF network of APRO
 - VSAT based network viz. POLNET, NICNET etc available in Assam
 - Assam State Wide Area Network (ASWAN in implementation stage)

- Communication Network of various law enforcing agencies viz, Army, BSF, CRPF etc.
 - HAM
 - GSM service provider
 - Assam DWDM(Dense Wave Division Multiplexing) Optic Networking (ADON)
3. Accessibility by public on real-time basis
 4. Security and reliability of the network even in worst disaster situation
 5. Disaster Recovery Data Centre
 6. 4G like communication services with the following facilities:
 - o Interactive Multimedia, Voice, Video Streaming
 - o High Speed Global Internet Access - VPN Availability
- o Service Portability with Scalable Mobile Services
 - o High Speed, High Capacity, Low Cost Services
 - o Improved Information Security
 - o Enhancements
 - o Multi-Hop Networking
 - o Spectral Bandwidth Efficiencies (8bits/Second/Hz)
 - o Seamless Network of Multiple Protocols - 4G must be all-IP
7. Allowing audio, video and graphics application.
 8. Network to be made secure.
 9. Reliability of the network
 10. To sum-up, the Assam Police needs a Network based on the following configuration.
- 4G - P - S - WiMax - WiFi
(Police) (Secure)

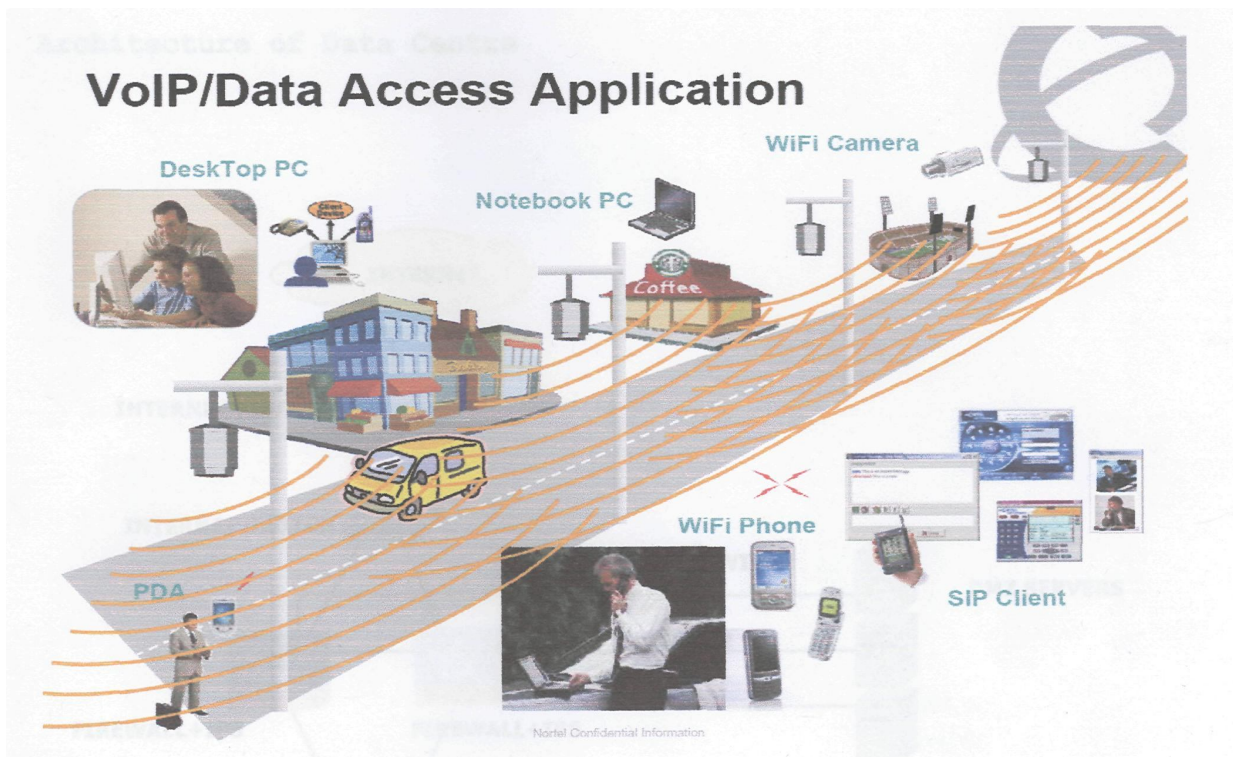
IMPLEMENTATION

In order to overcome the limitation of existing communication network of Assam Police and as well as to cater to the communication requirement of Assam for Disaster Management, it is planned to implement the Assam Police Convergence Network (APCN) to provide the following:

1. Installation of WiMax Base terminal station at all the 259 Police Stations and 187 Outposts to cover entire state of Assam providing mobile connectivity to all the field level officers of Assam Police as well as Govt. of Assam

2. Each static stations will have the following applications:

- Data
- Voice over IP
- Video transmission, Video Conferencing amongst the state HQs and District HQs
- Wi-Max connectivity



3. Hotzone will be created at the state HQs covering 40 KM x 40 KM area, District HQs covering 20 KM x 20 KM area, Sub-divisional HQs covering 10 KM x 10 KM area, PSs/ OPs covering 5 KM x 5 KM area to facilitate wireless access through PDA to lodge FIR online on the spot, mobile communication, transmit and receive messages and Video snaps while on move.

4. The APCN will have the following key features

- Scalability to adapt future technology advancement - future expansion

- To ensure reliability and security of the Network
- End to end manageability
- To support value added services

5. Network Architecture:

The APCN will have 3(three) layers of architecture for connectivity:

Layer 1 - All State Police Head Offices, Govt. Deptts

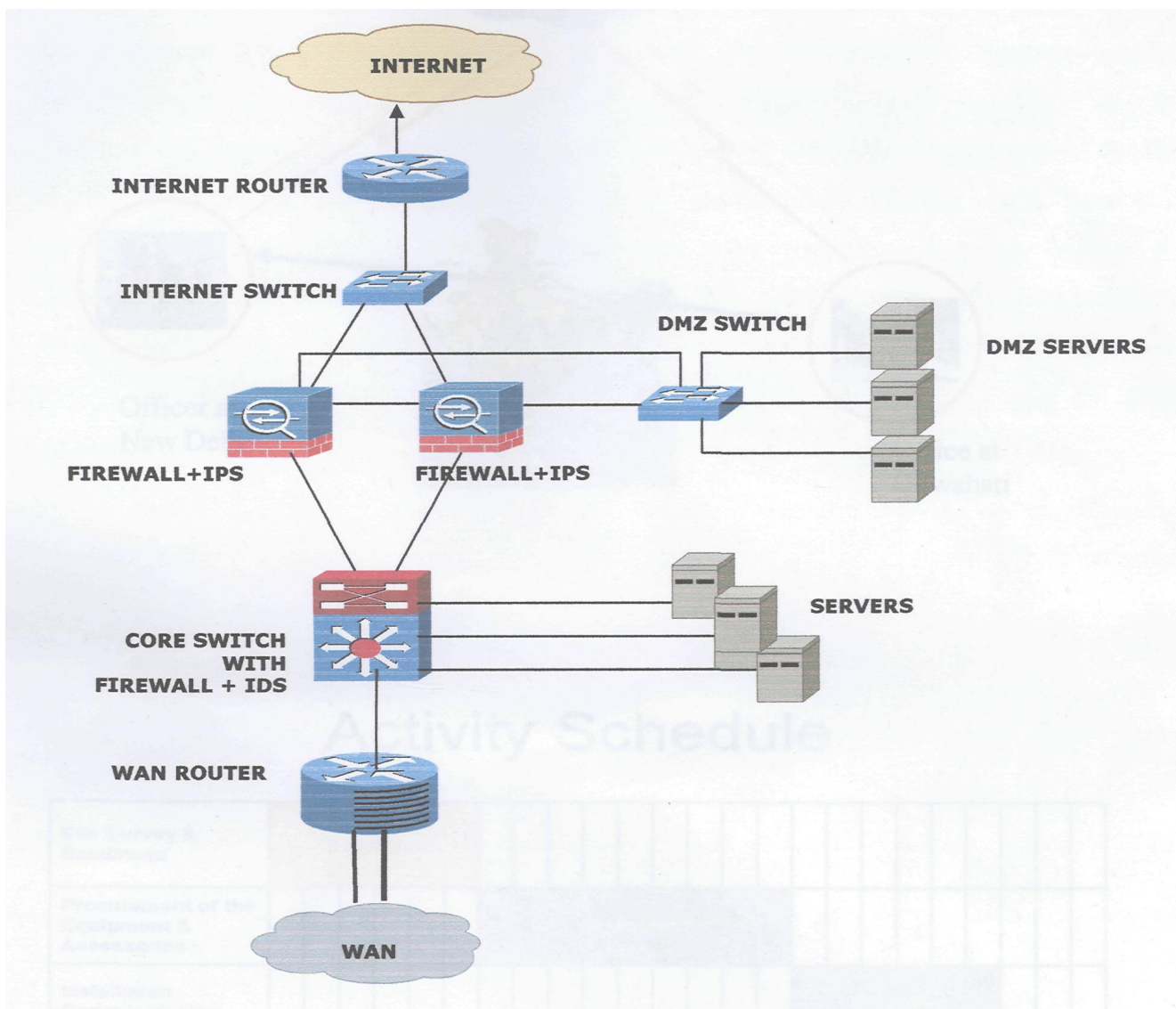
Layer 2 - All District HQs, Battalion HQs, Training Institutes

Layer 3 - All Sub-divisional HQs, Police Stations, Outpost

The old saying "Wherever the officer moves, the office moves" will be possible on realistic term only when the officer remains well connected to the office with an adequate communication network and facilities. APCN is such a network which can play a pivotal role in administering an office.

CONCLUSION

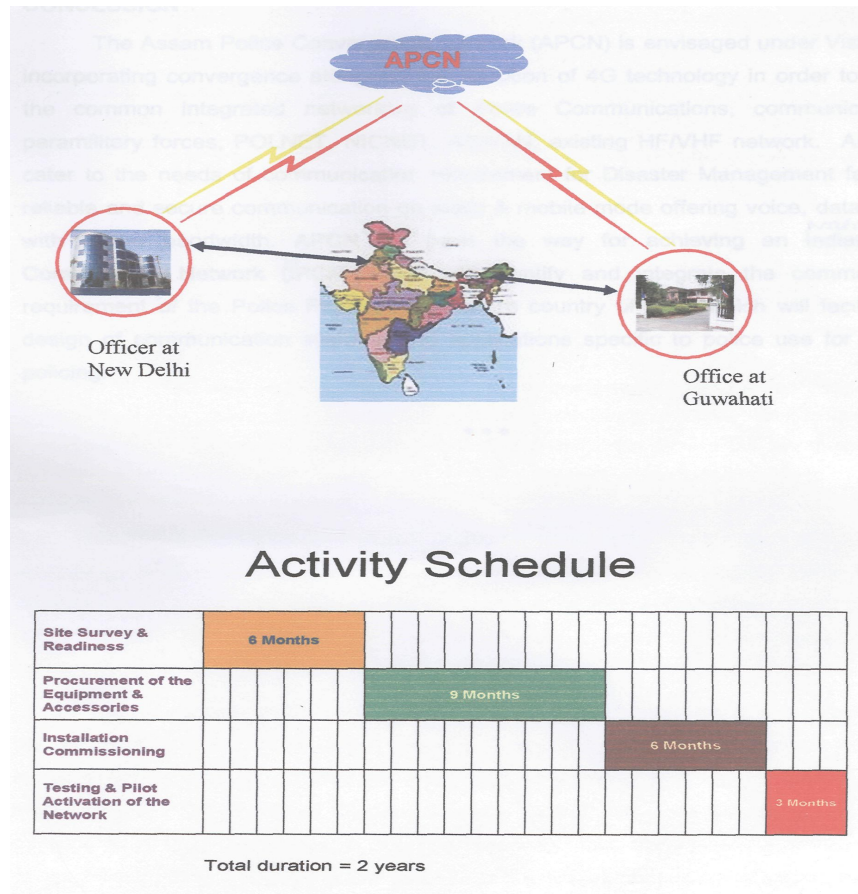
The Assam Police Convergence Network (APCN) is envisaged under Vision 2020 incorporating convergence along with the adoption of 4G technology in order to achieve the



common integrated networking of Police Communications, communication of paramilitary forces, POLNET, NICNET, ASWAN, existing HF/VHF network. APCN will cater to the needs of communication requirement for Disaster Management facilitating reliable and

secure communication on static & mobile mode offering voice, data & video with higher bandwidth. APCN will pave the way for achieving an National Police Convergence Network (NPCN) which will identify and integrate the communication requirement of the Police

Forces of the entire country of India which will facilitate the design of communication systems and applications specific to police use for effective policing.



ROLE OF NCC CADETS IN SITUATIONAL CRIME PREVENTION

Dr. Mridul Srivastava

Ecology is a branch of the biological sciences that studies the relationships between organisms and their environment. Robert Park was the first scholar to apply an ecological perspective to social science, studying the growth of cities in the United States (Bohm). The human, or social ecological, model was later applied to criminology by Clifford Shaw and Henry McKay, who described it as the “social disorganization” perspective. Shaw and McKay (1931) hypothesized that delinquency was not merely a product of inner personal conflicts, but of environmental factors particular to certain identifiable neighborhoods. They concluded that delinquency was the result of a “detachment from

conventional groups” caused by social disorganization in certain areas of a city. Sampson and Groves (1989) retested this theory and found five indicators of social disorganization: (1) lower economic status of residents; (2) diverse ethnic backgrounds of residents; (3) frequent residential turnover; (4) high level of dysfunction in families; and (5) urbanization (Bohm, pp. 72-75). Shaw and McKay’s work provided the theoretical roots of environmental criminology, which is based on the important role of the “place” or the environment in shaping crime.

In 1961 Jane Jacobs examined the relationship between physical

environment and crime in her book *The Death and Life of Great American Cities*. Her thesis was that less anonymity and isolation would lead to a reduction in crime in urban residential areas. C. Ray Jeffrey's influential book, *Crime Prevention Through Environmental Design* (1971) argued that modifying specific features of neighborhood design will reduce crime. In 1972 Oscar Newman argued that communities need to establish "Defensible Space" the title of his book. According to Newman, defensible space "is a model for residential environments which inhibits crime by creating the physical expression of a social fabric that defends itself (p. 3). Both Jeffrey and Newman suggested that modifying the architecture of urban neighborhoods would reduce crime. Given a more adequate environmental design, residents will change their behavior and defend their territory against criminals (Murray). By the mid-1970s, major demonstration projects were established to test these hypotheses. The Law Enforcement Assistance Administration funded a multi-million-dollar project to extend the concept of defensible space to other environments, such as a residential area, a transportation system, a commercial strip, and a school (Murray). In addition to their implications for architecture, engineering, and urban planning, both *Defensible Space* and *Crime Prevention Through Environmental Design* have also become well-known concepts in policing.

In 1979, Cohen and Eelson proposed the "routine activities" theory of crime. They argued that crime results when three elements converge in space and time: (1) a motivated offender; (2) a suitable target; and (3) the absence of a capable guardian (Felson. 1998. p. 53) According to routine activities theory, crime is most likely to occur when these three conditions occur simultaneously in some time and place. For example, if the owners of a new car (a suitable target) leave their keys in the ignition

while they run into the store (absence of a capable guardian) in a high-crime neighborhood (pool of motivated offenders), then the probability that the car will be stolen is increased. Routine activities theory has direct implications for crime prevention. To prevent crime, we must alter at least one of its "ingredients": the offender, the target, or the degree of protection or guardianship. The most effective crime prevention strategies will focus on all three of these elements.

In 1981 Paul and Patricia Brantingham combined the ideas of social ecology, social disorganization theory, crime prevention through environmental design, defensible space, and routine activities theory into a single theoretical framework with their book *Environmental Criminology*. According to the Brantinghams a criminal event is the convergence in time and space of a law. an offender, and a target. Unlike most criminologists who focus on the "root causes" of crime, environmental criminologists are concerned with the criminal event itself. Environmental criminology has highlighted the significant role of the "place" in generating criminal events (Brantingham and Brantingham. p. 18).

While crime prevention strategies are implicit in the theory of environmental criminology, they are the explicit focus of situational crime prevention. Throughout the late 1970s and early 1980s Ronald Clarke developed the situational crime prevention strateg. Rather than basing crime prevention strategies on traditional "root cause" theories. Clarke's crime prevention strategies represent an applied form of environmental criminology, focusing on practical strategies to reduce the likelihood of a criminal event. Situational crime prevention attempts to reduce the opportunity for specific crimes by permanently manipulating the immediate environment to increase the risk of crime while reducing its perceived rewards.

Situational crime prevention strategies abound Airports installed metal detectors to prevent hijacking. Libraries and stores made it more difficult to steal books and other items by installing electronic access control inserts. Caller ID programs reduced the number of obscene phone calls by taking away the caller's anonymity (Clarke, p. 22). Observe that these practical strategies do not attempt to change the behavior of offenders: they focus solely on preventing the criminal event. Unlike many other crime prevention strategies, the police are not responsible for administering situational crime prevention. It is done by merchants, governments, architects, and others with a vested interest in reducing crime. Yet as more police departments adopt problem-oriented policing strategies, they rely on situational crime prevention techniques to analyze and respond to various types of offenses. Environmental criminology and situational crime prevention emerged independently of the police, but both now have an important influence on the practice of policing.

POLICY STATEMENT

Responsibility for a safe community does not reside with any one particular agency or body. It is the responsibility of the community as a whole. NCC is close to the community and can influence many of the factors which determine how people live. Therefore, NCC has a central, leadership role to play in bringing together, identifying and driving the development of specific strategies to improve and enhance community safety.

It is important to note that Council's role does not involve the provision of law enforcement. Some NCC officers may be involved in regulation compliance but this is not to be confused with a law enforcement role. Law enforcement remains the responsibility of the Police Service and other law enforcement agencies.

NCC can participate in the prevention of crime and the creation of a safe community through two key strategic approaches:

1. Situational crime prevention
2. Social Strategies

Situational crime prevention makes crime more difficult to commit and less rewarding. It incorporates strategies designed to enhance the physical environment to improve people's feelings of being safe. These may include better lighting and visibility, the installation of security systems and other measures to increase household and business security. This may also be referred to as Crime Prevention through Environmental Design.

Social Strategies are designed to improve underlying social conditions such as income; access to housing; employment opportunities; recreational opportunities for young people; and available community services. Improving these underlying social conditions helps to prevent crime from occurring and thus contribute to enhanced community safety. It works through strengthening communities and social infrastructure. It involves all three levels of government, families, individuals and community organisations in a partnership approach. It recognises that crime is a complex social problem that is closely related to unemployment, substance abuse and family breakdown.

THE THEORY

Research has identified four separate categories of crime and delinquency prevention (Perlgut 1981).

Corrective prevention attempts to prevent crime by ameliorating social conditions which seem to lead to crime, e.g. by reducing overcrowding, creating viable neighbourhoods, rehabilitating slums and providing community health clinics and recreation facilities.

Punitive prevention uses police to deter crime through lawyers, the police courts, and the legal system.

Mechanical prevention emphasises hardware such as locks, doors and grills.

Environmental prevention manipulates building design and the relationship between buildings and their environment to reduce opportunities for crime.

Successful security planning will most likely incorporate some aspects of punitive, corrective, mechanical and environmental techniques; the last two categories are a 'situational crime prevention' approach.

RATIONAL CHOICE THEORY

While traditional criminology tended to see criminals driven by their conditioning and environment, more recent economics based theories portray them as rational decision makers who base their decisions to commit crimes on an analysis of the risks of the venture compared with the expected profits. That is, the criminal does a cost-benefit analysis (Becker 1968).

SITUATIONAL CRIME PREVENTION

Situational crime prevention has been defined as 'the use of measures directed at highly specific forms of crime, which involve the management, design or manipulation of the immediate environment in as systematic and permanent a way as possible' (Hough et al 1980). It is sometimes referred to as 'primary prevention' or 'opportunity reduction'.

As we have pointed out, a situational approach to crime prevention has rational choice theory as its basis. That is it rests on the assumptions that offenders freely and actively choose to commit crimes-, that the decision to commit the crime is made

in response to the immediate circumstances and the immediate situation in which an offence is contemplated: and the motivation to offend is not constant or beyond control, i.e. it is dependent on a calculation of costs and rewards rather than being the result of inheriting or acquiring a disposition to offend (Bennett 1986).

Bennett considers the rational choice model in the light of information gathered on the behaviour of burglars. He argues that the decision to offend in the first place is socially or psychologically determined, but that the final decision - whether or not to offend against a particular target - is situationally determined. This means that situational factors are unlikely to motivate the unmotivated to offend, but they will influence the decision of someone who is committed to offending.

In practice this means that, instead of concentrating exclusively on dealing with the factors in a criminal's background or environment which might be causing him/her to commit a crime e.g. poverty, poor education, inadequate socialisation - we design measures directly related to preventing criminal acts (Jeffery 1971). There is no doubt that situational preventive measures can cut crime in areas like burglary, vandalism, shop crime and autocrime. The ability of situational crime prevention to cut the incidence of violence is, however, in dispute.

Trasler (1986) does not see this approach as working against violence, but Clarke and Mayhew (1988), analysing a decline in suicides over twelve years in England and Wales, concluded that the removal of carbon monoxide from domestic gas deterred large numbers of suicides, and that thousands of those potential suicides did not find other means of killing themselves. That is, the reduction in opportunity caused a reduction in self-

violence which was not displaced to another method.

On the basis of this evidence, they speculate that, if the incidence of suicide can be so dramatically affected by reduced opportunity, the same could be true of deep-seated criminal acts of sex and violence, and that situational crime prevention could be effective in dealing with some self-destructive drug and alcohol offences. Situational crime prevention seems most relevant to offences which can be shown to cluster in time or space, and which are of a high rate (Poyner 1986).

Examples of successful situational crime prevention strategies include a 15 percent reduction in airline hijackings in the early 1970s due to defensive measures taken by airlines; a significant reduction in cheque frauds in Sweden in 1975 following the introduction of cheque guarantee cards; and a drop in thefts from a new type of public telephone in England after aluminium coin boxes were replaced by steel ones (Cornish and Clarke 1986). Situational crime prevention methods can operate at different levels, affecting the individual, the community or the physical environment (Bennett 1986).

In the case of crimes directed at households, initiatives which can be employed at the individual level include encouraging people to make their homes more secure -sometimes called 'target hardening'- and marking their property for easier identification. Responsibility rests with the individual householder the police role is usually restricted to giving free specialist security advice. At the community level, the most common situational crime prevention strategy is the Neighbourhood Watch campaign, in which people are encouraged to keep an eye on houses in the neighbourhoods and report suspicious incidents to the police. This program usually forms part of a comprehensive crime prevention program which also includes security surveys and property marking.

Environmental design focuses on improving street lighting, controlling access to buildings, restricting pedestrian and traffic flow, and dividing residential spaces into identifiable areas. The most ambitious environmental design schemes have been carried out in the United States.

The most advanced situational crime prevention is to be found in the protection of the property of the rich, mostly through the use of expensive hardware, alarm systems, and even private guards. Similarly, Neighbourhood Watch is often easier to set up in affluent neighbourhoods than in poor areas. The challenge is to motivate those most in need of protection against crime to help themselves. This raises the need for a corporate or inter-agency response to crime prevention, rather than devolving all responsibility onto the individual.

An equal challenge is to convince government authorities and private organisations of the benefits of protecting themselves from crime. This means, among other things, convincing housing authorities to build anti-burglary measures into public housing estates: encouraging business-people to cut down opportunities for crime on their premises, and convincing car makers to install effective anti-theft devices such as steering locks in new cars, even those in the lower price ranges.

But when these strategies make it impossible or too risky for criminals to proceed, will they simply abandon the project or will they come back another time, go somewhere else and commit a similar crime, or switch to another type of crime?

DISPLACEMENT

The most common criticism of situational crime prevention is that it does not solve the problem of crime, merely displaces it - i.e. the criminal tries

again, there or somewhere else or turns to another type of crime. The displacement argument maintains that, if we stop burglaries in one area, the burglars may simply move to areas where the residents cannot afford to fortify their houses or are not sophisticated or socially-conscious enough to set up Neighbourhood Watch programs. So while crime might be reduced in one locality, it is held, the overall crime rate does not drop (Cornish and Clarke 1986).

Displacement appears to have occurred when steering-column locks were made compulsory on all new cars and thieves switched their operations to old cars: and where a police crackdown on subway robberies in New York was followed by an increase in street robberies (Cornish and Clarke 1986). In his study of offenders' behaviour, on the other hand, Bennett (1986) found that over half the burglars who were prevented from committing an offence said they 'usually' or 'sometimes' gave up and went home. And many potential gas suicides in Britain did not go on to kill themselves by other means when domestic gas was detoxified (Clarke and Mayhew 1988).

