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Editorial

Recent blasts in Jaipur have once again underlined the need for documenting all the residents in our country with a view to the detection of illegal migrants, roaming in every nook and corner of our country, and to curb their deadly potential to inflict damage to the cause of internal security.

Chanakya, one of the most renowned political pundits in our country, has said that our border should be like iron-clad armour, which does not allow even an ant to creep into but only when it breaks. But our borders, despite notable attempts at fencing, have largely remained porous affording an opportunity to illegal migrants to cross it over without much difficulty.

Shri Pankaj Kumar Singh, in his well-timed article, '**National Identity Card**' has underlined the advantages of issuing **National Identity Card**. This identity card can help the law enforcement agencies in curbing crime, revenue authorities in boosting their collection, conducting election on line, checking illegal migration and many other such important public functions.

The article, '**Noise Prevention and Beyond: A Case Study**' by **Shri Husmukh Patel** deals with regulation and control of noise pollution through a case study of Bhavnagar district of Gujarat. The article clearly reinforces the belief that a committed professional and well-equipped police force can help the society by implementing the extant laws and rules, apart from reinforcing respect for the law in citizens.

The article, '**Calculus of Combat Against Left Wing Extremism (LWE)**' by **Shri Giridhari Nayak**, delves deep into the calculus of combat against LWE in battlefields of hinterland in Chhattisgarh vis-a-vis Naxalites' offensives and counter-offensives. As combat trend and tempo against LWE indicates, there is likelihood of escalation of terror campaign by the LWE outfits with a view to gaining decisive edge over the state apparatus, in near future. So the need of the hour to tackle the menace from LWE effectively is to achieve better coordination among all the agencies engaged in counter-offensives against the LWE, coupled with more sophisticated operational policies and practices, and their ground level implementation.

Dr. Sewa Singh and Dr. Ravindra Singh, in their article, '**Towards People Friendly Police in India**' emphasize the need for making our police force more people friendly. After identifying some characteristics of people friendly polices such as participative approach, impartial treatment, humanistic approach, etc., the authors duo mention some significant impediments such as mindset deep-rooted in the colonial legacy, premature media reporting, disgruntled workforce, poor service conditions, etc in the way of expeditious transformation of Police into a people friendly

Promoting Good Practices and Standards

Editorial

service organization. Their recipe for making our police force people friendly includes notable measures like removing trust deficit between police and public, checking politicization of police, better training, implementation of Police Reforms, better service conditions, etc which would go a long way in transforming the police force into people friendly police in our country.

Shri G.S. Sodhi and Jasjeet Kaur, in their article, '**A Novel, Nanoparticle-size Fingerprint Dusting Composition Based on Eosin B Stain**', discuss about a novel fluorescent fingerprint dusting compound based on nanoparticles on aluminium oxide, which is a versatile composition for detecting finger marks on absorbent and non-absorbent surfaces. Its use in fingerprinting can provide significant push to the cause of crime investigation on scientific lines. .

The article '**Head space-Gas Chromatography Analysis of Postmortem Unpreserved Blood Samples and Identification of Volatiles Produced**' by **Shri B.R. Rawat** deals with Head Space-Gas Chromatography (GC-HS) technique, which is a very good method for detecting ethanol in blood or other specimens with high degree of accuracy and sensitivity. Needless to say that it has the potential of simplifying the ethyl alcohol detection and thereby improving the quality of investigation into cases involving use of ethyl alcohol.

Shri D.P. Singh, in his article, '**Gender Based Violence: Magnitude, impact and Intervention**', discusses violence against women, its magnitude, impact and intervention strategy. It is a very informative article which provides useful inputs for policy formulation/intervention.

'**Managing Thoughts and Values for Excellence in Policing**' by **Shri Rakesh Kumar Singh** mentions that policing profession can be most trusted and respected by the people, if police leadership is able to manage their thoughts and adore core values for service orientation. It provides a valuable insight into the possible approaches which can be adopted to improve police efficiency and effectiveness in partnership with the people.

We hope that this issue shall be of interest to our esteemed readers. We solicit their considered views in our ongoing endeavour to improve upon the contents and quality of our journal.



Gopal K.N. Chowdhary
Editor

Promoting Good Practices and Standards

Abstracts & Key Words

The Noise Prevention and Beyond: A Case Study

Hasmukh Patel

Key Words

Noise Pollution, Ambient Air Quality Standards, Silence Zone, Industrial area, Commercial Area, Residential area, Decibel, Loudspeaker, Fire cracker, Fundamental Rights, Freedom of Conscience and Free Profession, Practice and Propagation of Religion.

Abstract

The noise pollution (Regulation and Control) Rules, 2000 empowers and makes police responsible for the implementation of the rules. Unfortunately, due to lack of knowledge, sensitivity and fear of public opposition, these rules are not effectively implemented. This paper covers provisions of the law, the various judgements issued by the courts on this issue and the experience of actual implementation.

The initiative was not only successful in effectively implementing the law but it improved public faith in the relevance of otherwise unnecessarily looking another provision of law but it also improved public faith in police organisation's ability to take hard and honest legal decisions for the benefits of the society. The impact was so far reaching that it helped in moulding the social norms.

National Identity Cards

Pankaj Kumar Singh, IPS

Key Words

National Identification Number (NIN), Permanent Account Number (PAN), Voters Identity Card, Multi-purpose National Identity Cards (MNIC), National Register of Indian Citizens (NRIC), e-governance Internet, Group of Ministers (GoM).

Abstract

A number of countries in the world have established different forms of National Identity Number to track individuals for the purpose of Law enforcement, revenue collection, checking illegal immigration and curbing welfare frauds. India too has had different forms of identification systems over time as PAN, Voter Identity Card, Drivers license, etc. A pilot project is presently underway for the preparation of Multi-Purpose National Identity Cards (MNIC) meant for distribution to every Indian citizen above the age of 18 years.

This unique identity can aid the law enforcement authorities curb crime, help in increased revenue collection, ensure that socio-economic benefits reach the target person, facilitate elections online, check illegal immigration and render life saving measures in the medical field.

The Pilot project is way behind schedule and so must be completed at the earliest. We need to usher MNIC in our country as early as possible to bring in transparency and accountability while at the same time ensuring national safety and security.

Calculus of Combat against LWE

Giridhari Nayak

Key Words

Left Wing Extremism (LWE), Naxalities Offensives, Counter-Offensives, Military Coys, Contingency Plan, Action Team, Immediate Action Drill, Proper Security Review.

Abstract

Combat trend and tempo against LWE points out that there will be escalation of terror campaign in the near future. So, the urgent need of the day is better-coordinated and more sophisticated operational policies and practices. The hard lessons of operations, if internalised at various levels will help in reducing

operational deficiency, bringing operational readiness, enhancing operational efficiency, effectiveness and combat power.

Towards People Friendly Police in India

Dr. Sewa Singh and Dr. Ravinder Singh

Key Words

Participative Approach, Impartial Treatures, Humanistic Approach, Prompt Response, Colonial Mindset, Politicization Police, Nasty Media Report, Criminalization of Police, Rude Behaviour, Inhuman attitude, Lack of Reform, Disgruntled Workforce, Lesser Avenue of promotion.

Abstract

People friendly police behaves with the public in a friendly manner. It is participative in approach and involves the people in its operational working. It keeps them at the centre-stage. It is democratic in nature and has corroborative approach. It works in a fair and non-discriminatory manner. It promotes transparency in its working and is incorruptible. It shows alacrity to the people in need by extending prompt help thereby standing true to the message: "We are always with you.....".

Head Space-Gas Chromatography (GC-HS) Analysis of Postmortem unpreserved Blood samples and Identification of Volatiles produced

B.R. Rawat

Key Words

Toxicology, Postmortem unpreserved blood samples, Volatiles identification, Ethanol, HS-GC.

Abstract

Unpreserved blood samples of moderately decomposed corpses without history of ethanol ingestion and with history of ingestion were analyzed by HS-GC technique. Blood ethanol concentration in the subjects without history of ingestion was observed less than those having history of ingestion. Different volatiles produced were identified by comparing their retention time (RT) with standard samples of formaldehyde, methanol, acetone, isopropyl alcohol and n-propanol alcohol. Higher concentration of blood ethanol was observed in the

subjects with history of ethanol ingestion consistent with history and postmortem observations of corpses.

A Novel, Nanoparticle-Size Fingerprint Dusting Composition based on Eosin B Stain

G.S. Sodhi and Jasjeet Kaur

Key Words

Fingerprints, Fluorescent, Nanoparticles, Powders, Stain.

Abstract

In this communication the authors report a novel, fluorescent fingerprint dusting composition based on nanoparticles of aluminium oxide. These particles have been coated with two types of materials.

1. A fluorescent dye so that weak, chance fingerprints, which are often found at crime scenes, may be enhanced under a light source.
2. Natural hydrophobic substances, so that fingerprints may be detected on moist and sticky surfaces. The hydrophobic constituents repel water and allow the powder particles to stick to the oily components of the latent fingerprint.

Eosin B stain was used as the fluorescent dye. The hydrophobic constituents were extracted from grated bean seeds. A variety of beans, called guwar is quite common in India. The authors preferred to use this variety since its extract is rich not only in hydrophobic constituents, but in carbohydrate content as well. As a result, it provides extremely good adherence characteristics to the final composition. The formulation develops sharp and clear fingerprints on an array of surfaces. Being non-toxic, it does not pose occupational hazard to the users. The technique is simple to operate and does not require costly equipment or a sophisticated instrument.

Gender Based Violence : Magnitude, Impact and Intervention

D.P. Singh

Key Words

Gender Based Violence, Family Violence, Private Shame, Public Crime, Human Rights Violation, Battering,

Trafficking and Forced Prostitution, Patriarchal Structures.

Abstract

Gender based violence is a part of the culture, tradition, religion, patriarchal structures as well as the unequal power relations between women and men in a particular society. Most of this violence takes place within the four walls of the family and committed by the intimate partners only. The family which is supposed to be the place where an individual seeks comfort and protection from the outside world, has become 'the cradle of violence' while marriage as 'the hitting license'. Due to the social stigma and shame, a woman maintains a complete silence over it which makes the matters worse. The efforts are essential to break this silence and make the private shame a public crime in order to bring an end to the practice. There is a need to bring domestic violence from the private to the public domain.

Managing thoughts and Values for Excellence in Policing

Rakesh Kumar Singh

Key Words

Thoughts, Values, Professionalism, Competency, Attitude, Materialistic, Courage, Knowledge, Visible, Commitment, Constructive communication, Administrative reforms, Care and concern, Feelings, Efficiency.

Abstract

Police administration need to be infused with values and superior thoughts for betterment of organization and above all for Public Service. For such attitudinal transformation visible commitment at top leadership level and organizational culture which promotes values, encourages work and innovation is required.

The defining moments in the life of police professionals are often those times when our highest values are in conflict and we are forced to choose between two sets of values and ideas. It is in these moments characters are built and destiny defined. There are also the creative and

constructive moments which bring timeless glory and laurels. The policing profession can be most trusted and respected by the people if we are able to manage our thoughts and adore core values for services which are expected from us by the society.

In police services the traditional managerial style of 'rule of thumb' still continues whereas today everywhere the employees are to be taken care of and their grievances/expressions need to find a soft place in the hierarchy. All these negligence of concern for employees make the police personnel inefficient and demotivated resulting in dissatisfaction among the police personnel and people for whose services they are supposed to be existing. Thus, the need of the hour is change in leadership style and managing thoughts and values to work passionately for promoting excellence in policing.

IB's Expedition to MT. EVEREST-2008 First CPO and IPS Officer to Scale Highest Peak of the World

Key Words

Intelligence Bureau, Expedition, Multi-Disciplinary, Approach Adventure, Sports, Rock Climbing, Mountaineering, Central Police Organized, SGMI, Everest Base Camb, Sagarmatha.

Abstract

Group holiday, company sponsored sightseeing, picnic, and mountaineering, adventure sports have become the informal tools to rejuvenate the workforce and provide new insight to the problem solving. Moreover, in the case of Central Police Organizations (CPOs) like IB, CRPF, BSE, SSB, ITBP, BPR&D and others, this has added significance. Particularly, mountaineering and adventure sports improve and hone their professional skills, in addition to arming them with innovation and improvisation to handle the challenging and difficult cases. As our CPOs have to operate in difficult terrain, this familiarizes them with various aspects of the mountaineering.



THE NOISE PREVENTION AND BEYOND A CASE STUDY

Hasmukh Patel*

The increasing noise levels in public places through various sources like loud speakers, public address system, music system and other mechanical devices have deleterious effects on human health and psychological well being of the people. It is, therefore, important to regulate and control noise producing and generating sources with the objectives of maintaining ambient air quality.

Noise Pollution (Regulation and Control) Rules, 2000

The Noise Pollution (Regulation and Control) Rules, 2000 governs the use of loud speaker and other noise producing devices.

The main features of the rules are as under:

- (1) It prescribes the ambient air quality standard for different Areas/Zones. The state government may categorize the area into industrial, commercial, residential or silence zone for this purpose. (Rule-3) (Annexure-1)
- (2) The noise levels in any area shall not exceed the ambient air quality standards (Rule-4) and the authority prescribed under rule 2 will be responsible for the enforcement of these rules.
- (3) A loud speaker or the public address system shall not be

Table 1 : Ambient Air Quality Standards in respect of noise

Area Code	Category of Area/Zone	Limits in dB(A) Leq*	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Notes

- Day time means from 6.00 AM to 10.00 PM
- Night time means from 10.00 PM to 6.00 AM
- Silence zone is defined as area of 100 meters around hospitals, educational institutes and courts.
- Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

*dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.

Key Words

Noise Pollution
Ambient Air Quality
Standards
Silence Zone
Industrial area
Commercial Area
Residential area
Decibel
Fire cracker
Fundamental Rights
Freedom of Conscience
Propagation of Religion.

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CASE STUDIES

Church of God (Full Gospel) in India vs. K.K.R. Majestic Colony Welfare Association and others Case

Honourable Supreme Court judgement in Criminal Appeal No. 732 of 2000 in the case of Church of God (Full Gospel) in India vs. K.K.R. Majestic Colony Welfare Association and others AIR SC 2773 reaffirmed the validity of these rules. The court has made some interesting observations in this judgement. It is important to understand the view of the court for implementing agencies:

"The question involved in this appeal is that in a country having multiple religious and numerous communities or sects, whether a particular community or sect can claim right to add to noise pollution on the ground of religion?"

"Undisputedly no religion prescribes that prayers should be performed by disturbing the peace of others nor does it preache that they should be through voice amplifiers or beating of drums. In a civilized society in the name of religion, activities which disturb old or infirm persons, students, or children having their sleep during early hours or during day time or other persons carrying other activities cannot be permitted.... A student preparing for his examination is entitled to concentrate on his studies without being disturbed by the neighbours. Similarly old and infirm are entitled to enjoy reasonable quietness during

used except after obtaining permission from the authority. It shall not be used between 10.00 PM and 6.00 AM except in close premises for communication within.

- (4) Playing music, using sound amplifier, beating of drum or tom-tom, blowing of horn or trumpet, beats or sound of any instrument or exhibition of mimetic, musical or other performances to attract crowds are strictly prohibited in silence zones. (Rule 6).
- (5) A person can make complaint to the authority if the noise level exceeds by 10 dB (A) or more. The authority shall act on such complaint. (Rule 7)
- (6) If the authority is satisfied on the report of an officer in charge of a police station or other information received by him may issue such directions necessary to control the noise. (Rule 8)

The central government vide its notification dated 11th October, 2002 amended these Rules as "The state government may, subject to such terms and conditions as necessary to reduce noise pollution, permit use of loud speakers or public address system during night hours (between 10.00 PM and 12.00 Mid-night) on or during any cultural or religious festival occasion of a limited duration of not exceeding fifteen days in all during a calendar year."

Abstract

The noise pollution (Regulation and Control) Rules, 2000 empowers and makes police responsible for the implementation of the rules. Unfortunately, due to lack of knowledge, sensitivity and fear of public opposition, these rules are not effectively implemented. This paper covers provisions of the law, the various judgements issued by the courts on this issue and the experience of actual implementation.



their leisure hours without there being any noise pollution. The children upto 6 years of age are considered to be very sensitive to noise. Their rights are required to be honoured... Sometimes it leads to law and order problems. Further in organised society rights are related with duties towards others including neighbours."

