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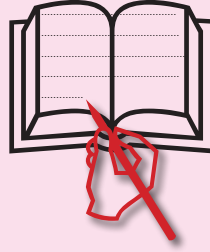
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संपादकीय



Police in India: Reforms and Employment Status

Dr. (Ms.) Gurpreet Randhawa* & Ms. Komal Narang**

Keywords

Police, Reforms, Employment Status.

Abstract

In the community, social and personal services, policing is one of the most complicated social service activities (Baker and Dolu, 2010). It is frequently portrayed as excessively demanding, unpredictable, potentially dangerous and often conflictual (Dick and Cassell, 2004). The police system in India is based on the Police Act of 1861. To bring out reforms in the police system, several committees were set up by the government of India from time to time. In this regard, the present paper attempts to review the reforms initiated by the government for the growth and development of police in India. Further, the paper also examines the employment status of police in India.

Introduction

According to Census of 2011, India is the second largest country in the world in terms of population (1.21 billion) after China (1.34 billion). It is the seventh largest federation by area (3,287,263 km) composed of 28 states, 7 union territories, 640 districts, 5924 sub-

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districts, 7935 towns and 640867 villages¹. The Indian economy is the world's third largest in terms of purchasing power parity (US \$ 4515 billion)². In short, India is a federal, democratic and an active civil society of the world (Randhawa and Narang, 2013) where economic liberalisation played a very important role. The process of economic liberalisation in India was initiated with the objective of accelerating the pace of economic growth and eradication of poverty in the late 1970s but the process began in earnest only in July 1991. The Congress Government under the headship of Shri P.V. NarasimhaRao started reforms, on 24 July, 1991. The impact of these reforms may be gauged from the fact that the annual growth in gross domestic product has been accelerated from 1.4 percent in 1991-92 to 9.3 percent in 2010-11 and 6.2 percent in 2011-12³, the total foreign investment in India grew from US \$ 132 million in 1991-92 to US \$ 280412 million as on December 2012⁴. In the sector wise annual growth, agriculture and forestry sector has raised from -1.4 percent in 1991-92 to 7.5 percent in 2010-11, manufacturing and construction sector has increased from -0.1 percent in 1991-92 to 9.5 percent in 2010-11, and community, social and personal services has grew from 2.6 percent in 1991-92 to 4.3 percent in 2010-11⁵. During the last 20 years, average annual growth of agriculture and forestry sector was 3.17 percent, manufacturing and construction sector was 7.16 percent while community, social and personal services was 6.53 percent.

In community, social and personal services, policing is one of

¹ www.censusindia.gov.in

² www.indexmundi.com. Available online at: <http://www.indexmundi.com/g/g.aspx?c=in&v=65>.

³ Economic Survey, 2012–13, Statistical Appendix, Table 1.4, p. A-07 (New Delhi: Ministry of Finance, Govt. of India, 2012). Available online at: www.indiabudget.nic.in/es2012-13/estat1.pdf.

⁴ FDI Statistics, Available online at: http://dipp.nic.in/English/Publications/FDI_Statistics/2012/india_FDI_Decemder2012.pdf.

⁵ Economic Survey, 2012–13, Statistical Appendix, Table 1.4, p. A-07 (New Delhi: Ministry of Finance, Govt. of India, 2012). Available online at: www.indiabudget.nic.in/es2012-13/estat1.pdf.

the most complicated social service activities; made more so by the general population's increasing fear of crime and expanding demands of service from police organisations (Buker and Dolu, 2010). It is frequently portrayed as excessively demanding, unpredictable, potentially dangerous and often conflictual (Dick and Cassell, 2004).

The police system in India is based on the Police Act of 1861. Ever since the Police Act was enacted, there have been few reforms in the police system in India. Various inefficiencies were also identified in the police system of India like inadequate hiring of police personnel, inadequate training facilities, inadequate availability of technical facilities, inadequate availability of equipments and other vital resources. To identify and remove the inefficiencies and bring out the necessary reforms in police system in India, several committees were set up by the Indian government at different times.

In this regard, the present paper attempts to review the various reforms initiated by the government from time to time, for the growth and development of police in India. Further, the paper also examines the employment status of police in India. In order to fulfill its main objectives the present paper has been divided into three main sections. Section I describes in detail the major reforms in the police system in India. Section II presents the employment status of police in India. Section III presents the conclusions and suggestions. The paper is based on the secondary sources of data. The data has been collected from various sources, namely, various issues of Economic Survey of India, various publications of Government of India, various reports issued by the Bureau of Police Research and Development and the National Crime Records Bureau and the Ministry of Home Affairs.

Section I

Major Police Reforms in India

By the time India attained independence in 1947; the police administration had developed as one of the best systems in India. Article 246 of the Constitution of India places the police, public

order, courts, prisons and other allied institutions in the list of the State. It designates that police administration is a state responsibility. The state government frames rules and regulations that govern each state's police force. This does not, however, minimise the role of central government in police administration. The role of central government is related to making laws for police administration and to do amendments to the basic police laws.

In order to organise, activate and develop an effective system of administration (Shah, 1999) the first police commission was set up on 17th August, 1860. The main objective of the commission was to devise a system of policing, based on the considerations of increased efficiency and diminished expense. The draft Act was submitted on 8th September, 1860 which was promulgated as the Police Act (v) of 1861 (Nadeem, 1989). The Act paid greater attention to the structure of the force and did not lay down any new standards of recruitment, training and compensation⁶. Then, in 1902, the second police commission under the headship of A.H.L.Fraser (known as Fraser Commission) was formed to address some basic structural modalities of policing system and to look into the need of reforms in the police in India. However, the current Indian police system is still based on the Police Act of 1861. The Police Act of 1861 was formed to govern the working and organisational structure of state police forces.

The police are the government organisation, responsible for maintaining law and order, security, peace and for protecting the general public from harm in almost all the civil societies of the world. The main functions of police in India are the prevention of crime, maintenance of public order, enforce law and order in the country, protect the citizens and safeguard their property. In short, it caters to the basic needs of the society like protection, preservation, integration, unity, growth, development and progress. However,

⁶ Need of the Hour: Police Reforms (2007), Vol. 2, No. 1, p 1-7, Report published by Observer Research Foundation, New Delhi, Vol. 2, No. 1. Available online at: www.orfonline.org.

with the change in the economic, social and political environment of the society, the requirements and needs of the society have changed. The process of growth and development has increased the incidences of crime. Table 1 presents the data revealing the trends of some major crimes in India over the years.

Table 1
Trends of Some Major Crimes in India over the Years

Year	Crimes under IPC	Murder	Rape	Kidnapping & Abduction	Robbery	Theft	Cheating	Criminal breach of trust	Total
1991	16,78,375	39174	10410	20079	26428	362928	27466	17495	2182355
2011	23,25,575	34,305	24,205	44,664	24,700	340800	87656	17457	2899362
Change	38.56%	(12.43%)	132.52%	122.44%	(6.54%)	(6.09%)	219.14%	(0.22%)	32.86%

Source: Data compiled from the *Crime in India Statistics* reports issued by the National Crime Records Bureau (NCRB), Ministry of Home Affairs, Govt. of India, during 1991–2011.

Note: Data in parenthesis shows the negative growth rate

Table 1 shows that crime under Indian Penal Code (IPC), rape, kidnapping and abduction and cheating has been increased by 38.56%, 132.52%, 122.44% and 219.14%, respectively, during the last 20 years. The rate of murder, robbery, theft and criminal breach of trust has decreased by 12.43%, 6.54%, 6.09% and 0.22%, respectively. Overall, as the table shows, crime rate in India has increased by 32.86 % during the last 20 years.

Due to rising crime rate in the country, the priorities, roles, duties and functions of the police in India have also changed. Today's society rightfully expects quality service from police officers. Officers are expected to be able to communicate effectively, display compassion and always treat citizens with respect (Miller et al, 2009). Thus, suitable and prompt reforms are required to change the obsolete and outdated organizational system of police. The police reforms are also needed to improve and strengthen the administrative and structural aspect of the organisation. The appointment of the Working Group on Police by the Administrative Reforms Commission in 1966 was the first sign of central government's interest in this particular

subject⁷. Since 1971, several attempts have been made to bring reforms in the Indian police system both at state level and at central level. To achieve this objective a number of commissions and committees have been set up by the central government from time to time. Table 2 presents some of these major police reforms committees in India.

Table 2

Sr No	Major Reform Committees (Year)	Recommendations	Objectives of the Committees
1	Gore Committee (1971-73)	186	To examine the police training system from constabulary level to IPS level.
2	National Police Commission (NPC) (1977-82)	291	To examine the pay structure, housing facilities, career planning, welfare of police personnel, corruption, modernisation, village police, women police, organisation and structure of state and civil police, their accountability and performance.
3	Ribeiro Committee (1998)	05	To examine the process of state security, selection of Director General of Police and complaints against the police.
4	Padmanabhaiah Committee (2000)	99	To examine the recruitment process, training, duties and responsibilities of police.
5	Group of Ministers on National Security (2000-01)	62	To examine the major issues like the intelligence system, the internal security, the border management and the defence management.
6	Malimath Committee on Criminal Justice System (2001-03)	158	To examine the principles of the criminal justice system, investigation, prosecution, judiciary, crime and punishment.
7	Review Committee (2004)	49	To review the recommendations given by the previous committees set up for police reforms.
8	Police Act Drafting Committee (PADC) (2005-06)	38	To draft a new model police bill to replace the colonial Police Act, 1861.

⁷ Report titled as "The Padmanabhaiah Committee on Police Reforms- A Critical Analysis of Some Important Recommendations", Available online at: http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/analysis_padmanabhaiah.pdf, p 1.

Some of the Major Police Reforms Committees in India

1) Gore Committee (1971-1973)

The Gore committee was set up in 1971 to review the police training system in the state police force from constabulary level to IPS level. The committee made total 186 recommendations out of which only 45 were related to the police reforms. Most of the reforms relating to police training system have been implemented. According to the report issued by the Bureau of Police Research and Development (BPRD) (as on 01-01-2012), there were total 215 police training institutes at different states and union territories and 69 police training institutes at central level established during last 20 years⁸. These training institutes were opened to provide basic police training to new recruits and in-service training to the working police personnel. The budgeted amount of expenditure on training of police personnel has also shown an immense growth. The following table shows the growth in budgeted amount of police training expenditure during last 10 years.

Table 3
Budgeted Amount of Training Expenditure of States/ UTs
Police Force in India

(Rs in Crores as on 31st March each year)

Year	Budgeted Amount of Expenditure	Growth Rate (%)
2001-02	182	-----
2002-03	203	11.54
2003-04	196	(3.57)
2004-05	234	19.39
2005-06	248	5.98
2006-07	273	10.08
2007-08	413	51.28
2008-09	366	(11.38)
2009-10	481	31.43
2010-11	709	47.40
2011-12	912	28.63

Source: Annual reports on Data on Police Organizations in India published by BPRD, Ministry of Home Affairs, Government of India. (Years consulted: 2001 to 2012).

Note: Data in parentheses shows the negative growth rate.

⁸ Reports on Data on Police Organizations in India (2012) published by BPRD, Ministry of Home Affairs, Government of India, chapter 5, p 82.

Data in the table 3 shows that except the years, 2003-04 and 2008-09; rest all the other years show an increase in the budgeted amount of training expenditure. Although there is growth in budgeted amount of training expenditure over the years but still there is a need of more investment in it.

2) National Police Commission (1977-1982)

The National Police Commission (NPC) was set up in 1977 to examine the entire system and working of the police organisation in India. The Commission submitted eight reports with 291 recommendations on police reforms and also recommended a Model Police Act. These reports focussed on the issues relating to working and living conditions of the constabulary, role, duties, powers and responsibilities of the police, their pay structure, housing facilities, and their career planning, welfare of police families, corruption in the police, modernisation in the police, village police, women police, organisation and structure of state and civil police, their accountability and performance. The reports also focussed on the issues relating to criminal investigation, social legislation, police leadership, IPS training, handling of communal riots, performance appraisal, discipline and control of police. The major recommendations of the commission were regarding the selection of the head of the State Police Force and providing him with a fixed tenure, the replacement of the Police Act of 1861 by a new Police Act and to enlarge the role of the police in the country. None of these major recommendations of this commission were adopted by any government and the reports became the victims of politicisation.

But, when the recommendations of the NPC were not implemented, then in 1996, a petition by Shri Prakash Singh (a retired IPS officer) was filed (Prakash Singh v. Union of India) before the Supreme Court requesting to frame a new Police Act. On September 2005, the Supreme Court gave few directives to provide practical mechanisms to initiate the police reforms in all the states of India. Some of these important directives are as follows:

- To constitute a State Security Commission (SSC) to ensure that the state government does not exercise unwarranted pressure

on the state police and to evaluate the performance of the state police.

- To ensure that Director General of Police will be appointed through merit based transparent process and secure a minimum tenure of two years.
- To ensure that police officers on operational duties are also provided a minimum tenure of 2 years.
- To set up a board called as Police Establishment Board (PEB) to decide about transfers, postings, promotions and other services related matters of police personnel.
- To set up a Police Complaints Authority (PCA) at state level to enquire into public complaints against police officers.
- To set up a National Security Commission (NSC) at the central level to prepare a panel for selection and placement of chiefs of the Central Police Organisations (CPO) with a minimum tenure of 2 years.

3) Ribeiro Committee (1998)

This committee was set up in 1998 on the order of the Supreme Court under the headship of former Director General of Police of Punjab, Mr Julius Ribeiro. The committee proposed five major recommendations focusing on the selection of Director General of Police (DGP) and suggested the creation of board to decide on the matters relating to transfers, promotions, rewards, punishments, suspensions and all service related matters of officers of and below the rank of Deputy Superintendent of Police. The committee also finalised the recommendations relating to the establishment of State Security Commission. The recommendations made by this committee have not been yet implemented.

4) Padmanabhaiah Committee (2000)

The Padmanabhaiah committee was formed by the Ministry of Home Affairs under the chairmanship of Shri Kantipudi Padmanabhaiah in January 2000. The committee was formed to examine the recruitment process of police personnel, their training, duties and

responsibilities. The main focus of the committee was on police accountability and police control over the crime. The committee also recognised the increasing trend of politicisation and criminalisation of police force in India. To reduce the criminalisation of police force in India, the committee gave total 99 actionable recommendations. Some of the important recommendations were as follows:

- To raise the status of constabulary staff and improve their standard of living.
- To prepare a new code of conduct for the police.
- To file property returns by the police officers.
- To improve the accessibility of police officers to the public.
- To review the record of arrests made by the police station staff.
- To draft a new model police bill to replace the Police Act of 1861.

5) Group of Ministers (GOM) on National Security (2000 – 01)

This group gave recommendations on major issues like the intelligence system, the internal security, the border management and the defence management. The GOM under the Chairmanship of Shri Lal Krishan Advani included the defence minister, the external affairs minister, the finance minister, the national security adviser, the cabinet secretary, the police and the intelligence chiefs and various political players. The group gave total 62 recommendations on the matters relating to nuclear missile, cyber-information, technological innovation, international terrorism, and low intensity conflict and proxy war.⁹

6) Malimath Committee on Criminal Justice System (2001- 03)

The Malimath Committee gave total 158 major recommendations on the issues like the principles of the criminal justice system,

⁹ Group of Ministers Report on “Reforming the National Security System” Available online at: <http://pib.nic.in/archieve/lreleeng/lyr2001/rmay2001/23052001/r2305200110.html>

investigation, prosecution, judiciary, crime and punishment. The major recommendation of this committee was 'The Right to Silence'. It is a fundamental right guaranteed to the citizen under Article 20(3) of the Constitution which says that no person accused of any offence shall be compelled to be a witness against himself.¹⁰ The committee also recommended that the victim should get the right to participate in criminal trials himself. All the recommendations suggested by this committee were with an objective of regaining the lost public confidence.

7) Review Committee (2004)

At the end of 2004, the Ministry of Home Affairs appointed a new committee with an objective of reviewing the recommendations given by the previous committees set up for police reforms. The main function of committee was to review the recommendations which have not been implemented or have been implemented only partially and to recommend the present course of action on such recommendations. The Committee gave a total 49 recommendations on police reforms. The main focus of these recommendations was on transforming the police into a professionally competent and service oriented organisation. It was the result of the recommendations of this committee, the Model Police Act, 2006 was drafted and sent to the State Governments with the request to frame new State Police Act or amend their existing State Police Act. On the basis of these recommendations, 13 state governments (i.e. Assam, Bihar, Chhattisgarh, Haryana, Himachal Pradesh, Kerala, Meghalaya, Mizoram, Punjab, Rajasthan, Sikkim, Tripura and Uttarakhand) took initiative and formulated their State Police Acts and 2 State Governments i.e. Gujarat and Karnataka amended their existing Police Acts.

8) Police Act Drafting Committee (PADC) (2005-06)

The PADC, under the chairmanship of Shri Soli Sorabjee, was set up to draft a new Police Act in order to replace the Police Act, 1861. The committee had total 11 members, which recommended a

¹⁰ Available online at: http://mha.nic.in/pdfs/criminal_justice_system.pdf, p 39.

comprehensive Act with 16 chapters and 221 sections. The main aims of this committee was to examine the Model Police Act prepared by NPC and other draft Model Police Acts and suggest the modifications as per the changing role and responsibilities of the police and to draft a model act that could guide states while adopting their own legislation¹¹. The committee also suggested the measures for attitudinal changes of police including working methodology.¹² Further, the committee emphasised on the use of scientific investigation methods to strengthen the criminal justice system. The issues relating to human rights, weaker sections, women and the people belonging to SC/ST were also addressed by the committee.

Section – II

Employment Status of Police in India

The main objectives of economic planning in India is to increase the employment opportunities both in rural and urban areas in order to solve the problem of unemployment, eradication of poverty and to raise the standard of living. In the year 1991, the number of people employed in organised sector of India was 267.33 lakh which consisted of 85.86 percent of employed men and 14.14 percent of employed women. While, in the year 2011, the number of people employed in organised sector of India was 289.99 lakh which consisted of 79.47 percent of employed men and 20.53 percent of employed women.¹³

Policing as a career provides job security and recognition in the society. The police officers must be seen as one of the many different groups in our society dealing with human problems and serving the public, such as teachers, gang workers, and correctional

¹¹ Available online at: http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&catid=35%3Apolice-reforms&id=600%3Athe-police-act-drafting-committee&Itemid=98

¹² Available online at: <http://pib.nic.in/newsite/erelease.aspx?relid=21620>

¹³ Economic Survey, 2011–12, Statistical Appendix, Table 3.1, p. A-52 (New Delhi: Ministry of Finance, Govt. of India, 2011). Available online at: www.indiabudget.nic.in/es2011-12/estat1.pdf.

officers (Terris, 1967). But quite different from other professions, policing is referred as one of the most complicated social service activities (Buker and Dolu, 2010) and the employment trends of Indian police showed a miserable position. The following table shows the employment trends of men and women personnel in the Indian police from 1990 to 2011.

Table 4: Employment Trends of Men and Women Personnel in the Indian Police, 1990–2011

(As on 31st Dec each year)

Year	Police in India						Proportion		
	Men in Police	Growth Rate (%)	Women in Police	Growth Rate (%)	Total Police	Growth Rate (%)	Men (%)	Women (%)	Total
1990	11,14,818	-----	11,844	-----	11,26,662	-----	98.95	1.05	100
1991	11,38,932	2.16	13,654	15.28	11,52,586	2.30	98.82	1.18	100
1992	11,67,423	2.50	14,492	6.13	11,81,915	2.54	98.77	1.23	100
1993	11,82,840	1.32	15,098	4.18	11,97,938	1.36	98.74	1.26	100
1994	12,14,689	2.69	15,609	3.38	12,30,298	2.70	98.73	1.27	100
1995	12,34,996	1.67	16,014	2.59	12,51,010	1.68	98.72	1.28	100
1996	12,32,417	(-0.21)	17,606	9.94	12,50,023	(-0.07)	98.59	1.41	100
1997	12,59,882	2.23	19,060	8.26	12,78,942	2.31	98.51	1.49	100
1998	12,94,100	2.72	21,635	13.51	13,15,735	2.88	98.33	1.64	100
1999	13,00,566	0.49	24,161	11.67	13,24,727	0.68	98.17	1.83	100
2000	12,76,075	(-1.88)	20,688	(-14.37)	12,96,763	(-2.11)	98.40	1.60	100
2001	12,84,121	0.63	23,889	15.47	13,08,010	0.87	98.17	1.83	100
2002	12,75,712	(-0.65)	33,259	39.22	13,08,971	0.07	97.46	2.54	100
2003	12,72,129	(-0.28)	39,387	18.42	13,11,516	0.19	97.00	3.00	100
2004	12,92,167	1.57	45,016	14.29	13,37,183	1.95	96.64	3.36	100
2005	12,99,339	0.55	43,519	(-3.32)	13,42,858	0.42	96.76	3.24	100
2006	13,54,557	4.25	51,464	18.25	14,06,021	4.70	96.34	3.66	100
2007	13,68,895	1.06	56,286	9.36	14,25,181	1.34	96.06	3.94	100
2008	14,21,273	3.83	52,322	(-7.04)	14,73,595	3.39	96.45	3.55	100
2009	14,92,041	4.98	65,456	25.10	15,57,497	5.69	95.80	4.20	100
2010	15,07,659	1.05	72,652	10.99	15,80,311	1.46	95.40	4.59	100
2011	15,66,274	3.88	93,877	29.21	16,60,151	5.05	94.34	5.66	100

Source: Data compiled from the relevant chapters on police strength in the annual Crime in India-Statistics reports issued by the National Crime Records Bureau (NCRB), Ministry of Home Affairs, Govt. of India, during 1990–2011.

Note: Data in parenthesis shows the negative growth rate

Table 4 reveals that the proportion of women and men in the Indian police has shown a very insignificant change during the last 20 years. The proportion of men in police was decreased from 98.82 percent in 1991 to 94.34 percent in 2011 while the proportion of women in police was increased from 1.18 per cent in 1991 to 5.66 per cent in 2011, which was a very negligible change. Data in the above table reveals that the growth in the police personnel is also not showing satisfactory position. Except in the years 2006 (4.70 percent), 2009 (5.69 percent) and 2011 (5.05 percent), the growth of total police force was less than 2.00 percent during the last 20 years. In the years 2002, 2009 and 2011, the growth of women police personnel was satisfactory i.e. 39.22 percent, 25.10 percent and 29.21 percent respectively; while in the year 2005 and 2008, the growth rate was negative i.e. -3.32 percent and -7.04 percent. The main reason for the negative growth was inadequate working conditions for women police in India. In the year 2011, the ratio of women police personnel to men police personnel works out to be 01: 17. The following table shows the total strength of police force and population per policeman in different states and union territories of India as on 01-01-2012.

Table 5
Strength of Police in different States and Union Territories of India

(As on 01-01-2012)

States & Union Territories	Mid-Year Population (in '000)	Total Police Force			% of Police in Total Population	Population Per Policeman		
		Sanctioned	Actual	Difference		Actual	Sanctioned	Difference
Andhra Pradesh	85139	132712	89325	-43387	0.105	953	642	-311
Arunachal Pradesh	1253	11517	7805	-3712	0.622	161	109	-52
Assam	31530	62174	55692	-6479	0.176	566	507	-59
Bihar	98941	87314	67964	-19350	0.068	1456	1133	-323
Chattisgarh	25008	62836	47628	-15208	0.190	525	398	-127
Goa	1810	6220	5280	-940	0.292	343	291	-52
Gujarat	59114	103545	57889	-45656	0.098	1021	571	-450

Haryana	25014	61584	41018	-20566	0.164	610	406	-204
HP	6757	17185	14676	-2509	0.217	460	393	-67
J & K	13947	77871	72760	-5111	0.522	192	179	-13
Jharkhand	31420	73270	55403	-17867	0.176	567	429	-138
Karnataka	59519	90722	79226	-11496	0.133	751	656	-95
Kerala	35345	50375	46226	-4149	0.131	765	702	-63
MP	73605	83665	76506	-7159	0.104	962	880	-82
Maharashtra	111710	181803	134696	-47107	0.120	829	614	-215
Manipur	2742	31083	23104	-7979	0.842	119	88	-31
Meghalaya	2648	12792	11082	-1710	0.418	239	207	-32
Mizoram	1022	11246	10428	-818	1.020	98	91	-7
Nagaland	2283	24282	24196	-86	1.059	94	94	Nil
Orissa	41311	55073	45976	-9097	0.111	899	750	-149
Punjab	27617	79446	72063	-7383	0.261	383	348	-35
Rajasthan	68402	84059	76454	-7605	0.111	895	814	-81
Sikkim	619	5441	3939	-1502	0.636	157	114	-43
Tamil Nadu	68263	112363	95745	-16618	0.140	713	608	-105
Tripura	3664	41608	36206	-5402	0.988	101	88	-13
UP	203376	368618	173341	-195277	0.085	1173	552	-621
Uttarakhand	9984	20003	15646	-4357	0.157	638	499	-139
West Bengal	91463	77047	55159	-21888	0.060	1658	1187	-471
A&N Islands	445	4424	3647	-777	0.819	122	101	-21
Chandigarh	1161	7873	7308	-565	0.629	159	147	-12
D&N Haveli	293	325	280	-45	0.095	1046	902	-144
Daman & Diu	207	351	257	-94	0.124	805	590	-215
Delhi	19047	81468	75169	-6299	0.394	253	234	-19
Lakshadweep	32	349	296	-53	0.925	250	212	-38
Pondicherry	480	3952	2637	-1315	0.549	433	289	-144
All India	3166414	2124596	1585117	-539479	0.050	761	568	-193

Source: Data on Police Organisations in India, published by Bureau of Police Research & Development, Ministry of Home Affairs, Chapter 1, Table 1.1, Year 2012, pp. 5-13.

According to the report issued by Bureau of Police Research and Development (BPRD) (as on 01-01-2012), the number of policemen

per lakh of population was 131. Table 5 shows that total sanctioned strength of the police in India as on 01-01-2012 was 21, 24,596 while the actual strength of the police was 15,85,117. Thus, there is a huge difference in the sanctioned and actual strength of police in different states and union territories, which point out towards the need of recruiting more police personnel in India. Further, the data in table 5 reveals that state police consists only 0.050 percent of the total population of India. The actual population per policeman as on 01-01-2012 was 761 while the sanctioned population per policeman was 568. Apart from Mizoram, Nagaland and Tripura, all the other states and union territories show miserable situation in this regard. In 2009, a study under the Chairmanship of Mr. Kamal Kumar (Retd. IPS) was conducted by the Ministry of Home Affairs, Government of India, which highlighted factors contributing to the situation of shortages, some of these were as follows:

- Lower intake of direct recruits than required, over several years in the past.
- Higher number of drop-outs (either initially itself or during the course of training).

The recruits who have self-initiated resignations experienced a conflict between the version of policing embodied in their ideal and the reality of policing in practice. For female officers, gender discrimination was woven into their resignation decision (Haarr, 2005). In short, recruits who self-initiated resignation (male or female) were not satisfied with their job.

In India, women are often referred to as the secondary earner in the family. It is generally believed that unlike for men, a professional career is not a must for women. Though the government claims to be doing a lot for the upliftment of women in police, data on women police employment reveals that there is a long way to go (Randhawa and Narang, 2013). The following table shows the comparisons of total police force with women police force along with the percentage of women police in total police force of different states and union territories of India as on 01-01-2012.

Table 6
Comparison of Total Police with Women Police of
different States and Union Territories of India

(As on 01-01-2012)

States/Union Territories	Total Police Force	Women Police Force	% of Women Police in Total Police Force
Andhra Pradesh	89,325	2,031	2.273
Arunachal Pradesh	7,805	399	5.112
Assam	55,692	620	1.113
Bihar	67,964	1,485	2.185
Chattisgarh	47,628	1,931	4.054
Goa	5,280	347	6.572
Gujarat	57,889	2,021	3.491
Haryana	41,018	3,077	7.501
Himachal Pradesh	14,676	1,420	9.676
Jammu & Kashmir	72,760	2,185	3.003
Jharkhand	55,403	1,842	3.324
Karnataka	79,226	3,348	4.225
Kerala	46,226	3,001	6.492
Madhya Pradesh	76,506	3,010	3.934
Maharashtra	1,34,696	20,062	14.89
Manipur	23,104	636	2.753
Meghalaya	11,082	220	1.985
Mizoram	10,428	575	5.514
Nagaland	24,196	259	1.070
Orissa	45,976	3,675	7.993
Punjab	72,063	2,789	3.870
Rajasthan	76,454	5,698	7.453
Sikkim	3,939	189	4.798
Tamil Nadu	95,745	10,118	10.567
Tripura	36,206	697	1.925
Uttar Pradesh	1,73,341	2,586	1.492

Uttarakhand	15,646	1,498	9.574
West Bengal	55,159	1,811	3.283
A & N Islands	3,647	388	10.638
Chandigarh	7,308	985	13.478
D & N Haveli	280	26	9.286
Daman & Diu	257	10	3.891
Delhi	75,169	5,356	7.125
Lakshadweep	296	16	5.405
Pondicherry	2,637	168	6.371
All India	15,85,117	84,479	5.329

Source: Data on Police Organisations in India, published by Bureau of Police Research & Development, Ministry of Home Affairs, Chapter 1, Table 1.1, Year 2012, pp. 5-13.

In India, policing is considered to be one of the most masculinised occupations. It has been described as one of the most “gendered” professions (Butler, Winfree and Newbold, 2003), particularly agreeable to traditional male gender characteristics; one where, it is believed, women have been slow to enter (Leger, 1997). But, women participation in police is important because women generally feel more comfortable about approaching police stations manned by women, rather than regular police stations, especially for women-related problems—like dowry harassment, sexual harassment, assault, bigamy, eve-teasing and violation of protection orders under the Protection of Women from Domestic Violence Act, 2005 (Randhawa and Narang, 2013). Table 6 reveals that the states like Himachal Pradesh (9.67 percent), Maharashtra (14.89 percent), Tamil Nadu (10.56 percent), Uttarakhand (9.57 percent) and the union territories like A&N Islands (10.63 percent), Chandigarh (13.47 percent), D&N Haveli (9.28 percent) were having good percentage of women police in total police force as on 01-01-2012. These states are doing well in increasing the women participation in the police. But, the proportion of women in some states police forces showed a very disappointing position. For instance, states like Assam (1.11 percent), Nagaland (1.07 percent), Tripura (1.92 percent) and Uttar Pradesh (1.49 percent) have a very little proportion of women in the state police.

Section - III

Conclusions and Suggestions

Police is a profession which involves death, trauma, violence, grief, danger, time pressure, long hour duties, work-shifts, courtroom appearances, working with civilians, lack of consultation and lengthy internal and external investigations on public complaints, political interference, insufficient staff, absence of technical aids, frequent transfers, lack of co-operation and constant criticism by the media, public and the others. To rectify these problems and deficiencies from the system, various reforms and recommendations have been made by different committees and commissions set by government of India from time to time. However, most of these reforms were proved to be inadequate. The government should work on strict implementation of recommendations, reforms and policies given by different committees and working groups so that the policing can be referred as less stressful and less complicated social service in India. The recommendations suggested by different committees, if implemented holistically can improve the performance and accountability of police and reduce the crime in the country.

Regarding employment status, in the year 2011, the growth of total police personnel was 5.05 percent while the growth in women police personnel was 29.21 percent. According to the report issued by the Bureau of Police Research and Development (as on 01-01-2012), the proportion of women in the total police force was only 5.32 per cent. The data revealed that the overall growth in the number of police personnel in India was not quite satisfactory. Thus, this indicates the need for recruiting more police personnel in the country. In addition, emphasis should be given towards the encouragement of more women participation in policing. In reality, a number of vacancies exist at different levels in the police hierarchy, affecting the smooth functioning of most of India's internal security agencies. ■

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Changing Notion of Security and Role of Police and Para-Military Forces in Maintenance of Law and Order

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Keywords

Notion & Security, Role of Police, Law and Order, Para-Military Forces, Terrorism, Naxalism, Insurgency.

Abstract

Condemnation should ring out loud and clear against the serial attacks in different parts of country during the last few years. The terrorists want to send out a common message about their ability to attack with accuracy at a time and place of their choice. The sites, timing and modus operandi of these attacks expose the level of coordination, execution and obnoxious nexus between the terrorists, locals and outsiders. Pakistan needs to realise that gradually it is becoming victim of its own game. The rising tide of continuing insurgency in Jammu & Kashmir has further worsen the situation. The cross-border terrorism supported by Pakistan has disturbed the life of the valley. Various militant outfits such as Lashkar-e-Taiba, Jaishe-Mohammad, Hizbullah, etc. have been engaged in the process of elimination of innocent bystanders. The recent Guantanamo Bay (US prison in Cuba) disclosure by WikiLeaks vividly made it amply clear that terrorist groups presently operating in India such as Harkat-Ul-Mujahideen (HuM), Harkat –ul-Jihad al Islami (Huji), Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed have been constantly receiving patronage from ISI. The linkages of Let, JeM, HuJI and HuM with Al-Qaida in one way or another makes it all the more alarming for India to devise multi-layered strategy to encounter such threats. American operation mission ‘Geronimo’ carried out by naval

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commando unit SEALS in Abbottabad near Islamabad killing 'Osama Bin Laden' bring forward a major strategic question: Is combating terrorism a merely work of simple Police and Paramilitary network or that of a special force trained for counter-terrorist activities. It goes without saying that recent success may provide only temporary relief from the threat of terror. History bears testimony to the fact that it has tremendous potential for resurfacing with gusto. Now a days, the ongoing quagmire in Arabian world has created the possibility of an outbreak of devastating terrorist onslaught. Early indications of this has come from Yemen. It's capital Sana was recently used by terrorists to plant PETN explosive devices at Dubai and Midlands airports. The young unemployed youth is easy target of Al-Qaeda. Whether terrorism is unleashed at local, regional, national or international level it cannot survive for long without international support and collaboration. There are many terrorist groups operating across the globe and creating an atmosphere of fear and anxiety. The research paper is an attempt to analyse the complexity and intensity of terrorism, its causes, linkages, obnoxious nexus, and suggest certain measures for encountering policy framework.

Introduction

Over the years terrorism has found its niche in the political scene across the globe. International terrorism, though comparatively less in volume than the domestic variety, has crossed all limitations despite increased government efforts to combat it. Much blood if not ink has flowed since terrorists struck a shocking sequence of plane attacks and bombing at the World Trade Centre and Pentagon in the U.S. This followed by tremendous upsurge in terrorist activities across the globe. Now a days, the ongoing quagmire in Arabian world has created the possibility of an outbreak of devastating terrorist onslaught . Early indications of this has come from Yemen. It's capital Sana was recently used by terrorists to plant PETN explosive devices at Dubai and Midlands airports. The young unemployed youth is easy target of Al-Qaeda. Whether terrorism is unleashed at local, regional national or international level it cannot survive for long without international support and collaboration. There are many terrorist groups operating across the globe and creating an atmosphere of fear and anxiety. In India political violence has been the chief feature of terrorist activities as evident in the violence in Nagaland, Mizoram, Punjab and Jammu & Kashmir. The latest serial blasts in Varanasi, Delhi and the incidents

of terrorist violence in Jaipur, Lucknow, Faizabada, Ludhiana, Ajmer and Hyderabad have not only created serious law and order problem but also robbed the confidence of controlling the menace of terrorism. Examination of terrorist incidents in various parts of India reveals a five fold threat.

Five-Fold Threat

First, the threat from Kashmiri militants who are demanding a separate state on the basis of historical, geographical and religious differences. Secondly, militant threat launched by the Khalistan supporters in Punjab during 1980's. Thirdly, terrorism has assumed a nightmarish proportion in the North-East. The proclaimed goal of over last three decades of secessionist campaign in the North-East has been to get more autonomy. Militant outfits like, the United Liberation Front of Assam (ULFA), the Bodo Ultras, the Nationalist Socialist Council of Nagaland (NSCN), etc. are posing serious threat to the entire security apparatus. Fourthly, there has been a recent upsurge in serial bomb blasts marking the beginning of the pernicious era of terrorism.

Lastly, India has been grappling with the worst form of terrorism, naxalism and insurgency in different parts of the country. The simmering rural unrest has continued to find its outlet in the form of naxal violence throughout Andhra Pradesh, Bihar, Orissa, Chhattisgarh, and Jharkhand. The brutal murder of CRPF personnel in the Bijapur district in a powerful land mine blast and attack on Gadchiroli district killing four policemen are recent incidents which portray the level of barbarism permeated by the modern breed of naxalites. The Maoists were found involved in unlawful activities. They launched consecutive strikes at Bastar in M.P. and Belpahari district of West Bengal. Dissatisfied with government policies, Maoists attacked with explosive devices in Medinipur district of West Bengal. The series of violent activities by the banned People's War Group in Andhra Pradesh and the Maoist Communist Centre in Bihar suggest that naxalism has entered a new phase and security agencies are in a state of shock. Attacks on important government buildings, telephone exchange, railway stations, villages and police pickets have become quite common. In some areas where there was

a lull for a long, a recurrence of naxalite activities have disturbed peaceful ambience. During last few decades or so, the government of Andhra Pradesh has suffered a heavy loss of public and private property because of the upsurge in naxalite activities.

Naxal Threat

The main purpose behind these activities is to induce fear in the minds of police and administration. On the other hand, in Bihar, there are various such extremist organizations operating, including the Indian People's Front (IPF), the MKSS (Mazdoor Kisan Sangram Samiti) and the Maoist Communist Centre (MCC). There have been a number of attacks on police pickets by them. In some areas of Central Bihar their underground operations are on the rise. These organisations raise funds by means of extortion from contractor, securing small contacts, subscription from corrupt officials and powerful landlords. Although it is difficult to know the actual strength of these groups, the Maoist Communist Centre is considered to be the most organised with sophisticated weapons. A few years ago, the massacre of 11 people near Dodadih Hills in Bihar by the MCC almost turned basic issue into caste-war like situation. There have been numerous instances of such gruesome acts by the MCC. The group is very active in Central Bihar districts such as Patna, Jehanabad, Gaya, Nalanda and Navada. In Jehanabad areas, the mobilisation of weaker section by the IPF and the MKSS has been mainly on the basis of a common concern for equitable distribution of land and payment of minimum wages, among other things. The MCC has been responsible for the Darmiam, Dalelchak Baghora, Bakridh and Bara incidents. After the Dalelchak Baghora (Aurangabad) massacre, the state government declared a ban on the activities of the MCC. But it has emerged quite a powerful organisation by bringing about changes in its tactics since 1990's. The MCC has organised an armed outfit called the Lal Raksha Dal and captured sophisticated weapons like AK-47 rifles. The MCC considers the land owning caste exploiters of the rural poor. In mid 1970's, it was very active in Aurangabad district, particularly in the Gurva, Guraru and Amar Paraiya regions. Its ideology is based on the assumption that the Government, the rich and upper castes have acquired maximum benefits and are denying justice to the rural poor.

The MCC is in favour of adopting violent means to sustain its struggle. It was reported that the MCC organised a parallel judiciary system (Kangaroo courts) in certain districts. In Chatra, Khagaria, Jehanabad and Ranchi the MCC has been successful in building a strong base at the rural level. Then axalites have also killed members belonging to rival factions. In past the PWWG killed two persons belonging to the rival Janashakti faction and a former PWWG member in Nizamabad districts of Andhra Pradesh. The situation has become worse than before because of the migration of population under economic pressure. This has led to the problems in housing, employment, law and order and other areas. The presence of labour force in the cities and towns has brought about a link between rural and urban areas. The rural and far-flung areas thus provide a base for the naxalites to carry out their clandestine activities. The existing inequalities in urban areas have added a new dimension to the problem. As a result, some sections without sufficient means to propel their cause, found themselves in the lurch. Thus, violence is gradually becoming a common strategy. Gangs which initially confined themselves to committing murders and theft are now involved in full scale naxal violence against those whom they consider responsible for their miserable life.

In the last two decades, the People's War Group has made several attempts to emphasise its rights. Dissatisfied with government policies, it has lashed out violently and continues its activities which include bank robberies, murder of policemen, kidnapping of businessmen and officials and political assassination attempts.

Insurgency in North East

North East still remains vulnerable area. The latest gunning down of 23 innocent people by the banned National Democratic Front of Bodoland in Guwahati. These attacks have not only exposed the pitfalls of the security and intelligence network but also demonstrated the audacity and level of coordination among the present day insurgents. The use of grenades and low-intensity bombs showed the well thought out plan which was so meticulously executed. Bombing by the insurgents preceding the visits of important dignitaries have sent out message loud and clear that they can

resurface with new vigour. The latest blasts are just new addition to the long saga of insurgency in the north-east. A few years ago, bomb explosion in the Delhi-bound Rajdhani Express killed five persons and left many injured. Similarly, serial blasts near railway tracks in Guwahati by ULFA militants killed two innocent people and left scores injured. Conflicts between the tribal population and sundry separatists groups in different parts of the North East have added another deadly dimension to the already vulnerable situation. The proclaimed goal of these insurgent groups has been either independence or autonomy. In the past a number of attempts were made by them to pressurise the Government to meet their demands. In the process of deployment of paramilitary forces the government incurred heavy losses both in terms of public property and lives. Militant outfits like the United Liberation Front of Assam (ULFA), the Bodo Ultras have been posing a serious threat to the entire security apparatus.

