Editorial Board

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MESSAGE

The **Indian Police Journal** has now completed 57 years of its existence as the flagship publication of the Bureau of Police Research & Development. Our forefathers in the Indian Police and those whom we respect as the legendary figures have contributed and shared their thoughts, through the past 5 decades, to establish the credibility and professional relevance of the Indian Police Journal. The police leadership today, duly recognises the need to keep in touch with the thoughts and vision of police thinkers of yesteryears. Fundamental concepts, the then challenges facing the nation and the policing requirements of a vibrant society today need to be suitably understood and appreciated.

It is with the above in view that we have decided to publish **two special issues featuring papers and articles written by the then police leaders, security thinkers, experts and analysts on topics pertaining to policing and internal security.** We have selected the decade of 90's as it was this decade that witnessed a paradigm shift in the arena of policing and internal security. It was this decade that saw the emergence of information technology across the nation and provided a crucial need to address the developing challenges. The 90's was a decade that was ending the 20th Century with a cautionary note of various challenges such as terrorism, cyber-crime, organised crime etc. which lay ahead in the new millennium. This decade underlined the need for a paradigm shift in policing – from traditional policing to community policing.

We do hope that the special issue would provide an opportunity to our esteemed readers to have an insight into the thoughts and vision of the then police leadership, legendary figures, writers and thinkers.

(Vikram Srivastava)

Editorial

THERE comes a time in the lifespan of a county or institution or a Journal like the Indian Police Journal, which has been serving the nation since 1954, when it looks backward to surge ahead with more dedication and commitment. Metaphorically, speaking it may be a strategic approach to 'go one step backward for taking two steps forward'.

It is for this purpose we have decided to bring out two **Special Issue I & II,** in which the papers/articles from leading Police leaders, Police & Security think-tanks experts, analysts, etc. on the topics pertinent to the Policing & Internal Security have featured. We have selected the tumultuous decade of 1990s for this purpose as the decade has factored a paradigm shift in the arena of Policing and Internal Security. The 1990s was the decade that was ending the 20th century with a cautionary note of many challenges, such as Terrorism, Cyber Crime, Organized Crime, etc., lying ahead in the new Millennium. It was also giving an indication of the end of some of dominant perspectives of the policing, such as traditional policing. Moreover, the decade underlined the need of new paradigm shift in the policing - from traditional to community policing.

We hope that our esteemed readers would get some glimpses as to how a decade could mean so much for the policing, and factor a paradigm shift in the arena of Policing and Internal Security.

(Gopal K.N. Chowdhary)
Editor

New Challenges to Policing

M. K. Narayanan*

Prologue

I am indeed grateful to the Delhi Police and Commissioner Kaushal for giving me the opportunity and privilege to address this august gathering on the occasion of the first Police Commemoration Day Memorial Lecture. Having been a member of the Police Force and the Indian Police Service for nearly 37 years, this occasion brings back vivid memories of the perilous days of 1959 and the undaunted valour of the small and lonely band of policemen who were ambushed and killed by Chinese soldiers on this day while patrolling the icy wastes of Ladakh. Today, we remember these heroes and other valiant martyrs by holding solemn commemorative functions all over the country. An expedition to Hot Springs comprising representatives of Police Forces from all over India is also taken out.

For most of the present members of the Police Force, the events of 1959 remain a mere historical event. For older members, the incident is invested with greater meaning; their martyrdom gave a new dimension to the Indian Police and affirmed the role of the Police as a frontline organisation in the battle for India's survival and security–an integral and essential part of India's national security apparatus. We are indeed indebted to these heroes and the several martyrs who have since given their lives in the cause of, and to safeguard, the nation.

Commissioner Kaushal had suggested that today's talk be on 'New Challenges facing the Police' a subject as vast and uncharted in scope as the river Brahmaputra in spate. As one of the primary institutions of a democratic polity, the challenges faced by the Police would be a subject of great interest not only to policemen but to all discerning people in the country. The subject has also more than contemporary relevance, in view of the widespread perception that already the flux in the political system and the fluctuating fortunes of democracy are imposing severe strains on, if not damaging,

Author Intro. :

* Delivered by Shri M.K. Narayanan, former Director, Intelligence Bureau as the first Memorial Lecture organised by Delhi Police on Oct. 21, 92.

institutions of abiding and vital national concern like the Police.

Challenge of Change

The police are likely to be confronted with many serious challenges in the coming years. None perhaps would be more significant than the challenge of change for which patently it is ill-prepared. Elements of change are there for all to see. In a period of fundamental transformation and restructuring of society, the main question is: Can the Police afford to remain inviolate from the turbulence that is sweeping the society? Is the Police equipped to understand and accommodate the cataclysmic changes occurring in people's thoughts and ideas? When the generation of discontent tends to be viewed as the harbinger of a brighter future, can stereotype thinking that discontent presages trouble and disturbance be adhered to? Is the Police to be cast aside as obsolete, if it fails to appreciate and adjust to such new and emerging realities?

More pertinently is the Police sophisticated enough-not in terms of its hardware but in respect of its software-to be able to draw a subtle line of distinction between creative unrest' and 'violent disturbance' and deal with them in the appropriate manner. Though not a problem exclusive to the Police, it would indeed be a catastrophe if the Police, unable to effectively perceive the depth of the changes, is not able to cope with the same. In that event, the nation and its people would be the losers.

Change has to begin with the individual. The challenge of change can only be met by avoiding the schlierosis of the mind. The problem is compounded when we come to organization, since change is often anathema to established institutions and the pace of change, if any, is usually so glacial as to be imperceptible.

Proper management of change is, thus, a basic necessity if the Police is to be effective in the new dispensation. To begin with, the Police will need to come to terms with the demographic changes that are taking place, the altered value-systems, the changed behavioural attitudes, and the breakdowns in, or at least a weakening of, traditional authority patterns. It cannot afford to sit back and merely look askance at the actions of an

entire new generation. A make or break mentality without trying to understand the essence of the new culture would be fatal. A beginning has to be made now, and consciousness of this need has to permeate all levels of the Police, more specifically the Leaders of the Force and those in charge of the training institutions.

Information Explosion

The Information, Society and the Knowledge explosion will also pose a severe challenge to the Police. This will require the Police a manifest effort to extend the frontiers of knowledge, not only in the professional sphere but in related aspects of human endeavour. The Police will need to have a far better idea of sociopolitical cross-currents, societal trends, new concepts and ideas in the economics of poverty and wealth and in redistributive justice, as also developments in the world of science, and in the psychological and medical realm. Lessons emanating from the 'global village' concept have also to be brought home to Police, for the rapidity of communications, has not only transformed the nature and content of our society, but led to a cross-pollination of ideas which is today breeding a new culture far removed from the familiar concepts of yester-year.

Challenge to India's Nationhood

On the more mundane plane, a major challenges for the Police in the coming days, and one which will test its capacity to the utmost, would be how to meet the omnipresent challenge to the concept of India's nationhood. The growth of fissiparous tendencies, the emergence of terrorism in a magnified form, aspects of insurgency which are affecting quite a few areas of the country, and the dominant trend in favour of militancy and violent disorder constitute an impressive baggage of problems for the police. Today, we also face 'third generation' problems in the transformation of our nation, a transformation characterized by certain distinctive aspects intrinsic to our society. Four decades and more after the adoption of our Constitution, therefore, the police have to prepare themselves for fresh and heavier burdens.

Violence

By the turn of the Century and into the first quarter of the 21st Century, a dramatic increase in cold,

cynical, manipulated violence is almost certain to occur. Violence will indeed be the *leit-motif* of this period. The reasons are not far to seek, for prospects for collective social violence are getting further strengthened. The possibility of a conflict between the ideological and coercive apparatus of the State in economy is, again, a factor to be kept in mind as it could impinge on the effectiveness of the Police.

Among the extrinsic factors are:

First, the federal structure is unlikely to remain immune from contradictory pulls and pressures between those demanding a strong Centre and those protagonists of greater autonomy.

Second, the Police will have to take into account the antagonistic external threat environment, mainly the calibrated strategy of Pakistan to create internal disturbances through aiding and abetting of terrorist violence in different States of India, fostering insurgency in border regions like Kashmir, and stoking communal fires by instigating religious fundamentalists to accentuate the divide between the majority and minority communities. The impact of an unfriendly neighbour like Pakistan on India's borders, and the support extended by it to militant and disaffected groups, will increasingly become a problem.

Third, political uncertainties will add to the dimensions of any socio-economic crisis, if current portents are any guide. More and more State Governments are also likely to be afflicted by the malady of 'political legitimacy'. This could result "in some form of a crisis of governability.

In regard to the Internal Security and Threat dimension, the likely portents are that terrorism and urban violence feeding on structural inequalities would become more potent and enlarged in scope. Terrorism has come to be regarded as a final option for the discontented and has been far more successful than what many Governments and communities are willing to concede. Often enough, it has operated at the edge of movements undermining, and sometimes causing, the disintegration of political structures. Consequently, police forces need to be made much more aware about the nature and different shades of terrorism and the important changes in terrorist methodology that are presently taking place.

The focus has definitely shifted from the ideological and anarchist brand of terrorism to so-called nationalist/separatist/religious territorial— ethnic radical factions who have captured, and today dominate, the high ground of terrorism. Dealing with the former group had been difficult, but the moral dilemma of the police in dealing with the latter brand is likely to be far greater, since nations and societies display a marked weakness while facing determined terrorist groups of this variety even where they engage in unbridled violence.

Domestic Terrorism

Domestic terrorism is increasingly likely to imitate the more successful terrorist factions elsewhere, notably the Middle East groups. In India, when the veneer of religion is used as an effective front for terrorist activities, it is the rejectionist brand of Middle East terrorists that would be the role model for the indigenous grougs. Networking between the Middle East groups and the domestic factions is, thus, a distinct possibility. Also in keeping with the tradition and method of these factions, splintering and fragmentation of the groups would be a continuous process, with newer and younger leaders often setting up their own units. Increasingly also mindless violence and mass killings as a specific technique to instil fear is likely to be practiced. Weapons for mass terrorism would be in great demand and high investment operations would soon become the vogue. The implications of all this for security and specially the security of Internationally Protected Persons are quite sinister.

The relationship between internal and International terrorist groups also needs to be better understood. There is now enough confirmed evidence that International terrorist groups are engaged in exploring avenues to obtain a new generation of weapons some of which were on display during last year's Gulf War. Also that, some progress has been made by these groups in establishing a conduit for obtaining such high-tech weapons as grenade launchers, disposable mortars, high quality sniper rifles and plastic explosives. The threat from high quality explosives is particularly serious Terrorist groups are constantly in search of explosives with still greater destructive power. International terrorist groups have shown a great deal of interest in current research on C-4, PETN,

RDX and HMX, as also in low vapour pressure explosives.

The terrorists in the Punjab, J & K and the North East are already not far behind. Unless the Police are conversant with, and update their knowledge about terrorist methods and linkages, the weaponry and explosives being sought by both the international and indigenous terrorists, and try to find out more about their possible supply lines, the balance of advantage will tend to shift towards the latter.

Bio-Chemical Attacks

The possibility of terrorist and insurgent groups undertaking high investment operations has already been mentioned. This would mean employing chemical and biological devices, in addition to the normal arsenal of weapons and should not be overlooked by the Police howsoever remote the possibility of its use may seem in India. Controls over chemical and biological weapons are not sufficiently stringent to prevent determined militant factions from gaining access to them. Their potential to cause large-scale lethal or non-lethal casualties make it highly attractive for any terrorist outfit willing to transgress all civilized norms. Protective arrangements are difficult.

The police usually have only limited knowledge of the nature of such devices of dual-purpose chemicals which can be employed for the manufacture of chemical weapons and the range of product-use available to the terrorists. The Police in our country cannot afford this luxury, for this has relevance both for community protection and the safety of VIPs or Internationally Protected Persons. The latter are specially vulnerable, for with augmented physical protection schemes in vogue, a skilled terrorist has necessarily to fall back upon science and its several mutative forms to breach the security. An invigorated effort will be needed to remain abreast of the latest developments in this field.

Religious and Ethnic Fanaticism

Another major sphere for Police attention view of its present and potential challenge is the combustible mixture created by ethnic divisions laced with religious fanaticism alongside the advent of new social groups pressing new demands on the State. Ethnic and tribal pressures have become much sharper and are accentuating centrifugal trends. Communal conflicts are today more endemic in nature, more widespread, more intense and more destructive in terms of human lives affected and property damaged. This is polarizing the society along sectarian and religious lines. The policies of caste and the assertive affirmation of rights by the underprivileged have caused a major fault in society. The politics of social concern have hence led to a major upheaval.

Both religion and ethicity have become energetic and dynamic forces causing turmoil world-wide. Religious and ethnic divisions leading to structural violence are today the cause of much of the world's present disequilibrium. These two concepts provide an identity, a legitimacy and sometimes an infrastructure for societies in transition. In India, latent trends favouring an ethnic redivision of the country have gained new fillip lately, and are likely to persist till the turn of the century and even thereafter.

The world over, assertive religions like Islam have emerged as a powerful political idiom and 'an important defining force in evolving political agendas over a wide area of countries from the Middle East through India to Western China. In India, there are religious and parochial forces and pressures at work which contain the seeds of a serious conflict. The burst of activism on the part of religious and ethnic groups clearly necessitate a new orientation in police understanding, as otherwise they would be overwhelmed by historical forces.

Technological Innovation

Another potent challenge before the police is that of Technological Innovation. Technological progress in the police has made incremental progress and the necessity to bridge the technological gap cannot be overstate0he police in India need to foster a technological revolution, making full use of the several technological innovations employed by police forces in other parts of the world. Computer analysis onnline of crime patterns and problems is one basic tool which needs to be used extensively by police forces all over. At present, it is confined to a very few elite police units. Cascading technological innovations

in areas such as computer networking (especially useful in the detection of white collar crimes and frauds); computer fingerprint identification including DNA identification; enhanced capacity for surveillance and monitoring activities along a broad spectrum utilizing state of the art-technical-aids are a sine qua non for police survival.

Organized Crime

The challenge of organised crime also needs greater attention as its growth potential is immense and a quantum jump in such crimes can be confidently predicted during the next few years. Criminal opportunities have greatly expanded and police forces all over require a better understanding off— and more detailed knowledge regarding— the nature of organised crime in different areas of the country and the criminal gangs engaged in such trades as drugs, smuggling etc. Except for a few specialised agencies, and a limited number of elite forces in large urban conglomerations, organised crime has not merited close, detailed or specialised attention. The spectre of Organised Crime and the Drug Mafia unless exorcized in time will cast a dark shadow over the Indian land scope. A comprehensive "determined and integrated plan of action is hence needed to educate, sensitize and prepare the police for these responsibilities, otherwise the cost over-runs in the long term would be most damaging to the nation.

A reinvigorated discipline of Crime Analysis may also have to be evolved and given proper shape so that a systematic and holistic approach to the analysis of organised crime could be attempted. Systematic analysis will help determine potential growth patterns and future probabilities. Techniques now in use in forecasting such as Operations Research and Probability Analysis could be employed for such Analysis.

Readjustment of Strategic Perspectives

A novel challenge to the police in the coming period, consequent on the winds of change in society, could be the notion that all aspects of law and order management and crime prevention need not be the exclusive and sole preserve of the Government and the State. The concept of a 'private sector' within the wider discipline of police functioning may indeed seem to be a fundamental departure from the present, requiring the Police to readjust their 'strategic perspectives'. It is, however, not as revolutionary 'as it seems since the process is already under way to some extent in the more industrialized societies of the West.

Acceptance of this concept would, however, mean modification of the belief that responsive action, including use of force to meet difficult situations, is legitimate only when exercised by the police. It would also entail that the Police is no longer perceived as a mechanism for addressing all sorts of human problems and the only source for the adoption of non-negotiable coercive force in accordance with prescribed norms.

This idea goes much further than mere advocacy of cutting down on so-called 'non-essentials' such as process-serving, escort duties and the like, to enable the police to concentrate on areas of its 'core competency' which are of vital national concern. On the other hand, it is a methodology of sharing several police functions-some of which are already being performed by private security agencies in a limited way like protection of commercial and industrial establishments and private residences-with non-official security agencies on an extended scale and legitimizing their responsibilities. Such a change would mean altering long-held traditions and attitudes and in many cases overcoming legal restrictions.

One obvious advantage would be to reduce the 'tyranny of numbers' afflicting many police forces. This is tending to become self-defeating and could help the police to become more professional and effective in the key areas of vital national concern. The problem is that such a system could result in a dualistic system of security and a kind of division of labour. At one extreme, there is even the possibility that increasingly private security agencies would be looking after the rich, while the police would be responsible only for the less fortunate. The social dynamics and possible fall out of this kind of dichotomy will need to be carefully considered and quite a few other problems sorted out before the Idea is ready for implementation. Nevertheless, there is no gainsaying the fact that such trends are likely to get strengthened and the Police will need to create a proper doctrine to deal with situational exigencies of this kind.

Community Policing

Another area which may merit a new approach by the police is that of Community policing, often referred to as Problem-oriented policing. This has gained wide currency in the West, specially in the United States, and involves not so much revitalisation of existing police methodology, as an entirely new approach with the accent on prevention as against detection of crime and law and order disturbance. The idea is to establish a co-operative relationship with the public and work with the public, so that the public is both prepared to defend itself and provide support for the police in preventing people from engaging, in crime or other forms of violent activity.

Effective community policing may, however, require a greater degree of decentralisation of police operations than is the case at present. Also this would require acceptance of, and encouragement to, feed back from the public about police actions, as well as seeking their advice in this sphere. Delhi's Neighbourhood Police Scheme is a good beginning in this context, but perhaps more remains to be done. An environment supportive of problem-oriented-policing is vitally necessary for inducing changes in the role of law enforcement agencies in solving community problems. A question that comes to mind is whether the present make up and structure of the Police Station is adequate for this purpose. The Police Station and the constabulary at the cutting edge of the system, appear ill-equipped for this task as also for the manifold responsibilities inherent in the challenges of the future.

The Issue of Human Rights

Moving further afield, certain other challenges of the time cannot be ignored by the police. The issue of Human Rights is now high on the agenda of most democratic countries in the world. India has embarked on the path of formally establishing a Human Rights Commission to look into cases of serious violations of human rights and other forms of excesses. Many of the issues concerning human rights, centre around the actions of the police. At the 1992 Conference of Directors General of Police, The Prime Minister had pointed out that there was an imperative need for Police forces to come to terms with these new realities and effectively accommodate the serious concerns being expressed in various quarters. Consequently and to an extent not perceived earlier, the police will need to achieve a proper synthesis between protecting an individual's freedom and rights and the requirements of society, which may often tend to conflict. Finding a compatible answer could well prove to be the most difficult challenge the Police face.

Political Influence & Interference

The evolving nature of the relationship between the Police and the political hierarchy, even if not exactly a challenge, is another matter which will merit the close attention of the Police. In most democracies, even where public accountability is effected through the elected politician, there has always been a considerable outcry at a politician's alleged involvement, and socalled interference, with the system. India is no exception, and the degree of political influence attempted to be wielded by elected representatives has been the subject matter of nationwide debates for many years. Despite the fact that we, in India, are inheritors of democratic traditions going back several thousands of years, it has not yet been possible to satisfactorily resolve the contention of this relationship. The perception remains that not only has political influence on the police increased, but that these agencies are functioning as tools of self-serving elites and their political masters.

The problem is not likely to go away by a sustained campaign of denigration of political influence on the force. At a time when the matter is approaching criticality, this kind of approach only tends to obscure what is a complex relationship. It has to be recognized that the laws the police are charged with administering are not self activated. These have, more often than not, to be applied to human situations which are both ambivalent and ambiguous. Total exclusion of elected leaders in these circumstances from some measure of involvement and an opportunity to voice their opinions tend to be counter productive. There can be no easy solutions to this question, if constructive results are to emerge, and some kind of quietus applied to the question of political interference and politicisation of State structures, the Police will have to devote considerable thought and

attention to these problems otherwise this can both damage the neutral image of the Police and complicate a very sensitive relationship.

Internal Challenges

I shall now dilate on a few of the internal challenges that the police are likely to face during the next few years:

- This relates to the operational functioning of the Police force-should there be more emphasis on creating islands of excellence and super-specialisation to deal with the newer and more complicated problems of law enforcement and crime, or should the effort be concentrated on improving the overall quality of the Police force, and reducing the number of elite units/sections within it.

- This is about the basic structure of the Force. Should the Police develop in the same manner as previously, the Civil and Armed Police with each divided into linear of functional units, or is there by now a case for, and need to, drastically alter the structural pattern and include such ideas as Task Forces to deal with long term issues and threats.

- In the backdrop of the scenario outlined above, is adherence to the quasi-military model for our Police force appropriate, or is it self-defeating? The quasi-military model has the advantage of instilling and enforcing discipline in the police force. Already, however, this model is being attacked as adversely affecting the development of professional discretionary methods to deal with new fangled problems.