Research seems to show that where the offender is not strongly committed to a crime, and where the costs and risks of committing the crime are high, displacement is unlikely: however, where the situation is reversed, displacement may well occur (Bennett 1986). It would seem then, that situational prevention can reduce crime by influencing the final decision of some potential offenders and that even where displacement occurs, only a proportion of the initial potential offenders will pursue their intent to commit crime (Heal and Laycock 1986). That is crime prevention measures stop some criminals from carrying out a crime in a particular place, and not all of them will go elsewhere and commit a crime.

To minimise the likelihood of displacement, police and government agencies could concentrate their crime prevention efforts and funds in less-affluent areas.

COMMUNITY CRIME PREVENTION

In the face of escalating crime rates, American law enforcement agencies have turned to the community for assistance. Criminal Justice professionals admit that, in the absence of help from the public, neither more money and manpower, nor improved

technology will substantially cut crime in America (Lindsay and McGillis 1986).

Household burglary, in particular, is an area of crime where collaboration between the community and the police is crucial. In fact, the householder is the only actor in a position to make a real difference to the burglary rate. Only a resident can make sure a household is secure; only a neighbour can recognise suspicious activity at a back door: only a householder can mark property with identifying numbers which help the police locate it if stolen. A number of community crime-prevention programs

have been run in the United States, with varying degrees of success. A successful program was set up in Seattle in the 1970s to combat household burglaries. Police contacted local organisations and churches to publicise the program, a team of fieldworkers visited all households, and block watches of ten to fifteen households were established. Block watch groups organised property marking, and organisers carried out security surveys of individual households to help owners identify and minimise security risks. In addition, field staff stayed on call to advise members of block watches.

TWENTY FIVE TECHNIQUES OF		SITUATIONAL PREVENTION		
Increase the Effort	Increase the Risks	Reduce the Rewards	Reduce Provocations	Remove Excuses
1. Target Harden Steering column locks and immobilisers Anti-robbery screens Tamper-proof Packaging 2. Control access to Facilities Entry phones Electronic card access Baggage screening 3. Screen exits Ticket needed for exit Export documents Electronic merchandise Tags 4. Deflect offenders Street closures Separate bathrooms for Women Disperse pubs 5. Control tools/ Weapons Smart guns Disabling stolen cell phones Restrict spray paint sales to juveniles	6. Extend guardianship Take routine precautions: go out in group at night. leave signs of occupancy. carry phone "Cocoon" neighborhood watch 7. Assist natural surveillance , Improved street lighting Defensible space design Support whistleblowers 8. Reduce anonymity Taxi driver IDs "How's my driving?" decals School uniforms 9. Utilize place managers CCTV for double-deck Buses Two clerks for convenience Stores Reward vigilance 10. Strengthen formal surveillance Red light cameras Burglar alarms Securit) guards	11. Conceal targets Off-street parking Gender-neutral Phone directories Unmarked bullion trucks 12. Remove targets Removable car Radio Women's refuges Pre-paid cards for Pay phones 13. Identify property Property marking Vehicle licensing and paits marking Cattle branding 14. Disrupt markets Monitor pawn shops Controls on classified ads. License street Vendors 15. Deny benefits Ink merchandise tags Graffiti cleaning Speed humps	16. Reduce frustrations and stress Efficient queues and polite service Expanded seating Soothing music/muted lights 17. Avoid disputes Separate enclosures for rival soccer fans Reduce crowding in pubs Fixed cab fares 18. Reduce emotional arousal Controls on violent pornography Enforce good behavior on soccer field Prohibit racial slurs 19. Neutralize peer pressure "Idiots drink and drive" "It's OK to say- No" Disperse troublemakers at school 20. Discourage Imitation Rapid repair of vandalism V-chips in TVs Censor details of Modus operandi	21. Set rules Rental Agreements Harassment Codes Hotel registration 22. Post instructions "No Parking" "Private Property" "Extinguish camp fires" 23. Alert conscience Roadside speed display-boards Signatures for customs declarations "Shoplifting is stealing" 24. Assist compliance Easy library-checkout Public lavatories f ifipr hins 25. Control drugs and alcohol Breathalyzers in Pubs Server intervention Alcohol-free Events

After examining evaluations of some community crime prevention projects in American cities. Robert Yin (1986) concluded the most successful were those involving a complex array of activities - for example, Neighbourhood Watch programs, police patrols, better communication between police and community, and better communication within the community through actions groups, newsletters, etc.

He also found that the most successful interventions against crime were those involving action by both residents and local police. This was demonstrated by police foot patrols set up in two different cities to reduce crime, where the more effective patrol was that in which the police consulted widely with the community and sought its co-operation before starting the patrols.

GOALS OF SITUATIONAL CRIME PREVENTION

While the Problem Analysis Triangle helps to analyze problems, situational crime prevention provides a framework for intervention. By assessing the opportunities that specific situations offer for crime, situational crime prevention has identified five main ways in which situations can be modified. These are:

- Increasing the effort the offender must make to carry out the crime.
- Increasing the risks the offender must face in completing the crime.
- Reducing the rewards or benefits the offender expects to obtain from the crime.
- Removing excuses that offenders may use to "rationalize" or justify their actions.
- Reducing or avoiding provocations that may tempt or incite offenders into criminal acts.

These five approaches to reducing opportunity can be expanded to list 25 techniques of situational crime prevention.

These techniques have been constructed according to two important theoretical premises: that "opportunity makes the thief" (opportunity theory) and that the offender (or would-be offender) makes choices (rational choice theory) in order to make the best of those opportunities.

THE TWO PRINCIPLES OF RATIONAL CHOICE THEORY

Offending behavior involves decision making and the making of choices, which are constrained by time, cognitive ability and information, resulting in a 'limited' rather than a 'normal' rationality for the offender.

Decisions and factors that affect offender decision making vary greatly at both the different stages of the offence and among different offences. Cornish and Clarke (1998) therefore stress the need to be crime-specific when analyzing offender decision making and choice selection, and to treat separately decisions relating to the various stages of involvement in offences. For example, treating decisions relating to the offenders' initial involvement in the offence separately from decisions relating to the event, such as choice of target. This, they claim, allows a more 'holistic' view of offender decision and choice making and a broader analysis from which to implement appropriate interventions.

TEN PRINCIPLES OF CRIME OPPORTUNITY THEORY

1. Back ground

'In situational crime prevention (SCP) 'opportunity' is considered a 'root cause of crime'. Felson and Clarke (1998) suggest that there are 10 ways that theory can assist when thinking about

crime prevention. These they term the 'principles'.

2. Features

The 10 principles of crime opportunity theory (Felson and Clarke 1998):

1. **Opportunities play a role in causing all crime, not just common property crime** - For example, studies of bars and clubs show how their design and management play an important role in generating violence or preventing it.
2. **Crime opportunities are highly specific** - For example the theft of cars for joyriding has a different pattern for opportunity than theft for car parts. Crime opportunity theory helps sort out these differences so responses can be appropriately tailored.
3. **Crime opportunities are concentrated in time and space** Dramatic differences are found from one address to another even in a high crime area. Crime shifts greatly by the hour and day of the week, reflecting the opportunities to carry it out.
4. **Crime opportunities depend on everyday movements of activity** Offenders and targets shift according to their routine activities (eg. work, school leisure). For example burglars visit houses in the day when the occupants are out at work or school.
5. **One crime produces the opportunities for another** For example, a successful break-in may encourage the offender to return in the future or a youth who has his bike stolen may feel justified in taking someone else's as a replacement.

6. Some products offer more tempting crime opportunities

For example easily accessible electrical items such as DVD players and mobile phones are attractive to burglars and robbers, “hot products”.

7. Social and technological changes produce new crime opportunities

Products are most vulnerable in their ‘growth’ and ‘mass marketing’ stages, as demand for them is at its highest. Most products will reach a ‘saturation’ stage where most people have them and they then are unlikely to be stolen.

8. Crime can be prevented by reducing opportunities

The opportunity reducing methods of situational crime prevention cut across everyday life, though they can be tailored to specific situations. It is firmly grounded in opportunity theory.

9. Reducing opportunities does not usually displace crime -

Wholesale displacement is very rare and many studies have found little if no crime displacement.

10. Focused opportunity reduction can produce wider declines in crime
Prevention measures in one area can lead to a reduction in another nearby, a ‘diffusion of benefits’. This is because offenders might overestimate the reach of those measures.

ROUTINE ACTIVITY THEORY (RAT)

1. Background

Routine Activity Theory (RAT) is one of the main theories of “environmental criminology”. It was developed by criminologists Lawrence

Cohen and Marcus Kelson, who have worked for a number of years on crime prevention theory. RAT states that for a predatory crime to occur 3 elements must be present when any crime is committed RAT incorporates the crime triangle, sometimes referred to as the “problem analysis triangle” (PAT).

2. Features

RAT states that when a crime occurs 3 things happen at the same time and in the same space:

- a suitable target is available
- there is the lack of a suitable guardian to prevent the crime from happening
- a likely and motivated offender is present.

3. A Suitable Target

The first condition for crime is that a suitable target must be available. The word target has been chosen carefully, rather than other words such as victim.

There are 3 major categories of target. A target can either be:

- a person
- an object
- a place.

There are plenty of potential targets around us but not all of them are suitable. Two acronyms are sometimes used to describe suitable targets:

1. VIVA: Value, Inertia, Visibility, Access

2. CRAVED: Concealable, Removable, Available, Valuable, Enjoyable, Disposable.

Targets may also be repeat targets.

“No matter how suitable a target is, an offence will not occur unless a capable guardian is absent and a likely offender is present.

Hot Products: VIVA and CRAVED

The acronyms VIVA and CRAVED have been used to describe the characteristics of items most likely to be stolen - ‘hot products’. CRAVED is the most recent development, addressing targets of theft specifically.

Value. The offender must either value the target for what they gain or value the effect they have on it. For example, a burglary might occur because the burglar wants the stolen items or wants the money made from selling them. On the other hand, an offender might

- crime can be directed away from one target to another (target displacement)
- one method of committing crime can be substituted for another (tactical displacement)
- one kind of crime can be substituted for another (crime type displacement).

(Felson and Clarke, 1998)

Although this suggests that displacement is always negative, there can be some positive effects and another way of looking at displacement is perhaps in terms of the effects of any displacement:

- Positive - a crime is displaced to a less serious type of crime or a crime with greater risk, with lower rewards or causing less serious damage. It represents a success since it produces a net gain.
- Neutral - a crime is displaced to one of the same seriousness, of the same risk, rewards and damage.
- Even-handed - prevention is concentrated on those who are repeatedly victimised in order to achieve a more equitable distribution of crime.
- Negative - a crime is displaced

to a more serious crime, a crime with greater reward or greater social cost.

- Attractive - activities and/or places attract crime from other areas or activities (eg 'red light' districts attract customers from other areas, as well as other criminal activities).

(Home Office. 1993)

Displacement is always a threat to crime prevention and needs to be considered in crime reduction work, but there are strong theoretical reasons for believing it is far from inevitable. Even when it can be shown to occur, it may be far from complete displacement, giving important net reductions in crime.

ABSENCE OF A CAPABLE GUARDIAN

The second condition is that a capable guardian whose presence would discourage a crime from taking place must be absent.

A capable guardian has a 'human element', that is usually a person that by their mere presence would deter potential offenders from perpetrating an act. A capable guardian could also be CCTV providing that someone is monitoring it at the other end of the camera.

Some examples of capable guardians:

- police patrols
- security guards
- neighbourhood Watch schemes
- doorstaff
- vigilant staff and co-workers
- friends
- neighbours
- close Circuit Television (CCIV) systems

Some of the guardians are formal and deliberate, like security guards; some are informal and inadvertent, such as neighbours.

It is also possible for a guardian to be present, but ineffective. For example a CCTV camera is not a capable guardian if it is set up or sited wrongly. Staff might be present in a shop, but may not have sufficient training or awareness to be an effective deterrent.

Likely Offenders

When a suitable target is unprotected by a capable guardian there is a chance that a crime will take place. The final element in this picture is that a likely offender has to be present.

RAT looks at crime from an offender point of view. A crime will only be committed if a likely offender thinks that a target is suitable and a capable guardian is absent. It is their assessment of a situation that determines whether a crime will take place.

3. Crime Triangle (also called Problem Analysis Triangle PAT)

RAT introduces an important tool in crime analysis, the crime triangle (which has also been called the problem analysis triangle (PAT)). In the past the Crime Reduction Centre has presented these 2 triangles separately with PAT being used in the analysis of a crime

problem (victim, location, offender) and RAT use to develop the interventions (target/victim, location and absence of a capable guardian). The latest formulation of the crime triangle sees a combination of the 2 helping to think about responses as well as analysis.

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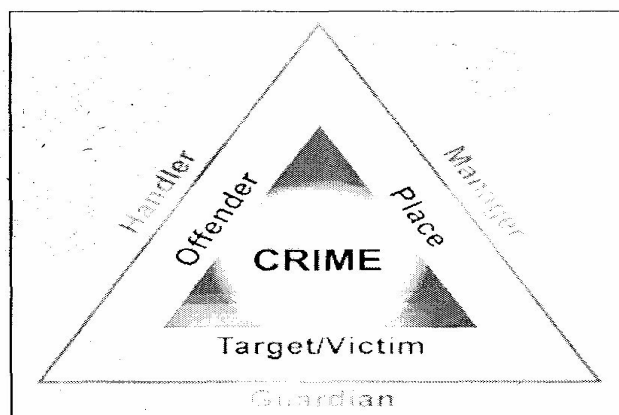
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THE PROBLEM OF SUICIDES – A BRIEF LOOK

Dr. Siby Mathews

Establishment of a 'Welfare State' is the declared goal of a democratically elected government. Massive socio economic programmes and liberalized economic reforms along with increasing privatization has brought sustained economic growth. However the underprivileged, downtrodden, depressed classes and low income groups have drifted further down the stream. Growing frustration in the agrarian sector and fast social changes have brought in a scenario in which suicides have become everyday phenomena.

Comparing the suicide rates of various countries, it is seen that countries in the former Soviet Bloc are

having the highest rates (e.g. 61.6 in Russia,* 43 in Ukraine) while Asian and Latin American countries are having generally much lower rates (e.g., 6.7 in Mexico, 12 in Thailand – Year 2003) India is having somewhat medium rates of suicide (e.g., 10.3 – year 2005).

Rate of suicide is calculated as the ratio of number of suicides to population in lakhs. It is seen that during the 22 years from 1984 onwards, the number of incidents of suicide has been swelling up. It was 50571 in the year 1984, but rose upto 88241 in 1996 and 118112 in the year 2006.* There has been steady increase in the number of incidents reported.

*Year 2004.

*Source : N.C.R.B.

Among the various States, Kerala has been reporting the highest rates of suicide for the last more than 20 years. The following data will substantiate this assertion.

Suicide Cases Reported in Kerala

Table - 1

Year	Number of suicides	Rate of suicides	All-India Average rate
1984	5617	20.78	6.84
1996	8086	25.82	9.47
2001	9572	30.06	10.53
2005	9244	27.70	10.3
2006	9026	26.80	10.5

(Source:N.C.R.B.)

The number of suicide cases reported in Kerala may be compared with that reported from some of the other States of India, to bring out the gravity of the situation.

Number of suicide cases reported in year 2006

Table - 2

Name of State	Number of suicides	Estimated population	Rate of suicide (in lakhs)
Andhra Pradesh	13276	807.2	16.4
Assam	3031	291.6	10.4
Bihar	618	913.3	0.7
Gujarat	5035	550.8	9.1
Karnataka	12212	563.5	21.7
Kerala	9026	336.8	26.8
Maharashtra	15494	1045.7	14.8
Orissa	4065	392.0	10.4
Punjab	772	260.8	3.0
Rajasthan	4263	628.0	6.8
Tamil Nadu	12381	654.5	18.9
Uttar Pradesh	3099	1850.2	1.7
West Bengal	15275	861.3	18.3
Delhi	1492	162.3	9.2

(Source: Accidental Deaths & Suicides in India, 2006, NCRB).

Kerala is having the highest percentage of literacy among all the States of India (90.86) but highest in the rate of suicide also. The socio economic factors that contribute to this paradoxical situation have been the subject of a research study by the author. A total of 504 suicide cases reported in the various districts of Kerala, were selected by random sample method and analysed. Data was collected on 12 variables such as age of the victim, sex, profession, marital status, level of education, etc. These cases were of the period 1996-99.

A further detailed study was made through personal interview method, using an interview schedule, by selecting 105 incidents of the year 2004. Since the victims are already dead, the nearest relatives, and friends of the victim were the sources from which the information about the victim was collected. Finally, 27 persons who survived the suicide attempt, in the year 2006, were traced out and requested to co-operate with the study. They revealed the circumstances that prompted them to put an end to their lives (luckily not successful).

The research study brought out very important findings, some of the more important being listed out below:

- a) 50 to 60 per cent of the victims of suicide belonged to the economically most productive age group of between 15 to 45 years.
- b) 65 to 70 per cent of the victims are males while 30 to 35 per cent are females. There is more 'security' for females from the hardships and risky decisions of everyday life.
- c) 45 to 50 per cent of the victims were engaged in 'coolly' work or daily wages, and 12 to 14 per cent were engaged in some

petty business or salaried job. 19 percent were unemployed, which included retired persons also.

- d) Nearly 80 per cent of the victims had only basic, school level education and about 10 to 11 per cent were illiterate.
- e) Nearly 87 per cent of the incidents of suicide occurred in 'nuclear families' where the chances of sharing the financial and emotional problems of life are little. This is especially in the light of growing isolation of social life in the urban and semi-urban modern life.
- f) Incidents of suicide among Muslims and Christians were proportionally less than their percentage in the total population of Kerala State, while that among Hindus was much higher (72.3 of the victims were Hindus while the percentage of Hindu population in Kerala is 56.16)
- g) Economic problems were cited as the largest single cause of suicide – 27.2 per cent, followed by domestic quarrels which accounted for 24.5 per cent.

The study also revealed a direct correlation between alcoholism and suicide. Nearly 41 per cent of the victims were found to be in the habit of consuming alcohol either 'daily' or 'often'. This is in spite of the fact that production and sale of country made alcohol or 'arrack' is banned in Kerala State from 1996 onwards by a special Act of legislature. At the same time the Kerala State Beverages Corporation, a public sector undertaking which has a monopoly in transportation, storage and sale of IMFL* has a turn over of nearly Rs.3000/- crores per year, through its 300 outlets and nearly 550 'Bar attached hotels' in the State.

It is significant that a study of 500 cases of 'attempted suicide' by the department of psychiatry of Medical College Hospital, Kottayam (Kerala State) revealed that more than 50 per cent of the attempters had consumed alcohol prior to the act.

Another important finding of the research study is that the percentage of victims of suicide, in the age group 60 years and above, is increasing, and it is the highest in Kerala State when comparing the data from other States of India. For example, in the year 2002, out of 9810 incidents of suicide in Kerala, 1900 belonged to the age group 60+. This was also 21.6 per cent of the all-India total of 8779 incidents in this particular age group. For the year 2003, it was 1926 incidents (Kerala) out of the total 9098 incidents reported all over India in this particular age-group, which works out as 21.2 per cent of the total. For the year 2006, the number of incidents of suicide in the age group 60 years and above was 1732 for Kerala State. This was 19.2 per cent of the all-India total of 9127 incidents in this age group.

Based on the research study, the following are some of the important recommendations.

- a) 'Suicide Prevention Clinics' should be set up in all Medical Colleges and multi-speciality hospitals. This is to identify and provide guidance and counselling to potential victims.
- b) Economic dependence on others is the main reason for elders committing suicide. More old age homes should be set up by the government under the Social Welfare department. Government may encourage non-governmental organizations to set up such

*Indian Made Foreign Liquor.

- institutions, through liberal grants and subsidies.
- c) Intensive awareness programmes about the 'sanctity of life' should be arranged through educational institutions, and for professionals in the health, social welfare, police, etc.
- d) Non-governmental organizations that work in the field of 'family counselling', 'suicide prevention', 'de-addiction centres' etc should be encouraged by financial and other support.
- e) Chronic illness, being identified as one of the major causes of suicide, health care
- Programmes especially for the economically weaker sections of society should be organized by government. A comprehensive health insurance scheme for such categories of people will be very effective in ameliorating their distress.
- According to World Health Organisation, 'suicide' is recognized as 'a major public health problem to be addressed scientifically in the complex scenario of development and life style changes'*.
- It is a myth that 'those who do not want to live' commit suicide. It is rather an outcry for help, which went unheard. It is an act of violence against self because the victim could not change his/her life situation and could not find any help from those around him/her. The government, the society, the family, all of us are together responsible. It is our duty to do our bit to help those who raise the outcry for help.

* 'Suicide Prevention : Emerging from Darkness -W.H.O.Publication 2001, P.7.

Service Trivia

“Beating Retreat” is an ancient military custom dating from the days when troops disengaged from battle at sunset or soon after. As soon as the bugles sounded “Retreat”, troops ceased fighting, sheathed their arms and withdrew from the battlefield. It is for this reason that the custom of standing still during the sounding of the call has been retained to this day. Colours and standards are cased and flags lowered at Retreat.

Drum beats are a relic of the days when the troops billeted in towns and cities were recalled to their quarters at an appointed time in the evening. The combination of these traditions has resulted in the ceremonial of today known as “Beating Retreat”.

BANK SECRECY- a stumbling block for Law Enforcement

Harjit Sandhu

INTRODUCTION

The most powerful and untouchable criminals are not the ones who make newspaper headlines but those hidden in the shadows who direct the movement of vast sums of money. They are motivated by an inordinate desire to accumulate wealth. Controlling the money gives them their power and allows them to flourish long after their more visible associates have gone to jail.

Thanks to globality and technology, the criminals of today can park their money at safe havens away from the prying eyes of the law enforcement authorities. They can move it to jurisdictions that offer high levels

of secrecy or use a variety of financial mechanisms that provide an almost impenetrable layer of protection around the ownership of assets and conceal the origin and destination of goods.

This situation is further compounded by those who sell offshore corporations which are licensed to conduct business only outside the country of incorporation, are free of tax or regulation and are protected by corporate secrecy laws. In such cases, multiple levels of secrecy laws separate the law enforcement and the money launderer. There are levels of bank secrecy, levels of corporate secrecy, and possibly the additional protection of lawyer-client privilege.

WHY AND WHEN A CRIMINAL NEEDS A BANK

The criminals are in the business of generating money whether from bank robberies or from financial frauds or from selling narcotics; and once they have the money, it is no good to them unless they can use it. This is where the banks come into play. The banks are the prime place the criminal wants to have his money so that he can use it for his benefit, whether that is to buy toys like cars, boats or aeroplanes or to collect high valued works of art or any other of a myriad of activities. If the criminal can place his money into banks that have a level of secrecy from the law enforcement that is investigating him, that is what he will do.

When a bank receives dirty money it can do one of the two things: Provide a safe haven for the criminal or provide law enforcement a unique and valuable source of information. If it provides the information, the high level criminal (even the head of an organized criminal organization) can be identified and tied to the ill-gotten gains and therefore to the crime. Once this is done, law enforcement is a step closer to prosecuting him and putting him in jail. On the other hand, if the banks provide an atmosphere of protection where the criminal can safely hide his money away from the prying eyes of law enforcement then the criminal will go scot-free.

WHAT EXACTLY IS BANK SECRECY?

Bank secrecy (or bank privacy) is a legal principle under which banks are allowed to protect personal information about their customers. In other words, the bank employees are prohibited from revealing information concerning a customer's account. This prohibition is buttressed by criminal sanctions that include fines and imprisonment.

Effective bank secrecy is better achieved in certain countries, such as Switzerland or in tax havens, where

offshore banks adhere to voluntary or statutory levels of privacy. The principle of bank secrecy was created by the *Swiss Banking Act* of 1934, which led to the famous Swiss bank. Several NGOs and governments have accused bank secrecy as being one of the main instruments of underground economy and organized crime.

Reasons to use bank secrecy:

There are a number of reasons to use banking secrecy. Some of these could be:

1. To store embezzled money;
2. To launder dirty money;
3. To hide it from spouse, friends or other family members;
4. To hide it from the employer due to the reason that many employers put restrictions on their staff to trade in shares business to prevent conflicts of interest issues;
5. To prevent confiscation of money, for example in a potential bankruptcy case;
6. To evade paying taxes since banking secrecy extends to tax agencies being refused permission to examine accounts;
7. To protect money from overbearing or corrupt local government agencies;
8. To protect from litigation;
9. For any other reason which requires no-one being able to identify the amount of money one has or has acquired;
10. To have privacy from press or publicity. Many newspapers annually publish *rich lists*, which are lists of the richest people in a country or an area;
11. To protect from criminals. In some countries, criminal gangs can access information on

bank customers. This might interest criminals, such as kidnappers, extortionists, or identity thieves;

12. To protect from solicitation by charities, family members, beggars, or investment salesmen;
13. Simply for privacy. The possession of liquid wealth attracts publicity, which is not always welcome.

SHOULD THERE BE BANK SECRECY?