"The rights under article 25 or 26 of the constitution are subject to Public order, morality and health. No religion prescribes or preaches that prayers are required to be performed through voice amplifier or by beating drums. In any case if there is such practice, it should not adversely affect the right of others including that of being not disturbed in their activities... No right in an organised society can be absolute. Enjoyment of one's right must be consistent with the enjoyment of rights of also by others."

The court further observed "because of urbanization or industrialization the noise pollution in some area of a city/town might be exceeding permissible limits-prescribed under the law but that would not be a ground for permitting others to increase the same by beating of drums or by use of voice amplifiers, loudspeakers or by such other musical instruments."

Court does not spare the agencies responsible for implementation. It observed that "Even though the rules are unambiguous, there is lack of

awareness among the citizens as well as the implementation authorities about the Rules or its duty to implement the same. Noise pollution activities which are rampant and yet for one reason or the other, the (The Noise Pollution Regulation and Control)) Rules or the rules framed under various State Police Acts are not enforced. And so the High Court has rightly directed implementation of the same."

Free Legal Aid Cell vs. Govt. of NCT of Delhi Case

Honourable Supreme Court in Criminal Appeal No. 4683 of 2000 in the case Free Legal Aid Cell vs. Govt. of NCT of Delhi has tried to analyse the problem of noise pollution in detail. After discussing the definition of pollution and the noise and strict noise pollution provision under the Halsbury's laws of England, it came to the Indian Constitution, "In India the position is different and the use of loudspeaker assumes the status of a fundamental right by virtue of Art. 19(1) and Article 25 of the Constitution.... The state can regulate the use of loud speakers and mechanical or other contrivances to amplify sounds and it doesn't amount to infringement of the right under article 19(1)(a).

Then it dealt with Article 25 of the Constitution protecting the freedom of conscience and free profession, practice and propagation of religion. It observed, "This right is made subject only to public order, morality and health. Since this right

The initiative was not only successful in effectively implementing the law but it improved public faith in the relevance of otherwise unnecessarily looking another provision of law but it also improved public faith in police organisation's ability to take hard and honest legal decisions for the benefits of the society. The impact was so far reaching that it helped in moulding the social norms.

is subject to health, the noise caused by the loudspeakers can be prohibited in the interest of health, but, then again the nexus between noise and health will have to be judicially established." The court discussed in detail as to how noise affects human health. The researchers on noise say that noise level in excess of 90 decibels for a continuous period can cause loss of hearing. It can also cause neurological, digestive and metabolic disorders. A single exposure of 150 decibels is said to cause permanent injury to ear's internal mechanism."

The court gave specific instructions on the use of firecrackers. "Use of firecrackers in religious festivals, marriage processions, etc, should be regulated properly. It should be ensured that they are used in residential areas in such a manner that there is no likelihood of danger to life and property. In marriage procession use of fire crackers on the public streets should be prohibited. Use of fire crackers like *anars*, *phuljaris* and the like which do not have wider danger potential may, however, be permitted in a restricted manner and may be permitted at the place of marriage in the open area comprising not less than 100 meters around it.

Environment (Protection) (Second Amendment) Rules, 1999:

The Ministry of Environment and Forest in exercise of the power conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 issued Environment (Protection) (Second Amendment) Rules, 1999 having following salient features :

- (1) The manufacture, sale or use of fire crackers generating noise level exceeding 125 dB(AI) or 145 dB(C)pk at 4 meters distance from the point of bursting shall be prohibited.
- (2) A(ii) For individual fire crackers constituting the series (joined fire crackers) the above mentioned limit be reduced by $5 \log_{10}(N)$ dB. Where N= number of crackers joined together.
- (3) The department of explosives shall ensure implementation of these standards.

Writ Petition (Civil) No. 27/98

The Honourable Supreme Court of India, in its interim order dated 27th September, 2001 directed the Union and the state governments to:

- (1) (a) The manufacture, sale or use of fire crackers generating noise level exceeding 125 dB(AI) or 145 dB(C)pk at 4 meters distance from the point of bursting shall be prohibited.
(b) For individual fire crackers constituting the series (joined fire crackers) the above mentioned limit be reduced by $5 \log_{10}(N)$ dB. Where N= number of crackers joined together.
- (2) The use of fire works or fire crackers shall not be permitted except between 6.00 AM and 10.00 PM. No fire works or fire crackers shall be used between 10.00 PM and 6.00 AM.
- (3) Fire crackers shall not be used at any time in silence zones.
- (4) The State Education Resource Centres as well as management/principals of schools shall take appropriate steps to educate students about the ill-effects of air and noise pollution and apprise them of directions (1) and (3) above.

The above judgements make the legal issue very clear. Following points are very clear from the above judgements and the Rules:

- (1) The use of loudspeaker in India assumes the status of fundamental right under Art. 19(1), 25 and 26 of the Constitution. The use of loudspeakers can be regulated as the enjoyment of right under Art 19(1) shall not interfere with the right of other individuals.

The right of freedom of conscience and free profession, practice and propagation of religion can be restricted in the interest of public order, morality and health. The noise pollution affects the health of the people and so the use of loudspeakers can be restricted.

- (2) Because of urbanization or industrialization the noise pollution in some area of a city/town might be exceeding permissible limits prescribed under the law but that would not be a ground for permitting others to increase the same by beating of drums or by use of voice amplifiers.
- (3) A loudspeaker or the public address system shall not be used except after obtaining permission from the authority.
- (4) It shall not be used between 10.00 PM and 6.00 AM, except in close premises for communication within.
- (5) It can not be used in silence zone irrespective of the time.
- (6) The state government may permit to use loud speakers from 10.00 PM to 12.00 mid night on cultural or religious festive occasion for a limited period of not exceeding 15 days in all during a year.
- (7) The noise levels in any area shall not exceed the ambient air quality standards as mentioned in Table-1.
- (8) The manufacture, sale or use of fire crackers generating noise level exceeding 125 dB(AI) or 145 dB(C)pk at 4 meters distance from the point of bursting is prohibited.
- (9) The use of fire crackers between 10.00 PM and 6.00 AM is strictly prohibited.
- (10) The use of fire crackers is strictly prohibited in silence zones.

Consequent upon these judgements and the enactment of the Noise Pollution (Regulation and Control) Rules, the government of Gujarat has appointed Sub Divisional Police Officers and the Assistant Police Commissioners, as authority under section 2 of the Rules. The Rules includes the District Magistrate and the Police Commissioner as the authority to implement the Rules. The government of Gujarat also categorized the area as industrial, commercial, residential as declared

under sections 9 to 17 of the Gujarat Town Planning and Urban Development Act 1976.

Experience from Implementation

After the author joined Bhavnagar as Superintendent of Police in October 2004, he first tried to implement the loudspeaker deadline of 12.00 midnight. First the organisers were personally informed to follow the deadline. A press note was also issued. On the first day they were persuaded to turn off loudspeakers at midnight. They were also told that the next day onwards police would not request rather an offence will be registered. Still the technique of persuasion was continued for around 15 minutes beyond deadline. After that offences were registered and their permits were cancelled. At the same time it was told that they would be issued fresh permit, if other person apply for the same place with a binding that the loudspeaker deadline would be respected. It was also emphasized that the *Garba* (folk dance) could be continued beyond midnight without loudspeaker as police did not want to interfere with people's right of expression but at the same time wanted to protect the right of other individuals i.e., those who do not want to participate beyond deadline, especially the old, infirm and the students. The people were told that they could make complaint on phone of the control room about violation of the deadline at any place.

This received mixed response from the society. The social, political and religious leaders resented it publicly and the silent majority appreciated it, of course personally. In the meantime, offences under section 188 of the IPC were registered against all the five big organisers for charging money for vehicle parking in violation of the condition of the permit. This brought down the resentment of the dancers who were otherwise adversely affected by the strict enforcement of the deadlines as they were the beneficiaries of free parking now. But the organisers went on strike as it became unviable for them due to loss of parking income. The mayor also threatened to start an agitation. The district administration responded unitedly by ignoring the strike. The organisers could not continue with the strike beyond one day as some of their

customers, who had bought seasonal tickets, threatened to drag them to the court. The organisers even applied for one day extension of the permit. That was granted. In all, the experience was very encouraging.

There was noise from some quarters that the deadlines were applied only to Hindu festivals and Muslims were continuing with their loudspeakers before 6.00 AM. It was a fact. There was not much clarity on the loudspeakers used by mosque. Some believed that the mosques were permitted to use loudspeakers with some restriction on the height and volume. To my surprise, one advocate had issued notices to the District Magistrate against any disturbance due to the use of loudspeakers as it was permitted by the Honourable Supreme Court in its judgement in Criminal Appeal No. 732 of 2000 in the case of Church of God (Full Gospel) in India vs. K.K.R. Majestic Colony Welfare Association and others AIR SC 2773. He had quoted the same judgement that has clearly stated that "Undisputedly no religion prescribes that prayers should be performed by disturbing the peace of others nor does it preach that they should be through voice amplifiers or beating of drums. In a civilized society in the name of religion, activities which disturb old or infirm persons, students, or children having their sleep during early hours or during day time or other persons carrying other activities cannot be permitted"!!!!

After studying this, clear detailed instructions were issued to all the police stations to implement the Noise Pollution (Regulation and Control) Rules, 2000 irrespective of religion. It was also mentioned in these instructions that this things were being implemented to protect the rights of other individuals and for improving the respect for law in the society that would have benefiting effect on the overall security environment in the district. And so the police should be very polite while enforcing the law, at the same time they will not make any compromise. A one week time was given to all to take permits and follow the deadline.

The religious places followed these instructions strictly. But by that time, the marriage seasons had started. They were also informed through media that they too

were supposed to take permission for loudspeakers and observe time deadlines. This part of Gujarat has rich tradition of *diara* (the folk musical night). It was very difficult for people to accept these kinds of restrictions on marriages and *diaras*. Few cases of arrests and people started following, of course with lot of resentment. Some approached with the requests to permit beyond time limit. They there politely told that the district authorities were not empowered to do that and it was done for the protection of rights of all the individuals. Repeated press notes and occasional registration of cases made people aware. Now, time has come that the time limit violations are rare. Even the fire crackers restrictions are implemented sincerely since *Dipavali*.

In the meanwhile, an NRI complained about the volume of loudspeaker used in yoga workshop as it was very disturbing for his 93-year old mother. Immediately the noise level was measured with the help of the Gujarat Pollution Control Board. It was found to be 4 dB higher than the permitted one. The organisers willingly brought it down. It didn't attract penalty as it was not less than 10 dB beyond permitted limit. The complainant was so happy with the police response that after few days he came with a gift of a noise measuring instrument and a letter stating that he wanted to donate Rs. 8000 (or equivalent amount in dollars) every month for 12 months to police, to improve their work. He got further encouraged to make some suggestions about traffic. Some of the suggestions were implemented.

This encouraged us to extend our efforts even to loudspeakers volume. Few cases for higher volumes and media releases made people aware. They are following it voluntarily.

There is one more experience to share. In the second week of January 2005, Ramdevji Maharaj had the Yoga Workshop at Bhavnagar. The organisers wanted to start it at 5.00 AM. It was politely refused. They came with the volume data at other places. They were informed that before 6.00 AM, voice amplifier, whatsoever the volume be, could not be used. The Swamiji criticized police on the first day but he appreciated on the last day, may be

because by that time he had become aware about the police impartiality and sincere efforts.

Initial response of local social, political and religious leaders was too of resentment. Some even mentioned about increase in crime as the police is busy with "small" things. It was made clear that the indiscriminate use of loudspeaker could not be small thing as it affected large population, far larger as compared to that affected by incidents of crime. Within three months we started receiving appreciation at public forums in Bhavnagar city.

But the people in rural areas were yet not convinced. I still remember in one of my *Lok darbar* in Gadhadra town people asked how can we celebrate *Janmastmi* without loud speaker. I said "were loudspeakers played when Lord Krishna was born?". This brought laughter in the audience. Such meetings became platforms to make people aware that these regulations are for their own benefit.

The most important benefit was strict implementation of these regulations during the religious processions. The processions like *Tazia*, *Ramnavmi*, *Id* and *Rath Yatra* were forced to be more disciplined. The organisers as well as participants were booked for displaying knives, chains during *muhrram*, and *trishuls* during *ramnavmi* and *rath yatra* processions. We went one step further by applying Environment Protection Act for loud speaker violations, especially using them while passing through the silence zones, that is, educational institutions and religious places. Under this act the punishments are more stringent.

The case of *Rath Yatra* is noteworthy. It was a common practice for the processionists to shout obscene slogans against the other community while passing through the sensitive areas. To prevent the communal flare up, the district administration installed loud speakers at around 10 places and played patriotic songs so that the other community couldn't listen to the slogans shouted by the processionists. It was made very clear to the organisers that this will not be permitted.

The truly religious citizens were happy as these measures prevented these processions from becoming vulgar expression of the organiser's power. The discipline brought about by strict implementation of law created an environment where religious minded people could take part and the other communities are not threatened.

It was heart moving experience when a large crowd of citizens gathered to shake hand with me. Despite organising them in queues we had to disappoint them as the queues did not last for more than half an hour.

The journalists asked for my reaction. I said "if we want to maintain the status of Bhavnagar as *Sanskara nagari*, every one of us, especially those who hold important position in the society, had to be responsible, take courageous decision, stick to it and be committed to this city in true sense.

Exactly after one year when the *Navratri* festival came again, the DGP told me that some people are requesting to permit loud speakers beyond 12.00 PM deadlines. It was explained unsuccessfully that these rules had now got public support and any deviation from existing practice would not give right signals. This fact had yet not reached Gandhinagar as opinions of influential people like organiser only got represented there. This prompted us for obtaining public opinion on the issue. Through media release we requested people to give their opinion by sending a simple postcard. Within a week we received 83 letters, many of them explaining the benefits of the initiative and measures to improve it further. Only two letters had dissenting voice to express.

The year 2006 was the year of further improvement. The schools have now become aware that they complained against even the marriage procession using loudspeaker while passing near the school. More than hundred persons were arrested on *Dipavali* 2006 for bursting fire crackers after 10.00 PM.

But the greatest triumph came when we had this experience in Koliak village in August, 2006. Here on the last day of the month *Shravan*, there is a religious fair where around 3 lakh people gather. In the *Lok darbar* just before that the villagers asked: “will the loudspeaker provisions be the same?” Thinking that they were in favour of relaxation in the use of loud speaker, to avoid unpleasant discussion, I said “yes”. To my surprise they said that there should not be any relaxation in this as this helped people in many ways, the first and foremost being that the theft had gone down and people were feeling more secure. Earlier due to so much of noise they were so much disturbed that the criminals could easily commit pick pocketing, bag lifting, chain snatching, etc. Even the shops selling cassettes were not permitted to play them loudly. The benefits of the law had reached the minds of the rural citizens too!

This was the result of fruit of two year's commitment, hard work and patience displayed by the district police organisation.

But this success, as any other, has not come without pain. The initial criticism was quite hard to handle. It took a lot of commitment, faith in the rule of law and system as well as faith in people's support for the right thing. Initially, it was a bit difficult to convince the police officers and personnel but they got involved soon and started taking initiative as they saw public support for the same.

Convincing the higher ups was more difficult. The ACR of my first year got an advisory note “However, he is not articulate in dealing with public problem”. Later on, I was told that the Ramdevji episode was responsible for bringing these remarks.

One has to be ready for this. Mr. B. N. Dastoor has coined a concept called “one-eyed manager” meaning that the manager has always one eye on his career. The company's good is always of secondary importance. Needless to say, a bureaucrat needs to have both his eyes

on public good if he wants to be honest with himself and his oath.

Critical Element of Success

The critical elements of success in the whole exercise were:

1. Faith of the law enforcing agencies about the importance and benefit of the law for public good.
2. Proper study of the law and the preparation of detailed clear instructions including those about how to deal with the practical problems.
3. Polite behaviour with even the law breakers.
4. Ignoring criticism including that of media when doing right things.
5. Informing people about the provisions of law through media.
6. And last but not the least, the impartiality.

Main Lesson Learned

The main lesson learned was that how a police organisation, committed to the Constitution and the rule of law, not only can help the community by strict implementation of law, but also bring up the respect for the law in the society and change the thinking, attitude and behaviour of the society. It can change the social norms.

The organisation after achieving this can take higher risk and make more difficult decisions and stick to them with stronger commitment for the benefit of the society it serves.

Conclusion

- The whole exercise has improved police image and motivated the organization to achieve higher standards of performance due to increased public faith as well as expectations.