- Is there, or is there not, a case for an upper limit on the strength of the Police force? Every organization has an optimum size commensurate with its tasks and responsibilities as also expected levels of efficiency and effectiveness. Should not the Police be bound by the same concepts and rules. Most definitely, an upper limit exists on the extent of resources that can be allocated for law enforcement agencies. As the Police modernizes itself, equipping

itself with new technological tools to deal with high-tech and complex problems and crimes, there is likely to be a quantum jump in the budget figures. A time has, hence, perhaps come to regulate the size of the police in ratio to space or physical area rather than to population. This could be a more rational method for the judicious allocation of scarce resources.

- Organizational and related problems in the Police can be expected to increase exponentially. For instance, competing avenues of employment and trends favouring liberalisation will pose a major challlenge for the police in attracting, recruiting, and retaining personnel at different levels. The mortality figures in the police (which have gone up in geometrical progression), conditions of work, the stresses and strains all make police service even less attractive than before. Moreover, in an era when the prevailing philosophy is one of accelerated progression and movement from one job to another and from one industry to another, the police can hardly expect to retain its personnel for life-long service employing old fashioned value-theories like motivation and loyalty. Job security is no longer the buzz word and with job satisfaction playing a more crucial role today, this is going to be a serious problem for the future development of the Force. Creation of an adequate managerial capacity within the Force to deal with internal problems has, hence, become very necessary. It is not, however, the case that the mere setting up of a personnel management system will provide the answer, but a professional and scientifically organized management system can, at least, begin to grapple with this problem.

- Proper handling of younger elements in the force will be one of the more difficult tasks, testing leadership, competence and demanding far greater finesse than was needed so far. The internal dynamics within the Police Force are already changing and the rate of change will accelerate much faster hereafter. Problems resulting from lack of promotion opportunities, of

lateral entry, discipline will all need to be refined and in some cases changed totally. If handled sensitively, the outcome could well be greater 'creative thinking' better conceptualization capabilities and more willingness to take and accept risks. In the absence of a more forward looking policy, the alternative may well be disastrous.

Leadership Competence

A word about leadership competence at this point would be germane to this whole exercise. No challenge or challenges can be properly or effectively met unless the leaders of the Force have the vision, determination, intellectual and professional skills to see into the future and carry out the necessary corrections including the midcourse corrections. Integrity and character will be too much current coinage in the future as it is now. Blending of new skills with past experience, meshing of scientific endeavour with practical policing require quite a new type of Police leadership. The new entrants into the service including the I.P.S. from different disciplines provide the right type of material, but the genius of those in the Police will lie in using their knowledge and idealism to achieve the heights required to face the future challenges.

Conclusion

I would like to conclude by apologizing for having raised far more questions than I have attempted to answer. It is my belief, however, that the challenges before the police are too complex to be met by simplistic solutions or readymade answers. These have to be considered in depth and require concentrated thinking by individuals and groups both within the system and outside it. If my talk today does stimulate some progress in this direction, then I feel the main purpose would have been met.

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Humanising the Police

P. M. Das*

Introduction

BEFORE we allow ourselves to pass strictures on the police, it is important to remind ourselves of the socio-economic setting in which the modern day policeman works. The problem of unemployment with increasing population in limited living space and rising costs of living, create difficulties for the policeman. There is never one monolithic society to tackle. Perceptions of the role of the police vary with each section of society. To complicate matters, all over the world, more and more policemen are being assaulted in the course of their routine duties. Leave alone the large number of cases where officers and men are killed on duty in abnormal situations as in Punjab or in Northern Ireland where there is rampant terrorism. Even in a peaceful country like Britain, on an average more than 700 policemen are assaulted each month and the number of Metropolitan police officers injured on duty rose from 2999 in 1975 to 4030 in 1977.[1]

The task of the police is to maintain public order rather than to take on blindly all the burden of the law enforcement system. However, the degree of support the police receives from the public also depends to a marked extent upon which law they are enforcing. In some countries it is seen that prison sentences for frauds are less than that for minor burglaries. It needs dimennsions such as of the Fairfax and the Bofors deals of the recent Indian context, to jolt public opinion against the economic offenders.

The role of the policeman is not to be an agent of social change. Yet a trusted policeman can still be an important human regulator to order adult conduct. But he is confused since the yardstick of good conduct can be shifting and he is losing his self-confidence. The great problem of the day is that on the one hand we seek efficiency and demand results while at same time, society has suspicion of strong authority and always speaks up for human rights as never before.

Agent of Coercion

In this scenario it is seen that the police is an agent of coercion which becomes necessary even in present time democracies to

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 * * Security Expert

fulfil some responsibility which society considers essential, even though unpleasant. The policeman in uniform thus becomes a readily identifiable target for resentment of any change. On the other hand, the policeman understandably rankles at the public failure to cooperate and feels frustrated when smooth-talking lawyers and pontifical jurists appear to free the guilty criminals whom the police had arrested with great difficulty. The policeman is always in the wrong and is a visible symbol of government which is held responsible for anything wrong in society. In this working climate, the policeman often expresses his own resentment and torment by demonstratably violent or brutal ways.

Are we in a position to extricate the policeman from this socio-psychological trap? Would the leaders of the police be in a position to bring about changes? They would be many and deep-rooted indeed. The policeman would have to be outside the cross-fire between what is good for an individual and what is good for the community. The leaders would have to ensure by precept or by training that the police adopts a mechanical posture when attacked, is as non-commital as a robot and is politically non-aligned. Without temporizing, the role of the policeman would have to be strictly adhered to and its limitations be accepted.

In this study an analysis is made of the factors bringing about dehumanised behaviour in policemen. This is followed by a discussion of remedial measures with a special emphasis on the role of the leaders of the police towards achieving this end.

II. The Features of a Dehumanised Police

During the course of studies conducted by the author of this paper a Superintendent of Police in Punjab narrated a rather morbid account of an instance experienced by him in 1971 while serving in Hoshiarpur district. There was a ghastly bus accident on the highway in which a number of passengers were injured and some killed. This S.P. had to undergo the humiliation of listening to allegations-which were later substantiated upon enquiry-by a number of injured persons who testified that the members of the police flying squad which first reached the spot, removed and pocketed valuables such as wrist watches, wallets, purses .of ladies, cash, golden ear rings and rings even before moving the dead bodies to the mortuary or the hospital. On February 3, 1981 the report on a judicial enquiry was announced on the Baghpat brutality which indicted the Sub Inspector who had tortured Maya Tyagi in an unhuman manner, inserting a wooden rod in her vagina which caused injury and bleeding. This Sub-Inspector was also found responsible for 3 murders. Could there be a rational cause for these inhumanities?

Frequent complaints of misappropriation of items belonging to arrested persons tyranny of 'thanedars' who visit village scenes of crimes to be first "entertained", with liquor and chicken are examples of lesser inhumanities.

Some area of police working where the tentacles of corruption and extortion of money are often seen are listed below:

(i) **Sections of law commonly misused by the police**

The preventive sections of law; Sections 107, 109, 110 Cr. P.C, are often used for the extortion of money by unscrupulous Station House Officers. Where the police has been armed with draconian powers such as the Terrorist and Disruptive Activities Act and where there is poor supervision of subordinates, they have made extortions from innocent persons by threatening arrest. The harsher the punishment by law the more the scope for larger amounts to be extorted.

(ii) **Fabrication of false cases**

Fabrication of false cases is another feature of corruption. Examples are found in the misuse of Section 307 IPC (Attempt to murder), by implicating innocent persons. By registering cases under Secti6ns 324 IPC and 326 IPC, the police in connivance with Government doctors are found· to increase the gravity of offences which would otherwise be of trivial nature. In the northern Indian states especially, the Excise Act, the Gambling Act, the Arms Act are also used as tools of "executive action" for the plantation of incriminating objects on innocent persons to secure their convictions or to improve the position on the crime charts by enhancing the figures under "recovery". By the same token

police station staff are known to dispose off the property found on the persons arrested without making a record.

(iii) Refusal to register cases

Refusal to register cases or complaints, except for a consideration, is a feature of corruption at the police station level.

(iv) Illegal detentions

Illegal detentions in police custody or frequently summoning of respectables to the police station to join in investigations are signs of poor supervisory control.

(v) Third degree

Third degree methods as an expedient to secure confessions and to expedite investigations are often misused. Indirectly, supervisory officers encourage torture and associated forms of interrogation in order to secure quick results from subordinates, often at the cost of justice.

Reaction of the Police and of the Public

The policeman reacts to the pressure of society as in the following ways:

(a) The Paris Police felt that they were disliked by virtually everybody and recently handed out tracts in the streets asking to be liked by the public and protesting at the intimidatory roles into which the authorities forced them.

(b) The Pakistan police went on strike and demanded more respect from the public.

(c) According to a study conducted in Australia, two thirds of the people who have been victims of crime and had not reported the crime when questioned, gave as their reason that they did not believe that the police could do anything.

Society itself is changing and as Sir Robert Mark, Commissioner of the Metropolitan Police of London pointed out, 'the police must change with society, but too many of them are still expecting society to move back to their own ideas.' It is also pointed out that because of hypersensitivity to criticism, some policemen reciprocate by

returning hostility for the antagonism towards themselves which they sense or imagin. Also, the police is in a dilemma because of the unpredictable and irrational public behaviour. A number of instances exist illustrating the non-cooperation from the public such as the case of Catherine Genovese in 1964 who was being slowly murdered in a middle class New York street in front of 38 witnesses who could have saved her life but not even one of them stirred to help her or telephoned the police. In another instance, in Florida 1973, a crowd of 3000 actually stoned and attacked the policemen attempting to rescue a woman who was trying to commit suicide by jumping from a 150 feet high tower. They wanted her to jump and when the police party cheated them of witnessing her death, they smashed the wind-screen of the police car taking her to hospital.[2]

(i) The right of private defence available to policemen under Sections 96 to 106 IPC. The exercise of this right gives convenient latitude since police brutality hinges on unnecessary use of force.

(ii) Most policemen affirm the public expectation that the police should deal roughly with culprits and do not understand release on bail and non-availability of remand of persons, they have taken great pains to arrest. The Bhagalpur blindings where the police allegedly poured acid in the eyes of 'goondas' is an instance where the people took out a procession to support the police. The Illustrated Weekly of India's general sample survey found that two thirds of the sample and 60% of the opinion leaders of the sample were of the opinion that the blindings were justifiable. In most instances, therefore, victims receive satisfaction if the police soundly beats up the culprits.

(iii) Government leaders and policemen generally have an identity of views regarding the role of the police which is heard during the speeches at police parades, etc. They speak of the upliftment of the poorer sections of society, courteous behaviour and public service even though this view is different from the expectation of the victims. This view also indicates a refusal on the part of policemen to accept the limitations of their

role. They do not realise that the criminal justice system as a whole is responsible for the norms of conduct in society, and that crime rose with population and the augmentation of crimogenic factors. It is not the responsibility of the police alone. To overcome these limitations such policemen resort to brutality or the use of unnecessary force and interference in non-cognizable crimes by manipulation.

III. Causative Factors

The causative factors of this problem can best be listed under two sub headings:

(i)   Institutional factors;

(ii)   Attitudinal factors.

Institutional factors

There are factors which are embedded in the very administrative system in which the police works:

(a)   *Salaries*

The constable in India was extremely low paid before 1979 and in fact this was one of the major reasons which led to the police revolt in that year throughout the country. Prior to the revolt, the pay scale of a constable in Punjab was lower than for a clerk and was much lower than that of Class III employees in the public sector corporations. In fact, it was comparable to that of a peon in the L.I.C. It was only after the agitation that the scales of pay were revised in the Punjab and made equal to that of Class III employees (Clerks) in the same department. The public sector institutions still pay much more to peons and Class IV employees as compared to the emoluments drawn by a police constable. Similarly, the lot of H.Cs, ASIs, Sis and Inspectors was extremely bad before 1979 and was not commensurate with the heavy nature and responsibility of the duties performed or to the status of their jobs in dealing with the public. For instance, an Inspector drawing a basic pay of Rs. 320/- would come into social contact with, while making arrests, investigating and conducting enquiries, persons drawing salaries much higher than himself or would investigate cases of fraud involving vast sums of money. It would not always be humanly possible to resist the temptation of graft and bribes.

(b)   *Poor service conditions*

Long hours of service, tense law and order situations, inability to secure leave on time, inability to attend to family matters, heavy pressure from bosses to produce results, ostracization of the family in society for harsh and unpopular work done by the father often in the same locality in which he resides, leads to harshness and growing irritation in the policeman. The policeman lets off his steam on those who come in contact with him, to whom he would naturally look brutal. Moreover, his professional posture requires him to react mechanically and emotionlessly when he sees mutilated dead bodies and gruesome hurt cases, whose behaviour appears dehumanised to the public.

Family problems are frequent in the lives of police officers. The divorce rate is growing alarmingly in the police forces all over the world. The problem of suicides is also prevalent amongst policemen. A policeman takes to drinking to get away from his problems which in turn leads to evils such as wife-bashing, ill-treatment to children, irritability at home, etc. All these problems snow-ball in the daily work of the policeman who is seen as an inhuman by those with whom he deals.

(ii)   Attitudinal Factors

(i)   *Service or forces*

There has been a continuing debate as to whether the police is a service or a force.

As a service

There is an argument that the police is and should be a service and the members of the police force are to be made familiar with the social sciences and their work aims at being a welfare filtering service. Despite the fact that the job of the policeman in normal circumstances reveals that encounters with the public are adversary transactions, it does not foster cooperation and in such circumstances only creates antipathy and antagonism. However, it is clear that the greater the public involvement the easier it becomes to request, receive compliance and support of the public in achieving a task.

As a force

In ancient India, the police was definitely considered to be an agency of the state. Police patrolling in cities has been mentioned in 'Dashkumar Charita' of Dandi. Policemen used to walk with a stick with which they thrashed the

criminals they accosted. Whenever they caught the thieves, they bound their arms behind their backs. Torture was a method of punishment and the police resorted to this for extorting truth.[3] Chanakya mentions torture as a penalty. Torture is mentioned in the Arthashastra; Bana in Kadambari mentions ordeals by fire, water, balance and poison. In the Muslim period, statecraft was based on cruelty. The kotwal inspired fear and Bernier the traveller describes how oppresive the local officials were. Even in the East India Company's period, collections of revenue were by torture.

In contrast, the police role in Britain was, according to Lord Denning: 'In all these things he is not a servant of anyone, save of law itself'. 'The responsibility for law enforcement lies on him alone. He is answerable to law and to law alone.' The Indian Police system and the Sind Police Model of Sir Charles Napier copied by the Police Act of 1861 was based on the Royal Irish Constabulary and not on anything which the English had in their own country.

Role performance

Yet despite the role of the police in Britain, the police in the extreme in many regions even today is clearly a force with power to exercise violence and third degree methods in cases which could not be otherwise tackled under the normal law of the land, all in the cause of 'social good.'

There follows the modern view-point, therefore, that brutality in actual analysis, stems from the role performance of the police and not from insecurity, cussedness and inhumanity of policemen alone. The phenomenon of brutality has existed through historical times to the present day and must be accepted as symptomatic of the existing role of the police.

Legal implications of the police role performance in India

The Torture Commission Report was submitted after the Governor-in-Council of Fort St. George appointed it in 1854 and has defined torture as "pain by which guilty is punished or confession extorted." Even the latest methods of torture as reported in the 1970's have not greatly changed. The report led to the enactment of important legislations to safeguard the individual's rights.

The Indian Evidence Act of 1872 was passed with Section 25 declaring 'no confession made to a police officer, shall be proved as against a person accused of any offence.' Section 26, states 'no confession made by any person while he is in custody of a police officer unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.' Further, the Indian Penal Code enacted in 1860 made torture a punishable offence under sections 330 and 331 IPC State Police Commissions have been appointed so far after independence and almost all have adversely commented on police behaviour but Punjab was explicit. The Chairman, formerly Chief Justice of India, Mr. Mehar Chand Mahajan, comes down heavily on the use of third degree. 'Most of the LOs have no training in the use of scientific methods and the only method known is that of third degree', is his observation.

(ii)   Political interference

The Committee of Police Training appointed by the Ministry of Home Affairs of the Govt. of India in 1974 has observed: 'Most of our witnesses and correspondents have mentioned that there is a great deal of political interference in the administration as well as in the operation of the police force particularly at the lower level.'

This is the primary reason for the abuse of authority, indecision and delays. There is a crying need for more maturity in politicians to treat the police as a arm of the law rather than as a servant of the party in power. Direct or indirect instructions not to promulgate orders u/s 144 Cr. P.C. without prior approval, or not to recourse to firing, not to interfere in gheraos, not to enter places of worship even in deteriorating law and order situations unless,. permitted by the authorities, are some examples. All these are illegal orders, are mala fide and demoralises the officials. In this instance Sections 76 and 79 IPC lay down that the police officer being an agent of justice is solely responsible and who does not get protection for carrying out an illegal order. It would, therefore, be an injustice to deny him freedom since in the long run it is he who has to face the music of the legal bar. In fact, Section 23 of the Police Act, 1861 has told the policemen only to obey and execute the orders and warrants lawfully issued to him by any competent authority.

Constitutional limitations

The above mentioned committee brings about a dilemma since policing in India cannot be a

centralized activity bringing about impartiality and uniformity of operations. The Seventh Schedule, List II of the Constitution of India lays down that public order is in the State List and includes police (including Railway police and Village police). This is a serious hurdle, for each State has its own elected government and its political bosses naturally try to influence the police machinery'. Then again the history of recent times reveals that combinations of political approachment rather than the working of an impartial, mechanical, repressive, police might alone bring about public order. The case of the Punjab Accord of 1985 between the Union Government and the Akali Dal led by Sant Harchand Singh Longowal brought about greater peace, even though short lived, than all the enforcement operations tried out earlier.

It is, therefore; impractical to dichotomize politics from police working even in the context of greater social welfare.

(iii) Indiscipline

Derogatory references to the policeman as the 'policewallah' by the public is indicative that in the gaze of society, the uniformed police lacks order. The officer who has faced a violent mob with a section or platoon of men under his command and has tried to execute a stage by stage dispersal of the mob will understand how difficult it is to control the men under his command in such situations.

Indiscipline manifests itself by the number of reported rape cases in custody where guardians of the law forget their charter of duties and give vent to animal passions. The acquittal of two accused policemen (one HC and one Constable) in the Mathura Rape Case in 1978 CRL) 1864 (SC), caused a great wave of indignation in the public. The Criminal Law Maintenance Act 1983 now brings about an important change in the law regarding rape by amending Section 376 IPC. It enhances the punishment which shall now not be less than 7 years (police officers are liable for a minimum of 10 years imprisonment just as in the case of other public servants who take advantage of their official positions to commit rape on women in their custody!. The insertion of Section 114-A in Indian Evidence Act now brings the onus of proof on the accused to prove that there has been consent in any case where the

latter question arises. Faulty training and lengthy tenures in unhealthy work situations equally bears on discipline and the leaders need to direct their attention towards this working problem.

Sub-culture

A police sub-culture built within the system is strengthened by alienation, criticism, low esteem in the system, a degree of pariah feeling, conflicting demands made on policemen, inconsistent judgement of their work, all forcing them into a corner. He then finds succour in others of his ilk with whom he identifies, leading to group solidarity. No value system is allowed to develop on the account of the role conflict, conflicting standards of judgement and a steady dehumanisation results largely from the compulsions of job performance and not from what is right and expected by law and society. The result is cynicism often identified with 'seasoned' policeman. The dehumanisation finds sustenance in the low esteem in which they are held in society as they have of themselves. Pressure on the police also arises from straight offers of money, political and social influences, threats and intimidation by the accused who is most likely to be on bail and delay in trial because of adjournments which affects the morale of the witnesses. Pressure arises from the kind of legal system prevailing which is an accusatorial system and which gives the accused a number of rights and presumes him innocent until his guilt is proved beyond reasonable doubt.

III. Remedies

For purposes of analysis we differentiate between two different kinds of roles required to be played by the police. In reality, neither of these roles are played per se in isolation. Only the demands of a particular situation may require the police to play a more repressive role where the priorities are so ordered, rather than the role of a service.

(a) *Repressive role*

In performing this role the police assumes the stricter powers of detention, arrest, search and remand. The Official Secrets Act, Maintenance of Internal Security Act, Terrorists and Disruptive Activities (Prevention) Act, are some of the special instruments available.

It goes without saying that this must be accompanied by sound and mature leadership on the part of the officers. They must ensure that antagonism within the society created by the use of these special powers by the police are softened and abuses are minimum. The force under their command should be encouraged to take a professional view of their work. Emotions must not be allowed to temper the objects of policy or disturb the norms of justice.