Bank Secrecy is viewed and defined differently in almost every jurisdiction in the world. Often this is based on tradition and/or custom in the country but that does not mean that the underlying premise cannot be changed. For instance most of us agree that individuals should have a level of secrecy in various aspects of life. They should be safe from the outside world in their own homes, and their lives should have room for their own thoughts that are not open to the public. But, does this necessarily extend to their banking practices? Is there a natural carry over that says an individual's information in a public institution should not be open to legitimate law enforcement inquiries? Where is the fear? If the individual isn't conducting illegal operations with his money, why should he care who has access to the information? I am not saying that the records should be open to the entire public; but, since this is a critical element of tracing crimes, the records should be open to law enforcement and they should have ready access to the banks.

Why is this statement so important to law enforcement? To catch the criminal and remove him from being able to harm society is the goal of all law enforcement activities. This removal of the criminal is in the best interest of the society and that should take precedence over the misplaced philosophy of bank

secrecy. The banks and law enforcement do not have to necessarily be on the opposite sides. They can both work together and keep the criminal out of the official system.

CRIMINAL HAS ALL THE ADVANTAGES

When investigators are striving to trace criminal money, the criminal has all of the advantages. In today's environment, he can place money into an account in his own country, have it transferred automatically (let us say for example) to Spain, then Brazil, then Hong Kong, then Japan and finally back to him in another account in the same bank in his own country. This is done without him leaving his own bank from the time he puts the money into his account until it returns to another account of his own. Also, it is done in a matter of minutes. Under the bank secrecy laws of many countries, even if the investigator identifies the funds that are generated from a crime and knows that the criminal put it into the first account, the investigator does not have the ability to gain the information that the money is now in another account (even in the same bank!) and yet the money is available to the criminal to use it as and when he so desires.

The first obstacle the investigator finds is that the bank does not want him having access to the initial account since that is private. Then, if by the force of the judicial system, they allow the access to that account, the bank only wants to provide the information that the money was transferred out to the first country (Spain in the above example) immediately and many times would not even be compelled to provide the information that eventually the money returned to another account in their own bank. This is because of their misplaced thought that the second account is separate and therefore should be provided with secrecy and not disclosed. The persistent law enforcement officer then, having traced

the money to Spain, must proceed through Spain's secrecy laws before he is able to find out that the money was merely transferred in and immediately out to Brazil. On and on... the investigation goes through the countries.

When the investigating officer finally gets the information from all of the countries, he is hopelessly behind in the investigation and often faces the potential loss of the case due to the statute of limitations in prosecuting the crime. In this instance, the investigator was fortunate in that the money did not go through one of the jurisdictions, often called "off-shore centres", tax havens, or just countries with strict bank secrecy laws. If it had, his investigation would have immediately run into a stop sign and the further tracing of money would have been impossible. The criminal would remain with the illegal funds and the information that bank secrecy had protected him. Also, the bank would be happy because they had provided the secrecy of financial information to their *valued* customer. In this example, the bank is an accomplice to a crime because they willingly hid the criminal from justice and perpetrated a major injustice on their own society; but they think they have this right because it is bank secrecy.

From this example, it is evident that it is not only the countries with the label of "tax haven" and "offshore centre" that are protecting the world's criminal element but all of those who hide behind the archaic thought of bank secrecy.

BANK SECRECY PRODUCTS

The basic requirement of bank secrecy is that the name of the depositor and the account transactions must not be disclosed to third parties. Third parties will include both external ones such as foreign governments and internal ones such as the domestic agencies.

Some customers desire an additional level of privacy. They wish to remain anonymous from all bank employees except the one or two managers of the branch. For example, a well-known politician would prefer that the employees of the bank not know who he is or what he is doing. Certainly, the risk will be more if the name of a depositor is known throughout the levels of bank employees.

Much of the protection is afforded by the bank secrecy laws of the jurisdiction which make it unlawful to disclose any information concerning a depositor or an account. Some countries provide a small window exception in the case of serious criminal offences. Under these rules, the domestic government may obtain limited information in specified cases. Under all other circumstances, it is a crime to divulge any matter concerning an account.

All levels of employees are generally required to sign contracts imposing privacy restrictions, which continue even after employment is terminated. As a practical matter, these rules are taken seriously, and the disclosure exception for criminal matters has been applied in rare cases.

Types of Secret Bank Accounts:

To meet different levels of demand for secrecy, there are generally three types of bank accounts which can be established:

1. Named Account
2. Numbered Account
3. Fictitiously Named Account

Although there is no legal distinction between these accounts as far as the enforcement of bank secrecy laws is concerned, however, there is a difference in the manner in which these accounts are handled internally in the bank. In theory, at least, the more restricted the information about the depositor within the bank itself -and the

fewer people within the bank who know the true name of the customer - the greater the security of the account.

Named Account: The most common type of account is simply what we call a Named Account, where the correct name and address of the depositor is filled-in on a bank signature card. The account application will have the customer designate the signatory on the account. There are several alternatives. The customer can be sole signatory or joint signatory with a spouse or some other person. It can be specified that either signatory can withdraw funds or that the signature of both parties is necessary.

The depositor also specifies the manner for holding the funds and the choice of currency. An additional feature sometimes available with Named Accounts is a credit card. The advantage of the credit card is that your charges will be reflected only in the name of the bank where you maintain your account. Significant privacy will be accomplished since there will be no charges or records in your individual name. The second advantage is convenience. The funds tucked away safely offshore can be accessed through an ATM at home or anywhere in the world.

Numbered Account: Certain banks offer "Numbered Accounts" as an alternative to the "Named Accounts". The main purpose of a Numbered Account is to reduce to a bare minimum the number of bank employees who have access to the name of the account holder.

"Numbered Account" has almost acquired legendary status in the popular perception, thanks largely to the countless number of movies and books. Every spy, mercenary, or other financially astute international criminal will always demand a substantial advance deposit in his Numbered Account before performing the requested services. The

Numbered Account represents the ultimate in safety and security.

The reality is fairly close to the popular conception as expressed in movies and books. Numbered Accounts do offer enhanced privacy. In a usual case, the customer's name and address will be provided on the account opening agreement together with the customer's signature. The difference with the Named Account is that the information, other than the account number, will not be entered in the general bank system which most employees can access. Instead, the account will be assigned for personal handling to an individual account manager. The file with the customer's name is maintained separately from the Named Accounts, with access available only to some key personnel. Normally, the investment of the funds and any withdrawals or deposits is based upon some agreed form of communication between the account manager and the customer.

Unlike the Named Account, the true Numbered Account requires a higher degree of special handling which not all banks are equipped to supply. And since every bank is justifiably averse to providing special services without compensation, the Numbered Account will be more expensive to maintain and may only be available to those with substantial sums to deposit.

Fictitiously Named Account: In a Fictitiously Named Account, the true name of the customer is not revealed. Although the bank manager knows the real name of the customer, the account opening agreement contains a fictitious name so that there is no written evidence of the owner of the account. These types of accounts tighten the secrecy attributes of the relationship between bank and its client one notch further. As with a Numbered Account, the Fictitiously Named Account requires a high degree of sensitive handling by the bank and is not generally available to the public except by special arrangement

UNCOOPERATIVE JURISDICTIONS

What about the so-called "tax haven" and "offshore centre" jurisdictions that can completely stop the investigation rather than just hide behind complicated bank secrecy laws? What have these countries done to create problems and make matters worse? **They have taken the idea of bank secrecy an additional step further in providing better protection for criminals.** They have created laws to stop the flow of information (surprisingly enough they also call it bank secrecy), they have created statutes to keep corporate information from being provided and they have provided the environment of protection to the criminals, and often seek the criminals as clients. These countries have found it very convenient to tell the world they are providing secrecy, while they are harbouring criminals and providing them with the tools to hide from law enforcement throughout the world. **They create brass plate banks, anonymous accounts, shell corporations and other devices designed to provide the criminal a safe-haven.**

Many jurisdictions create financial institutions that are designed only to provide an appearance of being legitimate institutions. These are generally referred to as **"brass plate banks"**. A brass plate bank gets the name from the practice in some jurisdictions to having a bank that is incorporated by them and the only space it has, is the nameplate outside the building where they are doing business. This can be a humorous sight (if it were not tragic for the law enforcement officer) when one sees a building with 50 to 100 brass plates proclaiming that the bank on the sign in fact does business there. These banks are often nothing more than shell operations and their sole purpose is to hide and protect the owners who all too often are criminals. Often the only connection or operation that the bank has in the

building is that the attorney or other representative maintains an office there. If someone tries to contact the *ōbankō* they are routed to this attorney who is the only real person connected to the bank (accept the criminal of course).

With a bank at his disposal, the criminal merely transfers his money to his own bank and then out again in the string of bank transfers. When the investigator tries to trace the funds, he finds that it is the laws of this area that do not require the *ōbankō* to provide any information. So the criminal (through the attorney) simply refuses to give the investigator any records. The tracing of the money is stopped with the investigator short of finding the evidence to prosecute.

Operation of **Anonymous accounts** is another way through which otherwise legitimate banking institutions have failed to provide the support to law enforcement through the years. In the past, countries have had laws that, because of misplaced bank secrecy concerns, provided for individuals to have accounts that are not connected to their legitimate name but usually only to a string of numbers. These anonymous accounts provided a roadblock to the investigators when they were able to trace transactions to a bank but were unable to identify the owner of the account because the individual's name never appeared on the records. Fortunately, this practice has been recognized as a major stumbling block to law enforcement and has been effectively stopped in the majority of countries throughout the world.

The creating of **shell companies** is too prevalent and too easy to be accomplished. These companies are set up and operated internationally with a minimum of supervision and scrutiny because of the secrecy laws in the jurisdiction where they are formed. They are part of *ōbusiness centresō* which specialize in the formation of companies and are employed to answer telephones,

forward mail, verify employment, and otherwise lend an air of legitimacy to entities which have no purpose beyond that of creating the illusion of activity. Sometimes they are only one of several shell companies between which the criminal proceeds are shifted much as my previous example of the transferring of money between banks. As examples, on the Turks & Caicos Islands, a single-story building measuring 10m x 30m was the registered address of more than 2,700 companies. On the channel island of Sark, which had a population of 600, three men held between 1,600-3,000 company directorships, each? Is there any doubt that these were not viable operation entities and companies, but were in fact hollow shells designed only to provide a legal protective layer for the criminal to hide behind.

How many uncooperative jurisdictions are there, and who are they? This is a key question when trying to identify the scope of the problem to be dealt with. Various international groups have been trying to answer these critical questions. The Paris based Financial Action Task Force established an ad hoc group on Non-cooperative Countries and Territories to identify the jurisdictions and the problems they pose with the ultimate goal to put pressure on them to change their laws and practices. This ad hoc group came out with a list of 15 such countries (Bahamas, Cayman Islands, Cook Islands, Dominica, Israel, Lebanon, Liechtenstein, Marshall Islands, Nauru, Niue, Panama, Philippines, Russia, St. Kitts and Nevis, and St. Vincent and the Grenadines) in its first assessment done in June 2000. The author had the opportunity to represent Interpol in some meetings of this group during 1999-2000. During the subsequent reviews, the names of all the 15 countries and territories were taken out of the list of non-cooperation step-by-step. As of 13 October 2006, there are now no Non-Cooperative Countries and Territories left in the list. But it does not mean that the problem has ceased to exist.

The offshore group of banking supervisors (OGBS) also conducts mutual evaluations on the jurisdictions and areas they have identified. They also have a list of jurisdictions, but they are the jurisdictions that voluntarily work with them. Unfortunately, this is like having the fox giving directions to the farmer on what measures are adequate and which ones need to be in place to protect the henhouse.

CASE STUDIES

1. The Cayman Islands: The Cayman Islands is a British overseas territory, located in the Caribbean Sea, 768 kilometres south of Miami (USA) and is known in the tourism industry for its beautiful sunny beaches and sting-rays. However, to the business community and to the criminals, it is known for something else.

Grand Cayman (the largest of Cayman's three islands (the other two being Cayman Brae and Little Cayman) is only 197 square kilometers in area and its aerial view looks like a little strip of sand surrounded by exquisite aqua-blue waters, but is the fifth-largest financial centre in the world. It has about 450 banks with assets of about \$400 billion, or about \$15 million for each of the nation's 26,000 residents. Forty Five of the world's top 50 banks have either subsidiary or branch operations in Cayman, and in 2003 alone \$415 billion in deposits flowed through this sandy beach resort.

Cayman's bank secrecy laws and the lack of income taxes attract not only tourists in search of a thrill, but also blue-chip corporations and tax investigators. The Cayman Islands had previously (briefly) appeared on the FATF Blacklist in 2000.

Over the years, the Cayman authorities have moved several times to tighten regulation and oversight of their financial centres - particularly to stop criminal money laundering and financial

deals by drug traffickers. However, the tightened Cayman regime did not specifically target tax evasion by foreign citizens. Moreover, Cayman's secrecy laws make it extremely difficult for industrialized countries to follow the trail of money as it passes from reputable American and European financial, accounting and law firms to the Cayman Islands, making it difficult to investigate tax abuses.

While Cayman authorities emphasize their desire to cooperate with certain countries, they are ambivalent about being thrust into the role of tax investigators and tax collectors for high-tax countries. Considering that the financial services industry is the bedrock of the Cayman economy and represents an estimated 30 percent of GDP, it is not surprising that Cayman hesitates to dilute the very criteria of secrecy and tax advantages - that make it financially attractive to much of the industrial, tax-paying world.

Another obstacle hampering the international investigations of tax fraud in the Cayman Islands is Cayman's Confidential Relationships Preservations Law (CRPL), which requires banking confidentiality unless there is evidence of criminal activity. While the Cayman government has gone a long way towards enforcing due diligence and sharing of information with other governments, Cayman's banking privacy laws remain intact.

As the situation stands, the investigating agency of a country must request information from Cayman's authorities on a case-by-case basis. Unfortunately, this painstaking process is inadequate to deal with the numerous cases of tax fraud perpetrated by citizens and corporations of several countries. Many of them do not have sufficient resources to pursue investigations of wrongdoing on a case-by-case basis.

2. Nieu Island: Niue, commonly known as the Rock of Polynesia, is an

island nation located in the South Pacific Ocean about 2,400 kilometres northeast of New Zealand in a triangle between Tonga, Samoa, and the Cook Islands. The island is roughly oval in shape with a diameter of about 18 kilometres and the total area of 269 km². However, in this tiny island, about 300 Russian banks are registered there. One can buy a Niuean company, an IBC, for US\$1,000; one can also buy a Niuean bank for \$10,000.

3. Switzerland: Switzerland remains one of the most important banking centers in the world. The Banking Law, Penal Code as well as the Swiss Constitution provide a solid legal foundation for maintaining the strict standards of confidentiality.

Like its neighbour Liechtenstein, which recently came under the scanner in the wake of a German tax evasion scandal, Switzerland's famed secrecy in banking matters has attracted ill-gotten wealth from corrupt politicians, bureaucrats and dictators from around the world for decades.

In recent years, there has been a shift in the absolute secrecy policy in response to the pressure from international community. Swiss banks have also woken up to the fact that being involved in shady dealings is not good for their reputation. The laws governing the opening of bank accounts have been tightened up. Swiss banks no longer offer their customers the protection of anonymity. Seeking to clean its banking image, Swiss authorities have started returning the money to the countries involved.

Consistent with this new spirit of responsiveness and cooperation, the Swiss Government froze the accounts of exiled Philippine dictator Ferdinand Marcos, deposed Haiti ruler Francois Duvalier, former Nigerian President Sani Abacha, the then exiled former Prime Minister of Pakistan Benazir Bhutto when the new governments

began an effort to retrieve looted funds, which had been stashed in Switzerland. However, very recently, the Swiss authorities have de-frozen and released \$60 million earlier frozen on the request of Pakistani authorities.

Some steps taken by the Swiss in tightening their legal regime concerning dirty money vis-a-vis banking secrecy are laudable. But critics say it's not happening fast enough. There is far too much bureaucracy involved. In cases involving requests for information from foreign governments concerning a serious criminal offence, the Swiss may cooperate in supplying the requested bank records. However, the foreign government must first show that the particular individual committed one of the listed crimes, which is also an offence in Switzerland (principal of duality of criminality). It must then present evidence that the individual has used an identified bank for transactions, which are associated with the crime. A roving enquiry or fishing expedition will not work with the Swiss banks.

Swiss bank secrecy is most often lifted for criminal cases such as drug trafficking, extortion, terrorism, etc. In theory, bank secrecy can also be lifted for matters such as inheritance, divorce, debt and bankruptcy by order of a legal authority. In practice, however, Swiss bank secrecy is very difficult to lift due to the hurdle of first proving before the Swiss court that the account exists in Switzerland, e.g. by producing a bank statement etc.

This increased cooperation regarding criminal matters has not been extended to civil cases. Disclosure of account information is still prohibited in all civil matters including divorce, lawsuits and creditor claims. Swiss law also does not permit the disclosure of bank information to foreign tax authorities. Tax evasion is not a criminal offence in Switzerland and is not subject to the exclusion from secrecy of the specified crimes.

A REALISTIC ASSESSMENT AND THE INITIATIVES WE NEED TO TAKE

With criminal having all the advantages, where does that leave those of us who are tasked with stopping the criminal and not letting him enjoy the fruits of crime? Organisations like Interpol, Europol and other regional and international bodies have been striving to promote and improve international and regional police co-operation in the fight against international crime. But there is a limit to what we, as law enforcement practitioners, can do because of the physical constraints imposed upon us.

Organised criminals naturally use a variety of techniques targeting victims and potential victims in more than one country driven by the motive of profit and greed. Similarly, a common denominator for national law enforcement agencies is to cooperate with other countries agencies as well as with international organisations, to encourage the exchange of criminal intelligence and to work together. There is a need to join hands - the private sector, bankers, academia, managers, the police, etc. and work together to combat all types of financial crime including money laundering. Within this framework, it is extremely important for law enforcement services to have political and of course public support to achieve both national and international co-operation.

However, no single public or private organisation has the expertise and the resources to understand and respond to the ever-increasing movement of crime moneys. If legislation and enforcement is to be effective, agencies must continue to strengthen international partnerships and maintain strong ties with their counterparts in the financial centres of the world.

Additionally it is paramount to have the necessary political will to move

against the criminals. Unfortunately, this political will seems to be stuck in a mire of rhetorical mud that is caught in the term Bank Secrecy. We need to understand that the real issue is having an impact on the criminal. To do this, the criminal must be caught; the evidence must be gathered and then presented to the courts. This will allow for the criminal to be convicted. We can no longer afford to harbour the criminals behind antiquated and unrealistic thoughts and laws that say we are somehow protecting all citizens better.

In a majority of cases, the first entry point of dirty money remains at the counters of the banks and businesses and with the employees of the financial institutions. They are not police officers that know the modus operandi of criminal organizations but with training they can be the most important link in the chain of identifying money laundering.

It is recognized, although sometimes not appreciated by law enforcement, that the compliance by financial institutions are not cost-free and is troublesome and furthermore, money launderers might seem attractive customers in a sense because they can deposit a huge amount of money, many times even during the times of depression. This being said however, certain financial institutions have been making efforts to fight against money laundering effectively and efficiently and keep good relationships with law enforcement authorities.

In addition to feedback matters, it is strongly suggested that law enforcement authorities, financial authorities and financial institutions should cooperate with each other in tackling the money-laundering problem, thereby making it difficult for the crime money to enter the banking institutions.

The first initiative law enforcement and financial sector professionals must take is to join in with the other interested

groups in supporting the idea that knowingly hiding or disguising the illegal source of moneys is just as much of a crime as the substantive act that produced the illicit funds. Not all, not even most countries in the world have legislation that makes money laundering a crime. So that hurdle remains to be cleared.

As a result of the work of international organisations, some of the countries have enacted legislation making money laundering a crime, but even here most of those laws have only recently been enacted. Again the first task is to support effective enforceable money laundering legislation with sanctions that create significant deterrent impact and allow for the confiscation of assets derived from criminal activity. The next step is to increase the awareness within national police jurisdictions concerning the value of financial investigations in pursuing organised criminal groups and to devote sufficient resources to take full advantage of money laundering laws enacted. Then there is need to develop resources necessary to train police officers in financial investigative techniques, which are quite different from traditional investigations. Criminal prosecutions and asset seizures are the fastest means to attain deterrence. Crime doesn't pay, should go as a clear message to criminals.

The investigation of modern crime often involves identifying criminal profits and tracing them to their destination, because Crime equals Money. As a result more and more investigators are learning about how to follow money as it goes in and out of businesses, banks and countries. However, all the efforts of these investigators come to naught when the criminal funds enter the black hole of a strict bank secrecy jurisdiction.

To clear this hurdle there needs to be a combined effort by the law enforcement, the financial institutions

and the judicial authorities. Together we must convince the legislative bodies that the idea of protecting criminals is just not in the best interest of their country's citizens. It is likewise not in the best interest of citizens throughout the world when other countries can effectively protect the criminal who stays at home and merely sends his money abroad. It is all too simple for each of us to think that we live in our own country and what we do has no effect on others. When it comes to dealing with the new international criminal who uses money laundering to protect himself from prosecution while he can still use the criminal proceeds, we need to have the cooperation of all countries.

Unfortunately, in late 1990s when KYC (Know your Customer) policies were being refined for implementation, one of the most powerful countries of the world had to take a step backward from supporting the law enforcement and international investigations when it decided to reverse the stance on the bank's "know-your-customer" regulations. The rule that was proposed by the federal banking regulators proposed to require banks and thrift savings institutes to adopt formal policies to identify their customers and verify their source of deposits. The banks rebelled and the government decided that enlisting the bankers to help in hunting for the estimated \$500 billion in dirty money moving through

the world financial system at any one time wasn't something they wanted to do. The banks argued bank secrecy and that there was no reason for them to be required to know who their customer was or where his money came from, this should be a secret.

Fortunately that did not continue as the new attitude or trend. Post 9/11, a lot of developments took place. KYC now has been fully implemented in several countries of the world.

In USA: Pursuant to the USA Patriot Act of 2001, the Secretary of the Treasury was required to finalize regulations before October 26 2002, so KYC is now mandatory for all US banks. According to a recently announced proposal by the US Federal Deposit Insurance Corporation, KYC would require banks to set internal policies to verify customers' identities and sources of income. They would also have to monitor accounts for evidence of "suspicious transactions" that might indicate illegal activities or money laundering. Any unusually large cash withdrawal or deposit would obligate the bank to inquire about the use or source of the funds. Unless the customer provides a satisfactory explanation, the bank is required to alert law enforcement authorities.

In India: RBI has introduced KYC guidelines for all banks first time vide

circular DBOD. No. AML.BC.18/14.01.001/2002-2003 dated August 16 2002. Later vide circular no DBOD.NO.AML.BC.58/14.01.001/2004-05 dated November 29, 2004, RBI has directed that all banks shall ensure that they are fully compliant with the provisions of this circular before December 31, 2005. Therefore KYC is fully implemented in India.

Law enforcement, all over the world, always hopes that everyone realizes and recognizes that criminals should not be protected but should be brought out into the open and convicted. The veil of bank secrecy laws should be ripped apart and the criminals exposed to prosecution for their crimes, then the world will be a safer place to live.

I fully understand and appreciate that there generally needs to be a balance between privacy issues and the public interest. However, having said this, I do not believe that it is in the best interest of the public to hide criminals and provide them protection from legitimate investigations and prosecutions. Each country needs to take a new look at their banking practices and laws with the recognized thought in mind that what is in the best interest of the citizens of the world is to provide laws to -

- Stop the Criminal, not the Criminal Investigations.

*Heights
by great men reached and kept,
were not attained by
sudden flight;
but they, while their
companions slept
were toiling upwards in the night.*

- Gaurav Srivastava

IMPLEMENTATION OF COMMUNITY POLICING STRATEGIES

Sankar Sen

Implementation of community policing strategies is a multifaceted process that in essence requires planning and managing for change. Community policing cannot be successfully started through a mere modification of existing policies; profound changes must occur on every level and in every area of police agency - from patrol officer to chief executive and from training to technology. A commitment to community policing must guide every decision and every action of the organization.

IMPLEMENTATION BASICS

Implementation plans are likely to vary from agency to agency and from community to community. Appropriate implementation methods will depend upon conditions facing the organization at a particular place. For example, a chief executive who comes into an organization that is ripe for a change at a time when confidence in the police is low, may find that the organization will respond favourably to innovative policies. A chief executive, on the other

¹ Malcolm K., Sparrow, "Implementing community policing, perspectives on policing", Washington DC,: National Institute of Justice and John F. Kennedy School of Government, Harvard University, 1988, p.2 in Understanding Community Policing: a Frame Work for Action, US department of Justice, Bureau of Justice Assistance, Monograph, August 1994, p.27.

hand, who inherits a smoothly running organization, may find it more difficult to implement change.¹ Identifying priorities for change will permit police agencies to establish interim milestones for monitoring progress.

APPROACHES TO COMMUNITY POLICING

There is no single way to implement community policing. The following three approaches have both merits and demerits.