NATIONAL IDENTITY CARDS

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A number of countries in the world have evolved elaborate systems to establish a **National Identification Number**¹ for each individual of their country. This unique identification number attempts to track him by his name, date and place of birth, his sex, his permanent or temporary residence, his socio-economic status, his religion, ethnicity, etc for the purpose of work/occupation, taxation, delivering government benefits and health care among other things. Most countries initially used these numbers for a singular purpose but over time these numbers have been used for a number of other purposes also. This unique number for every individual has immensely helped the **law enforcement** agencies in conducting surveillance, locating criminals and placing restrictions on the movement of criminals in society. The **revenue authorities** have also made use of this identity to make financial transactions more transparent and thereby increase tax collections in the country.

History

Sweden was the first country in the world to introduce the system of a Unique Identity Number in the year 1947, covering the entire population. The basic objective

was to enforce and tighten the tax collection process. Later on, a number of other countries such as Australia, Austria, Brazil, Canada, People's Republic of China, Denmark, France, Germany, Italy, Israel, Netherlands, New Zealand, Pakistan, Singapore, South Africa, South Korea, Spain, UK and US established a kind of national identification number for their citizens. A number of these countries, however, insist that a person must have an Identity Card after attaining a certain age. Some countries like Austria, Canada, Finland, Iceland, Sweden and Switzerland, however, do not make it compulsory to have an identity card for all citizens.

India

India has had over time different kinds of identification system as the **Permanent Account Number (PAN)** issued by the Income Tax department, the **Voters Identity Card** issued by the Election Commission of India and the **Driving License** issued by the Motor Licensing authorities to ensure foolproof identification and ensure accountability amongst the citizens for their activities. India presently does not have an elaborate or well-established system of National Identity Cards for all its citizens. A pilot project is however

Key Words

National Identification Number (NIN)

Permanent Account Number (PAN)

Voters' Identity Card

Multi-purpose National Identity Cards (MNIC)

National Register of Indian Citizens (NRIC)

e-governance

Internet

Group of Ministers (GoM)

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Abstract

A number of countries in the world have established different forms of National Identity Number to track individuals for the purpose of Law enforcement, revenue collection, checking illegal immigration and curbing welfare frauds. India too has had different forms of identification systems over time as PAN, Voters' Identity Card, Drivers license, etc. A pilot project is presently underway for

underway since 2003 for the issue of **Multi-Purpose National Identity Card (MNIC)**² to all citizens above the age of 18 years. The objective of such a card is to create a national identity for each and every Indian citizen, to enhance national security and to facilitate e-governance.

Multi-Purpose National Identity Cards

The concept of MNIC was initiated on the basis of recommendations made in a Report prepared by **Group of Ministers³ (GOM)** for reforming the National Security System. This GOM was set up in April, 2000 under the Chairmanship of Shri L.K. Advani to review the national security system and a report was submitted to the PM on 26 February, 2001. Chapter V of this report talked about the necessity of providing MNIC to all citizens in view of increasing illegal migrations. It was also suggested that the Central government must bear the full cost of this identity card scheme.

A pilot project was thereafter initiated in thirteen districts of twelve States and one Union Territory covering a population of approximately 31 lakhs. The districts and the States/UT wherein this project was launched were Karimganj (Assam), Kathua (J&K), Kutch (Gujarat), Jaisalmer (Rajasthan), Pithoragarh (Uttaranchal), Maharajganj (UP), West Tripura (Tripura), Murshidabad (WB), North Goa (Goa), North West Distt. (Delhi), Pondicherry (Pondicherry), Medak (AP) and Ramanathapuram (TN).

The **MNIC** project, expected to start in April, 2003⁴, finally took off in November, 2003 to create a national identity for every Indian with the objective of managing citizen identity, increasing national security, ensuring speedy and efficient transactions, having a user friendly interface between the individual and the government, improving services to target persons in BPL and APL categories and deter future illegal immigration. The system envisages the preparation of a **National Register of Indian citizens (NRIC)** by collecting all legal and technical data from all households through house-to-house surveys. The completeness of such a National Register will help obviate the requirement of a regular census. A unique 16 digit **National Identity Number (NIN)** will thereafter be given to each citizen of the country and the MNIC will be issued to all Indian citizens above the age of 18 years. The details that are included in the MNIC are – Name, Sex, Father's name, Mother's name, Date of Birth, Place of Birth, Marital Status, Name of spouse, Present and Permanent address, Identification mark, Photograph, Biometrics, Date of registration, issue of card and expiry, etc. The smart card is a secure 16 KB micro-processor chip and has been designed by National Institute of Design (NID), Ahmedabad. The cyber technology for these smart cards has been given by National Informatics Centre (NIC) and these will cost the exchequer approximately Rs. 60 per card.



The **Annual Report**⁵ published by the MHA for the year 2006-07 states that the basic survey and data entry work in the pilot areas has been completed and photographs and finger biometrics incorporated for over 17.2 lakh citizens out of a targeted figure of 31 lakhs. The first set of these MNIC was distributed in early 2007 to 24 selected families in village Pooth Khurd in North West Delhi. The MHA Annual Report mentions that the distribution of cards is likely to be completed by mid 2007.

The issuance of National Identity Cards assumes even greater importance in the wake of the terrorist incidents like 9/11 in US, 7/7 bombings in London, 7/11 local train blasts in Mumbai, 6/30 attack at Glasgow airport, attack on the Indian Parliament, attack on IISc, Bangalore, Malegaon blasts, Diwali blasts in Delhi, etc and the global reach of terrorist organizations, and the fact that India has borne the brunt of organized crime, terrorism and illegal immigration for over three decades now. Increased emphasis on security requires the preparation of National Identity Cards which are tamper proof and are a virtual store house of information on the individual, and contain his unique identity in the form of biometrics as retinal scan, finger print, DNA, RFID technology etc.

The Indian economy has been witnessing near double-digit growth in the last couple of years. To sustain this trajectory, the economy needs

to mop up all possible financial resources and plug all the loopholes. The revenue authorities have tightened the financial institutions, laid down stricter guidelines for share markets and mutual funds and these measures have resulted in an increased collection of approximately Rs. 30,000 crores in direct and indirect taxes during the year 2006-07 over the budgeted figures.

Benefits of MNIC

The benefits of having a unique numbered identity in respect of each individual are summarized below :-

- (a) **Law enforcement** : The database will help keep track of persons with criminal background. The movement of suspicious persons can be kept under close watch on the receipt of specific intelligence inputs. It will also be possible to identify criminals by picking up their fingerprints, DNA profile etc. if traces of these are found at the scene of crime. The movement of persons who do not have Identity Card or whose data is not available with the Government can be viewed with suspicion and a tighter check maintained on them.
- (b) **Revenue Collection** : Once the requirement of having an Identity Number is mandated under the law for all financial transactions, it will bring in a much higher degree of

the preparation of Multi-Purpose National Identity Cards (MNIC) meant for distribution to every Indian citizen above the age of 18 years.

This unique identity can aid the law enforcement authorities to curb crime, help in increasing revenue collection, ensure that socio-economic benefits reach the target person, facilitate elections online, check illegal immigration and render life saving measures in the medical field.



The Pilot project is way behind schedule and so must be completed at the earliest. We need to usher MNIC in our country as early as possible to bring in transparency and accountability while at the same time ensuring national safety and security.

transparency and accountability in the system. The amount of black money in circulation will go down and the revenue collection would increase by at least 25–30 percent. The Direct and Indirect Tax collection in the country for the year ending March, 2007 was approximately Rs. 4,70,077 crores and an increase of only 25 percent of this figure would amount to a staggering Rs. 1,17,519 crores. All this can definitely help the Indian economy gallop at double-digit growth rate for the next couple of years.

(c) Socio-Economic benefits

One of our Prime Ministers is on record for having said that only 15 paise out of a rupee invested went to the target beneficiary and the rest was pocketed by middlemen and unscrupulous members of the Government. Once the Identity Number is made mandatory, only the genuine beneficiaries will reap these benefits and the flow of funds pertaining to these schemes can be tracked from the Government system to the Bank account of the beneficiaries. This will, on the one hand, uplift the lot of underprivileged people and on the other will definitely curb embezzlement of welfare funds.

(d) Online elections : The use of national ID card can be made use of to help genuine people cast their votes online

and also tap a large number of people who are not able to cast their votes because of various reasons. This will vastly improve the polling percentage and will in real terms enable people's representatives to be elected. However, the system must be comprehensible to the vast majority of population, must ensure anonymity of the voter, permit only genuine voters to exercise their franchise, be secure electronically and guarantee the integrity of the election process. Such an interface could be established through the telephone and the computer. Several studies have been conducted in this regard and various models⁶ have been suggested. Estonia became the first country in the world this year to allow casting of votes through the Internet by using the national ID card.⁷

(e) Checking illegal immigration :

The steady increase in illegal immigration along over 22,500 kms of the Indian land and sea border has led to changes in the demographic pattern, illegal settlements, encroachments on forest land, distortion in electoral rolls, skewed impact on the local development and is now posing a serious threat to national security and local identity. The Minister of State (Home) is on record in the Parliament in 2004 stating that over 1.2 crore illegal immigrants are

present in the country. Madhav Godbole Report puts this figure at over 2 crore. The expeditious issue of MNICs to all citizens would be effective in containing this menace, which is jeopardizing our national unity, sovereignty and security. The **109th Report** submitted by the Parliamentary Standing Committee on Home Affairs to the Rajya Sabha on 23 August, 2004 had hoped that the Pilot project would be completed by December, 2004 and that the MNIC project should be implemented on full scale at the earliest.

- (f) **Better e-Governance :** The objective of e-governance is to simplify procedures, remove red tape, reduce corruption and provide basic information to all by using electronic tools in an easily accessible and user-friendly environment. The SARITA project in Maharashtra, Bhoomi project in Karnataka, e-Seva centres in AP are such examples. The use of electronic tools can be coupled with the mandatory use of National Identity Cards to ensure that the benefits of the various schemes run by the government reach the target beneficiaries. The government can cut down on costs, reduce delays, fix accountability and increase efficiency in the system. Privacy International,⁸ an organization based in UK, has conducted campaigns and research throughout the world on issues concerning the acceptability of ID cards across countries, the usefulness of information available on them and how it can impact law enforcement, tax collection and welfare frauds. This organization has also examined aspects as diverse as possible discrimination and privacy issues related to issue of such ID cards.
- (g) **Medical field :** The MNIC can also be developed to incorporate medical details of the card holders. This will help the government know the status of health of citizens and build up a database of persons affected by illnesses such as blindness, physical disability, mental retardation, AIDS, blood disorders, area specific problems, etc. The government could then concentrate its effort by allotting finances for specific programmes in specific areas and the

database can act as a life giver for persons afflicted by incurable or life threatening diseases by enabling them find the right kind of donors of blood, bone marrow or life saving organs.

- (h) **Similarity with Internet :** The use of MNIC's can be shown to have a lot of similarities with the Internet. Herein, if a person has an e-mail address he can send and receive e-mails. Even though nobody polices the Internet yet the misdeeds of the Internet users and hackers as in Child pornography, Terrorism, Gambling, peddling in Arms and Drugs etc could all be tracked using various tools, techniques and cooperation of the law enforcement agencies all over the globe. Similarly once each citizen has a uniquely coded MNIC, all his deeds, misdeeds, financial transactions, deals etc can be tracked. This will help make systems more transparent and ensure better accountability of rules and regulations.

Conclusion

The Pilot project has been greatly delayed. The **112th Report** of The Parliamentary Committee on Home Affairs⁹ submitted before the Rajya Sabha on 20th April, 2005 stated that the Pilot Project was to be completed by April, 2005 but observed that the progress was tardy. An amount of Rs. 14.22 crores had remained unutilized under this scheme out of a total allocation of 19.82 crores. The Parliamentary Committee noted with concern that such slow progress on such an important project was bound to have far-reaching ramifications for the maintenance of internal security. The Home Ministry should, therefore, take steps to complete the pilot project and ensure that this scheme is implemented at the national level at the earliest.

In the interests of the safety and security of the country and the fight against terrorism, all out efforts must be made for the expeditious preparation and distribution of the **Multi Purpose National Identity Cards (MNIC)** to all citizens above 18 years of age. In the process, the assessment of possible loopholes in the

system, process of authentication and intrusion detection, technologies must be kept track of. In this endeavour, we must give full support to police, customs, income tax, other law enforcement agencies, development agencies, NGOs, etc so that they dovetail their systems and make them MNIC-compatible and ensure that the Government systems become more user-friendly, accessible, efficient and effective in curbing the menace of criminals, illegal immigration and deliver benefits to the target audience while at the same time reducing red-tapism and corruption. All this would bring in a quantum jump in transparency and accountability of the system, which will go a long way in ensuring that the precious resources of the economy are utilized more fruitfully and efficiently while guaranteeing national safety and security.

Bibliography

1. http://en.Wikipedia.org/wiki/National_Identification_Number
2. http://en.Wikipedia.org/wiki/Multipurpose_National_Identity_Card (India)
3. Report of the Group of Ministers on National Security, Chapter V-Border Management, pp 85-86.
4. Parliamentary Standing Committee on Home Affairs, 109th Report on Demand for Grants (2004-05) of Ministry of Home Affairs, Rajya Sabha Secretariat, New Delhi.
5. Ministry of Home Affairs, Government of India, Annual Report 2006-07, Chapter IV-Emerging Concerns and New Initiatives-Pilot Project on Multi-Purpose National Identity Cards, pp-42.
6. <http://www.mirzapur.nic.in/Nisani>
7. Information Technology, What's New-Estonia votes...online!, April 2007, pp-18.
8. <http://www.privacyinternational.org>
9. Parliamentary Standing Committee on Home Affairs, 112th Report on Demand for Grants (2005-06) of Ministry of Home Affairs, Rajya Sabha Secretariat, New Delhi.



CALCULUS OF COMBAT AGAINST LEFT WING EXTREMISM (LWE)

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Life and combat is never formulaic. But, history repeats. Battles of Panipat reminds that some places and some tricks are repeated in combat. So, study of dynamics, and dimensions of combat can provide various patterns and designs of offensive and defensive operations. A series of operations have been conducted against LWE in the grand battlefields of hinterland India i.e. various guerrilla zones and red resistance regions in various phases by security forces. Naxalites also have conducted a number of tactical counter-offensive campaigns, short raids, action team operations and mine warfare. These combats merit a brief overview. Lessons gleaned from combats under heads of post attack, ambush, mine blast, action team operations, cordon and search operations can provide valuable insight which can be of tremendous benefit for operational oversight. Basically, it will provide analytical framework to deduce general principles and postulations, which can be applied to operational situations. In this analytical framework some critical case studies of police success, police failures and near miss situations are being discussed which will provide pictures beyond the cliches and platitudes of regular operations against irregulars.

Police post attack

Naxals have used tactical imagination in attacking police posts of various States. Sometimes they conducted multiple attacks, some time they had used deception and sometimes they have exploited the security weaknesses. There are some instances where Naxals have made punishing retreat. Few cases are narrated to present the post attack scenario vividly.

PS Tarlaguda (1998) located at A.P. Border near the bank of river Godavari was attacked from 19.00 hrs till 1.30 hrs by 66 naxalites with AK 47, SLR, .303 Rifles, G.F Rifle and Grenades. Police recovered dead bodies of one divisional committee secretary, one DCM, one squad commander and two other members and seized three AK 47, three 303 Rifles including huge cache of ammunitions and grenades. Effective firing by one section of CAF and 10 members of P.S. staff yielded result. Firing from roof top morcha and effective firing by LMG pinned down the naxalites. Immediate action by the entire section of CAF and district police, effective firing from previously decided positions, use of roof top morchas by security force, effective use of LMG, not falling into trap of

Key Words

Left Wing Extremism (LWE)
Naxalites Offensives
Counter-Offensives
Military Coys
Contingency Plan
Action Team
Immediate Action Drill
Proper Security Review
Combat
Tactical Imagination
Directional Mines
Pressure Mines

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Abstract

Combat trend and tempo against LWE points out that there will be escalation of terror campaign in the near future. So, the urgent need of the day is better coordination and more sophisticated operational policies and practices. The hard lessons of operations, if internalised at various levels, will help in reducing operational deficiency, bringing operational readiness,

naxalites to surrender arms helped to achieve victory.

PS Chhuria (1999) : Naxalites came by Maruti van and other vehicles and attacked P.S. Chhuria of district Rajnandgaon. S.H.O. Chhuria's response saved the P.S. He broke open Malkhana lock by firing a shot from Pistol took away weapons; he and other two policemen including sentry fired at the naxalites. Naxalites were unable to blast landmines and fired back. Reinforcement from other P.S. reaching quickly Chhuria in spite of naxalites' roadblocks further caused panic among naxalites. Naxalites carried the injured, dead and fled away.