(b)   *The role as a service/people's force*

In this softer but more difficult role the following are the requirements from the police:

(i)   *Credibility*

The leaders of the police must, by intelligent use of the media or otherwise, improve the image and the public must be pursuaded to look upon the policeman as a friend rather than as an instrument of repression. The example of the London bobby' who performed the roles of father, children counselor, night watchman, member of the neighbourhood advisory committee, etc. is always quoted. In the Indian context, the senior officers. must insist on their subordinates to be responsive to the needs of the depressed sections of society-the Scheduled Castes and Tribes and those living in slums. They must have and show sympathy for the aggrieved parties or the victims of grave crimes.

(ii)   *Modern techniques*

It is important to encourage the use of modern techniques of investigation and to do away with third degree methods of torture for 'short cuts to investigation. In this respect greater professionalism must come in and systematic inputs be put into the system. These inputs can best be discussed under two broad headings:

(a) Intrinsic factors ; (b) Extrinsic factors

(a)   *Intrinsic Factors*

These are the factors which must be utilised from within the policeman, possibly by superior levels of management, leadership quality of the officers or by propoganda waves. Whatever be the methodology, it is important to build up the following areas of operation:

(i)   *Trust*

The policeman needs to feel that the Criminal Justice System trusts him for whatever facts he gives. The word of the law must emanate from the policeman's mouth. The present scenerio is one inclined to be of mistrust. Section 164 Cr. P.c. and Section 34 Indian Evidence Act lay down that admissions made before the police officer are not admissible in a court of law as conclusive facts for securing conviction. To start with, these Sections should be done away with for officers of the gazetted rank.

Government should be persuaded to have constables entrusted with the powers of investigation of petty offences like nuisances, traffic offences, drunkenness. In fact, it is the opinion of many senior officers of the police department that corruption amongst the traffic police occurs because the lower ranks are not entrusted to execute challans and yet are expected to enforce laws and regulate traffic.

(ii)   *Corruption at training institutions for the constabulary*

Corruption is often found here because of rigid and lengthy procedures in securing leave, in the running of the mess, etc. The way out is by trainers giving more autonomy to trainees and by creating an atmosphere of trust e.g. start by allowing trainees to make purchases for their own mess, running their own mess, by shortening the procedures in securing leave, etc.

(iii)   *The need for scientific attitudes to investigation*

Before results can be effective in the modernisation scheme it is important to bring about a sea-change in the methods of investigation, work ethics and police functioning at the police station level. For instance, the utility of the police computer has been belied since the initial data fed is incorrect. Generally, there has been under reporting of crime and plantation of cases which makes the data useless as an information bank.

The solution, therefore, is to decide at a higher level and encourage free registration

of crime and to avoid the pitfall of judging crime control from statistics alone for a couple of years. Discouraging burking and incorrect reporting should be done at all levels immediately to have an effective and responsive police control over the crime.

Certain States in this country have failed in securing modern input facilities like Forensic Science Laboratories, vehicles, computers and trained technicians, wireless communication, weapons, primarily because the leaders of the police forces at the senior level have not carried much weight with their governments or have been too busy elsewhere. The price of this laxity has been paid for dearly by the modern generation of policemen.

(iv) *Frustration*

Quite often it is seen that the policeman is operating at a level below his thresh-hold level of frustration and this may be the result of the blocking of a great desire to attain a particular goal which removes his tolerance or because of a sequence of events which by themselves may individually be of a trivial nature. In such instances he reacts with aggression and hostility to the slightest provocation. The most obvious means to prevent frustration by the supervisor is his discovery and the removal of the underlying causes. This is a difficult job. He must recognise the limited value of threats, coercion, arguments and appeal to logic, encourage creative action and adopt a helpful attitude. 'Many frustrations can be prevented if the supervisory officer makes efforts to place his subordinates in the assignments for which they are best suited. Ordinarily, if he does this, the employees will perform best and will develop fewer frustrations arising out of job activities.' The provision of opportunities for self expression is an important corrective technique recognised in general. Should the individual be unable to control his aggressions, he should be directed towards constructive activity, such as the challenge to show what he can really do. The opportunity for the achievement of a feeling of success may result in the motivation of the frustrated person and need not be a harmful experience.

(v) *Adventure training*

Quite often it has been seen that police brutality acquires strength from the feeling of togetherness with others in uniform even though the latter is misconceived.

Quite often one sees a lean and emaciated individual cop draw strength from the presence of his colleagues who proceeds to thrash a frightened suspect and act as he would never do alone. This kind of individual policeman shies away from patrolling the streets alone and facing criminals by himself in the dark slums since he is really an under confident individual. For such cases, the value of adventure training, exposing the individual policeman to difficult physical and demanding non-police situations often brings out confidence. It also helps to see himself for how he really is, in situations where the magic bond of the uniform is not there to aid him in tackling dangers arising in non-police situations. 'Detailing a group of policemen to undergo crash courses in the elements of mountaineering, rock craft, survival exercises and testing them on a modest objective like that of scaling a rock ridge is likely to bring out inherent and latent feelings of confidence in many individual policemen. Such experience should be borne in mind by those officers in charge of career management.

(b) **Extrinsic Factors (remedies by the organisation)**

(i) *Corruption and dishonesty*

As mentioned above, brutality and dehumanised behaviour manifests itself quite often in this form. One of the ways of mitigating this form is by increasing the pay scales of the policemen. We have already discussed as to how low a salary grade he secured prior to 1979. It may be seen that disparity in grades of pay between the police and other public sector institutions continues and during an appraisal in 1977 it was only the declaration that constables would investigate petty offences, for which training began to be imparted in training institutions within Punjab State, that constables were treated at

par with the Class III employees of the government rather than as Class IV employees. It is time for the leaders of the police to turn to this problem again.

(ii) *Accommodation*

The police man is not generally provided with Government accommodation despite the fact that he works for long hours. Providing for accommodation near the police station ensures that proper security is provided to the family as also that the policeman's wife is properly treated by her own husband. Healthy community life is also encouraged.

It is as essential to provide schools for children of policemen within the Police Lines upto the non-gazetted officer rank so that one of the major reasons for reluctance to move on transfer is removed.

(iii) *Training*

The Police Commission of 1902-3 found one reason for brutality to be lack of training to the constabulary. 'Even 70 years later the Gore Committee on Police Training (1972) stated that one of the objectives of training should be to inculcate the right attitudes towards the public which consists in never forgetting that the civil servant is a servant of the public and not the master of the community. In a study conducted by Shailender Misra it was found that the existing evidence· shows that from 1903 till today, training with the above mentioned objectives is yet to be provided to policemen.

Proper training is the key-stone of bringing up a humanised police. The solution to quis-custodiet is only possible through proper training. Unfortunately, training for the Indian policeman assumes a role more of education. Education is meant for imparting knowledge of theoretical information and has thus a wider role to perform. Training, on the other

hand, has any bearing that establishes a pattern of behaviour in the work situations. The essence of training is that it develops skills and a health)' attitude.

For proper training, it is seen that this requires a change in the recruitment procedure and a need for pre-job education. To improve the quality of training there is a need for a more realistic syllabus at the institution level. Drill is important for helping to discipline trainees; introduction to police formations; unarmed combat; weapons training; reflexes should be sharpened. Training to real life situations like facing mobs must be introduced. With the improvement of the quality of training there is a need to improve the quality of trainers. Only those with aptitudes should be sent to training institutions by introducing considerable perks, benefits and removing the stigma of training institutions being looked upon as penal postings.

In-service training should be introduced at all levels. At present this is not available at the level of constable and head constable.

(iv) *Postings*

There must be an adequate two-way flow in the postings between "line" and "staff' jobs in the police. Staff jobs in the police are those such as in the C.l.D., secretariat administration, etc. whereas the line jobs are those performed by police officers executing and carrying cut programmatic functions such as done by Station House Officers. It is seen that owing to victimization, some officers are continuously posted at staff jobs whereas others manage to secure line posting which are considered to be "lucrative" in the corruption sense. Postings, therefore, should be made' only at the proper level of police authority. Political interference should be avoided and officers should be made accountable at the appropriate level. Thus, the SHO should be

accountable to the SP; the SP to the DIG; the DIG to the IG/DGP and the DGP to Government.

Conclusion

The main remedy lies in role performance and some of the spheres which must receive the immediate attention of senior police officers are:

● Stress arising out of long hours of work.

● Frequent transfers (in D.P. according to a recent study, 62% of the constabulary were transferred within a year).

● Poor living conditions and the factors relating to this problem must be removed.

● It is necessary for the senior officers to resist the temptation to demand on subordinates for immediate results always.

● There is a need to modify the accusatorial system where the burden of proof is on the prosecution to prove beyond reasonable doubt for conviction. Defence lawyers often look for lacunae in procedures and obtain acquittals.

● Delay in trial must be reduced. The number of adjournments should be limited.

● There is a need to change the methods of evaluation of police performance. The law enforcement and service functions must be emphasised equally, and police working be made less secret.

● The goals of the police must be redefined and the existing activity should be designed as per these goals and there must be a periodical review of the efficiency of the system.

● As mentioned the force and the service aspects of policing both are required for its present day role. Respect for people must be emphasised by the seniors. First-aid must be given by policemen where possible e.g. to traffic accident victims. Road crossings by old, infirm and children should be assisted. Depressed classes should be treated well.

● There must be a change in organisational structure. Policemen do not work in formations or groups except in disorder. While for an army, defeat is taboo, 'the real art of policing a free society or a democracy is to win by appearing to lose or at least by not appearing to win' (Sir Robert Meek, former Commissioner of the London Police).

● Training should not be by methods of terrorising recruits on the parade ground as is done at the moment. xii) Secrecy in police working in general must go. This was also recommended by the sociologist, Max Weber for the bureaucracy. Secrecy makes resistance to change and is encouraged by directives restraining officers from going to the Press. A normal police, unlike a secret police, must function openly. Most of the police operations call for secrecy when undertaken and not after. Moreover, the exposure of mis-deeds arising from openness will have a salutary effect.

● Scientific aids to investigation must be encouraged.

● Society should be encouraged to raise a hue and cry and create a climate of exposure which would act as deterrence towards inhuman behaviour.

Lastly, the leaders of the police must distinguish between inhuman police beehaviour and the necessary use of violence.

Police violence is not isolated and the police acquires too much power only when freedom is in jeopardy, when it has been snatched away or when freedom never was.

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Policing in the 21st Century

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This paper deals with the future of policing. Firstly, it reviews the history of policing and its role when the concept of modern western police forces commenced and states that now there is a need for a unifying role for police forces throughout the world. Only then will new tactics be created and old ones improved to help reduce the increasing crime rate. Also, there is the need for the creation of a new policing organisation that will help prevent international crime. If the issues that are raised are addressed then crime prevention will be more effective in the 21st century.

Introduction

THE paper began as an attempt to discuss the future of policing by analysing the past and the current status of policing and then attempting to project it forward to the year 2050. Certainly, an ambitious task but it was felt that it would be a rewarding project as the majority of the literature on the subject dealt with the next decade of policing to the year 2000.

The literature that was found dealt with issues such as professionalism, technology, community policing, white collar crime, organisational development and civilisation.

There seemed to be little projection to the middle of the next century. It is the view of this author that a minimum of 50 years into the future should be the time span that police should be considering, if for no other reason that to have sufficient time to prepare for the issues that will exist.

Initially, it was then felt that to consider the future of policing across the world would be far too large a project and so this essay was brought back to the future of policing in Australia. However, it was quickly realised that policing in the "western" world is very similar and concepts put forward are relevant to all police forces. A quick review of the history of modern western policing sees a birth in England with the creation of Sir Robert Peel's "bobby" and the concept of public police forces quickly spread across the world.

The original basic concept is still very much alive today.

The role of policing has been questioned in recent times and "what police do" has been described in the literature. However, an all embracing statement that explains the existence of police forces has not been expressed dearly. This paper makes a firm statement that the primary role of police is to PREVENT CRIME. Any other function is secondary to this primary role.

A realisation by police managers that the prevention of crime is their major goal will help determine the future of policing. Any other commitment, whether it be community policing, problem oriented policing, team policing or program policing arc only tactics which will help prevent crime.

This paper discusses this proposition and where it will take policing in the future, but first, history must be examined to understand why modern police forces came into existence.

History of Policing

The introduction of the London "Bobby" by Sir Robert Peel in 1829 is generally accepted as the beginning of modern western police forces. An Act of Parliament created what is now known as the London Metropolitan Police Force.

"The English Act made it lawful to cause a new Police Office to be established and for the appointment of two justices who were to control it, for the more efficient administration of police. It further provided for the appointment of a sufficient number of fit and able men to be appointed as a police force for the relevant district who shall be sworn in... as Constables for preserving the peace and preventing robberies and other felonies and apprehending offenders against the peace and such men were given the common law and statutory powers and duties of a Constable, and were to obey the lawful commands of the said Justices[1]."

The American Experience

The development of policing in the United States of America was different from the English experience. Where the London Metropolitan Police was based on an act of parliament, the American police were authorised by local municipalities. They lacked the powerful, central authority of the crown to establish a legitimate, unifying mandate for their enterprise[2].

Kelling and Moore (1988) refer to three eras of policing in the United States of America. They are:

1. The Political Era;

2. The Reform Era; and

3. The Community Policing Era.

Firstly, there was the POLITICAL ERA where policing was characterised by a domination by local political leaders and the police were considered to be adjuncts to local political machines.

"... the lack of organisational control over officers resulting from both decentralisation and the political nature of many appointments to police positions cause inefficiencies and disorganisation. The image of Keystone Cops-police as clumsy bunglers-was widespread and often descriptive of realities in American policiccing[3]."

The second era is described as the REFORM ERA where the scientific or classical theory of administration was used in an attempt to improve productivity. Police administrators tried to link productivity to economic rewards. There was a division of labour and unity of control, along with routine and standardised police work centred around the uniformed patrol. Also, there was a "pyramid of control"[4].

The third and last era described by Kelling and Moore (1988) is COMMUNITY POLICING and this strategy is currently in vogue with many

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1. The Lusher Report, (1981), Inquiry into the N.S.W. Police Force, N.S.W. Govt. Printer, p 29.
2. Kelling and Moore (1988), The Evolving Strategy of Policing in Perspectives on Policing, National Institute of Justice, No. 4.
3. *ibid*, p.4.
4. *ibid,* p.6.

police forces around the world at this current time. Fitzgerald (1989) in his inquiry into the Queensland Police Force recommended that "community policing be adopted as the PRIMARY POLICING STRATEGY (my emphasis) with policing again becoming a neighbourhood affair".[5] The 'strategy' will be discussed later in this paper.

Role of the Police

There has been significant debate in recent times as to role of police.

The Report of the Royal Commission on the Police in England in 1962 listed the following as the main functions of the Police.

"*First,* the police have a duty to maintain law and order and to protect persons and property.

Secondly, they have a duty to prevent crime.

Thirdly, they are responsible for the detection of criminals and, in the course of interrogating suspected persons, they have a part to play in the early stages of the judicial process, acting under judicial restraint.

Fourthly, the police in England and Wales (but not Scotland) have the responsibility of deciding whether or not to prosecute persons suspected of criminal offences.

Fifthly, in England and Wales (but not Scotland) the police themselves conduct many prosecutions for the less serious offences.

Sixthly, the police have the duty of controlling road traffic and advising local authorities on traffic questions.

Seventhly, the police carry out certain duties on behalf of Government Departments-for example, they conduct enquiries into applications made by persons who wish to be granted British nationality.

Eighthly, they have by long tradition a duty to befriend anyone who needs their help, and they

may at any time be called "upon to cope with minor or major emergencies".[6]

The U.S.A. Report of the Task Force to the 4th National Commission on the Causes and Prevention of Violence stated:

"Police responsibilities fall into three broad categories. First they are called upon to "keep the peace." This peacekeeping duty is a broad and most important mandate which involves the protection of lives and rights ranging from handling streetcorner brawls to the settlement of violent family disputes. In a word it means maintaining public safety.

Secondly, the police have a duty to provide services which range from bestowing menial courtesies to the protection of public and private property. The responsibility is the one that many police officers complain about the most but, nevertheless are called upon to perform the most frequently. In fulfiling these obligations, a policemen recovers stolen property, directs traffic, provides emergency aid, gets cats out of trees, checks on the home of families on vacation and helps little old ladies who have locked themselves out of their apartments'. The third major responsibility, which many policemen and a considerable segment of the public feel should be the exclusive police responsibility, is that of combating crime by enforcing the rule of law. Execution of this task involves what is called police operations and this ranges from preparing stakeouts to arresting suspects."[7]

However, a submission to the Lusher Inquiry (1981) into the new South Wales Police Force by an unnamed public servant is probably the most accurate statement of the functions of police in Australia.

"In my opinion the expectation of society and Government is Police will:

(i)   use every endeavour for the containment of crime, for the detection and apprehension of

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5. Fitzgerald G.E. (1989) Report of a Commission of Inquiry Pursuant to Orders in Council, Government Printer, Queensland, p. 381.

6. Lusher, (1981), op cit, pp. 27-28.

7. Staff Report to the National Commission on the Causes and Prevention of Violence Law and Order Reconsidered US Government Printing Office, Washington, (1969), p. 286.

offenders and for the maintenance of peace and good order;

(ii) be responsible for the control of emergent situations which are not the responsibility of other Government or semi-Government authorities, or in the event of unavailability of those authorities or pending their availability, every effort being made to protect life and property;

(iii) be responsible for the control of motor traffic upon public roads;

(iv) render assistance to the public in the form of advice or practical assistance in situations where the citizen approaches them for help;

(v) with the approval of the Commissioner, act as a representative of another Government Department in remote areas where it would be uneconomical for that Department to provide the service;

In that order of priority."[8]

However, these are descriptive explanations and statements of police functions. The question needs to be asked, "Why do we do these things?"

The Prevention of Crime

It is strongly argued by this author that the primary role of police is the PREVENNTION OF CRIME. Any deviation form this role is contrary to the original philosophy of the London Metropolitan Police to "preserve the peace and prevent robberies and other felonies and apprehending offenders against the peace." Obviously, the apprehension of offenders is an important part of policing but why do police arrest criminals? It is to act as an agency of the criminal justice system to stop them committing further offences; it is to punish them and it is to have a deterrent effect on other potential offenders. In other words, it is to prevent further crime. Other roles such as the policing of traffic, taken to the extreme, is also to prevent crime. If there was no control of traffic, then anarchy would result with an increase in behavioural offences from the frustrations of uncontrolled motorists. Also, the policing of

traffic offences is no different from the policing of criminal offences.

However, it is conceded that tasks such as the direction of traffic around a fallen tree or other hazards do NOT fulfil the criteria of crime prevention and could be carried out by specialist traffic organisations other than police. This previously occurred in New Zealand. Police carry out traffic duties other than reporting and arresting offenders because of their geographic dispersion, their resources and because of their organisational capabilities. Governments use police for these tasks because it is convenient and/or economical to do so. It is to be remembered that these tasks take police away from their primary role of preventing crime.

This is not to argue that the police should not carry out these additional tasks-because the police are public servants-but if the additional tasks are diverting resources from the prevention of crime then more resources should be provided, or the additional tasks should not be carried out, or the public should be fully informed of the situation that the police are not carrying out their primary role as effectively as possible. In a democratic society, the public ultimately decide where they want their resources allocated.

It is argued that the concept of the police being responsible for the prevention of crime also follows the arguments of the English Report of the Royal Commission of Police in 1962 and the Lusher Report in Australia in 1981.

Any move from the prevention of crime is a move away from the primary role of police and should be secondary in its importance and its provision of funds.

The role of police should be:

1. The prevention of crime; and

2. The provision of services to the public that are not provided by other agencies or cannot be economically provided by other agencies.

The above roles are not of equal importance. They should be prioritised in descending order.

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8. Lusher, (1981), op cit, p. 28.

This paper will now consider how this primary role should be carried out.

Community Policing

Community Policing was discussed by Fitzgerald in his inquiry from 1987 until 1989 into the Queensland Police Force and he stated that it should be the "primary policing strategy"[9], It stresses the key role that a working partnership between the police and the community can play in solving crimes, reducing fear, and resolving situations that lead to crimes[10]. From the early 1980s, France tackled the issue at three levels: national, regional and communal (town or city). The National Committee is chaired by the Prime Minister and has representatives from Government ministries, the mayors of towns and cities and delegates from employer, trade union and other bodies." This is known as the 'Bonnemaison' strategy after the chairman of a French committee which investigated crime in that country in 1982. The committee argued that sentencing and law enforcement reforms would not be enough to stop the spiralling crime rate. This approach has been taken in France and now in South Australia because "there have been significant increases in almost all types of crime....these trends have been maintained regardless of the government in power and have been unaffected by the resources available to the police"[12] The increasing crime rate has resulted in strategies being employed that will discourage people committing offences through improved building security or by identifying offenders who are committing crimes. This has a deterrent effect and crime is prevented.