- Plan, then implement: This method entails developing a detailed long-range approach with tasks and time frame and then assigning the officers to execute the plan. This approach clearly delineates a set of strategies and actions that impart a sense of direction to implementation efforts. However, detailed planning may be time consuming and even a very detailed plan may not be able to predict the likely obstacles.
- Plan and implement: In this approach, planning and action occur simultaneously. While planning process continues, the agency begins to implement certain aspects of the programme. This method enables the agency to get a quick start and permit future planning from the benefit of feedbacks.
- Implement with little planning: This is an option for police agency without adequate preparation or knowledge of the nature of community policing to quickly launch into action phase and then, on the basis of the feedbacks to reorganize the effort and begin the cycle again.

Community policing, as Brown notes, "is going to be an evolution, not a revolution. It has been a gradual change process for us, it is growing everyday".²

COMMUNICATION

The most essential element of successful implementation is communication, which must be timely, comprehensive, and direct. The police leader must explain the concepts of community policing thoroughly to the entire police organization, the local political leadership, public and private agencies, and the community at large. Lines of communication must be maintained both within the police organization and between the police and participants within the community. Successful implementation will require smooth and free flow of information within the police department and between the police and public.

Community policing strategy must also be a dynamic and flexible process. Ongoing evaluation, input and feedbacks from both inside and outside the police organization are essential for making the community policing work. All phases of community policing implementation must be carefully planned and properly timed to maximize success; even good ideas can fail if they are poorly executed. Planning must be responsive to changing needs, conditions, and priorities.

Collaboration between the police agency and local government officials is essential for the success of community policing initiatives, as police officers and supervisors will have to routinely seek assistance from local government departments for services on various matters. Non-governmental agencies and institutions constitute

another important community asset. Effective mobilization of community support requires different approaches in different communities. Establishing trust and cooperation is often easier in middle class affluent communities than in poor communities where there is long standing distrust of police by the community. The police will not have to take up the work of other agencies, the police have to become a catalytic agent and facilitator in mobilization of community support. Alliance with community should not be limited to particular incidents or not confined to particular time-frame. The police and community must be collaborators in the quest for peace and justice.

TIMING

Timing is a very important factor in the implementation process. If the implementation proceeds very slowly, it may dampen enthusiasm and reduce momentum. If the implementation on the other hand, proceeds hurriedly, it may create confusion. Correct timing is often a matter making best of the available opportunities.

SUPERVISION

For the successful implementation of community policing, very close and consistent supervision is essential. Close collaboration between the community members and police officers in the beat is a must. However, considerable discretion is to be left in the hands of patrolling officer and the attitude that the police officers have to be constantly guided and directed must be discarded.³ Supervisors must act as facilitators and eliminate impediments to the process of problem solving and attainment of the result. They would also evaluate the progress and frame strategies. Senior police officers must be

² Rosen, Marie Simonetti, "A LEN Interview with Chief Dave Brown of Tempe, Arizona", *Law Enforcement News*, May 1994, 8-11 in Linda S. Miller and Karen M. Hess (eds) *The Police and the Community: Strategies for the 21st Century*, (Wes Wadsworth, An International Thomson publishing company, Boston), pp. 126-7

³ Timothy N., Oettmeier, and William H. Bieck, *Integrating Investigative Operations Through Neighbourhood-Oriented Policing: Executive Session, #2*, Houston Police Department, 1988, p. 35

aware of the concerns of middle level managers who may become sensitive to shifts in decision making and vesting wider discretion to the subordinate field officers. Flexibility, mutual participation in decision-making, teamwork, and citizen satisfaction are some of the concepts that may threaten middle level supervisors who are more comfortable with the authoritarian role and outlined operations inherent in traditional policing. Hence, the education of the supervisors in new styles of leadership and management have to be given a high priority, if they are to carry out their responsibility for the success of community policing.⁴ If middle level managers are made an integral part of the problem solving process, they will become another resource for patrol officers rather than just another level of supervision.

TRAINING

Training is the key to the effective implementation of community policing. Community policing officers must be suitably trained. Training in community policing should supplement law enforcement techniques with communication and leadership skills that will encourage participation from the community. Training should involve the entire agency and should include civilian personnel. Patrol officers must also receive extensive training to enable them both initiative and discretionary ability a departure from the traditional police thinking.

There should be training on topics what the policemen do not learn from police academies such as housing problems, roles and responsibilities of many other departmental agencies.

Many police departments do not put adequate emphasis on training as a vital element of community policing which will encourage greater creativity of the police in identifying problems. Community policing programmes also often require technical support other than training. During community policing initiatives, many police departments in USA have sought the assistance of academic centers and think tanks to assist in the design and analysis of community policing programmes.

OBSTACLES IN IMPLEMENTING COMMUNITY POLICING

A certain amount of opposition to community policing should be anticipated both inside and outside the agency. The elected officials may be impatient to wait for the results of community policing efforts. There will always be groups within the community suspicious of the concept of community policing. In USA, a survey by National Institute of Justice done in eight cities implementing innovative neighbourhood-oriented policing (INOP) revealed the following:⁵

- The major implementation challenges were resistance by police officers to community policing and the difficulty of involving other public agencies and organizing the community.

Learn how to utilize the existing resources productively to achieve the new purposes. And very often, resources can be found within the force. Traditional allocation of manpower in policing is not cost-effective, and some extra manpower can be found by the proper deployment of resources.

However, this often does not work. Community policing is neglected in favour of the law and order assignments. Middle rank officers must facilitate community policing and not just simply supervise it.⁶ Community policing is a bottom-up policing which requires a new kind of supervision. Community policing officers are very often odd-man out in police force. They have to be brought together at intervals and told that they are doing a useful work and they are not alone as they themselves frequently think.

MARKETING

Media should be involved in the implementation process to market successfully the idea of community policing. Media involvement will help dissemination of community policing messages.

TRAINING

Community policing officers should establish a network of contact with people representing all walks of life. Local consultation will help the police to know the local problems and needs. Very often security concerns of the community are different from what the police think they are. Thus community policing allows people to ventilate grievances against the police face-to-face without being troubled and hindered by the bureaucracy. Sometimes, the criticisms make police uncomfortable but they give police an opportunity to explain their constraints and their positions. They also provide information to the police about the success or otherwise of other initiatives. On the basis of information received from the public, the police will be in a position to refine their operations.

⁴ Edwin III Meese, "Community Policing and the Police Officer Perspectives on Policing", Washington DC: National Institute of Justice and John Kennedy School of Government, Harvard University, 1991, p.7 in *Understanding Community Policing: A Frame Work for Action*, US department of Justice, Bureau of Justice Assistance, Monograph, August 1994, p.32.

⁵ Susan Sadd, and Randeoph M Grinc, *Implementing challenges in Community Policing: Innovative Neighbourhood-oriented policing in Eight cities*, Washington DC: National Institute of Justice Research in Brief, February 1996.

⁶ David Bayley, "The State of Art in Community Policing: An International Perspective" in Julia Vernon and Sandra McKillop (eds), *The Police and the Community*, Canberra: Australian Institute of Criminology, 1992

POLICE AS AN INSTRUMENT OF SOCIAL CHANGE

Dr S C Agarwal

It is important to know what type of social change we are talking about. If the social change is for an egalitarian, secular, casteless, classless modern society or if it is for otherwise, as the utter paradox is that Police now follow orders and try to prove themselves more subservient to the wishes of power wielders, regardless of ideal implications and imperatives.

If society gets divided on the basis of class, caste, subcaste, religion and other parochial and other jingoist issues then a docile and divided Police force will also be equally shattered to pieces.

In that context it is very relevant to first get Police house in order and -

insulate it. So that, it, atleast can withstand negative personal onslaughts contrary to the law and ideals as enshrined in the constitution and federal laws, state laws as well as in the Directive Principles of state policy.

If we see the real picture then it is a sight in sadness to see a weak, implementation of law of land on the grounds of losing vote bank and for appeasing politicians as well as for the alibi of alienating a particular class.

Social change is a quantum process, it happens in jumps, with strong minds and leadership and requires a strong well disciplined and

oiled machinery to implement it. Following broad points need consideration.

Indian society is heterogeneous. It is rigidly organized into castes, religions, language groups and regional settlements. There is exploitation of the weak, communal violence, linguistic bickerings and regional upheavals in such a society. This is further accentuated by the divide of rich and poor, urban and rural, educated and illiterate insiders and outsiders. Superimposed on this heterogeneity is a democratic structure. There is great tension and conflict and even violence in such conditions at times. Insurgency in the North-East and religious extremism in various parts of the Country show cessationist tendencies. In overcoming such disturbances, the Police has the onerous task of putting down elements showing designs of disintegrating the country.

It is the conflict management role of the police which now comes into play to create conditions necessary for stability of the state, "in this task of nation building and socio-economic reconstruction, police has to take its share of efforts." (Report of Task Force, National Police Commission, 1972; 15).

Police system in the country have been influenced by the Colonial past. The objectives of the Colonial Government were met with the Police Service as an effective instrument in its hand. The main function of Police remained carrying out day-to-day law & order and related functions so that peace and order were maintained. Even the Indian Police Act, 1961 says "whereas it is expedient to reorganise the Police and make it more efficient instrument for the prevention and". The objection should be on use of word "Instrument" it should have long been replaced by "Agency". The thrust so far remained on use of Police as an effective instrument in the hand of the Government of the day. With the dawn

of freedom and establishment of democratic institutions, the relationship of Police with the society as well as the expectations of society from the Police changed overnight. But this change was so radical that both society and Police could not react in time to absorb the essentials. The society, subjugated by Police and growing democratic aspirations demanded a change in the outlook of Policeman. But the gap between expectation and realities remind and Police image got the beating. The image of Police today is, therefore, causing concern to plans. The Indian police today remains at a cross roads. To decide for whether it is an instrument (as it was) in, the hands of Government or a professional, well leaning service for the benefit of society as a whole and for giving sense of security to every citizen in particular.

On one hand we have a case of poor image of Police and on the other we demand a lot from Police. The democratic ideals which were witnessed during the freedom struggle started taking deep roots in the social and political set up of the country and culminated into social legislation for the benefits of different sections of society. The society and its law makers evolved remedial actions for each evil as perceived. For example, for ending the exploitation of child labour, an Act was promulgated. For giving scope of repentance to the culprits, so that they turn a new, leaf in life, Probation of Offenders Act was promulgated. For ending the evil dowry, Dowry Prohibition Act was promulgated and similarly host of other social legislation came into being. Even recently, when the 'Sati' problem again came to the fore, a stringent Anti Sati Act was promulgated. Society and its law makers possibly have lot of faith in the Police systems regarding implementation of Laws, Acts & Rules framed by them. Is Police capable of implementing of all these laws? Or the society has just a lot of expectations from Police? Another question which may arise is that do the

Police have all the necessary wherewithals to implement these laws? What happened to the Police on the whole when it fails to meet the expectations of society of law makers?

Police could have associated themselves with social change implementation as desired by the society and law makers. But inadequacies in implantation of so many social legalizations is the main reason that Police in general have not been able to make any visible impact upon the Policemen's role in affecting the social change.

The society is changing fast. It has raised expectation from the Police and failure or rather suppression of expectations has resulted in cutting corners to only satisfy the "Masters" in a "quid-pro-quo" basis. So many Police firings, passive wait by administration, police on sensitive issues of suppression of regional, lingual hatred, absence of clean guidelines to Police, despite violations, sometime of wider repercussions, give rise to the contrarian view that inaction and passive policing is also helping a type of social engineering, masterminded by vested interests. Lot of modern thinking has come in the society. Democratic institutions have also taken deep roots in the Indian Society and Politics. The average citizen is now more aware of his rights, his aspirations are growing the development of Society is taking place and we are at threshold of development of at different levels. This is bound to generate some amount of activity in the society. The role of Police, therefore, in general in a developing society becomes very important. But Police has to keep pace with the developing society and must change. It should change its procedures, it should shed inhibitions, should be willing to experiment new ideas, should be prepared for structural and organisational changes, should be prepared for new laws and new management practices.

It may just be possible that in 21st century the ongoing social change will force the institutions like Police and other, functionary to change itself to survive it's own existence. But "Survival", though important, should be garnered with compressed core policing so that it may re-adjust itself later as when required and not just die with the administered poisonous potions of survival.

The catalyst does not participate in change reaction, but facilitates it

without changing it's own character when the Police assume a "Catalysts" role, then it just can not do anything, but be a part in the reaction and be remain unchanged. But as the reality on ground is, the Police can never be insulted by the social change and has to change itself according to societies needs. This is a paradox, which only a strong and honest and determined Police force with strong set of rules laws and implementing machinery can withstand, and therefore, may play a meaningful catalyst's role in changing

the social structure. It is the right use of "Catalyst" which is important for the reaction to happen. If used in strong hands the "Catalyst" can play a very vital role in bringing required upliftment of poor, downtrodden, removal of wrong social practices like sati, dowry death, communal, caste, lingual violence, land reforms, protections of civil rights etc.

Service Trivia

In service matters it is customary for officers to identify themselves with the men under their command. This is particularly so in service conditions. For example, it is not done for an officer to get into his warm woollens; and at the same time allow his men to shiver in the cold, nor is it correct for him to keep his men on parade without waterproof caps in the rain while he himself enjoy the benefits of wearing one. He should turn out in the appropriate order of dress for the occasion and ensure that his men are likewise attired in their authorized clothing.

The wearing of sun glasses and non-service patterns of gloves whilst in uniform especially on ceremonial occasions are some of those things which are not done. Some officers quite erroneously endeavour to display eccentricities in such matters. In accordance with dress regulations, only those item of clothing and equipment which form part of the authorized uniform will be worn.

Gloves and greatcoats will be worn when authorized. Sun glasses and goggles are accepted as normal wear for such occasions as riding on a motor cycle or in a jeep and so on when there is a possibility of unnecessary discomfort being experienced on account of dust.

Watches are worn on the back of the left wrist normally. It may also be worn on the right wrist. Pens and pencils and watch chains should not be seen attached to the uniform. They should be out of view.

Gumboots are normally not worn in uniform and certainly not for any length of time. However,, in certain cases sentries are authorized to wear such boots, particularly during the wet seasons. Officers in uniform do not wear jewellery. A plain signet ring with a monogram may be worn on the third finger of the left hand.

CONVICTION RATE

Prabhat Kumar

Improving conviction rate is a buzzword in the police circle. As a student of mathematics the Rate word struck me and I started to think from the beginning. I didn't know the mathematical formula devised to calculate the Buzzword. I spent a few days to understand the parameters and derivatives and constraints governing the numerator and denominator quotient to calculate the Rate. I came out with a solution, which was very close to my knowledge of Iterative method used to calculate optimum solution of a Simplex equation. But that was frightening. Police department is already facing lots of complexities and I should not burden myself further with this Complex

equation. I said burden myself because at the end of the day I would be the only reader of my mathematical write-up.

I made fresh attempt with several assumptions and axioms. I assumed that many of the Parameters are simple algebraic functions, Derivatives are functions with a limit value of zero and Constraints are functions with a limit value of Infinity. Means Derivatives have zero values and constraints have infinity value. Meaning constraints can hardly be overcome and derivatives are attributions on police department and are therefore, insignificant if police alone is to be blamed.

Having assumed that, I approached the problem with an Axiom that Conviction rate would be of that of a particular year with no effect of carry forward and roll-over cases. Approaching more simplistically, I referred the prevailing calculation method.

PREVAILING METHOD TO CALCULATE CONVICTION RATE:

It may be defined as the disposal by courts resulting in conviction, with respect to total number of disposal of cases in a given calendar year. Or, It is the ratio of conviction to prosecution, or, conviction rate is average probability that a prosecution results in conviction. So,

Conviction Rate of 2006 is: $[\text{Convictions in 2006}] / (\text{Convictions in 2006} + \text{Acquittals in 2006})$

Where,

Conviction in 2006 means total number of cases taken up by all courts for trial but resulting in conviction in the calendar year 2006.

Similarly, Acquittals in 2006 means total number of cases taken up by all courts for trial but resulting in acquittal in the calendar year 2006

This method seems most obvious and correct for the calculation of Conviction Rate and this is accepted method of the calculation. This method fails to represent true character of Conviction rate and thus the result is mere reflection of statistical performance of courts, as far as, cases resulting in conviction or acquittal are concerned.

This result hides more than it reveals. The result so calculated does not take into account the rollover or carry forward cases. It does not reflect the true quality of prosecution of that particular year as it encompasses the pending cases of past several years as well.

Case study: Nagpur City

In Nagpur city following is the result of study on Session commit cases:

Year= 2006

Total no. of session commit cases = 470

Total no. of cases taken on trial = 409

Total no. of convicted cases = 45

Total no. of acquitted cases = 262

Conviction rate as prevailing method = $45/45+262 \times 100\% = 14.66\%$ (A)

Year= 2007

Total no. of session commit cases = 405

Total no. of cases taken on trial = 391

Total no. of convicted cases = 49

Total no. of acquitted cases = 248

Conviction rate as prevailing method = $49/49+248 \times 100\% = 16.5\%$ (B)

One may attempt to study these results and try to draw some inference from these two sets of data. As evident, it is a futile exercise. The above two sets of data show no correlation at all, which should otherwise have. There is no semblance of relationship, as rollover and carry forward data are turned redundant.

Further study reveals following set of data:

Year= 2006

Out of the 45 convicted cases, 2006 cases were 12; 2005 cases were 11; 2004 cases were 7; 2003 cases were 4, 2001 & 1997 were 2 each and 1995, 1998, 1999, 2000 cases were 1 each.

Year= 2007

Out of the 49 convicted cases, 2007 cases were 11; 2006 cases were 11; 2005 were 10, 2003 cases were 8; 1997 cases were 3, and 1990, 1989, 1996, 1998, 1999, 2001 cases were 1 each. Data for convictions in the year 2003, 2004 & 2005 is indicated in Appendix-V.

ANALYSIS OF PREVAILING CONVICTION RATE

Conviction Rate, as envisaged, is not just a simple percentage as calculated in the prevailing sense. In its enormity it encompasses various parameters and derivatives. Putting it in other words, what is suggested that the calculation of conviction rate should be able to suggest the performance index of Criminal Justice System. Meaning, it should be reflection on performance of police, Public prosecutor, courts and their inter-dependability. The three wings work in coordination to get a conviction or otherwise. It is endeavored to evolve a much **reflective empirical formula**. While doing so, following terms would be defined first, which are being used in later paragraphs.

PARAMETERS

To calculate conviction rate following two parameters are of utmost importance

a) Total number of Cases taken for calculation is all the charge-sheeted cases put together.

For calculation of CR, all the cases, inclusive of I to V & part VI should be considered. Part VI cases include, cases made out under few sections of IPC and cases made out under minor acts and special acts.

b) Registrations of Cases are Free.

The probability of conviction varies between 0-1. The probability of cases resulting in conviction for Session trial cases, particularly 302, 307, 376 IPC are higher and probability is closer to 1. Whereas, for other cases like Hurt, H.B.T., Accidents the probability is very low, closer to 0.

There are places in the country or for that matter there are few states where registrations of cases are not relatively free. Evidentially, the places where registration of cases are relatively free, the respective probability of conviction is lower hence the overall CR is pulled-down due to larger number of acquitted cases.

DERIVATES

These are the functions, which would reflect the coordination quotient among Police, Public Prosecutors and Defence lawyers. These functions mainly attribute to the delay factor involving in each case and subsequent dilution of the prosecution strength. These derivatives can be represented mathematically and will contribute negatively to the overall performance index.

Few examples of these derivatives are as follows -

- Roll over cases, Carry- forward cases
- Quality of service of summons by police to witness.
- PP- police co-ordination, PP- defense lawyer co-ordinations in respect of taking up cases and taking adjournment.
- Withering of commitment of complainant and witnesses, timing of trial (business time, harvesting time, festival time etc.)
- Distance of trial-courts for witnesses
- Hostility of accused and the meekness shown by the complainant party.
- Availability of Police witnesses i.e. availability of I/O at the time of trial

- Merit of acquitted cases - technical, or otherwise.

CONSTRAINTS:

There are various constraints, which are in the purview of formation strength of Criminal Justice System. These serve as the infrastructure support for the CJS. These are as follows:

1. Number and Quality of courts
 - Quality meaning: fast track courts, Special courts, and formation of various special courts.
2. Numbers and Quality of Public Prosecutors
3. Numbers and Quality of Experts
 - Handwriting, CA, Ballistic, Forensic, Anatomy experts. The opinions received should be timely and unambiguous.
4. Provisions of Evidence Act in concurrence with Criminal Procedure Code. This is the touchstone for cases resulting in conviction or otherwise.

ANALYSIS OF REFLECTIVE EMPIRICAL FORMULA

To overcome complexities such as derivatives within the constraints, Conviction Rate is calculated with a fresh approach, which is an empirical calculation.

Let us say, Conviction Rate for the Base Year 1990 is desired to be calculated. And this calculation is made in the year 2000.

Axiom 1. All the cases are put together i.e. Cases made out and charge sheeted with CC No. in the year 1990 and cognizance is taken by the court

Axiom 2. Disposal of all the cases is complete at different courts

Axiom 3. Pending is Zero, Rollover is Zero and Carry forward is Zero

Every year the cases that were charge sheeted in the year 1990 but disposed in future, subsequent year would be taken yearwise. All disposed cases of 1990 resulting either in conviction or in acquittal would be added respectively.

So, in 1991 i.e. in the first year,

$$\text{C.R.} = \frac{\text{Total Convicted cases}(x)}{\text{Total Convicted}(x) + \text{Total Acquitted}(y)}$$

Then, CR of 1990 in any year is $\frac{x}{x+y} \times 100\%$

Where, x = no. of convicted cases with CC no. of 1990

y = no. of acquitted cases with CC no. of 1990

Suppose by the year 2000, all the charge sheets cases are disposed off. Then, only in the year 2000, one will be able to accurately calculate the CR of 1990. ***The CR calculated till the year 2000 is reflection of Quality of cases made out in 1990 and the quality of prosecution till the year 2000.*** Every year after 1990, cases resulting in conviction should be added to arrive at the total figure of convicted cases which were charge sheeted in 1990.

Thus, the conviction rate of 1990, so calculated in year 2000 will be as:

$$= \frac{X_{1990} + X_{1990|1991} + X_{1990|1992} + \dots + X_{1990|2000}}{[X_{1990} + X_{1990|1991} + X_{1990|1992} + \dots + X_{1990|2000}] + [Y_{1990} + Y_{1990|1991} + Y_{1990|1992} + \dots + Y_{1990|2000}]}$$

Where,

$X_{1990|1991}$ = 1990 cases taken on trial and resulting in conviction in 1991

$X_{1990|2000}$ = 1990 cases taken on trial and resulting in conviction in 2000

$Y_{1990|1991}$ = 1990 cases taken on trial and resulting in acquittal in 1991

$Y_{1990|2000}$ = 1990 cases taken on trial and resulting in acquittal in 2000

Alternatively,

For subsequent years derivatives will come in picture and CR in the year 2000 will be function of parameters, Derivatives in the limits of constraints. A formula needs to be devised which will extrapolate the values for subsequent years. In general form, the formula will look something like:

$$CR_{2000} = \frac{X}{x+y} \times 100\% - f^n(\text{derivates}) | \text{Constraint } 1,2,3,4$$

If each derivative were devised in the limits of constraints, the calculated CR in any year would encompass its totality. And, the result so obtained would be close to reality.

Or, otherwise one may be able to give CR_{2000} accurately only in the year 2010; assuming that all Axioms are fulfilled and the result is calculated using empirical formula.

General Reflective Empirical Formula to calculate conviction rate

Suppose **1990** is Base year for which Conviction Rate is to be calculated in the year **k**

General formula will be as under

$$CR_{1999,k} = \frac{\sum X_{1990k}}{\sum X_{1990K} + Y_{1990K}}$$

Where,

$X_{1990,k}$ = 1990 cases taken on trial and resulting in conviction in k year

$Y_{1990,k}$ = 1990 cases taken on trial and resulting in acquittal in k year

More general formula will be:

For Base year j taken on trial, and disposed in k year

$$.. CR_{j,k} = \frac{\sum_{j,k}^k X_{jk}}{\sum_{j,k}^k X_{jk} + \sum_{y,k}^k Y_{yk}}$$

Where,

1. k = Year in which respective CR is being calculated
2. j = year for which CR is being calculated
3. $X_{j,k}$ = No. of convictions obtained in the year k for all the cases charge sheeted in the Base year j

4. $Y_{j,k}$ = No. of acquittals obtained in the year k for all the cases charge sheeted in the Base year j
5. $C.R._{j,k}$ = C.R. of the Base year j, calculated in the year k

This is the general reflective empirical formula for Calculation of C.R.

If for every state, parameters are same and Calculation formula is universal, CR of different states will be comparable. If not so, result will be erroneous.

OR, otherwise the conviction-rate will be merely a data indicating performance of courts in the current year, revealing nothing.

IMPROVING CONVICTION RATE.