Bedre (2002) : Bedre is a Police Station located at the border of the Maharashtra State in the forest region. Naxalites had surveyed this one P.S. whose maximum number of staffs had turned to be alcoholic. Five days before incident on the basis of intelligence input the alcoholic members were shifted and fresh blood were posted at Bedre. The boys had done rehearsal. On the fateful night, naxalites attacked the P.S. with automatic weapons and grenades, and shouted how come you policemen were not drunk tonight. Police party gave a befitting reply by firing automatic weapons and 2" mortars. Naxalites had to make a punishing retreat. Police recovered two dead bodies of Naxalites.

Geedam (2003) : Geedam is a roadside Police Station located on N.H. 16 within the locality.

Naxalites, about 150 in strength after blocking roads and disconnecting electricity at three sides, reached P.S. by Tata 407 vehicle and also by foot. Being challenged by P.S. sentry they replied that they were policemen from Bijapur. They entered P.S., shot dead the sentry and blasted the police station building. District Headquarters was 10 km away. When S.P. and team moved from D.R.P. lines, en route they had to face roadblock and encounter. They reached four hours after the incident. The P.S. had no rooftop sentry, no fencing, no rehearsal, no security drill to face such attacks and fell miserable victim to naxalites' raid.

Dhoudai (2005) : Dhoudai is a platoon post of district Narainpur. On 17th May, 2005 at around 23.30 hrs naxalites consisting of two of their military coys, ten local guerrilla squads and forty militia members totalling to about 300 in strength with four LMGs, few Rocket launchers, 122 automatic and semi automatic Rifles, grenades attacked Dhoudai post of Chhattisgarh Armed force. Naxalites documents mentioned that they had in the assault group four sentry capturing groups, three assault groups for capturing the camp, two groups for capturing kitchen and other room; in the support group they had one diversion group, two other support group, one artillery team, two demolition teams, two relay teams, two groups for dummy raids on nearby police station and police posts and four ambush parties to block reinforcement and one reserve group consisting of one doctor team.



Narainpur police had caught hold of two naxalites who, during interrogation, had revealed that Dhoudai post was in the hit list of Naxalites. Extensive in-situation rehearsal to confront the raid was organised by I.G. himself. On the fateful night, the entire platoon fought bravely using grenade, LMGs and SLRs effectively. Others replaced even the injured sentries tactically. Naxalites blasted anti-landmine vehicle carrying reinforcement en route. The route to the post was blocked at 72 places by boulders, log of wood and at few places by landmines. Police reinforcement cleared the road and reached after 12 hours. Helicopter was used to shift the injured policemen. Naxalites had suffered a punishing retreat. They lost their northern command military chief and other four members. Timely intelligence, good rehearsal, brave execution of plan, precise firing, and effective use of hand grenade accomplished the mission.

Murkinar (2006) : Murkinar is a platoon level temporary post of Bijapur district. On the fateful morning, Naxalites boarded a private Bus, with sand bags they arrested LMG post and reached Murkinar. At that time in-charge of the post along with staff were doing *shramdan* to repair the morchas. One roof top morcha of the building had one LMG with five magazines. No sooner did the bus stopped at the post than the naxalites started rapid fire from LMG and other automatics. LMG group engaged the sentries and in the mean time the irregulars jumped into the

post, massacred the unarmed police party and looted away weapons. The post had no fencing, the lone sentries at both morchas were unable to hold ground for long and the unarmed police party was sitting ducks for the raiding parties. The morchas did not have depth and as there was no layer of fencing it became easier for naxalites to crush the defenses and loot weapons. Had the *shramdan* people been armed they could have given some resistance. Use of grenades would have done wonders at this situation.

Ranibodli (2007) : On the fateful night around 2.00 O'clock around 500 to 600 naxalites including three military coys, eight LOS and few militia platoons attacked the camp with LMGs, G.F rifles Moltov cocktails. Naxalites engaged the sentries and police party in serious gun battle. They put small ladders over perimeter wall, used the wall as sentry post and big ladders over big trees and used it as LMG posts. They lobbed petrol bombs, grenades and also sprayed patrol and set fire to the barracks. In the melee, policemen came out and were butchered by naxalites. Naxalites blocked all approach roads by cutting trees, putting stopper parties and land mining the roads. From the premises of the camp, 560 empties were found. The walls of the building and morchas had about 900 bullet marks. Reinforcement reached at 6.00 O'clock and found that even beneath dead bodies naxalites had put twenty-nine I.E.Ds, which were defused by bomb disposal squads.

enhancing operational efficiency, effectiveness and combat power.

Ranibodli and all other post attacks provide us very hard lessons, which we must learn and implement so that police posts will be enabled in future to face the onslaught of naxalites' offensives.

Lessons learnt from police post attack

- During any raid, naxalites are ready to take few casualties; so effective use of area weapons, grenades and automatics can deter them.
- Naxalites, after raid, disperse in few routes and they use 24 hours R.V. and three days R.V.. Immediate aerial searching and vigorous hot pursuit yields results.
- Contingency plan to intercept fleeing naxalites is essential.
- Proper sentry posts with clear arc of fire is needed at each post.
- Security force must operate in buddy.
- Constant alertness and instant readiness of force must be maintained. This can be done through perimeter vigilance, proper task distribution, proper practice and good discipline.
- One third of the force at remote areas must do guarding at any point of time. During attack, entire force must take their decided positions. Odd time security must be carefully maintained.
- Immediate action drill with emphasis on proper warning system, arms carrying technique, reloading drill, rapid firing practice must be hammered into the minds of the force.
- The force must rehearse automatic reaction keeping in view various situations like arson, deception, and injuries to the sentries.
- Contingency plan with proper emphasis on command, control communication, fire control, first aid, reinforcement and follow up must be prepared and rehearsed.
- Every month proper security review by supervisory officers must be carried on.

Wanton destruction of infrastructure by naxalites

Not only naxalites attack police posts, but also they vandalise and destroy infrastructure wantonly. Sometimes, they damage or destroy the infrastructure like road and bridges, railway lines, buildings with direct tactical intentions or with diversionary tactics. Sometimes intelligent use of force for security purpose yields operational success.

Naxalites' Action team attack

A dozen of action team incidents by naxalites have occurred in Bastar region. In one instance, one SHO of P.S. Pamed was killed only one hundred meters away from police station on a weekly market day by action team hitting him at the neck by the axe.

In another instance, two sentries performing helipad security duty were hacked to death by action team and snatched their Rifles; police patrolling party intercepted them 10 km beyond in a jungle route but due to inaccurate firing were unable to get success.

In one incident, action team member of PLGA traced one weak constable and snatched Rifle from him, but another constable in civvies, who was purchasing vegetables, snatched away the Rifle from the naxalite, before other members of action team pounced upon him, he shot dead the naxalite in self defence and saved the situation. In a number of incidents, naxalites action teams had killed informers and policemen in markets. They perform a good survey of the habits, movement of the target and the area. The team concealed small firearms, or sword, axe, a get-away motorcycle or sometimes they move on foot. They shot the target point blank or from a very close quarter and then flee away. They select soft target, survey thoroughly and hit. Target hardening, inculcating self-defence, frisking doubtful characters, using of spotters to nab action team members at targeted places blocking all possible exit routes can help in preventing action team attack.

Landmine blasts and ambushes by naxalites

Maximum number of casualties of security force has been caused by landmine blasts. Along with landmine blasts naxalites have improved their mine warfare. Now, they are using claymore mines, directional mines and pressure mines. In nineties, every year there used to be a dozen of incidents and one or two fatal incidents. Since, 2004 incidents of average landmine blasts per annum is more than one hundred out of which two three incidents are deadly. Now, they are using landmines of even 85 kg weights.

In one incident in March, 2005, one convoy of S.F. went ahead of road opening party. Naxalites blasted six landmines at one go. But the vehicles halted only few feet before the blasts.

Naxalites through icom sets are listening to police communication. On the basis of information about police movement, they lay landmines and ambushes on National highways and other roads. Handling of explosives, demining the road and area is the most difficult task being faced by security force.

Use of Booby traps

Now-a-days naxalites are using IEDs with anti-handling mechanism. When the policemen retrieves it and handle it, then the device blasts; it results into death of persons gathered near the booby trap.

In February, 2007, (Fundri P.S. Bhairamgarh) Assistant Commandant of 9th Naga Bn and staff retrieved a landmine. While fiddling the device blasted, causing death of 4 security persons including one Naga Assistant Commandant and 3 civilians. In another incident in March, 2007 one S.P.O. was killed due to mishandling of one IED.

Encounters

Quantum of encounters of security force with naxalites has increased but quality of encounters desired

to be improved. In 2006 a coy of troops marched with informer in the jungle. Security force escorting the informer continuously threatened and abused him during movement till they reached the destination. Even after reaching the spot SF did not have faith on the informer; by that point of time two constables between themselves made a bait about who can pluck a mango from the tree by firing a shot. No sooner did the constable shot at the mango than the naxalites fired on the police party. In that encounter one naxalite was killed and dead body recovered.

In Halainar encounter, naxalites used abusive language against police and when Coy Commander stood up and replied immediately, he was shot at.

In a number of instances, police party used to fire beyond a distance of 300 meters as a result of which they dispersed naxalites rather than pin them down.

On a number of occasions security forces have three or four encounters within a day. So, retrieving dead bodies of naxalites while facing encounters and then crossing difficult terrain becomes a major trouble.

Post-encounter interview of security force revealed an interesting feature that security force are more worried about friendly fire rather than fire from naxalites. Fire and move technique and proper maneuverability have to be imbibed among the force. Now, force after contact and fire do not pursue; as a result they can not hunt naxalites.

On a few occasions, security forces have fallen prey to ruse and deception of naxalites. A few naxalites in the Jungle showed themselves for few seconds and disappeared thereby luring security force to pursue carelessly and in the process they fell into the trap (Tarmetla P.S. Jagargunda 2007, Partapur 2004 P.S. Pakhanjur).

Cordon and Search Operation

Cordon and search operations become porous and do not yield much result, because security force does not generally rehearse and practise this operation.

One coy force did a cordon of village Akabera in Abuzmarh in April, 2007 where 60 naxals were camping. But the cordon was so porous that naxals observed one point, fired heavily that point and moved out. In this operation, one Havaldar was killed and also one Naxal.

In another situation in February, 2005 one platoon of force had an encounter with naxals in the Jungle of Basaguda Police Station of Bijapur district, then the police party noticed that about six Naxals entered one village. The party cordoned that particular village. In the mean time, suddenly one young man came out from a house, ran and jumped into a pond. At that point of time the cordon party rushed towards the pond, giving benefit of break in cordon, the naxals fled away.

Operational dimension of S.P.Os

S.P.O. added a new dimension to operations. On the one hand, security commitment of S.P.Os have increased due to naxalites attack. On the other hand, it has hit at the line of communication, recruitment and intelligence of naxalites. Knowledge of local intelligence and terrain of S.P.Os have operationally helped security forces to a great extent.

Operational lessons with tactical bearing

Anti-naxalite operations succeeded upto some extent in whittling down naxalites' fighting potential. But, observation and analysis of various operations reveal that maximum operations suffer from tactical errors, which range from ineffective firing, to low combat capability. In a number of occasions when the chance of battle is available to the force their, fighting power is so numbed by physical exhaustion that they are unable to translate the chance into bigger success. Sometimes, security force conduct operations with reluctance and some operations are conducted perfunctorily. Some of the operations are desultory. The local commanders do not have tactical understanding of the nuances of operations. So, it is essential that lessons with tactical bearing have to be mastered; tactical soundness in operations will provide much insight to conduct operations effectively. Victory

in combat can not be achieved without transposing following tactical lessons into operations and positions. A few more tactical lessons are enlisted below :

- Command in combat has to be improved.
- Most of the operations are of section, platoon and coy level. So, tactical performance of junior officers needs to be improved considerably.
- Operational effectiveness of the force can be improved by battle inoculation, tactical exercise without troops, situational training exercise, emergency deployment readiness exercise and other training intervention.
- There is a need for inclusion of subordinates as partners in thought and action.
- Logistics continued to be the Achilles' heel; it has to be improved. Combat support service has to be created.
- Counter attacks have to be well-anticipated.
- Reconnaissance patrol teams are needed to counter element of surprise.
- Reconnaissance, rehearsal and proper debriefing are essential for effective operations.
- Security force should avoid naxalites' physical traps or human rights traps.
- Ability to deploy and sustain combat forces in interior remote places is negligible. Extensive operational bases have to be created.
- Operational outcome depends on managing combat behaviour and motivating security force.
- Security force has to be made security minded. Local security audit has to be conducted regularly.

Operational lessons with strategic bearing

If tactics is right but strategy is wrong, a few battles may be won. But, ultimately victory goes to the side, which has correct strategy. So it is essential to learn operational lessons with strategic bearing. A few operational lessons with strategic bearing is enumerated below :

- Naxalites are graduating from guerrilla warfare to mobile warfare stage; naxalites' war preparation, mobilisation of manpower and resources is very high. Tempo and lethality of operations are increasing. Hesitation to deploy more force, right type of force and resources will be costly.
- Guerrilla zones and base areas have to be saturated with security force.
- Security forces must dominate areas with administrative vacuum.
- Grey hound type commandos can act better against naxalites' PLGA .
- Operational environment is considerably more difficult than might appear from distance.
- People's awakening and resistance movement causes greatest challenges to naxalites. It should be encouraged and nourished.
- Since Naxalites are determined to use force, there is no other way except physically defeating them through operations.
- Operations need more punch and staying power on the ground; it can be added by increasing level of force, logistic support and equipments.

Conclusion

Operational, tactical and strategic aspects have combined impact in combat. Combat trend and tempo against LWE points out that there will be escalation of terror campaign in the near future. So, the urgent need of the day is better coordination and more sophisticated operational policies and practices. The hard lessons of operations, if internalised at various levels, will help in reducing operational deficiency, bringing operational readiness, enhancing operational efficiency, effectiveness and combat power. Lastly, it would not be exaggeration to say that proper understanding of geometry of operations and calculus of combat will spin effective action, maintain operational tempo, generate momentum and yield tremendous success.



TOWARDS PEOPLE FRIENDLY POLICE IN INDIA

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Key Words

Participative Approach
Impartial Treatment
Humanistic Approach
Prompt Response
Colonial Mindset
Politicization of Police
Nasty Media Reporting
Criminalization of Police
Rude Behaviour
Inhuman attitude
Lack of Reform
Disgruntled Workforce
Lesser Avenue of promotion

Uniform application of law without discrimination is a basic tenet of democratic system. For this purpose, almost every country has devised a law enforcement agency called 'police'. This agency is expected to render impartial service to law. But on this plank, the role of police has ever remained controversial. It has been witnessed the world-over that police are more prone to abuse the powers vested in them. For containing this abuse of powers, functional transformation of the police has been suggested as an effective means. To this end, originated the concept of 'people friendly police'. People friendly police is in vogue in several developed countries, and its need is now increasingly realized in some of the developing countries like India.

'People friendly police' has not been succinctly defined; not much literature has been produced on this subject either. From whatever has been written, it can be deduced that people friendly police behaves with the public in a friendly manner. It is participative in approach and involves the people in its operational working. It keeps them at the centre-stage. It is democratic in nature and has corroborative approach. It works in a fair and non-discriminatory

manner. It promotes transparency in its working and is incorruptible. It shows alacrity to the people in need by extending prompt help thereby standing true to the message: "We are always with you."

In the light of the above, research team has identified certain characteristics of 'people friendly police'. These are :

- People friendly police adopts *participative approach* and involves people in crime detection.
- *Impartial treatment* is meted out to all sections of society by the people friendly police.
- It has a *humanistic approach*. It is supportive, sympathetic and caring and approaches all human beings compassionately.
- People friendly police responds *promptly* to the citizens' complaints and comes into action very swiftly.
- People friendly police is *trustworthy* and the people bank upon it. .
- Since people friendly police is *not frightful*, people approach it without any inhibitions.

Now, the question is 'can the Indian police claim to be people

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friendly?' Seeing the evolutionary process and the motive behind its creation, its traditional and conservative approach, the media reports prominently highlighting its failures, the survey reports which though have been very scanty – and the way it delivers, it can be concluded that Indian police is *not people friendly*.