"In community policing, community institutions such as families, schools, neighbourhood associations and merchant groups are seen as key partners to the police in the creation of safe secure communities. The success of the police depends not only on the development of their own skills and capabilities, but also on the creation of competent communities. Community policing acknowledges that police cannot succeed in achieving their basic goals without both the operational asssistance and political support of the community[13]."

The move to community policing was due to the failures of police. Regardless of scientific management that was undertaken during the reform era and regardless of the measurements of effectiveness of policing that were used, police failed to stem the rising rate of crime.

"...research I conducted during the 1970s on preventive patrol and rapid response to calls for service suggested that neither was an effective crime control or apprehension tactic.

Second, fear rose rapidly during this era. The consequences of this fear were dramatic for cities. Citizens abandoned parks, public transportation, neighbourhood shopping centres, churches as well as entire neighbourhoods."

Certainly, there are obvious benefits from community policing. An effective scheme enhances the authority and legitimacy of the police who are working with the community because whilst the law is the major legitimising basis of policing, it cannot be relied on to maintain order, negotiate conflicts or solve community problems.[15] A sound working relationship with the community will give that authority and legitimacy.

There appears to be three main "tactics" of community policing. Firstly, there is the building of community spirit. Secondly, there is the improved security of property and finally, there is the tactic of "identification". The third tactic relies on the identification of people who commit crimes or .are likely to commit crimes and the

9. Fitzgerald, op cit, p. 381.

10. Michaelson et al, Toward a Working Definition of Community Policing, Working Paper 88-08-09, Project in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, January, 1988.

11. Confronting Crime: The South Australian Crime Prevention Strategy, Attorney General's Department, 1989 p. 29.

12. Ibid, p.14.

13. Moore and Trojanowicz (1988) Corporate Strategies for Policing Perspectives on Policing, National Institute of Justice, No. 6.

14. Kelling and Moore,op cit, p 8.

15. Kelling and Moore, op cit, p 9.

identification of property that has been subject of a crime or likely to be stolen. An example of property identification occurs when individuals place their driving licence number on items of property that are likely to be stolen.

However, community policing will not be the "cure all". In South Australia there are many "communities" that are involved in community policing programs but what sort of policing is being employed in those communities that are not being sponsored by the police department? It is unlikely that there will be sufficient resources placed into the community policing program to maintain individual programs across the full breadth of nations. Also, aspects of policing such as neighbourhood watch, business watch, rural watch will only work in an area that can be effectively controlled. A "dose" neighbourhood will provide this control but one that is diverse in area, or population mix, or which provides mobility to people in that community will not allow this style of policing to be effective. An area such as Hindley Street in Adelaide, St Kilda in Melbourne or Kings Cross in Sydney cannot be effectively policed by using the community policing strategy. The communities that frequent those areas are highly mobile, and the individuals that visit the areas are not easily identified because they are not known to the regular inhabitants, i.e. the business owners. Also, in these areas, the relative number of inhabitants is low and as a consequence there are fewer community minded people to identify offenders or likely offenders.

How does community policing combat the white collar criminal; the inter/state traveller who robs banks in different Cities on different days of the one week and the international traveller who smuggles drugs or native birds? The tactic of community policing does not address these issues. What tactic should be employed?

The policing of areas frequented by transient people can only be effectively carried out by what is described by Moore and Trojanwicz (1988) as "STRATEGIC POLICING". This author would like to take their concept of strategic policing and call it "PROGRAMME POLICING" because it is argued that the police strategy should be "THE PREVENTION OF CRIME" and the "strategic policing" of Moore and Trojanwicz is a tactic for preventing crime. This author is attempting to prevent confusion over strategies and tactics.

Programme Policing

"In strategic (programme) policing the basic goal remains the effective control of crime. The administrative style remains centralised. And the police retain the initiative in defining and acting on the crime problems of the community. In fact their initiative is enhanced as enforcement capabilities are improved capabilities that allow them not only to deal more effectively with ordinary street crime but also confront sophisticated offenders who lie behind the invisible offences."[16]

There was an attempt in the Reform Era to develop police as professionals to combat the "sophisticated offenders". Characteristics of discipline, technical sophistication and a quasi-military structure were promoted.[17] This style of policing gives a capability to deal with crimes "committed by sophisticated individual offenders, such as career criminals or serial murderers, who operate beyond local boundaries".[18] Also, there is a capability to police crimes committed by "criminal associations, organised crime families, drug distribution networks, gangs, sophisticated white-collar offenders engaged in computer and credit card frauds, and even corrupt politicians-the so called structure of crime".[19]

Community Policing and Programme Policing employ similar strategies and that is they both rely on the identification of offenders. The use of informants, undercover operations, electronic surveillance and sophisticated intelligence analysis all are tactics which are used to identify criminals or likely criminals. They are all intrusive tactics but they are employed to ultimately PREVENT CRIME.

16. ibid, P 6.

17. ibid, P 5.

18. *ibid,* P 6.

19. *ibid,* P 6.

Policing of Local Communities

There can be no doubt that the primary tactic which should be used to prevent crime in "local communities", i.e. communities that have a common bond and are relatively small, is community policing. Community policing can be effectively carried out by public or private police forces.

Private Agencies

There is no reason why private police forces cannot do the same job in communities which can afford them.

"Privatisation of an entire police force is still a novel concept, however, but experimentation has already begun. Successful experiences in towns such as Reminderville, Ohio, Oro Valley, Arizona, Buffalo Creek, West Virginia and Indiana Creek, Florida, where police services were entirely contracted out to private security companies, have demonstrated that private agencies can perform traditional police tasks as effectively and at lower cost than public law enforcement."[20]

However, the provision of community policing will not always be provided by private enterprise. Where communities cannot afford private policing, then the service must be provided by government agencies, whether it be from local, state or national government.

Alternatives to community policing must also be found where there is no common bond, there is an unwillingness by the community to work together or the community policing program has not yet been initiated. Until community policing becomes effective, program policing must be employed.

Regional Policing

"Criminality through the abuse of power constitutes an increasing threat to the community well being of most nations and presents an ever increasing challenge to any criminal justice sys-

tem to deal with it... the problem of coming to grips with the criminality of those persons often described as "gilded" criminals who have political and economic power and wield it with impunity injuring citizens and the community is much more difficult. Society has hardly begun to comprehend the nature and extent of this form of criminality let alone reached the point of realising that its attempts to combat it are minuscule. In terms of damage to the community or to a nation's economy or to the welfare of its people, the effect of criminality through the abuse of power can not be measured in monetary terms alone but it's generally accepted that the profits and damages arising from its perpetration far exceed the financial loss ca used by conventional crime.[21]

Regional policing requires characteristics which are a mixture of community policing and international policing. There is a need for the community to be involved but the continued presence of transient people to this larger form of "community" will prevent it from being as effective as community policing in a smaller "controllable" neighbourhood. The crimes are different and different policing tactics are required. Community policing concentrates on preventing crimes against the person and property where improved security and the identification of property and offenders are possible. Whereas regional policing involves different offences such as the victimless crimes of prostitution and vice, white collar crime and serious assaults other than domestic violence. With these the offender is harder to identify because he is transient to the area or with white collar crime the offence is rarely discovered until well after it has been committed and this allows the offender time to move to another community. Also, white collar crime requires the use of sophisticated investigational techniques.

Victimless crimes and behavioural crimes can be addressed through the use of pro-active policing tactics. The "PROBBLEM-ORIENTED APPROACH" could be used.

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20. Police Studies, The International Review of Police Development, Vol. 9, No. 2, Summer 1986, p. 90.

21. Braithwaite, J. and Kinchington, B.R., Crime and the Abuse of Power: Offences and Offenders beyond the Reach of the Law: Australian Discussion Paper: Topic 3, Sixth United Nations Congress of the Prevention of Crime and the Treatment of Offenders, A.G.P.S., Canberra, 1979, p. 17.

"Problem-oriented policing is the out growth of 20 years of research into police operations that converged on three main themes: increased effectiveness by attacking underlying problems that give rise to incidents that consume patrol and detective time; reliance on the expertise and creativity of line officers to study problems carefully and develop innovative solutions; and closer involvement with the public to make sure that the police are addressing the needs of citizens."[22]

This approach should be developed along with Community Policing and Program Policing. One should not be given priority over the other as all are tactics which are used to prevent crime in different circumstances.

International Policing

"When the 'Torrey Canyon' was wrecked causing extensive environmental damage to the coastline of Britain and France, it was carrying 117,000 tones of Kuwait oil, was Liberian registered, American owned and chartered, sailed by an Italian captain and crew, grounded in international waters, contracted to a Dutch company for salvage and destroyed by rockets of the British armed forces. The world is becoming a global village as a result of both the communications explosion and the internationalisation of capital. It, therefore, becomes increasingly difficult for anyone country to exercise effective jurisdiction over the most serious abuses of power."[23]

This globalisation of nations is happening for four reasons. They are:

1. Improved communications;

2. New larger communities;

3. The spread of international commerce; and

4. Greater diplomatic activity (including diplomatic crime).

Firstly, there has been a revolution in communications over the last century. The ability to move many people over relatively large distances safely, comfortably and in a comparatively short span of time has allowed the peoples of many nationalities and tribes to intermingle. It has allowed the movement of millions of refugees and it has allowed the movement of criminals across borders for short periods of time or for permanent residency. It is commonly recognised that many Nazi war criminals escaped detention and trial because of their ability to "disappear" to other countries. Obviously, the numbers that were involved were large because of the disruption to normal controls, checks and balances due to World War II. The ability of criminals to move from the locale where their crimes are committed is still available.

The legitimate exodus of Chinese from Hong Kong because of fears of the Chinese communist takeover in 1997 is bringing new immigrants to Australia. If these "new Australians" bring a certain amount of wealth with them, their entrance is relatively automatic. The knowledge of the police in Australia as to whether or not they are members of Triad groups would not be extensive. The movement of people is complemented by their ability to communicate with one another through the electronic exchange of information. Modern communications allows criminals to transfer money and information virtually with impunity. Community policing will not prevent the entrance of these criminal elements and it will not prevent their communications across states and nations. Another form of policing is required. The PROFESSIONAL police organisation and police officer is needed and their jurisdiction needs to be expanded.

Secondly, the formation of the European Community in 1992 provides another scenario. The creation of a new larger community leaves the existence of "regional" police forces, i.e. the French, English, German, Italian and member nations' current police forces.

How will they PREVENT CRIME in their new community? New tactics are required.

22. Spelman, W. and Ec:k. J.E., Problem-Oriented Policing, Research in Brief, National Institute of Justice, Washington, January 1987.

23. Braithwaite and Kinchington, Crime and the Abuse of Power: Offences and Offenders beyond the Reach of the Law: Australian Discussion Paper: Topic 3, Sixth United Nations Congress of the Prevention of Crime and the Treatment of Offenders, A.G.P.S., Canberra, 1979, p. 11.

Thirdly, there is "an increasing number and size of multi-national corporations, an expanding base of international commerce and growing economic interdependence."[24]

"Growing international economic interdependence and increasing international travel accompanied by growth in international crime and terrorism will compel enhanced cooperation among international law enforcement organisations".[25]

The behaviour of transnational corporations is characterised more by law evasion rather than law violation and if any country desires to enact tougher laws to control abuses of power then they risk the loss of business capital and employment.[26]

Finally, there is the crime committed by diplomats and other government sponsored people who have more than the normal privilege and are able to commit crime with impunity or with less likelihood of being detected. This crime may be sponsored by the diplomat's government to enable terrorist acts to be carried out as has happened with Lybia, or to create disorder through the international carriage of drugs, or through the "illegal" trade in weapons, or crime is committed by the diplomat for his own personal gain.

Also, there is the growth of INTERNATIONAL LAW. It primarily revolves around trade, the environment and politics but it is growing body of law.

"...international law, like any other legal system, will depend for its effectiveness in large measure on the extent to which it corresponds to the underlying 'living law'. In a world containing a variety of conflicting ideologies, some of which are entirely or in important respects diametrically opposed, it is not surprising that international law is likely. to be ineffective in. many fields..."[27]

It is ineffective because it is difficult to impose coercion. Currently, there are two forms of coercion. There are economic sanctions which are difficult to enforce, as was found in South Africa, or there is military intervention and this has been found to be very expensive and brutal. There is no coercive force similar to that provided by police forces to serve international law.

"...the modern democratic state has largely abandoned charismatic authority in favour of an institutionalised legislature, bureaucracy, and judiciary which operate impersonally under a legal order to which is attached a monopoly of the legitimate use of force."[28]

There needs to be mechanisms that ensure that international law is obeyed to prevent crime. As with local, state and nationallaws, it will be complied with because "it is the law" but at times it will be ignored because 'it is not "enforceable by coercion since there are no regular international forces empowered to perform the role of the policeman and the bailiff (as) in a system of national law".[29]

Lord Lloyd in the "Idea of Law" states further:

"Things being as they are and from what we know of human history, a model of law as an operative factor of social control which ignored or discounted the element of coercion would have but little relevance to present day society."[30]

This trend will not only force cooperation between police agencies, there will be the growth of new agencies to manage this globalisation of nations. The current organisations simply will not be able to cope. There is a need for police organisations to demonstrate their professionalism and their commitment to the PREVENTION OF CRIME by initiating a new organisation to manage the prevention of international crime.

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27. Lloyd, D. (1977) The Idea of Law, Penguin, Victoria, p. 224.

28. *ibid,* p. 32.

29. *ibid,* p. 38.

.30. *ibid,* p. 42.

The Future of Policing

The future of policing will involve the acceptance of "CRIME PREVENTION" as the primary strategy of police forces. From this acceptance, tactics such as community policing, program policing and problem oriented policing will continue to evolve and new tactics will come into existence.

Local policing will be undertaken by public and private agencies with an emphasis on community policing but with a requirement for program and problem oriented policing to cater for situations not provided for by community policing or where community policing needs to be complemented by other tactics. The arrival of a "bikie group" in a small country community for a weekend rock festival would be an example where problem orientated policing would be the appropriate tactic.

Regional or state policing would emphasise the tactics of program and problem orientated policing to cater for the transient offender and the "sophisticated" criminal but community policing should not be ignored at the regional and national level. The commitment to crime prevention at all levels of government and society in general in France has had an important influence on the development of new tactics throughout the world. Countries such as the United States of America and Australia which are federations need to consider national strategies to prevent crime. It is not sufficient to leave a national and international problem to regional police force. The role of the Australian Federal Police must be expanded so that they become the national coordinator for the crime prevention activities of Australian Police Forces. They must expand their role to prevent crime throughout Australia and not just be involved with the policing of the laws of the Commonwealth.

The police forces of the nations of the world must accept that they are not in a position to prevent international crime. They do not have the jurisdiction to do it. They do not have the resources to do it. The problem is too big. Initially, there must be a coordinating body to unite the world's police forces. One possibility would be to expand the role of Interpol to undertake this task but a more realistic solution lies in the hands of the United Nations. The basic infrastructure to coordinate the activities of nations already exists. The resources of the United Nations could be used to coordinate the resources of existing police forces to combat international crime. However, by the year 2050 there will be the need for an international police force which has the jurisdiction to act across national boundaries. Until this occurs, international law will not be truly effective.

Summary

In summary, there should be a recognition that the primary role of police across the world should be the 'PREVENTION OF CRIME' and with this recognition new policing tactics will evolve that will be less reactive, more community oriented and more successful. Any other tasks that are given to police by governments should be recognised as being of secondary importance to policing and should not detract from the prevention of crime. Further to this, there needs to be a recognition that the jurisdiction of police which stops at a local, regional and national level will not combat criminals who can cross jurisdictions quicker than the police can react and that the ability to travel across borders provides anonymity and a refuge to criminals. Initially, there is the need for greater coordination between police forces at an levels and then the formation of an international policing agency is required.

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Mob Psychology And Right of Private Defence

T.G.L. Iyer*

INDIVIDUALLY human-beings are refined logical and rational. In a crowd they lose their individual identity. In a mob, the vision becomes clouded, rationality is lost; and the individual is influenced by excitement, emotion and passion. The savage sleeping inside the human-being is awakened, and the refinement is submerged. He goes down the evolution scale becoming a victim of animal instinct. Whatever the mob leader says becomes the momentary troth.

There are two types of leaders. One organises the crowd to add strength to the agitation, to create a loud voice for the demands, and to remain as the self-appointed spokesman of the crowd. The other leader suddenly emerges from the crowd to ignite the turbulent passions already in the making, and to give an outlet to the accumulated grievances. Sometimes, we find that the second leader may lead the crowd along a peaceful path or provoke them to commit violence through instigation to fulfil a pre-planned conspiracy. In such circumstances, the original leader, who organises the crowd is side-tracked, ignored, or bypassed placing leadership in the hands of the second leader. All these developments take place depending on the calibre, timbre, and mood of the components of the crowd who assemble for a common cause.

A crowd is a loose-knit body of human-beings. A mob is united and welded for a common purpose. There is frenzy, hidden fire, and concealed ferocity in their temper. They are inclined to defy authority and become desperate to achieve their pre-determined or immediate goals. They become temporarily insane and like Plaster of Paris can be given any mould or shape. A good, sober and refined leader will channelise the highly-charged emotions to purposeful goal-fulfilling ends. A wayward upstart or an inexperienced or mischievous leader would try to ignite the emotions to indulge in senseless violence for which he will own no responsibility. The accountability ultimately will rest on the' initial leader who mobilised the crowd.

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Mob Psyche

Law and order is a State subject. The security forces enforce the law. Apart from training, experience, and orientation, they must have a Sixth sense to feel the pulse and to judge the mood of the crowd. Through experience and observation the leader of the security force must be able to sense the gathering storm, the calm before the storm, and the signals of the coming explosion. The following parametres will apply while judging a mob :

- The cause for which the crowd has assembled.
- The calibre of leadership.
- The type of human mass collected.
- The place and environment where the crowd has collected.
- The missiles they have or are likely to acquire in the vicinity or enroute.
- The control or no control the leader of the security force will be able to exercise on the crowd if the crowd leadership breaks down.
- The strength of security personnel.
- The equipment the personnel have.
- Availability of assistance or reserves to Communication.
- Mobility.
- Legal powers to exercise authority.
- Quantum of force permissible under the circumstances.
- Control and command over personnel.

Like the leader of the mob, the leader of the security personnel has also an accountability to the Government and the public. The uniformed leader has the advantage of exercising discretion whereas the mob has none as their goal is often blurred and is out of focus.

Use of Force

When persuasion, command, threat, and warning fail, the security personnel have to use force. The parametres then will be-

- The type of force to be used.
- The quantum of force to be used.

- The duration of force to be used.
- Timing of action.
- Stoppage of action.
- Withdrawal.
- Regrouping, and further action.
- Communication with superiors.
- Legal action like prohibitory orders, arrests, detention etc.

One of the causative factors which create panic in a mob is rumour. There should be adequate machinery to scotch rumours and brief the media on the actual and accurate happenings. In law and order, theory rarely works. Field experience overrides everything. So, the outcome will depend on the judgement and the acceptability by the public on the action taken by the security forces.

Sections 96 to 106 IPC deal with the right of private defence. Security personnel or public servants have no extra powers or privileges than an ordinary citizen except that they cannot be prosecuted in a court of law to challenge their bonafide action except with the' permission of the State Government, under Section 197, Criminal Procedure Code. The right of private defence can extend to causing death if the person using the force is likely to lose his life or will be inflicted with grievous injuries. Section 100 of IPC is an important provision.

Right of Private Defence

Apart from the legal provisions, defending one's own freedom is important in a democracy. Every citizen has the fundamental right to defend his own freedom unless he commits an offence of sedition or uses that freedom to cause injuries, damage, death, or curtails the freedom of other members of society. All Governments run on the presumption that the majority of the' people are law abiding. The State interferes only in those cases where this majority is subjected to suppression, fear, intimidation and threat by the minority. The distinction lies in maintaining the thin line of liberty and freedom as against tyranny, dictatorship and dictate by a few.

Collection of Intelligence

Any operation can be conducted successfully only if there is advance information. Planning

depends on intelligence and execution can make the impact only if such intelligence is accurate. Specially trained units are structured and positioned to collect the intelligence/information relevant to the context. Such members are given the orientation to tap tacitly from sources information relevant. to the problem. The intelligence outfit in our country at the District level is called the CID, SB and so on. Casual information is unreliable as they are coloured, tainted, exaggerated or distorted.

For a cross check they are useful. Reliable sources may be from a selected and screened individual or group. It is credible but has to be verified. Paid sources give near correct information. Payment could be with money, wine, sex, extending favour and rehabilitation. Such information is dependable. The last one i.e., from the fountain-head is a difficult channel. The information-seeker had to penetrate the group through a ploy, dummy, or agent from whom he can get not only information but documents too. It is a laborious process and time consuming. Results come, sometimes, after years of labour. Patience pays in the long run. Double agents, sometimes, mislead the seeker by giving wholly distorted information. There is no way to verify this type of information flow, only intuition, logic, and analysis can confirm the quality of the information.