As the general formula suggests the result can be achieved through reducing Acquittals and by increasing convictions. In Theory, one can have following targets-

1. Complainant should be targeted to remain interested in the disposal of the cases. In our criminal justice system, once a case is charge sheeted, it is the accused party, which is calling the shots. Accused may use all his resources to fight out his case in the court of law. For this, he tries to hire best of the defence lawyer, tries to win over the witnesses and the complainants. He just has to succeed in raising doubts in the prosecution theory. On the other hand, prosecution has to prove the case beyond reasonable doubts. So, winning a case in conviction is relatively very tough task. It is proposed that in the interest of justice, the complainant party should also be at liberty to engage private prosecutors. This practice though allowed by the Govt. in certain cases has not evolved as an institution. There can be an institutionalized body of Private Prosecution analysts who would analyze the proceedings in the court on daily basis and take all necessary steps to win a case in conviction.
2. **Reducing Time delay** i.e. taking up the case for trial and reducing time at trial stage. This can be achieved through special courts, formation of fast track courts, alternate courts.
3. **Grouping of cases.** A study reveals that cases that are trivial in nature are higher in number and the probability of conviction is almost 0. These cases form almost 2/3rd of the total charge sheeted cases. E.g. 324 IPC offences invariably get charge sheeted but conviction in any year is almost 0. Easy Procedure, such as Plea-bargaining at trial stage may improve the status, giving more certainty of punishment. At the stage of investigation, a simpler method of evidence collection may be adopted. eg. Names of witnesses, complaint copy, and medical report should be enough to initiate the process of plea-bargaining. Similarly, Property crime can be dealt separately. In future, these will help the user to understand the grey areas and help him in evolving a method to improve CR.
4. Calculation of Conviction Rate should be different for different types of offences. Such as, for Body offences, Property offences, Minor Acts etc. These various sets of Conviction Rates will reflect the health of our Criminal Justice System. One will be able to point out about the ailing wing in a professional way.
5. Start prosecution with recent charge sheet cases; not in the oldest first, pending list order. Mark Courts to take up recent cases charge sheeted 3 months back.
6. Dispose long pending cases at regular courts and through fast track courts.
7. Prosecutors should have essentially two roles to play. One, to convince the courts to convict criminals and second, deciding which cases to prosecute. In the effort of doing so, prosecutors should have incentives in getting conviction for the cases.

CONCLUSION

1. Above study indicates that conviction in recent cases is always high, refer case study for Nagpur City. This means, it is not the *poor* quality of investigation but the time-delay in taking up the case for trial that pulls down the conviction rate.

2. Quality of investigation has not deteriorated alarmingly but remained consistent.

3. Quality of prosecution has remained consistent.

[Inference has been drawn based on statistics; for recent cases conviction percentage are comparable for data analysed for five years. It's a myth that quality was better in old days. Ratio of Acquittal to Conviction for respective calendar year is reasonably comparable]

4. It is not the police singularly, that is to be blamed for poor conviction rate.

5. A chart may be prepared containing information on progress of Conviction Rate for every consecutive year with respect to a Base year. For every lapsed year, overall conviction rate gets poorer.

6. It is not good to make comparative comments in regard of respective conviction rates of different states as the parameters for calculation; formula for calculation may differ from states to states.

APPENDIX I- IV
INFORMATION ABOUT CASES DECIDED & PENDING IN THE SESSIONS COURT FOR
THE YEAR 2006

Police Station	Cases Committed in Sessions Court	Cases Brought on Board	Cases Decided			
			C.R. No. & Section	Conviction	Acquittal	Disposed
Sitabuldi	09	03	197/05 u/s 307 IPC 219/04 u/s 307 IPC	02	—	00
Dhantoli	08	26	—	01	03	00
Ambazhari	11	11	—	00	02	01
M.I.D.C.	14	10	173/06 u/s 395 IPC 65/06 u/s 376 IPC	02	06	00
Sonegaon	02	02	117/06 u/s 395,452 IPC	01	00	00
Ajni	19	19	00	02	07	00
Pratap Nagar	10	06	197/06 u/s 307 IPC	01	05	00
Sadar	16	12	758/97 u/s 307 IPC, 3167/01 u/s 7 P.O.C, 170/03 u/s 302 IPC	03	08	00
Gittikhadan	13	13	St.No. 174/06 u/s 363,364,302 IPC, 2. 328/06 U/S 147,149,302 IPC	02	11	03
Wadi	18	04	00	00	00	00
Jaripataka	65	54	191/05 u/s 302 IPC	01	36	
Panchpoli	58	58	6189/03, 6367/04, 192/05, 6057/05, All NDPS 28/05 u/s 489 (B) IPC 379/04 u/s 307 IPC, 346/98 u/s 302 IPC	07	51	00
Koradi	09	09	104/05 u/s 304 B IPC	01	08	00
Kotwali	26	26	6035/06 u/s 20 NDPS	01	03	22 Pending
Lakadganj	36	36	404/04 u/s 302 IPC	01	34	01
Tahsil	27	27	335/99 u/d 302 IPC, 2. 6074/05, 6057/01, 68/97, 6116/03, 6123/03, 6115/04, 6202/05 All NDPS- ACT	08	19	00
Kalamtnna	45	09	3129/06 184,185 m.v.,Act, R/w 3 MPDP, 319/06 u/s 302 IPC,	03	08	
Ganeshpeth	17	17	6016/06 N.D.P.S. 6056/06 N.D.P.S.	02	01	14 Pending
Sakkardra	51	51	882/00 u/s 304 B, 306 IPC IPC 230/04 u/s 302 IPC, 222/04 u/s 302 IPC, 259/05, 646/05 All u/s 302 IPC 550/05, u/s 309 IPC	06	45	00
Immamwada	16	16	6122/04 u/s 21 NDPS.	01	15	00
TOTAL	470	409		45	262	

**INFORMATION ABOUT CASES DECIDED & PENDING IN THE SESSIONS COURT FOR
THE YEAR 2007**

Police Station	Cases Committed in Sessions Court	Cases Brought on Board	Cases Decided			
			C.R. No. & Section	Conviction	Acquittal	Disposed
Sitabuldi	10	05	6020/07 NDPS	01	04	00
Dhantoli	07	26	—	01	03	
Ambazhari	12	05	—	00	03	
M.I.D.C.	10	05	—	Nil	01	
Sonegaon	07	03	10/07 u/s 376,354 IPC	01	Nil	
Ajni	08	08	13/06 u/s 376 IPC, 403/05 u/s 302 IPC, 372/06 u/s 302 IPC	03	01	
Pratap Nagar	05	01	85/07 376 IPC	01	00	
Sadar	14	16	465/06 307,397,34 IPC	01	15	00
Gitikhadan	07	07	Nil All Pending			
Wadi	20	08	135/06 u/s 302, 2. 177/06 u/s 399 IPC	02	00	
Jaripataka	32	77	87/97 u/d 20 NDPS, 432/04 u/s 307 IPC, 3277/06 u/s 135 Electric Act, 307/05 u/s 302,307 IPC, 250/05 u/s 307,302 IPC, 484/06 u/s 307 IPC, 193/04 u/s 20 NDPS, 6038/06 u/s 20 NDPS, 6068/03 u/s 20 NDPS	09	50	
Panchpoli	58	58	82/04 u/s 307, 6054/07 u/s 21 NDPS, 88/97 u/s 20 NDPS, 208/04 u/s 302 IPC, 47/96 u/s 18 NDPS, 6007/07 u/s 27 NDPS, 205/89 u/s 307 IPC, 294/06 u/s 302 IPC, 6116/05 u/s 20 NDPS	09	48	
Koradi	15	15	45/05,49/99 All 302 IPC	02	13	00
Kotwali	15	15	All 13 Pending	00	02	
Lakadganj	30	30	301/04 u/s 302 IPC, 242/05 u/s 307 IPC, 136/04 u/s 498 A, 306 IPC, 466/05 u/s 302 IPC, 160/05 u/s 302 IPC, 429/05 u/s 307 IPC, 177/04 u/s 420,489 B IPC,	07	23	
Tahsil	27	27	St. No 15/07 u/s 307 IPC, 10/90 u/s 22 NDPS, 6018/07 NDPS, 6055/06, 6073/07 NDPS	05	22	00
Kalamna	51	08	141/05 u/s 302 IPC, 25/07 302 IPC	02	05	
Ganeshpeth	15	15	14 Pending	00	01	
Sakkardra	48	48	435/06 u/s 307 IPC, 92/97 u/s NDPS 6063/, 306 IPC -01, 399 IPC -01	04	44	
Immamwada	14	14	30/06 u/s 302 IPC	01	13	
TOTAL	405	391		49	248	

Cases Convicted in 2006

Year	Sr.No.	No. of Conviction	Police Station	C.R. No.	Section
1995	1	1	Panchpoli	192/95	20 NDPS
1997	2	1	Sadar	758/97	307 IPC
	3	2	Tahsil	68/97	—
1998	4	1	Panchpoli	346/98	147,148, 149, 302 IPC
1999	5	1	Tahsil	335/99	302 IPC
2000	6	1	Sakkardara	882/00	304(B)]306,498(A) IPC
2001	7	1	Sadar	3167/01	7,13 POC Act 1988
	8	2	Tahsil	6057/01	NDPS
2003	9	1	Tahsil	6116/03	NDPS
	10	2	Tahsil	6123/03	NDPS
	11	3	Sadar	170/03	302 IPC
	12	4	Panchpoli	6189/03	20 NDPS
2004	13	1	Sitabuldi	219/04	376 IPC
	14	2	Panchpoli	6367/04	21 NDPS
	15	3	Panchpoli	379/04	307 IPC
	16	4	Tahsil	6115/04	NDPS
	17	5	Sakkardara	230/04	30,]307 IPC
	18	6	Sakkardara	222/04	302,34 IPC
	19	7	Immamwada	6122/04	21,29 NDPS
2005	20	1	Sitabuldi	197/05	307 IPC
	21	2	Panchpoli	28/05	489(B)(C) IPC
	22	3	Panchpoli	6057/05	20 NDPS
	23	4	Koradi	104/05	498 A, 304 B IPC
	24	5	Lakadganj	404/05	302 IPC
	25	6	Tahsil	6074/05	NDPS
	26	7	Sakkardara	259/05	302,34 IPC
	27	8	Sakkardara	646/05	302,307 IPC
	28	9	Sakkardara	550/05	309,304 IPC
	29	10	Tahsil	6202/05	20 NDPS
	30	11	Jaripatka	191/05	302 IPC
2006	31	1	MIDC	173/06	395 IPC
	32	2	MIDC	65/06	376 IPC
	33	3	Sonegaon	117/06	452,392,395,34 IPC
	34	4	Kalmana	3129/06	184,185 M.V. Act r/w 3 MPDP
	35	5	Ganeshpeth	6016/06	20 NDPS
	36	6	Ganeshpeth	6056/06	20 NDPS
	37	7	Kotwali	6035/06	20 NDPS
	38	8	Pratapnagar	197/06	302 IPC
	39	9	Gittikhadan	328/06	147,149,302 IPC
	40	10	Gittikhadan	S.T.N. 174/06	363,364,302 IPC
	41	11	Kalmana	319/06	302 IPC
	42	12	Kalmana	/06	NDPS

Foot Note : Dhantoli -1 Conviction

2 Convictions} Yet Cr. No. & u/s is not received.

Total Convicted Cases : 45

Cases Convicted in 2007 Total conviction 49)

Year	Sr.No.	No. of Conviction	Police Station	C.R. No.	Section
1989	1	1	Panchpoli	205/89	307,34 IPC
1990	2	1	Tahsil	10/90	22 NDPS
1996	3	1	Panchpoli	47/96	18NDPS
1997	4	1	Jaripatka	87/97	20 NDPS
	5	2	Panchpoli	88/97	20 NDPS
	6	3	Sakkardra	92/97	NDPS
1998	7	1	Sakkardra	6040/98	NDPS
1999	8	1	Koradi	49/99	302 IPC
2001	9	1	Sakkardra	6063/01	NDPS
2003	10	1	Jaripatka	6068/03	20 NDPS
	11	2	Lakadganj	136/04	498 A, 306IPC
	12	3	Lakadganj	301/04	307,302 IPC
	13	4	Panchpoli	208/04	302 IPC
	14	5	Panchpoli	182/04	307,304 IPC
	15	6	Lakadganj	177/04	420,489 IPC
	16	7	Jaripatka	432/04	307,34 IPC
	17	8	Jaripatka	193/04	20 NDPS
2005	18	1	Ajni	403/05	302 IPC
	19	2	Sakkardara	550/05	309,304 IPC
	20	3	Panchpoli	6116/05	20NDPS
	21	4	Koradi	45/05	302 IPC
	22	5	Lakadganj	242/05	307 IPC
	23	6	Lakadganj	160/05	302 IPC
	24	7	Lakadganj	429/05	307 IPC
	25	8	Lakadganj	466/05	302 IPC
	26	9	Jaripatka	307/05	307,302 IPC
	27	10	Jaripatka	250/05	307,302,34 IPC
2006	28	1	Panchpoli	294/06	302,34 IPC
	29	2	Jaripatka	3277/06	135 Electric Act
	30	3	Jaripatka	6038/06	20 NDPS
	31	4	Jaripatka	484/06	307 IPC
	32	5	Ajni	13/06	376 IPC
	33	6	Sadar	465/06	307,397 IPC
	34	7	Wadi	135/06	302,34 IPC
	35	8	Wadi	177/06	399 IPC
	36	9	Ajni	372/06	302 IPC
	37	10	Imamwada	30/06	302 IPC
	38	11	Sakkardra	435/06	306,34 IPC
2007	39	1	Sitabuldi	6020/07	20 NDPS
	40	2	Sonegaon	10/07	376,354,511 IPC
	41	3	Pratapnagar	85/07	302 IPC
	42	4	Panchpoli	6054/07	21 NDPS
	43	5	Panchpoli	6007/07	21,27 NDPS
	44	6	Tahsil	15/07	307 IPC
	45	7	Tahsil	6018/07	NDPS
	46	8	Tahsil	6055/07	NDPS
	47	9	Tahsil	6073/07	20 NDPS
	48	10	Kalamna	141/07	302 IPC
	49	11	Kalamna	25/07	302 IPC

APPENDIX V
INFORMATION ABOUT CASES DECIDED & PENDING IN THE SESSIONS COURT FOR THE YEAR 2003

Police Station	Cases Committed in Sessions Court	Cases Brought on Board	Cases Decided			
			C.R. No. & Section	Conviction	Acquittal	Discharge
Sitabuldi	07	03	68/01 u/s 307 IPC	01	01	01
Dhantoli	05	02	1.254/02 u/s 366,509,511 IPC	01	02	00
Ambazhari	11	11	1.301/03 u/s 302 IPC	01	05	00
Pratap Nagar	13	07	1. 11/03 u/s 302 IPC 2. 43/03 u/s 302 IPC	02	04	00
M.I.D.C.	05	01	1.91/03 u/s 498,306 IPC 2. 176/03 u/s 302 IPC	02	01	01
Sadar	11	03	1. 225/02 u/s 302,307, 34IPC 2. 439/99 u/s 377,506 IPC 3. 258/97 u/s 306,34 IPC	03	00	00
Panchpoli	61	00	1.436/01 u/s 307 IPC 2.445/01 u/s 302,324 IPC 3. 143/02 u/s 302 IPC 4.83/01 u/s 302 IPC 5. 305/99 u/s 307 IPC 6. 117/99 u/s 399 IPC 7. 402/98 u/s 302 IPC 8. 72/98 u/s 307 IPC 9. 10/02 u/s 326,302 IPC 10. 20/00 u/s 336 IPC 11. 347/02 u/s 399 IPC	11	53	00
Jaripataka	21	12	----- .----- --	00	16	01
Wadi	03	03	----- —.....—	00	00	00
Gittikhadan	17	01	6017/01 u/s20NDPS	01	00	00
Kotwali	19	19	07/03 u/s 302 IPC	01	02	00
Kalamna	17	26	1. 17/98 u/s 498 IPC 2. 6072/01 u/s 20 NDPS 3. 164/02 u/s 302 IPC 4. 270/00 u/s 302 IPC 5. 174/01 u/s 141,364,120 B,34 IPC 6. 268/02 u/s 395,396,398,397 IPC	06	21	00
Ganeshpeth	15	15	1.30/00 u/s 302,323 IPC 2.299/01 u/s 302 IPC 3. 6005/02 u/s 20 NDPS 4. 446/88 u/s 5(1),5(2),34 IPC	04	11	00
Sakkardra	29	42	1.228/98 u/s 304 IPC 2. 582/00 u/s 304 B IPC 3. St. No. 513/02 u/s 398 IPC 4. 297/98 u/s 307,324 IPC	04	28	00
Immamwada	26	26	84/99 u/s 498A, 304B, 306 IPC	01	25	00
Ajni	14	09	1. 155/03 u/s 302 IPC 2. 113/02 u/s 395,452,342 IPC R/W 109 Crpc	02	07	00
Sonegaon	06	06		00	03	00
Koradi	09	00	1.58/03 u/s 307,34 IPC 2. 95/03 u/s 307 IPC	02	01	00
Lakadganj	31	00	1. 131/03 u/s 302 IPC 2. 293/03 u/s 302,34 IPC 3. 237/03 u/s 376 IPC	03	10	00
Tahsil	00	14		00	13	01
TOTAL	320	200	-----	45	203	04

**INFORMATION ABOUT CASES DECIDED & PENDING IN THE SESSIONS COURT FOR
THE YEAR 2004**

Police Station	Cases Committed in Sessions Court	Cases Brought on Board	Cases Decided			
			C.R. No. & Section	Conviction	Acquittal	Discharge
Sitabuldi	07	10	1.380/01 u/s 302 IPC 2. 6070/02 u/s 20 NDPS 3. 6081/02 u/s 20 NDPS	03	01	00
Dhantoli	08	08	1. 107/04 u/s 307,147,148,149 IPC, 135 BP Act	01	05	00
Ambazhari	12	12	315/04 u/s 302,34 IPC	01	03	00
Pratap Nagar	17	06	191/04 u/s 302 IPC	01	05	00
M.I.D.C.	13	01	376/04 u/s 302 IPC 2. 173/04 u/s 498,306 IPC	02	08	02
Sadar	11	03	1.233/00 u/s 302,201,34 IPC 2. 34/97 u/s 306 IPC 3. 255/93 u/s 7,12,13(D) ACB.	03	01	00
Panchpoli	71	00	1. 156/00 u/s 307,34 IPC 2. 553/02 u/s 307,34 IPC 3. 448/99 u/s 302,324 IPC 4. 249/02 u/s 302 IPC 5. 70/03 u/s 302,34 IPC 6. 545/02 u/s 376 IPC 7. 162/02	07	67	00
Jaripataka	18	23		00	20	01
Wadi	08	08		00	00	00
Gittikhadan	18	19	1.246/01 u/s 436 IPC 2. 89/03 u/s 307,302 IPC 3.270/01 u/s 363,366 (A) IPC 4. 42/03 u/s 302,323,325 IPC 5. 8/03 u/s 302,34 IPC 6. 57/02 u/s 376 IPC 7. 141/01 u/s 354,376 IPC 8. 308/02 u/s 498 A, 306 IPC 9. 269/02 u/s 363,366A,376 IPC	09	10	00
Kotwali	21	21		00	12	00
Kalamnna	15	28	1.206/99 u/s 302 IPC 2. 135/02 u/s 376 IPC	02	26	00
Ganeshpeth	24	24		00	22	00
Sakkardra	32	98	1.291/01 u/s 307 IPC 2. 561/03 u/s 399,402 IPC 3. 123/03 u/s 498,109 IPC	03	59	00
Immamwada	28	28	1. 132/02 u/s 376 IPC 2. 82/02 u/s 498,306 IPC	02	26	00
Nandanwan	00	00	00	00	00
Sonegaon	04	04	1. 50/04 u/s 395,457,380,511 IPC 2. 98/04 u/s 376,363,366 IPC	02	01	00
Ajni	13	12	1.261/03 u/s 302,34 IPC 2. 197/04 u/s 307 IPC	02	10	00
Koradi	03	00		00	02	00
Lakadganj	24	01	1.301/04 u/s 302 IPC 2. 404/04 u/s 302 IPC	02	06	00
Tahsil	00	26	1. 363/00 u/s 498,306 A,34 IPC 2. 111/99 u/s 436,427 IPC 3. 141/02 u/s 376 IPC 4. 394/02 u/s 302,324 IPC, 4+25 Arm's Act., 5. 208/02 u/s 302 IPC, 4+25 Arm's Act	05	21	00
TOTAL	347	332		45	305	03

**INFORMATION ABOUT CASES DECIDED & PENDING IN THE SESSIONS COURT FOR
THE YEAR 2005**

Police Station	Cases Committed in Sessions Court	Cases Brought on Board	Cases Decided			
			C.R. No. & Section	Conviction	Acquittal	Discharge
Sitabuldi	11	02	38/02 u/s 365,377 IPC	01	01	00
Dhantoli	11	11	162/04 u/s 307,324,452,34 IPC 2. 281/04 u/s 307,34 IPC R/W 4+25 Arm's Act	02	02	00
Ambazhari	09	09		00	04	00
Pratap Nagar	06	03	307/05 u/s 302 IPC	01	02	00
M.I.D.C.	26	15		00	07	04
Sadar	04	08	1.371/01 u/s 498,307,302 IPC 2. 39/97 u/s 7,12,13 (D)ACB	02	00	00
Panchpoli	47	00	1.6054/03 u/s 20 NDPS 2. 265/02 u/s 354 SC/ST Act 3. 255/02 u/s 363,302 IPC 4. 104/04 u/s 363,376 IPC 5. 6110/04 u/s 20 NDPS	05	45	00
Jaripataka	25	10	266/03 u/s 307,302 IPC 2. 238/03 u/s 307,302 IPC 3. 14/03 u/s 302,209,279,337 IPC	03	18	00
Wadi	05	05		00	01	01
Gittikhadan	23	08	1. 221/02 u/s 147,148,149,302 IPC 2. 91/03 u/s 324,307,448 IPC	02	06	00
Kotwali	14	14	172/05 u/s 302 IPC	01	05	00
Kalamna	32	21	1.21/04 u/s 306,34 IPC 2. 156/04 u/s 376 IPC 3. 190/03 u/s 376 IPC 4. 84/03 u/s 302 IPC 5. 171/02 u/s 306 IPC 6. 338/03 u/s 302 IPC	06	17	00
Ganeshpeth	25	25	1.6102/03 u/s 20 NDPS 2. 174/04 u/s 399,379 IPC 3. 6028/04 u/s 20 NDPS 4. 358/99 u/s 397 IPC	04	20	00
Sakkardra	40	69	1.59/02 u/s 498,306 IPC 2. 341/03 u/s 302,498 IPC 3. 6084/03 u/s 20,29 NDPS 4.. 80/95 u/s 20 NDPS 5. 551/04 u/s 304 IPC 6. 312/03 u/s 307 IPC	06	63	00
Immamwada	20	13	1. 206/01 u/s 448,304,323 IPC 2. 41/98 u/s 306 IPC 3. 6037/00 u/s 20 NDPS	03	10	00
Nandanwan	00	00		00	00	00
Sonegaon	03	03	16/05 u/s 302 IPC	01	02	00
Ajni	20	13	1.343/04 u/s 302 IPC 2. 64/05 u/s 324,306,452,506B,34 IPC	02	11	00
Koradi	11	00	1.45/05 u/s 302,34 IPC 2. 104/05 u/s 304B,498,34 IPC	02	06	00
Lakadganj	47	00	1. 160/05 u/s 143,147,148,149,302 IPC 2. 466/05 u/s 326,34,302 IPC	02	10	00
Tahsil	00	15		00	15	00
TOTAL	379	244	-----	43	245	05

Sr. No.	Conviction in 2003		Conviction in 2004		Conviction in 2005	
	Year	Cases	Year	Cases	Year	Cases
1	1988	01	1991	00	1991	00
2	1991	00	1992	00	1992	00
3	1992	00	1993	01	1993	00
4	1993	00	1994	00	1994	00
5	1994	00	1995	00	1995	01
6	1995	00	1996	00	1996	00
7	1996	00	1997	01	1997	01
8	1997	01	1998	00	1998	01
9	1998	05	1999	03	1999	01
10	1999	04	2000	03	2000	01
11	2000	04	2001	05	2001	02
12	2001	08	2002	15	2002	06
13	2002	10	2003	07	2003	12
14	2003	12	2004	10	2004	10
15					2005	08
16	Total	45		45		43

TERRORISM – A CHALLENGE BEFORE THE NATION

Dr. P. Mohan Rao

The year 2008 will go down as a period when India was held hostage by terror. It began on 1st January 2008 itself with an attack by Lashkar on CRPF camp in Uttar Pradesh and virtually every month in 2008, news of terrorist attacks were pouring in. By the time 2008 drew to a close with Mumbai's 60-hour horror India had lost 434 precious lives in nine major terror attacks. Terrorist attacks took place in almost all corners of our country and in all our major cities. In addition to this the continuing insurgencies in Kashmir and the North-East claimed 1,157 lives this year. Be it the rich or the poor terrorism affected all of us equally. It was found that a large number of incidents of terrorism

was perpetrated by those having complex interstate and international linkages and connection with anti-national activities such as smuggling of arms, drugs, infiltration, pushing in and circulation of fake currency.