Secessionism in North-East is basically a sequel of a variety of factors such as economic underdevelopment, lack of industrialisation, local incompetence and outside support, which over the years generated acute unemployment. The international linkage of the area has added deadly dimension to the ongoing problem of insurgency in the north-east. The Bodo militants have used Bhutan and ULFA have crossed over to Bangladesh for procuring arms and training. Similarly, in past Naga insurgents made full use their border with Myanmar. The news of Chinese involvement in backing insurgents during 1970 is not a news anymore. Besides, to a great extent militancy has become a new avenue for providing a means of livelihood to the most rebels. Operation Bajrang and Operation Rhino were successful in driving the rebels underground but could not destroy the potency of insurgents. Although the Central government has made various efforts to find solution in the past by initiating the Tripura accord, the Assam accord and the Mizo accord but the grievances of various emerging factions within the militant organizations still remain live. Consequently, insurgent activities against the government and clashes between the factions have continued unabated. We should be extremely cautious in handling the present crisis, particularly after witnessing the deadly

performance of rebels under changed conditions. Since the entire region is a hilly area with thick forest it provides excellent base for carrying out clandestine guerrilla activities that has been responsible for the death of numerous people over the years. For example, several security officials have died on the National Highways No-53 and 39 which connect Manipur to the rest of country. These days rebels seem to be reasonably confident of their access to vantage points. Moreover, the strategies and methods have become more sophisticated and they are successful in acquiring more lethal weapons from across the border. This is clearly visible in the recent attacks wherein terrorists planted explosive.

The criticism of the government's policies by the insurgents and their supporters created tremendous support in local population for the rebels. Moreover, their preconceived notions of "we versus they" have helped in keeping the morale of insurgents high. Lack of sufficient resources has also created a serious problem of force deployment over the years. Consequently, training and ground force exercise have been affected. In addition to this, the geographical location of north east has made it difficult for army to gain reliable intelligence. Fresh difficulties are presented by the mobile members of the rebel organizations who are trained in guerrilla warfare and get logistical help from border areas of Myanmar and Bangladesh. The disturbing issue is that neither withdrawal of entire army from the North-East nor the occupation of the entire region seems tenable anymore. The military operations will gradually get unsustainable.

Cross Border Terrorism

The rising tide of continuing insurgency in Jammu & Kashmir has further worsen the situation. The cross border terrorism supported by Pakistan has disturbed the life of the valley. Various militant outfits such as Lashkar-e-Toiba, Jaishe-Mohammad, Hizbullah, etc. have been engaged in the process of elimination of innocent bystanders.

There have been mushrooming of non state actors in India. Explosive devise strike closely on the heels of Allahabad High Court's verdict has not only demonstrated the deadly striking capabilities of the

distraught minds but has also confirmed that militants have openly declared war against Indian State. Although it was the first attack by Indian Mujahideen since June 2010 when the Government banned it, yet its background is more than sufficient for sending out dangerous signals. The IM was involved in more than 9 blasts in different parts of the country murdering more than five hundred people. Founded by Amir Reza Khan and headed by Karnataka based IqbalBhatkal is a sister outfit of the banned SIMI and Pakistani based Lashkar-e-Taiba. It's specialization lies in coordinating and executing low intensity attacks. According to recent military intelligence sources the IM is planning to strike throughout country. The recent incident cannot be viewed in isolation.

Terrorism & Organized Crime

On the other hand, conflict between Tamils and Sinhala dominated the affairs of Sri Lanka for a very long time. It caused enormous loss of life and posed serious threat to national security. The liberation Tigers of Tamil Eelam (LTTE) led by Velupillai Prabhakaran, emerged as the strongest Tamil militant organization demanding a Tamil homeland in the northern and the eastern districts of Jaffna. Sometime, terrorism can be revolutionary. Revolutionary terrorists may also take over and replace existing structures of governance. Hitler was a revolutionary before he came to power and on the strength of the organisation he mobilised and manipulated the masses to form a strong base. Publicity plays an important role in the process and without it they cannot expand the field of influence. Targets are significant for revolutionary terrorists and are mainly selected as a means to spread messages to change or shape public attitudes and behaviour. There is a growing nexus between terrorists and internationally organized crime networks. Mr. Alison Jamieson, a British analyst on organized crime and political violence commented that a distinction between terrorism and organized crime has become very blurred recently. Italian organised crime expert Professor Ernesto says "the goal is different. The terrorist's goal is an ideological one, while organized crime's goal is financial, but the instrument is same. They both need money and arms". In Sri Lanka, the Tamil Tigers engage in drug trafficking to finance their struggle, in north-eastern India guerrillas

kidnap tea planters and hold them to ransom to help fund their fight for independence. In Chechnya, the secessionists were heavily involved in drug distribution.

The rapid international transportation and use of sophisticated weapons like AK 47 assault rifles and plastic explosives (RDX) have helped to facilitate the expansion of terrorist networks around the world. Besides, the new suicide squads of terrorist have left the entire security apparatus of the affected states in a state of shock. A leading anti-terrorism expert, Mr. Brian Jenkins believes that though more articulate and multiplied effort by police and intelligence can tell us about a possible terrorist attack, there is still confusion over whether such a mechanism is successful in dealing with terrorists driven by fundamentalism. The world is also gradually witnessing the over expansion of a parochial version of faith and the desperate attempts of promoting it as the only pious one, but history bears testimony to the fact that such faith has hardly survived the nemesis of time. The bigotry perpetuated by glorification of self claimed cultural discourses as the sole receptacles of genuine faith has in past ripped off the civilizations one after another. During the mid 90s in the nerve gas attack on Tokyo subway, police suspected the hand of apocalyptic sect, Aum Shinrikyo. Few Years earlier, Moscow intensified its efforts to set up "Troika" alliance to drive away the spectre of Islamic militants. The problem of Refugees who have fled due to disturbances in Afghanistan, Kyrgyzstan and Uzbekistan has added a new dimension to the existing problem.

Although terrorism is not a new concept but it acquired enormous dimension after 9/11 attack on World Trade Centre in New York killing more than 4000 people. Since then the most destructive nature of terrorist violence was acknowledged by many countries across the globe. Well thought out plan, coordinated attacks and incredible execution of terrorists might can be seen in 26/11 when eight different sites in Mumbai were simultaneously attacked by Pakistan backed terrorists.

Instruments & Policy Intervention

Policy makers need to acknowledge that questions related to terrorism can in fact have a direct impact on the nation's life. The

anti-terrorist policies should have the ability to adapt in response to the challenging environment and efficiency that can potentially be used for implementation of various recommendations. Since the present day terrorists are very well organised and sometimes more professional than their counterparts a decade ago, new conceptions of safety and security should be followed. A vigilant and assertive intelligence, police and paramilitary network should replace the old one. Many of the important suggestions and recommendations of the various committees are not in tune with the existing circumstances. To combat 26/11 like situation, the Indian Parliament passed the bill related to the National Investigating Agency and the Unlawful Activities Prevention Act (UAPA) in December, 2008. The NIA appears to be slightly milder than the Prevention of Terrorism Act (POTA) in the sense that while in POTA the confession made before a Police Officer was treated as an evidence but in case of NIA the accused is to be produced before magistrate to record confession. Probably this is done to avoid any chances of the misuse of authority by the police. The NIA authorizes the security agencies to seize the funds and prevent the entry of any suspect of the terrorist activities. Besides, the NIA has made attempts for providing quicker trials with a provision of setting up special courts. In case of POTA there was too much emphasis on the available evidences before the courts to try an accused but in case of Unlawful Activities Prevention Act (UAPA) an accused will be presumed as guilty in terrorist related cases if otherwise proved innocent.

In addition, the NIA can investigate a case either on a request from state government or on direction from central government . It was hoped that these attempts by government would work as deterrent. But the results were not satisfactory. We have to learn certain anti terrorist strategies from the western world for example the United States Patriot Act, 2001 empowered the security agencies to get the information about the communication network and properties of the suspects in terrorist related incidents. Besides, the immigration officials in the US got sanction to either detain or deport the illegal immigrants. The British Prevention of Terrorism Act 1984 authorised the security agencies to deal with terrorists firmly. Under this Act suspects of any terrorist act can be detained and imprisoned for

even one and a half month without having charges framed. In India many attempts were made to ensure serious implementation of laws against terrorism. But due to opposition in one account or other, these Acts were allowed to lapse. Terrorism And Disruptive Activities Act, 1987 (TADA) was not given any extension beyond 1995. Similarly, The Prevention of Terrorism (POTA)2002 was not given any further extension beyond 2004. On the other hand, various states such as Maharashtra and Gujarat have made attempts to enact separate criminal acts. But there is still lack of a federal agency that can come down heavily on terrorists.

During the last two decades, the increasing drug smuggling and the obnoxious nexus between drug smugglers and terrorists have posed a new problem to the internal state-security networks and compelled various nations to organise themselves and wage a relentless war against such a nexus. But mere implementation of vigorous drug laws cannot become effective unless the judicial procedure is modified for ensuring speedy trials.

The concept that one man's terrorist can be another man's freedom fighter must be done away with; local populace should cooperate with law enforcement machinery even at the cost of personal misery; prompt and strict decisions should be undertaken by various nations for controlling terrorist psychologically.

The rapid international transportation and use of sophisticated weapons like AK 47 assault rifles and plastic explosives (RDX) have helped to facilitate the expansion of terrorist networks around the world. Besides, the new suicide squads of terrorist have left the entire security apparatus of the affected states in a state of shock.

India can learn a lesson or two from this. Unless we develop a high level intelligence network to anticipate any such threats, the talk of combating strategies would only remain as chimera. There is a need for truly effective preparedness programme at the government level.

Role of Police and Para-Military

During the last few days or so, due to uncontrollable repeated cases of rape and violence in different parts of country, the Indian Police

perspective of dealing with law and order problem has come in for a lot of criticism. Despite the ongoing criticism of policing, India still broadly follows the 1861 British Police Act which has become obsolete and outdated. The Soli Sorabji Model Police Act of 2006 could not be implemented due to opposition by one state or another. Earlier the decision of the government to appoint a new panel to look into the recommendations of the Law Commission, the National Police Commission, the National Human Rights Commission and the Vohra Commission provided some ray of hope for the future prospect of policing but the implementation has still remained a chimera. This has also happened on account of Police being a state level subject under Article 246. On the other hand, the political and economic interest of the powerful syndicates further hampered any chance of a concrete policy framework. The increasing criticism from various quarters is indicative of the prevailing dissatisfaction with present state of policing. Apart from undertaking counter terrorist operations, the police have to also play a crucial role as protector of the day-to-day law and order situation. This has increased pressure on them to get quick results. Besides, the prevailing level of dissatisfaction among the subordinate level police officers has adversely affected the attitude of the Police towards problems.

New Policing

The Police are often asked to fight a low cost war where the enemy is their own countrymen. Calling the Police to put down civil disturbances is a tedious job. It is sad but true that no concrete effort has been made to bring about changes in the conventional methods and training procedure for the police ever since the police commission report which was drafted many years ago. The Indian Police is basically attuned to information gathering. Consequently, scientific methods and skill are not given sufficient importance and this is often followed by the use of excessive force and third degree methods, more so in the far flung areas. The Police as extremely vital source of security for the community should also take into account the desires and aspirations of the common masses. In this regard steps should be taken to instill a strong sense of welfare into

the techniques and content of new policing. The values, attitudes, methods, aspirations and commitment, etc of these services need thorough examination. The quality and efficiency of the security forces largely depend on their service conditions, cooperation, training, practice, level of interaction with general masses and strict methods of appointment. It is, therefore, in the interest of the government to recruit and attract personnel of high integrity, great caliber, train them to their task superbly and ensure satisfactory working conditions.

Efforts should be made that only committed and right type of candidates get selected for this job. Although failures in the political and administrative dimensions are often unfairly blamed on India's police, the fact is that the recent process of democratic decentralization particularly after 1962 onwards, economic liberalization from 1991 onwards do pose new challenges to the Indian police and para-military forces. Besides, the rapid increase in the number of terrorist, and caste and class violence during recent years have made the job of maintaining law and order extremely difficult. For successful training of officials of the para-military and police forces, it is important that certain parameters of pre-recruitment education, experience, proportion of insiders and outsiders, methods of recruitment, postings, length of service are reviewed periodically in the light of modern myriad challenges. There is also need for more productive relationship between para-military forces, intelligence agencies, local police, the army, and the local population. It has been found that police officials feel more comfortable in working at Headquarters rather than in rural areas. The implications of this and its pernicious ramifications for internal security needs to be tackled. In this regard the rotation of officers between terrorist affected areas and peaceful areas needs to be appropriate. Similarly the deputation process to other services, including the intelligence agencies needs to be properly examined.

For ensuring the neutrality of the police force, the selection of its leaders is very crucial. With the formation of the National Human Rights Commission there is an urgent need to change the attitude of the police towards the general populace and this is possible only

through the inculcation of a humane approach and study of human rights legislations. In the changing environment, the police need to diversify its activities by bringing together technical and professional expertise based on many decades of experience in maintaining internal security. In this regard the following suggestions may be worth considering:

- The need for brief training even during the security operations with a particular emphasis on sensitising personnel to the issues relating to human rights, civil liberties, prisoners rights, etc.
- The better management of security development programmes for different levels of police personnel.
- Police officers trained to provide active but neutral leadership to their units.
- Police officers can be trained to take the initiative in implementing development plans in consultation with experts from various branches.
- Developing capability to anticipate security needs. This is possible by conducting specialized courses for monitoring security situations.

Coordination between the panel and various security agencies could be of immense use in this regard. What is needed is the political will and courage to implement these suggestions effectively and promptly. To become more effective machinery, the police must attempt to expand its scope and bring about strategic mechanism with the help of general public, intelligence agencies and international security apparatus. Measures alone cannot become effective unless prompt and effective amendments are introduced in criminal justice system.



Police Accountability in a Democratic Society: Best Practices Review of the Independent Police Complaint Commission in United Kingdom

Vineet Kapoor*

Keywords

Police Accountability, Best Practices, Independent Complaint Commission, Individual Accountancility, Organizational, Accountability.

Abstract

In a democratic governance environment the civilian oversight in the form of complaint mechanisms is particularly important in relation to the police, given their significant power over the daily lives of citizens. The police exist to protect the fundamental freedoms of citizens; their powers also provide the potential for severe abuse of these freedoms. The Civilian oversight mechanisms in the UK target two major dimensions of police accountability that is - the individual accountability and the organizational accountability. The individual accountability mechanisms are concerned with the complaints and misconducts of individual police officers which are addressed through the civilian oversight mechanisms of the investigation of such complaints and misconducts through agencies which are independent of the police. The Independent Police Complaint Commission in the UK is one of the most well laid out mechanisms for ensuring individual accountability for the police. This paper intends to present the case of UK as a best practice from which many inferences and inspirations could be drawn for consideration of policy norms for Democratic accountability and related police complaint mechanism for the specific needs of Indian Policing.

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Introduction

In a democratic governance environment, the civilian oversight is particularly important in relation to the police, given their significant power over the daily lives of citizens. The police exist to protect the fundamental freedoms of citizens; their powers also provide the potential for severe abuse of these freedoms. Oversight mechanisms provide an important way in which policing becomes more directly responsive to citizens. Given the significant power which the police hold over citizens, the governance of police in the United Kingdom has in place the systems of civilian oversight of policing complementing the democratic structure of governance in the country.

The paper is aimed as a Best Practice Review of a Democratic Policing Practice which affects the structure, character and function of policing in a robust and matured democratic governance environment. Amongst the various oversight mechanisms for the Police in the UK, the Independent Police Complaint Commission (IPCC) is prominent and potent mechanism ensuring individual police officers accountability. This paper concentrates on the working of IPCC as a best practice study. This Best Practice Review like all other Best Practice studies is aimed at drawing inspirations to imbibe certain norms, standards and practices while reforming the policing on democratic lines.

The operation of effective complaints system is fundamental for the survival of accountable and democratic public body. In the case of police where the legal powers held by the members of the public body are prone to the abuse of authority, the independence of the complaints mechanisms and their non police composition becomes a very important benchmark in earning public trust. The complaints mechanism against the police in the UK shows signs of a well developed civilian oversight mechanism for holding police services and their individual members accountable to law and the public trust.

The Independent Police Complaints Commission

A formal system for dealing with complaints against the police

in England and Wales was introduced by the Police Act of 1964, though it lacked any independent elements in the investigation and adjudication of the complaints. The independent elements were however introduced with the subsequent legislations which established the Police Complaints Board in 1970s and the Police Complaints Authority (PCA) in 1984. Criticized for the lack of true independence of the Authority because of the pro-police bent of the investigators who populated it; PCA was abolished by the Police Reforms Act 2002, and replaced with the independent Police Complaints Commission (IPCC)¹. This legislation was the outcome and influence of an emerging view point which called for an independent body to oversee and investigate police complaints. This was also the result of the energetic debates in public domain about the role and the accountability of the police, in the background of both Lord Scarman's inquiry into the Brixton riots in 1981, and the racism in the police related issues in the Stephen Lawrence Inquiry in 1999, which raised question on the police conduct, and demanded the establishment of an independent body to oversee the police complaints and misconduct².

The Independent Police Complaints Commission (IPCC) became operational on 1st April, 2004. It is a Non-Departmental Public Body (NDPB), funded by the Home Office, but entirely independent of the police, interest groups and political parties and free from government involvement. It has a legal duty to oversee the whole of the police complaints system, created by the Police Reform Act, 2002³. The aim of IPCC is to transform the way in which complaints against the police are handled.

Purpose of the Police Reform Act 2002 and the IPCC

The Commission's overall purpose under the Police Reform Act is two fold:

¹ Jones Trevor, "The Accountability of the Policing" in Tim Newburn (ed) *Handbook of policing*, Willian Publishing, London, 2008

² *ibid*

³ Official website of IPCC, http://www.ipcc.gov.uk/index/about_ipcc.htm

- (i) to ensure suitable arrangements are in place for dealing with complaints or allegations of misconduct against any person serving with the police service in England and Wales;
- (ii) in doing so, to increase public confidence by demonstrating the independence, accountability and integrity of the complaints system and so contribute to the effectiveness of the police service as a whole.

In exercising these powers, the Commission is also very clear that it must not lose sight of the reasons why it was given to them. The police complaints system that it replaced was not effective in gaining the confidence of complainants, bereaved families or police officers subject to complaint⁴.

It was perceived to have independence, timeliness, proportionality and transparency. As the IPCC set up the new system, it was clear how widely that perception was shared by the Association of Chief Police Officers, police staff associations and complainant bodies.

The Values of the IPCC

The IPCC believes and works on the basis of the following values⁵:

Justice and respect for human rights

- Use of authority and powers of the IPCC unflinchingly to help those who suffer injustice.
- To obtain redress because of the abuse of police powers.
- Support policing by consent and help to sustain justice.
- Be impartial, timely and fair in all activities.
- Justice must be sure and proportionate.
- Discourage a blame culture amongst the police where even appropriate and carefully managed risks are avoided. The onus is on good intention.

⁴ *Ibid*

⁵ *Ibid*

Independence

Demonstrate independence by:

- Resolve under pressure.
- People appointed.
- The work undertaken.
- Scrupulously avoiding conflicts of interest.
- Building an impartial Organizational culture.

Valuing Diversity

- Openness to the experience, insights and skills of people of different race, religion, ethnic origin, gender, sexuality, disability and other backgrounds from both inside the IPCC and from external partners.

Integrity

- If the IPCC is to hold the police to accountable, then it must maintain the highest standards itself.
- Need to act, and be seen to act, with integrity in both private and professional lives.
- Act with integrity in public statements, acceptance of hospitality and gifts, dealings with stakeholders and use of public funds.
- Be honest about mistakes.

Openness

- Maximum disclosure and regular communications with all parties during the course of a complaint.
- The Commission meets in public when possible and disseminates information about its work and performance widely.
- Carefully define where to maintain confidentiality or secrecy for operational reasons in order to protect individuals and

retain the confidence of other agencies.

- Work with stakeholders to develop policies.
- Take responsibility for decisions.
- Make sure that communication is two way between staff and Commissioners and that they share information and experiences.
- Commissioners accept corporate responsibility for the work of the IPCC.

The Work of IPCC

The Police Reforms Act, 2002 sets out the statutory powers and responsibilities of the IPCC, Chief Police Officers and Police Authorities for the new complaints system. This guarantees the independence of the Commission, outlines its role as guardian of the police complaints system as a whole, and gives the IPCC a duty to raise public confidence. The IPCC has the provisions of independent investigators, enabling it to oversee police investigations into serious complaints or alternatively investigate them itself. The IPCC covers all 43 forces in England and Wales, as well as special police forces such as the British Transport Police, the Ministry of Defense Police etc. The IPCC requires all police forces to refer to it the cases which are at particular level of severity, including all complaints or incidents involving death, serious injuries, assault or corruption⁶. In addition to this, police forces can voluntarily refer other cases to the IPCC, or the IPCC itself can take over the investigation of specific cases in which there are major public concerns. Formal IPCC action does not require a complaint to have been made. Its focus is upon the police misconduct and thus it investigates a range of incidents such as deaths in custody, police shootings, or serious traffic accidents involving police vehicles.

Types of Investigations

The Police Reform Act (2002) states (Schedule 3, paragraph 15(2)) that it is the duty of the Commission to determine the form which

⁶ Jones *op.cit*, p 711-712

the investigation should take when a complaint or recordable conduct matter is referred to it. Paragraph 15(3) states that in making the determination the Commission shall have regard to (a) the seriousness of the case and (b) the public interest. After an assessment of each case, the IPCC has four options in respect of the types of investigations⁷.

- *Independent Investigations* are undertaken by the IPCC staff into the most serious incidents relating to high levels of public concern or with significant implications for the reputation of the police.
- *Managed Investigations* are carried out by the police, but under the direction of the IPCC who set the terms of reference and manage the actual conduct of the investigation.
- *Supervised Investigations* are also conducted by the police, but with joint agreement of terms of the investigation and choice of lead investigator.
- *Local Investigations* are undertaken in cases determined by the IPCC to be of less serious dimension or of lower public concern, and where the police have the resources and the expertise to carry out the investigations without assistance.

Job Roles at the IPCC

The IPCC is run by a Chair, two Deputy Chairs and 11 Commissioners, each responsible for specific forces. Operationally, the IPCC is run by a Chief Executive and 9 Directors. There are a number of investigating, non investigating, expert positions and office support staff positions within the IPCC. The regional office spread across England and Wales are operational in their function and have adequate staff placed there. The vacancy of different experts and investigators is filled through open merit and care is taken to include officials coming from various kinds of professional background so that fresh approaches brought by them could enrich

⁷ *ibid* p 712; Official website of IPCC, <http://www.ipcc.gov.uk/index/aboutipcc/investigations.htm>

the work culture and integrity standards of the organization. The police officers are not taken in the on secondments basis in order to ensure independence of the organization.

There are various operational roles across the regions⁸, including:

- Senior Investigator, Deputy Senior Investigator, Investigator
- Head of Casework, Senior Casework Manager, Casework Manager
- Regional Director, Executive Assistant, Personal Assistant to Commissioners, Regional
- Policy Officer, Regional Communications Officer, Business Support Manager/Office Manager
- Senior Lawyer (managed by the Directorate of Legal Services) administrative support
- Positions in Major Incident Rooms and in Investigations Support

A wide range of advice and support is provided by staff in the following directorates:

- Corporate Services Directorate
- Customer Services and Communications Directorate
- Directorate of Legal Services
- Directorate of Strategy and Business Improvement

The Commission

The Commission is the governing board of the IPCC, holding collective responsibility for governance of the Commission, including oversight of the Executive. As public office holders, Commissioners oversee and take ultimate responsibility for IPCC investigations, casework and the promotion of public confidence in the complaints system (known as Guardianship). The Commissioners in making

⁸ Official website of IPCC, <http://www.ipcc.gov.uk/index/jobroles.htm>

decisions on individual cases act under the delegated authority of the Commission.

All appointments, which are full-time and non-executive, are for a five year term and were made through an open competition. This is an essential requirement that no member of the Commission may have served as a police officer.

The Chair

The Chair is appointed by the Crown following recommendation by the Home Secretary. He has responsibility for ensuring the Commission meets its statutory responsibilities as a public body and is accountable to the Home Secretary.

The Commissioners

The Commissioners (including the Deputy Chairs) are appointed by the Home Secretary. The Deputy Chairs have policy and casework responsibilities. The Commissioners work from regional offices and hold prime responsibility for the designated police forces and other agencies subject to IPCC oversight. Additionally, many Commissioners act as Policy Champions on specific issues/topics. Commissioners' and all members of the commission are bound by a code of conduct.

IPCC Code Of Conduct for Employees

January 2004

Dear colleague,

CODE OF CONDUCT FOR EMPLOYEES

The Commission has now agreed a Code of Conduct for Staff. This is an important document, since it sets out the standards of behaviour the Commission expects of its staff. You should read it and if you do not understand how the Code applies to you, you should ask your line manager to go through it with you. In the future it will be part of the induction process, so all new staff will have it drawn to their attention when they start work. The Code

covers:

- An introduction setting out how the **IPCC's Values** should be translated into the standards of behaviour expected from all its staff. It is a requirement for the IPCC to have such a code and in drawing it up we have looked at the standards that apply with the wider public sector and the police service.
- **Diversity and Equal Opportunities** - the IPCC attaches high value to diversity and working to eliminate unlawful discrimination. The Code explains what this means for you.
- **Identifying and Declaring a Conflict of Interest** - it is important to promote public confidence in the IPCC and this could be undermined if it appeared that any member of staff was able to be influenced inappropriately in the way in which they carried out their duties. This section gives guidance on:
 - ◀ identifying what may be a conflict of interest for you
 - ◀ completing the registration form for your personal file
 - ◀ what to do if you are offered a gift or hospitality
 - ◀ how and what you do outside work could affect your job here
- **Security and Confidentiality of Information** - the PCC will collect a great deal of very sensitive information and the Code draws your attention to the responsibility you have to keep this confidential and our policies for Security and Data Protection. It also gives you guidance on what to do if you are contacted by the media.
- **Concerns about Improper Conduct** - the Code also explains what you should do if you have a concern that illegal or improper activities may be going on.

Source: www.ipcc.gov.uk

Complaint Procedure

- The complaints and complaints procedures are clearly laid out so as to avoid any confusions⁹.

Grounds of Complaints

- Conduct of a police officer or member of police staff which was felt inappropriate
- Present when the alleged inappropriate conduct took place, or close enough to see or hear the inappropriate conduct, or have been adversely affected* by the incident
- Distressed as a result of a friend or a relative being treated badly by the police
- Acting on behalf of any of the above, for example a member of an organization who has been given written permission by an individual to make a complaint on their behalf.

* Being adversely affected may include distress, inconvenience, loss or damage, or being put in danger or at risk. This might apply for example, to other people present at the incident or to the parent of a child, young person or friend of the person directly affected. It does not include someone distressed by watching an incident on television or reading about it in the media.

Common Grounds of Complaints

One can complaint if following is found in an officer's conduct:

An officer was rude, failed to investigate a crime properly or caused damage to property.

If the police officer's behaviour is not in compliance of the required standards mentioned below the complaints mechanism is set forth:

- Act with honesty and integrity
- Treat members of the public and their colleagues with respect
- Not abuse the extraordinary powers and authority police

⁹ Official website of IPCC, http://www.ipcc.gov.uk/index/about_ipcc/complaints

officers are granted

- Act in a manner that does not discredit or undermine public confidence in the service

Serious allegations include:

- allegations of serious or organized corruption
- allegations against senior officers
- allegations involving racism
- allegations of perverting the course of justice

Complaints about the overall policies and procedures of a police force, as well as a number of other issues relating to quality of service or operational decisions do not fall within the remit of the IPCC and should be made to the Chief Constable of the police force concerned or the local police authority. It might be for example there aren't enough police assigned to your area, that the police should prioritize the investigation of some crimes differently or that some part of how the police work needs to change.

Accessibility of Complaint Procedure

There are many ways complaint could be made. A complaint could be made directly to the police force concerned, through the IPCC or on the advice of another organization. Whatever the route, all complaints by law must be forwarded to the 'appropriate authority' for consideration. Accessibility of the IPCC is promoted in order to make the complaint making system more easy to use in order to assist justice delivery. Various options for making a complaint are:

- Complete an online complaint form available on the IPCC Website or force or Police Authority Website.
- Download a Complaint form or it could be sent by post.
- Via the IPCC by phone, email, post, fax, etc
- To any police force by phone, email, post, fax or in person
- By contacting any local Citizens Advice Bureau, Youth

Offending Team, Racial Equality

- Council, Probation Service or Neighbourhood Warden. They can give information about what to do next. A solicitor or MP can make a complaint on behalf of the victim

IPCC Online help for making a Complaint

What to include in Complaint	Additional details
WHO? Which police force is your complaint about?	<ul style="list-style-type: none"> • Who was involved • What was said and done
WHERE? Where did the incident/s happen that led to your complaint?	<ul style="list-style-type: none"> • Any other people who witnessed the incident
WHEN? When did the incident/s happen that led to your complaint?	<ul style="list-style-type: none"> • If there was any damage or injury
WHAT? Please describe the circumstances that have led to you feeling the police have treated you badly.	<ul style="list-style-type: none"> • Details of any witnesses
	We also need your consent for us to pass the details of your complaint to the police force concerned for consideration.

Source IPCC website <http://www.ipcc.gov.uk/index/complainants/howcomplaint.htm>.

Civilian Oversight Functions & Guardianship Role

The powers and duties of the Independent Police Complaints Commission are very different from those of its predecessor body, the Police Complaints Authority. These differences relate not just to its investigative and casework functions, which established a new way of handling complaints, but also to its wider responsibility to raise public confidence in the police complaints system as a whole. It is this wider responsibility to increase public confidence that the IPCC describes as its Guardianship role¹⁰.

¹⁰ Official website of IPCC, http://www.ipcc.gov.uk/index/about_ipcc/Guardianship

Definition

The IPCC defines its guardianship role as those aspects of the responsibility increasing the public confidence that do not relate specifically to its own investigative and casework functions. This has four elements, which are set out in the statutory guidance to the police service:

- Setting, improving, reviewing, monitoring and inspecting standards for the operation of the police complaint system;
- Promoting confidence in the complaints system as a whole amongst the public, national and regional stakeholders;
- Ensuring the accessibility of the complaints system; and
- Promoting policing excellence by drawing out and feeding back lessons arising from the IPCC's work.

Powers

The legislative base for the IPCC's functions is set out in Part 2 of the Police Reform Act. Those that relate to its guardianship powers include:

- The IPCC's call in powers for any allegation of police misconduct;
- The 'inspection' powers;
- The ability to produce statutory guidance;
- The ability to make recommendations and give advice on police complaints arrangements and also on other matters of police practice from lessons it learns during its work;
- The obligation to produce annual reports and also reports for the Home Secretary, when asked;
- The ability to write other reports, as it sees fit, for the purpose of making recommendations, giving advice and drawing attention to particular issues;
- The ability to monitor the system by calling for information

from police authorities and forces;

- The right of entry onto - and inspections of - police premises;
- Appointing organizations as 'gateways' for complainants into the system.

The Working of Guardianship

The IPCC makes guardianship work in the following ways:

Setting,

improving,

reviewing,

monitoring and

inspecting

standards for the operation of the police complaint system.

The Commission has statutory guidance, to the police service, for the way that the complaints system operates. The draft guidance went out for consultation in December, 2004 and was approved by the Home Secretary for publication in August, 2005. It sets out the IPCC's expectations of forces—how the police can make the complaints system work better. A major theme of the guidance is to create a more timely and proportionate complaints system which gives redress to the complainants, where things have gone wrong and fairness for officers and police staff subject to complaint.

Monitoring the Success of the New System

The Commission is continuing to monitor the operation of the system. This monitoring is on a continuous basis. The IPCC is:

- Collecting and analyzing complaints data, which is being published every year;
- Commissioners make frequent visits to police forces;
- Developing relationships with police authorities and an understanding with the Association of Police Authorities as to

what makes of good practice;

- Making regular contact and discussions with other stakeholders a key role for Commissioners;
- Analyzing information and data arising from the appeals process and the oversight of cases.

The IPCC is conscious of the need not to add to the regulatory or bureaucratic burdens on the police service unnecessarily. In all of these elements efforts are made to make existing processes better coordinated, more proportionate and more sharply outcome focused.

Commissioners work with their forces to review progress, identify and spread best practice, make appropriate recommendations for any necessary changes and monitor the impact of their implementation. This process is carried out in collaboration with Her Majesty's Inspectorate of Constabulary (HMIC) and police authorities.

Statutory Inspections

The IPCC has a statutory inspection role. The Commission has conjunction with Her Majesty's Inspectorate of Constabulary (HMIC) and consults the Association of Chief Police Officers (ACPO) and other stakeholders. The role is based on the themes set out in the statutory guidance: building confidence of the public and of police officers / staff; proportionality and timeliness; learning from investigations; feeding back complainants' experience into operational policing; and opportunities to put good service at the heart of the police complaints system.

IPCC Training Policy

The IPCC relies on an efficient and knowledgeable workforce in order to meet its professional demands and stakeholder expectations. For this goal Learning and Development are given highest priority through a clearly defined policy and practice¹¹. The greatest emphasis is on the core skills training for the new staff

¹¹ IPCC Learning and Development Policy, available online-(ipcc_learning_policy.2008pdf), at www.ipcc.gov.uk.

joining the organization. Since its inception, the IPCC organizes an intensive investigation programme as its core skill training at the induction level. Casework staff also undergoes a considerable amount of training to be efficient at the core skills required in the organization. Apart from the core skills training, more specialized trainings are needed for advanced roles and requirements. For this purpose the line managers and team leaders are required to assess continuously the training needs of the staff at various positions and then in mutually agreed training plans the staff is given advanced training. The staff is also expected to undergo certain nationally recognized courses on important policy and ethics issues like race relations and equal opportunities. The Knowledge components related to the latest legal documents and home office directives are also required to be incorporated in continuous learning and development programme of the organization.

Training Delivery

Managers are required to use a wide range of delivery types. Training courses may be appropriate but often coaching, on-the-job training, stakeholder visits, project work etc. provide more effective ways of training and developing staff. These training methodologies are frequently used.

Objectives of Learning and Development

The principal objectives of Training and Development within the IPCC are:

- Support the Organization in achieving the goals
- Support employee skill development to increase their effectiveness
- Support the development of the employees to help their progression in the organization.

Learning and Development Policy goals

- Equality of opportunity in all aspects of their employment
- An induction programme in their JOBS, TEAMS and the

Organization.

- An understanding of the direction and objectives of the Organization
- Clear and measurable objectives for their performance at work

IPCC: The identified Learning Needs
The following represent some of the main types of training need that have been identified:
<ul style="list-style-type: none"> • Service/directorate specific knowledge, e.g. changes in service practice, criteria, continuing professional development, etc., plus
<ul style="list-style-type: none"> ◀ Stakeholder awareness, e.g. knowledge of gateways, advice and support groups, local and regional communities, the legal system, lobby groups, police and home office initiatives
<ul style="list-style-type: none"> ◀ Delivering improvement, e.g. identifying and communicating lessons learnt, influencing institutional practice.
<ul style="list-style-type: none"> • Personal development, e.g. interpersonal skills, individual IT skills, further/higher education
<ul style="list-style-type: none"> • Corporate initiatives, e.g. diversity awareness, health and safety, management development
<ul style="list-style-type: none"> • Induction training.

Based on: IPee Learning and Development Policy, available online-(ipcc learning-pojicy.2008Pdf), at www.ipcc.gov.uk.

- Twice annual review of their performance and Training Needs
- Manager who is committed to their staff development.

Promoting Confidence in the Complaints System

Where the IPCC thinks it is desirable, in the interests of public confidence, it has started to publish detailed reports about outcomes of individual cases. It has also launched a research programme, and

is making recommendations arising from the outcome of cases. Commissioners are the public face of the IPCC in their region. They are responsible for promoting the complaints system to stakeholders and the media in their regions. Commissioners maintain regular personal contact with key stakeholders, such as complainant representative bodies, police stakeholders, local politicians and relevant statutory bodies.

- The IPCC may request thematic referrals in order to raise the confidence of specific groups. It could also enable the IPCC to monitor more closely the nature of complaints arising in a specific area of policing or with a particular force.
- Forces have already used the opportunity to make voluntary referrals of individual cases, where external and independent oversight may help underpin public confidence in the service or the complaints system, even though the incident falls outside the mandatory referral criteria. For instance the IPCC independently investigated a stop and search incident in Milton Keynes at the request of both the police service and local organizations. It also oversaw Thames Valley Police's review of how they responded to a fatal firearms incident¹².
- Following national media publicity concerning the non-payment by police vehicles caught speeding on roadside cameras, the IPCC asked Derbyshire Constabulary to undertake a full review of all the activations in the period. The review led to 10 recommendations being made. These included reminding all staff about procedures relating to camera activation and renewed guidance of their personal responsibilities relating to driving offences. Amendments to police vehicles to ensure blue lights are clearly identifiable on film, and prior approval from a supervisor for driving at speed for training purposes.
- It has also started its first inquiry that not only investigates a police force but also the actions of ambulance service personnel. The IPCC can, when conducting an inquiry

¹² *ibid*

under its criminal investigatory powers, scrutinize non-police personnel where this is essential to completing a satisfactory inquiry. The IPCC has produced brochures on the complaints system not only for complainants but also for police staff and officers. Commissioners are also promoting confidence in the increased use of local resolution to resolve complaints in a more informal way.

Accessibility of Complaints System- Some Examples

Knowing how to complain and what will happen about a complaint are essential to the public confidence. At a national and regional level, Commissioners ensure the public can access the complaints system, by identifying organizations that can be Complaint Access Points. For instance Cumbria Constabulary arranged that Cumbria County Council libraries, even the mobile ones, would act as complaints access points for people in the Lake District and surrounding area. The Commission has noted that police complaints have increased since the IPCC came into operation¹³. While the reasons are yet to be confirmed by research the Commission regards a willingness to complain as an indicator of public confidence, as well as of public satisfaction levels. The recent IPCC confidence survey found, for example, that 65% of people said they would be more willing to make complaints about the police, if organisations such as the Citizens Advice Bureau could help and support them¹⁴. The Commission seeks to encourage people to have the confidence to complain, as well as to encourage them to work with the police service to resolve their complaints.

Feedback

Promoting higher standards in policing by drawing out and feeding back the experiences, arising from the IPCC's work, is the aspect of the guardianship function that has provoked most discussion with the police service. The IPCC stresses to learn from the experience rather than always focusing on the individual blame.

¹³ *ibid*

¹⁴ *ibid*

- This is a new, formal role for a police complaints body (Section 10(1) (e) of the Police Reform Act that gives the IPCC this power. The provision extends the function of the IPCC into making recommendations and giving advice on police practice in relation to any other matters which the Commission comes across. This can be as a result of carrying out its other functions, including those arising from individual complaints. The IPCC therefore promotes the lessons identified from its experience of investigations and appeals¹⁵. The aim is to contribute to a culture of continuous improvement and excellence in policing. This is better than focusing only on individual blame and misconduct, arising from adverse incidents that are viewed in isolation.

A formal committee for undertaking this work has been established which concentrates on making:

- recommendations for changes to national practice and policy;
- precautionary reporting (concerning force-specific recommendations; where there could nonetheless be learning opportunities for other forces managing similar situations;
- good practice reporting where procedures and practice have worked well; and
- suggestions for future IPCC research and analysis.

The positions it takes on police policy matters is evidence based. In certain areas of policing, single cases can have a powerful illustrative effect and wherever appropriate the IPCC seeks to disseminate the important lessons through all appropriate channels. The Commission also helped to deliver the ACPO/Centrex/NPIA guidance on the safer handling and detention of persons in police custody. It is also a founder partner of the cross-departmental Forum for Preventing Deaths in Custody¹⁶. As the Commission develops its guardianship

¹⁵ *ibid*

¹⁶ *ibid*; also at the NPIA website.

role, the culture of police complaints should move away from being totally dominated by its criminal and disciplinary functions to one of continuous improvement. Such a cultural change would be in line with long- established practice in the commercial sector. It stresses working to increase police and public confidence in the complaints system. In turn, this should raise levels of public confidence in policing generally - widely seen as one' of the keys to gaining co-operation in reducing crime and anti-social behaviour.

The Public Confidence in the Complaint System

Brief of the outcomes of surveys conducted by IPCC to assess the public confidence.

In order to strengthen the civilian oversight mechanisms and to assess its responsiveness towards earning public trusts, the IPCC has been seriously self evaluating its role in order to find future directions. In order to measure trends in public confidence concerning the complaints system we survey a representative samples of the general population. The survey asks about:

- contact with the police
- willingness to complain
- barriers against complaining
- ways in which members of the public may wish to complain
- awareness of the IPCC.