In India, Intelligence Bureau (IB) collects internal intelligence and sometimes external too. RAW (Research and Analysis Wing) deals with external intelligence. The public have very little knowledge about their methods of operation. Secrecy is the weapon which is used for tactical advantage. No Government can work as an open book. They have to control, regulate, neutralise and snuff out forces which are intimidatory and challenging in characher. Examples are Naxalites, *Anand Margies,* indoctrinated terrorists, insurgents, etc., who have all a common purpose of overthrowing established order, create a revolution, an,d introduce a new ideology borrowed from elsewhere.

Intelligence to counteract, and checkmate, terrorism has gained in importance in the contemporary context. As intelligence collection in this sphere is negligible, violence is dealt with State violence. In terrorism, negotiations rarely work. Terrorists have to be softened, put on the defensive, and neutralised before any negotiations can succeed. As John F. Kennedy said :

"We should not negotiate out of fear; nor fear to negotiate."

In violence with seeds of sedition, the security forces must have a free hand to suppress it at any cost as the survival of a democratically elected Government is at stake.

Conclusion

Handling violent mobs is an ART, not SCIENCE. As the German philosopher Goethe said :

"It is not doing a thing we like to do;

But liking the thing we have to do that makes life blessed."

The essence of crowd handling is that the leader of the security force should be always in the Driver's seat; and not a passenger. There should be a commitment, confidence, and courage to endure the cause. One can only conclude by quoting General McArthur who said while addressing the cadets at WEST POINT :

"People grow old only when they desert their ideals.

Years may wrinkle the skin;

But to give up interest wrinkles the soul.

You are as young as your FAITH,

As old as your DOUBT;

As young as your self-confidence,

As old as your Fear;

As young as your Hope,

As old as your Despair."

The greatest thrill in life is to see the return on the investment. The ultimate philosophy should be to enjoy the results whatever it may be and relax.

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The Phenomenon of Crime in India : Some Observations

Arvind Verma*

Prologue

THE study of the phenomena of crime in India is plagued by many problems. A vast country with diverse population. India simultaneously lives in several stages of development. Parts like the metropolitan cities and regions of Punjab, Gujarat and Kerala are modern with a highly articulate and conscious population while some parts like Bihar and the North East exist and cling to the old ways, The diversities in culture, economic standards and more significantly, languages spoken and understood. make any comparison between these different regions an impossible task. Compounding the difficulties are the problems of communications and record keeping that remain at an undesirable stage. The only source of data is the official statistics which is plagued by a 'host of problems of their own. Discarding the problems one encounters with official data (Wolfgang 1963; Kituse & Cicourel 1963; Black 1975; Shogan 1976; Lowman & Palys 1991) the data available from Indian Police suffers from some distinct problems of its own. The poor communication system, loss of faith in: the police department and the political pressure to keep official statistics down all combine to make crime statistics in India quite unreliable.

Yet, some trends are clear and some implied even upon the sole analysis of the official figures. Before Independence the country was largely agricultural where the predominant forms of crimes were dacoity, murder for traditional causes such as land and woman, with a certain amount of burglary in the urban areas. The crime picture has remained more or less the same after Independence, though the number of offences have increased steadily with the rise in population. In certain spheres like terrorism, it has reached a dangerous stage and organized crimes such as smuggling, gambling, corporate crimes, frauds are posing serious threat to the nation's economy. Undoubtedly, a feeling of insecurity has grown in most rural areas, especially in some parts of the country but the situation in the urban areas remains more or less the same. Communal flare-ups (conflicts between religious or caste groups) showed a marked

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decline in the first few years after Independence but there has since been a substantial increase and, along with it, signs that the use of firearms and explosives in committing crimes is rising. In recent years, this problem has almost shaken the nation to its roots. Some general trends in the figures of recorded crimes can, however, be made out despite the unreliability of the official numbers. The visible trends in crime are; (1) criminal behaviour is becoming more apparent than either the obvious rise in population or police strength. (2) Most of the criminal acts are involving young people including females. (3) The use of arms is becoming more common while the tendency to resort to violence as well as crimes of violence is increasing.

Increase in crime

After showing marginal fall in the decade 1951-61, recorded crime has been steadily rising in the country in the last three decades. Total cognizable crime in the year 1951 was 6,49,728 and in 1990 it is 48,98,012. During the decade 1951-61, recorded crime decreased at the rate of 0.37% per year or 3.7% through the decade and it increased at the rate of 5.2% per year or 52.2% through the decade of 1961-1971. The compound increase of cognizable crime for the decade 1981-90, is 3.0% per year while the population growth rate is around 2.1 % for this decade.

The total recorded cognizable crime in India appears to be showing an upward trend but the rate of offences has been remarkably steady. As Gurr, Grabosky & Hula (1977:603) have found in their study of Calcutta, "The control of 'common crime' was deem-phasised in periods of high social disorder". This seems true of India as a whole where periods of socio-political conflicts correspond to decrease of recorded crimes, not because of any actual decrease but due to police practices. This seems understandable since engagements in law and order duties give little opportunity to concentrate on 'normal' crime and consequently, less offences are recorded. This appears to be a better explanation of the steady rate of crime wherein police authorities, engaged with increasing violent law and order duties are artificially keeping the overall offence rate low or perhaps just not recording them properly.

The calculation of rate on the basis of population, in the case of India is also clearly an example of "uncritical application of population as a denominator for all crime categories (which) yields patterns that are at best misleading and at worst bizarre." (Harries in Brantingham and Brantingham 1981: 148) The denominator becomes dominant due to the large and rapid increase in population.

India's population has been rising from about 350 million in 1947 to more than 850 million in 1990 at a growth rate around 2% per annum. The consequence of such a rapid increase in the population is that the number of persons below the age of 15 years is increasing at a much faster pace. The 1981 census suggests that children below the age 9f 15 years form almost 40.5% of the population. (Research and Reference Division 1991: 9) In addition, with the rise in life expectancy, the number of old people. above the age 40 is also going up. The 'dependent' population, young (below 15) and old (above 45), (UNESCO-Asia & Pacific 1990) forms 61.2% of the Indian population, according to 1981 census. Such large numbers naturally bring down the crime rate for these age groups contribute little to the overall crime figures. Thus, a better comparison of the long term trend may be on the basis of male population between the ages 16-35, for even female criminality, though rising, is still quite low in India. Again, absence of relevant demographic data prevents such an analysis which could be more revealing about long term crime fluctuations.

Violent Crime

While crime rate as a whole is slowly increasing, crimes of violence are undoubtedly increasing faster. The following figures are quite revealing: The total number of IPC crimes in 1968 was 8,62,016 and there were 13,841 murders, 16,551 robberies (& dacoities) registered. The corresponding figures for 1990 are: Total of 16,04,449 IPC offences, 35,045 murders, 36,529 robberies (& dacoities). The percentage increase in these categories respectively is: IPe 86%, murder 153%, robery/dacoity 121%. The population, on the other hand, has increased from about 550 million in 1970 to around 840 million by 1990 at an approximate rate of 2.1

% per annum which indicates a total increase of 54% only (NCRB 1991).

The situation in terms of all India rates of offences (for the year 1990) is as follows: murder (4.2); rape (1.2); kidnapping (2.2); dacoity (1.3); robbery (3.1); burglary (15.9); theft (42.7) and riots (12.4). Naturally, the provincial differences are significant in view of the extreme differences between their sizes, population and economic development. The following table illustrates these differences:

Provincial Variations in Offences				
Offence	Province/Highest	Rate	Province/Lowest	Rate
Murder	Punjab	14.3	Himachal Pradesh	1.9
Rape	Mizoram	8.0	Punjab	0.3
Kidnapping	Delhi	9.8	Kerala	0.5
Dacoity	Arunachal Pradesh	5.2	Sikkim	0.0
Robbery	Nagaland	12.8	A&N Islands	0.3
Burglary	Goa	41.3	Bengal	2.4
Theft	Delhi	135.3	Punjab	14.8
Riots	Rajasthan	37.4	Punajab	0.2

It is significant that Punjab has the lowest rates in three categories of offences, while recording the highest rates of homicides. This, perhaps is illustrative of the serious terrorist activities going on in that province, due to which large number of police officers and paramilitary forces have been deployed into service. The intensive patrolling and visible police presence may be accounting for the smaller numbers of traditional property crimes and formations of unlawful assembly, (riot cases). The large murder figures, 2813 in 1990, indicates the savagery of the terrorist movement.

In view of the fact that police officers minimize serious offences (Saxena 1987), especially in categories of offences such as dacoity, burglary and theft, a better understanding will be reached. if these offences are clubbed together in terms of body and property crimes. At least this procedure takes care of the minimizing trends, though non-recording is still unaccounted. Thus, defining violent body such surveys. The different situations between rural and urban areas makes comparison between them, at best suggestive, for chances are that rural crimes are many more in numbers.

However, in order to seek some understanding of the differences in distribution of crimes, a good illustration will be to compare the figures between districts of colonial or administrative stature (Dutta and Amin 1986) with districts which are predominantly rural, having at best a central Bazaar type district headquarter. Accordingly, all the districts in India were classified either as rural (numbering 384) or urban (numbering 101). Based upon this typology, the mean rates were calculated for different category of offences using the population figures for each district provided by the Registrar General (Research and Reference Division 1991: 265-334). In accordance with the discussion on minimization, the calculations were again done for aggregates of crime types rather than specific crimes. The results are as follows.

Rural

Offence	Mean	St. Dev.	Min.	Max
Violbody	13.53	17.65	0.00	138.23
Violprop	10.39	22.88	0.00	181.67
Prop	93.18	138.89	9.58	1709.96
Riots	29.39	60.65	0.00	401.60

Urban

Offence	Mean	St. Dev.	Min.	Max
Violbody	11.76	9.31	1.33	49.48
Violprop	7.64	10.92	0.24	84.43
Prop	105.56	87.45	7.95	406.05
Riots	15.24	13.71	0.00	71.22

The rural areas as an aggregate report more crime. Except in the category of property offences, namely burglary and theft, rural areas display higher averages than the urban areas. A T-test between the two sets was done to estimate the difference, if any, in case of specific offences. For the violbody crime type, the computation resulted in a F value of 3.59, df = 483, and the two tail probability was 0.173. This suggests that there is little difference in murders and assaults between the two regions.

Some of the rural districts like Munger (176), Singhbhum (197) in Bihar, Badaun (246), Etah (227) in Uttar Pradesh, in reality have extraordinarily high incidents of murder, (given in brackets) when compared to a city like Calcutta (76). Differences between these rural districts and a metrolpolis like Calcutta are inherent in other serious crimes too:

Comparison of Rural Districts with Metropolitan Area

District	Dacoity	Robbery	Sum	Riots
Munger	120	176	296	717
Palamau	152	82	234	314
Badaun	27	202	229	178
Etah	38	105	143	189
Calcutta	41	139	180	609

[Sum refers to the total of dacoity and robbery figures]

The rural urban dichotomy is also seen by examining the case of Uttar Pradesh which has the largest number of urban centers of any province and has also the largest population.

Uttar Pradesh-Comparison between Rural and Urban District

Type	Murder	Robbery	Burglary	Theft	Riots
Rural	4454	5988	9739	20271	6739
Urban	3650	4077	8874	21688	4861

(Robbery includes figures for dacoity also)

Clearly, rural districts contribute more to crime statistics in Uttar Pradesh than the urban ones. Considering that the 'dark figures' in rural regions are likely to be even more bigger than these recorded figures, crime situation in rural India is indeed grim.

Interestingly, this picture stands in sharp contrast to the findings in most Anglo-American and Swedish (Scandinavian) countries where "traditional crimes (violence, vandalism, and theft) show concentration to urban areas, and generally, the bigger the place, the greater its criminality". (Wikstrom 1991: 237) Not only is traditional crime in India, greater in rural areas but even bigger cities like Calcutta, New Delhi and Madras have smaller amount of criminality (VIOLBODY) crimes as the sum of murder and assault, property crime (PROP) as the sum of burglary and theft, and violent property (VIOLPROP) as sum of dacoity and robbery, the following picture emerges:

Crime Type	Provincial Rankings and Rates					
VIOLBODY	Punjab	(22.3)	Kashmir	(13.6)	U.P.	(12.3)
VIOLPROP	Nagaland	(15.7)	Arunachal Pradesh	(13.8)	Tripura	(10.6)
PROP	Pondicherry	(154.1)	Delhi	(152.5)	Goa	(125.5)

Thus, U.P. ranks third among provinces in violence on basis of greater number of assault cases. Otherwise, it ranked seventh in terms of murder crimes alone. Similarly, Pondicherry ranks first and Delhi second, on basis of their greater theft cases, otherwise Madhya Pradesh and Nagaland had higher burglary incidents in 1990.

A glance at the map of the country suggests that these crimes are not concentrated in anyone region nor dependent upon the size of the province. Also, there seems little regional relationship between violent or property offences. A similar conclusion is reached upon examining the distribution of offence rates at the district level.

VIOLBODY

Palamau (Bihar)-138.2; Haridwar (U.P.)-128.5; Taran Taran (Punjab)-112.6; Anand (Gujarat)-102.0.

PROP

Kamrup (Assam)-1709.9; Anand (Gujarat)-993.6; Haridwar (U.P.)-670.8; Villupuram (Tamil Nadu)-668.3. (rankings in descending order).

Urban-Rural Distribution

According to the 1981 census, the proportion of rural to total population was 76.65% (Research and Reference Division 1991: 17). At present too, this proportion could not have changed much and it can be safely said that at least 70% of the people in India are living in rural areas. By definition, an urban area is:-

(i) All places with a municipal corporation, cantonment board or notified town area committee.

(ii) All other places which have (a) minimum population of 5000; (b) 75% male working population engaged in non-agricultural pursuits; and (c) density of population of at least 400 per sq. km. (Research and Reference Division 1991:18).

There are a few totally urban districts and all the rest have significant rural hinterlands.

Areas, predominantly classified as cities have population upwards 0.5 million and number 62. The remaining, about 425 districts have a mix of urban (town) and rural police stations, generally in the ratio of 1:25 although some of these 'town' police stations would have almost 50000 people residing in their jurisdiction. Dutt and Amin's (1986) typology of Bazaar towns is applicable in case of these urban units. An urban area with a higher density of population also has a larger police presence. The National Police Commission (Govt. of India V 1980: 12) has estimated that there is wide variation in different parts but generally this ranges from one policeperson per 675 for urban population to only one policeman for 5403 of rural population. Areawise the ratio is one police station for an area of 7.9 sq. kms. in urban region and one for 1069.7 sq. kms. in rural regions.

Urban vs. Rural Policing

There is significant difference between urban (or town) and rural policing styles because of the differences in the problems. Most of urban patrolling is done on foot, reinforced by armed mobile units. In view of greater law and order situations encountered during demonstrations, processions, industrial disputes, urban police forces emphasize more of a 'Watchman style' (Wilson 1968: 143) attempting to assert their control. These forces are comparatively better equipped, especially in metropolitan cities and are closely supervised due to the nature of their problems and also proximity of the senior officers.

On the other hand, rural areas have extremely thin police presence with response time measured in hours rather than in minutes. Even patrolling is sporadic, marked by occasional visits by officers, generally for inquiries and investigation purposes. Consequently, dark figures tend to be high in rural India but it is difficult to estimate their magnitude due to absence of victimization or than its surrounding rural hinterlands. Perhaps, as Wikstrom himself acknowledges further, "The relationship between crime and urbanization is likely to be dependent on the wider societal (cultural and structural) context in which the process of urbanization develops", a hypothesis seemingly confirmed by Indian crime statistics. Urban growth has not been accompanied by

greater amount of violent crimes. The demographic data, according to which urbanization is slow in India and Weinstein's (1991) suggestion that traditions are being maintained despite shift to urban pattern of living, may perhaps account for the lower rates of violence in cities. Also perhaps, ruralization in India appears to be having the same effect as urbanization in the developed countries.

Interestingly, for the offence of riots, an analysis of all the districts in India, similarly differentiated on the rural or urban category as above, pointed to a remarkable ramification. The results were: F value = 19.37, df 483 and two tail probability of 0.00, which states that rural areas register more riot offences. Overtly, this appears surprising, for police-public confrontations are more in the urban areas. But perhaps, the result conforms with the growing social conflicts over caste issues and 'land-grab' agitations launched by the leftist political groups in most parts of rural India.

The poor communication and lack of road network in most rural areas may also be an inhibiting factor in directing greater public attention towards rural problems. The increasing violence and conflict in villages and remote regions are apparently being ignored by the police and other policy makers. For in contrast, there is larger police presence in the urban areas and the governments too display more anxiety to maintain order in cities for fear of media attention. The economic dichotomy (Amartya Sen 1990) between 'Sharat', the indigenous name for the country symbolizing rural and neglected areas, and 'India', the elite centered urban cities, apparently appears to exist in police priorities too.

Summary

This exploratory study points to the need for better understanding about the phenomena of crime in India. On the one hand, there is the obvious need to improve the recording practices of crime registration and on the other, to seriously start seeking alternate measures like victimization surveys. Above all, the need to begin analyzing the crime figures in terms of their geographical distribution is also required in order to formulate a better crime control policy. The police managers in India should start making sense of the crime figures rather than simply generating and compiling them.

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Challenges of Transnational Terrorism and Measures

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Introduction

THE backward pull of religion, caste and "divide and destroy" game of terrorist has complicated the domestic situation in many modern states and societies. Much blood, if not ink, has flowed since terrorists struck a shocking sequence of bombings in World Trade Centre, New York, on 12 March 1993. Twelve extremely powerful bombs went off in succession within a space of two and a half hours in Bombay, killing scores of people. Elsewhere in the world, at the same time, events unfolded very differently. The Irish Republican Army resumed its massive boming campaign to drive the British out; Sri Lanka continues to graple with terrorist onslaughts and political assassinations, the most noteworthy being of the President Mr. Premadasa.

The new global character of terrorism has caused serious concern among all nations and forced them to look for various strategies to combat it. The following major questions arise:

- Is there something unusual about terrorists and their historical background?

- What are the causes and aims of international terrorism?

- What has been the reaction of security forces?

- Has military and security network been successful enough in combating these activities?

- What are the contemporary trends in international terrorism?

- How will the world meet the ever growing challenges of terrorism?

Spectre of Terror

A number of attempts have been made by various schooars and experts at understanding the phenomenon of terrorism. Thornton, an expert on terrorism, defines it as a symbolic act intended to

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influence political behaviour of a country by extra normal means, entailing the use or threat of violence. Another important definition is given by Grant Wardlow, who defines terrorism as "the use of violence by an individual or a group, whether acting for or in opposition to establish authority, when such action is designed to create extreme anxiety of fear indicating effects in a target group larger than the immediate victims with the purpose of coercing that group into the acceding to the political demand of perpetrators."

The struggle for liberation from foreign rule has added another important dimension to terrorism which is systematically employed by revolutionary leaders as an extension of guerrilla strategy.

Aims and Target

The target and aim of all different categories of terrorist group is to pose a threat against whom they think are oppressors, enemies and obstacles in the achievement of their goals. Their goals are generally illegal and so are the unethical tactics like hijacking, blackmail, ruthless killing by shooting and use of bombs. Terrorist groups are generally very small and too weak to achieve positive result against governments. Therefore, violence is not their immediate goal and that's why they insist upon psychological rather than practical results. The basic purpose of all terrorist activities, therefore, is to create an emotional state of extreme fear among specific groups, and thereby, to ultimately alter their behaviour and bring about changes in the policies and structure of a particular government. For example, the aim of the Palestinian terrorist attack in Jerusale.m in 1975 was to make it a popular movement or revolution.

Terrorist, also think that they can bring about fundamental change in the social order and political system. Therefore, their main aim is to spread violence against civilian targets and try to achieve maximum publicity. Sometimes, this kind of violence is spread to satisfy their demands like release of their comrades and payment of ransom. They seek violence because they are sentimentally involved in their cause and they often display a fearlessness to death in the pursuit of their struggle. The recent political assassination by a human bomb of Sri Lankan president Mr. Premadasa allegedly undertaken by the LTTE is

a case in point. Lastly, terrorism is also aimed at deliberately provoking repression, reprisals and counter terrorism which leads to overthrowing of an unpopular government. Kidnapping of a foreign diplomat is yet another example.

Contemporary Trends

Contemporary trends have introduced a new breed of violence in terms of threat, victimization, response and technology. The globalization and brutalization of modern terrorism makes it quite plain that they have entered a new phase with frightening ramifications. The recent incidents of terrorist violence show that present day terrorists are very well - organized and more professional than their counterparts a couple of years back. The availability of rapid international transportation, mass communication, use of sophisticated weapons like AK-46, 47 and the use of RDX (Plastic weapon) have helped the expansion of international terrorism. The recent spate of bloodshed in the World Trade Centre, USA and the incident of bombing in Bombay which caused a heavy death toll of over 1000 and loss of property worth millions are the most burning examples of the use of such sophisticated weapons.