GLOBAL DIMENSION

After the destruction of the Twin towers of the World Trade Centre (WTC) in New York and the Pentagon in Washington, terrorism acquired a global dimension. The terrorist attack on U.S.A. had brought the subject into sharp focus receiving the attention of the best brains all over the world. It is realized that a war on terrorism is a war

on invisible enemy because it is difficult to imagine who strikes when, where and how. Terrorist actions are difficult to predict in spite of extensive intelligence gathering. Threat of terrorist acts creates fear and unrest in the victim society. Economic activity is adversely affected and disaffection between different ethnic groups would develop.

Today terrorism has become an ultimate weapon of the weak to take on strong, prosperous and powerful establishments. No rules of war are involved and there is no place for armies and sophisticated weapons. American experience at WTC shows how a single pilot can convert a commercial flight into a destructive missile. Worse, is the experience in Kashmir where a school-boy terrorist had driven an explosives laden truck into a military establishment causing large scale destruction of persons and property. In the aftermath of WTC incident, the USA initiated a full scale war on terrorism starting with Afghanistan. Ironically, among the allies the US had chosen was a country with terrorism as its state policy and has set up permanent machinery and structures to train, abet and perpetuate terrorism in its vicinity.

POLITICALLY MOTIVATED ACTION

Terrorism is a politically motivated action combining psychological (fear inducing) and physical (violent action) components carried out by individuals or small groups with the aim of forcing or compelling the state or the authorities to meet their demands. That is, political terrorism can be thought of as the use of violence by a group acting either on behalf of, or in opposition to, an established authority. The key element is the prosecution of activities with a view to wear out the established authority by causing panic, destruction, distrust and demoralization among the people at large. Thus, the range of such activities covers cases of hijacking of buses and planes, taking of any person

or persons as hostage, abduction of the leaders or their family members, assassination of heads of states or government or of important political personalities, explosion of bombs to destroy public buildings and kill innocent people living or assembled therein and the like. Thus, the terrorists believe in the 'cult of the pistol and the bomb'. In short, terrorism "is a political goal-oriented action, involving the use or threat of extra ordinary violence performed for psychological rather than material effect." The victims, mostly innocent, are symbolic sacrificial goats for the sinister design of the terrorist. With some rogue states supporting the terrorist elements and even providing men, material, training and brazen support international terrorism of late acquired dangerous propositions.

It is just not possible to separate international terrorism from national terrorism in India or elsewhere. The Chinese and Bangladesh help to insurgents and terrorists in North-East has been an important factor. The Naxalite violence as far back in 1969-71 in West Bengal was daily incited by Beijing press, which was rated like a divine oracle by those who regarded Mao Ze-Dong as the leader of the world revolution. Pakistan, over the years, had been not only inciting terrorism in Jammu and Kashmir, earlier even in Punjab, but also helping the terrorists with training, equipment, advice, false passports and funds. Presently, in Pakistan, there is a fully developed terrorist infrastructure integrated into their foreign policy machine. Helping terrorists in a hostile country is a fact of life which no civilized and sensible government can ignore. Moreover one glaring and important aspect of the terrorist and militant organizations is that they are mostly backed and buttressed by totalitarian or fundamentalist or dictatorial regimes up against pluralist, popular and progressive democracies because of their general temperament to accommodate rather than crush the adversary with brute force. Hence every

democratic country has to evolve its own system to deal with terrorism.

THE NEXUS AND NETWORK

There is systematic and worldwide network of collaboration among terrorist organizations, whatever may be their individual objectives. Whether their aims are political or religious or ethnic or nationalist, they have links all over the world. We have reached the stage where countries with no connection at all with the objective of the terrorists have become their battle-ground.

A democratically elected government must uphold the Rule of Law and it is the duty of the constitutional authority to defend the life and limb of its subjects. There is abundant evidence that weakness and soft handling of terrorists provokes a rapid spread of terrorism by other groups as well. Vacillation in counter terrorist measures by the government on vote bank considerations must be avoided as it undermines public confidence and emboldens terrorists.

BROAD MEASURES SO FAR ...

In the light of experience gained by those professionally engaged in the war against terrorism in all its manifestations some of the basic anti-terrorist measures that emerge are as follows. Though there is no blue print for meeting problems arising out of terrorism and even reliance on a previous experience may mislead; but an appreciation of the many likely difficulties will help one a long way towards being prepared for whatever the future may hold.

1. Sound public opinion has to be built up against terrorism. It has to be explained to the public that terrorism has cost the lives of many innocent people, innumerable women became widows and several children have become orphans. Trade, commerce and industry have been

- ruined and education of children has suffered. Anti-terrorist operations will become easy with public cooperation and support.
2. Another valuable way of mobilizing public opinion against terrorism is through a concerted programme of public information and education about how to recognize bombs and terrorist weapons, the procedure to be adopted when a suspected object is sighted, the kind of information that might be valuable to the police, the speediest method of communication with the police, etc. Press, radio and television should be used to convey these information. The aim of these measures is to make the public more security conscious.
 3. Collection of funds by the extremist organizations and groups from within the country and from abroad must be prevented at all costs. Without sufficient funds these organizations and groups will be impotent since recruitment, purchase of weapons and maintenance of these organizations cost enormous funds.
 4. Criminal elements operating within the terrorist organizations and groups should be identified and strong measures taken against them within the purview of law.
 5. Unemployed youth should be enlisted in to the police and armed forces, industries, trades, etc., to prevent their joining militant organizations for earning their livelihood.
 6. Periodical screening of the police personnel is necessary to prevent infiltration of extremists into the police forces. Policemen with doubtful integrity should be removed from the ranks.
 7. Smuggling and gun running on the border must be stopped by strengthening security measures.
 8. Police and security forces engaged in fighting terrorism should be provided with firearms superior to that of the extremists.
 9. In an aircraft hijacking, the threat which is used to achieve the aim is against the lives of the passengers and crew, not against the aircraft. The vital line of defence against aircraft hijack lies at the point of boarding. Airport and aircraft security needs to be strengthened. Most hijacks are from airports with poor security arrangements.
 10. The media always plays a crucial role which can be of positive assistance. Therefore, the media should be properly briefed so that sensational terrorist deeds do not gain publicity. Also, news likely to damage the morale of the police and security forces should be blocked.

Keeping in view the growing incidence of terrorism, it has for long been felt that there is need for setting up an agency at the central level for investigation of offences related to terrorism and certain other acts, which have national ramifications.

SECOND ARC ON FIA

The second administration reforms commission (ARC) headed by Veerappa Moily recommended in its 7th/8th report submitted to the government in September 2008 the creation of a Federal Intelligence Agency (FIA) which could be set up by ordinance or through a constitutional amendment to the National Security Act of 1980. Earlier a similar proposal was made by the Subrahmanyam Committee on security reforms set up by the NDA government. Neither proposal was acted upon, in part, according to Moily, because the states are apprehensive that this might infringe upon their rights in the

federation. While this is an important concern, it is possible to accommodate it in another way, for example through some consultative machinery in an advisory capacity so that national security, which is a responsibility of the centre, is not jeopardized as it has so often been.

According to the recommendations of the Moily and Subrahmanyam Committees the FIA should be responsible for coordinating tasks that are divided among different intelligence agencies such as RAW, IB, CBI, etc. Additionally, it has been suggested that the authority should also coordinate between State Police Forces through the appointment of special police commissioners. Though the coordination of intelligence inputs is under the purview of national security under the Home Ministry, having a dedicated authority will at least make a sole agency responsible. To that extent it may succeed in plugging some of the existing gaps, especially in information transfer to prevent or minimize terrorist attacks.

The 11/9/2001 terrorist attack was an eye opener to the world as all countries awoke to the necessity of making stringent law to punish the merchants of death and destruction. Australia, USA, Italy, Canada and later France came out with harsh deterrent laws to punish the enemies of civilization. In India also, the then Vajpayee government enacted the Prevention of Terrorist Activities Act (POTA) which was later criticized by the opposition parties and labeled it as a draconian measure. Consequently when the United Progressive Alliance (UPA) government came to power in 2004 it repealed the POTA and again the country is left without any law against terrorism. This might have emboldened the terrorist organizations to indulge in more inhuman and barbaric acts of terrorism as witnessed during 2008. There was wide criticism that while the entire world is making stringent laws to punish the

terrorist, India was trying to survive without a proper and effective law against this scourge. On December 12, 2008 about 40 intellectuals including former Justices and Chief Justices petitioned to the leaders of political parties to usher in reforms in police administration and the government took the same seriously and ultimately came out the two bills – the National Investigation Agency Bill and the Unlawful Activities (Prevention) Amendment (UAPA) Bill of 2008.

NATIONAL INVESTIGATION AGENCY

When a series of bomb blasts took place in the busy areas of Bangalore, Ahmedabad, Hyderabad and Delhi, the police could not make any headway in apprehending the terrorists involved in those dastardly acts. Till date the criminals are at large and there is no hope of bringing them to book. This clearly shows that the criminals shift their place after executing their mission. The government realized that the situation calls for a centralized apex agency to speedily investigate the terrorist cases and bring the culprits to justice. However public order is a subject in the state list and the investigation of major crimes is in the hands of the state police. As a result, an agency like the CBI cannot investigate certain crimes without the consent of the concerned state government.

Therefore, in December 2008 the Government of India enacted the National Investigation Agency (NIA) Act to constitute an apex body on the lines of the Federal Bureau of Investigation (FBI) of the United States of America. The establishment of NIA will give the Centre the power to *suo moto* direct the NIA to investigate certain offences. FBI in the US, for instance investigates not only terrorist and espionage cases but also white collar crimes and corruption cases. For India a federal agency on the lines of NIA is long over due. After the

constitution of NIA the Central government is empowered to decide what constitutes terror and investigate such attacks in any part of the country covering offences, including challenge to the country's sovereignty and integrity, bomb blasts, hijacking of aircraft and ships and attacks on nuclear facilities. The NIA should have sufficient infrastructure, so that it can function on par with the best investigating agencies of the world. The selection of the NIA officials should be transparent and fair so that its functioning is not affected.

The question arises why not the functions of the proposed NIA be entrusted to the existing CBI, the central agency that primarily investigates corruption cases at present. But, the CBI to take up investigations, the consent of the concerned state government is mandatory. According to Sri R.K. Raghavan, former CBI Director, "The CBI is overburdened and cannot cope with the workload that has been thrown up by terrorist designs. The decision to bypass the CBI and opt for a new outfit will be justified only if the proposed NIA has a wide charter and is designed to give leadership in the area to all the police forces in the country". However when the NIA comes into existence, it will be a central investigating agency that can take up *suo moto investigations*. But it should be borne in mind that the NIA is not an anti-terrorist organization and cannot prevent a terrorist incident. It will come into picture only at the time of investigation. Since Law and Order is a subject in the state list much cooperation and support is called for proper and satisfactory investigation of the criminal acts of terrorism. Also, it takes a long time and considerable resources to build a new organization of the proportion of NIA and the nation cannot afford to wait for long till the NIA is provided with the wherewithal to function effectively. Merging the CBI with NIA would help the government to equip the NIA with the extensive facilities available with the CBI.

SPECIAL COURTS

According to Home Minister Mr. Chidambaram NIA would be a "fit and clean agency" with young officers who were able. There would be special courts and cases would be tried by special Judges who would complete the trials to meet the objective of speedy investigation and trial. Special courts will have hearings on a day to day basis. A case pending in a special court can be transferred to any such other court.

The absence of a deterrent act has been felt ever since the alleged draconian POTA was repealed and in fact there was severe criticism as to how can the government think of controlling terrorism without a stringent law to punish the guilty. At long last spurred by the scathing criticism, wisdom prevailed and government has come out with a law called the Unlawful Activities (Prevention) Act (UAPA) 2008.

UNLAWFUL ACTIVITIES (PREVENTION) ACT

However, the government has chosen the easier option of strengthening the provisions of the Unlawful Activities (Prevention) Act 1967 (UAPA). Even though it does not have the key provisions of POTA like admissibility of confessions, some of the aspects like use of wire taps as evidence and stringent bail conditions are now part of Unlawful Activities (Prevention) Act. The amendment has however not revisited one of the most stringent provisions of POTA treating confessions before police as evidence. An accused could not be kept in police custody for more than 30 days. The time limit for framing the charge sheet has been extended to 180 days while earlier it was only 90 days. A foreigner involved in terrorism related crime is not to be granted bail. This has been done taking into consideration the difficulties faced by investigating agencies in completing the probe within the stipulated 90-day period particularly in terror related cases

which generally have inter-state ramifications. The amendment is not so kind to foreigners who will be denied bail until proven innocent. Also, an Indian National accused in a terror related case cannot be released on bail or on his own bond unless the public prosecutor is given an opportunity of being heard on the application for such a release.

The amendment of UAPA says that the court shall presume, unless the contrary is shown, that the accused has committed an offence for which he has been arrested, including possession of arms or explosives with a belief that those are such substances were used in the commission of that terror act.

For the first time, the amendment provides for freezing, seizing and accruing funds and other financial assets or economic resources held by individuals or entities engaged in or suspected to be engaged in terrorism. A new section 16A has been inserted in the Act which says that those using explosives, firearms, lethal weapons, poisonous chemicals, biological or radiological weapons with the intention of aiding, abetting or committing terror act "shall be punishable with imprisonment for a term, which may extend to 10 years."

Regarding the logistical support for a terror crime, the amendment says that any one in the country or abroad who directly or indirectly raises or collects funds or provides funds for a terror act shall be punishable with at least five year imprisonment, which may extend to life. A similar punishment has been provided in the amendment act for those organizing camps for training in terrorism, and also for those recruiting persons for commission of a terrorist act. Further the amendment says that every offence punishable under the act

shall be deemed to be a cognizable offence. However, the amendment has not dealt with admission of confession made by an accused before a police officer. Such provisions exist in the Narcotics, Drugs and Psychotropic substances Act as well as in MCOCA in Maharashtra which deals with keeping organized crime under check.

There is a feeling that the two bills were pushed in a hurry to tide over widespread criticism against the government that it failed in taking steps to control terrorism and was indulging in vote-bank politics much against the interest of the security of the nation. The swiftness with which the anti terror laws are drafted and passed within three weeks of Mumbai 26/11 is a testimony to the seriousness of the government in tackling terrorism. The President has given her assent to these acts of parliament and they are now part of our statute. However, "We also need to tighten our immigration controls on the lines of the US Immigration and Naturalisation Services Act as local terror modules thrive on the illegal infiltration of man and material across India's forest borders".

FOR A DURABLE SOLUTION

A durable solution to the problem of international terrorism requires an amicable settlement of regional issues like the problem of Palestine in West Asia because of which terrorist outfits like Al Qaida sprang up. Similarly in South-East Asia, the terrorist camps in Pak Occupied Kashmir should be dismantled under the supervision and active involvement of a multi-national force comprising of USA, UK, Australia, France, Canada and India. These camps should be destroyed to the highest satisfaction of India. Further, the Kashmir problem should be settled amicably within the purview of Indian

Independence Act 1947 of U.K. which enabled the rulers of the then independent states in India and Pakistan either to merge with India or with Pakistan. On the eastern front of India, the insurgency related terrorist activities have to be tackled involving China and Bangladesh. International pressure should be brought on China to desist from making unjust and irrational claims with regard to boundary with India and solve the dispute on the basis of Mc Mahon Line on the NEFA side. Bangladesh should be made a party binding it to an agreement preventing it from making its soil a playground of insurgent outfits.

Today terrorism is a grave threat to world peace with notorious organizations like Al Qaida, Jaish-e-Muhammad, Lashkar-e-Taiba, etc. spearheading this barbaric form of protest. There is growing fear of unspeakable consequences if weapons of mass destruction fall into the hands of these agents of destruction. The nations patronizing international terrorists must be identified and isolated. All material and financial assistance to such countries must be stopped and international travel and communication be suspended. "In order to contain international terrorism effectively, nations especially those who have been the frequent targets of international terrorists, should increase cooperation among themselves by coordinating their anti-terrorist activities."

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CRIME DURING DISASTERS: CAUSES AND ITS CURES

Dr. Yatish Mishra

Crime is all pervasive. It transcends time, place, pleasure, sorrow, caste, colour, creed, country, etc. Even at the time of the disaster criminals are active, exploit the pathetic and horrific situation of the affected people and commit all sorts of crime. They know that the period of disaster forced people and police to engage them in managing more important tasks of life savings than their routine works. Thus, disaster invites all sorts of crime such as rape, sexual exploitation, looting, molestation, sexual harassment, theft, trafficking of women and children etc. It is said that “crime and criminality are inescapable features of the social ambience inhabited by the human beings owing to the propensity of some people for deviant behavior in certain pressing situations. Crime, therefore, far from being an individual affair, more often than not, is the frustrating outcome of the social situations which provide stimuli to an individual leading him to different types of criminal behavior”.¹ It is of a greater significance to mention that the occurrence of crimes in certain uncommon devastating situation is the period immediately after the beginning of a disaster during which the entire human efforts are accumulated to cope

¹ Advani, Nirmala H., (1978), *Perspectives on Adult Crime and Correction*, New Delhi, Abhinav Publications, p.5.

up with the difficult state of affairs with the provisions of adequate rescue and relief operations.

It is generally assumed that the criminal activities take place on the part of the criminal in a fit of rage when he/she becomes bereft of fundamental human virtues of wisdom, kindness, sacrifice and help to others. But the problem becomes quite perplexing when we find that crimes are committed at a time when the situation is very pitiful requiring utmost sympathetic response from the people. It is indeed a paradox that in the times of disaster response when the whole set of steps are taken to alleviate the adverse impacts of the catastrophe; crimes are committed even in those devastating and painful situations.

DEFINING CRIME

Generally, crime is the deviant behavior of an individual against the accepted norms of the society.² In general, human actions can be classified into two broad categories: (i) those conforming to the norms of the society, and (ii) those not conforming to these norms. Thus, conformity to norms means behavior according to generally accepted norms of the society while non-conforming means violation of these accepted norms. But there is persistent vagueness in the definition of crime and deviant behavior. Crime, as defined in criminology, is violation of legal norms. In the social sense, deviant behavior is the commission of an act prohibited by the society. The idea of deviant behavior is not an invention of a sociologist but is a fact of social life.

People in society, term certain acts as violation of norms and certain individuals as norm-breakers. Nevertheless, they would fail to precisely define deviance and conformity because sometimes people themselves are not sure as to what deviance and conformity are.³ Thus, the concept of crime is relative in the context of law as well as society. In the unfolding history of criminal laws in different parts of the world, the concept of crime as to what it entails has also undergone a vast change. For instance, the practice of Sati, child marriage and discrimination on the basis of caste were socially acceptable and practiced in India once upon a time. Today, they are all punishable under the law of the land.⁴

In legal parlance, crime is an act that is punishable under the law. However, it is the behavioral dimension of the concept of crime which is central to the science of criminology. A behavior that violates the law is regarded as criminal behavior. The entire gamut of criminal behavior falls into two categories namely (i) *mala in se*, acts which are recognized as crime in legal statutes and are also considered to violate the accepted moral values of the society like murder, theft, rape etc. or (ii) *mala in prohibita*, acts which are recognized as crime in legal statute but do not strictly reflect the accepted moral values of society like filing of Income –Tax returns, traffic violations etc.

DISASTER SITUATION

In common parlance, disaster is defined as a catastrophic situation in which the day to day pattern of life are,

in many instances, suddenly disrupted and people are plunged into helplessness and suffering, and as a result need protection, clothing, shelter, medical and social care and other necessities of life.⁵ Management of such a disaster becomes a very complex process involving numerous activities undertaken in both the pre-disaster and the post-disaster period. Ideally, the pre-disaster period is the span of time before the onset of a disaster during which the steps pertaining to prevention, mitigation and preparedness are taken.⁶ The primary objective during this time-period is to avert the disaster to the extent possible and in case the disaster strikes, mitigate the adverse effects of the event by affording a superlative degree of preparedness involving the measures like warning, threat-anticipation and other precautionary steps. The pre-disaster arrangements, in nutshell, aim at mitigating, if not preventing, the adverse effects of the calamitous event within the constraints of resources and physiological setting.⁷

Since an absolute prevention of disasters is much beyond the capabilities of the human ingenuity, the onerous responsibility that befalls on the human beings is to manage the disaster in such a way that the ensuing damages to life and property may be minimized to the best possible limits. Thus, the post-disaster period i.e. the period immediately after the occurrence of the disaster, assumes greater significance as it is the time when the best possible efforts are mounted to mitigate the sufferings of the people. The post-disaster period is, therefore, the time span of disaster response

² Abraham, David, (1960), *The Psychology of Crime*, New York, John Wiley and Sons, p.9.

³ Advani, Nirmala, H., (1978), *Perspectives on Adult Crime and Correction*, op. cit. pp. 17-18.

⁴ Srivastava, Anoop, (2005), *Crime Prevention in Indian Railways: Passenger's Perceptions and Expectations*, Unpublished APPPA Dissertation, New Delhi, Indian Institute of Public Administration, pp. 28-29.

⁵ Indian Red Cross Society, (1977), *Deliberations of the First Asian Regional Conference*, New Delhi, IRCS, p.1.

⁶ Carter, W, Nick, (1991), *Disaster Management: A Disaster Manager's Handbook*, Manila, Asian Development Bank, pp.54-56.

⁷ Pandey Rajendra Kumar, "Violent Crimes in Post Disaster Period," *Indian Journal of Criminology and Criminalistics*, LNJNI NCF, MHA, GOI, Vol., .XXXVIII, No. 2, May-Aug 2007, p. 29.

consisting of the sum total of actions taken by the people and institutions in the face of a disaster. These actions commence with the warning of an oncoming threatening event or with the event itself if it occurs without warning.⁸

The needs of people are virtually same in every disaster and include the four basic human needs viz., food, clothing, shelter and medical care. To accomplish this, the services provided to the victims of the disaster include distribution of necessary commodities such as clothing, blankets, preserved food and kitchen utensils; construction of temporary shelters including distribution of necessary materials for repairing or building houses; feeding; financial assistance to help cover medical expenses due to disaster; financial assistance to cover the replacement of some tools and materials damaged in disaster; traveling aids for the disaster victims who need to return to their homeland; and transportation for evacuation and rescue operations.⁹

CRIMES IN DISASTER SCENARIO

The occurrence of crime during disaster period is not uncommon phenomena owing to the fact that certain individuals have deviant behaviours in any sort of situations. Numerous instances of corruption, mismanagement of the relief supplies, lapses in crowd management leading to stampede resulting into the death of tens of hundreds of people and discriminatory behavior on the part of

the concerned officials in the relief operations are some of the criminal practices that are experienced in one or the other types of disaster situations.¹⁰

The occurrence of the crimes in disaster period is also common. The disaster period is of grief and sorrow for all affected people due to sudden calamity that falls on people indiscriminately sparing no one. In response to the disaster or calamity, a vast array of rescue works/operations is undertaken. The people are housed under temporary shelters at safer places after rescued from the disaster situations. It is in these temporary shelters housing the sufferers of the calamity where diverse types of crimes take place.

One of the early endeavors to study the complex issue of violence, in the disaster situations was made by C. S. Frederick through his scholarly research paper presented to the WHO Working Group on the Psychosocial Consequences of Violence, at Hague.¹¹ The basic theme of the paper was an analysis of the occurrence of violence in times of disaster with the objective of finding out the short-term and long-term consequences for the victims of the disaster. It was a psychological study of the consequences of violence in the times of disaster. The study concluded that disaster situations were in themselves the traumatic experiences and the incidents of violence during the post-disaster period resulted into various horrific short-term and long-term consequences for the victims which affected not only their physical survival

but also induced a variety of psychological and social dislocations in their lives well after many years of the disaster.

Another study that looks into the issues of post-disaster period in the life of the sufferers of disaster is B. Raphael's *When Disaster Strikes*.¹² The book examines the problems faced by the people during the post-disaster period and relates the incidents of crime as a result of the disruptions brought about by disaster in the life of the people.

The paper by R. Srinivas Murthy¹³ ponders over the issues involved in psycho-social consequences of disasters. It argues that whether disasters impact more when they occur or after its occurrence. The paper also laments that in case of disasters, the immediate reactions centre on the disaster's physical explicitness and there is high level, if not complete, neglect of the disaster syndrome characterized by exposure to extreme danger, witnessing kin folk deaths, helplessness, hopelessness and the trauma of having to choose between one's survival and that of others. The most prominent psychiatric disorder in a disaster situation is known as Post-Traumatic Stress Disorder (PTSD) which is seen as a pervasive, developed and / or a protracted response to a catastrophe and whose commonest manifestation is in the form of grief. The paper also points out the unmitigated stress which disasters place on both professional and non-professional rescuers. It brings

8 Mishra, S., C., (2001), "Disaster Management: Lessons Drawn and Strategies for Future," Paper presented at the Annual Conference, Indian Institute of Public Administration, New Delhi, 20th October, p. 3.

9 Sidavong, Bounneung, (1991), 'Disaster Relief in Lao PDR', in ADB, *Disaster Mitigation in Asia and the Pacific*, Manila, Asian Development Bank, p.317.

10 *The Hindu*, Delhi, December 19, 2005, pp. 1 and 6.