Impediments

It would be a matter of common interest to know what are the impediments in the path of Indian Police becoming people friendly. The research team has broadly identified the following basic hindrances :

Historical Perspective

Indian police is a *legacy of the colonial rule*. It was contemplated as an instrument of oppression with a view to curb nationalist movement. At the time of its inception and during the colonial rule, police 'being an assistance to the people' was out of question. Given this background, it was necessary to reorganize and reorient the police after independence. Unfortunately, the dynamics of policing could not deviate much from the colonial days. As a result, police are being dreaded rather than being considered as a friend and helper.

Hasty Media Reporting

Police operate under certain compulsions and according to a set procedure. Since 'facts emerge after a reasonable spell', police persons are trained not to rush to the conclusions on the basis of preliminary observations. Before reaching any conclusion, the police has to undertake a thorough investigation including conducting several forensic tests. Thus, police persons are neither authorized nor able to say anything conclusively about any incident.

On the other hand, media remains in hurry to report the matter to the public. Thus, the media persons rush to the conclusions on the basis of *prima facie* observations. Media "... focus on probable suspects and through their vivid description of the crime, create an impression in the minds of people that police are slow to react."¹ This generates negative image of police in the minds of the people. It is an outcome of the fact that "Speculative reporting has replaced investigative journalism and analysis has become a fault-finding exercise rather than an objective, academic work."² Also, media seldom apologize if what was reported by it immediately after the occurrence of the incident is disproved by the findings of the incident after detailed investigation.

Abstract

People friendly police behaves with the public in a friendly manner. It is participative in approach and involves the people in its operational working. It keeps them at the centre-stage. It is democratic in nature and has corroborative approach. It works in a fair and non-discriminatory manner. It promotes transparency in its working and is incorruptible. It shows alacrity to the people

¹Jagdev, "Police and Media", Journal of Constitutional and Parliamentary Studies, Vol. 40, Nos. 1-2, Jan-Dec 2006, p.204.

²*Ibid.*



in need by extending prompt help thereby standing true to the message: "We are always with you".

The demonstrating mob at occasions become violent and threatens to disrupt the law and order. Police is the only agency to adjudge what quantum of force is actually required to avert the agitating mob from disrupting the law and order and causing loss to public property. But if the police fail to contain the mob, it would be labelled as 'inefficient'. While if it applies force to disburse the irate mob, the media would term it as 'police high-handedness'.

Actual Police Functioning

From the above, it must not be misconstrued that all that media reports about police malfunctioning is wrong and that everything is right with the way the police function. There are several pot holes in the police functioning which erode its faith among the masses. Handling of registration of First Information Reports (FIRs) in police stations is a serious malady. Though registration of an FIR "... is an obligation under law,"³ a common citizen finds it very difficult to lodge an FIR as "... it takes two weeks to get an FIR registered."⁴

The recent case in which it took two hours for a Supreme Court judge to get an FIR registered in

the capital is sufficient to highlight the problem in registration of FIRs.⁵ While taking a tough stand on this issue, a Bench consisting of Justice B.N. Aggarwal and Justice P.P. Naolekar "... ruled that if the police officer concerned refuses to file an FIR on receipt of a complaint, he should be suspended forthwith."⁶

Besides, there are several other ways in which the police misuse power, perpetrate excesses and misbehave with the common man let alone the indicted and those in the lockups. Numerous enquiry reports, judicial pronouncements, media reports, survey reports, etc. stand testimony to this fact.

Enquiry/Investigation Reports

Investigation into the incident of alleged 'fake encounter' of Sohrabuddin Sheikh and his wife Kauser Bi on the outskirts of Ahemadabad in November, 2005 revealed that the Muslim couple was pulled out of a Hyderabad-Mumbai bus and Sohrabuddin was murdered. His wife, the sole witness to the incident, was silenced later on. The investigation report highlighted the 'total lack of respect for law and humanity' of the anti-

³Kotwal, Navaz, "Beasts in Uniform : Make police accountable for every wrongdoing;, *The Tribune*, New Delhi, June 24, 2007.

⁴*Ibid.*

⁵ According to justice B.N. Aggarwal, a Supreme Court Judge it is a sorry state of affairs that FIRs are not simply registered. It happened even in his own case when his wife and daughter-in-law went to a police station to "register a case in the capital. The FIR could be registered only after two hours. If this is the situation with a Supreme Court Judge, what happens to the common man can be imagined very well. For details see *The Tribune*, New Delhi, July 25, 2007.

⁶ 'Editorial', *The Tribune*, New Delhi, July 26, 2007.

terrorist squad⁷ of Gujarat police. Vanzara, the suspended DIG, " ... dubbed Sohrabuddin as a terrorist planning to kill Gujarat Chief Minister Narendra Modi. He thought shooting a "terrorist" would gain him 'promotion and personal gain, in career."⁸

Even more startling is the recent Nithari episode in Uttar Pradesh. Though as many as 38 children went on missing over a period of thirty months but so insensitive was the police that they were not prepared to lodge the First Investigation Report (FIR) despite the consistent complaints of the parents of the missing children. The CBI investigations into the killing of children at Nithari have revealed the extent of police link with the accused ranging from the inspector to the SSP of Noida.⁹

The investigation of murdering an innocent person in a fake encounter in the valley in the recent past led to the arrest of two senior police officers Hans Raj Parihar (SSP) and Bahadur Ram (DSP) of Ganderbal (Jammu & Kashmir). It was found that Parihar, " ... who has taken money from a carpenter for giving him a job, killed him instead and saved himself from the bother of not only returning the money but also claiming a reward for killing of a "terrorist."¹⁰

Media Reports

Media reports about police excesses and misuse of power is an almost routine affair. A few such reports are cited below.

- Dragging of a suspect chain snatcher Salim by tying his legs to a police motorbike along the road on his stomach and chest by an ASI in Bhagalpur (Bihar) on August 28, 2007.¹¹
- Alleged rape of a 22-year old girl who went to lodge a complaint of her lost mobile phone in Gurgaon by a Head Constable, Pawan on August 11, 2007.¹²
- Alleged beating and illegal detention of a Delhi University student by three cops of Noida Police on July 26, 2007.¹³
- In June, 2007 a youth and his two friends were allegedly beaten severely at Janakpuri in Delhi police station by sub-inspector Rajveer Singh. The youth went to the police station to register a complaint against a local parking contractor.¹⁴
- In February, 2007 a youth Tarsem Lal, at Satwari police station near Jammu was reportedly done to death.¹⁵
- Alleged torturing of an NRI (son of former international wrestler Joginder Singh Tiger) and taking a bribe of Rs. 1 lakh from his brother by SHO Manjit Singh of Sadar police station in Taran Taran district of Punjab in early 2007.¹⁶
- The bloodbath due to police firing at Nandigram of Midnapur district in West Bengal on March 14, 2006 over the issue of SEZ and price rise

⁷ The squad comprised D.G. Vanzara (IG Border Range), R.K. Pandian (SP of the state intelligence wing) and M.N. Dinesh (SP of Alwar district in Rajasthan) and 10 other policemen.

⁸ 'Editorial', *The Tribune*, New Delhi, July 18, 2007.

⁹ "The CBI has found that an inspector, who tried to cover up the murder of a girl, Payal, which eventually led to the arrest of Maninder Singh Pandher, had received Rs. 3 lakh from the main accused. A circle inspector who took Pandher to Ahmedabad for "investigation" was found to have been enjoying his hospitality all through the journey. Now, even the then SSP of Noida R.K.S. Rathore has been found to have some link with Pandher." *The Tribune*, New Delhi; January 2, 2007.

¹⁰ "Investigations have proved that Parihar and Bahadur Ram belonged to a rouge ring, which kill innocent people in fake encounters to claim monetary rewards, besides out-of-turn promotions and other facilities." 'Editorial', *The Tribune*, New Delhi, February 5, 2007.

¹¹ *The Tribune*, New Delhi, August 29, 2007.

¹² *The Tribune*, New Delhi, August 31, 2007.

¹³ The youth, Sudhir Sharma, a resident of Balbir Nagar, Shadara, Delhi, went to see off his class fellow and girl friend, in Sector-55 Noida. He was pounced upon by three cops and when the girl intervened, they reportedly insulted her, accusing her of indulging in indecent acts. *The Tribune*, New Delhi, July 27, 2007.

¹⁴ *The Tribune*, New Delhi, June 24, 2007.

¹⁵ *The Tribune*, New Delhi, February 18, 2007.

¹⁶ *Ibid*.

led to killing of as many as 12 persons, including the women and children and injured over 200 persons.¹⁷

- The merciless *lathi* charge on the empty handed Honda workers in Gurgaon in July, 2005 is another example of police brutality. Several T.V. channels telecast the police highhandedness live.
- A 14-years old boy allegedly became a victim of police torture at the CIA police station in Panchkula on March 13, 2005.¹⁸
- In January 2005, Salwinder, sub-inspector of Crime and Investigating Agency of Amritsar, Punjab faced suspension for giving electric shock to a 10-year old student of class four.¹⁹
- The incident of "... assaulting a boy by injecting petrol and thinner into his rectum for refusing to pay Rs. 50,000 as bribe for his release at Ambedkar Nagar police station in Delhi on the intervening night of 13 and 14 June 2004"²⁰ by Delhi Police sub-inspector Parveen Kumar is dreadful.

The above are only a few instances of bestiality in which the police have behaved most barbarically. Custodial crimes, including rapes, murders, etc. are a routine phenomenon for the police in India. Thus, for instance, 144 custodial deaths and 7 custodial rapes were reported during 2005.²¹ As per National Crime Bureau Record, 3,518 cases of kidnapping and abduction of children, 28 cases of buying and 50 cases of selling the

girls have been recorded during 2005.²² On an average the National Human Rights Commission (NHRC) receives over 70,000 complaints against the police every year. And yet, convictions of policemen are extremely rare.²³ For want of sincerity and sensitivity on the part of police not only the law and order situation has suffered but also the overall performance of police has come under severe fire.

Survey Reports

A survey report highlights that " ... over 90 percent of people found police untrustworthy, corrupt and brutal."²⁴ A vast majority of the people believes that, '... the police perpetrate some crimes themselves, shield criminals, refused to register complaints, fabricate false cases against innocent victims instead, use beatings as their favourite technique of investigation, and frequently resort to illegal detentions at police stations.'²⁵

Disgruntled Workforce

The methods of recruitment and training of the police persons in India are not scientific. At the moment, psychological tests are not conducted on the aspirants to examine whether they possess essential traits to serve in police. The process of recruitment of the police persons is, to a large extent, politicized and merit is usually ignored at the altar of 'recommendations'.²⁶ The favour extended at the time of recruitments is demanded back at times of need, for instance, during elections, perpetration on opposition leaders etc.

¹⁷ *The Tribune*, New Delhi, March 15, 2007.

¹⁸ "The boy was accused of theft from the Mansa Devi temple. He was also hung upside down from a tree as punishment." *The Tribune*, New Delhi, February 22, 2007.

¹⁹ "The boy was released after his father allegedly handed over a cheque of Rs. 2.35 lakh - signed under coercion - to the sub-inspector." *The Tribune*, New Delhi, February 22, 2007.

²⁰ *Ibid.*

²¹ <http://ncrb.nic.in/crime/2005/ciii-2005/CHAP13.pdf>, visited on February 3; 2007.

²² *The Tribune*, New Delhi, February 22, 2007.

²³ Mudgil, Vipul, "Time now for Police Reforms", *The Hindustan Times*, New Delhi, January 21, 2007.

²⁴ Gul, Raahul, "Change System to Make Policing People-Friendly". *The Tribune*, New Delhi, September 16, 2006.

²⁵ Thakur, Ramesh, "India's Dysfunctional Police". *The Hindu*, New Delhi, January 26, 2007.

²⁶ This stands, substantiated by what has been reported in the Media several times. The most recent instance is that of UP reported in *The Tribune*, New Delhi, July 22, 2007: "Hundreds of young men had reportedly got recruited as cops in UP police on the basis of forged educational certificates ... Over 6000 educational certificates of police recruits are under scrutiny ... Among 825 certificates verified, some 280 educational certificates have been found to be bogus. Another 155 certificates were found to be forged." Further it was also alleged that "... recruits from a particular caste had been given preference while merit and suitability had been given the go-by."

Also during training, least effort is undertaken to inculcate and promote service orientation and humanitarian attitude among the trainees. On this score, only a lip service is paid by sermonizing and preaching them. Police is also not trained in crowd control and management. Besides, the police training centres are till date devoid of modern facilities and of dedicated and committed instructors. "Police training institutions in the states, (are) mostly headed by disgruntled and demotivated officers who only bide their time to manage posting ..."²⁷ Not only the traditional methods but also the course contents of training needs immediate revision in order to sharpen the attitude of the trainees.

The service conditions of the police persons, especially those of the Constabulary are poor and unsatisfactory. The average *working hours* of a police person are far more than those of the other government servants.²⁸ "A policeman has a 24-hour workday and he has to often steal time to visit his family. This has affected his/her work profile and efficiency."²⁹ Moreover, they have limited number of holidays and they are seldom permitted to avail them as per their familial requirements. The leave utilization analysis showed that police personnel utilized only 52 percent of the total leave entitlements compared to 95 percent for a normal government employee.³⁰

The *living conditions* of the police personnel in barracks are far from satisfactory. Most of the police stations are usually housed in old and dilapidated buildings. "Of the total 11,976 police stations in the country, 2,846 do not have any building. The case with police posts is no different."³¹ The basic amenities like drinking water, lights and fans, toilets, etc. are very deficient in these outmoded police stations,

Besides, the *meagre* salary of the constabulary and the speedy increase in inflation rate has further made their position more deplorable.

The *lesser chances of promotion and overwork* in the department due to shortage of staff also add to their frustration and anger. There would be no exaggeration to highlight that the environment in which the police is working is not congenial. In nutshell, "the Constabulary, which constitute 80 percent of the country's total police force, is illequipped, poorly paid and has no scope for promotions."³² It adversely affects their behaviour, which boomerangs in their dealings with the common people and thus, ultimately mars their overall performance.

The *senior-subordinate relations* in the police are based on whims and are orthodoxically monarchical rather than democratic and participative. There are wide gaps between the seniors and subordinates at different hierarchical levels to the extent that the subordinates feel suffocated during their interaction with their seniors. In fact, in the name of discipline, they are not even permitted to ventilate their grievances. The subordinates are seldom encouraged to express their views freely. "This denies senior officers access to many good suggestions, which the field staff possess by virtue of their daily brush with numerous practical problems."³³

In the light of the above instances, the police in India can hardly be termed as people friendly. Now, the second question arises: why is the Indian police barbaric and distant from the concept of 'people friendly police?'

²⁷ Jafa, Y.S., "Challenges for Police in the 21st Century", *Indian Journal of Public Administration*, Vol. XLVII, No.1, Jan-March 2001, p. 98.

²⁸ *The Hindustan Times*, New Delhi, July 19, 2002.

²⁹ Anand, Eshwar, "Policing the People: PM Sets the Agenda for Reforms", *The Tribune*, New Delhi, September 17, 2005.

³⁰ Bedi, Kiran, "A Big Boost to Police Reforms", *The Tribune*, New Delhi, September, 2005, p. 13

³¹ Prabhajot Singh, "The Indian Police: From Where Do We Start the Reform-Process?", *The Tribune*, New Delhi, November 24, 2002.

³² Anand, Eshwar, op. cit.

³³ Jafa, Y.s., 'op. cit., p. 98.

How to Promote People Friendly Police?

Problem areas listed above are major roadblocks in making the Indian police people friendly and if we wish to make it so, it requires major transformation in its structural and behavioural aspects. A few such measures to this end are listed below:

First, police-public relations in India are devoid of mutual trust. Oblivious of the fact that trust is an 'emotional bank account' between two actors³⁴ and is an outcome of continuous sincerity on the part of both, so far we have been aiming at 'fabricating' it. Measures mentioned below may prove helpful in developing mutual faith to a great extent.

Second, 'politicization and criminalization of police' has severely injured the reputation of the police. The reports that some policeman 'dance to the tune of politicians and are having nexus with the criminals' are not altogether baseless.³⁵ The recent Supreme Court guidelines in this regard which include setting up of State Security Commissions, fixation of tenure of top police officials, setting up of Police Establishment Board to decide on transfers, postings, promotions of top and lower officers, may prove significant in this regard.