Similarly, the incidents of bombing, kidnapping, drug trafficking and selective political assassinations-including the assassinations of Prime Minister Rajiv Gandhi, Sri Lankan Defence Minister R. Wijeratne and the most recent assassination of the Sri Lankan President Mr. Premadasa point to clear attempts to overthrow an established political order and disruption of government controls. The demonstration of movement's strength aims at building solidarity within the terrorist group in order to bring about a complete anarchic change within the political system.

Secondly, the spreading trend of state sponsored terrorism has added a new dimension to terrorism in recent years. For example, attacks on Jordanian envoys in three continents by Syrian agents in 1983, the Kuwait bombing by Iranian agents, the terrorism in Kashmir orchestrated by Pakistan, etc.

Over the years, religious fundamentalism has found its niche in the socio-political framework

across the globe affecting not only the West and CIS, but even the countries which are the parts of Islamic world. The recent spate of terrorist attack against the USA by West Asian terrorist groups is an example of such incidents. No terrorist group can survive for a long time without external support. During the last few years, many incidents of government support to terrorist organization have been uncovered.

Measures

For effective containment, if not total elimination of terrorism, what is needed is not more indiscriminate application of the label "terrorist" and various legislation but a serious analysis of the roots and the causes and the comprehensive strategy involving the media and security forces, winning people's confidence to extensive mass contact and cooperation has to be an essential ingredient of such strategy. This will help identification of the nature and cause of the problem. The nature of the problem, its causes, the people involved in terrorist activities and their motivations should be immediately found. Similarly, the relationship between the terrorist incident and mitigating its consequences need to be carefully studied. Further, since most of the attack of contemporary terrorist were aimed at VIPs, airports country side areas, police stations, pUbs, shopping complex, a tighter security control in these areas and particularly, border areas can contribute in combating them. The hunt for terrorist in each case should be intensified not only to unsettle and liquidate them, but to convince the masses of the Governments determination.

It is also clear that the problem has become so complex that it can not be merely checked by military or police actions. The cells and camps of terrorists are very defused. Hence, it would be very difficult to attack and nab every single suspected terrorist. A simultaneous initiative has to be launched to bring about changes in their heart and minds. It is an acknowledged fact that where justice is not done properly, people resort to personal revenge. That is why it is very important for any government to understand the causes of their rebellious behaviour. In this process, government has to indicate that it has something worth supporting in which people may have confidence. This will be a major step towards stopping the new generations from joining such activities and it will completely segregate terrorists from general masses. Terrorism is a social disease as well as an adaptation.

Conclusion

A civilized political dispensation can not progress till terrorism is wiped out, but terrorism can not be eliminated unless there is a political solution. The need for the hour is to develop a political will to solve the problem, failing which the burden for ensuring peace and safety would lie on the soldiers of individuals and the security forces but such an eventuality can lead to a no win situation.

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We Need an Iron-willed Judiciary

K.F. Rustamji*

Introduction

If Michael Fay, who was convicted of vandalism in Singapore (spraying cars with paint) and sentenced to four months jail, a fine, and caning on his American behind, had been produced in a police station in India, the Sub-Inspector taking the report would have said, "Get the hell out of here. This is a non-cognizable offence." All the world would have said human rights have been respected. Even if Michael had burnt a bus or looted a shop in India, he would have been sent home with a slap, or a couple of lathi blows on his head. We have become the most magnanimous society in the world. We only punish by firing-kill by lottery. Even a murder case gets shelved. And the result:

In Singapore, crime is minimal-people say it is safe but regimented. In Bombay, a gangster was shot dead while being escorted by the police for a trial. Another was shot in court. A gangster seems to go up in gun-smoke almost every day. A newly-elected labour leader escapes an attempt on his life. Elsewhere a rich man's child is kidnapped. Bank frauds of staggering amounts pop up every day. An amorous couple is stripped and driven out of a village. We still have some time to get to Rwanda violence, though about 10,000 have been killed in terrorist violence, and thousands more killed or ruined by communal rioting. If the army and the police were to move aside and leave it to courts, we could be in anarchy in no time. That is the truth, whichever way you try to interpret our criminal justice system and the state of our non-violent society. But it has got to change.

Crime and Justice Delayed

Let us understand the position clearly. In the developed countries, crime is kept in check by judicial punishments over generations which have seeped into the sub-conscious of the race. In simple terms it means that if you kill, you will be hanged. That is not the case in India. If you kill, your case may take 10 years to come up for

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trial. The conviction rate of about 20% includes cases which are selfproved, like the tribal who walked into the police station with the head of his wife's paramour and confessed the crime. In real terms this means that in 95 or 98% of cases your chances of getting away with murder are quite bright. Unless, of course, you make the mistake of getting mixed up with a terrorist group and are killed in an 'encounter', a practice highly deplored by humanists, who do not say what the alternative should be, or whether there is one at all.

How did we manage to get into this state in the first place? When terrorism first appeared in Nagaland in the early 50s, there was no question of prosecuting terrorists in a court of law. It began like a blizzard. There were ambushes in which whole platoons of the army were wiped out. An aircraft was shot down. Again and again fortified posts were attacked. At that time the only option was the army, partly because of the intensity of the attacks, and also because courts and police apparatus was in an undeveloped state. It was the army and, the LB. that brought us out of our worst terrorist phase, and one after another they dealt with other terrorist outbreaks with the help of the police force that was beginning to find its feet. Even against dacoity in the areas of Madhya Pradesh, U.P. and Rajasthan the answer was rarely found by courts. It was the brave officers of the police in these states that put an end to dacoity in the area. When terrorism came to Punjab, attempts to get judicial decisions ended in failure. A large number of magistrates and judges were threatened, two were killed.

Inertia of System

It is one of the greatest weaknesses of our land that no agency is prepared to think about what changes should be made in criminal trials to protect witnesses, lawyers and judges. We seem to be incapable of producing men who can innovate on law and order procedure. Perhaps those who have tried it, have found that the inertia of the system is so great, lawyer reistance is so much that no reform can be carried out without fear of strikes. Most people in power prefer to have a system in which the police are given full powers to liquidate the offender. We are even afraid of showing the true position. All statistics of crime are misleading. They are doctored because

political parties, even the media, seems to make - any increase in crime the reason for insulting the police- not explaining the real causes such as unemployment and debasing poverty, and the fact that punishment is very rare. All our pet evils are protected.

Can we go the human rights way in India-which is the way of the world-and means justice in-. court, with all the trappings, procedures and just decisions? The answer is NO-not if there are terrorist movements in which many participate with tens of thousands of highcalibre weapons, or as long as the gun dominates in an area. But yes, we must move towards a change if the dark night of terrorism is going out, and the sun of peace appears on the horizon.

Why is it that we don't have the courage to say so in. international meetings? Why is it that we want to pretend that we are perfect, it is only our police force that is so bad. They are to blame. We have never, they say, wanted them to take the law into their own hands. Our judiciary is quite capable of dealing with terrorism. What can we do? We will try to correct them. We will set up a Human Rights Commission. We will see that custodial violence stops. We will ask the judiciary to take police officers to task and strike them down severely. We will do away with TADA and all repressive legislation if we can only make our police behave. We have failed to say before the world that in practical terms we cannot deal with war or a proxy war by judicial methods. Our hypocrisy has gone too far to be convincing. We did not change all this because we wanted to give the army and the police a free hand to put down terrorism. That may be the truth. Now that we can see light at the end of the tunnel, and we are sure that terrorism in Punjab has ended, and J&K is trying to look like a holiday resort again, we can begin to think of an alternate method.

Cooperation between Judiciary and Police

What will that be? Even in Punjab .where conditions are near normal, the writ of the police or their hold on crime cannot be disturbed or dislodged. Monitored yes. Guided yes, and-certainly controlled so that a brazen injustice like a disappearance does not occur. Gradually, the

judiciary should be brought back into the picture, Co-operation between the police and the judiciary is the first essential, and we lack an institution to secure it. A certain degree 01 anonymity in judgements as in a tribunal. will be necessary. A large amount of evidence will have to be taken in writing. Some secrecy in hearings may be necessary. I believe that the best course would be to bring the subordinate judiciary back into the control of the District Magistrates. or devise some method that could make the Sessions Judge all powerful and responsible in judicial affairs of the district. At present he believes that even talking to a judicial officer who is taking too long over a case amounts to interference. It is his clear judicial approach that makes him ineffective as a supervisory officer. Only an iron-willed judiciary can take us out of the present phase of total dependency on the army and police.

The Chief Justice of India has shown firmness and decision of the type that we need. We would urge him to set out a comprehensive series of reforms which all must accept.

Conclusion

The task before the nation is to reinstate the judiciary – bring it out of the out-caste state – and put it up on the pedestal of justice, and then we can be sure democracy will last forever. But first the judiciary must begin to care for the state of law and order, worry about delays, begin to believe that they have been entrusted with the task to keep the nation clean and honourable. If they can be assertive, and truly iron-willed. They will be able to rid the nation of many of our social and economic evils. and make this nation truly great.

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Violence in Contemporary Indian Society-II

Dr. S.M. Diaz*

Prologue

INSURGENCY among the tribals in the North-East is a legacy of the British regime in India. They always treated the North-East and North-West as two unsettled buffer areas, where their army units practised warfare. The North-Ea:;t alone remained with India, after Independence, and the emergence of a two-piece Pakistan, in 1947. The main reason for the appearance of terrorism in the North-East was obviously the consistent neglect in the development of this area by the Government of India, and the failure of the administration of the local areas there, in the matter of service-delivery, giving rise to a feeling of perceived deprivation in many respects. Against the already existing background of seeking separate identity by the tribals, these failures encouraged the deprived feeling and the result was terrorism. The killing of officials and sabotage of' various kinds were of normal occurrence in these areas. Large-scale insurgency and terrorism occurred in the states of Nagaland and Mizoram. The states of Manipur and Tripura as well as Arunachal Pradesh were partially affected. Perhaps, on hind sight, one is inclined to feel that it might have been better, if Assam had not been split up, but was integratedly developed. But in history, there is no going back. The seven sister states in the North-East have come to stay, and it is best that things are consolidated, and all these states are meaningfully developed as they are now, and brought into the mainstream.

Major Terrorist Developments

Chronologically, the Naxalite movement is the next major terrorist development that took place in Independent India. This was in 1969. From 1967 itself, in Naxalbari in the north of West Bengal, the landless labour were engaged in an unequal battle with the landlords, who exploited them. The militant wing of the left communists, under the leadership of theoretician, Charu Mazumdar, supported them. In 1969, the 9th Congress of the Communist Party of China officially recognised the movement and gave its theoretical backing.

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The Naxalite groups operated in cells, consisting of a young idealist type from the university or college, a local man with a grievance, and a rough and tumble character of the area, who will readily resort to violence. They got together and declared a landlord, an industrialist, an intellectual, or an officer of the Government, particularly the police, as a class enemy. The next step would be to annihilate him. The process was to be continued till complete chaos was created, in the hope a new society will arise out of the old.

One particular incident of this type that I recollect, happened in Thanjavur. district, when' I was Chief of the Criminal Investigation Department of Tamil Nadu. A landlord, who was respected and admired for his fair-minded and charitable disposition among all the villages of that area, was one day killed brutally, with 27 stab injuries, when he was returning from the temple. Investigation disclosed that this happened at the instigation of a local never-do-well, who was pulled up by the landlord, on complaints from the villagers. This character, whom this landlord himself had helped several times earlier, apparently contacted a Naxalite student in Kumbakonam college, who formed a cell along with a third anti-social element, and they declared this good man' as class enemy, and annihilated him; a man, who had no enemy at all among the ten thousand people of that area, who attended his funeral with tearful eyes. Similar incidents happened in all affected states. This active phase of naxalism, however, ceased with the death of their top leader, Charu Mazumdar in 1972.

Before we proceed to deal with the current developments of terrorism, principally in the Punjab as well as Jammu and Kashmir, in the next paragraph, the problem of terrorism that arose in Assam just earlier, over the so-called Foreigners' Issue, has to be mentioned. The 'foreigners' in this context, are the Muslim agricultural workers from Bangladesh, as well as the Bengali Hindu white collar workers, from the adjoining state of West Bengal. The background to the problem once again, was the complete neglect of Assam, by the Centre and the absence of adequate Centre-sponsored development projects in the area, even commensurate with the contribution that the area has been making to the Central

revenues, through its oil, plantation tea and forest products. Superimposed on this, was the influx of Bangladeshi Muslim agricultural workers into Assam at the behest of Assamese landlords over the years on one side, and the settlement of Bengali white-collar employees of various types, in executive and clerical positions in Assam. This process had started even from an earlier period during the British days. The net result was that, in the early 80's, a stage was reached when the Assamese Hindus felt that they were being done out of their legitimate right to a livelihood by these two groups, and they were also being swamped in numbers and political strength, by outsiders. Hence the agitation. When the agitators found that nothing was being done to solve the problem, terrorism followed.

Current Developments of Terrorism in India

Shri Rajmohan Gandhi, writing about the terrorist killings of large numbers of innocent people in the Punjab, observed that the expression 'Punjab killings' before Independence, referred to the Jallianwalla Bagh massacre by General Dyer. After Independence, it meant the post-partition killings, but now, both these will pale into insignificance before the continuous and callous murders of innocent people, including women and children, by terrorist groups. The Indian Express dated January 2,1992, reported that a record number of 4768 people, including also militants and security personnel, lost their lives in 1991 in the Punjab. On an average 13 people per day were killed in 1991, as against the average of only 6.6 per day during the last 6 years. Two special dimensions of terrorism, that emerged during that year, which were the assassination of candidates standing for elections in order to sabotage the polls, and the killing of policemen's relatives, probably as a retaliation for vigorous action taken by the security forces during the last year. Another aspect was also that the -militants were spreading out their operations to adjoinil1g areas like Haryana, Western U.P., and more importantly to Delhi.

Terrorism in Punjab

The causes of terrorism in the Punjab were that, the Punjabi speaking Sikhs in the Punjab got a

separate state for themselves, 'by agitating for it in 1956, (i.e.) the Punjabi Suba agitation. But when the State was actually formed, the Sikhs had only a small majority of about 53%, the rest being over 40% of Hindus, besides smaller percentage of Christians and others. This led to a rivalry, for political control of the State, between the Akali Dal and the Congress(I). The strategy planned by the Congress, between the late Srimathi Indira Gandhi, the late Shri Sanjay Gandhi and former president Shri Zail Singh, was apparently to split the Sikh votes between the Congress and Akali Dal, and so get a majority for the Congress, along with the assured votes of the Hindus and other communities. This worked for sometime, but the process caused a lot of bitterness among the Akali groups. Further, the building up of Sant Bhindranwale, as a rival power-centre, was also the Congress leaders' idea. They went so far as to give him immunity from the law, when he had gone to the extent of murdering the Nirankari Chief. That he was allowed to move about freely after this also, in the Punjab and even Delhi, was obvious indication that the principle of Rule of Law was' being patently undermined. In the meantime, he also made common cause with the militants, and occupied the Golden Temple. This was, at that time, ignored by the authorities.

What is worse, when Deputy Inspector General of Police, Shri Atval, returning after worship at the temple, was shot dead by a terrorist at the footsteps, and the assassin took refuge in the temple, nothing was done by the security forces, obviously on directions from the higher political levels, to enter the Golden Temple and effect the arrest of the murderer. This was the best opportunity also to clear the temple of the militants and their piled-up arms and ammunition at an early stage. In the result, a myth of 'impregnability of the Temple premises' was built up, and the Golden Temple was organised as a fortress of the Punjab terrorists, under Bhindranwale.

A stage was later reached, when the Governments at Delhi and Chandigarh realised their untenable position, and the late Prime Minister Shrimathi Indira Gandhi ordered the Army to storm and take over the Golden Temple, in the famous 'Operation Blue Star'. This move was certainly belated, but was broadly welcomed as the right step under the circumstances, nationally and internationally. But against the uncalled for myth of the impregnability of the Golden Temple, created earlier by not enforcing Rule of Law, this action gave rise to a traumatic feeling among the Sikhs. This festered and fostered more terrorism. One particular line that emerged was the preparation of a hit list of VIPs. Indira Gandhi was the first in the list and it was a tragedy that her own security guards, belonging to the Sikh community, assassinated her in her own home. It led to unthinking reprisals by the Hindus, against the Sikhs in Delhi and elsewhere. Such a reaction only served to alienate the Sikhs in general and further aggravated terrorism. A later victim was General Vaidya, who had been then Chief of Army Staff, and had retired to his home in Pune. Many others in the hit-list were similarly disposed of. But that apart, busloads and train-loads of passengers, including women and children, were also killed.

Black Thunder

The terrorists did 'not also hesitate to dispose of the Sikhs, who did not toe their line. Earlier, they had assassinated the moderate Sant Longowal, who had dared to sign an accord with Rajiv Gandhi. That must have been the reasons why the Barnala Government, which came to power after the elections, hesitated to prevent the evacuated temple from being, slowly re-occupied. Inspite of the systematic efforts of the ·then Punjab Police Chief, Julio Rebeiro, who was later Advisor, the situation could not be very effectively controlled over many months, in the face of attitudes like that. However, a subsequent operation by security forces, 'Black Thunder', designed around the strategy of starving the temple-occupiers of reinforcements and food, produced the desired results. This operation is believed to have been designed and executed by the D.G.P., K.P.S. Gill. Even after this, terrorism was for sometime seen to be increasing in numbers and developing dimensions. The reason was that the terrorists appeared then to have an inexhaustible storehouse of men, money, material and training facilities as well as public support. They recruited frustrated young people, and indoctrinated ·them at the age of 16 years, from an abundant field of half-educated and disillusioned youths of the neglected sections, whose needs have not been met properly and promptly, by the service

delivery agencies of the Government. As regards finance, the non-resident Sikhs of U.K. and U.S.A. appeared to be the important source. But that apart, smuggling had always been a major problem on the Indo-Pakistan border. The bulk of the smuggled commodities were drugs and arms, which mostly went to the benefit of terrorists. The third source of funds for terrorists, was apparently extortion from citizens, and bank robbery, both of which had been taking place in the Punjab intermittently.

Police Support

Public support to terrorists stems normally from three possibilities, ideological alignment, involvement of kith and kin in the movement, and lastly, fear, pure and simple. Under these circumstances, control and effective and lasting containment of terrorism could not be achieved by the police and security forces alone. What is required is a multi-pronged drive, based on political will, people's cooperation and support, and along with these two, systematic and coordinated action by the police and security forces. Public cooperation and support, may sometimes take also an activist form in a meaningful exercise of the right of private defence. The most telling occurrence of this type, took place in Ponparappi village of Trichy district in Tamil Nadu, where five Tamil terrorist raiders on a local bank were done to death by the villagers themselves, on shandy day, by throwing stones on the gang who threatened them in a very determined operation.

In recent times, however, the situation has improved substantially. The Director General of Police, Shri K.P.S. Gill, with the firm support of Chief Minister Shri Beant Singh and the people, who had become fed up with terrorist activities, was able to systematically control the situation. A large number have been eliminated in encounters, while the others have been incarcerated or immobilised. It would also appear that Pakistan is concentrating more now on Jammu and Kashmir. On the whole, life has returned to normal in the Punjab.

Jammu & Kashmir

In Jammu and Kashmir, since its accession to India, the National Conference, under Sheikh Abdullah, had been regulating its activities on secular lines.

Naturally, it came into clash with the Jammaat Islaam. There were also a few other Muslim organisations, some of them fundamentalist. When in power initially, the Sheikh seemed to keep all these forces in reasonable check. But as time went on, he compromised with Jamaat and others and some problems arose, warranting action against him. However, later, things were smoothly settled, and continued so long as he was alive. Thereafter, things appeared to go gradually out of control. For one thing, Pakistan adopted a more aggressive posture and actively supported local militants. For another, because of inefficient administration and political mishandling, foreign infiltration and local militant organisations had been allowed to proliferate. In all these, the 'activities of Pakistan agents (151) could be definitely located, as actively inciting and giving full-fledged support to local militants and communal forces. As a result, in recent years, the number of communal incidents and casualties in the Kashmir valley had also increased. The Hindus, therefore, felt unsafe in the valley and gradually many of them have been leaving their homes for places in Jammu and other parts of India. The present administration has only been able so far to achieve an uneasy quiet.

Assam

Assam, which was having relative peace for sometime, after the earlier outbursts, was again in the news first for the Bodo agitation, and after it subsided, for the United Liberation Front of Assam (ULFA) terrorism. Bodos, who are plains tribals, were by and large constitutional in their agitation, but not so the ULFAs. The fact that the ministers of the previous Government had close links with ULFA, made action against them a little difficult. The ULFA not only extorted funds from the planters but also resorted to other forms of illegal activities like hostage taking, ransom demands and outright killing. After the present Government took charge, the security forces have been more effective. However, I would again reiterate that, apart from the short term effectiveness of action by the police and the security forces, the people's long-term needs for an efficient administration and its service delivery, particularly to the vulnerable age group of young people belonging to the weaker sections, should form part of a well-planned programme for meaningful development of the state.