11 Frederick, C. S., (1981), "Violence and Disasters: Immediate and Long-term Consequences", in 'Helping Victims of Violence', *Proceedings of a WHO Working Group on the Psychosocial Consequences of Violence*, The Hague, 6-10 April, pp. 32-46.

12 Raphael, B., (1986), *When Disaster Strikes*, London, Hutchison Press.

13 Murthy, R. Srinivas, (2000), "Psycho-social Consequences", in Parasuraman, S., and Unnikrishnan, P. V., (eds.), *India Disaster Report*, New Delhi, Oxford University Press, pp. 54-58.

out certain mental and health initiatives to overcome the psychosocial consequences of disasters. Disaster's propensity to dehumanize the majority of population was discerned from the manner they treated the affected people, which could have been a part of the process of marginalization of the poor.

The prevention and management of the psycho-social consequences of disasters are dealt with in a publication of the World Health Organization.¹⁴ Defining a disaster as harsh disturbances ecological and psychological both that greatly exceeds the coping capacity of the affected people, the monograph comprehensively reviews the issues involved in terms of magnitude, dimension, processes and possible interventions. He argues that the concept of disaster has changed over time and varies among different cultures. The monograph also points out that the psychosocial coping depends up on a variety of factors like the ability of victims to adjust psychologically, the capacity of community structures to adapt to crises and the help available to them.

A tropical storm, named Hurricane Katrina, of the magnitude of category 5 advanced towards the New Orleans in Louisiana State of America on August 29, 2005. Under the severe impact of the terrific hurricane, by August 31, two levees broke and sent water coursing down the streets of the Big Easy. An estimated eighty percent of the below sea level city was under water, up to twenty feet deep in places with miles and miles of homes swamped. Later the same day, the levee pump failed and there was a second flood in New Orleans. On September 1, bodies floated through the

streets of New Orleans. Thousands were predicted dead, one million people were estimated to become homeless. Even after one week passed since Hurricane Katrina devastated New Orleans, there was no sign of a coordinated military action to provide relief to the victims. The provisions for shelter, water, food, medical assistance etc. were precarious in the post-disaster period.¹⁵

Once the first warning regarding the impending deluge to hit New Orleans was issued, those who had the money and the means were evacuated. But the poor, the elderly and the infirm were either forced to stay put wherever they were or sought shelter at the New Orleans Super-dome. This Super-dome, once a mighty testament to architecture and ingenuity, turned into the city's biggest storm shelter the day before Katrina's arrival on 29 August. About sixteen thousand people affected by the flood moved in. But within a span of 24 hours, this shelter had turned into a living nightmare. By 2 September, New Orleans was a picture of anarchy.

The post-disaster relief operations in the case of the Hurricane Katrina bore testimony to one of the most pathetic scenes. According to a Los Angeles Times¹⁶ report, a two year old girl slept in a pool of urine. Crack vials littered a rest room while blood-stained walls stood testimony to the disaster, next to vending machines smashed by the teenagers. In these situations, at least two people including a child had been raped by them. Similarly, a man jumped fifty feet to his death saying he had nothing to live for.

The post-disaster phase of the Hurricane Katrina was marked by a feeling among the people that the

disaster was the result of a calculated passive strike on poor and economically disenfranchised ethnic people. Moreover, five days after disaster struck, around ten thousand victims, who on the order of the National Guard Troops, headed towards Crescent City Connection Bridge to wait for buses to be transported out of the area, were kept waiting for three days and nights. They had no food, no water and no medicine for three days till the National Guard drove over the bridge above them, toasting out supplies over the side, crashing down to the ground below. Much of the supplies were destroyed from the drop. But any attempt to flag down the police resulted into being flagged down at gunpoint. Consequently tension ran high, resulting in murder, fights and some dead bodies stored in a freezer in the area.¹⁷

An analysis of the crimes in the post-Hurricane Katrina in New Orleans brings out a typical perspective on the crimes in post-disaster period. Barring the incident of rape which exposes the perverted mindset of the criminal, aided by the favorable ambience at the time, other violent criminal acts like damaging the public property by smashing them, murder, fight resulting into injuries etc. were immediate responses of the sufferers of not only natural disaster but also of governmental apathy evident in the callous attitude towards the relief operations in the post-disaster period. Thus, crimes in the disaster period might be the outcome of the frustration of the victims of the disaster with the post-disaster response of the public agencies and institutions.

An earthquake of the magnitude of 7.6 on the Richter scale shook the areas lying in northern India, Pakistan and

¹⁴ WHO, (1992), *Psychosocial Consequences of Disabilities: Prevention and Management*, MNH, PSF/91.3, Geneva, World Health Organization.

¹⁵ *The Hindu*, Delhi, September 1, 2005, p. 8.

¹⁶ *The Los Angeles Times*, (2005), September 3, p.11.

¹⁷ Shoma, A., (2005), "Hurricane Horrors", in *8th Day: The Sunday Statesman Magazine*, September 25, p. 10.

Afghanistan on 8th October 2005, causing massive loss of life and property. The strongest tremor that took place in a span of 120 years was epicentered at Muzaffarabad, the capital of the Pak- Occupied Kashmir (POK). The resultant losses due to the earthquake were multiplied due to the hilly and harsh terrain of the region. In the wake of the tremor and associated landslides blocked the pathways and uprooted the poles of electricity and telecommunications. Most of the people in the severely affected areas like Uri, Baramulla, Tangdhar, Muzaffarabad etc. crumbled causing death to scores of people under their debris.¹⁸ The rescue operations in the affected areas were hampered by the rough weather and chilling winter conditions prevalent in the region. The army and paramilitary forces, stationed in the areas also suffered heavily. After the initial hitch, rescue and relief operations could be put in place.

The huge devastation caused by the earthquake in Kashmir was met with generous announcements of relief supplies from all parts of the world without any delay. However, the announcements of massive relief supplies did not reach people even after a couple of days leading the people to become relief vigilant. Assuming that relief supplies sent for them was not reaching them, they put up barricades on the main roads to stop and check every vehicle that passed by to find out whether the relief supplies were being smuggled out. In Muzaffarabad, survivors swamped on relief trucks and beat up the delivery workers. The people also contemplated to kill government officials if some were to be found there. These circumstances led the administration to re-direct the police from rescue operations to law and order

maintenance with people scuffling for aid.¹⁹

Another set of crime was reported from the Tangdhar region of Kashmir. The flood of aid entering the Tangdhar Mountains had created new fissures among the communities of the region-communities which until the aid deluge that followed the earthquake had little of worth to fight over. Bitter resentment had developed between the villages close to the major relief centers and those further away; between the affluent who had secured access to aid and those from poorer backgrounds; between families whose members had died and those suffered damage only to property. The resentment ultimately led to fight breaking out between the Sarpanch and his detractors resulting in injuries to three.²⁰

Incidents of criminal activities were also reported from the North West Frontier Province of Pakistan in the post-disaster period of the October 2005 earthquake. It was found that in the chaos of emergency, some relief aid was falling into the wrong hands. In Manshera town of the NWFP, one of the main relief hubs for the province, police had arrested over 350 people for either stealing relief supplies or lining up to receive help more than once. Somewhat similar charges were also made against the government officials for hoarding relief aid.²¹ It was also alleged that some aid was also being allocated on political as well as partisan grounds. In some cases, attempts had also been made by the tribal groups to rob the relief materials. All such incidents not only hampered the relief supplies being provided to the needy people but the tendency on the part of certain people to commit crimes in the post-disaster relief operations.

The floods in Bihar in the Month of September, 2008 have affected around 3.3 million people. An estimated 42 percent were below 18 years which is the most vulnerable group prone to being misled into commercial sex workers and bonded labour by the middlemen on the pretext of providing them help. In fact, wherever the natural calamities of flood, drought or anything come, the children and women are the worst victims. Generally, traffickers target vulnerable children. This has happened in case of flood affected Bihar State also and appeared largely unchecked as authorities were struggling to handle evacuation and relief operations. In addition, crime such as rape, molestation, looting of relief materials, sexual assaults have been reported in the print as well as in the electronic media.

Every disaster leads to mass displacement of the vulnerable groups. Some parents send their children to their relatives in other cities or areas. Some of them go missing or are trafficked for committing crime or for other exploitation purposes. To check the trafficking of children and women is different tasks. It goes unabated since the police are not properly sensitized towards the organized crime of trafficking. Police, especially Railway police need to be sensitized and sufficiently trained to ensure that the traffickers are arrested and children and women should not be victimized.

When we look at the incidents of crimes in the post-disaster period in case of Kashmir earthquake, contrary revelations are made in comparison to the state of things in the case of Hurricane Katrina. While the post-disaster period in case of Hurricane Katrina was marked by total apathy on

¹⁸ *The Times of India, Delhi (2005), October 10, p.9.*

¹⁹ *The Hindustan Times, Delhi (2005), October 13, p. 6.*

²⁰ *The Hindu, Delhi (2005), October 14, p.8.*

²¹ *The Hindustan Times, Delhi (2005), November 3, p.13.*

the part of the government and other public agencies and institutions, thereby instigating people to take law into their own hands; in case of the Kashmir earthquake, it was the mismanagement of the relief materials received which led the people to become restless. Similarly, in the former case, if it was the deficiency of the relief supplies that led the people to indulge into activities like damaging public property, murder and suicides, in the latter case, it was the problem of plenty that made officials complacent in the handling of relief operations thereby incurring public wrath. Thus, while in the case of the Hurricane Katrina, the crimes in post-disaster period were borne out of despair and helplessness amongst the survivors which led them to articulate their annoyance in individual acts of rape, damage to property, murder and violence. In the case of the Kashmir Earthquake, the crimes in the post-disaster period were not committed by an individual but by a group of people reflecting the dissatisfaction of a whole community or a group of people. In other words, the crimes in case of the Hurricane Katrina were individually carried out whereas in case of the Kashmir earthquake it was the community that was in the forefront of committing crimes in the post-disaster period.

ETIOLOGY OF CRIME IN DISASTER SCENARIO

The causal phenomena of the occurrence of the crimes in disaster scenario may be contextualized by taking the congregation of the victims in relief centers as a particular type of social setting in which the deviant behavior of a few people results into criminal acts. In fact, the social situation is made up of those stimuli which have special

relation with each and which operate as a unit. These stimuli sometimes so impinge upon the individual that they result in deviant behavior.²²

A number of studies have been made to evolve theories that can explain the causality of crime which have been classified by Martin and Fitzpatrick²³ into four major streams i.e. theories which seek the cause in the social system; theories that explain crime in terms of the defects in the operating environment; theories which put stress on the role of family; and the theories that relate the causes of crime only in the individual. However as Cyril Bart²⁴ pointed out that crime is not attributable to a single universal source, nor yet to two or three, it springs from an array and usually a multiplicity of alternatives and converging influences. Thus, to David Abrahamsen,²⁵ criminal act of a person is the sum total of a person's criminal tendencies adding up with his total situation, divided by his mental and emotional resistance to temptation.

Certain general causation of the incidents of crimes during disaster can be discerned. In situations, when the response of the agencies in the post-disaster period or during the disaster is not proper and adequate, it results into great frustration in the minds of the people concerned. Coupled with the mammoth scale of destruction, the lukewarm response in the post-disaster period, leads to articulation of the people's hopelessness in suicides, damage to public property and sometimes violent protests on the streets. In other words, the shock and agony of the victims in the post-disaster period put them in a state of nervousness and depressed, which when instigated by the apathy and callous response of the public

authorities, leads to a high degree of frustration.

In general, two perspectives can be evolved on the causation of crimes in the disaster period: community perspective and the individual perspective. The basic underlying theme of the community perspective lies in the general public feeling discriminated and cheated in the aftermath of the disaster as a result of which the move for revengeful acts get into motion. In such cases, people at large feel that the public officials and agencies are not forthcoming to provide them adequate help and care which fosters in them a feeling of depression and revenge. The incidents in the post-Hurricane Katrina in the New Orleans, US, amply prove the point that people in disaffection and disenchantment with authorities look up to various kinds of violent crimes including damaging public properties.

The individualistic perspective on the crime during disaster period and post-disaster period refers to the causation of crime at individual levels. As was evident in the case of the Kashmir earthquake, most of the violent crimes were due to two persuasions – proactive and reactive. The proactive persuasions may be taken as those persuasions which inspired the criminal to take undue advantage of the situations and design and execute plans and programme for committing crime. When the people are in a state of shock and despair, the perverted mindset may lead to a criminal to rape an unsuspecting and helpless woman. Similarly, attempts at robbing and stealing relief supplies from the unsafe storage facilitate another set of crimes which are proactively born in the mind of the culprit.

²² Advani, Nirmala H., (1978), *Perspectives on Adult Crime and Correction*, op. cit., p. 17.

²³ Martin, J. M., and Fitzpatrick, J. P., (1965), *Delinquent Behaviour: A Definition of the Problem*, New York, Random House, p. 42.

²⁴ Burt, Cyril, (1952), *The Young Delinquent*, New York, Appleton, p. 42.

²⁵ Abrahamsen, David, (1960), *The Psychology of Crime*, New York, John Wiley and Sons, p.41.

The reactive persuasion of the crime in the post-disaster period lies in responding to a particular situation. In cases when the relief supplies lie dumped for quite some time without being distributed properly, the people are provoked to loot such Godowns. Similarly, when any kind of irregularity or discrimination is noticed by the people, violent reactions take place in terms causing physical injury to the concerned officials that sometimes lead to death also.

In sum, the etiology of crimes in disaster situations lies not in one but a multiplicity of the functions. Though, most of the times, crimes are committed by the individuals due to their own personal grievance-led frustrations or to take undue advantage of the favorable circumstances, sometimes community as a whole also rises in revolt to inflict harm on the public servants and agencies.

REMEDIAL MEASURES

The analysis of the causes and consequences of the crimes in disaster situations lead us to visualize certain remedial course of actions to ward off the possibility of occurrence of such crimes in such situations. The menace of crimes can be tackled through a three pronged strategy. Firstly, efforts need to be made to eliminate the causes that lead to community-based crimes. Secondly, in order to minimize the individual level crimes, appropriate psychological counseling should be provided with on the one hand and stern deterrent actions should be visualized for those found indulging in deliberate acts of crimes and violence. In disaster period, along with the efforts for relief operations, minimum credible level of law and order should be maintained with the involvement of the civil defence personnel.

At the very outset, the public agencies need to be very careful in organizing the rescue and relief operations in the post-disaster period.

Since the disaster makes no distinction amongst the victims on any ground whatsoever, the resultant impact of the event is thoroughly devastating for all concerned. In such case, the response of the public authorities needs to be uniform without any subjective discrimination among the survivors.

Some times, the discrimination based on the factors like regional considerations, racial factor or the socio-economic profile of the people instigates them to feel depressed, whose reflection is found in the occurrence of crimes. Hence, what is of utmost importance is the just, equitable and non-discriminatory approach in organizing and executing the relief operations in the post-disaster period so that the people may be saved from harboring on the line of community, caste, creed, religion, race or on any other negative things.

In the aftermath of a disaster when devastation is so comprehensive and non-discriminatory, nothing remains for the survivors to pin their hope upon. This situation is characterized by what is known as PSTD marked by a deep sense of grief and hopelessness. This situation leads the people to commit various types of crimes including committing suicides. In this situation, the most effective remedial measure would be to hold psycho-social counseling so that the survivors may be brought out of the state of deep grief and a new vision or perspective of life may be provided to them. Such counseling sessions would, probably, prove to be quite effective in helping the survivors to cope up with the trauma of disaster and carry on a normal life.

In the post-disaster period, when a lot of people tend to suffer from the PSTD, a few unscrupulous individuals are at playing tricks, taking undue advantage of the situation. The schemes of rape, robbery, abduction etc. are likely to be designed and executed by such people. The only way to deal with such errant individuals is to take strict action

against those found indulging in such activities.

Finally, the maintenance of the law and order becomes the first casualty in the disaster period when all efforts are initiated for the rescue and relief operations. Not only the armed forces are asked to shoulder the onerous responsibility of saving lives and providing relief to the people, but even the local police and para-military forces are also pressed into the service of manning the relief operations. In such an eventuality, the field is wide open for the anti-social elements to have a field day and perpetrate various types of the crimes. Hence, in the disaster situation, there is a need to keep a minimum of police and Para-military forces on the law and order maintenance duties. The availability of adequate number of police and Para-military forces may be augmented with the officials of the home guard and civil defense. Thus, pooling of efforts from various quarters may help in averting the causation of crimes during the disaster and the post-disaster period.

The avoidance of crimes is, thus, a package deal whereby both proactive and reactive measures would be required to meet the challenges. The public agencies and the officials would have to maintain an utmost degree of impartiality, equitability and sufficiency of the relief supplies along with the proper management and distribution of the same. At the same time, the people who have lost everything and are suffering from the PSTD syndrome need to be provided with active counseling so that they are brought back to the enticements of the worldly life and thus deviant behaviour on the part of such people may be avoided. An iron hand with those indulging in deliberate acts of crimes along with the minimum required level of the law and order machinery would be the additional endeavour to overcome the menace of crimes in the disaster scenario.

MAN AND THE BEAST

Prof. R Deb

While reading a fairly well written-article about Tigers written by a young lady named Bittu Sahgal, the daughter of an IPS Officer in the Voices section of the Statesman, dated Thursday, the 16th October, 2008, I noticed that she found 'Human Tigers' of the so-called civilized Society more dreadful than the real Tigers in the jungle. I am inclined to agree with this assessment, even though my own uncle Late Sushil Kumar Deb, a co-sharing village Zaminder of the then Dudkura village under Kumarkhali Police-station of present Bangladesh, along with my Late father, met with his end at the hands of a Tiger which he had gone to shoot at the request of his tenants as it had killed a cow.

This untimely death of my uncle about 85 years ago when I was only a boy of about 10, is still very painful to me even now, as he had then married only about eleven months ago and left for the shooting tragedy without even finishing his lunch which he had just started taking then. Though he was rushed to Calcutta by my father and my uncle's father-in-law Raisahib Janaki Nath Roy, Manager of a section of the then Narail Raj Estate (Now in Bangladesh), and a resident of Sitaram Ghosh Street, of the present Amherst Street Post office, Kolkatta who tried his best, he could not save the life of his son-in-law and the latter succumbed to his injuries at the Calcutta Medical College hospital only after two days of

his admission. I am still horrified to recall the ghastly wound which the Tiger, inter-alia, had made at the thigh of my uncle through which we could see the sky through and through from either side of the wound. Even so, I still agree with Bittu Sahgal, that animals do not harm you unless they are threatened or harmed. Here are my experiences to prove the truth of my thesis by events covering a period of about 20 long years at the forest of Mt. Abu, Rajasthan, between 1962 to 1972, where I had gone on deputation to work as the head of the department of Law & Criminology of the then Central Police Training College established by the Ministry of Home Affairs, Government of India for the Training of the directly recruited officers of the Indian Police Service.

CASE NO. 1

A couple of years after my coming on deputation to Mt. Abu in 1962, while my wife and I were once going to Arbuda Devi temple on the top of a hill, we noticed that a tiger was flasting on the body of a calf which it had obviously killed sometime ago. We looked at the tiger which was then about 300 to 400 yards below as in side a gorge, and the tiger too, returned the look, as if to say, place do not disturb me, and then merrily went on devouring the carcass without taking any further notice of us. Was this not a case of co-existence par excellence between the “Man and the Beast”? Though my wife has left me for her heavenly home about 24 years ago. I am still alive to testify to this wonderful fact of co-existence between the Man and the Animal. That more can one really do to maintain God’s ecological balance and make all species on earth Happy and prosperous! .

CASE NO. 2

As at Geneva in Switzerland, Mount Abu in Rajasthan too has a beautiful Lake, named “Naki Lake” around which runs a road encircling the

entire Nakki through which pedestrian, both tourists and locals, take morning and evening walks to tone up their health and enjoy Nature’s Beauty. At one end of the lake, there is an outlet to drain out excess water when the Lake overflows due to heavy rains or otherwise. This excess goes out towards the plains down below through a small canal to which animals sometimes come to quench their thirst. Being newcomers to Abu, my wife and I did not know this fact. Thus, when we were once taking a round of the “Nahki” in one evening, we suddenly heard the roar of a Tiger coming from the side of the canal which we had then almost reached during the course of our walk. Instinctively we retraced our steps and came backwards when we met an old resident of Mt. Abu named Major (Dr.) Michael, who then told us that we did the right thing in coming back as the tiger must have felt disturbed while drinking water from the canal. The Tiger did not attack us but only warned us by roaring so that it could drink water undisturbed, was it not another act of co-existence between the “Man and the Beast”?

CASE NO. 3

The third case appears to be a little more thrilling an experience which almost put my entire family consisting of myself, my wife, minor daughter and the then five year old only son Bapi, whom I have now lost forever due o an act of crude destiny, of being wiped out by a Tiger which stood in an open place in front of Maharaja’s house at Abu, only about 300 yards away from us, even though separated by a ravine. On this occasion too we were going towards that Nakki Lake on foot on a sultry summer evening to enjoy its cool breeze. The tiger looked at us for 2.3 minutes and then proceeded towards the jungle by taking an about –turn and thus permitted us to go to our destination. This tiger’s behavior was almost ideal on this occasion. It only looked at us but did not roar or growl even once, nor did it

try to come towards us by ravine. Does it not appear to be another case of co-existence between the “Man and The Beast”?

CASE NO. 4

The last case that I am now going to mention is not only the most borrowing one, but it really did put me and my family face to face with a huge Tiger, separated from us only by a distance of yards or so from our car in which we were coming up once at midnight from Abu road Railway Station in the plains after seeing off my professor Late Shri Tripurari Chakraborty of Calcutta University, who had then come to talk to the then IPS probationers under training on “Indian History and Culture”. On or upward journey to Mount Abu we had to cross a place in the Hills, about 500 feet or so up from the ground level., known as “Bagh Nala”. This place is called so, as Tigers often come down from the Hills to this place either in the evening or at night to drink water from a ‘Nala’ or canal here between the hillocks, to quench their thirst. On this particular occasion we reached the “Bagh Nala” at about 11.30pm. or so in our station wagon which was then being driven buy our driver Shri Kher Singh. Soon after crossing the said ‘Bagh Nala” this alert Sikh driver suddenly pulled up the brakes, put up the shutters and then drew our attention to a huge Tiger sitting on the outer side parapet wall of the road facing the Nala which was then a little behind our vehicles. As our Head Lights were on we had a full view of the Tiger, this huge animal, perhaps aware of it own strength, did not even bother to close its eyes even once to avoid the glare of the head lights. When this encounter with the beast lasted about five minutes or so, the tiger took a leap on the road just in front of our vehicle and stood there for a couple of minutes. Thereafter, it took another jump and stood on a boulder towards the hill-side of the road and again looked at us for some time. It

then climbed up the hills and vanished into the jungle – was it not yet another act of existence the - “Man and the Beast” ?

At the end, even almost a century, my fate comes to my mind with agonizing

pain. But even then, I cannot hate the Tiger, which I saw at “Bagh Nala”, nor can I hate any other member of that species which might see hereafter. For, did not the huge animal at “Bagh Nala “ give us a message to say “Be Humane and Compassionate; Never Hate, nor

Kill; Be a Person Worthy of Thy Name; for, did not god Create You after His own Image!!”.

SALUTE THE POLICE

THEY REGULATE THE TRAFFIC
THEY MAINTAIN THE LAW AND ORDER
THEY GUARD THE LEADERS
THEY SECURE THE COMMUTERS

SALUTE THE POLICE

THEY TAKE UP THE LAW BREAKERS
THEY PUNISH THE CULPRITS
THEY INVESTIGATE THE CRIMES
THEY GO ROUND FOR PATROLLING

SALUTE THE POLICE

THEY ARE DISCIPLINED
THEY ARE TRUE IN WORDS AND DEEDS
THEY ARE ALERT AND ATTENTIVE
THEY ARE TRUE PATRIOTS

SALUTE THE POLICE

THEIR SERVICES ARE SELFLESS
THEIR SERVICES ARE TO SERVE THE PEOPLE
THEY RENDER SERVICES WITH DEDICATION
THEY ARE READY TO SACRIFY FOR THE STATE

SALUTE THE POLICE

BY

*DR.SOPAN KASINATH
SELECTION GRADE LECTURER
RAILWAY DEGREE COLLEGE
SECUNDERABAD*

movement is also a matter of debate. In crushing the (Chinese) Communist movement in Malayasia the British government had pumped in 4,00,000 troops, where a major role was played by the highly dedicated SAS, who were specially trained before being inducted into Malayasia. In India, one division each of the Indian Army has been positioned in the states of Nagaland, Manipur and Mizoram to fight against the local militant groups at these states. How cost effective such large scale deployment of conventional security forces against small militant groups is anybody's guess.

The biggest challenge faced by police in fighting the Maoists seems to be the lack of actionable intelligence so much so that the CRPF after losing several personnel in Maoist ambushes, have demanded their own intelligence wing. Effective intelligence appears to be the biggest challenge faced by India Police, an overhaul and revamping is called for with better human & technical intelligence.