The surveys usually question approximately 4,000 people– a nationally representative sample of adults in England and Wales, plus an ethnic minority booster sample of 1,200 people. The surveys have found that there is a general high willingness to complain and high levels of awareness of IPCC. However, certain key groups have been identified as being less willing to complain, more skeptical of the complaints system or more disinclined to use it. This includes those with recent negative contact with the police, ethnic minorities, people from lower socio- economic groups and young people. Surveys have been conducted in the year 2004 and 2007 and from then on yearly surveys are proposed. Independent

agencies are hired to conduct these surveys¹⁷. In addition to the groups identified by the survey, the agency also included groups who have traditionally had lower levels of trust and confidence in the police but were not able to be included in the survey, such as gay and lesbian people, gypsy/traveler groups and people for whom English was not their first language.

The study found that perceptions of the police heavily influenced the perceptions of the complaints procedure in general, and the likelihood of making a complaint in particular. The groups that tended to have more frequent and adversarial contact with the police tended to have the lowest levels of trust, and as such were the least willing to complain about inappropriate behaviour. Conversely those that had the least amount of contact had much higher expectations of police behaviour and were therefore more willing to complain about a range of potential misconduct. This research has helped the IPCC to shape its communication strategies and identify where efforts should be focused to improve confidence in, and awareness of the complaints system. ,

The Police Complaints Commissioner for Scotland (PCCS)

The role of the Police Complaints Commissioner for Scotland was established by the Scottish Parliament in 2006, by the Police, Public Order and Criminal Justice (Scotland) Act 2006, to consider and review the way police authorities, police forces and policing agencies handle complaints from the public. This came into force from April 1, 2007, before which the Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) was responsible for dealing with complaints against the police. Through the Act of 2006 this service is made free and independent. The main work of the IPCCS is to review the investigation of the complaints thereby keeping an oversight of how police deals with public complaints against its members¹⁸. Unlike the IPCC in England and Wales the IPCCS does not directly investigate. The Commissioner's role is to review

¹⁷ Survey available at IPCC website, www.ipcc.gov.uk/index/surveys

¹⁸ The HMIC for Scotland at the Scottish Government website, www.scotland.gov.uk/Topics/Justice/public-safety/Police/HMICS

the handling of complaints fairly, looking at both sides of what has happened and looking at the facts. It is an independent organization, not connected to the police. The emphasis is to review complaints fairly, and as quickly as possible. After receiving the complaint it is decided by the IPCCS whether it is in its jurisdiction to review the complaint. If it is decided to review the complaint, then the IPCCS would require the concerned Police Service or the Police Authority to furnish relevant and desired information. The status of the review is communicated to the complainants every 28 days. In the interest of openness, the report is suitably anonymised and published on the IPCCS website for public use.

Police Ombudsman for Northern Ireland

The aim of the Police Ombudsman is to provide a complaints system that is independent, impartial and effective. It is ensured that everyone in Northern Ireland receives their entitlement to the best possible policing service. It was established under the Police (Northern Ireland) Act 1998 and 2000. The Police Ombudsman's Vision is to strive for excellence in providing an independent impartial police complaints service in which the public and the police have confidence. The Police Ombudsman lists its mission statement as¹⁹;

- To ensure maximum awareness of the Police Ombudsman complaints service and that it is fully accessible and responsive to the community.
- To provide a robust and effective investigation process leading to evidence based recommendations.
- To analyse and research the outcomes of complaints so as to inform and improve the policy and practice of policing

The Salient work undertaken by the Ombudsman are;

- Investigate public complaints against the police. The Ombudsman investigate a matter if the Secretary of State, the

¹⁹ Official website of Police Ombudsman of Northern Ireland, www.policeombudsman.org/aboutus

Chief Constable or the Policing Board refer complaints or any other related matter. The Ombudsman's official policy makes it clear that they are entirely independent of the police.

- The investigation of complaints about police generally concern police behavior, improper conduct and breach of official code of conduct in laying down their duties.
- Monitor complaints against the police and check whether the complaints follow any trends or patterns.

The Police Ombudsman reports

The Police Ombudsman produces an Annual Report which refers to the complaints:

- which have been dealt with during the previous year.
- The Police Ombudsman can write a report on anything which it is considered, the Secretary of State should know about, in the public interest.
- The Police Ombudsman will carry out any necessary research or report on any matter as asked by the Secretary of State.
- The Police Ombudsman will carry out any necessary research or report on any matter as asked by the Secretary of State.
- The Police Ombudsman will put before Parliament and publish any report to the Secretary of State.
- The Police Ombudsman will send a copy of his reports to the Chief Constable and to the Policing Board.
- The Police Ombudsman will supply the Policing Board with any statistics which is considered for the Board to be important.

Source: Official website of Police Ombudsman of Northern Ireland, www.policeombudsman.org/about.tus

The complaints mechanism against the police in the UK shows signs of a well developed civilian oversight mechanism to hold police services and their individual members accountable to law and to the public trust. This paper has attempted to present the case of UK as a best practice from which many inferences and inspirations could

be drawn for consideration of the policy norms for Democratic Accountability Mechanism for the specific needs of Indian Policing within the overall context of Indian Democracy.

Acknowledgement

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- The Role of Her Majesty's Chief Inspectorate of Constabulary- Delivering Efficiency Improving Performance' , Home Office March 2008, available online [ww\homeoffice-police/HMICPdf](http://www.homeoffice-police/HMICPdf).

Important Websites and Internet Resources

- **Association of Police Authorities (AP A)** [http://www.apa.police.uk/APAAbout+the+AP AI](http://www.apa.police.uk/APAAbout+the+AP+AI)
- **Association of Chief Police Officers (ACPO)** <http://www.acpo.police.uk/about.html>
- **Home Office** <http://police.homeoffice.gov.uk/about-us/>
- **Her Majesty's Inspectorate of Constabulary (HMIC)** <http://inspectorates.homeoffice.gov.uk/hmic/about/>
- **National Policing Improvement Agency (NPIA)** <http://www.npia.police.uk/en/5151.htm>
- **Communities and Local Government (CLG)** <http://www.communities.gov.uk/corporate/about/>
- **Audit Commission (AC)** <http://www.audit-commission.gov.uk/>
- **Standards Board** <http://www.standardsboard.gov.uk/Aboutus/AbouttheStandardsBoard/>
- **Independent Police Complaints Commission (IPCC)** <http://www.ipcc.gov.uk/index/aboutipcc.htm>
- **Equalities and Human Rights Commission** <http://www.equalityhumamights.com/en/aboutus/pages/aboutus.aspx>

- **Local Government Ombudsman** <http://www.lgo.org.uk>
- **Police Federation** <http://www.polfed.org/>
- **Superintendents' Association** <http://www.policesupers.com/>
- **Gay Police Association (GPA)** <http://www.gav.police.uk/contact.html>
- **National Black Police Association (NBPA)** <http://www.nationalbpa.com/>
- **British Association for Women in Policing (BAWP)** <http://www.bawp.org/>
- **National Association of Muslim Police (NAMP)** <http://www.namp-uk.com/>
- **National Disabled Police Association (NDPA)** <http://www.ndpa.info/>
- **Standards Board for England** <http://www.standardsboard.co.uk/>
- **Police Complaints Commissioner for Scotland**, www.pccscotland.org.
- **CHRI: Commonwealth Human Rights Initiative**



Police Accountability – A Complex Problem

Dr. Vishwanath Paranjape*

Keywords

Civil Defence, Crowd Control, Disaster Management, Forensic Science, Juvenile Delinquency, Marriage Counselor, National Human Rights Commission, Police Accountability, Police Commissioner, Police Public Participation, Restructuring Police System, Royal Commission on Police (UK), Rule of Law, Welfare State, Unlawful Searches.

Abstract

Despite significant changes introduced for restructuring and revitalising the police force during the preceding five decades, the problem of police accountability, by and large, has remained unresolved. There have been a number of commissions and expert committees to deal with this complex issue and evolve definite criteria (guidelines) as to when and for what the police should be held accountable to the democratic society.

Accountability is a quasi-judicial concept which is partially legal and partially administrative implying the justification of police actions when subjected to the public scrutiny. However, looking to the peculiar nature of police functions, decisions are required to be taken instantaneously on the spot in the event of crisis and critical operations. The police, on their part makes the best possible judgment and gets promptly to counter the crisis, but its action is severely criticized when put to the judicial scrutiny. The allegations of fake encounter present the best illustrations of dilemma of

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accountability of the police. This demoralises the police and they hesitate to initiate firm and stern action, Fearing they may be blamed for the brutality, abuse of power and highhandedness,

The crux of the matter, therefore, is that the dilemma of police accountability is a grey area in the realm of police administration and the criminal justice system.

Introduction

Police as an indispensable functionary of the criminal justice system has a crucial role to play in the maintenance of peace and law and order in the community. The Police primarily function to safeguard the lives and properties of the people and protect them against crime and criminals, besides the conventional functions of detection and investigation of crime and apprehending criminals for prosecution. The police are also required to ensure the enforcement of variety of laws and regulations, traffic licensing, crowd control, juvenile delinquency, civil defence, disaster management duty etc. which though not directly concerned with criminals, and nevertheless a part of law enforcement mechanism in the modern welfare state.

The Role of Police

Initially the 'Police' was derived from the Latin word 'Politia' which meant administration or enforcement of government regulations in a particular society. However, in course of time, it came to be identified as an agency of State to maintain law and order and enforce the rules of criminal law and procedure. In modern time, the police functions generally relate to ensuring public peace and promoting welfare of the people by eliminating crimes and criminals from the society¹.

The emergence of welfare state and expansion of administrative law in the latter half of the twentieth century has brought about a radical change in the functioning of police. It has no longer remained a mere 'watchdog' agency but has to play a more diversified role of a social service organisation and a active participant in promoting the welfare of the community as a whole.².

¹ Ernest Freund: The Police & Constitutional Rights, p 6

² Julius Stone: Social Dimensions of Law and Justice, p696

People's Expectations from Police

People's perception about police has undergone a drastic change over the years due to democratization of the political systems, spread of education and growing consciousness about the fundamental rights as well as the Human Rights of the citizens. The modern scientific and technological developments and evolutions of new communication skill and advances in forensic science, etc have further expanded the responsibilities of police organization to be well equipped with all the sophisticated methods of crime detection and the handling of criminals. People today look at the police not merely as a law enforcer, but a public servant well versed with public relations, an active social worker, a knowledgeable person and even as a marriage counselor possessing adequate skills of modern techniques of criminal justice administration.

It hardly needs to be stressed that ever since the India's independence, there has been a evolutionary change in the pattern of Indian society notably, in the area of social awakening, economic planning and dominance of political class in the system of governance. This obviously has necessitated a shift of trend in police functioning, making it more multi-dimensional and answerable to the democratic society.

Police Accountability

In the present democratic setup of governance in the country, the question of accountability of civil servants, particularly that of police, has assumed special significance in a welfare state like India. It has always remained a most debated issue despite a series of findings and reports of several Committees and Commissions³ on Police Functioning during the past more than five decades.

³ Riberio Committee (1st Report Oct, 1998 & 2nd March 1999); Padmanabhaiah Committee (Jan 2000), National Police Commission's 8111 Report submitted in 1981; Malimath Committee (2004); Soli Sorabjee Committee appointed on 20111 September, 2005 submitted draft of Police Act on 91h September, 2006 to the government but it is yet to be cleared by the House of Parliament; National Human Rights Commission Report on Police -Public Relations handed down on 22nd December, 1999; Law Commission's 1541h Report; NHRC Report dated 31st May, 2005 etc.

The term 'accountability', by and large, means performance of duty in such a manner that it can be legally justified when brought under the minutest scrutiny. In other words, accountability refers to a person's answerability to the consequences of his act. When used with reference to police organization, it denotes the acts of police personnel for public security. Accountability is thus a quasi-judicial concept which is partly legal and partly administrative in performance of the duties assigned to the police.

In the modern political scenario and evolution of democratic welfare states, accountability of the executive officials including the police force, is the sole determinant of efficiency or otherwise of the administration. It is one of the essential attributes of the Rule of Law which implies among other things, an impartial and dispassionate application of law to all the citizens alike⁴. In other words, everyone, whatever be his rank or position, is subject to the law of the land and amenable to the jurisdiction of the Court or Tribunal.

Trilateral Accountability

Though, theoretically it is the Constitution, which is supreme in a democratic system and public servants are supposed to act and perform their tasks according to the constitutional mandate but the ground reality is that the police has to serve three masters at one and the same time so far as the accountability is concerned, namely (i) law of the land, (ii) the society and citizens, and (iii) the political high-ups such as ministers, the leaders of different political parties etc. It is because of this triangular accountability which creates a dilemma for the police to discharge its functions strictly in accordance with the requirements of law. More often than not, the unwarranted interference of political bosses and higher authorities deviates the police from initiating proper action, thereby demoralizing them and compelling them to succumb to the wishes of higher authorities unwillingly with a sense of helplessness. And if the police authorities do not abide by the orders of their superior political or bureaucratic bosses, they have to face the unpleasant consequences, which adversely affects the and the

⁴ A.V.Dicey: Law and Public Opinion in England p.74

family members. Transfer to a remote place is a very common sort of punishment, which the police personnel have to face as a result of the disobedience of the unwarranted order from high ups.

In a bureaucratic set up of governance where the government departments are controlled by the minister who are politicians, without necessarily having expertise in the subject or the department they deal with, they are naturally interested in promoting their own selfish interest or party's interest⁵ at times, making use of the police as a tool to achieve their ulterior purposes, unmindful of the responsibility and liability they owe to the public whom they represent. There are many instances when illegal assets are made or unlawful searches are carried out by the police at the behest of the politicians in power to wreck vengeance against the fellow rivals or opposition leader. Such unlawful enforcement of law obviously tarnishes the image of police and they become an object of ridicule in the public eyes.

The Mahajan Commission in its report way back in 1968 had expressed serious concern for the abuse of police power by political or executive interference, by 'amateur leadership', which is bound to shake public confidence in the police functioning. There have been number of cases when police had to act in a most undemocratic manner much against their conscience and impartial judgment⁶.

The Court have time and again warned that the moment a crime is committed, the law takes its own course and police is under a statutory duty to perform its function as mandated by law and any deviation from the prescribed code of conduct would be contrary to the procedure established by law. The Royal Commission on Police in UK also expressed a similar view and stated that police should hold allegiance to the law and there should be no external

⁵ Examples are 2G Spectrum Scandal, CWG Fraud(2010), Mumbai Adarsh Society Scam (2009); Karia Munda ex-chief minister, Jharkhand Black Money Scandal; Note for Vote case (March, 2008); Bellari Reddy Brothers illegal Mining Scandal and other such scams

⁶ M.P. Cadre IAS officer Rarnesh Thette's case wherein he could get justice after 10 long years of Court proceedings. Also Gujrat's Ishrat Jahan Fake encounter case in 2004 in which she was killed along with 3 others.

influences by any authority in the performance of statutory duty by the police. Thus, police should become a “long and strong arm of law” and not sub serve the interests of local authorities which employ them⁷.

Police Functioning in the Indian Set Up

In India the functioning of police operates at two different levels, namely, State level and the Central Government level. At the state level, the Director General of Police (DGP) is responsible to the State Government for internal law and order, security, training, discipline, etc whereas the Central Police Force comprising of different organisations like CRPF, BSF, ITBP, CISF, IB etc. are accountable through their police chiefs to the Union Government as also to the Parliament and the people of India. The State Police being an independent organisation of the State is not accountable to the Central Government except in the case of emergency or a national crisis. However, it may and does seek any assistance from any of the Central Police Organisation in the times of need and crisis to support and assist the State police.

It hardly needs to be stressed that unless the chief of the State police and those of the Central Police forces are ensured the security and stability in the office and allowed a free hand in taking decisions independently without any executive or political interference, how can they be held accountable for their decision or actions. External pressures or uncalled for intervention of politicians is bound to undermine the police image resulting into the loss of people’s confidence in police establishment.

In Metropolitan cities, the Police Commissioner is conferred with functional autonomy for maintenance of law and order, prevention and detection of crime and regulation of traffic. The conferment of magisterial power on Police Commissioner has improved the police efficiency as he has not to wait and seek magisterial order from executive official in charge of the district. By this change, police is organised in unitary chain of

⁷ The Royal Commission of Police Report (U.K) 1962.

command of Police Commissioner which embraces within it two basic functions of decision making and their implementation, thus bringing to an end the dichotomy of control by the district magistrate and Superintendent of Police which has adversely been affecting law and order condition in the state.

The former Chief Justice of India, once observed that legislators (Politicians) have emerged as new powerful section of the society and unwarranted interferences in the administrative affairs of the executive is a major inroad in holding the public servant, including the police accountable for their misdeeds or acts which are contrary to statutory laws. The political articulation has failed to shape the law effectively in the interest of social justice⁸. It, therefore, follows that if the police or any department or organisation of the government functionary is to be held accountable, there is a need for self restraint by the legislators through a strict code of conduct for themselves.

Use of Police Force

The mandate of police to use force to curb violence raises a key issue that police themselves should not indulge in violence or excessive use of force unless it is absolutely unavoidable. It does not, however mean that police should cowardly 'back down' on the misconceived assumption that they may be blamed for Human Rights violation. Police is under a statutory duty to protect citizens against violence and preserve peace and order in the society. The only precaution that they are supposed to exercise is that the force used by police should not exceed than what was reasonably warranted at the scene of crime/ incident. Commenting on this aspect of exercise of the police power, Robert Reiner observed that "Policing is inherently a conflict ridden enterprise"⁹. Therefore, the police has a professional responsibility demanding from them the highest standards of conduct, particularly those of honesty, impartiality and integrity. It is rather unfortunate that despite intensive effort to revitalize and rejuvenate the existing

⁸ Justice Gajendragadkar P. B.: Law, liberty and Social Justice p27

⁹ Quoted from Dr.N. Y.Paranjape, Criminology and Penology with Victimology (2011) 15th Ed.p 362

police system the overall image of police by and large still remains, unaltered in the public and police men are looked with fear, suspicion and unworthy of being trusted.

Thus, public apathy towards the police is the root cause of demoralisation of police force which prevents them from taking firm action against the law breakers. It is for this reason that police finds it difficult to procure witness to be produced before the court in support of the prosecution. Not only that, even the magistracy in India looks at police with distrust and statements made before the police are not relied unless they are not supported by substantial corroborative evidence¹⁰. The police and the magistracy being two indispensable agencies of the criminal justice system, lack of mutual trust and harmony between them is bound to jeopardize the cause of justice. In fact, the magistracy should proceed with the basic assumption that police has the first hand information and knowledge about the case as also about the accused, his antecedents, character, acts, etc and therefore, there is no reason to distrust them unless there are cognate reasons to disbelieve police version.

Police-Public Relations

The need of the hour is that general perception of the public about the police personnel being inefficient, corrupt, brutal and atrocious has to be changed by strengthening the police-public cooperation¹¹. The police version about the growing incidences of mob-violence vandalism and hooliganism by law breakers is that these elements are not at all scared of police action because they know it for certain that police has its own limitations to retaliate because of the uncertainty that their action would be backed by the government. In the present scenario there is no one to back and support the police and the fear of Human Rights violations looms large on them which prevents them from any stern action against the rowdy violent mob. This obviously provides a boost to law breakers to indulge in

¹⁰ Section 27 of the Evidence Act, 1872 and sec. 162 of the Code of Criminal Procedure, 1973

¹¹ Sections 37, 38,39, 40 and 43(1) of CrPC deals with public assistance to police in crime detection and arrest of criminals.

hooligism with impunity¹². The dilemma before the police in such grave situations is that if they use power and force to destabilize the mob, they are charged of atrocious brutality and blatant violations of Human Rights and/or Fundamental Rights, and if they don't react firmly, they are blamed for inaction and incompetence in handling the situation properly¹³. The incidents of stone pelting, beating and mishandling the policemen while disbursing the violent mobsters are common occurrences and police has to think twice before using event the mildest force or lathi charge due to apprehension of being alleged of Human Rights violations.

Summing Up

The rapid transformation of Indian society in recent decades has extended the scope of police activities to such an extent that besides its convectional functions of preventions and investigations of crime and maintenance of law and order within its territorial jurisdiction, the police has to deal with cases emanating from international terrorism, cyber-crime like money laundering, hacking, bank frauds, counterfeiting, smuggling of weapons Maoist activities etc. which are destabilizing the country and subverting the national security. In the absence of adequate training and expertise, the police personnel find it difficult to deal with newly emerging crimes adequately. Many of these crimes are not covered under the Indian Penal Code which is more than one and a half century old and needs to be thoroughly revised. The central legislation to curb these criminal activities has its own limitation which renders it ineffective in many cases¹⁴. The Police Act which is equally old and outdated hardly responds to the need and requirements of the changed police role in combating crime and criminals. Hence there is an urgent need for restructuring the police laws and regulations. ■

¹² Madhya Pradesh IGP Shri Vijay Yadav's press conference on 03 Dec, 2011 on violence by Gas Tragedy Victims mob violence in Bhopal on the occasion of 27th Anniversary of MIC Gas Tragedy, Bhopal.

¹³ Paper presented by Shri A. N. Singh, Retd DGP M.P in the workshop on Human Rights and Mortality in Policing held NLUI, Bhopal on 20th October, 2011

¹⁴ For instance, the Armed Forces Special Powers Act, 1958 which empowers the Armed forces even to shoot the insurgent and provides them immunity from prosecution and is being severely opposed by the people of Manipur and other Eastern border states but the Government deems it necessary to retain the Act for national security reasons. Other legislations are the Money Laundering (Amendment) Act, 2005, the SC/ST (Protection of Atrocities) Act, 1989 etc.

Police Ethics in India: Ecological Perspective

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Keywords

Police Ethics, Police-Ecological System, External Ecological Factors, Internal Ecological Factors, Negative Input Factors, Police Station Management, Police Work Culture.

Abstract

The application of word of 'Ecology' has been in the field of science, as in biology, where the interdependence between an animal species and its natural environment is called ecology. Sociologists have extended the use of the term to the study of man's spatial relationships in urban settings. In 1947, Professor John M Gaus of Harvard University suggested that the same concept could usefully be applied to the study of public administration. Now, present paper is an effort to reveal the ecological patterns around the police organization and its personnel that directly and indirectly, visibly and invisibly determine its organizational functioning and its personnel's ethical-functional behaviour.

Introduction

The police ethics in India during the pre-independent era emphasized conformity, obedience and acceptance of authority. Then, the police had a clear-cut role to identify and isolate the anti-social elements and to contain the freedom fighters by the order of their British bosses. And, the police was entitled to use coercive power against the target groups. These three groups-

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the anti-social elements, political activists and white bosses were not overlapping groups but easily identifiable. But after independence, the political leaders in power became the bosses who expect the police to consider even their political opponents as the target group. In democracy, one political party in the opposition will come or may come in power in future creating the situation of indetermination and confusion for police to please the members of both political parties.

Beside this confusing part of their working, police as institution is facing the large numbers of complaints filed against them. Such complaints include grievances against custodial violence, custodial deaths, misbehaviour, not recording FIR, illegal detention of innocent persons and false accusations.

The attitude of the public towards the police as reflected in various mass media viz. newspapers, journals/ magazines, cinemas etc. also does not appear to be favourable for their own working. Indian police has the image of :

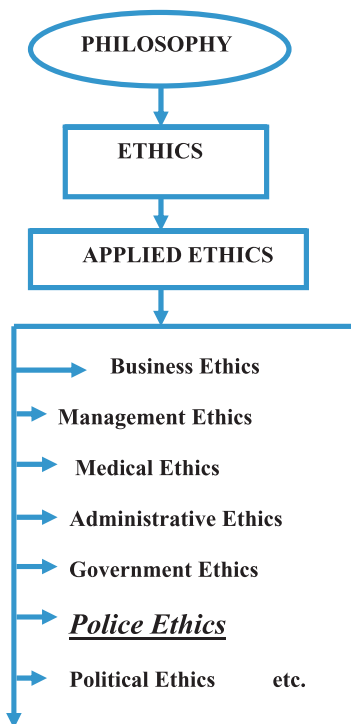
- Not helping even in case when sincere assistance is required
- Suspect each and every one who approach them
- Harass by putting unnecessary questions
- Summon again and again to the police station
- Treat rudely, discourteously and unsympathetically
- Use of third degree even to the people who are not subject to this or who are not criminals
- Twisted evidence or make up evidence while presenting them in court, etc.

Hence, the public has an apathetic and non-cooperative attitude towards the police. That is why the Indian police administration is very much isolated from the general public. In other words, for people Indian police lacks what is called 'ethics'.

Police Ethics

Police Ethics is one of the branches of applied normative ethics. The word 'Ethics' comes from the Greek word "Ethos" which

means custom or character. Ethics is a major branch of philosophy, encompassing right conduct and good life. In common parlance the word “applied” is termed as practice. “Applied ethics is the field that holds ethical theory accountable to practice and professional practice accountable to theory.¹ The link between ‘theory’ and ‘practice’ is what makes applied ethics different from philosophical ethics. Although the word ethical is used interchangeably with the word moral, it characteristically gives a slightly different impression. Ethics is the organisation or criticism of conduct in terms of notions like good, right and welfare. It is the secular and critical manner of taking account of the rational process in conduct. Its temper is non-mystical and its orientation is social rather than theological.



Very commonly, the presence of some characteristics is counted as the behaviour on ethical grounds e.g. responsibility, accountability, responsiveness, respect for other personality, truthfulness, honesty, acceptance, discipline and others.

The society demands of its servants, particularly of the police, more exacting and exemplary conduct than it expects of private citizens. A public official has no private life and his conduct, whether 'off or on duty', is subjected to the constant scrutiny and critical analysis of the public itself. Of all public servants, the policemen, by reason of their specific duties, must observe a more exacting code than any other public servants.

It is being rediscovered that job competence in the public service is useless unless accompanied by ethical standards. In the quest to replace the evils of the spoils system with the virtues of the merit system, it was assumed too readily that clever people would also be moral people. But, a large number of evidence are there which shows that public servants, including policemen, have failed to live up to the expected canons of official conduct. The failure of public service ethics is a very serious issue. Police corruption is a problem that has always been existing. There are several structural, procedural, psychological and behavioural factors that caused the police corruption. Every act of police which overrule the police code of conduct comes under the category of corruption.

In order to solve out these types of major ethical and working problems, the serious and honest study of police ethics with the perspective of its ecological pattern is essentially required. But, it is strange that ethics has not been stressed and is not an integral part of the education and training in modern India.

Police Ecological System

Like any other organisation, the police organisation in India is also an 'open system' with its input factors, process and output result, and is affected by its surrounding working systems and affects them too. The common (negative) image of police is what the 'output' comes after getting the processed input factors. These input factors are complex and intrinsically rooted in the historical, political, social, economical and psychological dynamics of Indian society. Human behaviour is not a static form; changes with the driving force which

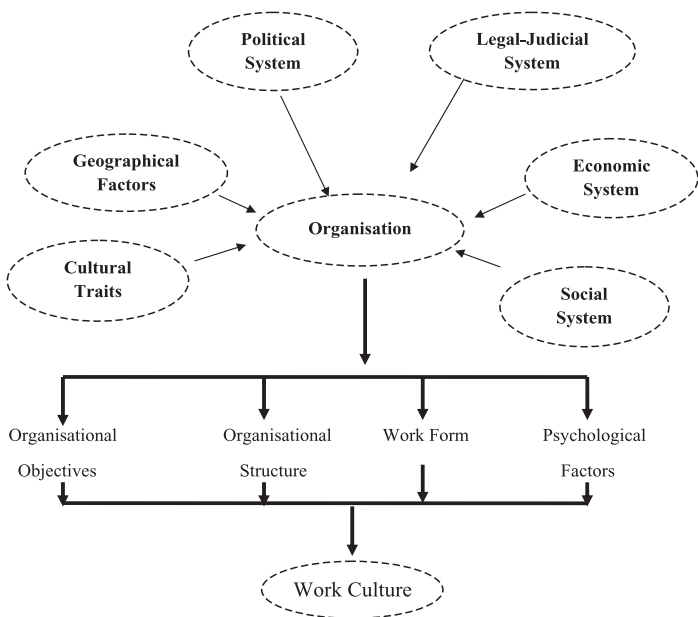


itself are derived from the input factors. This 'Individual Behaviour Pattern' one can understand by this figure² ;

= Positive change in behavioural pattern (if positive input is given as per requirement of individual in terms of nature and quantity) or Negative change or no change for short period in behavioural pattern (if input is contrary to or not as per requirement of individual in terms of nature and quantity).

The cause and effect relationship behind the police behaviour can be sketched out by applying above concept of individual behaviour pattern. It is often assumed that environmental factors exercise such as compelling influence over the subject of inquiry that, once one has described all these conditions and demonstrated their effects, one can fully explain and predict the behaviour and prospects of the species or system under examination. Thus, it is essential to find and study the ecological system in and around the police organisation. We can call it Police-Ecological System.

Figure: Police-Ecological System



The factors of Police-Ecological System can be categorised into two: external ecological factors (political, social-cultural, economic, legal-judicial and geographical) and internal ecological factors (organisational objectives, organisational structure, work form, psychological factors).

As the emphasis is on to find out the negative input factors that stimulate negative behaviour in the policemen, some of the major weaknesses and facts (undesirable) of police-ecological system in India are:

(A) Major External Factors

(i) Political Systems

Political factors which forms the Constitutional body heading the police-

- Decline of integrity in the character of politicians.
- Criminalisation of politics and politicisation of criminals.
- Lack of well educated, intelligent and mature politicians.
- The increasing role of local political elements.
- Coalition form of government in which coalition is based on the bargaining of posts in government, constituency division and also of money.
- Nexus between politicians and bureaucrats.

The growing disease of corruption sourced from political loopholes and criminalisation of politics has direct impact on the field-functioning of police. In 2011 India was ranked 95th out of 178 countries in Transparency International's Corruption Perceptions Index³.

(ii) Social Systems

(a) **Social factors** which lives in the mind and heart of human beings as prejudice:

- ◀ Division of society into caste, sub-caste, class, sub-class, religion, region and language.

- ◀ The growing division of society into rich and poor, politically powerful and common man, bureaucratically powerful and common man.
 - ◀ Growing division of society into highly professionally qualified people earning lakhs of package of salary and low earning by the people of less merits and qualification.
 - ◀ Changing form of family from joint family to nuclear one. The members of nuclear family are found more prone to commit crime and victim of crime too.
 - ◀ Decline of quality education and character building education.
 - ◀ The declining and controversial characters of religious personality.
 - ◀ The irresponsible production by the entertainment industry like vulgarity, presenting negative characters as heroes, crime and misdeeds as an accepted and usual activity etc.
 - ◀ Attraction towards urban, metropolitan and cosmopolitan life style.
- (b) **Historical Factors:** the root of various social evils and crimes:
- ◀ In spite of working in a democratic set up (with secular outlook) for more than six decades, the Indian police have not been able to wipe off the colonial stigma attached to them.
 - ◀ The guiding source of police operations and functions like IPC, CrPC, Evidence Acts and even the Indian Police Act, are basically colonial in nature (in the contemporary policing contexts). Most of their provisions have become old, archaic and out dated.
- (c) **Technological factors:** easy to do what to do:
- ◀ The use of high tech equipments and tools by criminals.

- ◀ Increasing the geographical area of crime by using latest technology.
- ◀ The fast changing era of technology in intensive and extensive way is not easy to cope up for the police personnel.

(iii) Economic Systems

Economic factors—blood of all societal activities:

- Concentration of money in few hands.
- Growing inflation rate and expensive basic amenities.
- Growing household requirements and increasing economic needs.
- Commercial society where the one-dimensional growth of individuals is accepted and valued with the wealth and powerful post.
- Imbalance employment generation

(iv) Legal-Judicial Systems

Legal-Judicial factors: determines the efficacy of the ethical concerns in governance system:

- Nebulous laws, with confusing definition of corruption and its explanations.
- A slow-moving judiciary, with a concern for letter rather than the spirit of law, with dither and delay and even help the perpetrators of crimes by giving them leeway through prolonged trials and the benefits of doubts.
- Anti-corruption machinery of the government, with its tangled web of complex procedures, unintended grants relief to the accused who are indirectly assisted by dilatory and knotty procedures.
- An acute shortage of Public Prosecutors to conduct the prosecution cases in courts and shortage of Judges to the

lower courts, High Courts and Supreme Court of India.

In India there is an acute shortage of Public Prosecutors to conduct the prosecution cases in courts and shortage of Judges to lower courts, High Courts and Supreme Court of India. These vacant positions caused the pendency of cases in million in numbers, awaiting the judgment for years. Recently in an all India Conference of the Central Administrative Tribunal in November 2011, Senior Supreme Court judge Justice Dalveer Bhandari mentioned the huge pendency of cases in high and lower courts as 'alarming' that called for drastic remedial steps. According to him over 2.74 crore cases were pending in the lower courts, over 42.92 lakh in high courts, and 56,383 cases in the Supreme Court⁴. With regard to subordinate judiciary, the Supreme court, in its judgment of 21st March, 2002, in All India Judges' Association and Ors Vs. Union of India and Ors., directed that an increase in the Judge strength from the existing 10.5 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. The Central Government has filed an affidavit in the Supreme Court praying that the increase in the judge strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases. The matter is sub-judice while the Law Commission of India in its 120th report recommended that the strength of judges per million population may be increased from 10.5 to 50 judges. The present judge strength in India is 14 per million populations (approx.). Though the Government has increased the Judge strength in the High Courts by 152, it is not sufficient to meet the ideal judge: population ratio. This big gap between number of legal personnel and population results into-

- Poor fulfillment of 'maximizing justice in society and promoting good governance under the rule of law'
- De-motivation to police personnel in their active performance against the crimes and culprits as long years of hearings of

cases weakens the witnesses, evidences, and, transferred police officers have to dart across their posted area's courts.

- Many people de-motivate to file case against mean misbehavior, theft or robbery, road-accident etc. to save their time, money and energy in running between the court and police station. This practice and psychology of common, that is basically due to poor legal-judicial system, caused the increase in number of crimes and helplessness of police for getting case filed and probing the culprit.

(v) **Personal and Psychological factors**– the hidden cause and culmination of all other factors:

- The growing desire for luxurious life with name, fame and money with fewer efforts and short cuts.
- Growing individual loneliness and isolation (due to various reasons) even in era of information technology.
- Decreasing capacity of endurance and tolerance in inter-personal relations both at home and at work place.

(B) Major Internal Factors

- (i) **Organisational Objectives** that decides the functions and way of functioning:
- (ii) The **functional objectives** of police organisation have tremendously increased during some last decades. The activities of community policing, welfare policing, police for maintaining human rights have been added to its traditional objectives of the prevention of crime, investigation of crimes, maintenance of public order, assistance in criminal trials, providing security to vital installations and important persons, assistance in disaster management, etc. All these objectives acquire the different nature while executing them. Also, these multifarious functions are growing qualitatively and quantitatively. This makes man in police to imbibe and works for the fulfillment of number of objectives different in their nature of execution. An average policeman with extraordinary workload get adverse effects on

his natural efficiency and performance.

Unlike business organisations, Police Organisation is one hundred percent human organisation. Every Human Being who joins this organisation brings with him his skills as well as his attitude and behavioural pattern. Due to this, the performance of organisation is affected by two way process of interaction between employees and organisation. The objectives of organisation affect the attitude and behaviour of men in organisation and the performance of organisational functions are affected by the attitude and behaviour of its men.

- (ii) **Organisational Structure** that decides the functional and inter-personnel relations.

Indian police has centralized organisational structure. It is horizontally stratified like the military and para-military forces and is organized into various cadres. The police in each State are divided vertically into armed and unarmed branches. The structure of police organisation is suitable to the very nature of the organisation but the long hierarchical set up with large distance between posts caused poor existence of informal organisation and poor belief and support system. Informal groups (i.e. natural groupings of the people in the work situation) within the place exercise strong social controls over the work habits and attitudes of the individual workers. Also, group standards strongly influence the behaviour of individuals in organisation. But by following its colonial legacy, the police organisation in India is still working only on 'formalisation'. The traditional prejudice of keeping distance between the posts obstructs the strengthening of healthy and faithful inter-personnel relations.

- (iii) **Work Form** that affects personnel both externally and internally

The basic objective, the functional procedure (way of functioning), the types of services to the clients and the use of various resources determines the very nature of any organisation. Being a disciplined body with strict rules and regulations, police organisation has to work as a human organisation, a living entity which has to:

- prevent negative and destructive factors, in general;
- perform in positive and constructive way, in special cases.

But, what the police organisation lacks is the application of office management. In order to cop up this, organisation is required to develop methods and techniques of **Police Station Management (PSM)**. *PSM can be defined as the application of managerial tools, techniques, methods and procedure to carry out police functions at the level of police station.*

Additionally, the police force in India has been suffering due to its less number of strength as compared to the population. As per data compiled by Bureau of Police Research and Development (BPR&D) the number of Police personnel per one lakh of population in India as on 1.1.2006, is 1:142.69. (142.69 Police Personnel for every 1 lakh population)⁵ This situation results into overburdening on the men working in the organisation and this further results into the poor performance. In the opinion of Chester Barnard, "Neither men of weak responsibilities nor those of limited capability can endure or carry the burden of many simultaneous obligations of different types. If they are 'over loaded', ability, responsibility or morality, or all three will be destroyed."⁶

(iv) Psychological Factors that determine the functional-behaviour

The various psychological components that emerge during any law and order situation are: problem understanding, problem solving, understanding mob psychology, negotiation techniques, handling panic, controlling mob and crowd action, rumour handling/ public opinion/ propaganda, interrogating the rioters, community relations, classification of men due to individual differences, teaching/ training/ learning, understanding men's needs/frustrations, motivation/ morale/ welfare, discipline, adjustment, defense mechanism, stress, leadership, tactics and strategies, and any other psychological mechanisms.

Negative factors such as crime, abusive language, misbehaviour, partiality, recline, danger etc. affects human personality negatively.

It is an acknowledged fact that the stressful atmosphere over a long period acts as a major factor in causing the illness. Some of the psychologists with their research have proved that the badly designed work places can have an adverse effect on the way a job is performed and simply long working hours can be an important cause of stress (David A. Statt, 1994). Specialists in this area now believe that working for more than 40 hours a week becomes increasingly unproductive (Arnold et al., 1991).

Policemen are supposed to enforce the law and order in the manner which has been prescribed in the law. They should not take the law in to his own hands and use methods not sanctioned by the law but often they do. It has been argued that the policemen have to use third degree, padding, fabrication etc. not to enrich his pockets but with a false notion to do the service to the society. They use third degree to get confession by the criminals, they pad or fabricate evidence for the good purpose. They sometimes by using these types of illegal and wrong acts, help in getting case solve and expect reward from the seniors. But as these means are illegal and sometimes inhuman, they show themselves up in very bad light before the public who start becoming afraid of him.

In a Ph. D. research work⁷ while answering a the question **‘Do you have to use methods of oppression, rude language and threat to the criminals?’** only 7.7% policemen refused the use of methods of oppression, rude language and threat to the criminals 26.2% says they use these methods most of the time, 46.4% sometimes, 7.1% says they uses these methods rarely and 12.5% says it depends on the mood of that time. It proves clearly that **in order to solve out the cases, in order to face and handle criminals that are basically negative elements of the society, policemen have to have negative behavior.** This indirectly affects their psychological and emotional situation too. It is proved by the responses, when 32.1% (mostly get tensed), 47.6% (sometimes get tensed) and 11.3% (rarely get tensed) or get bad mood after using measures of oppressions, threat or rigid rude behavior.

Similarly, 36.3% policemen accepted that the use of rude and

indecent language mostly have negative impact on them. 35.7% accepted sometimes this have negative impact, 11.9% says they have no impact of rude and indecent language while for 16.1% this type of language is required the for police work. Hence, total 72% of policemen accepted that the use of this type of language have disturbing impact on them.

In this way a tendency is used to get develop that they can have their work done only when they are rigid and rude. This tends their behaviour towards the general people in a wrong way. But, a good picture emerges when 69.1% policemen say they do not adopt rigid behaviour with the general people. But, 25.6% is also a noticeable figure which says their behaviour with general people depends on the mood of that time, it may be rigid or normal.

Police-Work Culture

In the same research study, 40% policemen accepted that after joining the police service they have become rigid, rude and suspicious. They mentioned reason behind this change in their nature is the 'Working Nature' of police organisation where they have to be doubtful for most of the time. They said that their interaction with criminals, fraud and liar people is more than that of the innocent ones which obviously changed their outlook for others.

Thus, the environmental dynamics determine the individual behaviour and subsequently the organisational behaviour. This further culminates into the work culture of the organisation. Every working individual lives dual life, one is personal life and another one is professional. These two parts of life are rarely the same to different people. One has to maintain the balance between these two parts of life which affect and affected by each other. Thus, along with these above ecological factors where police personnel perform some other internal facts are also important to club down:

- There are poor working and service conditions in police organisation.
- The policemen's largest part of life goes by dealing with the

negative elements of the society.

- Most of the policemen could not get sufficient time for their family and friends while it can work as a defense mechanism in the time of stress and tension.
- Police from its British colonial period have not had good image which caused the lack of people cooperation for the present police.

By following the general principles of psychology along with very common sense, all the above factors in the long term in any service can cause man to get irritated, frustrated and dissatisfied. And these types of negativity causes negative behaviour of the man, though, the above conditions and insufficiency can not be blamed as the sole reason behind each and every incidence of police brutality.