Third, on the pattern of military services, scientific and psychological methods need to be incorporated in the process of recruitment of police persons. The necessity of such effectively developed psychological tests was even realized by the National Police Commission (NPC) Report. In this connection, the help of the armed forces can be sought.³⁶ Simultaneously, the methods of police training need innovations and its course content needs revision. For instance, yoga needs to be inserted in its curriculum. Stress should be laid on the adoption of psychological methods to impart training. The course content should be such which may help in developing professionalism and service orientation on the part

of trainees. In fact, sound training may not only have a deterrent effect on Gurgaon-type-incident but also improve their image.

Fourth, police hierarchy needs to be made rational and promotion oriented. It is more wide at the constabulary level and narrow at middle and top levels. Thus, the investigating officers are far less in number. It harms police functioning in two ways.

One, it causes unnecessary delay in investigation of cases and second, it restricts promotional avenues of the constabulary staff. Due to scanty promotional avenues for the constabulary, there arises a sense of 'atrophy' in them and brings in behavioural distortions among them.

Fifth, the increasing complexity in the police working over the years demands specialization. Police personnel should be organized on specialized basis in various streams of police functioning. Related therewith is the question of two-fold categorization of the police - police dealing with investigation of crime and the police dealing with the law and order. Police personnel of former category having harsh approach should not come in direct interface with the public.

Sixth, the living and working conditions of the police personnel should be improved. There should be proper sanitation, drinking water supply and neat and clean bathrooms, etc. in police barracks. For the healthy development of their mind, there should also be recreational facilities in the police barracks. Police stations should also be given a decent look. There should be proper sitting arrangements for the visitors; establishment of reception counters, parking facility for visitors and the staff etc. The working hours of the police personnel also need to be fixed. All this would generate a sense of honour and respect towards their profession among the police personnel.

³⁴ Singh, Prabhajot, op. cit., p. 10.

³⁵ The Vohra Commission report stands testimony to this fact.

³⁶ http://www.humanrightsinitiative.org/programms/aj/police/india/initiative/npc_recommendations.htm; last visited on 19-02-07.

Seventh, methods of investigation need to be changed. The traditional methods of extracting information through torture need to be minimized. The prevailing sense of fear among the common people is a direct fallout of the use of such methods. These methods need be replaced by psycho-scientific ones like DNA

test, Brain Mapping, Narco-Analysis, Lie-Detection, etc. as have been used in case of Nithari criminals. At the moment these methods are not backed with legal sanctions, but considering the convenience and success of these methods and inhumanity involved in torture, these methods should be given legal sanctions.



HEAD SPACE-GAS CHROMATOGRAPHY (GC-HS) ANALYSIS OF POSTMORTEM UNPRESERVED BLOOD SAMPLES AND IDENTIFICATION OF VOLATILES PRODUCED

B.R. Rawat*

Key Words

Toxicology

Postmortem

Unpreserved Blood samples

Volatiles identification

Ethanol

HS-GC

Ante Mortem

Introduction

Blood analysis for alcohol is the commonest request in the toxicology and is positive in around one third of all unnatural deaths [1]. Examination of ethanol in postmortem body fluids of those who have suffered from unnatural deaths such as suicide, homicide and accidental death, and sudden natural death is very important for finding the ante mortem intake. However the interpretation of postmortem ethanol concentration in body can be complicated by factors such as postmortem ethanol production in the decomposed body. It is well known that decomposing tissues in the body can produce alcohol. Bogussaz et al [2, 3], have suggested that ethanol can be produced from lactate in putrefying blood, since blood often contains high level of lactate. Microbiological mechanism were comprehensively reviewed by Corry [4], in 1978 stating that microbes are capable of producing significant quantity of ethanol in blood and urine particularly from postmortem samples. Concentration of suitable substrates (glucose, glycerol, fatty acids, ribose, etc) tend to be much higher in

postmortem. Ethanol production can occur both in the corpse and after the samples have taken. The production depends on the number and nature of the organism present and the type and quantity of substrates.

The predominant micro flora that exists during the early stage of putrefaction of corpse is primarily determined by the intestinal micro flora during life and temperature is also an important factor. Glucose is the substrate most likely to vary in concentration in tissues either during postmortem or in living subjects. In addition, glycogen normally present in the muscles and liver spontaneously hydrolyze nucleic acid to yields ribose. Another reason embalming blood from the vascular system of the dead body is replaced with the fluids which may include formaldehyde, methanol, ethanol and phenol. Accurate interpretation of blood ethanol concentration at the time of death presents a difficult task since the origin of detected ethanol in postmortem cases (either in corpses or in specimens) after sample collection may vary. Head Space-Gas Chromatography (HS-GC) is

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the choice method for detecting ethanol in blood or other specimens due to the accuracy and sensitivity it provides. [5].

Materials and Method

Thirteen cases for study were selected by review of autopsy reports which indicates moderate postmortem decomposition, seven cases without history of ethanol ingestion and four cases with history of ethanol ingestion and two cases with insecticide and alcohol consumption. Determination of ethanol was based on the information provided in the case history, postmortem reports, presence of alcohol in the blood samples and presence of other volatiles and higher alcohol (C3) in the analytical results. Chemical used were of AR grade, ethyl alcohol (Merck) and deionized water of

Elix-3 Milli-Q system of Millipore was used in analytical preparations. Gas Chromatograph CLARUS 500, TURBOMATRIX Head Space sampler of Perkin Elmer and gases of highest purity from gas generator of Pt1 were used in analysis work

Blood sample selected for standardization was subjected to HS-GC analysis in order to ensure that no ethanol and other volatiles are present in the blood matrix. The effect of small variation in the matrix is eliminated by using internal standard. Different concentrations of ethyl alcohol (Merck) 100 mg, 200 mg, 300 mg, 400 mg, 500 mg% w/v were prepared in deionized water and internal standard tert-butanol (6.4 mg %) was added to 0.5 ml of blood in five vials. Vials

Abstract

Unpreserved blood samples of moderately decomposed corpses without history of ethanol ingestion and with history of ingestion were analyzed by HS-GC technique. Blood ethanol concentration in the subjects without history of ingestion was observed less than those having history of ingestion. Different volatiles produced were identified by comparing

GC Parameters	
Column	Capillary Elite BAC2 30m × 0.32mm × 1.20 μms
Column temperature	50°C
Detector	FID
Detector temperature	175°C
Injector temperature	60°C
Carrier gas flow	15 ml/minute
Zero air flow	450 ml/minute
Hydrogen gas flow	45 ml/minute
Attenuation	4
Range	1
HS Parameters	
Oven temperature	70° C
Needle temperature	75° C
Transfer line temperature	110° C
Pressurization time	3.0 minutes
Thermostating time	10.0 minutes
Withdrawal time	0.5 minute
Injection time	0.04
Injection volume	1μl



their retention time (RT) with standard samples of formaldehyde, methanol, acetone, isopropyl alcohol and n-propanol alcohol. Higher concentration of blood ethanol was observed in the subjects with history of ethanol ingestion consistent with history and postmortem observations of corpses.

were sealed, placed in HS auto sampler, thermostated at 70°C for 10 minutes, vapour injected and analyzed. The conditions for GC and HS are given in the table on page 37.

Method development was carried out on Total Chrome software by selecting global parameters, editing components, assigning internal standard to each component, calibrating and assigning different levels of ethyl alcohol in order to get fit type multilevel linear graph (peak area vs. different levels). This constitutes a method for analysis of blood samples. Similarly internal standard was added to unpreserved blood samples of different subjects and subjected to HS-GC by using the above parameters. However head space sensitivity can be increased by adding salts such as ammonium sulphate, sodium chloride, ammonium chloride, potassium carbonate and sodium citrate to the blood samples but this study has been carried out without addition of salt.

Results and Discussion

Fig. 1 shows the chromatograms and retention time of blood samples of subjects (a, b, c, d, e, f, and g) without historical information of alcohol ingestion. The different volatiles identified are given in Table 1. Formaldehyde was present in the blood sample of subjects (b) and (d), acetone in (c) and (e), acetaldehyde in (a), (b), (c), (d), (f) and absent in (e) and (g). Methanol was present

in blood samples of subject (a), (b), (c), (d), iso-propanol was present in (a), (b), (c), (d), (e) and (g), and n-propanol was detected only in Blood sample of subject (f). Ethanol was found present in all the blood samples. Table 1 shows the detail of volatiles and their retention times.

Fig. 2 shows the chromatogram and retention time of ethanol and other volatiles produced in the blood samples of subjects (h, i, j, k, l and m) with history of alcohol intake and, (h), (j) also having history of insecticide ingestion in combination with alcohol. Formaldehyde was observed in the blood sample of subjects (i) and (l) acetaldehyde and ethanol in all the samples of subjects, iso-propanol in (m) and n-propanol in blood samples of (i), (k), and (l). Concentration of ethanol and volatiles identified along with their retention time is given in Table 2.

Different volatiles produced in the blood samples of subjects were identified by comparing their retention time with standard samples. Table 1 shows that iso-propanol, acetaldehyde methanol are mainly produced along with ethanol in the postmortem samples of subjects without historical information of alcohol ingestion, n-propanol (RT 7.43) and highest concentration of alcohol (106 mg%) was observed in blood samples of subject (f). Table 2 indicates the higher concentration of ethanol in the blood samples of subjects as compared to the blood samples of subjects in Table 1. Main volatiles produced along with ethanol

are acetaldehyde and n-propanol. The subject (h) and (j) has also the history of insecticide poisoning along with ethanol ingestion. Low concentration of ethanol in the blood samples indicates that insecticides probably inhibit the microbial growth in the blood samples. The higher concentration of ethanol in these subjects is consistent with ingestion of ethanol as indicated in case history and postmortem observations.

The presence of volatiles other than ethanol has been suggested [6], as an indicator of postmortem ethanol. But case was found in relative ethanol concentration in blood, bile, and vitreous humor were solely consistent with the ingestion of ethanol, but acetaldehyde, acetone and 2-butanol were also found in blood [1]. Higher concentration of ethanol was observed in the blood samples of subjects (f, i, k and l) and n-propanol was also present in these samples. Presence of ethanol in the blood samples of corpses (Table 1) and higher concentration in subject (f) might arise from endogenous production. Higher concentration in subjects h, i, j, k, l and m (Table 2) as combination of ingested and endogenous production.

The presence of higher alcohol (n-propanol) in the blood samples of corpses can be an indicator of postmortem ethanol production because normally it does not exist in the living body [7,8]. However, there is no proven method for determining accurately how much ethanol might have been produced in postmortem and how much was present in ante mortem blood samples of corpses. The two most important factors are microbial alcohol production and alcohol diffusion from gastric residue or airways contaminated by vomits. Distinguishing between alcohol ingestion in life and microbial production after death is a common problem [9]. Within few hours of death gut bacteria penetrates the portal venous system and after about six hours contaminate the systemic vessels in the blood, glucose and lactate provides the substrates for microbial ethanol production by the pathway opposite to that of its catabolism in the living body [10]. High environmental temperature after death, terminal hyperglycemia, terminal septicemia,

abdominal trauma and severe trauma with wound contamination provide particularly fertile condition for ethanol synthesis. At room temperature blood ethanol values of around (150mg/100ml) can be reached in a few days, although more typically values are below (70mg/100ml) [11].

It has been reported that ethanol could be formed postmortem invariable and non predictable amounts as a function of the type and number of microorganism present either in corpses or specimens collected at autopsy. The presence of other volatiles, mostly n-propanol has been correlated to microbial ethanol production, although the quantitative pattern between them and ethanol still remain obscure. The factors most frequently implicated in the mechanism of postmortem ethanol production has been, the availability of various types of substrates, temperature and time, complication in interpretation of blood alcohol concentration could arise due to the atypical distribution of ethanol in the body compartments after death [5].

Petkovic et al [12], has conducted studies on postmortem production of ethanol in different tissues under controlled conditions and concluded that postmortem ethanol production occurs in different tissues, and is increased at higher temperature and, in general it is in accordance with the course of time. The presence or absence of volatiles, other than ethanol, does not of itself provide sufficient information needed to determine the origin of ethanol found in most postmortem samples. Studies conducted by Canfield et al [1], shows that other volatiles can be found when there is no postmortem ethanol production and postmortem ethanol can be found in cases where no other volatiles were found.

From the seriousness of the problem and the potential legal importance of the analytical results, it is important to note that ethanol measurements in postmortem blood samples are corroborated by analysis of other body fluids. Vitreous humour from eye [13], and

bladder urine [14], are helpful. Vitreous which is easily obtained is valuable because it is well protected from bacterial infiltration after death, [15]. Similarly urine is useful as it normally contains little or no substrate for bacterial conversion to ethanol. Consequently the presence of ethanol in vitreous and urine is a good indicator of alcohol consumption and its absence an indicator of artifact in the matching blood samples. [16], Delima and Medio. [17], have conducted studies and concluded that alcohol analysis in vitreous is fundamental for determining the origin of ethanol detected in chest fluids and decomposed bodies. Comparative study of different body fluids along with scene, history, specimen handling information and autopsy observations can provide insight into the origin of ethanol.

References

1. Canfield DV, Kupiec T, Huffine E. Postmortem Alcohol Production in Fatal Air Craft Accidents, *J. Forens. Sci.*; 1993; **38**: 914-917.
2. Bogusz M, Guminska M, and Markiewicz J. Studies on the formation of endogenous ethanol in Blood Putrefying in vitro, *J. of Forensic Medi.* 1970; **17**: 156-168.
3. Bogusz M, Guminska M, and Markiewicz J. Studies on the formation of ethanol and pyruvate as its precursor from some di- and tricarbonic compounds in putrefying blood in vitro, *Forensic Sci*; 1972; **1**: 229-237.
4. Corry J E L. Possible sources of Ethanol ante- and post-mortem its relationship to the biochemistry and microbiology of decomposition, *J. Appl. Bacteriol*; 1978; **44**: 1-56.
5. Kallirroe, Ziavrou, Vassiliki A, Boumba, Theodoreg, Vougiouklakis. Insight into the Origin of Postmortem Ethanol, *Int. J. Toxi*; 2005; **24**: 69-77.
6. Stone BE, and Rooney PA. A study Using Body Fluids to determine blood alcohol, *J Anal Toxi*, 1984; **8**: 95-96.
7. Mebs D, Schmid K, and Gerchow J. Experimentally Untersuchugen Zur postmortalen Alkoholbildung, *Lutalkohol*, 1978; **15**: 145-150.
8. Nanikawa R, Ameno Hashimoto Y, and Hamoda K. Medico legal studies on Alcohol detected in dead bodies alcohol levels in Skeletal muscles, *Forensic Sci. Int*, 1982; **20**: 133-140.
9. Garriott JC. Medico legal aspects of alcohol determination in biological specimens, Littleton, Mass. PSG Publishing 1988.
10. Nanikawa R, Moriya F, Hashimoto Y. Experimental studies on the mechanism of ethanol formation in corpses, *Z Rechts Med*; 1988; **101**: 21-26.
11. Zumwalt RE, Bost RO, Sunshine I. Evaluation of ethanol concentrations in decomposed bodies, *J. of Forensic Sciences*, 1982; **27**: 549-54.
12. Petkovic SM, Simic MA, Vujic DN. Postmortem production of ethanol in different tissues under controlled experimental conditions, *J. Forensic Sci.* 2005; **50**(1), 204-208.
13. Pounder DJ, Kuroda N. Vitreous alcohol is of limited value in predicting blood alcohol, *Forensic Sci. Int*, 1994; **65**: 73-80.
14. Kuroda N, Williams K, Pounder DJ. Estimating blood alcohol from urinary alcohol at autopsy, *Am. J. for Med Path*; 1995; **16**: 219-22.
15. Harper Dr. A comparative study of the microbiological contamination of postmortem blood and vitreous humour samples taken for ethanol determination, *Forensic Sci Int*; 1989; **43**: 37-44.
16. Levine B, Smith MI, Smialek JE, Caplan YH. Interpretation of low postmortem concentration of ethanol, *J. Forensic Sci*, 1993; **38**: 663-7.
17. De Lima IV, Media AF, Origin of blood ethanol in decomposed bodies, *Forensic Sci. Int*, 1999; **106** (3): 157-62.

Table 1 : Volatiles identified and concentration of ethanol in blood sample of subjects with historical information of alcohol ingestion.