In fighting the Communist insurgents in Malayasia, the SAS troops were put into rigorous pre induction training where they had to learn the language, terrain and local factors of the Malayan jungles.

In fighting the guerrilla the police personnel must also be like guerrillas, to be able to operate in small or large groups away from the beaten track. Most important they must be able to obtain correct information of Maoist movements from the villagers/ citizens in their area of operations.

In facing the challenge of an militant group such as the Maoists, other political parties in India must play the role of catalyst in bringing administration and development closer to the people, failing which they themselves may be ousted from the theatre in such areas.

The war tactics of the Maoists have been handed down from the practical lessons as well as war science learnt by the Mao and his colleagues in China. In particular, the principles of warfare propounded by Sun Tzu over two thousand years back were studied and picked up by Mao and his People's War had many similarities to the warfare of Sun Tzu. A few examples from Sun Tzu below will illustrate:-

1. "To capture the enemy's army is better than to destroy it." Mao built up his Red Army by accepting large scale defections and surrendered soldiers from the opposite forces.
2. "For there has never been a protracted war from a country has benefited." Mao's troops always went for fast, quick effective attacks and avoided long drawn battles of attrition.
3. "The worst policy is to attack cities. Attack cities only when there is no alternative." This is one of the classic strategies of Maoists, to build up their strength and area of operations in the countryside and establish bases which can be brought under their administrative control.
4. Mao himself wrote "We must not belittle the saying in the book of Sun Wu Tzu, the great military expert of ancient China, Know your enemy and know yourself and you can fight a hundred battles without disaster."
5. Sun Tzu, in describing the enemy, advised "Shape him". The wise general knows the shape of the enemy, but makes sure the enemy does not know the shape of his forces. This appears to be the crux of the battle between the Maoists in India today and the opposing

security/police forces. Deception and diversionary tactics were always a part of Maoist tactics in China and Vietnam which enabled a smaller force to attack the bigger enemy with surprise and without fore-warning.

6. In interpreting Sun Tzu, Mao wrote "In general the shifting of forces should be done secretly and swiftly. Ingenious devices such as making a noise in the east while attacking in the west, appearing now in the south and now in the north, hit and run tactics and night action should be constantly employed to mislead, entice and confuse the enemy."
7. One of the basic principles of the Maoists was (and is) the question of choice of time and place for the battle. Maoists will normally choose the battlefield where the terrain and circumstances including the surprise element are in their favour. A classic example is the recent attack by Maoists on the police complex at Orissa where the police post was over run and a huge cache of arms looted. Looting of arms again was a favoured tactic of Mao in China and has been learnt well by his followers in India.
8. "When ten to the enemy's one, surround him. When five times his strength attack him. If double his strength, divide him. If equally matched you may engage him. If weaker numerically, be capable of withdrawing."
9. Know the enemy and know yourself; in a hundred battles you will never be in peril. When you are ignorant of the enemy but know yourself, your chances of winning and losing are equal. If ignorant of both the

enemy and yourself, you are certain in every battle to be in peril.

In tackling the Maoists on the ground, in India, therefore, there cannot be any cut and dried solution. A few suggestions can perhaps be indicated:-

1. Tactical field / combat intelligence is of the utmost importance.
2. The police forces must be able to concentrate forces and also disperse themselves quickly to meet the enemy activists at different places. The anti Maoist forces must be fast and flexible and must be able to live in small or large groups of the jungles and uninhabited areas. For this survival tactics and jungle warfare training will be required.
3. Identifying and blocking/ capturing the weapons supplies of the Maoists is essential, (of course a hard task).
4. Building up a rapport with the villagers and others staying in Maoist affected areas is a must. So far the efforts in creating armed groups of villages in certain areas seems to be mired in controversy.
5. In Assam the institution of Village Defence Parties was started to act as police helpers in village areas and to enable villagers to perform watch duties. It was highly effective in areas where the district police forces chose to utilize their services.
6. Taking the initiative in strategic and tactical situations by police forces is probably one of the most important essentials in any war/ battle situation. This is emblazoned in the motto one of the best specialist forces in the world ò Who dares, wins.ö

Service Trivia

The hours of darkness have from the very beginning been used by armies to gain tactical surprises. History can quote cases out of number when raiders have sought the sanctuary of the dark to form up and then, just before dawn breaks, rush a garrison and having closed with it take advantage of day-break to seek out and destroy it in detail. On the other hand, an equally rich store of accounts are available when a force used the dim light at dusk to move on to the enemy and take advantage of the ensuing darkness to consolidate their gains and spread confusion in the ranks of the defenders. To guard against such raids, it has become customary for the quarter guard to turn out under arms at the times of "Reveille" and "Retreat".

MEETING THE MAOIST CHALLENGE- POLICE RESPONSE

Shankar Barua

What is Maoism? Is it a typical Communist ideology, is it a call to arms, is it a manual for rural guerrilla warfare? It appears to be all this and much more.

The rise of Mao Tse Tung and his People's Liberation Army in China was the culmination of a series of factors in China.

One was the humiliations faced by the Chinese from the mid 19th century when foreign powers such as UK, USA, and other European countries forced the Qing dynasty to grant them trading concessions.

Second was the grabbing of huge chunks of Chinese territory by Russia and Japan in the 19th century

Third was the all pervading corruption of the Chinese administration where the peasantry bore the brunt of a corrupt and feudal system

From 1926 the Guomindang party and the Communists had allied to drive out the foreigners and warlords from China. Gradually the Communists under the leadership of Mao Tse Tune and Zhou Enlai, Ju Deh and others built up their guerrilla bases and guerrilla areas and by 1949 had thrown both the Japanese occupation army and Chiank Kai Chek out of the Chinese mainland.

One point overlooked by many is the help received by the Chinese Red Army from the Russians. The Russians had played an important role in

defeating the million strong Japanese army in Manchuria in 1945. The Russians handed over to the Chinese Communists huge amounts of captured Japanese military supplies—3700 artillery pieces, 600 tanks, 861 planes apart from many naval vessels(‘Guerrilla warfare & Marxism’—International Publishers- p 27).

The following quotations from Mao Tse Tung clearly illustrate the principles of revolutionary war propounded by him.

Every communist must grasp the truth, “ Political power grows out of the barrel of a gun”

(Mao Tse Tung, in “Problems of War & Strategy”, Nov 6, 1938, Selected Works, Vol II p. 224.)

“War is the continuation of politics and war itself is a political action; since ancient times there has never been a war that did not have a political character...

But war has its own peculiar characteristics and in this sense it cannot be equated with politics in general. War is the continuation of politics by other... means” It can therefore be said that politics is war without bloodshed while war is politics with bloodshed.

(Mao Tse tung in “On protracted war” May 1968, Selected Works Vol II, pp 152-153.)

The seizure of power by armed force, the settlement of the issue by war, is the central task and the highest form of revolution. The Marxist Leninist principle of revolution holds good universally, for China and for all other countries.... Mao Tse tung

According to Marxist theory of the state, the army is the chief component of state power. Whoever wants to seize and retain state power must have a strong army. Some people ridicule us as advocates of the “omnipotence of war.”

Yes, we are advocates of the omnipotence of revolutionary war; that is good, not bad, it is Marxist. The guns of the Russian Communist Party created socialism. We shall create a democratic republic. Experience in the class struggle in the era of imperialism teaches us that it is only by the power of the gun that the working class and the labouring masses can defeat the armed bourgeoisie and landlords; in this sense we may say that only with guns can the whole world be transformed

(Mao Tse Tung in “Problems of War and Strategy” Nov 6, 1938 Selected Works, Vol II p 223.)

The revolutionary war is a war of the masses; it can be waged only by mobilizing the masses and relying on them.

Mao Tse Tung in “Be concerned with well being of the masses, pay attention to methods of work” Jan 7, 1934 Selected Works, Vol I 1 p 147

OUR PRINCIPLES OF OPERATION ARE:-

1. Attack dispersed, isolated enemy forces first; attack concentrated, strong enemy forces later
2. Take small and medium cities and extensive rural areas first; take big cities later.
3. Make wiping out the enemy's effective strength our main objective; do not make holding or seizing a city or place our main objective. Holding or seizing a city or place is the outcome of wiping out the enemy's effective strength, and often a city or place can be held or seized for good only after it has changed hands a number of times.
4. In every battle, concentrate an absolutely superior force (two, three, four and sometimes even five or six times the enemy's strength), encircle the enemy forces completely, strive to wipe

them out thoroughly and do not let any escape from the net. In special circumstances use the method of dealing the enemy crushing blows, that is, concentrate all our strength to make a frontal attack and an attack on one or both his flanks, with the aim of wiping out one part and routing another so that our army can swiftly move its troops to smash other enemy forces. Strive to avoid battles of attrition in which we lose more than we gain or only break even. In this way, although inferior as a whole, (in terms of numbers) we shall be absolutely superior in every part and every specific campaign, and this ensures victory in the campaign. As time goes on, we shall become superior as a whole and eventually wipe out the enemy.

5. Fight no battle unprepared, fight no battle you are not sure of winning; make every effort to be well prepared for each battle, make every effort to ensure victory in the given set of conditions as between the enemy and ourselves.
6. Give full play to our style of fighting—courage in battle, no fear of sacrifice, no fear of fatigue, and continuous fighting (that is fighting successive battles in a short time without rest).
7. Strive to wipe out the enemy when he is on the move. At the same time, pay attention to the tactics of positional attack and capture enemy fortified points and cities.
8. With regard to attacking cities, resolutely seize all enemy fortified points and cities which are weakly defended. At opportune moments, seize all enemy fortified points and cities defended with moderate strength, provided circumstances permit. As for all strongly defended enemy fortified points and cities, wait till conditions are ripe and then take them.

9. Replenish our strength with all the arms and most of the personnel captured from the enemy. Our army's main sources of manpower and material are at the front.
10. Make good use of the intervals between campaigns to rest, train and consolidate our troops. Periods of rest, training and consolidation should not in general be very long, and the enemy should so far as possible be permitted no breathing space.

These are the main methods the People's Liberation Army has employed in defeating Chiang Kai Shek. They are the result of tempering of the People's Liberation Army in long years of fighting against domestic and foreign enemies and are completely suited to our present situation.... Our strategy and tactics are based on a people's war; no army opposed to the people can use our strategy and tactics.

(Mao Tse Tung in "The present situation and our tasks" Dec 25, 1947 .. Selected Military Writings, 2nd Ed p 349-50.)

Without preparedness superiority is not real superiority and there can be no initiative either. Having grasped this point, a force which is inferior but prepared can often defeat a superior enemy by surprise attack.

(Mao Tse Tung in .. "On Protracted War" May 1938 Selected Works, Vol II p 165-66.)

The Chinese Red Army is an armed body for carrying out the political tasks of the revolution. Especially at present, the Red Army should certainly not confine itself to fighting; besides fighting to destroy the enemy's military strength, it should shoulder such important tasks as doing propaganda among the masses, organizing the masses, arming them, helping them to establish revolutionary political power and setting up Party organizations. The

Red Army fights not merely for the sake of fighting but in order to conduct propaganda among the masses, organize them, arm them, and help them to establish revolutionary political power. Without these objectives, fighting loses its meaning and the Red Army loses the reason for its existence.

(Mao Tse Tung.. in "On correcting mistaken ideas in the Party" Dec 1929. Selected Works Vol I p 106)

Our principle is that the Party commands the gun, and the gun must never be allowed to command the Party.

(Mao Tse Tung in .. "Problems of War & Strategy" Nov 6, 1938 Selected Works Vol II p 114)

It is probable that Mao and his generals had learnt many of the principles of warfare listed by the ancient Chinese tactician Sun Tzu. For example the following slogan given by Mao is based on Sun Tzu's writings:-

1. When the enemy advances, we retreat !
2. When the enemy halts, we harass !
3. When the enemy seeks to avoid battle, we attack!
4. When the enemy retreats, we pursue!

The basic strategy of Mao in China was to "liberate" the country side , build up his armed forces and then take over the cities and towns.

In India, the Maoists who are active in many states are also concentrated in the rural and jungle areas where the presence of administration is thin—particularly the strength of police and para military.

In these areas the Indian Maoists have set up their peoples courts and collect funds(taxes) from persons who are forced to pay from their profits—

such as forest contractors and others. They also mete out brutal punishment to their enemies (landlords & others) the normal punishment is death. The Maoists often attack police posts to loot weapons and ambush police and security forces with sophisticated firearms and explosives.

Given the huge size of India in territory it is easy for armed groups of Maoists to conceal themselves in the countryside and set up secret organizations. It is the propaganda and secret organizing tactics of the Maoists which is alarming in India today, as it was in China between 1926 till 1949. This is more so as one of the mottos of the Chinese Communists was and is – is to export their brand of Marxism Leninism. This they have successfully done in Nepal with devastating effect Maoism or Naxalism in India had started in the mid sixties with the famous Naxalbari movement led by Jangal Santhal & Charu Mazumdar. This Naxalite movement amongst the urban youth in West Bengal could be successfully put down by the Police in the 1970's as it was mainly an urban movement.

However the Naxalite movement after all these years has again sprung up in a big way in several states, prompting even the Prime Minister to declare it as a national level security challenge.

To stem the growth of such armed groups, what is the prognosis as far as police is concerned? Can the police forces prevent the disillusioned youth of the villages from joining the Maoists? Can the police do anything about the poor living conditions of millions of villagers in India?

Unless there is economic development there will always be a large section of unhappy and alienated people in the villages and towns .

How much of state resources can be deployed against the Maoist

movement is also a matter of debate. In crushing the (Chinese) Communist movement in Malayasia the British government had pumped in 4,00,000 troops, where a major role was played by the highly dedicated SAS, who were specially trained before being inducted into Malayasia. In India, one division each of the Indian Army has been positioned in the states of Nagaland, Manipur and Mizoram—to fight against the local militant groups at these states. How cost effective such large scale deployment of conventional security forces against small militant groups is anybody's guess.

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MAINSTREAMING OF WOMEN IN POLICE

Smt. Anupam Kulshreshtha

CONSTITUTIONAL EMPOWERMENT

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution also empowers the State to adopt measures of positive discrimination in favour of women. The National Policy for Empowerment of Women (2001) also includes the objective of equal access to participation and decision-making of women in social, political and economic life of the Nation and mainstreaming a gender perspective in the development process.

WHAT IS MAINSTREAMING?

2. Mainstreaming involves ensuring that goal of gender equality are central to all activities, whether, development, research, advocacy, dialogue, legislation, resource allocation, planning, implementation, decision-making and monitoring of various activities.

3. The First National Conference for Women in Police was jointly organized by the British Council India & BPR&D with Delhi Police as host partner in 2002 and the Second National Conference for women in Police was held in Mussourie in 2005, both

recommended provisions aimed to provide women to be mainstreamed into the police organization. *Mainstreaming would mean upgrading the delivery of police services, as women are competent to perform core functions.*

NUMERICAL MAINSTREAMING

4. Mainstreaming of Women in Police in terms of numbers is still a utopian dream. The critical mass recommended is at least 1/3rd of the original strength, whereas it is much less in India. As was indicated by Ms. Jaya Indiresan in a study of a survey conducted that 'mainstreaming does not mean mere tokenism, where a few women are in the forefront in high profile jobs but a genuinely level playing field for the general weight of women in law enforcement. Gender Audit & Gender Budgeting as mentioned would enable assessment of various areas and aspects of police organization with regard to equity, opportunity and expenditure to women and police.

Hence, the number of women recruited in police, though it has been increasing has yet to be augmented manifold to attain that critical mass within the organization.

As of now, even though some states have a representation policy for women. There is no apparent strategy/ uniformity regarding recruitment, training, work distribution, promotion, posting, welfare, etc. Madhya Pradesh, Orissa, Andhra Pradesh, have reservation policy, ranging from 10 to 33% but they apply that to fill only new or annual resultant vacancies. *Tamil Nadu and Maharashtra too have reservation policies. Infact tamil nadu has been able to achieve about 11-12% out of the 33%.*

ENVIRONMENTAL MAINSTREAMING

5. Environment in the Police needs to be made more conducive and

congenial to encourage women of caliber and potential to choose police as a career. Police, Para-military and Armed force organizations require high degree of individual commitment and have powerful organization cultures that are resistant to change. Hence, the small numbers of women that exist have to succumb to the dominant culture or shy away from demanding duties or are marginalized into 'soft jobs'. *Also there is marginalization of jobs that are so called women's job.*

6. Trends are changing, yet there are challenges existing. Breaking job and duty gender stereotypes within the police department and revolutionizing thinking is required more effectively. Even posting suitably trained male police officers in the so called softer posts is a step towards organization change and thus would prevent marginalization of women.

SOCIALIZATION VS. MAINSTREAMING

7. There are also some inherent social factors that pose challenges to Gender mainstreaming of women in police. It is a male dominated society and gender discrimination and bias still persists. Women are assaulted with negative feedback which results in low esteem. The stereotype that exists in society does not endorse women who are independent and powerful even though the same may be well-liked in men. This holds back women from being assertive and demands their due place in their career; many opt out and make a mindful decision not to compete in hierarchies. The way the girl child is socialized in relation to the boy child differs, setting different standards for men and women. *Innuendo and slander are often used as weapons against ambitious and successful women.*

LINKAGES WITH OVERALL MAINSTREAMING

8. Mainstreaming of women in

police also has linkages to mainstreaming of women in all other walks of life.

INFRASTRUCTURE AND MAINSTREAMING

- v Long hours of duty
- v Problems of toilets
- v Absence of Crèches and backup at home
- v A study conducted in Tamil Nadu reveals that the women in police due to poor infrastructural facilities (toilets) consume less water thereby leading to health problems.

CAREER COUNSELLING AND MAINSTREAMING

9. The number of women police as envisaged for the year 2007 was 10%. It has yet to be achieved. Even though at the infrastructural level, there may be some perceptible shift for good in ground realities yet it is not universal and attitudinally and in mindsets mainstreaming of women has yet to percolate laterally, and vertically. Women have yet to be mainstreamed into leadership roles across the rank and file. The male bosses have yet to develop that faith in their competence and develop that ability to give them lead roles. Also there is a positive co-relationship between harassment in job and quitting the job.

10. Mainstreaming also means grooming and mentoring the women in the organizational fold and not just sensitizing men. There has been an effort on this front, visibly in this conference itself, where younger officers are being encouraged and groomed to assess, introspect and articulate the needs and aspirations of women in the organization. The mainstreaming of women has to begin right from her inception into the career. Otherwise, the organization may doubt her competence in a core area at a crucial point of her

career. Even she may not feel very confident. There could also be ambiguity of role, settling down with mediocrity, marital problems and tendencies to quit job if not groomed initially.

CAREER PLANNING AND MAINSTREAMING

11. Mainstreaming when coupled with grooming and a say of women in Career Growth Management and Planning would even enable to productively employ the underutilized women force. Transparency of resources the deployment and mainstreaming of women in the decision-making process would be an important factor.

MAINSTREAMING THROUGH PERFORMANCE ENHANCEMENT

12. Instead of restricting their role to investigating only the cases of rape, dowry death, harassment, molestation and bandobust duty, they could be allotted general duties. *Infact even these investigations they hardly get.* The performance of women in police could be improved and they could even enhance their image by improving their investigative skills, early charge-sheeting of cases, enriching legal knowledge and effective follow-up in cases pending in courts, join specialized training as Commandos, have better mobility and self-independence. Societal expectations from women police on women's issues are far more than from men. There are certain innate qualities of women like humane treatment of victims of violence, detection of cyber crime, where women can be mainstreamed without depriving them the opportunity of being mainstreamed into core operational and policing areas.

MAINSTREAMING THROUGH LIFE STAGES

13. The mainstreaming of women should coincide with the stages of their life cycle so that the years when they may not be able to perform mainstream

roles, they still can be productively utilized and perform fruitfully.

MOTIVATION AND MAINSTREAMING

14. Changes have begun to show. As a confidence building measure, the National Police Academy has now two new Trophies exclusively instituted for women IPS officer trainees. The Best Lady IPS Probationer Trophy instituted by the 1973 Batch and the Best Lady IPS Probationer in Outdoors by 1958 Batch of IPS officers.

Also, the National Police Academy hosted the Conference of Women IPS Officers on the Role of Women in Police to the Emerging Challenges to Internal Security. It was a unique effort to provide a forum to Women in Police to reiterate the need to mainstream Women in core policing jobs like Internal Security, as they are trained by common standards and have the same skills. It was also an occasion to salute and celebrate their successes and share and recognize their contributions and experiences, which they have been making towards internal security.

ENCOURAGING REALITIES

15. The experience shows that mainstreaming of women in police is better at officer level than at the level of constables. Many of the guards are being manned by women PCs. Certain difficulties have been experienced while women police companies have been deployed in Law and Order situations to handle violent mobs. It will take a while for them to come to Taluk Police and then only the real test of mainstreaming of women at PC level will arise. The experience is extremely encouraging and the WSIs are doing very good work. At the level of Inspectors, posting of women inspectors has yet to take off. Many of the women DSPs/ASPs have handled their sub-divisions very well and the gender is not an issue while giving them

a posting. For SPs and above also, it is not the gender but individual capability which appears to be the norm in deciding the postings. Presently, in Tamil Nadu four district SPs are women. During 2007-2008, in Coimbatore Range, the DIG and two of the three district SPs were women. In Chennai city, during 2006-2007, the Commissioner of Police and five of DCs (Law and Order) were women.

CHANGING PARADIGMS

v The general feeling of doubt as to what women police can achieve is now undergoing a revision of opinion especially among their Colleagues and Sub-ordinates.

- v The Public is also placing more confidence in these women officers.
- v Likewise Senior officers are able to see more worth in their performance.
- v They are able to satisfactorily fulfill both roles as wife, mother and officer on duty, unlike their male counterparts.
- v The traditional view that only male police officers can perform is now being challenged as women officers are able to equally perform.
- v *It would be of interest to know how subordinates look at women*

MAINSTREAMING IN NEW VISTAS OF POLICING

16. The most sterling appreciation women in police have brought is in the UN Peace Keeping Missions off late. A gender balance in the Mission makes a difference. It improves access to the local population; it increases the range of skills, approaches and perspectives within the mission and thus makes it more effective in peace building and conflict resolution.

India's landmark decision to send 125 female police officers, one complete specialized unit, to assist UN Peace Keeping operations in Liberia is an unprecedented move that sends a message not only to other post-conflict countries about the importance of having women officers, but also to police contributing nations. Contingent Commander, Rakhi Sahi also said that this was a perfect example of mainstreaming.

PROFESSIONALISM-THE KEY TO MAINSTREAMING

17. The need of the hour for women in police is to aim to attain professional excellence. That would automatically beat the gender stereotypes. Proper training, grooming and mentoring, is required. Stress on team playing is important. Empowered thus they should be stakeholders in power and decision-making and career planning and management.

NEED FOR CONSCIOUS POSITIVE REINFORCEMENTS

18. All training should aim at not only sensitizing men and women, how to be comfortable working with each

other, teaching them appropriate ways of behaving with women etc. Training institutions must have women trainers. Male bosses should also help women in police to attain their self-actualization need as Maslow says. The role of media/cinema has to be more proactive in showing positive images of acts of valor, expertise, etc., of women in police. Statements and gestures by Chiefs of Police should make it clear that getting police women into mainstream is one of the top priorities. *Mindsets of senior police officers should not be obstacles to mainstreaming. Mainstreaming of women should be one of the duties of an effective leader.*

STUNNING PERFORMANCES

19. Even though mainstreaming of all women in police is yet a distant dream, women have performed brilliantly in the lead role as DGP, like Smt. Kanchan Chowdhury, as Commandos and Operations-in-charge like Smt. Kiran Bedi who was the Civilian Police Advisor in the (UNPKO) heading 6,772 police officers from 91 countries in 17 missions world wide. The 5th Bn., of Tamil Nadu Special Police was the world's first all female battalion. But even more amazing among them are (TSP women) the TSP

commando having training including classes on terrorisms, Guerilla tactics and Gender sensitizing programs. The capsule also includes 440 miles (3 day foot race). What is regarded as impossible for woman can be achieved despite the initial criticism and lack of confidence in them stands true as a story of G. Bathurunnisa Begum, who was selected as a Sub-Inspector of Police in the year 1999.

While welcoming women to perform all tasks that men are doing in Police, *let us not stretch it too far.* Mainstreaming is not so much about doing everything that a man in Police does but about getting equal opportunities to do the job based on capability without any discrimination due to gender. *Suitable conditions can be created and women can perform any task. If women extremists can function in jungles why not women in police patrol and fight them.* The emerging trends are quite encouraging and the future holds a bright promise for women in Police.

Its miles to go before we achieve the target, even as we witness encouraging trends í ..

Service Trivia

It has long since been an established custom to decorate uniforms with small features of dress which are survivals of an old order long since obsolete. The custom of wearing sashes originated when it was worn for the purpose of carrying a wounded soldier off the field of battle. In later years it developed into a sign of rank and various multi-coloured sashes were to be seen. In the later half of the last century all sashes were ordered to be red as the colours ran into one another in the multi-coloured sashes. During World War II, the wearing of sashes was held in abeyance. It was re-introduced in 1947.