Conclusion

Most of the people in and out of the police service have pretty good idea of what policemen should or should not do. They should not indulge in favouritism or nepotism and in any kind of corruption. They should give prompt, courteous and efficient service. But, we are witness to the countless account of police brutality and abuse of authority, and feel that police corruption has reached the epidemic proportion. But, it is very obvious, as corruption, brutality and other forms of deviance and non-ethical practices have become common and very accepted practices in our society. Police organization is a sub-system of big Societal system and hence, can not work in isolation without good and bad practices of the political-social-economic sub systems.

Thus, for inculcating police professionalism, the community involvement is required to materialise in praxis. Police service should be modified in to the profession of gentlemen who know how to behave. Codes set out the highest values- what ought to be, not what is. Rule of action are needed more than idealistic principles. Codes of ethics rarely spell out how they are to be operationalized. This gap allows policemen to find them unable to perform according to the code. They do not find themselves

necessarily in agreement with their written service ethics which may seem to them unnecessary, pedantic, and old-fashioned. They may prefer other values and different ethical principles. Their vision of the world is much wider than that contained in the codes of conduct. The codes may push them one way, their hearts another. For this, an Ethical Police Leadership by men of higher hierarchy, who are Gazetted Officers and who are termed as powerful in the organisation, are required to work as an example and guiding light for ethical functioning before the lower hierarchies.

Hence, with the understanding of these ecological factors genuine governmental, societal and academic efforts are required to inculcate ethical practices among the policemen. And, ultimately it is the responsibility of the government to inculcate ethical practices by various measures.

“No responsibility of government is more fundamental than the responsibility of maintaining the higher standards of ethical behaviour.”
John F. Kennedy



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Organizational Role Stress amongst Police Personnel in Terrorist Affected Districts of Assam

Dr. Dimpy Mahanta*

Keywords

Organizational Role Stress, Police Personnel, Hierarchy.

Abstract

The job of police personnel is considered to be highly stressful. In India, very few researches have been carried out on police stress. However, till date hardly any study has been conducted to find out the role stress of police personnel at different levels in police hierarchy. Realizing the importance of this issue mirrored by the ever increasing frequency of police suicide cases India, in general and Assam in particular, the researcher attempts to investigate the organizational role stress (ORS) of three different levels of police hierarchy and to see if there exists a significant difference in ORS between the three different levels, namely the Constable/Havildar level, Inspector/Sub-Inspector Level and DSP and above level. To attain the objectives of the study, the ORS Scale (Pareek, 1983) and the Personal Information Schedule was administered to a sample of 90 police personnel (30 each from each of the three levels) spread over five terrorist affected districts of Assam. Stratified random sampling method was used. The results revealed that Resource Inadequacy and Inter-Role Distance were common dominant contributors, whereas Role Ambiguity was the remote contributor to ORS in all the three levels of police hierarchy. Significant differences in ORS scores have been observed in all the three levels. Implications of the findings of the present study have been discussed.

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Introduction

Stress has become a burning issue in today's times. Stress is omnipresent: be it the family, business organization/enterprise or any other social and economic organization. No organization or individual is without stress, though only the intensity of stress varies. The extent of stress is only a matter of degree. A person, who says that he has never felt any stress in his work life, is virtually saying that he is a living corpse.

"Stress is the non specific response to any demand" (Selye, 1956). Stress has also been defined in terms of a misfit between a person's skills and abilities and demands of the job and environment (French, Rogers & Cobb, 1974). Caplan, Cobb, French, Van Harrison, Pinneau (1975) define it as "any characteristic of the job environment which poses a threat to the individual."

Workplace stress is a very common phenomenon these days. When any individual experiences stress because of the role that he performs in the organization, we term it as Organizational Role Stress (ORS). In every organization, be it a public sector enterprise, a private sector organization, government sector, the system do contribute to the stress that an employee experiences.

Organizational Role Stress refers to the stress due to conflict and tension experienced by the employees in an organization due to the roles being enacted by them in the context of the organizations at any given point of time. Katz and Kahn (1966) suggested that an organization can be defined as a system of roles which are different from the positions or offices in the organization. Role determines the obligations of the persons holding that office. There are two role systems: Role Space and Role Set. Both have a built-in potential for conflict and stress (Pareek, 2003). It may be expected that organizational role stress will operate in interaction with the general ill-being and well-being. There is an expected high relationship of organizational role stress with these two.

Organizational Role Stress

There are different instruments which measure stress. The present research is mainly concerned with the organizational role stress

(ORS), which measures the total role stress. Following are the ten role stressors which contribute to the total ORS score:

- **Inter-Role Distance (IRD):** The conflict between the organizational and non-organizational goals.
- **Role Stagnation (RS):** The feeling of being “stuck” in the same role.
- **Role Expectation Conflict (REC):** Conflicting expectations and demands between different role senders.
- **Role Erosion (RE):** The feeling that functions which should belong to the respondent’s role are being transformed or being performed by others.
- **Role Overload (RO):** The feeling that more is expected from the role than the respondent can cope with.
- **Role Isolation (RI):** Lack of linkages between the respondent’s role and that of other roles in the organization.
- **Personal Inadequacy (PI):** Inadequate knowledge, skills, or preparation for a respondent to be effective in a particular role.
- **Self-Role Distance (SRD):** Conflicts between the respondent’s values/ self-concepts and the requirements of his/her organizational role.
- **Role Ambiguity (RA):** Lack of clarity about other’s expectations of the respondent’s role, or lack of feedback on how others perceive the respondent’s performance.
- **Resource Inadequacy (RIn):** Non-availability of resources needed for effective role performance

In contemporary times, the Organizational Role Stress in the law-enforcement personnel, i.e., our police force has become quite prevalent. Every alternate day, one gets to read in newspapers about the suicide cases of police personnel. The number of suicides amongst police personnel has increased dramatically in the past couple of years, making it an issue of very serious concern. The job

of a police man is a highly stressful job which demands an official to be on his toes day in day out. In a police organization, the extent of severity of stress varies from individual to individual and rank to rank. Many a times the sources of stressful situations are beyond the control of our police personnel. The work of a typical police man in a field involves both physical dangers and psychological discomforts which leads to various attitudinal, behavioral and relationship problems.

Due to the pressures of law enforcement, the police personnel are often at a risk of a number of ailments like stomach ulcers, blood pressure, insomnia, increased levels of destructive stress hormones, cardiac problems, nervous breakdown, post-traumatic stress disorder (PTSD), burn out stress syndrome and suicide, to name a few.

Organizational role stress being the signature attribute of a strictly hierarchical Police Organization becomes all the more aggravated in the terrorist affected areas where the duties and responsibilities of police personnel increase exponentially. The researcher realized that a lacuna would exist if research is not carried out in such an important domain. In this context, the researcher has made a humble attempt to investigate the organizational role Stress amongst police personnel in the terrorist-affected north-eastern state of India, Assam.

The researcher aims at understanding the role stress experienced by the police personnel of various levels in the police hierarchy. She attempts to find out a comparative analysis of ORS across the three levels of police hierarchy in terrorist affected districts of Assam.

Review of Literature

A review of literature of police specific studies have shown that our police personnel suffer from occupational stress, which include both job and role related stress. There has been a gradual increase in the studies on police stress in the past decade.

Studies at the National Level

Naik, K.D. (2012) carried out a research to find out level of stress among police personnel at Waghodiya Police Station in Vadodara city. Open ended Questionnaire was used to collect the data among

police personnel at Waghodiya police station. Each and every employee was included in this study of the same police station. The finding of the study suggests that there is a significant difference in the level of stress among police personnel at Waghodiya police station. Sources of stress vary as Police personnel at Waghodiya police station feels that work-overload and long working hours are the major sources of stress, so higher authority needs to manage this for the better and smooth function of the organization.

Another study conducted by Siwach (2001) attempts to explore the impact of police specific stress and burnout stress syndrome on the wellbeing of police personnel. The researchers empathetically argue that particular attention should be given to stress in policing because its potential negative consequences affect their well-being in more direct and critical ways relative to the stress in other professions.

Kumar, B.M. (1995) in his research investigated the stress profiles of police personnel who were posted in the police station in Hyderabad. He found that the major stressor which affected the lives of police personnel are related to insufficient time for family, work overload, accommodation problem, lack of confidence of superiors, no time for intellectual development, recreation, to keep everyone satisfied, risky situations, problem of job coordination, lack of clarity in expectations and coping with seniors.

Mathur, K. M. (1994) closely observed the sources of stress to the CRPF and BSF personnel deployed in Punjab, Jammu and Kashmir, Northeastern States and other parts of the country, and identified the following sources among others: traumatic events like witnessing dead bodies of their colleagues or innocent people; separation from their families and children; irregular grant of leave and refusal of grant of leave; inadequate resources and inequities in pay and job status, job overload, non-recognition; constant threat to life and subsequent tension.

Mathur, P. (1994) conducted a study among 30 serving police officers to explore stress in this group by using Pareek's ORS scale. The total mean score obtained was relatively higher than some other occupational groups. Of the 10 dimensions, the highest scores were reported by the officers on Role Erosion, Self Role Distance, Inter

Role Distance, and Role Stagnation (in that order).

Nagar, D. (1990) carried out a study of Occupational Stress and Health in Police Personnel. A brief survey was conducted during the last day of the soft-skill training programme to explore the occupational stress and health of the police personnel besides examining the frequently used psychological and behavioral strategies to deal with the adverse consequences of stress. A total of sixty police personnel belonging to three hierarchical levels of police organization (CSP, Inspector and Constables) responded to a brief survey carried out during one of the soft skill training sessions. The major results of this study revealed that high degree of occupational stress was reported by 40% of Constables, 20% Inspectors and 10% of CSPs. Furthermore, more than 50% of police personnel reported experiencing moderate levels of occupational stress. The common health complains reported by Police personnel were high blood pressure, diabetes, Sciatica, arthritis, migraine, asthma and Gastric problems. On the open ended items, the police personnel reported exercise, walking, Yoga and happy family environment as potent contributors of stress reduction. Various good and bad features of the police life styles were reported by the participants.

In another study, Pillai (1987) examined the stress experienced by police personnel and their spouse. Based on the review of literature, ten organizational stressors with regard to police job were identified. These stressors were labeled as frequent appearance and leniency by courts, lack of administrative and public support, lack of career development, inadequate rewards, excessive paper work, and ineffective measures against criminals, distorted press reports, poor pay and so forth.

Dangwal et al. (1982) carried out a research in a sample including three states and subordinate police personnel only. They suggested a more representative sample including more states and also inclusion of all the level of police hierarchy.

Studies at the International Level

Agolla (2009) carried out an empirical study on the police work

stress, symptoms and coping strategies among the police service in Botswana. The data was based on a sample size of (N=229) of police officers in Gaborone and its surrounding. A total of 10 police stations were sampled for his study. A simple convenient random sampling technique was employed. Data was analyzed using simple descriptive statistics and frequency tables. He found that the police work stressors are: getting injured while on duty and the use of force when the job demands to do so, etc. The coping strategies were identified as exercising, socializing, healthy eating or diets, career planning and employee training.

Gibbons and Gibbons (2007) and McCarty et al. (2007) have carried out extensive research on occupational stress and found out that, stress is associated with how an individual appraises situations and the coping strategies adopted.

Gibbons and Gibbons (2007), He et al. (2002) and Malach-Pines and Keinan (2007) argue that occupational stress involving police officers indicates that, police officers are exposed to various stressful situations which impact negatively on the health and the performance of the individual officer.

In yet another study, Waters and Ussery (2007) found out that the police officers are perpetually on vigilance, even when off duty, which takes its toll on the officer's level of resilience.

Beehr, Johnson & Nieva (1995) carried out a study to find out the coping activities of police and spouses to Occupational Stress. The sample consisted of one hundred seventy-seven police officers and their spouses from two metropolitan areas. They were administered separate questionnaires regarding stress and coping. Both the police and spouses reported using four coping activities in response to their own stressors: problem focused, emotion focused, religiosity, and rugged individualism. Three potential police strains previously noted in non-empirical literature were given special attention; divorce potential, drinking behavior, and suicidal thoughts.

It is evident from scanning the literature that hardly any study has been conducted to find out the organizational role stress that our law enforcement personnel face on a day-to-day basis. Though police

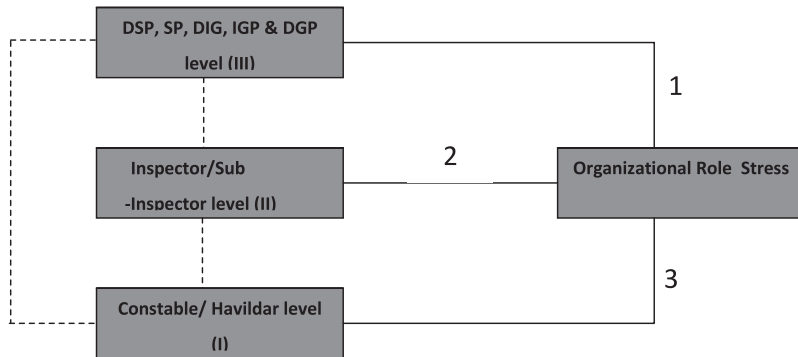
stress is a well-researched area in other countries, it still demands attention in India.

Hypotheses

- ORS would be the highest in Level 1 followed by Level 2 and least in Level 3
- There would be a significant difference in the ORS scores amongst the three different levels of police hierarchy

Proposed Framework of the study

Levels of Police **Hierarchy Outcome Variable**



Methodology

Sample Description

The sample for the present study consists of the employees of the police organization of the North-eastern state of India, Assam. The data was collected with the help of a questionnaire from the police personnel of Assam. The sample size was 90-30 each for each of the three levels, namely, Constable or Havildar Level (Level 1); Inspector/ Sub-Inspector Level (Level 2) and DSP, SP, DIG, IGP, Addl. IGP & DGP Level (Level 3). The sample was collected using the stratified random sampling technique. Once the data was collected, it was pooled together and statistical analysis was done for the pooled data.

Description of Organization

The data for the present investigation was collected from the police personnel of Assam from the police headquarters in Guwahati and the police stations of the four districts of Assam, namely, Jorhat, Sibsagar, Dibrugarh and Tinsukia

Variables

Independent Variable: The three levels of the police hierarchy

Dependent Variable: Organizational Role Stress (ORS) and its ten dimensions (IRD, RS, REC, RE, RO, RI, PI, SRD, RA & RIn)

Results and Interpretations

After scoring the data of the entire 90 sample, the raw data was tabulated and analyzed on the basis of the statistical techniques. This section presents the mean and the standard deviations of each of the three levels or categories of the police hierarchy on the ten dimensions of Organizational Role Stress (ORS) and the combined ORS scores. In addition, the F-value was employed for the combined ORS scores and the ten dimensions of ORS of each of the three levels of police personnel to see if there exists a difference between them in the above mentioned dimensions.

Table 6.01: Showing the respective mean and the standard deviations of each of the three levels of the police hierarchy on the dimensions of ORS and the combined scores of ORS

Dimensions	Level 1 (N=30)		Level 2 (N=30)		Level 3 (N=30)	
	X	SD	X	SD	X	SD
Inter Role Distance (IRD)	10.93	3.52	11.63	2.87	9.33	5.94
Role Stagnation (RS)	11.67	1.88	9.73	2.98	2.83	3.11
Role-Expectation Conflict (REC)	8.27	3.31	9.27	4.16	3.83	2.46
Role Erosion (RE)	10.07	3.71	9.7	2.77	6.03	3.54
Role Overload (RO)	9.37	4.37	8.97	4.14	4.9	3.98
Role Isolation (RI)	10.37	3.31	9.1	3.46	4.17	2.6
Personal Inadequacy (PI)	10.4	3.37	9.83	3.15	4.73	3.7
Self-Role Distance (SRD)	9.07	4.54	8.73	2.64	4.13	2.08
Role Ambiguity (RA)	8.47	2.86	7.47	3.58	1.53	1.41

Resource Inadequacy (RIn)	12.27	3.25	11.63	2.62	5.97	4.41
Organizational Role Stress (ORS)	97.8	24.87	96.07	19.43	47.47	23.96

The results obtained shows that except for the mean Inter-Role Distance (IRD) and Role Expectation Conflict (REC) scores where the Level 2 scored the highest followed by Level 1 and the lowest for Level 3, in all other remaining dimensions of ORS, the Level 1 scored the highest followed by Level 2 and lowest being Level 3.

The mean ORS total score was the highest in Level 1 (M=97.8), followed by Level 2 (M=96.07) and the lowest in Level 3 (M=47.47).

If the mean scores obtained by the police personnel at the three levels are observed individually, it can be seen that the Level 1 employees experienced maximum role stress due to Resource Inadequacy (RIn), Role Stagnation (RS) and Inter-Role Distance (IRD).

As far as the Level 2 is concerned, the employees experienced maximum role stress due to Inter-Role Distance (IRD), Resource Inadequacy (RIn) and Personal Inadequacy (PI).

The Level 3 employees experienced high levels of role stress due to Inter-Role Distance (IRD), Role Erosion (RE) and Resource Inadequacy (RIn)

Hence, Resource Inadequacy (RIn) and Inter-Role Distance (IRD) appears to be the two common factors in all the three levels of police personnel which contributed to their high ORS scores.

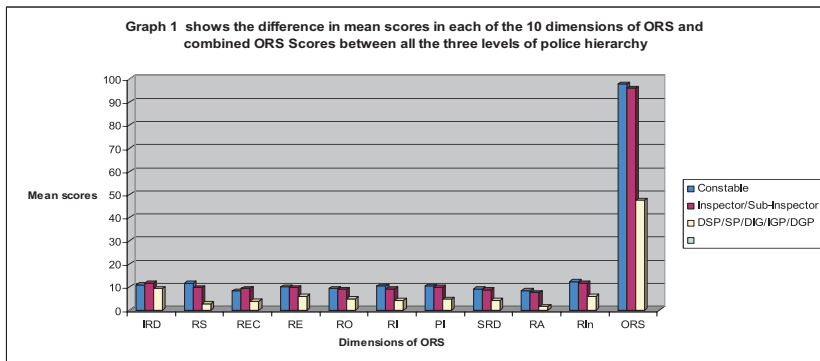


Table 6.02: Showing the difference between the three levels of the police hierarchy on the dimensions of ORS and the combined ORS scores

Dimensions	F-value	Significance
Inter Role Distance (IRD)	2.235	.113
Role Stagnation (RS)	87.839	.000***
Role-Expectation Conflict (REC)	21.916	.000***
Role Erosion (RE)	13.179	.000***
Role Overload (RO)	10.553	.000***
Role Isolation (RI)	32.572	.000***
Personal Inadequacy (PI)	25.041	.000***
Self-Role Distance (SRD)	21.444	.000***
Role Ambiguity (RA)	55.012	.000***
Resource Inadequacy (RIIn)	29.359	.000***
Organizational Role Stress (ORS)	46.802	.000***

*** $p < .001$

The above table 6.02 shows that when the mean scores of the three levels of police hierarchy are compared using the Analysis of Variance (ANOVA), with respect to the ten dimensions of ORS and the total ORS, the results indicate that the three different levels of police hierarchy differed significantly at .001 level on all the dimensions of ORS except the Inter-Role Distance (IRD) where the difference is almost negligible.

As far as the total ORS Scores are concerned, a significant difference of Organizational Role Stress was found between the three levels of police hierarchy at .001 level of significance.

Discussion

This chapter embodies the elaboration and explanation of the analysis and interpretation of the results shown in the previous chapter. The prime objective is to find out how far the results as a whole, set light on the problems included in the investigation. Thus, the attempt is made to present a speculation on how do statistical interpretations reflect or represent the social and psychological profile. Following are the discussions of the results obtained in line with the objectives framed for the study.

From Table 6.01, it can be observed that the mean total ORS score was the highest in Level 1 i.e. the constable/Havildar level ($M=97.8$), followed by Level 2 i.e. Inspector/Sub-Inspector Level ($M=96.07$) and the lowest in Level 3 i.e., DSP onwards level ($M=47.47$). Thus, proving our first hypothesis that organizational role stress would be highest in Level 1 followed by Level 2 and least in Level 3

The results are in line with the research conducted by Nagar, D. (1990) where in he found high degree of occupational stress reported by 40% of Constables, 20% Inspectors and 10% of CSPs.

There are different factors which might have contributed to the heightened role stress at the constable level police personnel. These are role-stagnation, role-erosion, role-overload, role-isolation, personal-inadequacy, self-role distance, role ambiguity and resource inadequacy.

The vast majorities of police personnel begin and end their careers as police Constables. There are very few opportunities for learning and growth and hence, very often police personnel find their role as stagnating and quite stressful. Promotional opportunities surveyed at all the three levels are the lowest at the level of constable followed by Inspector/Sub-Inspector Level and DSP and above level. At the level of Police Constables, the promotional opportunities to higher ranks are very limited and promotions take long years and at times the promotional processes lack fairness and objectivity. With the passage of time in the organization, the police constables expect career advancement and when they find hardly any opportunities for personal and professional growth and promotions, they start suffering from **role stagnation**.

Role Erosion was found to be the highest in the case of police constable level. This implies that they are not allowed to perform to their fullest capacity or capability. They are posted or deployed in jobs which under-utilize their capacity or potential. In the present research, there were quite a few constables who were about to retire in a year or two and they expected some autonomy in their work for their years of service and experience, which was not happening.

As far as **Role Overload** is concerned, the police constables scored the highest. Role overload happens as a result of lack of time and too many activities to perform. The constables being at the lowest level of the police hierarchy are expected to be on the beat, long and irregular hours of duties coupled with absence of time for exercise lead to high stress.

Since the police force is a hierarchical and authoritarian system, the constable level is expected to receive orders to be obeyed without any questions. There is not much interaction within and between the units, which leads to a feeling of **Role Isolation**.

Personal Inadequacy contributed to high Organizational Role Stress in the police personnel. The nature of crime is changing with the fast socio-political changes. Quite often our police personnel face lack of knowledge, skills and adequate preparation or training in order to be effective in their assigned roles. Personal Inadequacies in terms of the knowledge of field crafts for anti-terrorist police operations, lack of practical expertise in the use of computers, weapons, sophisticated communication systems, etc. need to be overcome. Police training should focus upon these aspects and police personnel should be sent for reorientation courses, refresher courses to equip them or train them in new skills, knowledge, attitude and the use of newly acquired equipments. In the present study, the police constables perceived that they were not appropriately equipped to perform their roles; hence the need for training was strongly felt.

Quite often, honest and upright police officers suffer from stress created by **self role distance** when they find a conflict between their values and self-concepts with the requirements of the organizational role. Many a times, the police constables being at the lowest rung of the police hierarchy are compelled to succumb to the pressures from the local politicians and corrupt senior police officers to use third degree methods of interrogation, use of excessive force when they feel that it's not required.

In police organizations, **Role Ambiguity** results when there is a lack of clarity about the expectations of others from the police and also when there is a lack of feedback on how police performance is regarded by others. As the role of police is becoming increasingly

diverse, challenging and complex, role ambiguity contributes to the heightened role stress in police officers. Most of the times, there exists a conflict between the diverse roles of a police with that of the demands and public expectations. Different sections of the society have different concepts about the role of police, thereby creating a good deal of confusion regarding the role of police, both within and outside the police organization. Because of the wide range of discretionary power that a police constable enjoys in the field, he is vulnerable to reprimands for any mistake of his and hence role ambiguity causes lot of stress. The findings also reveal that the constable level police personnel, who are located at the lowest rung of the organizational ladder, perceive that the role they are expected to perform are not defined clearly and thus, they seem to be quite confused about their role. Besides they are not involved in the decision making process. All these lead to high role stress.

Resource Inadequacies can be a cause of serious stress situations in police organizations. Inadequacies in terms of lack of modern equipment, arms and ammunition, inadequacy of transportation facilities, communication and telephone facilities, non-availability of type-writers and tape-recorders at police stations can lead to tremendous stress among the investigating officers as they interfere in the discharge of duties.

The police constables felt the lack of adequate resources to carry out their responsibilities, hence contributing to the role stress.

The Inspector/ Sub-Inspector Level scored the slightly higher in Inter Role Distance followed by constable level and DSP onwards level, though the difference is not significant. It exists when there are conflicts between the organizational role and other roles, and when the police personnel is unable to properly divide time between work demands and family demands. The police personnel who are posted in the insurgency prone regions leave their families behind due to non availability of proper family accommodation. This separation from families creates its own stresses for both the police men and their families. Moreover, long hours of work and work-pressure compel the police personnel to neglect their duties towards their families, which in turn creates inter role distance. Most of the officers are unable to attend social obligations and do not get enough time to spend

with their kids due to work pressures and absence from home. They do not have a social life due to hectic schedule. All these contribute to role stress due to Inter Role Distance.

The Inspector/Sub-Inspector level scored significantly higher in Role Expectations Conflict followed by the Constable Level and DSP and above level. In critical and dangerous situations, our police officers are caught between conflicting orders which can lead to anxiety, irritation and even depression. Role Conflict arises when a police personnel tries to please too many bosses or is pressured to bend the law in favour of influential people. Quite often a police man faces conflict between his sense of compassion and his legal duty. For example, when he sees a sick starving young boy stealing a few loaves to feed his ailing little sister.

The two factors common to all the three categories which have contributed to role stress are Resource Inadequacy and Inter Role Distance.

From Table 6.02, it is evident that there is a significant difference in the ORS scores amongst the three different levels of police hierarchy, thereby substantiating the second hypothesis. The findings of this study on Organizational Role Stress are in line with the conclusions drawn by other researchers who have worked on the area of Occupational Stress of police personnel. For instance, Pillai (1987) in his research has also inferred that constables are more stressed than other officers.

Conclusion

This research was a humble attempt to provide valuable insight to the field of occupational health psychology and draw the attention of the public and law-makers of Assam towards a much neglected issue. It attempted to understand and know the nuances of Organizational Role Stress & how it affects the health of police personnel which in turn propel them to take some harsh steps like committing suicides, etc. It is high time that we the social researchers work on such less focused areas which are crying aloud seeking our attention and help.

The researcher is optimistic that her study will add to the existing repertoire of knowledge and contribute to the understanding of the nature of organizational role stress that our police personnel experience every day. ■

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Court Work: The Dark Side of Policing

A Case Study in Andhra Pradesh

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Keywords

Court Pendency, Committal, Performance Appraisal, Court Monitoring System.

Abstract

Court work has not received adequate attention by the police leaders in a sustained manner. The court duty police personnel have monopoly over the court work and the system is prone to abuse. A paradigm shift is required to improve the performance of police in the courts.

Introduction

This paper is about a specific core function of policing, which usually gets the short shrift by police leaders, due to their overarching preoccupation with maintenance of order, viz. the way we handle our Court work. Successful prosecution being the final certificate of approval of a difficult job well done, it is surprising that the court work has not received adequate attention by the police leaders in a sustained manner. Hence, I call it the dark side of policing—an area bereft of adequate illumination and doomed for a sure, steady & systematic deterioration.

The classical system of representing the police during criminal trials is to have court constables representing the police station in the court of

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law. The court duty police personnel have monopoly over the court work and the system is prone to abuse. Therefore, a paradigm shift is required to improve the performance of police in the courts.

Ever since prosecution was de-linked from police after the promulgation of the new Cr.P.C. in 1974, the efficacy with which criminal trials get monitored by the police has shown a sure and steady decline. Some specialized police agencies like C.I.D or A.C.B in the states and the C.B.I. in the centre that have more formal "pairavi" mechanisms to follow criminal trials have better conviction ratios. It is with local police in the districts that the picture is really dismal with the conviction percentages hovering in single digits in many places. If one was to accept the maxim that "It is not the severity but the certainty of punishment that deters crime" then the obvious conclusion regarding the effect of low conviction on prevention of crime & maintenance of law & order can be drawn easily.

Pendency and Low Conviction Rate

At the end of the August 2011, 3,39,752 cases were pending trial (P.T.) in various courts in Andhra Pradesh. In August 2011, all the courts in A.P. disposed off 12,945 cases. This figure was 12,471 in September 2011. In August 2011, A.P. Police successfully filed charge sheet in 12,762 cases. In September 2011, this figure was 11,578. Thus, the courts do not appear to be able to reduce the pendency of P.T.Cases by more than 200-600 cases per month. At this rate, it would take more than 35 years to bring down this pendency to one lakh cases!

Of the 3.4 lakhs or so cases pending trial, a whopping 93,172 (or nearly 27.4%) are older than 2007. i.e. trial has been pending for more than 4 years!

The more serious offences go for Sessions trial. Let us take a look at the fate of these cases.

20,917 cases were pending trial in Sessions/Addl. Sessions/ Asst. Sessions Courts in A.P. by end August 2011. This figure rose to 21,467 by September 2011.

In August 2011, only 1041 of these session cases were disposed off. That, only 144 out of them ended in conviction (13.8%), is another story. The overall conviction ratio in August 2011 was 27.3%. Thus, the conviction percentage in the more serious offences was actually much lower than in the less serious cases.

There is also no data available in the SCRB regarding the number of cases in which the police went for appeal against acquittal by the trial court and the result there after. Experience suggests that the APPs/PPs usually find no grounds to appeal and very few police unit heads go through court judgements themselves, even in Sessions cases. A report in the Hindustan Times of 17/11/2011 from Mumbai states that "in the last two years, lower courts in Mumbai have ordered acquittals in 11,120 cases and the state has not appealed even in 1% of the cases. This data, which has been provided by the state government to a right to information (RTI) applicant, states that only 61 of the 11,120 cases have been challenged in higher courts by the prosecution. The number is even more startling in acquittal cases in judicial magistrate courts across the rest of the state between January 1, 2009, and January 1, 2011. In Gadchiroli, just one of the 19,394 acquittals was challenged during the two-year period. In Yavatmal and Wardha, 11 acquittals each out of 37,530 and 19,058 cases respectively were challenged by the state". There is no reason to believe that the state of affairs would be any different in Andhra Pradesh.

All the figures quoted in this article w.r.t. Andhra Pradesh were obtained from the SCRB (State Crime Records Bureau) in the state C.I.D. However, even the SCRB does not collect data on the cases pending at Committal stage. All Sessions cases go through a two stage process as per section 193 Cr.P.C. After filing charge sheet, the JFCM (Judicial First Class Magistrate) issues a PRC (Preliminary register case) number to the case. After complying with the provisions of section 207, 208 Cr.P.C. as per section 209 Cr.P.C, the JFCM then commits the case to Sessions where an SC (Sessions case) no. is allotted.

As the SCRB does not even collect data on PRC stage cases, this information was collected personally from all police units in A.P. and it turned out what there were 12,679 cases pending at this

stage in the entire state in August 2011. This is 61% again of the official Sessions trial pendency!

Travesty of Justice

The particular tragedy of PRC cases is that the police treat these cases as pending trial and these cases do not get reviewed at all by Police Chiefs due to the otherwise huge P. T. cases pendency. Actually, these PRC cases are not at all pending trial and an age analysis of these 12,679 cases shows that a shocking 192 cases are more than 20 years old (1991 or prior), 828 cases are between 10 to 20 yrs old (1992 to 2001) & as many as 7,712 (61%) are more than a year old. There is 1 case of 1970 (In Karimnagar dist). In 40 years the JFCM could not commit the case for Sessions trial! It would not be an exaggeration to say that in this case the complainant, the accused and the investigator, vexed with this mortal court, might have already got the case decided in the court of the Almighty by now!

Can there be a greater travesty of justice? The most serious offences that deserve special attention of the criminal justice system are actually the more neglected. Staying in the purgatory of committal for years and decades together surely cannot be good for these lost souls?

Why should it take more than a month or two (or 3 at most) for complying with the provisions of sections 207 to 209 Cr.P.C? Is there any justification in keeping these cases pending for decades at committal stage? There would be only few of such cases, mostly extremist/U.G. cadre related, where the accused were not arrested & the case could not be committed for trial. In all the remaining cases, law provides for sufficient processes to compel compliance of the provisions of 207/208 Cr.P.C. However, this can happen only if the police, prosecution & the Judiciary work together harmoniously.

Should not the police take greater care in reviewing these cases and pursue for early committal? Should not the unit heads review these cases in their inspections and reviews?

Should not the SCRB/CID start collecting this data and reviewing this with unit heads? Should not the Sessions judges question the JFCMs for their failure to commit cases, by splitting cases if necessary where one or more accused are absconding?

One of the long standing stigmas against the police is the rampant burking of cases. Non registration of cases by police to minimize the official incidence of crime is a subject that has become almost passé.

How about the judiciary burking case work to minimize its pendency? Data was collected personally from all districts of A.P. (SCRB does not collect this data) to find out how many cases were pending where the police had filed a charge sheet but the JFCM's court was yet to allot a C.C. (Calendar Case)/PRC number. It turned out that there were a whopping 66,263 cases pending like this in September 2011! This adds another 20% to the pendency of P.T. cases actually. The irony is that JFCMs try to control their pendency by denying issue of CC/PRC number under several pretexts but police officers rarely take up the issue as their investigation is frequently shoddy or because they do not wish to antagonize the JFCM. A look at these cases where charge sheets are filed but CC/PRC numbers not issued reveals that out of these 66,263 cases, only 4316 (6.5%) cases are of the current month. 4760 (7.2%) cases are pending for between 1 to 3 months, 3239 (4.9%) cases are pending for between 3 to 6 months, 9284 cases (14%) are pending since 6 to 12 months and a whopping 44,664 (67.4%) cases have been pending for over a year. A full 2/3rd of the cases remain pending for over a year before the JFCM even takes cognizance of the charge sheet!

Proper prosecution of criminal cases involves role playing by three agencies – Police, Prosecution & the Judiciary.

There is an old maxim – “What gets measured, gets done”. Let us take a look at how the performance of the three wings is measured in this crucial aspect.

Judiciary

Recommendations of the Malimath committee notwithstanding, one has to be reconciled to the fact that the Indian Judiciary is steeped in the mindset of acting merely as a referee between the defence & the prosecution and has no inclination to look for “truth”. Hence, expecting the judicial officers to be concerned about dismal conviction ratios is not going to be a fruitful exercise. After all, this can easily be passed off as a result of dismal investigative skills of

the police! Even so, the fact that judges are not immune to the fatal charms of public opinion can be easily seen in the totally disproportionate rigidity displayed in bail matters in high profile cases. Therefore, the least one can expect is that judges display concern regarding the huge pendencies and delays. Be that as it may, it is instructive to note that A.P. High Court prescribes (its latest circular on the subject: ROC no. 695/WRC/2008, Dt. 15-12-2008) units for quantitative assessment of judicial officers. While the Sessions judges are prescribed 8 units per month, CMMs and JFCMs are prescribed 15 units per month.

Each SC case is worth 1 unit where as the CC case is worth 0.75 units. The poor PRC case is worth nil units. Is it surprising that JFCMs are not enthused with zeal for committing cases for Sessions trial efficiently? Output of twice the norm will secure the judicial officer a rating of 'Very good' & one and a half of the norms will secure a rating of 'good'. Hence, even the very good judges are not expected to dispose off more than a handful of cases every month (one has to keep in mind that units are secured for not merely the SC/CC case but for a plethora of judicial activities like Criminal revision petitions (0.25 units), STC Cases (0.25 units), maintenance cases (0.5 units), appeals (0.5 units) and for another 70 odd contested matters. Hence, there really is no pressure on the lower judiciary to speed up disposal of criminal trials other than the directive of the High Court to identify 100 old cases & give priority to them.

Prosecution

Proformas are prescribed for Sr APPs/APPs to give monthly reports on number of cases pending, disposed off, convicted, acquitted etc but no data is compiled by the DoP (Director of Prosecutions), who is an authority independent of the DGP, to regularly review and assess the work of the prosecutors. There is also no coordination between the SCRB and the DoP and the statistics between these two agencies bear no correlation with each other.

Police

The performance appraisal format and methods vary from State to State and also from one category to another except for officers

of the IPS for whom a uniform system is prescribed by the Police Regulations/Manuals of respective State Governments. By and large the tools employed for the purpose are inspections and interactions at the police station unit level and annual performance appraisal (confidential report) in prescribed forms at individual level. Factors listed in the proformas for appraisal are of a very general nature related to knowledge of the job, capacity for hard work, work attitude, integrity, ability to handle difficult situations including man management, relationship with colleges and supervisors, knowledge of law, state of physical and mental health, fitness for promotion, etc. Over 90 percent of police personnel belong to the subordinate categories. Their performance appraisal norms and procedures are prescribed by the respective State Governments and, as such, may vary in details from State to State. However, Performance appraisals of these ranks are heavily correlated with crime statistics in almost all places. It is now accepted that this has led to a number of pathologies in the very system of functioning of the Indian Police. For example, comparison of crime reporting figures and detection rates has led to the wide spread practice of "Burking" and insistence on property recovery has often led to custodial violence. Even then, new models adopted by different states are not able to get over the old system of performance appraisal.

Performance in courts does not appear to figure anywhere prominently in any state. In fact, court work is left to the tender mercies of court constables who play havoc with every single process in the court.

Court Monitoring system

Information and communication technology is a proven resource for effecting change in the way an organization processes its functions. The author, as the Commissioner of Police, Vijayawada City introduced the e-monitoring of court work titled as Court Monitoring System (CMS) in January 2005. Prior to the introduction of this system, there were the usual problems associated with prosecution of criminal cases in the 14 courts of the Commissionerate like non-execution of process, non-attendance of witnesses and investigating officers and delay in prosecution. After the introduction of the system, there was a quantum jump in the quality of police performance in the courts

which resulted in overall improvement in the conviction percentage also. There is no doubt that the Police by itself can not cure all the ills of the prosecution of criminal cases but it is also true that it is incumbent on the police to take the initiative to ameliorate the lot of the court work. A very large proportion of the problems enumerated above can be addressed by a strong database back up and system oriented management of this issue. This system is explained in the January-March, 2007 issue of the Indian Police Journal (BPR&D).

As compared to 79 PRC cases committed to Sessions in 2004, 106 PRC cases were committed to Sessions in 2005 and only 242 cases were stuck at PRC stage by 31/8/06. A PRC calendar was maintained in the system to pursue early committal. As compared to 3649 CC numbers obtained during the year 2004, 4515 CC numbers were obtained during 2005. In the beginning of 2005, 684 cases were under investigation (UI) for more than one year, out of which 209 cases were under investigation for more than 2 years. By the end of 2005 this figure was reduced to 455 cases which were UI for more than one year out of which only 120 cases were UI for more than 2 years. 684 cases of 2003 and prior were UI in the beginning of 2005. By the end of 2005 this figure was brought down to only 118. These improvements have continued since then.

Usually such personal initiatives die out after the departure of officers who initiate such projects. However, the sustainability and ruggedness of this system has ensured that by and large, it has continued to serve its purpose for even more than 5 years since the author was transferred out of Vijayawada and with change of as many as four Commissioners of Police in the interregnum.

The burden of this song is that though all three agencies are equally responsible for this sorry state of affairs, as police leaders we can not wait for others to tidy up before we set our house in order. It is time that the police heads at different levels started reviewing, assessing and improving the quality of court work. Else, we will soon find that the very maintenance of order, in the name of which this work is neglected, is beyond us. ■



Documentary Films and Community Policing – A Long Term Crime Prevention Model

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Keywords

Jogini, Drugs, Sorcery, Insolvency, Gambling, Maoist, Films, Crime, VisualMedia, Prevention, Model, Media, Youth, Community, Information, Audio-visual, Training, Entertainment, Pro-Social, Problem, Criminal Justice, Partners, Suicides, Farmers, Dropouts, Teachers, Health Inspectors, Sanitation, Artists, Suicides, Farmers, Awareness, Long term, Dropouts, Murders, Suspicious.

Abstract

The six sets of hidden crimes namely Jogini, Drugs, Sorcery, Insolvency Petitions, Farmer Suicides, Gambling and left wing extremist offences were identified as contributing to 37% (approx) of the district crime. As these hidden crimes had social angle to them, hence a long term crime prevention model by shooting short documentary films on these six hidden crimes based on local incidents, involving local artistes, coupled with mimicry, magic shows dispelling the sorcery myths and songs was designed and screened in the identified problem villages. Leaving behind the age-old criminal justice approach and adapting the pro-social model of community policing in partnership with Sanitary Health Inspectors, Teachers, Youth, Village head, public representatives and Community Police Officer of the local area, this program was launched to bring awareness through films coupled with entertainment, and was taken to the door steps of the identified villages. Best partners and Best villages were rewarded and recognized after taking feedback and assessing performance on set parameters at the district level functions annually.

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Introduction

In the past, Nizamabad District of Andhra Pradesh was endemic with sorcery related brutal murders, drug peddling, Maoist crimes, property offences, domestic violence, rampant insolvency and farmers' suicides.

As the region was affected with the malaise of violent crime of every possible nature, the police were resorting to extremely harsh measures, which resulted in further public alienation.

The solution to resolving the problems that ailed this region lay in community policing to address deep-rooted societal ills. By establishing a strong partnership between various influencer groups such as teachers, health and sanitary inspectors, youth, political representatives and the policemen, it was planned to tackle the problems faced in the region. To add teeth to this partnership the power of Visual Media was harnessed to act as a catalyst for change by making socially relevant issue based short films involving local artists. These films were screened in all problem villages for the identified 6 major problems which contributed to 37% of the crime.