Poll and Political Violence

In International gatherings, India is usually complimented on the fact that our country has retained democracy, and conducted so many massive general elections successfully. True, India deserves that compliment, considering what is happening in many countries of Asia and Africa as well as Central and South America. But at the same time, it has also to be conceded that, in some states of our own country, violent incidents and allegations of rigging as well as booth capturing had been very much in evidence in the recent elections. Bihar, Haryana, Uttar Pradesh, Madhya Pradesh and Rajasthan are affected more in this connection.

Bihar, which is well known for its feudal atmosphere, however, would appear to be the worst affected in this regard, giving rise to a large number of clashes and caste conflicts as well as allegations of whole-sale rigging and booth capturing. No wonder, therefore, the Chief Election Commission had clearly marked out Bihar state, as the most sensitive, and a very large number of polling booths in the State as extra-sensitive. In central Bihar particularly, anti-social elements were said to terrorist the country-side and prevent free movement of voters, with the result that, in affected areas, only 40% of the voters turned up to cast their votes. Further, rigging and booth-capturing had become extremely professional jobs here, and experts in this fine art were engaged by all political parties. Another nefarious practice, that had come to notice in Bihar, was the planned killing of independent candidates, when the trends were seen to go against their party candidate, so that the elections in the constituency may be countermanded. Under these circumstances, the recent ordinance prohibiting countermanding, on the death of an independent candidate, has to be welcomed.

It is a pity that even in constituencies, where VIPs contest and were definitely assured of a massive victory, allegations of rigging had arisen, and were not seriously controverted either. Perhaps, there was some truth in the allegation. May be, some underlings had practised such rigging, and the higher-ups had winked at it, very probably as part of their quest for a very big margin. All this is 'surely not in the right direction. The value-base of democracy should be protected and fostered with as much care and zealousness as its number-base. For this purpose, money power and muscle power should be definitely eschewed, and firmly debarred from coming into play in the electoral process. On the contrary, what is actually taking place in most states is a criminalisation of politics, casting a blot on our much vaunted electoral process.

The laws and procedures relating to the conduct of elections too, in such a context, call for a careful scrutiny and many amendments. As a first step, the eligibility criteria to contest elections should be rightened up and strictly enforced, and no person with a criminal background should be allowed to contest. The Chief Election Commission, according to Press reports, is contemplating the strict enforcement of the ceiling on election expenses. One major item of the candidate's expenditure is the transporting of voters. If the State Government issues to all voters appropriate identity cards, as the Chief-Election Commissioner has ordered, before 31 Dec. 1994, the possession of which entitles them, on polling day, to a free lift on all Government shuttle service buses, organised from conveniently chosen centres to suitably located polling stations and back, this expenditure could be largely avoided. Further, if there is any other legitimate expenditure, which the Government is unable to meet, the candidates or parties may be permitted to seek company donations, which, however, should be accounted for correctly and made subject to audit, on both sides. A party, not maintaining audited accounts, should not be allowed to contest the next elections. All parties and candidates must also be obliged to observe the code of conduct agreed upon. The Chief Election Commissioner is seen to be taking firm and vigilant action in all these activities. His attitude and utterances, upholding the Constitution and the Election laws and not worrying about how it affects the party in power at the Centre or the State, has warmed the hearts of the people towards him.

Emerging Trends of Violence

Considering that about 4,800 persons have been killed by terrorists in the Punjab, and many personnel of the security forces, have lost their lieves in recent years, the recent attacks

on Tamils in Karnataka may not evoke much anxious concern on the part of the people of India, who are unfortunately getting acclamatised to outbursts of violence. But the background and development, against which this particular out-break of violence occurred in Karnataka, and threatened to invite equally serious reprisals in Tamil Nadu, is conceptually a different problem of major dimensions, which is likely to endanger the cherished unity of the Nation. In this context, the fact has to be faced that once the Cauvery Water Dispute Tribunal, set up after 17 years of infructuous negotiations, gave its interim award, the Centre should have taken immediate steps to ensure that it was implemented. At any rate, this should have been punctiliously done, at least after the Supreme Court, on a Presidential reference upheld the award and ruled that the connected State Ordinance was not in order. But for political reasons probably, the Central leaders did not take immediate action, with the result that violence entered the realm of democratic possibilities, and was let loose on the long-term Tamil residents of Karnataka. The cities like Bangalore and Mysore were affected, but more affected were the border area of Mandhya district. Thousands upon thousands had to leave their hearth and homes and trek to Tamil Nadu. On the other side, the people of Tamil Nadu, by and large, would appear to have exercised reasonable restraint, although some incidents in reaction were reported from Gudalur area. The not so necessary bandh called by the Chief Minister Ms. Jayalalitha too passed off, relatively quietly, but for a few stray incidents. All the same, there are leaders and groups in Tamil Nadu also, who are advocating retaliatory measures. All this can only be the sure way, leading to national disintegration as it has recently happened in Yugoslavia.

It is important that in a country like ours, with inter-state rivers and inter-state electricity distribution, there should be broadly accepted national grids for water and electricity. For adjudicating in disputes relating to these, regular tribunals should be established and their verdicts must invariably respected and implemented. A tribunal is different from a court in the sense that it does not go by law alone but examines all attendant facts-and relevant circumstances. On the Cauvery water distribution issue, therefore, there is no reason to suppose that, on the Thanjavur delta farmers'

complaint, the tribunal did not examine the relevant facts and circumstances of today, as it exists on both states before arriving at its interim award. It is also not fair to assume that, when they gave their decision, they did not consider problems connected with the lean seasons of deficient rainfall, contingent upon the vagaries of the monsoon. It is a pity that some senior political leaders in Karnataka, who should have known better, have also chosen to cast aspersions in this regard, on the integrity and impartiality of the Tribunal, the Supreme Court and the President of India. And once these acknowledged bulwarks of democracy are undermined, we are just out to create chaos in the country.

It is said that the total number of Karnataka state Tamils who have taken refuge in Tamil Nadu has crossed one lakh. They have found temporary heaven in Vellore, Krishnagiri, Dharmapuri, Salem, Ooty and Coimbatore. Official figures may be less. Statements and counter statements are made, but the fact remains that, in spite of the belated but welcome call of the Karnataka Chief Minister to the displaced Tamils to return to their homes in Karnataka, many of the Tamil refugees, who have had a bitter experience of violence, are not very happy to return. On the other side, it is reported that the experience of the Kannadigas in Tamil Nadu has been substantially better all round, except for a few, who thought it wise to take safe refuge in Bangalore. While it is a compliment to the treatment the Tamils have extended to the Kannadigas in their midst, it is also a tribute probably to the better way, in which the Kannadigas have merged with the Tamil surroundings.

But there are other problems too coming up between states, off and on. One such issue relates to border areas. A serious problem of this kind, that arose in recent times and gave rise to a law and order situation, was about Belgaum town, between Maharashtra and Karnataka. Fortunately, the confrontation was controlled in time by the then Chief Ministers of the two states, meeting and discussing the matter with abundant goodwill, and easing the situation. Another problem of frequent incidernce in many parts of the country, particularly in a city like Bombay, which has a powerful Shiv Sena, is the question of special rights, if any, due to the sons of the soil

in local areas. In Assam, the Foreigner's problem was basically a twist of this issue. As it has been already indicated in the beginning of this paper, even traditional crimes, committed by individuals and groups, tend to exhibit extraordinary violence in various forms these days. Very often, anti-social elements and criminals also get involved in the many other types of agitations. In fact, quite frequently, politicians induct them into their parties to provide muscle power .for their activities.

Conclusion

So, India today has become a highly permissive society, replete with discontent and rebelliousness as well as violent agitations, emerging on the slightest provocation on all fronts. Permissiveness is seen not only in the lower reaches and slums of society, in the form of crime and violence, but also in the higher strata, among the high-placed, the rich and the politically powerful. Middle-class alone appeared, for a time, to be the exception, and even that group is now seen to be gradually losing its values. The unfortunate part of it all, is that there exists a widely prevalent tolerance today for violence in society, and that really is responsible for the tendency for violence to erupt everywhere, and to proliferate without let or hindrance, among all sections of the people in the country. It is, therefore, time for the right thinking leaders of all sections of Indian society, to go all out to spread the message of open and firm disapproval for violence in all its forms, and to seek out and encourage the dormant forces of peace, order, and harmony, wherever they exist in society. 'The easiest way for evil to triumph is for good men to do nothing', is a very valid saying. The said right-thinking leaders will, therefore, do well boldly to step out into the field, and assert themselves in favour of a peace-loving and crime-free society.

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A New Approach to Maintenance of Public Order

K. Saleem Ali*

Introduction

1.   Maintenance of public order is the real litmus test for any police force or service in the world to prove its efficiency. It can also be the real litmus test for any government in the world to prove its efficiency for which it uses the visible arm of the government, the POLICE.

2.   The efficiency of the police force or the government in the maintenance of public order is not in how it quells or solves the disorder, but in being alive to surroundings and identifying the symptoms and reasons for public disorder and taking necessary corrective measures. If most of the serious and violent public order is analysed in detail, there would be certain symptoms which would' have been either ignored overlooked and not properly appreciated by either the government or the police force, which would have led to the violence. It is no doubt Martin Luther King had said in a very resounding way, "the riot Is the voice of the unheard."

3.   It can also be added that whether it is the police of UK, USA, China or India, the problem faced by them in maintaining the public order is basically the same, as the fundamental element with which they deal in maintaining the public order is the "human being" whatever be the society in which they live. There may be slight variation between countries due to cultural, political and economic reasons.

4.   Controlling a public disorder may no doubt be an easier job than identifying symptoms of disorder and taking necessary preventive measures to curb it. In order to do these both, it is implicit to say that the government and its visible arm "police" should understand the various aspects of human behaviour in society which go a long way into the public disorder. Some of the main aspects are-

(a)   Biological perspective of human violence.
(b)   Psychological perspective of human violence.
(c)   Sociological perspective of human violence.

Once these three aspects are taken in proper perspective and reasons for human aggression known, it may be easy for any government or police to tackle the public disorder in its initial manifestation stage,

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and take corrective measures to nip the problem in the bud itself.

5. Before getting in the perspective of human violence one should conceptually define violence and aggression and get the subtle difference between the two as both have direct impact on public order. Conceptually, violence means "destructive physical aggression usually encompassing physical assault" whereas aggression is an "attacking process by which advantage and dominance are gained with relatively rare violence".

6. **Biological Perspective of Human Violence**

6.1 All primates, including mankind, live in complex social groups. They do so, for effectively dealing with predators who cannot be dealt with as a lone primate. However, the mankind, by virtue of its intelligence, has organised the human beings socially/social groups in proper way by proper division of labour. This proper organisation of the social groups had led the mankind to conquer all the species and the environment. This proper organisation of the social groups has evolved over a period ever since the mankind came to existence. Naturally, the knowledge so acquired by the mankind cannot be acquired by one individual. Hence, when an· individual is born he is born with great potential, but no skills, whereas the group structure of the society created by mankind enables the immaature individual to be nurtured while he/she learns the complex skill.

6.2 The group structure or the social groups created by mankind needs a kind of social order to be sustained. Social order means hierarchical dominance of some individual over the others who are subservient. If this social order has to be sustained, there is need to have complex system of sanction against any aberrant behaviour against the social order. These sanctions are the connection between aggression and group living. Hence from this, it is clear that the aggressive behaviour is the heart and most subtle characteristic of our "social living". No matter how non-violent a social system may appear on the surface, violence is somewhere in the background.

6.3 Sometimes the human violence transgresses the level necessary to support social stability. John Gunn, Dept. of Forensic Psychiatry, Denmark Hill, London, after carrying out thorough research, has found out some basic reasons for such violence. They are-

(1) Individuals or groups do not accept the power structure of a social system and attempt to change the structure, which leads to aggression and ultimately violence.

(2) Individual's personal failure to use his aggressive equipment leads to aggressive response which leads to counter-aggressive response from other individual.

(3) An Authoritarian leadership leads to frank violence, if it does not allow the Individuals in its hierarchy to move up and down the ladder and Innovate.

(4) Magnification of violence, due to creation of weapons of offence without evolving effective and powerful means of appeasing the aggressor.

6.4 There are various theories regarding the human violence. The oldest is "Instinct theory of Freud". It propounds that "the aggression stems from an innate fighting instinct possessed by all animals including human beings." Development of biological science has relegated this theory to the background.

6.5 The second theory is the "Frustration-aggression" theory of Dolland et al in 1940. According to this theory, "frustration elicits a persistent instigation or drive towards aggression". Even though such behaviour can be blocked or inhibited by the fear of punishment, the instigation remains which may lead to assault against targets other than frustrators who are associated with lower degrees of inhibition.

6.6 The third theory is the Bandura's "Social learning theory of aggression". This theory propounds that individuals acquire behavioural styles through (1) learning (modelling) (2) reinforcement of performance (reward) and (3) structural determinants like physique and brain structure. These styles are instigated towards aggression by incoming stimulus like (1) threat (2) attacks and frustration (3) internal emotion. The aggression which so results is regulated by (1) rewards and punishment (2) social and self-determined mechanisms such as dehumanisation (3) attribution of blame to victims and (4) moral justification.

6.7 The fourth theory which still holds on is "social dominance theory". As per this theory "those who are violent are seeking control, power or glory and have usually failed to achieve sufficient of this by lesser form of aggression". This theory clearly predicts that "violence is ever present in any social system and varies widely in frequency and severity in the way the power is distributed".

6.8 Out of all the above four theories, the last one provides an opportunity to search for variables which correlate with violence and for the means to control and minimise violence, and destruction. Study by Scientists like West and Farringdon on this theory has shown the following-

(a) There are powerful "precursors of crime and violence" like-

  (1) Criminal parents.

  (2) Poor parental handling of growing children.

  (3) Low family income.

  (4) Large family size.

  (5) Clumsiness.

  (6) School failure.

  (7) Low intelligence.

  (8) Parental authoritarianism.

(b) On the basis of these precursors of crime and violence, they have suggested ways and means' to reduce it like-

  (1) Social policies which reduce poverty.

  (2) Provide extra support for vulnerable families.

 (3) Education policy to provide special school education for" under privileged.

6.9 All the four theories are an improvement of one over the other. Hence, a police officer has to look into these theories in order to get a proper biological perspective of human violence. All the inferences from the concepts and theories have been beautifully summed up by the National Commission of USA which had looked into the reasons for the series of' urban and racial riots in USA in four or five ingredients acting as riot catalysts-

(1) Frustrated hopes.

(2) A social climate approving of violence.

(3) Intense feeling of powerlessness.

(4) A new mood of enhanced racial pride.

(5) Black man's view of police as symbol of white power and white aggression.

An the above five ingredients are common to all multi-racial, multi-ethnic countries and inferences can be drawn from the above five catalysts to take preventive measures to nip the public disorder in the nascent stage itself.

7. **Psychological Perspective of Human Violence**

7.1 Psychological perspective into violence like any other discipline is concerned with the environmental influence on the individual behaviour and vice versa. Mr. Clive A. Hollin, School of Psychology, University of Birmingham has propounded the basis for understanding violent behaviour in terms of environment-Personal interaction which is shown in stages as "Cognitive-behavioural model".

Changes

Situation — (Cognition Affect Behaviour) — Impact
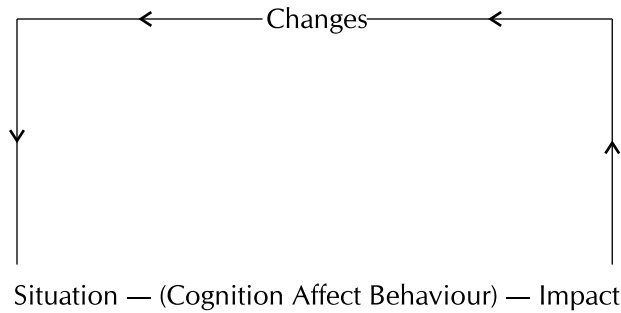
7.2 There are generally four broad categories of violent situation in the society-

(1) Violence in conjunction with another crime-sometimes intentionally as with robbery and sometimes in panic as and when discovered committing another crime as burglary.

(2) Violence in the family context directed towards both women and children.

(3) 'Violence in public places such as clubs and bars.

(4) Violence in institutions directed towards fellow inmates, police officers and prison staff.

The above fact has been elicited by Henderson who did an analysis of self-reports of adult male violent offenders about the type of situation in which they behaved in a violent manner. The above analysis has clearly brought out distinction or difference between the premediated or instrumental violence and the angry or hostile violence which is impulsive and unplanned. It has also pointed out a number of factors that increase the likelihood of the impulsive and unplanned violence which has bearing on the public order situation.

7.3 The various factors fall under two broad groups. The first group covers the aspects of the situations that do not involve social interaction with other people. These are physical factors like high temperature, air pollution and overcrowding which led to increase of violent acts over a period of time. Research has proved increase in density of population either by actual increase or transient increase, has direct impact on rates of premediated violence like burglary and robbery, but not on rates of assault, murder and rape, which are closely found in close personal relationships.

7.4 The second group of factors are social in nature and refer to words arid action of other people. This is more associated with impulsive and unplanned violence. In this context, "the violent act might be precipitated by verbal provocation such as insult, physical intimidation like jostling or pushing or the other person's behaviour breaking the social rule". The reason as to why a person precipitates violence has been clearly brought out in various psychological studies. A person Of aggressive nature always interprets the social cues in an aggressive way. (Research proved that the self-statement of all violent aggressive persons always perceive favourable social cues as hostile towards them). Once they interpret the social cues in an aggressive way, they naturally restrict their ability to generate suitable responses to an understanding of the situation and so their cognitive ability to general solution. Once this is restricted, in a violent situation a violent person responds with violence. Aggressive people often select a violent response view, thus violent behaviour is acceptable as leg intimate course of action for them. Finally, the display of violence by an aggressive person by virtue of the above factors produces some financial and social rewards that are not forthcoming.

7.5 The above cognitive behaviour model helps us to understand violence and suggest strategy for reducing violence in the society in two directions. The

first is the strategy for crime prevention to reduce the level of violent crime:

(1) Environmental design, such as better lighting in public places.

(2) Neighbourhood Watch Schemes

(3) More police patrols.

The second is the strategy of treatment of potential violent per. sons in the area by education like structured learning, training, including social problem solving and social skills training, anger control training and moral education.

8. **Sociological Perspective of Human Violence**

8.1 Having got the biological and psychological perspectives of human violence it will be in fitness of matter to know sociological perspective which is quite complicated and perhaps incorporates all the aspects already discussed so far. In considering the human social behaviour, it is useful to distinguish the number of levels of social complexity-

(1) Individual behaviour.

(2) Short term interaction between individuals.

(3) Mutually expectant interaction over time between individuals who know each other.

(4) Groups.

(5) Societies involving a number of distinct or overlapping groups.

Each level has properties that are simply not relevant to the level below. However, each level affects and is affected by those adjacent to it. For example, the property of interaction is irrelevant to the behaviour of an individual in isolation but relevant to interaction and behaviour between two individuals. Thus the nature of relationship is affected by the nature of its constituent internations, and by the nature of the groups in which it is embedded. These levels also affect and are affected by the "sociocultural structure" which comprises of values, belief, norms and instruction common to the members of a group or society concerned.
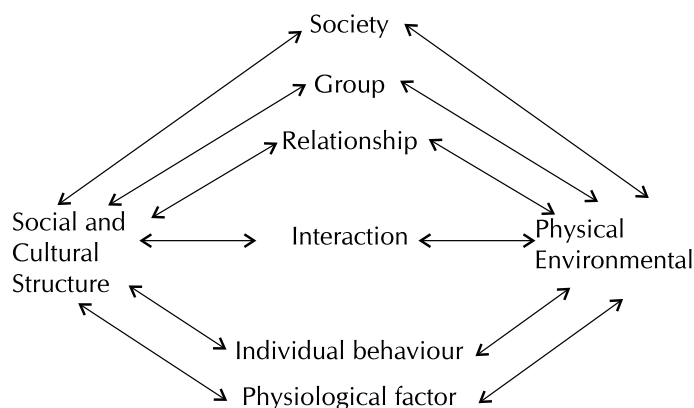
Dialectical Relations Between Successive Levels of Social Complexity

With the above background, the nature of aggression at the levels of social complexity, namely, individual aggression and aggression between groups, can be considered.

8.2 Robert A Hinde, MRC Group on Development and Integration of Behaviour, Madingley, Cambridge, opines that aggressive act of an aggressor cannot be ascribed to the aggressive motivation but to a complex factor. Aggressive motivation arises

due to ontogenetic, predisposing and the immediately precipitating factors. The ontogenetic factors are genetic constitution of the individual involved, learning experiences in the family of origin, nature of the individual's relationship with parents, the extra formalised role models, influences from peer group and the media. The predisposing factors· are personality characteristics, crowding, arousal, uncomfortable or stressful conditions and social norms which values or do not denounce aggression. The eliciting

factors are frustration, fear, pain, nature of the victim and the availability of weapons. If all these factors are properly understood, individual aggression in form of domestic violence, violence against children and aged, violence against women can be appreciated and corrective action taken.