Subject No.	Formaldehyde	RT	Acetaldehyde	RT	Methanol	RT	Ethanol	RT	mg%EtOH	Acetone	RT	Iso-Propanol	RT	# Propanol	RT
a	-	-	+	3.09	+	3.49	+	4.36	85.0863	-	-	+	4.97	-	-
b	+	1.03	+	3.10	+	3.49	+	4.37	48.5744	-	-	+	4.98	-	-
c	-	-	+	3.10	+	3.49	+	4.37	22.4327	+	4.71	+	4.98	-	-
d	+	1.03	+	3.09	+	3.48	+	4.36	12.3018	-	-	+	4.97	-	-
e	-	-	-	-	-	-	+	4.36	9.2987	+	4.70	+	4.97	-	-
f	-	-	+	3.10	-	-	+	4.36	106.00	-	-	-	-	+	7.43
g	-	-	-	-	-	-	+	4.37	7.5544	-	-	+	4.98	-	-

Table 2 : Volatiles identified and concentration of ethanol in blood sample of subjects with historical information of alcohol ingestion.

Subject No.	Formaldehyde	RT	Acetaldehyde	RT	Methanol	RT	Ethanol	RT	mg%EtOH	Acetone	RT	Iso-Propanol	RT	# Propanol	RT
h	-	-	+	3.10	-	-	+	4.36	127.9645	-	-	-	-	-	-
i	+	1.0	+	3.10	-	-	+	4.36	256.7956	-	-	-	-	+	7.43
j	-	-	+	3.09	-	-	+	4.36	181.9271	-	-	-	-	-	-
k	-	-	+	3.09	-	-	+	4.36	365.5378	-	-	-	-	+	7.42
l	+	1.0	+	3.09	-	-	+	4.35	325.8281	-	-	-	-	+	7.42
m	-	-	+	3.09	-	-	+	4.36	122.2365	-	-	+	4.97	-	-

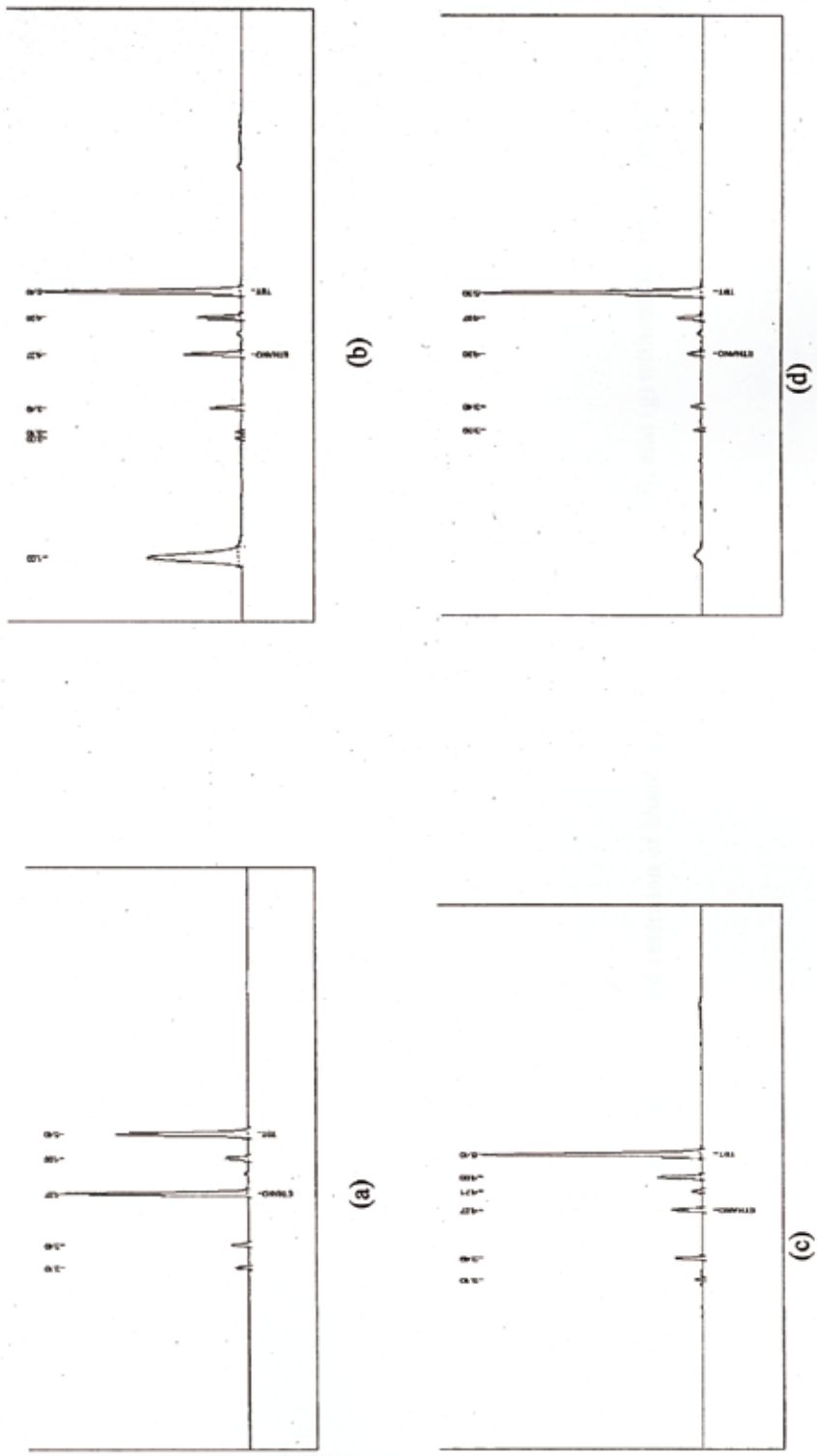


Figure 1: Chromatograms and retention time of blood samples of subjects (a), (b), (c) and (d) without history of alcohol ingestion.

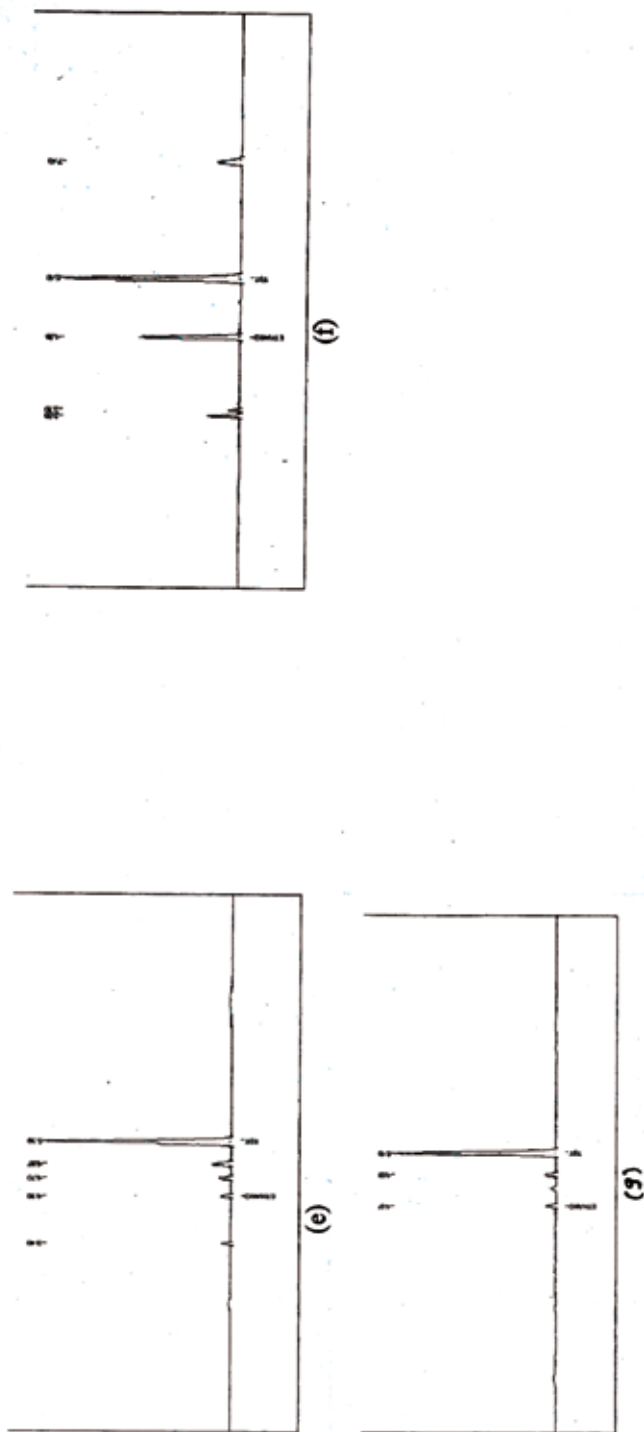


Figure 1 (contd) : Chromatogram and retention of blood samples of subjects (e), (f) and (g) without history of alcohol ingestion.

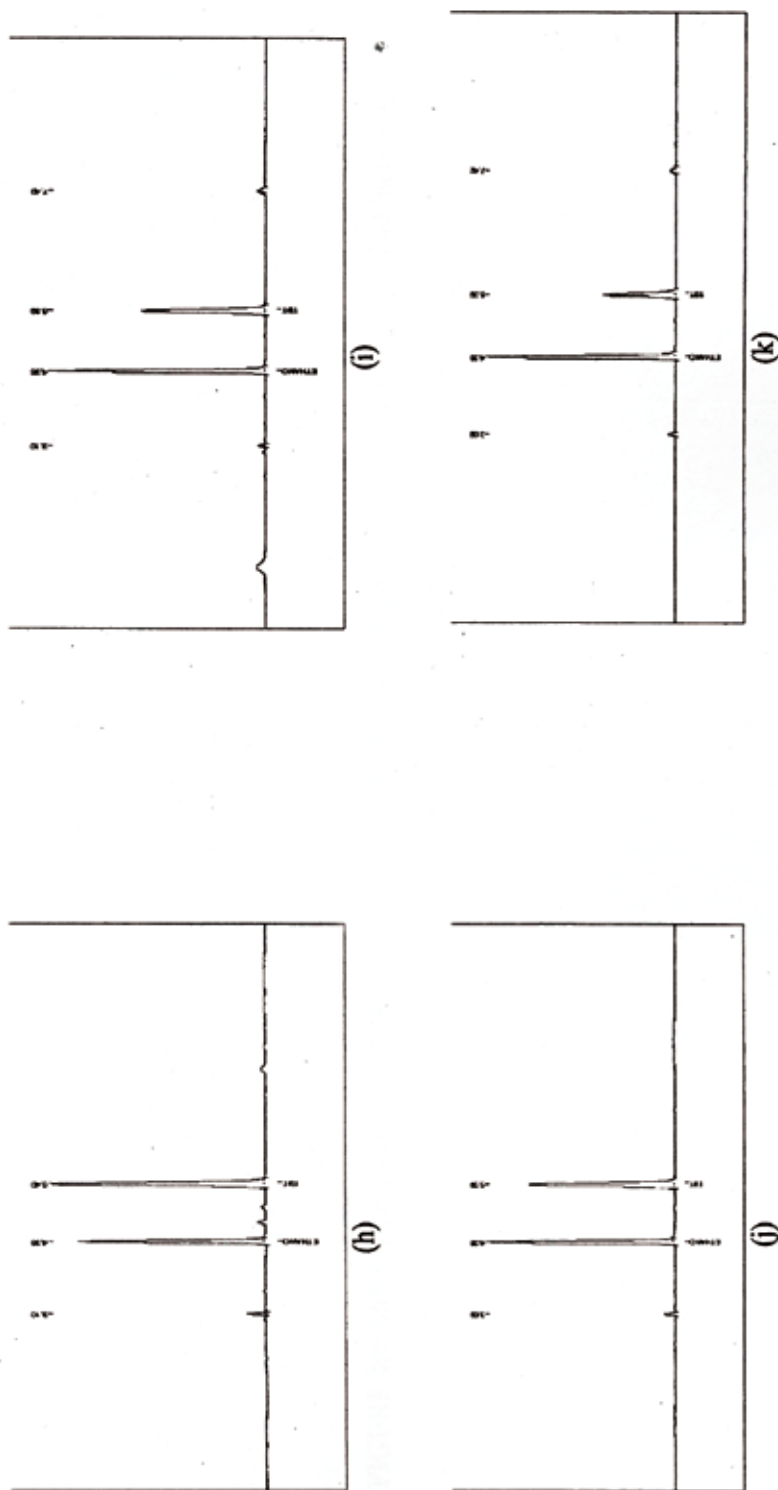


Figure 2 : Chromatogram and retention time of blood samples of subjects (h), (i), (j), (k), with history of alcohol ingestion and (h), (j) insecticide intake.

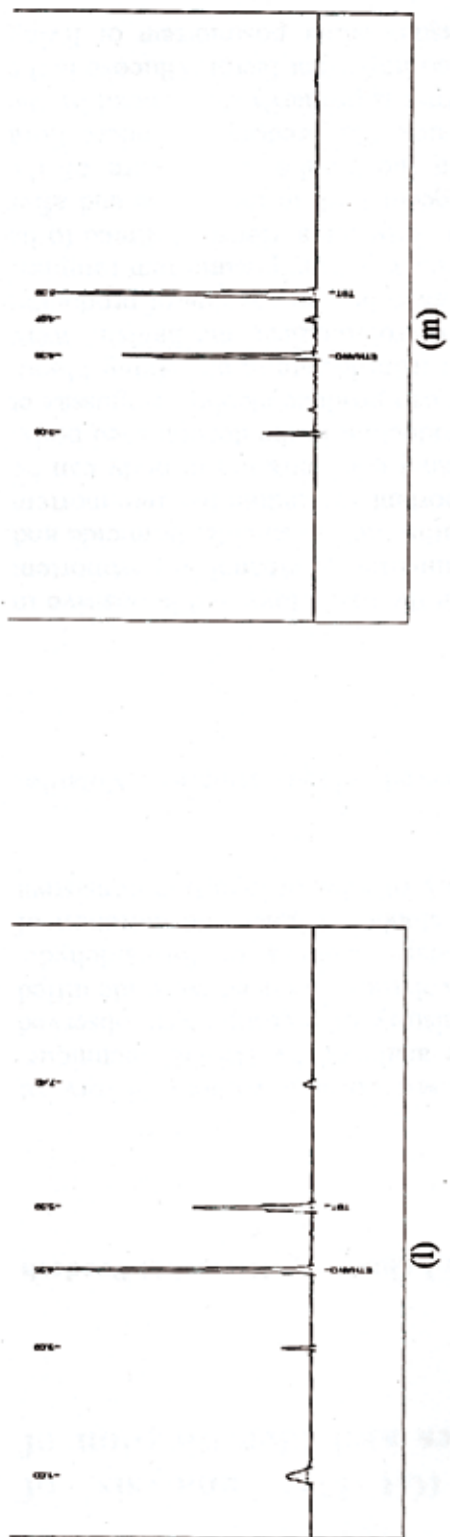


Figure 2 (contd) : Chromatogram and retention time of blood samples of subject (l), (m) with history of alcohol ingestion.



A NOVEL, NANOPARTICLE-SIZE FINGERPRINT DUSTING COMPOSITION BASED ON EOSIN B STAIN

G.S. Sodhi* and
Jasjeet Kaur**

Key Words

Fingerprints

Fluorescent

Nanoparticles

Powders

Stain

Introduction

It may be claimed that there is no more effective deterrent to crime than the certainty of detection. Equally true is that there is no surer way of establishing identity than by fingerprints. The detection of latent fingerprints at the scene of crime and their subsequent development is, therefore, one of the most powerful tools available in casework investigations.

The fingerprints found at the scene of crime or an article removed from it are formed when the papillary ridges leave a deposit of perspiration on a surface with which the finger has been brought into contact. The constituents of sweat may, be selectively fixed by different chemical reagents so as to make the latent prints visible^{1,2}.

The simplest and most commonly used method for detecting latent fingerprints is the powder dusting. This technique relies on the mechanical adherence of the detecting composition to the oily components of sweat^{3,4}. While selecting the powder it must be

ascertained that its ingredients do not interact chemically with the surface bearing the latent impression². Nor should it be strongly physically attracted to the surface.

Fingerprint Dusting Powder

Fingerprint dusting powders are available in a wide range of compositions. Regular powders consist of an adhesive, usually a resinous polymer, and a colorant for contrast⁵. The adhesive sticks to the moisture and oily components of sweat, while the colorant is adsorbed onto the adhesive. Commonly used adhesives are starch, kaolin, rosin and silica gel; commonly used colorants are charcoal, iron oxide and manganese dioxide. Organic dyes like aniline blue and Azure may also be used as colorants^{6,7}.

Powder formulations containing meshed metals have also been used for a considerable time². Their advantage is that they have longer shelf lives as compared to regular powders. Their disadvantage is that the metallic components elicit toxic effects to the users. Silver powder containing aluminium flake and pulverized quartz; gold

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powder containing bronze flake and pulverized quartz; and gray powder containing meshed aluminium and kaolin are some examples of metallic dusting compositions.