It is often taken as an unassailable fact that society has become more violent since the advent of modern media. In this context, if this is true then **media could also be used for the prevention of crime** with the simple logic that crowds can also be impressed by images. Nothing has a greater effect on the imagination of the crowds than the theatrical representations. The visuals directly plug in to the mind without much of rational thought or interpretation. The mass media is a powerful socializing agent. Media has tremendous impact on society through the content of the message. These facts about the **power of media was used for the crime prevention work and arriving at a long term crime prevention model wherein information and entertainment was brought together at the doorsteps of the remote villages and tribal hamlets affected with such peculiar hidden crime problems.**

The **long-term crime prevention model** with sustained application would bring durable outcomes. The plan was to build up resources, set-up a process in motion to institutionalize good practices and

systems. To overcome the common police habit of working in crisis and then lose momentum was born the Project **JOURNEY TOWARDS WISDOM**, a long-term Crime Prevention model.

This model was aimed at bringing out a sustainable sociological (micro-macro) change which was the need of the community, in a region where crime was rampant and barbaric sorcery related practices were prevalent. The police aimed at eradicating inhuman practices by films shows, creating awareness and not merely booking cases, arresting, remand and prosecuting as the actual malaise emanated out of ignorance.

Problems Identified

Historical gender injustice and atrocities in the name of religion and superstition:

Village concubinage (jogini): An evil practice of forced prostitution in the villages which had societal sanction, wherein young lower caste girls, after they attain puberty, are dedicated to the local deity - goddess Yellamma, an act that forfeits their right to ever marry in reality. They are known as Joginis (servants of the god). They are forced into prostitution in the name of religion. This practice had socio-cultural background with strong gender injustice. The Jogini system had resulted in a growing number of illegitimate children. These children were not only deprived of education but the daughters of Joginis were forced to carry on the tradition and become a Jogini.

Sorcery: Women were branded as witches and mercilessly subjected to cruelty. A woman refusing advances, bearing only girl children, reluctance to sell land was branded a witch and has her teeth broken, heads shaven, killed or paraded round the villages. Practice of sorcery had manifested in the form of riots, burning the family members alive, setting the houses on fire, brutal murders, cheating and abusing women for immoral gains. Epidemics, infertility, poor crop yield were blindly attributed to sorcery practice by men/ women.

Insolvency & farmers' suicide: As an agrarian economy, 70% of the district population was dependent on agriculture. The farmers were being cheated by commission agents who would not pay the

amounts due to the farmers and file insolvency petition before the court and disappear after hiding all their assets. Gullible & innocent farmers were cheated by unscrupulous traders who sold them spurious seeds, spurious fertilizers and pesticides resulting in crop failure. Inability to pay back the loans led them to commit suicides or turn to crime.

Left wing extremism: Lack of avenues to earn a decent living, coupled with extreme poverty led disgruntled youth (school & college dropouts) being recruited by propagandists of Maoist movement in Nizamabad. Their violence led to large scale loss of human lives, public and private property and decline in investments.

Gambling & Domestic violence: Poverty and illiteracy forced them to make easy and fast money, as the poor took to gambling like single digit lottery tickets, Matka, etc. This led to broken homes and suicides, crimes, illicit relations murders, debts, etc.

Drugs: The menace was highly prevalent in the district. As one of the largest areas of cannabis sativa (ganja) cultivation, smuggling of ganja, was taking place apart from the road accidents because of ganja smoking and driving. The students were also getting affected by this menace. Crime, murders, addiction and school drop outs were the natural fallouts of this evil.

The above **six heads of crime** contributed to 37% of the total crime reported in Nizamabad District. The present system had ignored the role of media, press, youth, family and community in crime prevention. On analysis, it was found, statistically as per district crime records, 100% of crimes were being committed by less than 10% of the population. While trying to analyze why the remaining 90% did not support and contribute to crime in the society, it was realized that it was predominantly awareness and **knowledge of the consequences** of a criminal act which deterred a person from committing a crime. Hence to combat these categories of the crime prevalent in Nizamabad, police tried to facilitate **pro-social behavior** by bringing about awareness and make them law abiding to prevent crime on a long term basis with the help of this participatory and partnership model.

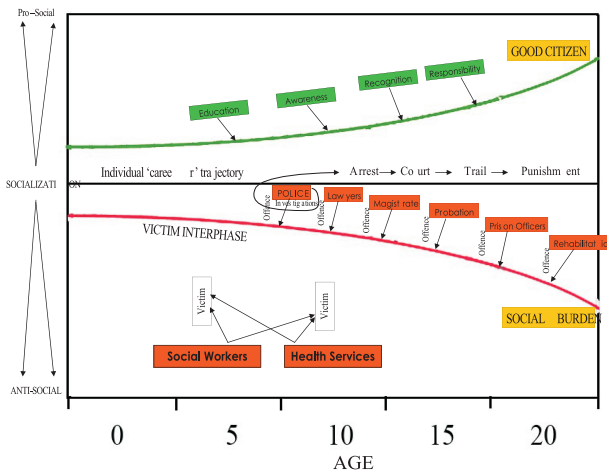
Project Goals

The Goals of this project were to improve community awareness of the etiopathogenesis of some locally prevalent crimes using the **long term crime prevention model of education- A Journey Towards Wisdom**, a model with dynamic interaction with press, media, police, public representatives and public participation to build a safe and strong society.

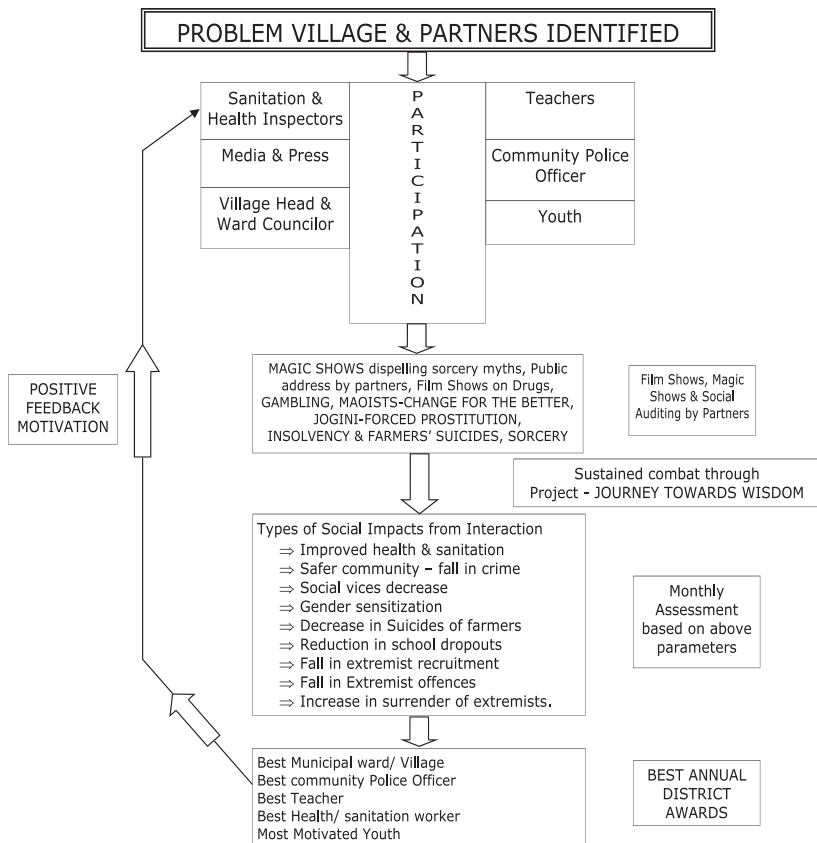
Community Input

In Nizamabad District, in the past, the **Criminal Justice Approach** was used and extremists and bad elements were pursued with too much enthusiasm by the Law Enforcement Agency. So, the law abiding citizen had almost ended up changing his **fear of crime for fear of police**, which was not a very desirable trade-off. Police had rubbed raw the sores of community discontent. This Criminal Justice Approach led to more of incarceration and community alienation from the police in a Maoist infested district.

The Criminal justice Approach



Instead of the above mentioned traditional reactive criminal justice approach to crime control, this model was based on public education and awareness which was a pro-social model, proactively aimed at discouraging crime.



Pro-Social Model

Instead of war on crime, a sympathetically designed model of crime prevention which laid emphasis on **social strategies to prevent crime using film shows, mimicry, magic shows** to dispel sorcery practices, talk show by psychiatrists etc. **was put in to action.**

Action Plan

The crime patterns were studied with respect to the six identified major crimes

Phase 1: Study the crime incidence map of the district with respect to the 6 identified crimes and pick up the problem villages where there is high incidence of these six hidden crimes.

Phase 2: Identify and select local artistes for preparing the issue based films on these six identified hidden crimes. Prepare the script based on real life local incidents and shoot the film with an ordinary VHS camera. Procure the audiovisual aids for screening the films and get the police dance-drama troop ready in all aspects.

Phase 3: Village-wise identification and training of the partners comprising of Health & Sanitary Inspectors, Youth, School Teachers, Village Head/Municipal Ward Councilor to liaise with the Community Police Officer and Police Public Relations Officer.

Phase 4: Organize the village level film shows, screening the relevant films, combining education and entertainment with Mimicry, Songs, Magic Shows to dispel the blind faiths, sorcery etc., thus providing a forum for fusion of thoughts from police, public, press and politicians to make the village safe and prevent crimes.

Phase 5: Monitoring the following parameters on every village visit
Number of school drop-outs report from the local teacher.

Clean and green report & health report from the Sanitary Health



Mattu Padarithalu

presented by:
DR. A.RAVI SHANKAR I.P.S.
SUPERINTENDENT OF POLICE, NIZAMABAD

Drugs



Banamathi

presented by:
DR. A.RAVI SHANKAR
S.P., NIZAMABAD

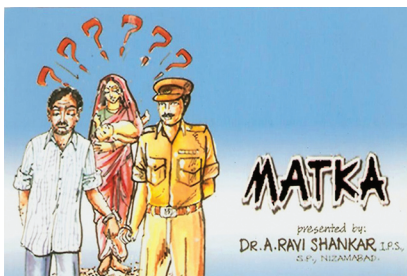
Sorcery

Inspector.

Complaints received in Police Stations from the village.

Crime reported under the identified six heads.

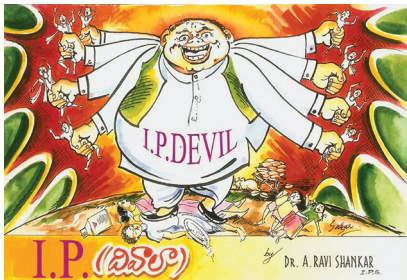
Phase 6: Launched a regular Rewards and Recognition program, wherein the contribution made by change agents was lauded and recognized at a district level function.



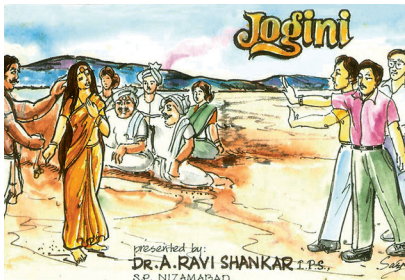
Gambling



Journey Towards Wisdom



Farmer's Suicides



Village Concubinage

Results

The ambitious yet challenging primary goals of making a positive impact of reducing these 6 identified hidden crimes by 50% over a period of five years, had been taken up were achieved and exceeded.

The number of farmers committing suicide showed a declining trend. Many brokers and cheaters who were manufacturing

spurious seeds and fertilizers were arrested. Safe forward linkages and marketing facilities were established for the farmers to get maximum profits for their agricultural produce. Villagers learnt through the film about their exploitation and the ways they were cheated by the middlemen.

The **Village concubinage (JOGINI)** system was eradicated by vigorous campaigns with nil cases reported for successive years. 900 acres of land was distributed to former Joginis to rehabilitate them. The marriage of 28 Joginis were arranged thereby ensuring their integration into society.

When the project commenced, Nizamabad District had the highest number of **school and college drop outs** i.e. >50%. The **gross enrollment ratio** being 80.16% and the **drop out rate** was 53.44%. The reason being attraction towards the local **beedi rolling** cottage industry wherein cheap labor by the child contributes to the family's income and secondly **the trap in to the Maoist** fold. After this Project, the school drop-outs came down drastically because of the weekly monitoring and feedback program from the school teachers and the Community Police Officer. Because of the strict monitoring, the number of students joining the Maoist movement also dropped.

The number of women **Joginis** attending the welfare clinics declined from 32 to 13 as they became aware of the consequences of the unsafe sexual practices and consequences of the sexually transmitted diseases.

Though best efforts were made to combat Sorcery, Drugs, Farmers' Suicides, Gambling & Domestic Violence, initial gains were noticed but due to deep rooted social mores, much remains to be done.

Year	2001	2002	2003	2004	2005
Sorcery	32	15	20	29	39
Drugs	37	29	39	24	55
Farmers Suicides	8	26	9	69	16
Gambling & Domestic Violence	1101	1567	1020	936	1597

Institutionalization

The project was sustained because of the public participation, entertainment value, media attention and participation, political leaders got photo opportunities, community policemen got publicity, good work got recognized, no police predecessor-successor syndrome, opportunity for grievance redressal at the doorstep, politicians evinced a lot of interest in the project as they vied for their ward or village to be awarded the best. Thus, this project was a dynamic interaction with press, media, police, politicians, and public participating to build a safe & strong society.

This preventive intervention could facilitate the pro-social development of young people effectively, appropriately and consistently at the district level. Shows were organized covering every village, **jails, borstal schools, colleges, bus stations, railway stations, cinema halls** in the urban areas.

These documentaries were telecast **through Doordarshan Broadcasting Corporation of India** on a sustained basis. This was also telecast in **railway stations, bus stations** and local cable networks to bring out awareness.

The **Andhra Pradesh Police Academy** collected these films and screened them for the police recruits as part of the teaching curriculum of community policing.

Of the six identified issue based films produced as part of the Project- Journey Towards Wisdom, the film BANAAMATHI- to curb the menace of SORCERY related-crimes won the Govt. of A.P State **Golden Nandi Award** for the Most Socially Relevant Documentary for the year 2001-02.

All **the six video films** were distributed to all the 26 districts in the state of Andhra Pradesh for carrying out extensive campaign as a long term community policing model by the **Department of Information and Public Relations** of the Government of Andhra Pradesh.

The film on **Insolvency and Farmers' Suicides** was screened at all the agriculture market-yards for preventing suicides by farmers

and educating the farmers on marketing genuine seeds, fertilizers and pesticides. The efforts on legal literacy for Jogini Women were appreciated by **the Chairman, Andhra Pradesh Women's Commission.**

Hence, with this model of community policing, the effort to redefine the concept of law enforcement to improve the quality of life and prevent crime in Nizamabad district has yielded results.

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Sociological Analysis of Domestic Violence Against Women in India A Study

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Keywords

Gender, Women, Domestic Violence, Laws, Empowerment, Development.

Abstract

Violence against women is one of the old paradoxes of Indian society. In India women face violence at every stage of their life cycle. Violence Against Women (VAW) is enacted in the practices of female foeticide, female infanticide, girl-child neglect, physical and sexual abuse, child marriage, eve-teasing, sexual harassment in the work place, domestic violence and even dowry death. Although many of these practices are found in all countries, many expressions of VAW are particular to the Indian socio-cultural context. Domestic violence is about power and control over another person. On 23rd June, 2005 the cabinet approved the Protection of Women from Domestic Violence Bill, after which it received assent from Parliament. The present paper is a case study of Domestic Violence Against Women, in Chitapur Taluk, Gulbarga district of Karnataka state in India and the impact of domestic violence on women. In view of this, the paper focuses on how domestic violence has taken shape and the findings of the paper will be drawn by observing the primary data as well as field observations and interview with the respondents. Thus, the paper is a platform to discuss the effective implementation of the policies and programmes for the eradication of domestic violence on women in India to empower women.

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Introduction

Violence against women is one of the old paradoxes of Indian Society. Contradictory statements about glorifying and condemning women are found in abundant measure. In Indian society, we talk about equality, dignity and respect for women, and goes to the extent of saying that “Gods reside where women are worshipped” at the practical operational level of the society. However, the practices are quite contrary to its preaching. In one go the society considers women as goddesses and in another go as slaves, but never as human beings with dignity and self respect. The rhetoric apart, dual standards for men and women have paved the way for gradual deterioration of women’s position. Systemic degradation, inferiority and sub ordination is thus, an old theme of ancient vintage (Social Welfare: 2008).

Nameless Crimes & Blameless Victims

Behind closed doors and drawn curtains, there is an anguished cry, quickly smothered and silenced. It is the cry of pain, of humiliation, of shame that is extinguished as quickly as it arises. This tragedy unfolds silently and insidiously within the four walls of the home. The one place where women should be most secure and safe is the place of their torture and degradation. Violence against women is a universal phenomenon that cuts across class, creed and country. It is inversely proportional to the status of women in society. In communities that value women, violence has no place. In patriarchal societies where women are objectified and equated to the property or money, violence is omnipresent.

Gender violence occurs because of the unequal power dynamic between the genders and it is the manifestation of a political construct within the family. The perpetrator is usually the spouse, sibling or parent. Gender violence has recurring patterns and it becomes habitual with passage of time. The habituated offenders are triggered into violent behaviour by the slightest provocation. Liquor and abuse of other substances aggravates the degree of force and lowers the threshold of provocation. Liquor and abuse of other substances aggravates the degree of force and lowers the threshold of provocation. Domestic

violence in India is so pervasive that the Government has enacted special legislation for the protection of women.

However, even the most evolved legislation cannot compensate for a lack of evolution in the social mindset. Violence against women has so many different faces that it is difficult to chronicle the various manifestations observed. It begins before the birth of a daughter and continues to haunt her till her death in subtle and gross ways. It could be foeticide, infanticide, neglect, malnutrition, denial of education, denial of livelihood, denial of resources, denial of opportunities, dowry violence, marginalization in the family or community and lack of proper nutrition and health care.

Without empowerment violence will not abate. Without education empowerment will not happen. Without political will education and empowerment are not viable. The political empowerment of women is fundamental for bringing about a radical change in their lives and living conditions (Social Welfare, 2008). Such empowerment can take place only through the adequate representation of women in political bodies and offices for decision making and policy making that affects women directly. A nation cannot prosper if half of its population is living lives of 'quite desperation', lives without options, where frustration is the norm and achievement is the exception. As part of the women's movement we have to bring a complete mutation of minds. With the revolution we will bring a new evolution.

Review of Literature

Molina and Olga (2000) in his study integrate an ecological perspective & trauma theory in proposing a model of effect of domestic violence on women's parenting and children's adjustment. One hundred and twenty women and their children between the ages of 7 and 12 participated. Results supported an ecological model of the impact of domestic violence on women and children. The model predicted 40% of the variance in children's adjustment, 8% of parenting style, 43% of material psychological functioning and 23% of marital satisfaction, using environmental factors such as social support, negative life events and maternal history of child abuse. Overall, results support the ecological framework and trauma theory in understanding the effects of domestic violence on women and children.

Several recent studies have also found that maternal experience of physical and sexual violence is significantly associated with an increased risk of under-five mortality, infant and fetal death, and low birth weight (Asling-Monemi et al. 2003; Jejeebhoy 1998; Campbell et al. 1999). Recent surveys have found that the prevalence of domestic violence (defined as physical beating or battering of a woman by a male intimate partner) ranges from 22 per cent to 60 per cent in developing countries (Visaria 1999; Heise et al. 1994). The prevalence of psychological and emotional abuse (defined as a woman being threatened with physical abuse, ridiculed, or ignored) is believed to be even higher (Visaria et al. 1999; Heise et al. 1994). Analysis of DHS data from several countries clearly show that women and girls are more likely to experience violence when they are married at the youngest ages in adolescence (UNICEF 2005). The precursors of domestic violence are marital conflict, male control over household wealth and decision-making, poverty, and unemployment (Heise 1998). Given the high prevalence of domestic violence and its impact on infant and child mortality, and birth outcome, it is important to explore the role of domestic violence on child nutrition, and it is reasonable to expect an association.

Tauchen, Witte and Long (1991) present a non-cooperative bargaining model in which violence serves both an expressive and an instrumental purpose: it enters the husband's utility directly as well as indirectly through his wife's behavior. In this model, men "purchase" violence from women with income transfers, so that the level of resources controlled by each partner and whether the reservation utility constraint is binding determine the level of violence in equilibrium. More recently, a paper by Robert Pollak (2002) attempts to explain the prevalence of domestic violence—as opposed to its causes—by modeling the inter-generational transmission of domestic violence.

Judicial Empowerment of Women

The Judicial Empowerment of women includes the legal protection, provision of legal rights, and privileges to women must be made stronger, so as to protect the women's interest in the society. In this respect, legal-judicial system will be made more responsive and gender sensitive to

women's needs, especially in cases of domestic violence and personal assault. New laws will be enacted and existing laws reviewed to ensure that justice is quick and the punishment meted out to the culprits is commensurate with the severity of the offence. At the initiative of and with the full participation of all stakeholders including community and religious leaders, the Policy would aim to encourage changes in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women. The evolution of property rights in a patriarchal system has contributed to the subordinate status of women. The Policy would aim to encourage changes in laws relating to ownership of property and inheritance by evolving consensus in order to make them gender just.

The National Commission for Women (NCW) safeguards the interests of women with a mandate covering almost all aspects of women's rights. There are about 42 Central Acts concerning women, of which 32 Acts have been reviewed by the NCW for their efficiency and removing gender discriminatory provisions. In addition, the DWCD is also in the process of initiating new legislation amending existing ones so that they become more potent in protecting women. These include Protection of Women from Domestic Violence Act, 2005, which came into force on September 14, 2005. The Act seeks to provide immediate and emergent relief to women who face situations of violence in their homes. Protection against Sexual Harassment of Women Bill, seeking to confer on women the right to be protected from sexual harassment, is being drafted at the moment (Economic Survey: 2005-06). There are certain legislations to prevent atrocities on women, enhancement of equal remuneration, preventing and punishment against sexual harassment of women at work place, domestic violence, and specifically against social systems such as dowry, polygamy, etc., have already been passed and to execute the same, there are Women Courts and Women Police Stations established.

Domestic Violence in Karnataka

Empirical data has emerged in Karnataka, a state in south-western India of routine domestic violence against women resulting in death that has gone unpunished under the penal code of the country.

Individual cases were reported to Vimochana, a leading NGO engaged in providing support to the battered women. In the light of what was disclosed in this process, volunteers decided to document the statistics maintained by police and related enforcement agencies. In the process they have stumbled upon basic flaws in the reporting and monitoring process which has helped in systematic concealment of horrifying data. Despite several efforts at raising this issue before the public and the administration, there is persistent unwillingness to accept the extent of the problem and finding methods to combat it.

Vimochana first attempted to bring specific cases of domestic violence that were being treated indifferently by the police before senior officials, ministers and legislators. Several meetings and conferences with police, medical, prosecuting and judicial personnel had limited results, although it did produce a detailed working manual on how different agencies should handle cases of domestic violence. (Renuka Viswanathan: 2001) Despite several preparatory measures, the NGO was not permitted to set up a help line to provide immediate protection to victims of domestic violence or monitor police investigation. Training, sensitization and monitoring of personnel involved in investigation did not also take off.

After several protests and demonstrations, a truth commission was organized at Bangalore on August 15, 1999 in which two juries consisting of concerned and respected public figures heard individual cases of unpunished domestic violence and gave suggestions for procedural improvements. Persistent lobbying with political representatives resulted in the setting up of a joint house committee in the Karnataka assembly which heard the departments concerned and produced a comprehensive report. These reports are still gathering dust.

Vimochana and other women's and human rights' groups have repeatedly raised this issue before the National Human Rights Commission and the national and state women's commissions. The prevalence and size of the problem are yet to catch the attention of the public and of human rights enforcement agencies. One reason for this is of course the conspiracy of silence that operates in all societies to play down domestic violence and treat it as an acceptable adjunct to harmony within homes. Another reason is,

however, the non-availability of statistics to disclose the enormity and prevalence of such violence.

A View of Chittapur

Chittapur is the second biggest *taluka* in Karnataka State. It comes under Gulbarga District. More than 500 villages come under this taluka. Population is more than one lakh. The name Chittapur means 'Chitta' – means Knowledge, 'pur' means Village, so it is called as knowledge civilized villages. Another meaning is related with a Chittarali Muslim Guru who live here and has done something good for this town, so it is called as Chittapur. The places undertaken in this study for the surveying reasons and implication of marital violence on women are:

- ◀ Near to Court on Bank Colony
- ◀ Holi Katta.
- ◀ Saraf Galli.

Based on these three areas, respondents are being selected, and the present paper will discuss about the effects of domestic violence in the case study area of Chittapur.

Table-1.1

Age and Educational Level of Respondents

Age Educational Level	20-30		30-40		40-50		Total	
	Illiterate	7	14%	7	14%	5	10%	19
Primary	6	12%	7	14%	5	10%	18	36%
Secondary	5	10%	4	8%	-	-	9	18%
Graduate	3	6%	1	2%	-	-	4	8%
Total	21	42%	19	38%	10	20%	50	100%

From the above table we can observe that violence is higher in the age group of 20-30 (42%), 14% of respondents were illiterate,

12% each had received minimum education, 10% of them had secondary education, only 6% of respondents are graduates. By observing the table we come to know that low level of education is reason for domestic violence, not only illiterates, graduates also suffer from domestic violence.

The educational background partly supports the contention that educated women are more aware about their rights in the conjugal relationship and hence, this may raise questions with regard to asymmetrical marital relationship resulting into use of coercive methods by their husbands to maintain their superior position.

Table-1.2
Class and Religion of Respondents

Class Caste	Higher		Middle		Lower		Total	
Hindu	4	8%	12	245	6	12%	22	445
Muslim	4	8%	10	20%	8	16%	22	44%
Any Other	-	-	3	6%	3	6%	6	12%
Total	8	16%	25	34%	17	34%	50	100%

From the above table we came to know that the middle class women are more suffering from domestic violence 50% of middle class women suffering from violence, 24% of them were Hindu Women. Women of all cultures and class are battered by husband men who are well respected in their communities give torture to their wives.

Table-1.3
The factors for husband initiated quarrel

Sl. No.	Factors	Frequency	Percentage
1	Rude Behaviour	20	40%
2	Drinking Behaviour	10	20%
3	Money matters and Job related Problems	10	20%
4	Extra Marital Relations	10	20%
5	Total	50	100%

Table –1.3 reveals that drinking behaviour is the reason for quarrel. The factor for husband initiated the quarrel 20% money matters and job related problems, 20% extra marital relations. To exert his dominant position in the conjugal relationship the husband uses rude behaviour as a strategy to put his wife in a subordinate position. Another main factor attributed to the husband relates to money matters or his job related problems. His failure to earn sufficient money and frustration at the job makes his very irritable and he gives vent to his frustration by picking up a quarrel with his wife. Another reason for quarrel is husband's drinking behaviour pattern, under the influence of the alcohol he may not only indulge in verbal violence but also may physical force.

Table–1.4

Domestic Violence – Identified Categories

Sl. No.	Identified categories of domestic violence	Frequency	Percentage
1	Physical	40	80%
2	Sexual	-	-
3	Emotional	-	-
4	Above all	10	20%
5	Total	50	100%

In the above table we come to know 80% women do not have any knowledge about "Domestic Violence". They said only physical violence is called "Domestic Violence". Illiterate women thinks only beating, punching is the violence. Some graduates also do not have knowledge about violence only, 20% of them identified the categories of "Domestic Violence".

Table–1.5

Women still live with abusing husband

Sl. No.	Reasons	Frequency	Percentage
1	No other place to go	10	20%
2	For the sake of family reputation	10	20%

3	For the sake of children	10	20%
4	It is considered bad to live away from husband	20	40%
5	Total	50	100%

In the above table we can see 40% women still living with abusing husband, because it is considered bad to live away from husband, 20% women had no other place to go, 20% for the sake of children, and remaining 20% for the sake of family reputation. Our traditional society does not allow women to leave her husband. Lack of Education and economic dependency are the main reasons to live with abusing husband.

Laws Pertaining to Domestic Violence

International conventions, the constitution and various other legal provisions provide for certain rights for women. The Universal Declaration of Human Rights and Convention on Elimination of all forms of Discrimination Against Women (CEDAW) do enforce certain special rights and privilege for women. Some of these have already been adopted by the framers of our constitution. Equality of sexes is enshrined in the Constitution of India as a fundamental right and any law which discriminates on the grounds of religion, race, caste, sex or place of birth is held to be contrary to the Constitution as mentioned in Article-15. The clause 3 of the aforesaid article specifically provides for the state to make special provisions for women and children. Article 39 directs state not to discriminate on the ground of sex and it should direct its policy towards securing equal pay for equal work irrespective of sex.

Several laws have been enacted to improve their social status, economic independence, political participation and professional growth. Various welfare schemes have been launched by the Government to raise the status of women. The law provides certain remedies to the victims of violence. We have provisions like section 498 (a) and subject of section 30A (b) of I.P.C. specially relating to subject of domestic violence.

Protection of Women from Domestic Violence, 2005

In exercise of the powers conferred by Section – 37(1) of the

“Protection of Women from Domestic Violence Act, 2005 (of 2005)” passed by the Central Government made this Act for control and protection of women from Domestic Violence in the Country.

The observations made from the Study Area are:

- Women should take care of themselves.
- Women should increase their educational levels.
- Women should know about the laws and facilities which are made for them by the Government.
- Women should develop their self-confidence.
- Women should raise their voice against violence and not tolerate any kind of Violence.
- They should not believe in any type of traditional move.
- Parents-in-laws should treat their daughter-in-laws as their daughter.
- Husband should give respect to her wife, should not treat her like slave.

Violence against Women: areas of concern

It is a paradox of modern India that women yield power and hold positions at the top yet large sections of women are among the most underprivileged. The clearest indicator of discrimination against women is the skewed sex ratio. There are 933 females in India per 1000 as against the world average of 990:1000. No doubt, globalization has made an impact on the cause of violence against women. Integrated measures to prevent and eliminate violence have been initiated. But for this, an exhaustive study of the causes and consequences of violence against women is to be done and the effectiveness of preventive measures is to be scaled. In absence of these prominent measures, the States fail to take the basic steps needed to protect women from all sorts of violence and thus allow all the crimes to be committed with impunity, resulting in failure in their obligation to protect women from torture.

Ever since the globalization of this demonic problem, many legal measures have been adopted and implemented by the society. Acts such as passing of violence against women bills; empowering the non government organizations; massive public education campaigning to destroy the dangerous myths perpetuating violence; pressing for stiffer laws, etc. have been formulated. While we praise all the above accomplishments, work yet remains to be done in the area of prevention and eradication. Cutting-edge pilot programmes must be developed to handle these issues. Programmes must further educate the community at large about the ways they can prevent and rid the society of violence against women. Both men and women can be empowered to tackle these issues, by confronting established values and norms for women, reinforced by mainstream media, the entertainment industry and conservative religious groups, only to name some from our political leaders and insist on measures that will lead to prevention, accountability and the eventual eradication of all types of violence against women. We should realize that stopping violence is not only a women's issue. It must also be a school, workplace, community and national area of vital concern.

Finally, findings may propose the following actions should be taken determinatively by the Civil Society, the State and the People to stop violence against women:-

- To condemn violence against women and refrain from invoking any custom, tradition or religious consideration which is against the freedom of women.
- To adopt/implement and periodically review/analyze laws to ensure efficacy of legal measures.
- To create/strengthen institutional mechanism so that women can report acts of violence against them in a safe and confidential environment.
- To ensure that women with disabilities have access to information and services in the field of violence against women.
- To allocate adequate resources within the Government budget

and mobilize community resources.

- To adopt laws, wherever necessary, and reinforce the existing laws that punish security forces, police or any other agents of the state who engage in acts of violence against women in course of performance of their duties.
- To promote a transparent policy of mainstreaming a gender perspective in all policies and programs related to violence against women.
- To pressurize and enforce legislation against perpetrators of practices and acts of violence against women such as female infanticide, dowry-related violence, prenatal sex selection, female genital mutilation, etc.
- To support initiatives of women's organizations and NGO's all over the globe to raise awareness and to contribute to its elimination.
- To recognize the vulnerability to violence and other forms of abuse of women.
- To promote research, collect data and compile statistics, especially concerning domestic violence relating to prevalence of different forms of violence against women.
- To disseminate findings of research and studies widely.
- To render relief support and well funded shelters for women subjected to violence.

It is high time we realize that, violence against women is a violation of human rights that cannot be justified by any religious, political or cultural claim. A global culture of discrimination against women allows violence to occur daily and with impunity. We should eradicate violence against women and help women to achieve lives of equality and human dignity (Social Welfare, 2008).

Conclusion

The attempt has been made in this paper to study the domestic violence on women and a profile of domestic violence on women

and their problems in the families with the help of the case study area of Chitapur. An important point is to be noted here, that illiterate women suffered more from violence between the age group of 20-30. Middle class women suffered more than the other classes. Women should take help from women's organizations. They should consult to counselor how to solve their problems. Violence against women exists in various forms in every day life in all the societies. Women victims of violence should be given special attention and comprehensive assistance. To this end, legal measures should be formulated to prevent violence and to assist women victims. Change is needed in the perception of society towards the dignity of women. Awareness against gender biases is necessary to minimize the problem. There is need to motivate the poor families to utilize the various schemes started by the Govt. for their welfare. Strict legal action should be taken against those who are involved in violence related activities against women.

There is a need of strengthening and increasing the non-Government organizations which could take up the individual problems. Women in general must be educated about their rights and the agency to be approached. Family counseling centers must be set up at lower levels, so that families at risk can be identified and helped. Mahatma Gandhi says "As long as women of India do not take part in public life there can be no salvation for the country." Violence against women does not end by merely bestowing of judicial rights or by making women literate. Most urban women are literate today but they are also victims of domestic violence. It is imperative that women must be morally strong and empowered. ■

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Victims of Sex Trafficking and Their Secondary Victimization: An Analysis

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Keywords

Trafficking, Secondary Victimization, Sex Trade, Social Impact, Economic Impact, Health Impact, Psychological Impact.

Abstract

Around 27 million people around the world are trafficked as per the Trafficking in Persons report 2011, issued by United States Department of State. Survivors of trafficking for this purpose definitely have a life ahead. Secondary victimization is a state where the victim does not receive any required services or information on their rights and gets abused again for the crime they have gone through with or without their mistake. The article discusses about the various issues pertaining to victims of sex trafficking. The article highlights the impact of secondary victimization on the victims such as social, economic, psychological and health impacts. Finally, the article suggests some measures to prevent, control and rehabilitate the victims.

Introduction

Secondary victimization is an ongoing victimization process in the life of victims. Victims face various forms of victimization such as emotional, physical and financial, etc. This can be

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stated as happened to pre and post victimisation. But, when they have come out of the primary victimization, they face even worse reactions from the society they live in and it is called secondary victimization. According to Siegel (2007) the victims are an easy access for revictimization by a friend, an acquaintance or an intimate. He is of the opinion that individuals who have been crime victims have a significantly higher chance of future victimization than people who have not been victims.

The main sources where the victims may go through a secondary victimization will be with media, in police custody, judicial custody, medical professionals victim comes in contact with as a part of the crime occurred, family, job sector, from friends, neighbours or even from the strangers who heard about the issue. Secondary victimization occurs when the societal response to a victimizing stigma is more disabling than the primary stigmatic condition itself.

Definition

Trafficking: In December 2000 the United Nations adopted the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (known as the “Trafficking Protocol”). The Trafficking Protocol became the international standard and supplied the first-ever agreed upon international definition of trafficking in persons. The definition is in three parts.

According to the first part: “Trafficking in persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (United Nations General Assembly 2000: Article 3a).

Many references to the definition stop at this, ignoring the important second part dealing with the notion of consent: “The consent of a

victim of trafficking in persons to the intended exploitation... shall be irrelevant where any of [these] means are used" (United Nations General Assembly 2000: Article 3b).

Finally, the third part of the definition limits the requirements with regards to children: "The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of [these] means" (United Nations General Assembly 2000: Article 3c).

Victims of Abuse of Power: It means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights (The UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power 1985). The essence of abuse of power is that it is committed by those who should be expected to protect the population.

Secondary Victimization: The Department of Justice, United States of America states that: "Secondary victimisation refers to the attitudes, processes, actions and omissions that may intentionally or unintentionally contribute to the revictimization of a person who has experienced a traumatic incident as a victim through failure to treat the victim with respect and dignity, disbelief of the person's account, unsympathetic treatment, blaming the victim and lack of (or insufficient) support services to assist the victim at interpersonal, institutional and broad social level. It is something that would depress the victims.

Magnitude of The Problem

According to Crime in India 2010, in India the total number of incidence of cases reported under Immoral Trafficking Prevention Act, 1956 were 2499 and a total of 934 cases were reported from the cities alone in India. In India the number of reported cases on Kidnapping and Abduction of Women and Girls were 29795 and on Importation of Girls were 36.

Siegel (2007) states that the suffering endured by the victims does not end when their attacker leaves the scene of the crime. They may suffer more victimization by the justice system. He says, while the crime is still fresh in the mind of victim, they may find that the police interrogation following the crime is handled callously, with innuendos or insinuations that they were somehow at fault. The initial level of secondary victimization may occur while the victim is under the custody of police soon after the arrest. Many a time victims are found to be harassed by the police officials, with verbal abuse and physical abuse. There are cases found where the victims were forced to strip themselves in front of few policemen and have sex with them when the victims were not ready. The victim may even get brutally battered if resist their order. As per Code of Criminal Procedure, the victims are supposed to be presented before the court of law within twenty four hours of arrest. It is a usual phenomenon that policemen keeping contacts with the brothel owners and receiving enticement so that they can get the victims back from the arrest. This leads to revictimization of the victims (Gayathri, 2010).

The victims during their trial in courts face worse situations from time to time. They will be asked about the circumstances by which it resulted in their present state and deliberately victim will be blamed for it inspite of the fact that misery is on the victim's side. The cross examination by defense lawyer will result in character assassination of the victims and the women may lose confidence about their case. The trial proceedings go on for a long time. The under trial victims are housed in government vigilance homes where they wait for the end results. Most of the times, the victims remain ignorant about their cases after they have been started their stay in the home. The situation is like the victims are not aware about whether they even have a lawyer. Another major problem is the inability of the victims to read and write. Language barrier is again a reason for on the victims' part that gets them into more trouble.

Survivors of victims of sex trafficking face secondary victimization due to the superfluous coverage that media provides. Media hype results in non secrecy of victim's identity and this result in vacillation of family and friends in accepting them back. They will be isolated

from the community itself as the attention that media gives labelling them with the name 'prostitute'. They will experience seclusion from societal functions, deprivation of property rights, blaming as their own mistake and even sexual assaults from male members from own family. This happens even in the family where the victim was pushed into the profession by family members itself. Nair and Sen (2003) are of the opinion that the survivors' behaviour is sexualised by their experiences of commercial sexual exploitation. They have learned to survive by being seductive. The way they dress, talk and carry themselves is interpreted by most people as the survivors being 'characterless' and 'wanting it'. This process of labelling starts the process of rejection of the survivors by the family and the community. It also starts misdirected efforts to somehow 'counsel' them to be 'girls from nice backgrounds who do not do such things'.

Sending victims home may simply place them back in the same conditions that endangered them in the first place. If criminal gangs were involved in the trafficking, they will likely threaten the safety of victims and their families (Feingold, 2005). Once victims are reunited to the family, the life will not be the same for them as there would be no employment opportunity due to their dismal background and if at all employed they may land up facing harassment at work place too. Women who were married will be forced to have a divorce and the single ones may find hard to find a proper married life as no one will turn up giving them a secure life. They must be the ones who landed up getting cheated either in the name of false marriage, fake love affairs, fooled in the name of job assurance, etc and this creates an incredulity in people and relationships around them.

Dr. Morton Bard, co-author of *The Crime Victim's Book* (1979), has described a victim's reaction to crime as the crisis reaction. Victims will react differently depending upon the level of personal violation they experience and their state of equilibrium at the time of victimization. To question a victim's response to a criminal incident is to inflict a second injury on that crime victim and can cause emotional harm. Forgetting the trauma happened is the most difficult task for the victims. Victims who suffer from long-term crisis reactions can be thrown back into the initial crisis reaction by what

are known as “triggers.” Many victims will have particular triggers that remind them of their victimization, such as sights, smells, noises, birthdays, holidays or the anniversary of the crime. Regarding the victims of sex trafficking, secondary victimization can arise from the perpetrators to an extent like threat to their life itself, not only to the victim alone but to the near and dear ones too. They will be followed or stalked by brokers, pimps or co-workers so that a feeling of fear occurs in the survived victims mind. These types of acts occur as the perpetrators want to keep their identity hidden and the survived victim stops from disclosing the details to anyone.

In the case of victims of sex trafficking, revictimization may occur at different stages of life once they are brought into the light. The victims may experience mental and physical torture, personal and social stigma, financial deprivation, etc. The victims are supposed to be provided with adequate and apt medical, legal and social awareness in order to protect themselves from secondary victimization. The most essential requirement for the survivors is to take up ways to build a balanced life after the trauma, and the present scenario gives indication that the government or other organisations have to be keen in revitalising the victims back to the social order.