8.3 Aggression between groups can be understood by the fact that the factors deriving from the dynamics of the group situation result in aggression between groups. A group is a collection of individuals, whose individual perception to have some degree of interdependence and evolve rules and norms more or less specific to the group. The group then tends to view themselves as similar to one another and exaggerate the differences from members of outside groups who tend to be denigrated. The nature of the leader of the group may influence the group and vice versa. In such a situation, if two groups come into conflict, the aggression shown may not be sum of that of the component individuals. It depends as to which group values aggression most as well as exhortation of leaders and so on. Hence, once this is understood, the maintenance of public order may be an easy job.

9. **General Perspective of "Public Disorder"**

Having understood the various aspects of violence and aggression of human being, if we analyse all these with reference to public disorder in any country, we can easily identity the ontogenetic factor, predisposing factors and eliciting factors which had led to the public disorder. If we analyse the various types of public disorder which leads to obvious breaches of peace like ethnic violence, communal violence, student unrest, industrial unrest and political unrest, we can perhaps catalogue all the possible causes and use them for posterity. Even though it may be very difficult to catalogue all the causes due to the ever changing environ. ment, with the known concepts, the important causes can be catalogued. Some of them are given below-

(1) It has been found that any unjust denial, actual or imagined, of man's basic rights, needs or aspiration, either in normal course or by repression, gives rise to feeling of frustration and desperation. When the community does not have adequate institutions for peaceful solution of the problem or if such institutions are malfunctional or dormant, it generally leads to outbreak of violence. This may be true for ethnic groups and communal groups too!

(2) When the basic needs of the human race like food, clothing and shelter are deprived, the basic instinct of self-preservation of human life comes to the forefront, causing severe civil disorder.

(3) Imposition of punishment on individuals of a society for violation of custom and tradition generally leads to delinquency, crime, and disorder.

(4) Ethnic and communal discrimination leads to frustration of such a magnitude that it generates tension and subsequent public disorder. The discrimination can be imaginary or real, yet it causes tension and leads to public disorder, if there is catalyst like poverty, unemployment and unemployment with religious and ethnic exploitation of the same.

(5) Unemployment which is the main critical indicator of the status in community plays an important role in public disorder. If the rate of unemployment is very high, people may become very resentful and desperate. They get easily triggered to riots on simple provocation.

(6) It has also been found that low income, overcrowding, substandard houses, unemployment leads to family breakdown, which eventually leads to social disorder. The teenagers, who are brought in such an environment are generally violent and respond violently to any social cues which snowballs into public disorder.

(7) It has been found that whenever there is strained or hostile police-community relationship, the break-down of public order is more common even on filmsy grounds.

(8) All functions between the racial, social, political and religious groups, whether real or imaginary, leads violent riots.

(9) If the nature of the government is very good, wt attends all the obvious and reasonable grievance of the society and whereas all the social institutions function in an effective way, riots are not possible. is to the contrary, there will be discontentment society, weakening of the faith in social order and hence disorder.

(10) If the working community feels its livelihood threatened because of new industrial policies, they protest and if the protests are not prop4 addressed, the protests manifest themselves in violent demonstrations and destruction property.

(11) It has been found that most of the public disorder, culminating from recreational gathering are due lack of proper facilities to the spectators and lack proper tact in police while dealing with 'sensi1 situation before the spectators.

(12) It has been found that riots are common during summer because of the following reasons-

☐ Increase in daylight time and daylight saving time.

☐ Increase in leisure time during daylight hours

☐ Higher temperature causes people to spend more time outdoors.

☐ Vacation and holiday time for people.

☐ Greater frequency in people to contact leading friction between people.

☐ Scanty dressing leading to lowered inhibition and arousal of sensual desires and passion.

☐ Heat and humidity makes people easily irritable.

☐ Increased consumption of alcohol.

(13) The last, but not the least, being the pressure or influence that may be caused by opposing ideology either foreign or domestic.

If we see all the above 13 causes, the biological, sociological and psychological aspects of human aggression manifest in it in one form or other. Hence, the best way to maintain public order by arming ourself with the above facts is to sensitise the policing methods to these facts and evolve intelligence mechanism to identify these factors well in advance and take corrective measures. If it is not within the powers of the police, police should sensitise the government about the ground reality even though it may call upon itself the wrath of the government, lest it incurs the wrath of the society.

Actionable Suggestions

● Sensitising the entire police machinery to various perspectives of human aggression and its relevance to maintenance of public order.

● The police should be constantly aware. of the developments in socio-economic scenario of the area concerned.

● The police should be able to correlate the crime pattern vis-a-vis the socio-economic scenario and generate useful intelligence for effective maintenance of public order; a separate cell could be formed for this purpose.

● The police should identify sensitive areas (racially/ communally/economically) and evoke contingency plans.

● Maintenance of effective police-community relationship, especially in vulnerable areas, through community forums and beat constables.

● Effective control of crime in the area concerned which may have potential for major public disorders -like abnormal burglary, drug related crimes, prostitution (male/female), gambling etc.

● Critical and scientific analysis of earlier riots and police response to derive lessons for future.

● Ensure proper mixture of ethnic/religious minority in the police.

● Sensitising the police on the 'Do's' and 'Don'ts' in maintenance of public order.

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Obligation of the Police Leadership in the Protection of Human Rights

Harjit Singh Sandhu*

Introduction

The debate on 'freedom or freedom from crime' ultimately gave birth to an organisation called police. It has been maintained that the society would not prosper without curtailing liberty of some of the subjects to give protection to others. To enable the police to perform their duties effectively, the society gives them the powers of arrest, search, seizure etc. through law. Consequently, any act performed by a police man in excess of what has been authorised by law, becomes extra legal, illegal and violative or the human rights of the person concerned.

We in India were fortunate in a sense that our Constitution was drafted and implemented just after the UN passed its Human Declaration in 1948. As a result, practically all the rights envisaged in the Declaration are enshrined in the Constitution of India either as 'Fundamental Rights' or as 'Directive Principles of State Policy'. Besides the Constitution, we have several other appropriate laws, that guarantee these rights.

There have been endless debates not only on the nature of Human Rights, how they must be made effective, which society is best suited for them, but even on the basic question of 'What are Human Rights?' and even more than that 'Are there Human Rights?' Human Rights is highly contentious concept, and as presented by most of the auhorities. is primarily equated with the protection and promotion of civil and political rights, with economic rights thrown in between.

Dynamics of Human Rights

Human rights, regarded as the birth right of mankind are daily proving to be mere teasing illusion and promise of unreality. The tortures, traumas and tragedies victimising humankind are escalating. Sensitive souls, revolting against this macabre picture of murder of human rights are becoming rara avis. The right to life is, the foremost human right. Twenty four people die of hunger and

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starvation every minute in this world making it a staggering figure of 15 million per year. Apart from millions who die of chronic hunger and starvation, many more millions are condemned to life long disabilities due to inadequate intake of certain constituents of food. No matter how startling these facts are, they are mere numbers. And, the numbers in themselves are lifeless.

What is life, and human life at that? Life is much more than mere animal existence, it extends to all those limits and faculties by which life is enjoyed. No society is free, unless human rights 'in widest commonalty spread', are actualised by every citizen. Unfortunately, the crusaders of human rights, fundamental freedoms and civil liberties, are concerned mostly with the rights of criminals, terrorists and the like, but rarely shed a tear for the millions dying of starvation and for those who are living a mere animal existence and for those whose rights are being trampled upon day in and day out by these criminals. In theory, all humans have rights by birth, but in reality, so many are deprived, from womb to tomb, of those basic conditions of life and become numberless humans without rights. It should be recognized that true respect for human rights should be nothing less than a way of life.

Police and Criminal Justice System

Police is perhaps the only agency, other than Medical and Fire Services, which responds to the demands and needs of the public, without respite, round the clock throughout the year. The Criminal Justice System, which is designed to ensure peace, tranquility, stability and probity in society depends heavily on police to achieve this. People expect police to be omnipresent, omniscient and omnipotent. The role of a policeman in our country goes far beyond the duties of law enforcement and arrest of law breakers. Even modern day computers would be taxed to prooess the myriad of special services performed by the policemen every day. While the duties and responsibilities of police in our country have increased many fold, there is no corresponding increase in the resources. For a population of more than 92 crores of human beings, we have only 12 lakhs of policemen, making it less than two policemen per thousand; which is very low as compared to other countries.

It is an undisputed fact that without the Police, no society could exist, and no Government could function. At the same time, the police misconduct or misuse of power by police is a phenomenon observed in every country. In fact, this problem was inherent in our civilization. "Quis custodict ipes custodes?" (Who polices the police?) has been a question disturbing every body's mind since times immemorial.

Notwithstanding the common misconception, law and order do not always go hand in hand in real life. A troubled state in an effort to keep its unity and political entity, in sheer frustration. sanctions disproportionate importance to maintenance of order which many a times adversely affects the foundations of law and legal system. When quick decisive results are demanded of police and no questions regarding the means are raised, law enforcers in their eagerness to achieve the results take law into their own hands. When the 'ends' become important and the 'means' are not questioned. Human Rights become first casualty followed by the 'Rule of Law" and 'Due Process established by Law'.

Extraordinary armoury of oppressive statutes is added to the law books from time to time to meet extraordinary situations created by a small bevy of berserks (terrorists). Whatever be their misplaced ideology and catastrophic sense of sacrifice, the fact is that they have turned out to be most ruthless killers in human history. And that too for an insane cause which enjoys little support from the very people whom they are allegedly trying to deliver from State tyranny. They need to be handled with a blend of sternness and benign paternalism. Policemen are but men, and in all ages have shown a fair share of frailty. However it makes a mockery of civilised justice and human rights when a few unscrupulous police men, to settle their own sadistic scores and to please their political bosses start misusing oppressive and suppressive provisions against ordinary citizens also. It is here that the police leadership is put to a real litmus test.

Nature of Police Work

The nature of police woking, the expectations of the public including the Government is such that a policeman is under great mental strain to

prevent crime from taking place, detect the crime which has already taken place and get cent per cent convictions from the courts who feel that most of the policemen are liars. If the policeman fails in prevention, there is hue and cry and bad publicity shakes the confidence of the officers responsible. If the case is not worked out speedily the departmental pressure mounts and threatens the policemen with transfer as the supervisory officers want only those men to be in the charge of police stations who can 'deliver the goods'.

The time at the disposal of police investigating officer for solving a case is very short. The situation gets further complicated by the fact that both the public as well as those in authority expect the police to solve all crimes, and the police leadership does not say anything to contradict this unreal and impractical expectation. The consequences of such an attitude are disastrous. In their anxiety to live up to this role the investigating officers take to short-cut methods which many a times lead to custodial violence and even death in custody.

'Benefit of Doubt' and 'Judicial Guilt'

The situation is further complicated by the fact that the hypersensitive obsession of 'benefit of doubt' often leads to 'judicial guilt' when an over worked policeman is unable to meet the sophisticated, sophistic and cumbersome requirement borrowed by our judges from the law lords of our long ago masters in Britain. Concern for the offender's rights and privileges is so highly disproportionately weighed in its favour that it has resulted in proliferation of techniques, which impede its effective functioning. As a result there is virtually no punishment for the criminals in a court of law. The 'Lawyer Power' is responsible for this. The criminals and lawyers have perfected two strategies: one of stretching cases to as many hearings as possible and second of never accepting any decision as final.

Hardened criminals are released on bail or let off on technical grounds. The policeman falls not only in the eyes of public but even in his own eyes. Working under such pressures, worried about self image and career prospects and frustrated by the break-down of Criminal Justice System. the policeman simply sinks into brutality. The need of the time is that the police

should not labour under an exaggerated sense of responsibility and guilt when criminals go scot free because of judicial gymnastics. At the same time, the public should also be made to appreciate that a policeman's job is to put a criminal before trial court and not to award punishment. If he is released on bail or discharged from prosecution or acquitted of the charges, why should a poor police man be blamed for this, who himself feels terribly let down by the system.

A criminal in most of the cases except for those where crime is committed in heat of passion is beyond any means of ethics. How could we expect him to co-operate with the police and part with the information against his own interest in a case wherein he is the accused liable to be punished. In advanced countries the methods used to unearth the hidden facts from a hard-core criminal might be more scientific and sophisticated but in our country the methods used are crude and primitive in nature to suit our economic democratic and illiterate social ethos.

Interrogation and Human Rights

Interrogation of an accused is a communication tool in using which effectively due regard should be had for human rights and more so in the case of interrogation of women and children. Very often police preventive methods like patrolling surveillance and domiciliary checks of a suspected offender by the police also result in violation of human rights. The law does not permit perversion of its processes even for the purpose of ferretting out the truth in the investigation of a crime by adopting objectionable methods.

While considering human rights in relation to police law enforcement. it would naturally be relevant to examine the point that law itself is a dynamic concept which would change when society and its norms change. The law is what the law does, not what the law says. Indeed it will be a fraud on the people to enact a make-believe law and leave it still-born. It must be remembered that "a good law must be as people abide by"; in other words. three workable criteria of 'felt need', 'broad acceptability' and 'smooth enforceability' must be given due consideration. All these are obviously based on the expectations of the people. If these represent genuine public

interest, steps should be taken to ensure people's expectations. Failure to appreciate this leads to confrontations. But at the same time, the police have also to face the reality that the issue is most often complicated by political decisions. As a result, the performance of police role of enforcement in public order situations will surely be a "tight-rope walking". If he does too little, he is found fault with; if he does too much, he is arraigned.

While the public at large expect the police to preserve peace and order by taking suitable measures for prevention and control well in time, there have also been frequent outcries from certain sections of the public and the press against the use of preventive measures by police its being unduly restrictive of human rights and the accompanying freedoms. Where timely and appropriate preventive action is not taken and chaotic conditions result, warranting sometimes the use of indiscriminate force to deal with the out-of control situations, the police has to take the blame "for their earlier failure" and "subsequent high-handedness".

'Rule of Law' and Human Rights Protection

However, inspite of the best possible training for confrontation management situations may arise where use of force becomes inevitable, in order to disperse disorderly crowd in the larger interest of the society and of public peace, and in order to prevent further loss of human lives and property. When such an unavoidable situation does arise it is best gone through in a firm and business-like manner without over-reacting or undue delay, with use of just the minimum necessary force (A sledge-hammer should not be used to swap a fly). It must be kept in mind that exercise of authority naturally entails accountability. Enquiry of one type or the other will therefore always follow. These should be gone through without hesitation or resentment as the inevitable concomitants of the 'Rule of Law' and 'human rights protection processes'. The Police should be professional enough to realise where things or people have gone wrong and take steps to have them willingly and effectively corrected and the value of human rights meaningfully and effectively restored and upheld.

The role of senior and supervising officers becomes much marc important here to prevent the feeling of victimisation and demoralisation amongst subordinate ranks. After all, policemen are also human beings. made of same flesh and blood. They are not the creatures from Mars or Venus. They have the same human frailities as others have. The armed units of police move from one trought spot to another thoroughly bruised and battered without any rest or 'off from duty. Should we expect the coolest judgement from the policemen who are tired, injured, away from their families without food, without rest, without a house for the family and above all without a kind word from anybody. This will betray an ostrich like quality if we refuse to confront the totality of circumstances.

'Lathi Weilding Police' vs. AK-47 – Armed Terrorist

Terrorism, Secessionism, Political Extremism, Communalism, Casteism, Religious Aggressiveness and Class Conflicts, instigated by many an external and internal factor and encouraged by politic imcompetence, political opportunism and political valuism have been threatening the foundations of our country for the last many years. Police, as one of the main .law enforcing agencies have been facing many a challenge, trials and tribulations and have successfully ward off the threats to the country's unity, integrity arid sovereignty especially when the criminal justice, to our shame, vanished in cowardice. Who in this world would have imagined that an essentially lathi weilding unarmed police force of India would rise to the occasion a face AK-47s, Kalashnikovs, Rockets, Land mines and electronically controlled explosives.' Our police forces trained, reoriented a familiarised themselves with new equipment and operational tactics right under the shower of hostile firing at a great cost. Police paid t supreme sacrifice and has lost more than 12,000 police men of all ranks during 1981-96.

This statistics is staggering and chilling. Nowhere in the world, many police men have) aid down their lives for their country. More than a thousand police lives are lost every year in India while performing duties, compared to about 2 per year in U.K. and 80 U.S.A.

Golden Letters vs. Black Spot

When the history of these difficult and disturbed times gets recorded in future, the role played by police of India will be written in golden letters. It is an unfortunately sad fact that these golden pages will too have black' spots and blemishes in the form of Human Rights violations by the police in dealing with these extraordinary situations. Misguided terrorism has been taking its inhuman toll of lives lost, tears shed and bitter bosoms never to smile again. What the police especially, the police leadership must keep in mind is that the gen, public most of whom hate terrorism should not pay the price for desperate acts of a few disgruntled and maniacal killers. The innocent common man has to be protected from both the AK-47 of the terrorists as well as from the machine gun retort of the security forces, and she not be made a victim of the lawlessness of the law.

No doubt there are much law and protection given to our citizens to enjoy fundamental human rights of life and personal liberty. But the present human rights movements would not prove effective unless such reforms are implemented and translated into reality. Human rights are not phoney phrases but are inalienable, sacrosanct and transcendental in nature. Merely discussing them in air-conditioned conference halls will be like discussing budget without figures and will not suffice; neither expressing opinions on files or drafting new legislations will do. Politicians will keep on giving speeches and bureaucrats will keep on expressing their opinions on files. If not implemented on the ground, these will not be worth the value of paper on which these statutes are written. Human element is what matters. Merely having legislations will not help.' The attitudinal changes will be required.

Human rights must triumph over inhuman wrongs. Ultimately, humanity has a commitment to history to make human rights a viable reality. To achieve this, there is a definite need for operation sensitisation at all levels. There is no magic wand which will set the things right overnight. A concerted effort will be required. It should not become one step forward, two steps backward'. The steps taken by National Human Rights Commission in sensitising the police officials in an effort to make police a 'people-friendly force' are highly commendable.

Human Rights & Law Enforcement

We may have hundred human rights but unless we have the law enforcement officers of the right ealibre and attitudes, these would prove illusory and thus fail to deliver the goods. Law becomes lawless if left to authoritarian excesses. Justice and Power must be brought together so that whatever is just may be powerful and whatever is powerful may be just. To achieve that we require police officers of integrity, honesty, high degree of professionalism and capable of acting as a patient mediator, a skilled family therapist, an effective admonisher, a dare-devil tighter, an obedient member of a uniformed hierarchy, an expert investigator and a functional friend, philosopher and guide with universal access.

A very important responsibility devolving upon senior police officers is to supervise the work of those below, to guide them and when necessary to protect them. How many senior officers discharge it? How many senior police officers take the trouble of formulating preventive measures and insuring their implementation? How many of them make it a point to reach scenes of grave disorder expeditiously? How many senior officers leave their ivory towers to go round their charges and see for themselves what their subordinates are doing?

On rare occasions when such senior or top police officers do visit trouble spots, they are usually more worried about their own safety and comfort than the situation there. Whom are today's junior police officers to emulate? Seniors whose excessive 'social commitments' eat into the time they should devote to their legitimate duties, who are servile to their political bosses, who have questionable liaisons with unscrupulous elements, who are adept at the art of dancing to the tune of their political bosses and becoming puppets in their hands.

The concept of the police as the strong arm of the administration is no longer desirable. Actually the entire idea of policing gets distorted when the police start acting as the private army of a select set of people and become an instrument in their hands.

Conclusion

If we really want that human rights do not get reduced to a mere subject matter of discussion in conferences and seminars, the police leadership will have to make sincere and concerted efforts. The basic causes for human right violations will have to be addressed and remedial measures initiated. The police should not be left to the whims and fancies of a few power-hungry politicians. The way beautifully prepared reports on human rights and policing by high powered committees are being looked into by innocuous looking babus in the ministry and the way excellent recommendations of the National Police Commission are gathering dust in some dingy corner of the ministry stand testimony to their indifference towards police. What the country needs today is a clear and unequivocal police policy, under which the police is designated as a service-oriented organisation with emphasis on the need to be courteous, friendly and helpful towards citizens.

The task before the police in 1990's has become not only challenging but also extremely prickly. In order to measure upto the challenge. it would be imperative to brush up the force constantly for organisations die not due to external challenges, but decay from within. Creative thinking, commitment to the police mission, and respect for human rights and civil liberties should arm the police leadership to meet the challenge of the times. Maximum interaction, encouragement to subordinates and stress on 'quality of controls' rather than 'quantity of controls' would definitely bring remarkable results for the police leaders.

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