The Impact Of Secondary Victimization

An impact of victimization mainly affects the social, economic, emotional, and health aspects of the trafficked and rescued victims of sex trade. The victim deprived by the society would not have any helping hand and will find much difficulty in living alone and at times this may be a reason for them to go back to the sex trade too. Psychological problems like Post Traumatic Stress Disorder (PTSD), Acute Stress Disorder (ASD) would haunt them as a result of the trauma. Health conditions of the victims are at risk as they are prone to Sexually Transmitted Diseases (STD) like HIV, Aids etc.

Social Impact

Societal reactions towards the victim, mainly from the police, judiciary, family and friends have an impact. A report on The Impact of Victimization (2005) prepared by the Canadian Resource Centre

for Victims of Crime provides with few examples for secondary victimization; says the institution and the individuals show the refusal to recognize the victim's experience as criminal victimization. Most of the time there will be intrusive or inappropriate conduct by police or other criminal justice personnel towards them. The whole process of criminal investigation and trial (decisions about whether or not to prosecute, the trial itself, the sentencing of the offender, and his or her eventual release) explains that the court proceedings are in a way of staying blind regarding victim's justice. In such cases, the victim perceives difficulties in balancing their rights with those of the accused or the offender. Criminal justice processes and procedures do not take the perspective of the victim into account. Intrusive or inappropriate investigation and filming, photographing, and reporting by the media creates an uneasiness for the victims in their survival. According to the above said study, Victims understandably become very frustrated with the criminal justice system when charges are not brought against the person who caused harm to them or their family. A victim may interpret the response of the system as a letdown and become bitter, angry and disappointed with the entire criminal justice process.

Gabhan (2006) observed that in many cases victims of trafficking are treated as illegal immigrants and deported. Women who have been in prostitution are at the risk of being stigmatized when they return home and try to take up a normal life. A study on Victim Blaming (2009) reported that many people deem those who work in the sex trade as "throw-aways". They may not care when these women suddenly go missing, or are abused, or murdered. Instead of recognizing sex trade workers as being particularly vulnerable, society blames them for choosing a dangerous lifestyle. This gives an idea about to what extent the society values the right of life for the victims. Empowerment of such victims is inevitable in order to protect them from extended cruelties. Boyd (2011) states in his article on The Impact of Sexual Assault on Women, that woman may particularly avoid social situations with men, due to a heightened awareness of the potential for violence that some men are capable of. The coverage by the media also has an adverse impact on the victims. Coverage of news related to the rescued victims case, with

name and photos will be highly disturbing for them when they must be trying hard to start up a new life.

Economic Impact

Hughes (2000) expressed the fact that victims are left with no money as survivor. The women often end up with nothing, or any money they earn comes at great cost to their health, emotional well being and standing in the community. Sometimes the extreme agony they go through will create a feel that the life they have been in was better compared to the rescued one as they find it difficult to make livelihood without money or support from anyone. According to Boyd (2011), the victims will be financially affected with the loss of actual earnings, loss of future earning capacity, medical expenses, intangible costs (loss of quality of life, pain and suffering) and counselling expenses.

Health Impact

The victims suffering from HIV due to the primary victimization ends up with more tortures in future life like neglect from the society, family, friends, and colleagues, etc. The victims suffering from Sexually Transmitted Diseases (STD's), are found as dirt in the society that may pollute the rest of the people. Children of these victims will also be neglected from family, school, etc. For those victims who do not have a place to return is prone to getting victimized again by the perpetrators. The problem of substance abuse is definitely the one that affects the victim's health. During the process of victimization, the victims will be forced by the trafficker to use alcohol or drugs to get them sedated and at times even to reduce the pain and what results is that the victim lands up getting addicted to such substances.

Psychological Impact

The kind of loses that results with finance, health and even in society can be recovered as time pass by. But the psychological impacts seemed to stay within the victims for long time. The psychological status of the victims depends on their previous life experience, age, and their experience during the situation of trafficking, on the

time spent in the trafficking chain, etc. There will be a fear that they will be labelled and rejected. Fear and tension can lead to insomnia. In general, distrust towards people is expressed, which can cause difficulties in establishing closer contacts and sharing the experiences during the period of trafficking with others. Living in fear of revenge on the part of the traffickers should she/he give away relevant information, unwillingness to talk about the events during the period of trafficking and the denial of stress endured in the course of these events, protects the victim from having to confront with him/ her, which they are still not prepared to do. The paradox is that they seem more traumatized after a while, than on immediate arrival at the shelter. Some forms of manifestations of traumatization are sudden and frequent changes of mood, weepiness, a low level of frustration tolerance, emotional ruptures, withdrawal, apathy, hopelessness, self-accusation, nightmares, intolerance of any kind of physical contact, being prone to suicide and various forms of self-destructive behaviour (Docent, 2009).

Post Traumatic Stress Disorder is characterised by marked generalised anxiety that is triggered by any cue that reminds one of the traumatic stimuli in the past, numbing of sensations and reliving of past traumatic experiences (Nair and Sen, 2003). Along with these there would be depressive disorder, dissociative disorder and eating disorder, etc. Nair and Sen (2003) also came up with findings with regard to revictimization due to insensitive judicial proceedings like being forced to travel in the same vehicle along with the accused while going to court, cross-examinations, blaming by the judge, etc. Their study has found out that survivor in the government home not being informed about the status of their court case or not being met by anyone, for months and years, regarding their court case. It has been quoted by Williamson and et al (2010) that victims suffering from complex trauma often experience depression, anxiety, self-hatred, dissociation, substance abuse, despair, and somatic ailments. Individuals exposed to this type of trauma are also at heightened risk for self-destructive and risk-taking behaviors as well as revictimization, and tend to experience difficulty with interpersonal and intimate relationships (Courtois, 2008).

Support Service Programmes

Both Centre and State Governments initiated special schemes and programmes for the welfare of women in the distressed conditions especially the victims of trafficking. In addition to the initiatives by the Government to support the trafficked victims, the Non Governmental Organisations are also extending their support to rescue, rehabilitate the victims of trafficking.

According to Trafficking in Persons Report 2011, the Government of India's "Comprehensive Scheme for Strengthening Law Enforcement Response in India" earmarked 12 million dollar over three years to implement the nationwide anti-trafficking effort. As a part of this effort, state governments established at least 87 new Anti Human Trafficking Units in police departments. Various measures have been undertaken and are proposed for acceptance by few NGO's, Ministry of Women and Child Development, etc. Trafficking in Persons Report 2011 comes up with data like Tamil Nadu trained over 100 of its inspectors on human trafficking, including bonded labour. The Ministry of Women and Child Development (MWCD) funded 331 Swadhar projects – which helps female victims of violence, including sex trafficking – and 134 projects and 73 rehabilitation centers in 16 states under the Ujjawala program – which seeks to protect and rehabilitate female trafficking victims – and 238 women's help lines. There is an increase from the previous year. Many rescued women were forced to stay back in protective homes as an effort to control them from getting trafficked again. Traffickers continued to re-traffic some victims by approaching shelter managers and pretending to be family members to get the victims released to them, although this practice is declining. NGOs assisted rescued victims in providing evidence to prosecute suspected traffickers. Many victims declined to testify against their traffickers due to the fear of retribution by traffickers, who were sometimes acquaintances. Trafficking in Persons report 2011 states, in Tamil Nadu, the government reported that police launched investigations in 572 cases under the ITPA between January and December 2010.

There is a scheme named 'Swadhar', initiated by the Department of Women and Child Development, Ministry of Human Resource Development, Government of India. One of its focus stretches to Trafficked women/girls rescued or runaway from brothels or other places or women/girl victims of sexual crimes who are disowned by family or who do not want to go back to respective family for various reasons. The objectives of the scheme are:

- To provide primary need of shelter, food, clothing and care to the marginalized women/girls living in difficult circumstances who are without any social and economic support;
- To provide emotional support and counseling to such women;
- To rehabilitate them socially and economically through education, awareness, skill up-gradation and personality development through behavioural training etc;
- To arrange for specific clinical, legal and other support for women/girls in need of the intervention by linking and networking with other organizations in both Government and non-Government sector on case-to-case basis;
- To provide for help line or other facilities to such women in distress; and
- To provide such other services as will be required for the support and rehabilitation of such women in distress.

The amendment made to The Immoral Trafficking Prevention Act 1956 has a provision to safeguard the victims from further exploitation (secondary victimization) while in custody. Regarding the victims of trafficking, few provisions have been stated in The Immoral Traffic (Prevention) Act, 1956. As per the Amendment Act 44 of 1986, it is proposed that:- in cases of seduction in custody, the punishment is sought to be enhanced to that laid down for rape in the Indian Penal Code; provision is being made for medical examination of all persons removed from a brothel after a search has been carried out under section 15; it is proposed to provide that women and girls removed in pursuance of a search made under section 15

shall be interrogated only by women police officers and where no women police officers are available, they shall be interrogated only in the presence of a women social worker. The authors of the article strongly believe if these provisions of the Act are implemented properly, this would be a strong deterrence among the custodians who have the tendency to sexually exploit these hapless victims.

Conclusion

Secondary victimization of the victim is real. The trafficked victims of Sexual exploitation are experiencing it more than that of other victims of crime. Secondary victimization can be caused by any person or institution including family members, friends, neighbours, media, clergy, law enforcement officers, police, judges, social service workers and even health professionals. The current definition of secondary victimization emphasizes the behaviours of legal and medical system professionals and their potential negative impact on the survivors (Campbell, 2005). It is cruel to victimize a woman for sexual exploitation and it is even more inhuman to revictimize them in the name of the exploitation she had suffered. With or without own will, many women gets trapped and enters the profession of prostitution. At the time of arrest, the victims get teased and tortured by the policemen, in the court they undergo merciless trials which make themselves feel that they are the reason for their fate, sexual favours and degraded comments from medical practitioners, media who highlights the cases to increase their circulation never thinks of a victims situation, rejection from family and neighbours, more over a life with fear of being followed by the pimps or brokers—all these set to secondary victimization of the victims. Mindset of the public is rigid that a female who has become bad can never be good again. It is quoted by Zimmerman et al (2011) following a sex-trafficking experience, women and girls often face a myriad of decisions and stressors, including possible participation in a criminal proceeding, immigration and asylum procedures, stigma associated with sex work, return to families who may be unaware of their experiences—or who may be aware of their experience and consequently unwelcoming—and, not least, the

same concerns about poverty and employment that caused them to leave home in the first place. Numerous trafficking survivors will handle these challenges well, but many survivors will struggle with symptom levels that impair their ability to integrate into their new settings or reintegrate into their former situations. Factors such as lack of social support and additional life stress have been shown to influence the symptom severity.

Suggestions

The present paper suggests the following measures to prevent the secondary victimization and to establish and extend the support services for the rehabilitation of the victims:

- The government homes and NGO's have to make sure that the programmes provided should not be outdated but updated enough for the victims to make their livelihood meaningful.
- Counselling programmes may be organised by the government or in collaboration with Non Governmental Organisations to provide both individual and family counselling.
- Sensitization programmes should be made mandatory for all the stakeholders comprising the victims' family, neighbours, police, judiciary and the correctional officers.
- A greater awareness can be made among the general public about the sufferings and social stigma of the victims of trafficking by educating them through various forms of arts like mimes, skit, documentaries, short films, street theatre, etc.
- Employment opportunities must be created and provided to the victims of trafficking so as to empower them financially independent. As a part of corporate social responsibility, the corporate and other private organisations should provide these people with employment opportunities for their rehabilitation.
- More number of schemes and programmes to support the victims and their children should be introduced by the government. The working of these schemes and programmes

should be monitored periodically; changes, if any, can be made for the improvisation of the schemes and programmes.

- Government should create a database of Non Governmental Organisations which have a proven track record of extending their support and services to the victims of trafficking.
- Empirical studies, research work on the various issues relating to the victims of trafficking should be conducted. The findings of such studies will enable the policy makers to understand the ground reality, the needs of the victims, the services if any available, to come out with suitable programmes and policies. ■

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Telephone Tapping: Propriety, Legality, Admissibility and Evidentiary Value

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Keywords

Telephone Tapping, Privacy, Constitutional Right, Surveillance

Abstract

The objective of this paper is to provide a detailed study of telephone tapping under Indian criminal law. Its overlapping in to sphere of privacy has been undoubtedly controversial and significantly brought to the fore as an issue in the defence of labelling telephone tapping as unconstitutional and an infringement to a person's private domain. This paper seeks to look at the legality of communications on the phone, its admissibility and evidentiary value with the help of relevant case laws. To get a better picture, the paper has also included a study as to the practice of the courts in other developed countries from which the Indian context could take a leaf from.

Introduction

Any discussion of communications law must include the right to privacy. In a liberal democracy like India, citizens have the right to talk on the telephone, send e-mails and use the Internet without any kind of government interference. The government must have compelling reasons, such as legitimate defence and national security considerations to monitor and intercept communications. One would ordinarily assume that the

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basis for such an expectation rests on some conception of a right to privacy for all persons. In addition, like other legal concepts, the right to privacy has evolved and been applied to new situations and circumstances. One such circumstance involves the use of privacy to protect the contents of modern communications. Telephone subscribers, internet users and commercial customers implicitly rely on the fact that their telephone conversations, search queries and business correspondence are secure, reliable and confidential.

Admissibility of Telephone Conversations as Evidence

All telephone conversations for the purpose of admissibility as evidence are recorded as electronic records. This definition has been found in the Information Technology Act¹ under Section 1(t) where it has been defined as “means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche”. For this reason telephonic conversations have to be considered as electronic records for the purpose of the Evidence Act.

All Electronic evidence falls within the generic definition of ‘document’ as defined in the Evidence Act and further described in the IT Act². Further provisions under Section 39 of the Evidence

¹ See Further Information Technology Act, 2000, Section 1(t) Also see section 1 (r) which reads as “electronic form” with reference to information means any information generated, sent, received or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device as well as section 1 (v) which reads as “information “that includes data, text, images, sound, voice, codes, computer programmes, software and databases or micro film or computer generated micro fiche.”

² The word document in Section 3 of the Evidence Act means: “any matter expressed or described upon any substance by means of letter, figures or makes, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.” This has been amended by Section 1 of the Sch 2 to the IT Act of 2000 to include electronic records as: ‘Evidence’ means and includes: (1) All Statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry; such statements called oral evidence; (2) All documents including electronic records produced for the inspection of the Court; such documents are called documentary evidence.”

Act provides for evidence in the form of a statement that forms part of a conversation, document, electronic record, book or series of letters or papers, has been amended to include the submission of electronic records. It is to be observed that the Supreme Court and High Court in several cases have held that tape recorded evidence is an electronic record and admissible in evidence³.

Sections 65 and 65B of the Evidence Act⁴ provide special provision as to evidence relating to electronic record and admissibility of the electronic record⁵. There is also no bar to adducing secondary evidence under the provisions of the Evidence Act namely under Sections 63 and 65⁶. This was seen in the case of *State v. Navjot Sandhu*⁷.

Privacy of Communications-Legality

A. Statutory Provisions

There are certain provisions of the Indian Telegraph Act⁸ that could be construed as protecting the confidentiality and privilege of communications. For instance, section 24 of the Telegraph Act prescribes a criminal penalty of one year's imprisonment for any person who intrudes or trespasses on telecom premises in order to 'unlawfully learn the contents of any message'. Similarly, section 25 of the Telegraph Act makes it an offence to damage, remove, tamper with or touch any telegraph equipment with the intent to intercept a message or acquit oneself with its contents. Persons convicted

³ *Dwijadas Bannerjee v. State of West Bengal* 2005 CrLJ 3115 Cal

⁴ See Section 65, 65 B, Indian Evidence Act, 1872

⁵ Inserted by IT Act 2000, Section 92 and Sch 2, The High Court of Delhi in the recent case of *M/s. Societe Des Products Nestle v. Essar Industries* (Decided on 4th September 2006 I.A. No. 3427/2005 in CS (OS) No. 985/2005) observed that under Section 65 B : 'Notwithstanding anything contained in this Act, any information contained in an electronic record which is printed on a paper, stored, recorded or copied in optical or magnetic media produced by a computer shall be deemed to be also a document'. Also in *State v. Mohd Afzal* 107 (2003) DLT 385

⁶ See Section 63, 65 of Indian Evidence Act, 1872

⁷ (2005) 11 SCC 600

⁸ Indian Telegraph Act (No. 13 of 1885) or the 'Telegraph Act'

under section 25 face a sentence of up to three years in prison, or a fine or both. Protection of communications privacy is also codified through the Indian Telegraph Rules 1951 (the 'Telegraph Rules')⁹. Rule 427, which is a general condition of telephone service, forbids using a telephone to disturb or irritate any person. Another is rule 419 A which basically incorporates various procedural safeguards prescribed by the Supreme Court for the government to observe when undertaking monitoring and surveillance of the telephone communications.

The Telecom Regulatory Authority of India (TRAI or the 'Authority') has also emphasised the importance of privacy of communications on several occasions. Communications privacy is a key principle of the Authority's common charter of telecom services, which is a voluntary code of conduct for private service providers to observe¹⁰. Among other things, the charter requires service providers to ensure that the privacy of their subscribers is scrupulously guarded.

Surveillance and Interception of Communications

A. Statutory Basis For Surveillance

The principal statutory basis for the government to undertake surveillance and interception of communications is found in section 5(2) of the Telegraph Act. This section enables the Central Government, a state government or an authorised government officer to order the non- transmission, interception, detention or disclosure of messages about a particular subject. There are two situations in which this can be invoked: (1) if a public emergency occurs; and (2) in the interest of public safety. However, even if these circumstances are present, actions taken under Section 5(2) must also be justified as necessary or expedient on certain additional statutory grounds. These grounds include: India's sovereignty and integrity, state security, foreign relations, public order, and preventing the incitement of an offence. Furthermore, actions taken under section 5(2) must be supported by appropriate reasons

⁹ The Telegraph Rules are made by the Central Government pursuant to section 7 of the Telegraph Act

¹⁰ See TRAI, 'Common Charter of Telecom Service', 24 February 2005 (the 'Common Charter of Telecom Services')

that are recorded in writing.

Section 7(2) b of the Telegraph Act permits the Central Government to make rules regarding precautions to prevent the improper interception or make disclosure of messages. This enabling provision was invoked to frame Rule 419 A dealing with surveillance and interception of communications after the Supreme Court's decision in the PUCL¹¹ case discussed later.

B. PUCL Vs Union of India and Other Judgements

The Supreme Court discussed the legality of government surveillance and interception of communications in a landmark decision, People's Union for Civil Liberties (PUCL) v. Union of India¹². PUCL, a civil liberties group filed a writ petition that alerted the court to various incidents of phone tapping by government agencies. The agencies relied on section 5(2) of the Telegraph Act to justify their actions. Consequently, PUCL asked the court to declare that section 5(2) was unconstitutional because it failed to incorporate adequate safeguards for surveillance and monitoring. In the alternative, PUCL submitted that the court should read down section 5(2) by incorporating suitable procedural safeguards to protect the privacy of communications¹³. The Central Government vehemently opposed PUCL's arguments and denied that its agencies had misused their surveillance powers for improper purposes. It told the court that, as a practice, telephone tapping was only undertaken in exceptional circumstances. It warned that the public interest and state security would be in jeopardy if section 5(2) were to be declared unconstitutional¹⁴.

Faced with these competing positions, the court decided to toe the middle ground in resolving the matter. To provide a legal basis for

¹¹ AIR 1997 SC 568, (1997) 1 SCC 301

¹² AIR 1997 SC 568, (1997) 1 SCC 301

¹³ *ibid*, at paragraph 2

¹⁴ *ibid*, at paragraph 7

its discussion, the court first surveyed its previous jurisprudence on privacy and concluded that the right to privacy was protected as part of the right to life and personal liberty under article 21¹⁵. It noted that telephone conversation were increasingly a part of modern life, especially given the growing number of mobile telephone users. These conversations were often of an intimate and confidential nature, and they were an important facet of a person's private life. Accordingly, the court held that the fundamental right to privacy under article 21 includes the right to hold a telephone conversation in private without interference. Therefore, telephone surveillance would infringe this fundamental right, unless it was undertaken in accordance with procedure established under law¹⁶.

The court pointed out that article 19 (1) (a) of the Constitution protected the fundamental right of all citizens to freedom of speech and expression. This freedom includes the right to express one's convictions and opinions freely through the word of mouth and should be exercised even on talking on telephones. Telephone-tapping, therefore, constituted an invasion of that freedom unless it could be justified under any of the permissible restriction listed in article 19 (2)¹⁷.

The court then referred to previous cases¹⁸ where the expression 'public emergency' was used as in section 5(1) of the Telegraph Act (which permits the government to seize telegraph facilities) must be interpreted together with a companion expression, 'interests of public safety' that is used in the same sub-section. Adopting that interpretative reasoning to the PUCL case, the court held that the occurrence of a public emergency or interests of public safety were essential requirements for the government to legitimately monitor telephone conversations under section 5 (2). Unless a public

¹⁵ *ibid*, at paragraph 18

¹⁶ *ibid*, at paragraph 19

¹⁷ *ibid* at paragraph 20 (The Court also noted that India was a signatory to the International Covenant on Civil and Political Rights. That international convention required that a person's privacy should not be subject to arbitrary interference.)

¹⁸ *Hukam Chand v. Union of India* AIR 1976 SC 789

emergency occurred or public safety required, the government could not take any actions under section 5 (2).

The Supreme Court's decision in PUCL was a truly remarkable one. It was an impressive exercise of judicial activism at a time when public confidence in politics and politicians was at low ebb. The decision had a distinct flavour to it. This activist flavour is especially pronounced in the procedural safeguards that the court issued in order to regulate actions under section 5(2). Those safeguards were in lieu of the rules that the government ought to have made under an enabling provision of the Telegraph Act.

Not surprisingly, when announcing these guidelines, the court pointedly criticised the government's failure to invoke the enabling provision. Moreover, through its decision in PUCL, the court wandered in to a new and fairly sensitive area that it had not confronted before - the government's power to intercept and monitor electronic communications. Yet, the court sought to strike a pragmatic compromise between striking down section 5(2) of the Telegraph Act and ensuring that the privacy of ordinary communications is protected. And in arriving at this compromise, the court quietly ignored several inconvenient decisions of larger Benches that questioned whether there is truly a constitutional basis for privacy.

Rule 419 A

After the Supreme Court's decision in PUCL, the Central Government invoked section 7(2) (b) of the Telegraph Act to codify the applicable guidelines for communications surveillance. For this purpose, the government inserted Rule 419 A in the Telegraph Rules through an amendment in 1998. Rule 419 A basically reproduces the Supreme Court procedural guidelines in PUCL with some minor variations. Rule 419 A (1) provides that all directions for interception under section 5(2) of the Telegraph Act must be issued by a competent official. Under normal circumstances, the competent official is the Home Secretary. The interception direction must contain reasons for the interception and a copy of the direction must be forwarded to the appropriate review committee within seven days¹⁹. However, this is only allowed

¹⁹ In emergencies, the interception direction can be issued by an officer, not below the rank of a joint secretary.

when there are no other possible means of extricating information.

Review committees are to be constituted to see whether it has been carried out in accordance of the Telegraph Act²⁰. In fact in the case of *Amar Singh v. Union of India*²¹, the legality of phone tapping was decided upon by setting out strict guidelines including cases where interception is legal without a warrant and in what situations and the duties of the service providers²². It laid down guidelines as to how they could be used mostly by law enforcement agencies and the police to counter espionage, subversive acts and terrorist threats.

Section 5 (2) of the Act permits the interception of messages in accordance with the provisions of the said section." Occurrence of any public emergency" or "in the interest of public safety" is the sine qua non for the application of the provisions of Section 5 (2) of the said Act. Unless a public emergency has occurred or the interest of public safety demands, the authorities have no jurisdiction to exercise the powers under the said section. Public emergency would mean the prevailing of a sudden condition or state of affairs affecting the people at large calling for immediate action.

Any breach of this would like to criminal penalties under Section 24 of the Telegraph Act which includes one year's imprisonment for any person who intrudes or trespasses on telecom premises in order to 'unlawfully learn' the contents of any message.

However, the Supreme Court rules in *RM Malkani v. State of Maharashtra* that section 25 of the Telegraph Act does not apply to a situation where a person talking on a telephone allows another

²⁰ See Venkitesh Ramakrishnan, "Politics of Phone Tapping', *Frontline*, January 28-February 10, 2006 (discussing the investigation and other developments relating to the Amar Singh telephone tapping controversy).

²¹ Writ Petition(C) No. 39 of 2006 (SC , 20 March 2006)

²² Refer to Judgment of Writ Petition(C) No. 39 of 2006 (SC , 20 March 2006)

person to record and hear their conversation²³. In this case, the court upheld a conviction that incriminated the accused person on a taped telephone conversation that incriminated the accused person. The telephone conversation was taped by the police officer after they were alerted to the accused person's activities. The high court had ruled that the telephone taping violated section 25. But the Supreme Court reversed the high court's judgment on the ground that the police did not damage or tamper with the telephone equipment by attaching a tape recorder. It also found that there was no element of coercion or compulsion associated

²³ AIR 1973 SC 157. (it held that Section 25 of the Indian Telegraph Act 1885 states that if any person intending (b) to intercept or to acquaint himself with the contents of any message damages, removes, tampers with or touches any battery, machinery, telegraph line, post or other thin whatever, being part of or used in or about any telegraph or in the working thereof he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both. "Telegraph" is defined in the Indian Telegraph Act in Section 3 to mean any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electromagnetic emissions, radio waves or Hertzian waves, galvanic, electric or magnetic means.) This Court in *Shri N. Sri Rama Reddy etc. v. Shri V. V. Giri* : [1971]1SCR399 , *Yusufalli Esmail Nagree v. The State of Maharashtra* : 1968CriLJ103 and *S. Pratap Singh v. The State of Punjab*: (1966) ILLJ458SC accepted conversation or dialogue recorded on a tape recording machine as admissible evidence. In the Presidential Election case, questions were put to a witness Jagat Narain that he had tried to dissuade the petitioner from filing an election petition. The witness denied those suggestions. The election petitioner had recorded on tape the conversation that had taken place between the witness and the petitioner. Objection was taken to admissibility of tape recorded conversation. The Court admitted the tape recorded conversation. In the Presidential Election case [1971]1SCR399 case the denial of the witness was being controverted, challenged and confronted with his earlier statement. Under Section 146 of the Evidence Act questions might be put to the witness to test the veracity of the witness. Again under Section 153 of the Evidence Act a witness might be contradicted when he denied any question tending to impeach his impartiality. This is because the previous statement is furnished by the tape recorded conversation. The tape itself becomes the primary and direct evidence of what has been said and recorded.

with the taped confession. At the same time, the court stressed the need to protect citizens²⁴ against wrongful telephone tapping by the police²⁵. This was later reaffirmed by the Supreme Court in the case of *State v. Navjot Sandhu* where the court clarified that neither section 5 (2) of the Telegraph Act nor Rule 419 A, which constitute the legal framework for the interception of communications, affect the admissibility of evidence obtained through taped telephone conversations. It ruled that the admissibility of telephonic evidence is determined according to the principles outlined in *Malkani*.

Propriety and Right to Privacy

The constitutional basis for a right to privacy in India is not very clear. Various Supreme Court decisions have contradicted each other on whether the Constitution actually embodies a fundamental right to privacy²⁶. There are two decisions in which the Supreme Court has considered the linkage between right to privacy and electronic communications. In *R. M. Malkani v. State of Maharashtra*, the Court considered whether a conviction based on an intercepted telephone conversation was unconstitutional²⁸.

²⁴ Paragraph 20 of the Judgment AIR 1973 SC 157

²⁵ Paragraph 34 of the Judgment AIR 1973 SC 157

²⁶ In 1954, an eight judge Bench of the Court held in *MP Sharma v. Satish Chandra* (AIR 1954 SC 300) that there was no constitutional right to privacy. This view was further affirmed in *Kharak Singh v. State of Uttar Pradesh* (AIR 1967 SC 1295) by a six judge Bench. Subsequently, however, a three judge Bench in *Gobind v. State of Madhya Pradesh* (AIR 1975 SC 1378 – where it was noted that an individual should be free from official interference unless there is reasonable basis for governmental intrusion) ruled that a right to privacy might be located among the un-enumerated fundamental rights. Moreover, in a more recent decision, *R. Rajagopal v. State of Tamil Nadu* (AIR 1995 SC 264), a two judge Bench discovered this right in Article 21 of the Indian Constitution.

²⁷ AIR 1973 SC 157, (1973) 1 SCC 471

²⁸ In this case, police had secretly taped a conversation in which the accused person tried to extort money from another person. The accused later contended that the secret taping violated Art. 21 because his privacy had been disturbed. (AIR 1973 SC 157, (1973) 1 SCC 471)

The Supreme Court declined to endorse the argument that the secret taping had violated Art. 21 and his right to privacy but it stressed the importance of protecting the citizens' telephonic conversations²⁹. In *People's Union for Civil Liberties v. Union of India*³⁰, the Supreme Court frowned upon the practice of unauthorised telephone tapping, which it declared infringed on the right to privacy in telephonic conversations. The court formulated guidelines for the government to adopt if it wanted to monitor or intercept telephonic conversations in the future. These were later incorporated in to the Telegraph Rules.

As has been seen, the right to communications privacy is not absolute. There are legitimate circumstances in which privacy must yield to such considerations as defence, national security and anti- terrorism. As several high profile cases reveal, police and law enforcement agencies frequently monitor and intercept telephone conversations to investigate alleged terrorists and criminal activities. These interceptions yield critical evidence that is subsequently used to prosecute and convict those accused of these activities and associated conspiracies to commit them. However, there have also been cases where it is alleged that intelligence agencies, acting at the behest of their political superiors, have secretly monitored conversations of dissidents and opposition leaders. Allegations of politically motivated telephone tapping have been frequently asserted in contemporary Indian politics. And in some cases these allegations have led to changes in governments.³¹

These developments raise important questions about the extent to which law enforcement agencies and telecom companies can

²⁹ Paragraph 34 of Judgment *R. M. Malkani v. State of Maharashtra* AIR 1973 SC 157, (1973) 1 SCC 471

³⁰ AIR 1997 SC 568 ,(1997) 1 SCC 301

³¹ See 'Janata Party Leader Resigns', *Financial Times*, 11 August 1988 (resignation of Ramakrishna Hegde as Karnataka Chief Minister after allegations of telephone tapping by his government).

legitimately monitor and track electronic communications. What are the legal grounds on which these agencies and companies can undertake electronic surveillance? Should they approach a court for permission before they tap a telephone? If no prior court approval is necessary, what are the safeguards to prevent misuse or abuse of electronic surveillance? These questions are, by no means, exclusive to India. They arise in every country with a democratic legal system that protects civil liberties and promotes the rule of law. A common challenge that these countries must confront is the need to maintain an optimal balance between communications privacy and national security and law enforcement imperatives. It is never easy to maintain that balance.

A related question involves the government's powers to temporarily seize or takeover telecom networks. In recent years, these powers have been infrequently exercised, especially after a Supreme Court decision restricted the circumstances in which the government can seize or takeover private telephone connections. However, the consequences of the government seizing a communications network can be potentially far more severe than interception of individual telephone communications. Seizure of a network can effectively disrupt the ability of thousands of users to communicate with the outsider world, rendering them in electronic isolation.

Situation Prevalent in Other Developed Countries

A. United States Law

The Electronic Communications Privacy Act (ECPA) codifies warrant requirements for the interception of electronic communications and also creates privacy protections for stored electronic messages³². This was enacted to bring the wire tap law to date. It provides protection against outside intruders who are neither parties

³² Electronic Communications Privacy Act, 1986 18 USCA Section 2510-2710. The original was the Omnibus Crime Control and Safe Streets Act of 1968 which applied to 'aural' interception or interception through human hearing..

to the communications no part of the transmission process. It also limits the circumstances under which network service providers to intercept messages and also constrains government surveillance this way. It includes both the private and public sphere. By defining the network so broadly, the ECPA expands the protection afforded under the wiretap statute to all electronic communications, whether or not they involve transmission over a common carrier³³. It limits its usage to intentional acts to intercept, disclose or use electronic communications.

One interesting aspect of the Act is that it independently prohibits disclosure and use of information that the person using or disclosing knows, or has reason to know, was obtained through interception in violation of the ECPA³⁴. Any breach of this is a federal felony which would amount to a penalty of about 5 year's imprisonment. Although the Fourth Amendment may prove important in the future, the present ECPA seems to provide a broad protective blanket over the private lives of people over the telephones.

B. European Union Law

Under Article 5 of the EU Common Position adopted by the Council concerning the protection of privacy in the telecommunications sector, in particular in the integrated services digital network (ISDN) and in the public digital mobile networks, the confidentiality of communications is expressly provided³⁵. It restricts eavesdropping on electronic

³³ See generally Robert W. Kastenmeier, Deborah Leavy and David Beier, *Communications Privacy : a Legislative Perspective* 1989 *Wis. Law Review* 715, 737

³⁴ Yochai Benkler, *Rules of the Road for the Information Superhighway: Electronic Communications and the Law*, West Publishing Co., United States, 1996, at pg. 258

³⁵ (EC) No. 57/96 (96/C 315/06) 12th September 1996 (It reads: "Member States shall ensure via national regulations the confidentiality of communications by means of public telecommunications network and publicly available telecommunications services including the prohibition of listening, tapping, storage or other kinds of interception or surveillance communications by other than the users without the consent of the users concerned, except when legally authorised.") In addition, respect for the confidentiality of communication is a fundamental aspect of the right to privacy as enshrined in Article 8 of the European Convention on Human Rights and Fundamental Freedoms.

conversations or monitoring the use of communications systems in public electronic communications systems. However, the importance of surveillance and monitoring of communications for the purposes of tackling crime and terrorism has thrown the impact of these restrictions into sharp relief. Organisations (whether public or private) carrying out interception of content on private electronic communications which they control are subject to Article 8 of the Convention and have a lawful basis for their interference with those rights as long as they apply the regulations as laid down under the Telecommunications (Lawful Practice) Interception of Communications Regulations 2000 or the LBP Regulations. However, the derogations provided for by Article 15 (1) permits Member States to adopt legislative measures to restrict the scope of the rights and obligations where the restriction constitutes a necessary and proportionate measure within a democratic society to safeguard in the name of national security, defence, public security and for any criminal offences³⁶.

In addition, in the UK, it is a criminal offence for any person to intentionally and without lawful authority to do so. In addition under UK law, it precludes any material being adduced in evidence which discloses or suggests that interception under a warrant has taken place³⁷.

Conclusion

Therefore, it can be summarised that tape recorded conversation is admissible provided first the conversation is relevant to the matters in issue; secondly, there is identification of the voice: and, thirdly, the accuracy of the tape recorded conversation is proved by eliminating the possibility of erasing the tape record. A contemporaneous tape record of a relevant conversation is a relevant fact and is admissible Under Section 8 of the Evidence Act. It is *res gestae*. It

³⁶ See generally Treaty provisions Article 15 (1)

³⁷ In *R v. Hardy* (October 2002), the Court of Appeal held that the tape recording of a telephone conversation by an undercover officer with the suspect did not amount to the interception of a communication in the course of its transmission by a telecommunications system within the meaning of section 2 (2) . In *R v. E* (2004 ECWA Crim 1243), the police obtained necessary permission to place a surveillance device under provisions of RIPA and Police Act of 1997. Here it was held that the judge was entitled to hear evidence.

is also comparable to a photograph of a relevant incident. The tape recorded conversation is therefore a relevant fact and is admissible Under Section 7 of the Evidence Act. However, the fact that tape recorded conversation can be altered is also borne in mind by the Court while admitting it in evidence.

However, an analysis would reveal greater nuances to the issue of phone tapping. Some recent commentary on the amendments to the Information Technology Act has claimed that the amendments are little different from powers already with the state in the Indian Telegraph Act of 1885, and thus civil-liberties concerns are mistaken. This is not correct. Section 69 of the Information Technology (Amendment) Act 2008, passed by Parliament on December 23, 2008, is far more intrusive than the Indian Telegraph Act of 1885, which was drafted to protect the interests of the British Raj. Under the new IT Act, any Government official or policeman will be able to listen in to all phone calls, read SMSs and emails without any warrant from a magistrate to do so.

Until the passage of the amended IT Act, phone tapping was governed by Clause 5(2) of the Indian Telegraph Act of 1885. But ever since 1885, no government has formulated any such precautions, since all governments have wanted to retain the right to spy on their opponents unfettered.

A writ petition was filed in the Supreme Court in 1991 by the People's Union for Civil Liberties, challenging the constitutional validity of Clause 5(2). The petition argued that it infringed the constitutional right to freedom of speech and expression and to life and personal liberty. In December 1996, the Supreme Court delivered its judgment: it pointed out that "unless a public emergency has occurred or the interest of public safety demands, the authorities have no jurisdiction to exercise the powers" given them under 5(2). They went on to define them thus: a public emergency was the "prevailing of a sudden condition or state of affairs affecting the people at large calling for immediate action", and public safety "means the state or condition of freedom from danger or risk for the people at large". Without those two, however "necessary or expedient", it could not do so.

But Section 69 of the amended IT Act drops all references to public emergency or public safety, meaning that the government's powers

have been vastly extended. The earlier IT Act of 2000 mentioned only decryption of messages; interception and monitoring were not mentioned at all. Section 69 of the new IT Act enhances the scope from the 2000 version to include interception and monitoring. It also broadens the scope of surveillance to include the investigation of any offence, whether cognizable or not.

In view of the many incidents of tapping of the phones of politicians, the Supreme Court in the PUCL case laid out procedures and guidelines to protect citizens against the arbitrary exercise of power by the government. But this judgement as well as the relevant sections of the Telegraph Act has become infructuous with the passage of the amended IT Act, since the latter has the overriding effect.

And what are the safeguards in the act? Well, when the Government has not formulated any safeguards to Section 5 of the Telegraph Act since Independence, it is unrealistic to expect it to formulate any safeguards under Section 69 (2) of the amended IT Act - especially in view of the prevailing terrorism situation.

Until suitable safeguards are in place, Section 69 of the Information Technology (Amendment) Act of 2008 appears to be in violation of Article 21 of the Constitution — “no person shall be deprived of his life or personal liberty except according to procedure established by law.” It is unfortunate that a democratic and independent India has passed a law which is far more detrimental to the personal liberty than the British Raj did. ■

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Internet Telephony and Speaker Identification Forensic Relevance

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Keywords

VOIP, Speaker Identification, Encryption, Codec, Internet Protocol

Abstract

Resources of communication have changed significantly in last decade. Personal Computer (PC) based telephony is becoming a widely used option for communication now-a-days. Internet telephony could be used in three different ways i.e. PC to PC, PC to Phone and Phone to Phone. With the increasing use of internet in day-to-day life, deployment of VOIP facility in offices and homes become easier and cost effective. It only requires PC/IP Phone or already existing Public Switched Telephone Network (PSTN) along with internet connection. But with increasing access of such easily available communication resources, the internal security is also at high risk. One such savage example is 26/11 Mumbai attack. Keeping this in view, authors carried out a comparative study on speaker identification through normal speech samples and speech samples received over internet. Speech samples from ten speakers (five female and five male) were recorded using freely available software Skype for voice chat. An attempt was made to find out

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difference in parameters of normal speech sample and VOIP sample and to extract suitable parameters for speaker identification in case of voice over internet protocol.

Introduction

Internet has redefined the traditional way of communications methods such as PSTN and mobile services, into Voice over Internet Protocol (VoIP). Internet is now extensively used for exchange of voice and video data. The basic steps involved in originating an internet telephone call from one end are conversion of analog voice signal into digital format and compression of signal into Internet Protocol (IP) packets for transmission over the internet and reversed process at other end. This conversion, compression-decompression and transmission over the channel affect the originality of voice. Thus, Speaker identification in case of speech samples received through internet is very complex because there are number of factors which effect the voice quality [1,2,3]. Thus, the authors made an attempt to carry out a comparative study on speaker identification through normal speech samples and speech samples received over internet. A primary attraction of VOIP is its ability to help reduce expenses, easily available all over the world and could run over general electronic gadgets such as PC, Phones etc. Internet Protocol (IP) is increasingly used as a way to transport data, but also as a tool that simplifies and streamlines a wide range of voice and video applications.

The most prevalent types of signaling protocols today are H.323 and SIP. H.323 is ratified by the International Telecommunication Union-Telecommunication (ITU-T). It is designed to operate above the transport layer of the underlying network, so H.323 can be used on TCP/IP which is packet-based network transport. Session Initiation Protocol (SIP) is designed to manage and establish multimedia sessions, such as video conferencing, voice calls, and data sharing. SIP is specified as proposed standard RFC 3261. SIP is a text-based protocol, similar to HTTP and SMTP, for initializing interactive communication sessions between users [4,5]. There is a wide range of voice Codec (coder/decoder or compression/decompression) protocols available for VOIP phone implementation. The most common voice Codec includes G.711, G.723, G.726, G.728 and G.729 etc.

Uprising Skype

Skype is a peer-to-peer system rather than a client–server system, and makes use of background processing on computers running Skype software; the original name proposed – Sky peer-to-peer – reflects this. Some network administrators have banned Skype on corporate, government, home, and education networks, citing reasons such as inappropriate usage of resources, excessive bandwidth usage, and security concerns. Skype allow these registered users to communicate through both instant messaging and voice chat. Voice chat allows telephone calls between pair of users and conference calling, and uses a proprietary audio codec. Skype is claimed to be a secure communication; encryption cannot be disabled, and is invisible to the user. Skype used widely trusted encryption techniques: RSA for key negotiation and the Advanced Encryption Standard to encrypt conversations [6,7,8].

Experimental Materials & Method

Speakers: Ten speakers (five male and five female) were selected for recording of speech samples. All the speakers belong to the age group of 20-30 years. All speakers were well educated and familiar to electronic media, computers and its peripherals.

Materials: Two type of speech text (isolated and contextual) were chosen in two different modes i.e. normal mode and internet telephony mode. Fifteen isolated words and five contextual sentences were selected as text for speech samples. Selected speech text was uttered by all ten speakers. Speech samples were recorded in normal mode as well as in internet telephony mode.

Method: For the recordings of speech samples, two personal computers were connected through independent broadband connections at two different locations. Freely available software Skype version 3.6.0.248 for voice chat was installed at both ends. Recordings of speech samples were done on Goldwave software. Recording option in Goldwave software was selected prior to the call

initiation. Average quality microphones and headphones were attached to enable the call through PC using internet connection. When the call was set up between the users, speaker was asked to read the text. The voice samples were recorded at same end where speaker was available and considered as direct recording, simultaneously at the second end where voice sample arrived after routing through internet was also recorded. Recorded speech samples were then analyzed on CSL/ Multispeech.

Results and Discussion

This experiment was performed to understand the influence of the degradation/changes in normal speech parameters due to real transmissions over IP. There are number of factors affecting the voice quality over IP transmission, which includes slow internet connection, system resources, conflicting software and skype itself. Also in real VOIP conditions, there is the addition of some problems in normal speech quality: noise due to transmission channel over internet, degradation due to speech compression, delay, echo and packet losses. Comparative study for speaker identification from normal recorded speech samples and speech samples received through internet was carried out in three different aspects:

a. Auditory analysis: Auditory analysis of all recorded speech samples in normal mode and speech samples received through internet was carried out. Speech samples from each speaker in two different modes were subjected to the repeated listening. On auditory basis, it was found that quality of voice received at other end varies. In the present experiment, out of ten speakers, seven speakers did not lose the originality of his/her voice when perceived over other end. But sometimes robotic sound, dropouts in sentences, delay or even distortions were felt during conversations. Internet connection issues are the main reason behind this because during conversation on Skype or any other VOIP service voice quality depends on uploading capabilities of the broadband connection. Downloading and uploading simultaneously with Skype conversation on peer to peer networks and services could be hogging bandwidth, which need to ensure

high VOIP audio quality. Traditionally, the clarity of a voice signal or voice channel has been measured subjectively according to ITU-T Recommendation P.800 resulting in a Mean Opinion Score (MOS). MOS values can range from 1 to 5 with 5 being the best possible score. Skype has showed better performance than MSN and other chat engines in MOS score [9,10].

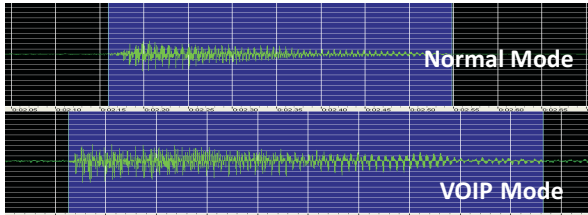


Figure 1. shows duration of word “Fine” in normal mode (upper) and in internet telephony mode (lower) respectively

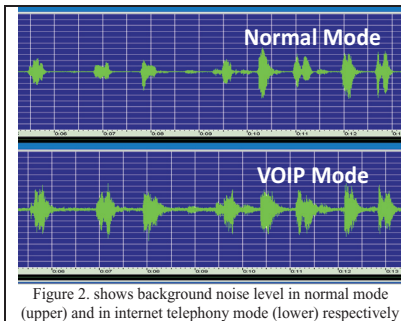


Figure 2. shows background noise level in normal mode (upper) and in internet telephony mode (lower) respectively

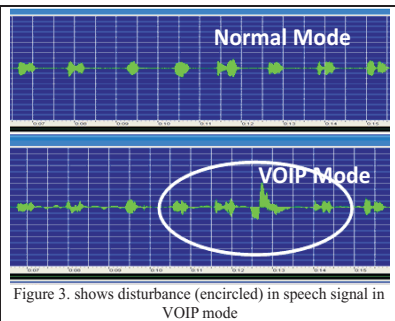


Figure 3. shows disturbance (encircled) in speech signal in VOIP mode

b. Wave Morphology: VOIP transmission disrupts the waveform. The speech samples recorded in normal mode and internet telephony mode were stored in wave file format. The study of wave morphology was carried out using Goldwave software. The shape of waveform, duration of word spoken, background noise level and abrupt changes in waveform were studied in both normal speech sample and speech sample received through internet. Figure 1 shows the wave morphology of word “Fine”. The duration of the word “Fine” was 0.389s in normal mode and 0.469s was in internet telephony mode. Similarly, duration of all words spoken by all ten speakers in both modes were calculated.

The difference in the length of spoken words string for all speakers in normal mode and internet telephony mode were given in Table 1. It was found that the duration of delay varies from speaker to speaker and it is least (0.277s) in case of speaker FHS and most in case of speaker MSB (1.333s). However average delay per word in case of speaker FHS is 0.18s and 0.88s in case of speaker MSB, which is tolerable in VOIP communication. Figure 2 shows background noise level present in normal speech sample and in internet telephony mode. The continuous noise is present all over in the speech sample received through internet. However Figure 3 shows the speech sample having no background noise in both modes but there was disturbance in speech signal in VOIP mode at around 0.11s to 0.14s. This type of distortion in speech signal affects the accuracy of speaker identification.

c. Spectrographic Analysis: Also a comparative spectrographic (wideband and narrowband) studies were carried out on all recorded speech samples in both modes. First four formant frequencies, formant bandwidth and fundamental frequencies were calculated for each word. From spectrographic studies, it was observed that in case of VOIP speech samples formants were not clearly built and shape of formants were also distorted. However, some formants were missing and not in continuity. In narrowband, harmonics formed are also distorted and some channel noise is also added. There is lack of information regarding pattern of intonation (Figure 4)). In such cases, missing information could be extrapolated with the help of available information in the spectrograms. In the present study, values of first four formants were calculated for each word and then average value for each formant was calculated for the particular speaker (Figure 5). From the spectrographic study, it was observed that there is difference in the values of formant frequencies in normal mode and in VOIP mode using Skype. However, the effect of compression is least in lower formants and increased with higher formants (Figure 6(a & b)). In the present study, second formant was found to be shifted more towards lower frequencies as compare to third, fourth and first formant frequencies.

SPEECH SAMPLE IN NORMAL MODE SPEECH SAMPLE IN VOIP MODE

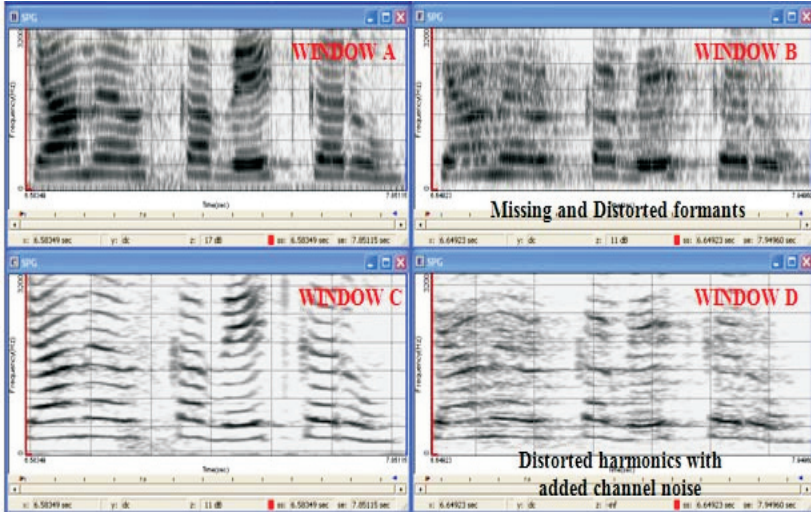


Figure 4 shows spectrographic analysis for the contextual sentence /Hello I am fine/- utterance of female speaker – F15 in normal and VOIP mode using Skype (window A & B- Wideband spectrogram, window C & D - Narrowband in normal and VOIP mode respectively)

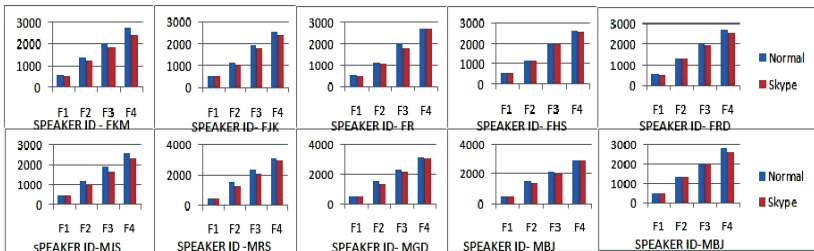


Figure 5 shows difference in values of formant frequencies for normal and VOIP mode using Skype

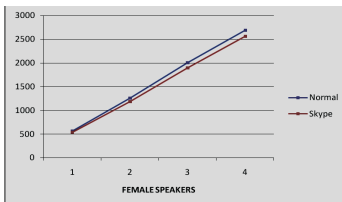


Figure 6(a) shows average values for first four formants for five female speakers in normal and VOIP mode using Skype

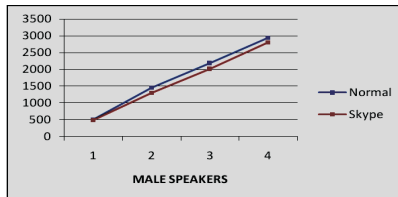


Figure 6(b) shows average values for first four formants for five male speakers in normal and VOIP mode using Skype

Table-1. Difference in the length of spoken words string for all speakers in normal mode and internet telephony mode

S.No	Speaker ID	Length of complete Word Strings		Difference in length (in sec) (Delay)
		Direct readings (in sec)	VOIP readings (in sec)	
	FKM	5.403	5.933	0.53
	FHS	6.152	6.429	0.277
	FJK	6.203	6.705	0.502
	FR	6.492	7.078	0.586
	FRD	5.688	6.17	0.482
	MJS	4.515	4.923	0.408
	MRS	6.188	6.748	0.56
	MBJ	4.822	5.301	0.479
	MGD	6.116	6.594	0.478
	MSB	5.582	6.915	1.333

Conclusion

This paper briefs the present scenario of communication i.e. VOIP and its effect on voice features required for speaker recognition, when processed through internet protocols and codecs. Comparative studies based on auditory, wave morphology and spectrographic analyses were carried out to extract parameters that would be useful in differentiating the normal and VOIP recorded speech samples. It was observed that main issues which affect the accuracy of speaker identification in case of VOIP telephony are transmission of speech signal with drop-outs and distortion in speech signals received at other end. Time duration also increases in case of speech samples recorded through VOIP telephony as compared to the normal speech sample. Values of first four formant frequencies were compressed and the effect of compression was found in second formant at most. More studies need to be carried out to understand the problems associated

with VOIP speaker identification and to find their solutions.

Acknowledgement

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Emotional Labour and Quality of Work Life on Job Attitude among Law Enforcement Officer : Does Gender Matter?

Susan V.* and Jayan., C.**

Keywords

Gender, Emotional Labour, Quality of Work Life (QWL), Job, Attitude, Law Enforcement Officers.

Abstract

Emotions are increasingly being viewed as signals that provide information, direct attention, and facilitate attainment of goals and are seen as organizing processes that enable people to think and behave adaptively. The unique social structural position of policing in our society, its peculiar organizational, demographic tendencies, pressures, and officers utilization of a broad range of emotional work, it seems that law enforcement provides fertile ground for the study of emotional labor. The purpose of the present study is to assess how gender differences and the role of Emotional Labour with QWL influence the Job Attitude. Empirical verification was done with a sample of 430 law enforcement officers. Tools used were Emotional Labour Scale (Susan and Jayan, 2010), Quality of Work Life Questionnaire (Jayan, Reena, Susan, and Rekha, 2010). and Job Attitude Questionnaire, (Jayan, 2004). Data were subjected to descriptive statistics and Analysis of Variance. Result indicates that the interaction between gender, Emotional Labour and QWL best influences the Job Attitude. Developing a better understanding of such phenomena has both the potential to enlighten further researches on related variables and in turn benefit Law Enforcement Officers.

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Introduction

Emotional labor as a psychological process involves regulating emotions to project organizationally expected demeanors (Hochschild 1983, Steinberg and Figart 1999). Gender is a range of characteristics used to distinguish between males and females, particularly in the cases of men and women and the masculins and female attributes assigned to them. Depending on the context, the discriminating characteristics vary from sex to social role to gender identity. It is argued that there will be gender differences in emotional labor because societal norms and acculturation processes result in unequal capacities of males and females to handle these processes. Specifically, cultural masculinity emphasizes control and emotional suppression and cultural femininity emphasizes responsiveness and submission. These social notions of masculinity and femininity lead to the expectation that there are significant evidences suggesting that women public servants are the primary providers of emotional labor in public organizations (Norsby and DeHart-Davis, 2007). Gender differences in general emotional capacity are derived either from basic biologically hard wired processes and attendant genetic distinctiveness or sociological role development and acculturation (Brody, 1985).

Individual experiences of emotion, gender differences in emotion and behavior are believed to have evolved over time in response to specialization of roles in interpersonally based survival-related functions (Brody, 1985). The enactment of caretaking roles by women requires them to exhibit greater sensitivity to the needs of others with an accompanying expression of emotion (Grossman and Wood, 1993). More specifically, greater awareness and ability to interpret non-verbal signals and the natural suppression of anger are particularly likely among women since those activities would have evolved for the purpose of raising children (Brody, 1985; Grossman and Wood, 1993). Women are more likely to display warmth and liking because those emotions constitute a successful evolution for maintaining relationships (Brody, 1985; Rafaeli and Sutton, 1989). In contrast, to the extent that emotional displays are used by men, they evolved as a way of maintaining norms and rules in support of maintaining control and

gaining status (Brody, 1985; Grossman and Wood, 1993). Gender role specialization leads to development and reliance upon differentiated skills and abilities for managing emotions and navigating interpersonal relationships which parents then pass to their offspring (Grossman and Wood, 1993).

Hochschild's normative theory focuses on the role of the wider cultural context in shaping gender norms for appropriate emotional and behavioral responses (Simon and Nath, 2004). Men and women confront different societal expectations regarding the emotion they are expected to perform. Cultural values also impose constraints on types of emotion they display and how they may be expressed (Brody, 1985; Wharton and Erickson, 1993; Simon and Nath, 2004). These differences in experiencing emotion and its relative importance for gender roles creates cultural emotion norms that discourage men from feeling and expressing emotions-sadness in particular-and women from feeling and expressing anger (Simon and Nath, 2004). The cultural norms, in turn, instill beliefs and skills that lead women to be more responsive to their own and others' emotions than men (Grossman and Wood, 1993).

It is to be always noted that women today form an important constituent of the labour force in India. As the labour force participation of women increased over the years, especially in professions and services, so has the social scientists' and policy makers' concern with the linkages between QWL and gender issues. Walker's (1975), QWL involved the task, physical work environment and the social environment within the organization, the administrative system of the establishment and the relationship between life and job. The sex composition of the workplace determines the extent and type of 'work life' that women and men experience at work. Examining the socio-sexual interaction in work settings in terms of sex-role spillover, which means the carryover into the workplace of gender based expectations for behaviour. The physical and social environment at the place of work affects the QWL.

Most research studies in the field focus on two sets of factors having a bearing on job satisfaction and motivation and ultimately on

quality of work life: organisation driven factors and individual driven factors. Under the first category such policies and procedures that deal with retaining the employees such as training and education advancement opportunities, grievance handling, monetary benefits, participative management, safety and security, welfare measures and recognition and appreciation may be highlighted. To a large extent QWL in the organisation becomes conducive if policies on the above mentioned issues are designed and implemented in a proactive manner leading to high degree of satisfaction with them.

Increased QWL can influence ones attitude towards their job. Job related attitude play a role in shaping the work behaviors of members in an organization. Job attitude includes Job commitment, Job involvement and Job satisfaction. A variety of job and organizational factors can contribute to QWL (Carayon & Smith, 2000). Meta-analysis study also found a strong relationship between job satisfaction and QWL among nurses (Blegen, 1993). Job attitude and QWL has been investigated by several researchers (Crosby and Stephen, 1987; Hartline and Forrell, 1996; Tett and Meyer, 1993; Parasuraman, 1987; Bitner, Booms and Tetreault, 1990; Yee et al., 2008).

Police work involves a plethora of outdoor activities like patrolling, providing security during important occasions, public functions, and rallies, crime fighting on the streets, and ensuring a safe and secure environment for the public in general. This crime-fighting and protective role, coupled with the fact that police officers have been predominantly male from the beginning, the police profession is typically looked on as a masculine job. But slowly and steadily, with the advent of industrialization, urbanization and rapid social changes, police forces all over the world have felt the need for women officers, and consequently, women entered the occupation primarily to control crimes committed by and against women and children. Presently, women police around the globe are performing their duties and functions as efficiently as the male police personnel.

With this aspect in mind, the present study focuses on whether, women officers will be able to perform and manage their duties and

emotions well as their male counter parts and how much this affects their QWL and Job Attitude.

Objective of the Present Investigation

To study on the role of Gender, Emotional Labour and Quality of Work Life on Job Attitude among Law Enforcement Officers.

Hypothesis

There is a significant interaction between the classificatory factors of Gender, Emotional Labour and Quality of Work Life on Job Attitude among Law Enforcement Officers.

Method

Sample: Most of the researches among law enforcement officers have been examined in large departments and policemen of higher grades thus far. For the present investigation, the sample comprised of 430 civil police officers from all districts in Kerala.

Measures

Emotional Labour Scale: The scale is a 22-item self-report scale that measures positively the stated five facets of emotional display in the workplace. The reliability of the test has been established by the method of Cronbach alpha and the alpha coefficient obtained is 0.754. Face validity of each domain VI were also established.

Quality of Work Life Questionnaire: The scale consist of a total number of 83 items on fourteen different variables which are positively stated and were to be answered with five response categories. The reliability of the test has been established by the method of Cronbach alpha and the alpha coefficient obtained is .872 and the test re-test method was also found to be significant and varied from 0.323 to 0.989. The criterion validity was found to be 0.360 (Jayan, Reena, Susan, and Rekha, 2010).

Job Attitude Scale: This scale consists of three domains of job attitude which includes Job Commitment, Job Involvement and Job Satisfaction (Jayan, 2004). Each domain is rated using five point scales. The reliability of the test has been established by the method

of Cronbach alpha and the alpha coefficient obtained is 0.842. The split-half reliability of each domain varies from 0.73 to 0.89 and the test-retest reliability is also found to be significant and varied from 0.63 to 0.73 respectively. Criterion validity and predictor validity of each domain were established.

Procedure

Randomly selected officers were met personally and were given the two tests along with the personal data sheet. They were requested to read all the statements carefully and answer them honestly.

Result and Discussion

Taking the variables Gender (Male and Female), Emotional Labour and Quality of Work Life and categorizing them into three levels (low, moderate and high), three-way ANOVA (Analysis of Variants) was administered to find the interacting effect of these variables on Job Attitude.

Table-I: Results of Three-way ANOVA showing the F-value for the Interaction effect among Gender, Emotional Labour (EL) and Quality of Work Life (QWL) on Job Attitude

Variables	Main effect			Interaction			
	Gender	EL	QWL (C)	2-way		3-way	
	(A)	(B)		AS	AC	BC	A-S-C
	F-value	F-value	F-value	F-value	F-value	F-value	F-value
Job commitment	2.971**	4.255**	64.243***	0.307	1.569	1 .. 654	2.773**
Job involvement	3.945**	0.836	27.211***	2.930**	0.317	OA09	1.832
Job satisfaction	0.586	0.954	42.596***	1.454	0.053	2.019	3A53***
Overall Job attitude	0.343	3.274**	92.761***	OA86	0.668	2.392**	4.945***

** p<001, ***p<01

Table II: Mean and Standard Deviation of Gender, Emotional Labour and Quality of Work Life on Job Attitude																			
Gender	Emotional Labour (Low)				Emotional Labour (Moderate)				Emotional Labour (High)										
	QWL (low) (N = 32)	QWL (moderate) (N = 44)	QWL (high) (N = 51)		QWL (low) (N=51)	QWL (moderate) (N = 78)	QWL (high) (N = 46)		QWL (low) (N = 39)	QWL (moderate) (N = 56)	QWL (high) (N = 33)								
Job attitude	Male	Male Female		Female	Male	Female	Male	Female	Male	Female	Male	Female	Male						
	N=28	N=4	N=37	N=12	N=44	N=7	N=59	N=19	N=39	N=7	N=35	N=4	N=47	N=28	N=5				
Job commitment	-	27.96	30.40	35.46	40.91	28.34	28.00	32.25	35.21	40.15	37.14	28.51	23.00	30.91	33.00	39.80			
	x	4.73	2.06	7.33	5.15	8.63	7.25	5.22	5.53	6.35	6.53	7.07	7.44	4.78	5.47	6.99	3.03		
Job involvement	-	30.21	27.75	32.29	33.58	32.00	29.81	31.00	32.33	33.26	35.30	33.71	30.82	25.00	32.29	34.10	35.20		
	x	5.10	5.50	4.14	3.50	5.38	2.55	4.73	2.64	4.67	2.25	4.26	4.09	8.16	4.87	4.57	2.94		
Job satisfaction	-	28.42	26.25	31.56	28.28	26.68	28.28	30.67	33.73	37.71	31.57	27.71	30.50	30.63	31.33	33.46	34.58	38.60	
	x	5.38	5.18	5.76	5.18	6.42	3.69	5.63	6.20	8.26	7.41	5.17	1.73	5.65	4.12	6.96	6.51	7.86	
Overall job attitude	-	86.60	83.25	94.27	84.57	102.51	107.50	84.84	87.28	95.27	102.21	113.1	102.42	87.05	78.50	93.85	95.11	100.4	113.60
	x	10.84	9.67	11.27	10.64	16.27	13.03	12.07	9.39	10.82	12.37	14.54	15.65	8.71	11.47	10.88	10.99	10.90	7.92

Result from 3-way interaction (Table II) explains that group with high Emotional Labour and high Quality of Work Life among female officers were said to have high overall job attitude (113.60), job involvement (32.20) and job satisfaction (38.60). Group with low Emotional Labour but high Quality of Work Life has high job commitment (40.91) among female officers. Table I shows F -value (4.945, $P < 001$), which determines that interaction between Gender, Emotional Labour and Quality of Work Life best predicts Job attitude. Male officers with low Emotional Labour and high Quality of Work Life had high overall job attitude (102.51) but was less when compared to female officers.

One factor which is likely to have a significant impact on officers is gender (Martin, 1999). In particular, women confront a number of complications when they have selected a career in the law enforcement. Policing has traditionally been and continuous to be male- dominated field that it highly values masculine traits and behaviours and often reject feminine aspects as completely inappropriate. Social pressures are one disadvantage women confront from the very beginning. This being so, many women in law enforcement are likely to accentuate and amplify their masculine attitude and behaviour in order to secure social support and acceptance, especially when there is possibility of a great deal of scepticism about their ability to effectively do the job. Second factor is that, due to relatively high attrition of women in policing who might leave the field to rear their children, or because they feel they are not fit for it, the demography of women in policing will have less tenure. All these factors have greater chance for officers to have less job attitude.

But on the contrary, the result of the present study shows that, women police have more of Job Attitude than men police. Women warriors fought courageously for the honor of their motherland. More recently, Kiran Bedi, the first woman to join the Indian Police Service in 1972, continues to make significant contributions toward the progress of Indian society even after her formal retirement from the Services. This could also be the fact that women officers are prepared to cope with all the adversaries

they face in the occupation. Given the close-knit peer culture of police officers in the field, and their constant reliance upon one another for support and safety, peers are likely to play a substantial role in the process of social pressures.

Gender differences are often a topic of interest, and the area of emotional labour is no exception. Female officers may adopt a disproportionate view in order to promote the perception among their peers that they are not soft, feminine, trusting, naive, or weak as being perceived by the traditional culture. But to the contrary, they are rigid, stern, skeptical and strong willed, and are perceived as fit as any male officer to engage in the behaviors culturally determined to be the necessary to conduct "real police work". Emotional Labour researchers have noted that based on sex differences, women are expected to engage in more emotional labour and emotion work than men (Hochschild, 1983; Leidner, 1993; Pierce, 1995). Researches over the last 15 years has attempted to validate Hochschild's claim about the negative psychological effects of EL, findings were mixed. Some theorists have argued that EL and associated display rules have the potential to be beneficial to employees (Wharton, 1993).

Micropolitics are the creation and negotiation of hierarchy involved in getting and keeping power, rank and social standing in interpersonal relationship (Clark, 1990). These micropolitics are central to the organizational life. Emotions convey information about the state of the social ranking system by informing us where we stand and telling others where they should stand. Emotions also provide individuals with the opportunity to inform others about their wish to stand, indicating a perceptual attempt by the individual to situate him/ her in interpersonal relationships. As emotions are more expressed by women, these micropolitics may help them to benefit and cope with EL in turn.

Hochschild (1983) pointed out that the majority of service jobs are performed by women, and as such gender becomes an issue for emotional labour. Wharton and Erickson (1993) also discussed how women are more likely to manage emotions at work as well as at home. If women engage in more emotion management situations, perhaps they are better at managing emotions (so performance

would be better), but they would be engaging in more suppression of true feelings (so stress would be higher). Study suggested that men and women have different motives for regulating emotions. The women are more concerned with getting along, whereas men are more motivated to stay in control and express powerful emotions such as anger or pride (Timers, et al. 1998). However, in the service setting, this motive may not work in men's favour. It is possible that in service settings, men may need more training to manage emotions when dealing with customers. Therefore, women though subjected to EL, their ability to cope with such situations are better than men. This enhances their attitude towards job by developing job satisfaction (Ashforth and Humphrey, 1993; Morris and Feldman, 1997; Abraham, 1998; Diefendorff and Richard, 2003; Totterdell and Holman, 2003).

Summing Up

To conclude, the present study has pointed out the role of women police officers in our society and their ability to be an efficient warrior serving the nation inspite of the all adversaries. This is very true as Swami Vivekananda, one among the great spiritual leader once said, "We are responsible for what we are and whatever we wish ourselves to be, we have the power to make ourselves. If what we are now has been the result of our own past actions, it certainly follows that whatever we wish to be in future can be produced by our present actions, so we have to know how to act." Therefore, whatever is the gender, there be gender based prejudice or discrimination, study has clearly indicated that Kerala police stands true to what they vow.



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Pattern of Deaths in Chhattisgarh

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Keywords

Pattern of Death, Bilaspur, Chhattisgarh, Road Accident.

Abstract

Death is defined as irreversible and permanent cessation of functions of three interlinked vital systems of body (the tripod of life) namely, the nervous, circulatory and respiratory systems. Death is end of dying. It is a process rather an event except in exceptionally rare situations where death may occur instantaneous such as in case of crushing of brain in vehicular accidents, death in nuclear explosions, bomb blasts etc. In the present investigation trend of deaths (hanging, poisoning, bum, road traffic accidents, train accidents, drowning and others) have been studied in Bilaspur district of Chhattisgarh during the five years (2004- 2008) collected from the Department of Forensic Medicine and Toxicology. The percentage of road traffic accidents cases have been observed to be the commonest as compared to the others among the 3277 cases examined. In the suicida attempt cases, deaths were more due to poisoning than hanging in the year of 2007 while it was other way around in 2006. Deaths due to burning were more prevalent among females as compared to their counterparts. It was interesting to

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find that the suicidal cases were common among the males. Drowning was observed to be the least common mode of death.

Introduction

Chhattisgarh, a state in central India, formed when the sixteen Chhattisgarhi speaking southeastern districts of Madhya Pradesh gained statehood on November 1, 2000. Raipur serves as its capital. It is the tenth largest state of India by area of 135,195 km. Chhattisgarh is popularly known as “The Rice Bowl of India”. It borders Madhya Pradesh on northwest, Maharashtra on the west, Andhra Pradesh on the south, Orissa on the east, Jharkhand on the northeast and Uttar Pradesh on the north. The Chhattisgarhi language, a dialect of eastern Hindi, is a predominant language in state, recognized along with Hindi as the official language of the state. The north and south parts of the state are hilly, while central part is a fertile plain. Forests cover 44% of the state. Mahanadi is the chief river of the state. Other rivers are Hasdo, Rihand, Indravati, Jonk and Arpa.



Materials and Methods

Almost 3127 cases of (hanging, poisoning, burn, road accident, train accident and drowning) and 1129 miscellaneous cases were studied from year 2004 to 2008. Data were collected from the Department of Forensic Medicine and Toxicology, Chhattisgarh Institute of Medical Sciences, Bilaspur, Chhattisgarh.

Table I

10th	Hanging	Poisoning	Bum	Road accident	Train accident	Drowning	Other	Total
JAN	5 M=5 F=0	8 M=4 F=4	6 M=1 F=5	18 M=16 F=2	3 M=3 F=0	2 M=2 F=0	18 M=14 F=4	60
FEB	10 M=9 F=1	13 M=8 F=5	01 M=0 F=1	12 M=11 F=1	3 M=2 F=1	1 M=0 F=1	19 M=13 F=6	59
MAR	7 M=7 F=0	9 M=4 F=5	8 M=1 F=7	7 M=6 F=1	5 M=4 F=1	1 M=1 F=0	18 M=13 F=5	55
APR	4 M=2 F=2	6 M=4 F=2	10 M=1 F=9	20 M=11 F=9	5 M=4 F=1	1 M=0 F=1	18 M=14 F=4	64
MAY	5 M=3 F=2	9 M=7 F=2	13 M=4 F=9	13 M=11 F=2	3 M=0 F=3	1 M=1 F=0	22 M=17 F=5	66
JUNE	3 M=2 F=1	13 M=9 F=4	02 M=1 F=1	9 M=6 F=3	5 M=4 F=1	1 M=1 F=0	28 M=23 F=5	61
JULY	3 M=2 F=1	14 M=8 F=6	11 M=2 F=9	8 M=6 F=2	5 M=4 F=1	0 M=0 F=0	26 M=21 F=5	67
AUG	5 M=3 F=2	12 M=8 F=4	02 M=1 F=1	7 M=5 F=2	0 M=0 F=0	1 M=1 F=0	19 M=16 F=3	46
SEP	6 M=4 F=2	11 M=9 F=2	9 M=1 F=8	5 M=4 F=1	5 M=5 F=0	1 M=1 F=0	17 M=14 F=3	54
OCT	3 M=2 F=1	12 M=8 F=4	15 M=3 F=12	15 M=10 F=5	5 M=4 F=1	1 M=1 F=0	19 M=15 F=4	70
NOV	3 M=1 F=2	12 M=6 F=6	12 M=4 F=8	12 M=11 F=1	3 M=2 F=1	1 M=1 F=0	24 M=21 F=3	67
DEC	2 M=0 F=2	2 M=1 F=1	11 M=2 F=9	12 M=11 F=1	2 M=2 F=0	0 M=0 F=0	13 M=9 F=4	42

Table II: Pattern of Death in the Year 2005

10NTH	HANGING	POISONING	BURN	ROAD ACCIDENT	TRAIN ACCIDENT	DROWNING	OTHERS	TOTAL
JAN	4 M=1 F=3	7 M=5 F=2	22 M=7 F=15	20 M=17 F=3	0 M=0 F=0	1 M=1 F=0	17 M=13 F=4	71
FEB	6 M=6 F=0	4 M=3 F=1	11 M=3 F=8	20 M=18 F=2	1 M=1 F=0	2 M=0 F=2	13 M=7 F=6	57
MAR	2 M=1 F=1	2 M=0 F=2	18 M=6 F=12	25 M=23 F=2	1 M=0 F=1	1 M=0 F=1	32 M=30 F=2	81
APR	0 M=0 F=0	11 M=7 F=4	24 M=5 F=19	30 M=25 F=5	1 M=1 F=0	1 M=0 F=1	24 M=22 F=2	91
MAY	10 M=7 F=3	11 M=8 F=3	27 M=9 F=18	33 M=25 F=8	0 M=0 F=0	0 M=0 F=0	15 M=11 F=4	96
JUN	8 M=5 F=3	12 M=7 F=5	12 M=4 F=8	25 M=22 F=3	2 M=2 F=0	1 M=1 F=0	32 M=19 F=13	92
JUL	3 M=3 F=0	4 M=2 F=2	15 M=6 F=9	16 M=12 F=4	0 M=0 F=0	1 M=1 F=0	20 M=12 F=8	59
AUG	2 M=1 F=1	8 M=6 F=2	12 M=3 F=9	20 M=18 F=2	2 M=2 F=0	1 M=1 F=0	17 M=15 F=2	62
SEP	5 M=5 F=0	6 M=6 F=0	14 M=5 F=9	28 M=27 F=1	3 M=2 F=1	3 M=2 F=1	25 M=16 F=9	84
OCT	2 M=2 F=0	5 M=3 F=2	19 M=4 F=15	20 M=16 F=4	1 M=0 F=1	2 M=2 F=0	23 M=14 F=9	72
NOV	4 M=4 F=0	3 M=2 F=1	12 M=4 F=8	21 M=18 F=3	1 M=1 F=0	1 M=1 F=0	17 M=10 F=7	59
DEC	4 M=1 F=3	5 M=3 F=2	18 M=7 F=11	13 M=8 F=5	0 M=0 F=0	1 M=1 F=0	19 M=11 F=8	60
Total	50	78	204	271	12	15	254	884

Table III: Pattern of Death in the Year 2006

10NTH	HANGING	POISONING	BURN	ROAD ACCIDENT	TRAIN ACCIDENT	DROWNING	OTHERS	TOTAL
JAN	4 M=3 F=1	5 M=3 F=2	8 M=3 F=5	27 M=21 F=6	2 M=2 F=0	3 M=3 F=0	14 M=10 F=4	63
FEB	2 M=2 F=0	3 M=2 F=1	11 M=4 F=7	18 M=16 F=2	2 M=2 F=0	0 M=0 F=0	10 M=8 F=2	46
MAR	3 M=2 F=1	4 M=4 F=0	11 M=3 F=8	28 M=21 F=7	1 M=1 F=0	0 M=0 F=0	15 M=12 F=3	62
APR	9 M=7 F=2	6 M=3 F=3	15 M=7 F=8	16 M=12 F=4	1 M=1 F=0	2 M=2 F=0	24 M=19 F=5	73
MAY	7 M=7 F=0	14 M=8 F=6	18 M=5 F=13	31 M=27 F=4	2 M=2 F=0	1 M=1 F=0	16 M=15 F=1	89
JUN	7 M=7 F=0	4 M=3 F=1	13 M=4 F=9	27 M=22 F=5	2 M=2 F=0	1 M=1 F=0	20 M=18 F=2	74
JUL	7 M=5 F=2	5 M=2 F=3	15 M=7 F=8	19 M=14 F=5	5 M=5 F=0	0 M=0 F=0	24 M=19 F=5	75
AUG	5 M=5 F=0	11 M=5 F=6	21 M=12 F=9	14 M=12 F=2	4 M=4 F=0	2 M=0 F=2	10 M=5 F=5	67
SEP	4 M=2 F=2	11 M=5 F=6	15 M=6 F=9	9 M=8 F=1	5 M=5 F=0	1 M=1 F=0	18 M=15 F=3	63
OCT	4 M=2 F=2	3 M=1 F=2	14 M=6 F=8	30 M=25 F=5	2 M=2 F=0	0 M=0 F=0	18 M=14 F=4	71
NOV	5 M=2 F=3	7 M=2 F=5	21 M=7 F=14	19 M=16 F=3	3 M=3 F=0	1 M=1 F=0	14 M=9 F=5	70
DEC	8 M=7 F=1	6 M=4 F=2	25 M=8 F=17	25 M=15 F=10	3 M=2 F=1	1 M=1 F=0	13 M=5 F=8	81
Total	65	79	187	263	32	12	196	834

Table IV: Pattern of Death in the Year 2007

10NTH	HANGING	POISONING	BURN	ROAD ACCIDENT	TRAIN ACCIDENT	DROWNING	OTHERS	TOTAL
JAN	0 M=O F=O	13 M=9 F=4	12 M=6 F=6	21 M=18 F=3	2 M=2 F=O	0 M=O F=O	18 M=15 F=3	66
FEB	5 M=2 F=3	10 M=10 F=O	12 M=3 F=9	11 M=10 F=1	6 M=3 F=3	0 M=O F=O	16 M=13 F=3	60
MAR	5 M=3 F=2	12 M=7 F=5	15 M=5 F=10	18 M=15 F=3	4 M=4 F=O	0 M=O F=O	16 M=10 F=6	70
APR	8 M=6 F=2	10 M=5 F=5	14 M=3 F=11	31 M=25 F=6	5 M=4 F=1	1 M=O F=1	11 M=8 F=3	80
MAY	5 M=4 F=1	12 M=7 F=5	21 M=7 F=14	16 M=14 F=2	4 M=4 F=O	5 M=3 F=2	35 M=28 F=7	98
JUN	5 M=2 F=3	11 M=8 F=3	19 M=9 F=10	18 M=16 F=2	1 M=1 F=O	0 M=O F=O	17 M=13 F=4	71
JUL	3 M=2 F=1	9 M=7 F=2	8 M=2 F=6	18 M=15 F=3	7 M=6 F=1	3 M=3 F=O	22 M=20 F=2	70
AUG	6 M=4 F=2	8 M=6 F=2	22 M=7 F=15	27 M=23 F=4	3 M=1 F=1	1 M=O F=1	16 M=12 F=4	83
SEP	2 M=1 F=1	12 M=11 F=1	7 M=2 F=5	15 M=15 F=O	0 M=O F=O	2 M=2 F=O	20 M=14 F=6	58
OCT	4 M=4 F=O	20 M=14 F=6	19 M=6 F=13	23 M=18 F=5	5 M=4 F=1	4 M=4 F=O	15 M=12 F=3	90
NOV	3 M=3 F=O	12 M=8 F=4	16 M=6 F=10	17 M=14 F=3	3 M=2 F=1	0 M=O F=O	12 M=10 F=2	63
DEC	5 M=4 F=1	14 M=10 F=4	17 M=5 F=12	18 M=13 F=5	1 M=1 F=O	1 M=O F=1	8 M=7 F=1	64
Total	51	143	182	233	41	17	206	873

Table V: Pattern of Death in the Year 2007

10NTH	HANGING	POISONING	BURN	ROAD ACCIDENT	TRAIN ACCIDENT	DROWNING	OTHERS	TOTAL
JAN	2 M=O F=2	9 M=7 F=2	18 M=4 F=14	29 M=29 F=O	7 M=5 F=2	0 M=O F=O	14 M=12 F=2	79
FEB	6 M=3 F=3	6 M=5 F=1	12 M=5 F=7	18 M=14 F=4	7 M=7 F=O	0 M=O F=O	17 M=14 F=3	66
MAR	6 M=4 F=2	17 M=14 F=3	26 M=6 F=20	24 M=22 F=2	3 M=3 F=O	0 M=O F=O	18 M=12 F=6	94
APR	3 M=2 F=1	9 M=6 F=3	22 M=7 F=15	16 M=12 F=4	2 M=2 F=O	1 M=1 F=O	14 M=10 F=4	67
MAY	7 M=6 F=1	19 M=15 F=4	22 M=8 F=14	38 M=33 F=5	3 M=3 F=O	1 M=O F=1	10 M=9 F=1	100
JUN	9 M=7 F=2	4 M=2 F=2	18 M=8 F=10	26 M=24 F=2	2 M=2 F=0	1 M=O F=1	14 M=10 F=4	74
JUL	8 M=8 F=O	10 M=4 F=6	19 M=6 F=13	25 M=22 F=3	1 M=1 F=O	2 M=2 F=O	32 M=23 F=8	97
AUG	5 M=3 F=2	6 M=5 F=1	14 M=6 F=8	21 M=15 F=6	6 M=5 F=1	1 M=O F=1	25 M=14 F=11	78
SEP	3 M=3 F=O	6 M=4 F=2	13 M=4 F=9	21 M=19 F=2	3 M=3 F=O	1 M=1 F=O	31 M=22 F=8	78
OCT	3 M=2 F=1	11 M=8 F=3	23 M=7 F=16	20 M=16 F=4	4 M=3 F=1	1 M=1 F=O	20 M=16 F=4	82
NOV	3 M=3 F=O	7 M=3 F=4	15 M=6 F=9	19 M=19 F=O	2 M=2 F=O	1 M=O F=1	21 M=12 F=9	68
DEC	2 M=2 F=O	11 M=8 F=3	23 M=11 F=12	18 M=17 F=1	1 M=1 F=O	0 M=O F=O	16 M=10 F=6	71
Total	57	115	225	275	41	9	232	954

**Table VI: Pattern of Death in Five Years (Month Wise)
(2004-2008)**

MONTH	HANGING	POISONING	BURN	ROAD ACCIDENT	TRAIN ACCIDENT	DROWNING	TOTAL
JAN	15	42	66	115	14	6	258
FEB	29	36	47	79	19	3	213
MAR	23	44	78	102	14	2	263
APR	24	42	85	113	14	6	284
MAY	34	65	101	131	12	8	351
JUN	32	44	64	105	12	4	261
JUL	24	42	68	86	18	6	244
AUG	23	45	71	89	15	6	249
SEP	20	46	58	78	16	8	226
OCT	16	51	90	108	17	8	290
NOV	18	41	76	88	12	4	239
DEC	21	38	94	86	7	3	249
TOTAL	279	536	898	1180	170	64	3127

Table VII: Total No. of Cases in Five Years

YEAR	HANGING	POISONING	BURN	ROAD ACCIDENT	TRAIN ACCIDENT	DROWNING	TOTAL
2004	56 M=40 F=16	121 M=76 F=45	100 M=21 F=79	138 M=108 F=30	44 M=34 F=10	11 M=09 F=02	470
2005	50 M=36 F=14	78 M=52 F=26	204 M=63 F=141	271 M=229 F=42	12 M=09 F=03	15 M=10 F=05	630
2006	65 M=51 F=14	79 M=42 F=37	187 M=72 F=115	263 M=209 F=54	32 M=31 F=01	12 M=10 F=02	638
2007	51 M=35 F=16	143 M=102 F=41	182 M=61 F=121	233 M=196 F=37	41 M=33 F=08	17 M=12 F=05	667
2008	57 M=43 F=14	115 M=81 F=34	225 M=78 F=147	275 M=242 F=33	41 M=37 F=4	9 M=5 F=4	722

Table VIII: Percentage

YEAR	HANGING %	POISONING %	BURN %	ROAD ACCIDENT %	TRAIN ACCIDENT %	DROWNING %
2004	M=71.42 F=28.57	M=62.81 F=37.19	M=21.0 F=79.0	M=78.26 F=21.74	M=72.27 F=22.72	M=81.82 F=18.18
2005	M=72.0 F=28.0	M=66.66 F=33.33	M=30.88 F=69.11	M=84.50 F=15.50	M=75.0 F=25.0	M=66.66 F=33.33
2006	M=78.46 F=21.54	M=53.16 F=46.84	M=38.50 F=61.50	M=79.47 F=20.53	M=96.88 F=3.12	M=83.33 F=16.66
2007	M=68.63 F=31.37	M=71.32 F=28.67	M=33.52 F=66.48	M=84.12 F=15.88	M=80.49 F=19.51	M=70.59 F=29.41
2008	M=75.45 F=24.55	M=70.43 F=29.56	M=34.66 F=65.33	M=88.0 F=12.0	M=90.24 F=9.76	M=55.55 F=44.44

Table IX: Homicide Cases of Five Years (2004-2008)
(a) Year- 2004

MONTH	NO. OF CASES	AGE	SEX	CAUSE OF DEATH
January	0	-	-	-
February	0	-	-	-
March	03	35	Male	Head injury
		25	Female	Multiple injuries to head
		32	Female	Head injury
April	05	25	Female	Grievous Injuries
		40	Male	Head Injury
		30	Male	Head injury
		28	Female	Multiple injuries to body
		35	Female	Head injury
May	01	55	Male	Multiple injuries to head
June	00	-	-	-
July	06	30	Male	Head injury
		30	Male	Head injury
		60	Female	Fracture of skull
		24	Female	Multiple head injuries
		23	Male	Skull fracture
		20	Female	Rape/ Murder
August	02	28	Male	Bullet injury
		25	1 Male	i Injuries to cervical vertebrae
September	00	--	-	-
October	03	19	Female	Strangulation
		55	Female	Skull fracture
		60	Male	Multiple injuries
November	04	75	Male	Head injury by sharp weapon
		20	Male	Injuries by sharp weapon
		40	Female	Head Injury
		35	Male	Head injury
December	01	25	Male	Abdominal blunt force injuries
Total	25			

Total cases- 25

Males- 14; Females 11

Table IX: (b) Year- 2004

MONTH	NO. OF CASES	AGE	SEX	CAUSE OF INJURY
January	04	19	Male	Head injury
		20	Male	Head injury
		48	Male	Blunt force injury on head
		48	Male	Perforating chest injury
February	01	55	Male	Extensive damage to vital organs
March	01	30	Male	Grievous injuries on head
April	03	36	Male	Throttling
		18	Male	Multiple injuries on body
		45	Male	Grievous head injury
May	00	-	-	-
June	01	35	Male	Grievous head injury
July	02	32	Male	Bullet injuries
		35	Female	Grievous head injuries
August	00	-	-	-
September	00	-	-	-
October	00	-	-	-
November	03	28	Male	Open head injury
		22	Male	Grievous head injury
		40	Male	Skull fracture
December	02	60	Male	Blunt force injury on head
		35	Male	Throttling
Total	17			

Total cases- 17

Males- 16; Females 01

Table IX (c): Year- 2006

MONTH	NO. OF CASES	AGE	SEX	CAUSE OF DEATH
January	03	45	Male	Blunt force injury over head
		40	Male	Open head injury
		18	Male	Blunt force injury over head
February	00	-	-	-
March	02	35	Male	Blunt force injuries on head
		55	Male	Bullet injuries
April	03	17	Female	Cut throat injuries
		22	Male	Stab wounds
		27	Male	Blunt force injuries over head
May	03	64	Male	Skull fracture
		35	Male	Grievous head injury
		25	Female	Multiple injuries over body
June	01	40	Female	Grievous injuries over body
July	03	40	Male	Multiple injuries over body
		34	Male	Skull fracture
		45	Male	Grievous head injury
August	01	35	Male	Multiple injuries over body
September	00	-	-	-
October	01	23	Male	Injuries on trachea
November	03	25	Female	Vital organs injuries
		50	Male	Grievous head injuries
		41	Male	Skull fracture
December	04	55	Female	Skull fracture
		58	Male	Skull fracture
		14	Female	Liver injuries
		20	Male	Multiple head injuries
Total	24			

Total cases- 24

Males- 18; Females 06

Table IX (d): Year- 2007

MONTH	NO. OF CASES	AGE	SEX	CAUSE OF DEATH
January	01	50	Male	Bullet injury to brain
February	00	-	-	-
March	00	-	-	-
April	03	30 18 16	Female Male Female	Subdural haematoma Stab injury Stab injury
May	06	50 35 60 3 07 months 35	Female Male Female Female Male Male	Subdural haematoma Subdural haematoma Cut throat injuries Skull fracture Cut throat injuries Grievous ead injuries
June	02	40 27	Male Male	Injuries to vital organs Cut throat injuries
July	00	-	-	-
August	02	45 30	Male Male	Head injuries Cut throat injuries
September	01	35	Female	Cut throat injuries
October	03	40 58 23	Male Female Male	Head injuries Skull fracture Skull fracture
November	00	-	-	-
December	01	24	Male	Head injury
Total	19			

Total cases- 19

Males- 12; Females 07

Table IX (e): Year- 2007

MONTH	NO. OF CASES	AGE	SEX	CAUSE OF DEATH
January	02	45 40	Female Male	Head injury Injuries to femoral vessels
February	03	25 35 25	Male Female Male	Subdural haematoma Head injury Multiple injuries over body
March	01	55	Male	Blunt force injuries to internal organs
April	01	15	Male	Injuries to right ventricle of heart
May	00	-	-	-
June	00	-	-	-
July	01	22	Female	Injuries to head and vital organs
August	01	18	Male	Strangulation
September	01	23	Male	Head injury
October	01	30	Female	Head injury
November	01	58	Male	Head injury
December	01	30	Male	Neck constriction
Total	13			

Total cases- 13

Males- 09; Females 04

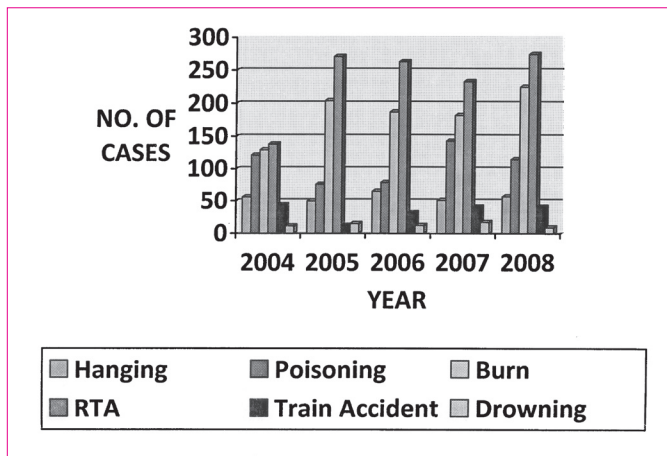
TOTAL HOMICIDAL CASES IN FIVE YEARS- 98

TOTAL MALES-69

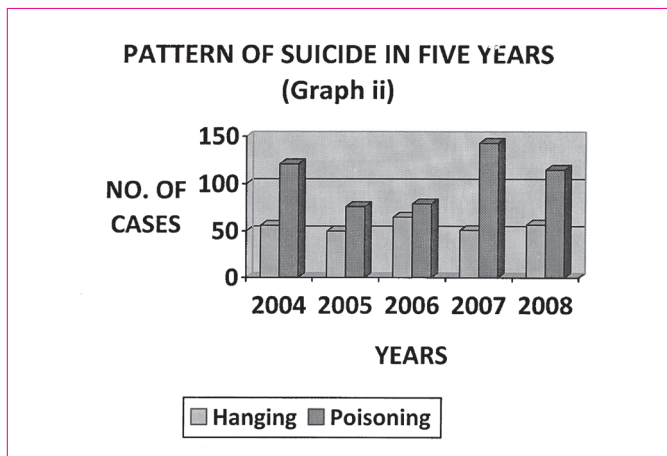
TOTAL FEMALES-29

PERCENTAGE OF HOMICIDE CASES- 3.13%

**Graphs II Showing Pattern of Death in Five Years
Trend of Death in Five Years**



Graphs II Pattern of Suicide in Five Years



Summary and Conclusion

From the data collected and analysed it is clear that most of the deaths in Chhattisgarh (Police Stations- City Kotwali, Civil Line, Tarbahar, Torwa, Sarkanda, Koni and G.R.P) are due to road traffic accidents (RTA). Table i-v show that in last five years i.e. 2004-

2008, 4256 post-mortem cases have been reported (including others). In five years maximum deaths have been reported due to road traffic accidents. In the year 2004, 56 hanging, 121 poisoning, 100 burn, 138 RTA, 44 train accidents and 11 drowning cases have been reported. In the year 2005, 50 hanging, 78 poisoning, 204 burn, 271 RTA, 12 train accident, 15 drowning cases have been reported. In the year 2006, 65 hanging, 79 poisoning, 187 bum, 263 R'~'A, 32 train accident and 12 drowning cases have been reported. In the year 2007, 51 hanging, 143 poisoning, 182 bum, 233 RTA, 41 train accident and 17 drowning cases have been reported. In the year 2008, 57 hanging, 115 poisoning, 225 burn, 275 RTA, 41 train accident and 9 drowning cases have been reported.

Table vi shows the total number of post-mortem cases month wise. From the table (vii) it is clear that in suicidal cases maximum deaths are caused due to poisoning. Deaths due to hanging were maximum in the year 2006 and death due to poisoning was maximum in the year 2007. It also shows the percentage of deaths due to different cases- Hanging 8.92%, Poisoning 17.14%, burn 28.71%, Road accidents 37.73 %, Train accidents 5.45 %, and Drowning 2.05 %. Table (viii) shows the percentage of male and female deaths in different cases from year 2004-2008. Death due to burning is more prevalent in females as compared to the males. Graph i shows pattern of death in five years and graph ii shows the pattern of suicide in five years. Death due to drowning is very rare in Chhattisgarh. Others include deaths due to :

- Insect bite (snake/ scorpion).
- Cardio respiratory failure.
- Kidney failure.
- Cerebral malaria.
- Liver damage/ stomach ulcers due to alcohol.
- Heat Exhaustion.

- Child/ Mother death during delivery.
- Electric shock.
- Lightning.
- Tuberculosis.
- Wild animals.
- Cases in which no opinion is given about the cause of death.
- Homicide cases.

Table IX (a-e) shows homicide cases in five years (2004-2008). Out of 3127 cases of unnatural deaths homicide cases accounts for 98 cases (3.13%).

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Murder Hot Spots and Hot Spot Policing – A GIS Perspective

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Keywords

Murder, Hot Spots, Hot Spot Policing, GIS, Spatial Analysis.

Abstract

Crime hot spots identification has always been a great concern for researchers in the field of environmental criminology. Though crime hot spots are identified, strategising police assets to these areas are critical to reduce crime events and also act as a deterrent in the area. Hot spot policing, an off shoot of community policing, is a specialized strategy to mitigate crime events in the identified hot spots over a period of time. With diminishing resources, focusing on hot spots is a smart, cutting edge policing which is a much more efficient way to police any jurisdiction. This paper looks into the murder hot spots in Chennai city and opines that hot spot policing could be employed to mitigate murder in the hot spots.

Introduction

Murder, being a complex phenomenon, is a challenge to explain its many dimensions, especially its social and spatial dimensions. In Chennai, there is a sharp rise in murder incidents and also a pattern in their *Modus operandi* and in

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the local culture that breeds violence. In order to explore the spatial component of murder incidences, this study had adopted a spatial tool namely, Geographical Information System (GIS) to understand the 'hots pots' and the distribution of murder over a period of time and space. By examining and estimating the proportion of crime that occur in these hot spots, it does make sense to concentrate police and other preventive resources to these part of the city in order to prevent murder incidences.

Crimes are transitory events. They occur for a brief time period usually measured in seconds and minutes. The reasons for crime occurring when and where it does, can be random or systematic. Random occurrences hold little interest because these events are likely to repeat, cannot be predicted and hard to prevent. Systematic occurrences are of great interest when crime repeatedly occurs at the same place, we refer to the place as a 'hot spot' (Eck, Gersh & Taylor, 2000). Though there are no specific definitions for hotspots, it can be defined as geographical areas that contain an unusually high concentration of crime events (McLafferty, Williamson & McGuire, 2000).

This paper attempts to identify hots pots of murder in Chennai city and also posits that hot spot policing can mitigate murder incidents in the city. Hot spot policing is not a new concept in Indian police, though it is not recognized by this nomenclature. It forms the basics of policing in any major city that enhances the visible policing, which infuses greater confidence among public and also act as a deterrent to crime. Given the limitations of the Indian police, identifying hot spots and focusing police assets to these area, will positively mark a reduction of crime incidents over a period of time.

Though Chennai has witnessed community policing in general, it has not seen hot spot policing in action as a stand-alone phenomenon. Hotspot policing is a specialized police strategy wherein, hot spots are first demarcated in each police station jurisdiction and then targeted judiciously by allocating police assets in these areas. Previous studies on hot spot policing in the west have shown that there was a significant reduction not only in violent crimes but also in property crimes and drug abuse in the targeted areas. In the west,

it is sometimes called as “putting cops on the dots” as hot spots are often plotted as dots on a map, and the police response often involves sending more officers to the location (Fischer, 2008).

The study intends to focus on two objectives, viz.,

- to identify and analyze hot spots of murder incidents in the city of Chennai
- to address and mitigate hot spots of murder through hot spot policing

Review of Literature

For more than 150 years, crime researchers have sought to explain geographic variations in the rate of crime (Swartz, 2000). Demarcating hot spots is the most important contributors that crime mapping makes in improving the efficiency and effectiveness of law enforcement. Knowing where the most dense areas of criminal activity occur may impact a broad range of police and government decision making, including officer deployment, precinct station location and the geographic focus of both police and social service anticrime initiatives. Precisely identifying hot spots, however is conceptually and statistically complex (Goldsmith, et al, 2000).

Weisburd (2005), in his article based on the experiments that he helped implement during the 1990's state that the factors that facilitate and inhibit development and implementation of randomized trials are identified with particular focus on the special problems and/or advantages of place based experiments. This notion was concurred by another study of Connell et al, (2008) where they did a local evaluation on how community policing initiative can reduce serious crimes as an officer initiated program in a sub-urban police department. The time series analyses for the study indicated that there was a reduction of violent and property crimes in the targeted areas.

Cullum (2010), in his article on 'hot spot policing decreases Alexandria crime' states that the study focused on the hot spot policing initiative that was formed when there was a spurt of crime during the summer season of 2010 in Alexandria and found that

the crime rate had gone down, a 43 year low in part I crimes that consist of aggravated assault, forcible rape, murder, robbery, burglary, arson, vehicle theft and homicide.

Based on the previous studies of both the western and Indian experiences on community policing e.g., Friends of Police (FOP) programme in Tamil Nadu, they have not been focused to the hot spots for deal with specific crimes in the area. The FOP is a movement that has its origin in Ramnad district of Tamil Nadu in the year 1993. The purpose for FOP was to have a free flow of information between the public and police, to bring transparency in policing and to harness the support of the general public by involving them in police duties like patrolling and creating awareness programme's so as to boost police image among the public. This was considered as a police innovation and was awarded the prestigious British Queen's Award for Innovation in Police Training and Development for the year 2002-2003 to Mr. Prateep V. Philip, IPS, the then DIG (Intelligence).

The FOP is being used in a larger sense of community policing but hot spot policing is a specialized avenue in community policing which needs to be explored more often for better policing and effective community participation. This is where crime mapping with the aid of GIS comes to play in identifying the hot spots so that effective use of police resources is possible. Indian policing does not have a comprehensive policy or programme to digitize crime charts at the local police station level. Policing in India still survives by using traditional methods to identify the hot spots however, using technology in terms of crime mapping not only gives better clarity in identifying vulnerable areas in the jurisdiction but also allows the police to predict the patterns of crimes in a locality.

All of the above studies, though western, have shown that hot spot policing is a viable method not just for murder and violent crimes but also for other crimes that are specific to certain areas of the city.

Study Area

This study was conducted in the city of Chennai. It is the fourth largest city in India and the state capital of Tamil Nadu. Geographically,

Chennai with coordinates $13^{\circ} 4'.24''$ N and $80^{\circ} 14'.01''$ E, is located on the Coromandal coast off the Bay of Bengal and spread over an area of 181.1 Sq Km. It is trisected by three rivers viz., Coovum, Buckingham Canal and Adyar. A major commercial, cultural, economic and educational centre in south India, Chennai has a population of 4,681,087 and the density of population is 26903 persons per Sq. Km. (Government of India, 2011). The law and order of the city is manned by 134 police stations and supervised by a police commissionerate.

Data and Methodology

The study relies on secondary data obtained from the Crime Records Bureau (CRB), Chennai for the period 2003 and 2004. Most of the spatial crime studies utilize secondary data instead of primary data (Harries, 1971; Sivamurthy, 1980, 1989).

A base map (Fig. 1) consisting of Chennai city boundary, police station locations, major & minor roads, railway line, rivers and other water bodies were constructed by onscreen digitization in ArcView 3.2v and the topology was constructed with ArcGIS 9.2v. The scene of crime addresses for murder that was obtained from the Crime Records Bureau, Chennai were plotted as theme points on the police boundary maps year wise for both the years in ArcView 3.2v and later projected using ArcGIS 9.2v. Final analysis was carried out using CrimStat 3.0v, a statistical software and the final output of maps were prepared in the ArcGIS layout.

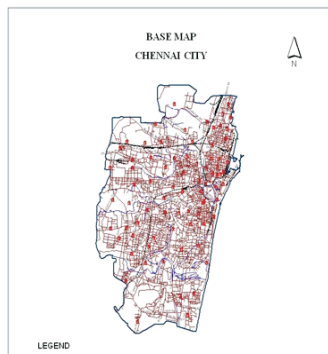


Fig. 1: Chennai City Base Map

Results and Discussion

The hot spot analysis for the year 2003 (Fig. 2) shows 14 hot spots for the city. Anna Nagar West, Koyambedu market, Kilpauk, Perambur, Ayanavaram, Vyasarpadi, Korukkupet, Park Town, Kodugaiyur, West Mambalam, Panagal Park, Saidapet, Triplicane and Mylapore were found to be the hotspot areas. These areas are randomly distributed in the northern and central parts of the city. The reason attributed to murder in commercial areas of Koyambedu market, West Mambalam, Panagal Park, Park Town and Triplicane were due to sudden provocation and were primarily for economic gain. Thilagaraj and Sivamurthy (2011) in their study on mobility of offenders, show that Vyasarpadi, Korukkupet, Park Town, Kodugaiyur and other areas that fall in the northern Chennai region show a large number of offenders originating from these areas. Most of the places mentioned are commercial centres that are bustling places where people throng for all kinds of shopping and are areas of high environmental opportunity. These commercial centres pose a huge law and order challenge during major festivals in the city.

A news report in 'The Hindu' (Sept. 30th, 2012), stated that places

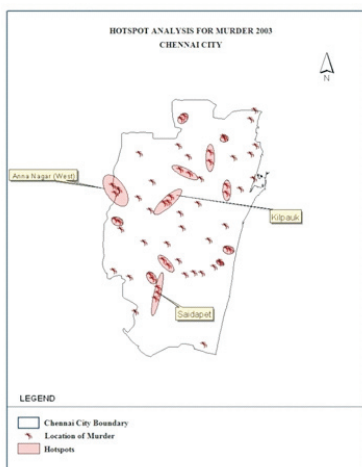


Fig. 2: Hot Spot 2003

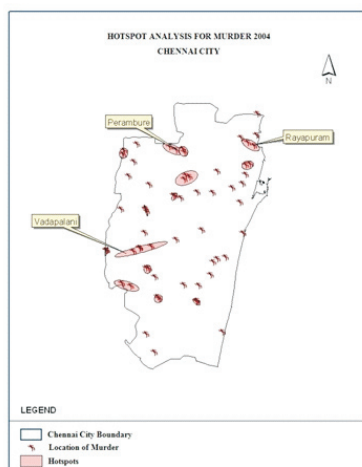


Fig. 3: Hot Spot 2004

like Kodugaiyur and adjoining areas in north Chennai for the past few months have become notorious for crimes and a hotbed for robbery and murder. This could be attributed to the large number of slums surrounded by economically weaker working populations that are characteristic to north Chennai (Thilagaraj and Sivamurthy, 2011).

There are 14 hot spots for the city in the year 2004 (Fig. 3). New Washermanpet, Royapuram, Vyasarpadi, Sembiyam, Perambur, Kolathur, K.K.Nagar, Saidapet, Kotturpuram, Vadapalani, Ashok Nagar, Arumbakkam and Aminjikarai were the hot spot areas for the year. These areas are randomly distributed throughout the city but are clustered at certain points. It is observed that most of the hot spots were situated next to slums and hence the sub-culture from the slums could have spilled over to the surrounding areas resulting in murder.

Crime generally occurs near high awareness zones (public or commercial centres/ familiar places known to the offender) and this map shows that the hot spots are located in the high awareness zones of the city. This changing pattern of hot spots in high awareness zones shows that the society is changing rapidly in terms of population density, socio-economically and topologically. Braga (2008), in his

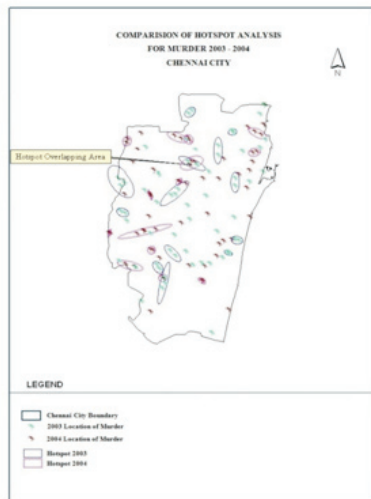


Fig. 4: Hot Spots 2003 & 2004

study had suggested that even in the most high-activity crime areas, the majority of criminal activities usually take place in specific places, e.g. in a particular stairwell or street, while the rest of the area is relatively free of crime. Many researchers have, therefore argued that crime can be significantly reduced if the crime prevention efforts are systematically focused on these places – so called hot spots – rather than simply focusing on the offender themselves.

When the hot spot areas of 2003 and 2004 (Fig. 4) were compared, two hot spot areas within the city limits were found to be overlapping, namely, Perambur - Vyasarpadi areas in the north and Saidapet in the southwest. As mentioned earlier, Vyasarpadi is an area known for offender residences and is home to a number of slum dwellings. Perambur is a transit area and considered a perfect mixture of commercial and residential hub. Perambur and Vyasarpadi are located in the northern region of the city which has not developed much when compared to the central or southern parts. North Chennai is highly congested with a high density of population and dotted with industries and other production centres that cause a lot of pollution. These regions are an important offender producing areas (Sivamurthy & Thilagaraj, 2011). This could be attributed to the large number of slums surrounded by economically weaker working populations that are characteristic to north Chennai (Thilagaraj and Sivamurthy, 2011). Saidapet is an important neighborhood in Chennai which is dotted with slums, religious institutions and other commercial areas and located adjacent to an industrial part of the city.

The hot spot policing can be initiated In these identified overlapping crime hot spots, thereby targeting them with police assets that can curtail the murder events. These assets can be customised according to the need of the area as both the hot spots vary structurally and geographically. There is a common notion that when a place is targeted with police resources, crime gets displaced/ moves to another region. But several research studies have proved that this notion is far from the truth. Weisburd (2011) states that when police concentrated on the crime hot spots, it was found that crime rates go down and when crime does change in the surrounding areas, it doesn't go up rather goes down. In other words, there is no displacement of crime but a diffusion of crime control benefits.

Conclusion

Chennai city has had a total of 28 murder hot spots over a period of two years and a couple of places show a recurrence in the same period. Although, Chennai city has an active FOP volunteer group attached to each police station, community policing is generalized to the entire city. If the police managers are willing to focus their assets on these hot spots, it would show better results and the level of diffusion of crime to the adjacent areas will also be negligible. Previous studies have all shown hot spot policing as counter-productive, be it for violent crimes, property crimes, drugs or any other criminal activity. Police visibility on the hot spot is another way to establish contacts in the community, which provides credible intelligence of criminal activity to preempt them, thereby boosting the police image among the general public. ■

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Crime Against Elderly People: A Challenge for Society

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Keywords

Abuse, Psychosocial Factors, Helplessness, Isolation, Victimization.

Abstract

Crime against elderly is a major challenge for the society in general and law enforcing agencies in particular. It is a complicated issue since this involves a lot of psychosocial aspects. In large number of cases the family members of the elderly are the perpetrators of the crime against them, which limits their capacity to express their victimization. Therefore, they become the passive recipients of abuse (e.g physical, psychological, financial, etc.). In such a scenario there is under-reporting of the criminal activity to the police. In some other cases the domestic help is involved in the criminal activities against the elderly. It is important to know their credentials and police verifications should be compulsory. In this regard, the elderly should be educated to comply. Therefore, police should be more proactive towards such issues and the police personnel should be sensitized to the needs of the elderly. The society also has an important role to play in this regard, which should work towards the empowerment of senior citizens and also provide the elderly a sort of platform to express their grievances.

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Introduction

Both childhood and old age are more attention demanding stages of life. But it is seen that, there is a difference in caring for old people vis-a-vis children in the modern societies. Children receive more attention in comparison to the old people (Ferguson 1995), probably due to the belief that, children are future strength of parents. When parents become older, their children perceive them as useless. Besides house hold problems, the elderly people are also prone to become victims of crime in the hands of criminals due to their loneliness (Dickens, Richards, Greaves & Campbell, 2011) and helplessness (Bayer & Fleischmann, 1987). Thus, psychological, psycho-social, and physical life of older people becomes vulnerable. A number of old people are forced to stay in old age homes after giving away all they have earned to their children. They are psychologically and morally constrained to take any legal action against their own children, which makes them suffer even more. Some old parents are even subjected to torture by their kith and kin (Mildenberger & Wessman, 1986). In some cases, if they want any protection from police, they are scared of approaching police which is despite a new enactment titled "Maintenance and Welfare of Parents and Senior Citizens Act-2007". On the other hand old age parents, out of misplaced sympathies or fear of retribution, would not like to take to the recourse of law and courts.

A Brief Review of Literature

Senior citizens have been victims of crime from various sources. From a recent study conducted by Group for Economic and Social Studies (GESS) in 2009, it was found that, the crimes against elderly have been increasing and that only 23 per cent of crime ever gets reported out of which only 72 per cent get registered. Lower emphasis on statistics for evaluation of police performance, and shortage of staffs in police departments might be the reasons for non-registration and suppression of crime. Reasons for non-reporting of crime by the victims includes lack of faith of victims of crime in police and their fear of retribution from the accused persons, who are generally from their kith and kin. Apart from this, the most important psychosocial factors related to non-reporting of crime against elderly people includes fear of alienation from family

and friends, becoming isolated, fear of being blamed, embarrassment and shame, and even concerns for what the consequences could be for their family and significant others (Manthorpe, et al. 2007). The crimes against senior citizens can be classified as : physical types, crimes against property or finance (Gibson & Greene, 2013) cheating and forgery, even sexual assaults (Benbow & Haddad, 1993). According to Delhi police (GESS, 2009), the culprits against the elderly usually are the relatives, domestic helps and persons known to the victims. It was also found that, about 40 per cent of heinous crimes against senior citizens have been committed by their relatives, professional criminals, salesman and casual laborers engaged by senior citizens have also been culprits against elderly.

The crime rate against elderly varies from urban to rural areas (Smith, 1980); (GESS, 2009). In metropolitan centres, crime rate is higher as compared to other areas. For example, in 2004, average rate of IPC cognisable crime in urban agglomeration centres was 287.3 as against all-India rate of 168.8 per lakh of population. This is also noteworthy that number of cognisable IPC crime against elderly in the metros of Delhi, Kolkata and Mumbai is a fraction of overall cognisable IPC crime rate of these mega cities. For example, rate of cognisable IPC crime against elderly in 2004 in Delhi, Kolkata and Mumbai was 31.1, 24.8 and 87.7 percent respectively as against overall cognisable IPC crime rate of 380.6, 81.4 and 179.9 percent of these cities respectively. The rate of IPC cognisable crime against senior citizens in Delhi in 2003 was 32.4 percent. It rose to 46.7 percent in 2006 and it was 33.4 percent in 2007, which is marginally higher than what it was in 2003. In Kolkata, this rate increased from 19.6 percent in 2003 to 24.6 percent in 2007. This rate in Mumbai increased from 78.7 percent in 2003 to 95.3 percent in 2007. Thus crime against elderly in these three metros has been rising even on the basis of official statistics.

From a recent study conducted by Helpage India, an NGO, in the year 2009, it was found that Delhi have nearly a million senior citizens. Crime against elderly people in Delhi is four times more than Mumbai and twice than that of Bangalore (Helpage India, 2009). Out of total cases of crime against elderly registered in Delhi in the year 2008, the highest form of crime was hurting a senior (42.2 percent) followed

by murder and robbery which accounted to 35.5 and 13.3 percent respectively. The woes of senior citizens seem to be basically sourced from their own children and relatives with as much as 52 percent of them facing harassment for property. Nearly 50 percent of perpetrators of such crimes are children and children-in-law, followed by the neighbors and others (27 percent), the survey said. The maximum number of property-related torture cases has been recorded in South Delhi, known for its posh colonies and high class residential areas, while 20.8 percent of such cases have been seen in central Delhi. The survey found that while one out of eight elderly said “no one cares they exist”, about 13 percent of them feel “trapped” in their own homes. “Abuse of senior citizens often starts at one’s own home. But fear of family shame, continuous harassment and dependency on the abuser prevents the issue from going out of the four walls (Help Age India, 2009). Abuse of senior citizens may take various forms such as: physical, emotional psychological and financial, (Sources: Rediff.com India News, June 16, 2009 14:27 IST).

Besides the cognisable crimes against elderly people, there are number of uncognisable crimes they are suffering. Most uncognisable crimes against the elderly are usually committed by their own relatives.

Elderly Population

The report of National Commission on Population (2006), stated that, the number of older persons in population of India is expected to increase more than double from 71 million in 2001 to 173 million by 2026. The causes may include better medical facilities and control over diseases which leads to increase in life expectancy (Lubitz, Cai, Kramarow & Lentzner, 2003)

Elderly population in metros is large as they have huge floating population. Some elderly people come to metro for the livelihood. In some cases, they have been driven out from their original homes. A large fraction of their population resides in slum areas which surrounds the high-rise prosperous clusters. These factors promote violence and crime. Total population (in lakh) of the mega cities of Chennai, Delhi, Kolkata and Mumbai, for crime analysis purpose, as per 2001 census, is 64.25, 127.91, 132.17 and 163.68 percent respectively (NSSO, 2011).

Governmental and Legal Safeguards for the Elderly

To minimise the crime and domestic violence against elderly people, Government of India has proposed some of the legal acts for the safeguard of the elderly people such as:

- ♦ Parents cannot be evicted from a house without due process of the law
- ♦ Under Section 125 of the CRPC, a person not having sufficient means can claim maintenance from his children.
- ♦ If children or relatives neglect or refuse to maintain a senior citizen unable to maintain himself/herself, they can be ordered to pay a monthly allowance to such senior citizen under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
- ♦ The Hindu Adoptions and Maintenance Act provide that an aged parent can demand maintenance from children.
- ♦ The Domestic Violence Act also provides parents with the right to seek relief from any kind of abuse.
- ♦ Based on provisions of Article 41 of the Constitution of India and obligations under various UN backed international agreements, the National Policy on Older Persons (NPOP) was announced in January 1999. It identifies a number of areas of intervention -- financial, health care, nutrition, shelter, education, welfare and protection of life & property -- for the well being of older persons. National Council for Older Persons (NCOP) has been constituted to operationalise the NPOP.

In this context, it is important to note that although there are legal acts for safeguarding the interests of the elderly, most of the beneficiaries are unaware about it. Some of those who are aware, attributing to psychosocial factors cited above e.g. fear to be isolated, lonely and insecurities are unable to take any legal action against the perpetrators of crime or domestic violence (Bayer & Fleischmann, 1987; Dickens, Richards, Greaves & Campbell, 2011).

Security Arrangements for Elderly

Besides the above mentioned governmental and legal initiatives for the welfare of elderly people, some of the remarkable security arrangement has been proposed by Delhi Police. In Delhi police, the special crime control measures have been working for the safeguard of the elderly people. Although, Delhi has a fairly comprehensive and formal action plan for providing protection and security to its senior citizens, whether such plans for other metropolitan cities, middle grade and small towns and specially for rural areas have been evolved or not is still a speculation.

State government should take special initiative for the special crime control measures for elderly. The Initiative should include Special crime control measures for elderly such as:

- ♦ Senior Citizens Security Cells;
- ♦ Senior Citizens Toll-Free Help-lines;
- ♦ Registration with police of the senior citizens living alone for exercising extra vigilance in relation to them through sensitised beat patrols, police patrol vans and volunteers from local communities, enrolled as special police officers;
- ♦ Special drives for verification of antecedents of servants, drivers and other domestic helps as also of tenants;
- ♦ Sensitization of people/ Resident Welfare Associations (RWAs) regarding safety measures;
- ♦ Counseling of senior citizens;
- ♦ Mobilization of members of public and NGOs/ voluntary organizations such as Help Age, Age Well, Abhaash, Akaash, youth clubs, women groups, etc. for providing emotional support to the lonely citizens; and
- ♦ Encouraging setting up of senior citizens organizations.

Even After having the special crime control measure for elderly, Delhi is not totally free from crime against elderly. In this regard,

some of the other factors could be better identified with the help of more research and other initiatives by Bureau of Police Research and Development MHA, G.O.I., because elderly people are really the donor and constructor of the nation and society. In some instances, elderly people are also responsible for the crime against them. The causes might be related to psycho-social or emotional aspects but they must raise their voice and should not hesitate in approaching the police. On the other hand, if we examine the police perspective, they have to struggle while enforcing a case against the culprit especially, when the culprit is the relative of the elderly. Some other issues encountered by law enforcing agencies are:

- Senior citizens do not provide details of their domestic helps and tenants for verification,
- Insist on seeking redress from police of the problems relating to other departments/civic agencies,
- Many of them want their problem redressed without any action against their tormentors such as children, relatives or domestic helps, and
- Their casualness/forgetfulness towards safety and security advisories.

Summing Up

Finally, it can be concluded that both police and elderly should cooperate with each other in determining the reasons of crime against the elderly people. Thus it becomes important to know, the hidden cause and effect relation of the crime against elderly and some possible solutions to minimize the crime perpetrated against them. Some most important factors relating to the victimization of elderly people and the role of police in their protection is still unknown and undisclosed. In this regard, more studies in the area of concern are required to explore the factors and causes related to the crime against elderly people and some of the suggested solutions.



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Examination of One Million Dollar Note: A Case Study

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Keywords

One Million Dollar, Counterfeit, Security Feature, International Gang.

Abstract

The circulation of \$ 1000,000 single currency is often reported all over the world. Recently online swindling of \$ 500,000 has gained a new momentum in the online fraud junk mail system. In one case, a single foreign currency worth one million dollar equivalent to about rupees five corers was handed over to one NGO (Non-Government Organization) by a forger for the encashment. Subsequently, a complaint was lodged and a case was registered to know its genuineness and other details. In absence of genuine standard, all the details about one million dollar were downloaded from the website along with photograph of the bill. The detailed security/ essential features collected from website could help to differentiate the possible tempering made on the body of the disputed one million dollar. The details have been discussed in this paper.

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Introduction

This is an era of counterfeiting of the high denomination of both Indian / Foreign currency reported to be very common all over the world. It is revealed that an international gang of clever forgers is operating this trade to gain huge profit. The circulation of such currency is done by the forger with the obvious intension of covering any defects visible to the naked eye.

The one million dollar (\$ 1000, 000) was commissioned in 1988 as a one time issue by the International Association of Millionaires (IAM). The world renowned American Bank Notes Company (ABNC) printed this bill. Each print had unique serial number and incorporated with following Hi-tech features to prevent counterfeiting:

- Authentic Bank Note Paper
- Intaglio Printing
- Intricate Design
- Microlettreing
- Invisible Printing
- Fluorescent Seal
- Unique Serial Number

The IAM Million Dollar Bill is not a real US currency, it is not real money, it is not worth \$ 1000,000 in US dollars. It can not be encashed or sold it for \$ 1000,000 and it is Non-negotiable.

This paper deals with detailed studies on the physical features of seized dollar note with those of the original note described in the website.

Case History

One forger had negotiation with the executive head of a Non-Government Organization (NGO) to encash one million dollar equivalent to about rupees five crores. The person got tempted to

help the forger and share the profit in such transaction. Subsequently, the one million dollar bill was collected and submitted to the bank for depositing in the SBI account of the NGO. The bank refused to encash and reported to the police for investigation. The currency was sent to the forensic science laboratory for examination and opinion.

Materials and Methods

The seized one million dollar note was examined using VSC-6000 (Foster & Freeman, UK) under different light conditions such as flood light, oblique light, transmitted light and UV radiation (365 nm wavelength).

Observations



Figure 1a: Photographic view of the front side of genuine one million dollar note downloaded from the web site.



Figure 1b: Photographic view of the front side of seized one million dollar note



Figure 1c: Photographic view of a part of the back side of genuine one million dollar note downloaded from the website.



Figure 1d: Photographic view of a part of the back side of seized one million dollar note.

The characteristic external and internal features observed in the seized note were compared with available data on genuine notes downloaded from website.

Table 1

Security / essential features prescribed on genuine one Million Dollar note downloaded from the Internet	Characteristic features observed in seized one Million Dollar note
1. The Intaglio Printing of the words 'UNITED STATES OF AMERICA' in the front side of the note can be seen under ordinary light.	1. Intaglio Printing is absent.
2. The green 'seal' on the front side of the One Million Dollar Bill is printed in special security ink which fluoresces under UV light.	2. Under UV light ($\lambda \sim 365 \text{ nm}$) the invisible writings glow, but the seal does not glow at all.
3. The word "NON-NEGOTIABLE" could be seen down below the word "ONE MILLION DOLLAR" on the obverse side of genuine note.	3. The word "NEGOTIABLE" on the obverse side of the seized note has been replaced against the word "NON-NEGOTIABLE" (shown by arrow mark).
4. The word "DREAM" could be seen on the obverse side of the genuine note.	4. The original word "DREAM" on the obverse side of the seized note has been mechanically erased (shown by arrow mark).
5. The picture quality of the genuine note is superior.	5. The color combinations used in the printing of the seized note is inferior in quality.

Discussions

The findings as shown in the Table-1 clearly indicate that the characteristic features observed in the genuine and seized notes do not match with each other. In this case, the counterfeiter has taken full care to counterfeit the one million dollar note simulating to be genuine to fetch huge profit. The proposed procedure, based on the analysis of different important zones of the bank notes using video spectral comparator, allows us to distinguish between genuine and fake one million dollar notes. The information obtained from the comparative study of both fake / genuine is immensely helpful for differentiation purpose. The entire examination procedure is non-destructive and time saving.

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