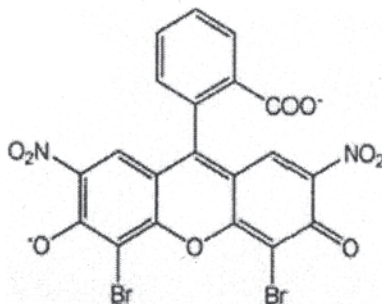
A good number of powder formulations contain organic derivatives that fluoresce or phosphoresce, upon exposure to ultraviolet or laser light^{8,9}. The advantage of such compositions is that these are useful for visualization of latent prints impinged on multicoloured surfaces that would present a problem of contrast if developed with regular or metal-based powders. Moreover, these may be used for detecting weak, chance and fragmented fingerprints that are often encountered at crime scenes. Their disadvantage is that these can rarely be used in field work. Some common organic compounds that have been used for preparing luminescent powders are rhodamine B, acridine orange and crystal violet.

Conventional Fingerprinting

Conventional fingerprint dusting powders pick up prints since the oil secreted by fingertips has a natural tackiness. In the course of time the oil tends to evaporate and, therefore, old fingerprints are difficult to detect by powder method. This problem is specifically relevant to a tropical country, like India where hot climate prevails eight out of twelve months in a year. Nanotechnology provides a solution to this problem. Nanoparticles have the ability to actively seek out

oil from the fingerprint residue, however small the amount may be. This paves the way for development of even extremely faint fingerprints.

In the present investigation, nanoparticles of aluminium oxide are capped with hydrophobic molecules which are repelled by water and attracted to oil. As a result, it becomes possible to detect fingerprints on moist and sticky surfaces. The nanoparticles are also coated with eosin B stain so that weak prints are enhanced under a suitable light source. This follows from our interest in propounding nanotechnology-based fingerprint detecting formulations.¹⁰



Chemical Structure of Eosin B Stain

Experimental Method

Eosin B was purchased from Sigma-Aldrich Foreign Holding Co. and used without any further purification.

Dry, grated bean seeds (5 g) were stirred in hexane (50 ml) for 5 hours. The contents were allowed to stand overnight and then filtered. The filtrate was added to

Abstract

In this communication the authors report a novel, fluorescent fingerprint dusting composition based on nanoparticles of aluminium oxide. These particles have been coated with two types of materials.

1. A fluorescent dye so that weak, chance fingerprints, which are often found at crime scenes, may be enhanced under a light source.



2. Natural hydrophobic substances, so that fingerprints may be detected on moist and sticky surfaces. The hydrophobic constituents repel water and allow the powder particles to stick to the oily components of the latent fingerprint.

Eosin B stain was used as the fluorescent dye. The hydrophobic constituents were extracted from grated bean seeds. A

nanoparticles of aluminium oxide (0.5 g). The mixture was sonicated for one hour. Hexane was allowed to evaporate under natural conditions. The nano-sized aluminium oxide particles become coated with the hydrophobic material extracted from the seeds. Eosin B stain (0.0075–0.01 g) was dissolved in distilled water (10 ml) and the solution was added to the coated aluminium oxide nanoparticles. The mixture was dried under natural conditions. The solid mass was ground to a fine powder. The dye content in the composition was 1.5–2.0%.

The composition was dusted on different surfaces containing the latent fingerprints with a camel hair brush. The excess powder was blown off. The surface was photographed.

Results and Discussion

The adhesion of a powder formulation to fingerprint residue is governed by the pressure deficit mechanism. If a powder particle is wetted only on its lower side by the sweat deposition, then owing to the curvature of the meniscus there will be a pressure deficit inside the droplet, causing the particle to adhere. The electrostatic attraction between the sweat residue and the powder particles too play a role in adhesion, albeit a minor one¹¹.

The effectiveness with which the powder adheres to the ridges depends on the size and shape of the particles that compose the formulation¹. Small, fine particles adhere more easily than large, coarse ones. Particles with size in nanometer range have excellent

adhesion ability. It was with this aim that a nanotechnology-based composition was prepared for the present study.

Detection of Latent Fingerprints

The novel composition detects latent fingerprints on a wide range of surfaces, absorbent and non-absorbent; white and multicoloured. It is specifically useful for developing imprints on glossy items (Fig. 1). Good quality prints have been lifted from lamination sheets. Thus, the present method may be extended for obtaining fingerprints from laminated documents, such as archeological scripts, certificates, driving licenses and identity cards. Prints may be developed on polythene bags – commonly used for carrying household items, and polythene bottles – commonly used for storing household items. It also detects imprints on obverse and waxed, reverse sides of postal stamps.

Due to the coating of natural hydrophobic substances on the nanoparticles, the composition developed prints on moist polymeric surfaces.



Fig. 1. Fingerprint developed on a glossy magazine cover.



Other surfaces on which an unscrupulous element is likely to leave his fingerprint impressions include glassware, steel handles and knobs, bakelite switches and switchboards and plastic table mats. The present technique of fingerprint detection gives good results on all such items. A representative impression developed on vitrified tile is shown in Fig. 2.



Fig. 2. Fingerprint developed on a vitrified tile.

The fluorescent nature of the composition assists in enhancing weak fingerprints that are frequently encountered at scenes of crime. The developed fingerprints showed orange fluorescence when impinged with radiation having 500-550 nm wavelength range and simultaneously observed through red goggles/filter (Fig. 3).



Fig. 3. Fingerprint developed on paper under fluorescent conditions.

The technique may be operated even by an amateurish hand. It may be used at crime scenes, as well as in the laboratory. The formulation is cost-effective.

Non-toxic

Several studies have indicted powder formulations as being a health hazard to fingerprint examiners^{12,13}. In fact, toxic effects heavy metals and their salts have led to phasing out of some of the compositions. For example, the lead-based and mercury-based powders are no longer used. However, the present composition is non-toxic in nature. Eosin B is used as a colorant in drugs and cosmetics⁹. Bean seeds are consumed as vegetables; these are also cattle feed additives. Aluminium oxide is used in column chromatography.

Conclusion

Fingerprint dusting powder based on nanoparticle size aluminium oxide and eosin B stain is a versatile composition for detecting Fingermarks on a spectrum of absorbent and nonabsorbent surfaces. It may be used both at the scene of crime or in the laboratory. It is cost-effective, non-toxic and luminescent in nature. The technique is simple to operate.

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variety of beans, called guwar is quite common in India. The authors preferred to use this variety since its extract is rich not only in hydrophobic constituents, but in carbohydrate content as well. As a result, it provides extremely good adherence characteristics to the final composition. The formulation develops sharp and clear fingerprints on an array of surfaces. Being non-toxic, it does not pose occupational hazard to



the users. The technique is simple to operate and does not require costly equipment or a sophisticated instrument.

References

1. Wilshire, B. Advances in fingerprint detection, *Endeavour* 1996, **20**, 12-15.
2. Lee, H.C. and Gaensslen, R.E. in *Advances in Fingerprint Technology*, Lee, H.C. and Gaensslen, R.E. (Eds.), Elsevier, New York, 1991, p. 59-101.
3. Knowles, A.M. Aspects of physicochemical methods for the detection of latent fingerprints, *Journal of Physics, E: Scientific Instrumentation* 1978, **11**, 713-721.
4. Sodhi, G.S. and Kaur, J. Powder method for detection of latent fingerprints: A review, *Forensic Science International* 2001, **120**, 172-176.
5. Olsen, R.D. *Fingerprint Mechanics*, C.C. Thomas, Springfield, 1978.
6. Sodhi, G.S. and Kaur, J. A fingerprint powder formulation based on aniline blue dye, *Indian Police Journal* 2002, **49** (3), 44-45.
7. Sodhi, G.S. and Kaur, J. Fingerprint powder formulation based on Azure II dye, *Defence Science Journal* 2004, **54**, 179-182.
8. Menzel, E.R. Laser detection of latent fingerprints - treatment with fluorescers, *Journal of Forensic Science* 1979, **24**, 96-100.
9. Menzel, E.R. Laser detection of latent fingerprints - treatment with phosphorescences, *Journal of Forensic Science* 1979, **24**, 582-585.
10. Sodhi, G.S. and Kaur, J. Nanoparticle size fingerprint dusting composition based on fluorescent eosin Y dye, *Fingerprint World* 2006, **32**, 146-147.
11. Thomas, G.L. The physics of fingerprints and their detection, *Journal of Physics, E: Scientific Instrumentation*, 1978, **11**, 722-731.
12. van Netten, C., Teschke, K.E. and Souter, F. Occupational exposure to elemental constituents in fingerprint powders, *Archives of Environmental Health* 1990, **45**, 123-127.
13. Souter, F.C.G., van Netten, R. and Brands, R. Morbidity in policemen occupationally exposed to fingerprint powders, *International Journal of Environmental Health and Research* 1992, **2**, 114-119.
14. Green, F.J. *The Sigma-Aldrich Handbook of Stains, Dyes and Indicators*, Aldrich Chemical Co., Milwaukee, 1991.



GENDER BASED VIOLENCE : MAGNITUDE, IMPACT AND INTERVENTION

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Introduction

Violence against women is perhaps the most shameful human rights violation and it is perhaps the most pervasive also. This violence knows no boundaries of geography, culture or wealth and as long as it continues, we can not claim to be making real progress towards equality, development and peace in the world.¹

The UN Declaration on the Elimination of Violence against Women, adopted by the General Assembly on 20 December 1993 defines violence against women as:

"Any act of gender-based violence that results in, or is likely to result in sexual or mental harm or suffering to women, including threats such acts as coercion or arbitrary deprivations of liberty, whether occurring in private or public life".

Article 2 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) elaborates that violence against women includes sexual, physical, and psychological violence in the family such as battering, sexual

abuse of children, female genital mutilation/cutting and rape while in the community such as sexual abuse, sexual harassment and intimidation, trafficking and forced prostitution; and the state such as poorly drafted or unenforceable laws for violence against women, law enforcement agents who violate women, the lack of facilities and education for prevention and treatment of women exposed to violence, the sanctioning and reinforcement of Unequal gender relations. The state's indifference and neglect in creating opportunities and entitlements for women in regard to employment, education, participation and access to social services also perpetuates gender-based violence.

Gender Based Violence

Gender based violence (GBV), in general, is a part of the culture, tradition, religion, patriarchal structures as well as the unequal power relations between women and men in a particular society. It threatens the basic security and hinders the full participation of girls and women. Gender-based violence represents one of the greatest dangers to the health of women and girls today. Until recently gender-based violence was viewed as a private or

Key Words

Gender-Based Violence
Family Violence
Private Shame
Public Crime
Human Rights Violation
Battering
Trafficking and Forced Prostitution
Patriarchal Structures
Psychological Violence

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¹Kofi Annan, Secretary-General of the United Nations, 'A World Free of Violence against Women', United Nations Inter-Agency Global Video Conference, 8 March 1999.



Abstract

Gender based violence is a part of the culture, tradition, religion, patriarchal structures as well as the unequal power relations between women and men in a particular society. Most of this violence takes place within the four walls of the family and committed by the intimate partners only. The family which is supposed to be the place where an individual seeks comfort and protection from the outside world,

family matter and the woman was perceived to be the one responsible for either adjusting more adequately to the situation as dictated by cultural norms or developing an acceptable method of suffering silently. However, there has been a shift in thinking in the last few years and GBV is now viewed as both a public health problem and a human rights violation.

Landmark Achievements

In the last decade, women's rights advocates in order to address gender-based violence have secured significant changes in national, regional and international standards and policies within and across countries and regions. The landmark achievements are the Convention on the Elimination of Violence against Women (1993); the Dakar Platform for Action (1994); the Beijing Platform for Action (1995); the African Plan of Action to Accelerate the Implementation of the Dakar and Beijing Platforms for Action for the Advancement of Women (1999); the UN Resolution 1325 on Women, Peace and Security (2000); and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (2003)².

Emanating from the UN Millennium Declaration, the 'Millennium Development Goals (MDGs) were formally adopted at a United Nations General Assembly meeting in September, 2002. The

MDGs focus on eight development priorities: poverty and hunger; primary education; gender equality; child mortality; maternal health; HIV /AIDS and other serious diseases; environmental sustainability; and global partnerships for development. The third goal among the eight MDGs acknowledges the fact that gender inequality and discrimination slows development and squanders human capital by making inefficient use of individual abilities, thus limiting the contribution of women. Since gender inequality, discrimination and gender-based violence are interdependent and interlinked and all of them stem from unequal power relationships within families, communities and state; it is, therefore, very important to address these issues holistically, to achieve the broader goals of sustainable development.

Magnitude of Problem

Violence against women may take place in private and public arena and is committed by family members as well as strangers. The major type of violence committed against women is the family violence which is committed by the family members within the four-walls of home. The women are abused by persons with whom they live like husbands, their mothers-in-law, and father, sisters-in-law or brothers-in-law. Most of the times, it happens for dowry. Family violence include

² "Gender-Based Violence: A Key to Achieving the MDGs". 2005. New York: United Nations Development Fund for Women (UNIFEM), March.



battering by intimate partners like husbands, fathers or brothers; sexual abuse of female children and young women, dowry-related violence; marital rape, child rape, gang rape, institutional rape, spousal rape and rape by intimate male relations, involuntary confinement; physical brutality; slavery-like conditions and mental cruelty.

Types of Violence

Other forms of violence are prostitution and trafficking in women and children, most often for commercial sexual exploitation. Poor women and the girls are among the target groups of such crimes. Honour killings and acid throwing are yet other forms of violence against women. There are many young and teenaged girls killed by their own family members in the name of saving the family's honour when these girls attempt to marry against their parents' wishes or outside their castes or religions. Many girls fall victims to acid burn by young men for rejecting love proposals and refusing to get married to them. Abduction of women in big industrial cities is not very uncommon in the South Asian region. These girls, most often, are made the worst victims of sexual harassment, and in extreme cases they are brutally killed.

Worldwide Phenomenon

The data from industrialized and developing countries as well as from transitional countries provide

information that the violence against women and children, in all its forms, is on the rise worldwide. According to a WHO report³, in Canada, as per a sample of 12,300 women, 29% were reported being physically assaulted by a current or former partner since the age of 16 while in Japan, about 59% of 796 women surveyed in 1993 reported being physically abused by their partner. In New Zealand, 20% of 314 women surveyed reported being hit or physically abused by a male partner. In Switzerland, 20% of 1,500 women reported being physically assaulted according to a 1997 survey. In the United Kingdom, 25% of women (a random sample of women from one district) had been punched or slapped by a partner or ex-partner in their lifetime. In the United States, 28% of women (a nationally representative sample of women) reported at least one episode of physical violence from their partner.

In the Middle East⁴ countries like Egypt, 35% women (a nationally representative sample of women) reported being beaten by their husband at some point in their marriage. In Israel, 32% of women reported at least one episode of physical abuse by their partner and 30% report sexual coercion by their husbands in the previous year, according to a 1997 survey of 1,826 Arab women.

has become 'the cradle of violence' while marriage as 'the hitting license'. Due to the social stigma and shame, a woman maintains a complete silence over it which makes the matters worse. The efforts are essential to break this silence and make the private shame a public crime in order to bring an end to the practice. There is a need to bring domestic violence from the private to the public domain.

³"Violence against Women," WHO, FRH/WHO/97.8, "Women in Transition," Regional Monitoring Report, UNICEF 1999, and a study by Domestic Violence Research Centre, Japan.

⁴ibid

In African countries⁵ like Kenya, 42% of 612 women surveyed in one district reported having been beaten by a partner; of those 58% reported that they were beaten often or sometimes. In Uganda, 41% of women reported being beaten or physically harmed by a partner; 41% of men reported beating their partner (representative sample of women and their partners in two districts). In Zimbabwe, 32% of 966 women in one province reported physical abuse by a family or household member since the age of 16, according to a 1996 survey.

Latin America & Caribbean

In the Latin American and the Caribbean region⁶, 26% of women of a representative sample from Santiago in Chile, reported at least one episode of violence by a partner, 11% reported at least one episode of severe violence and 15% of women reported at least one episode of less severe violence. In Colombia, 19% of 6,097 women surveyed reported to have been physically assaulted by their partner in their lifetime. In Mexico, 30% of 650 women surveyed in Guadalajara reported at least one episode of physical violence by a partner; 13% reported physical violence within the previous year, according to a 1997 report. In Nicaragua, 52% of women (representative sample of women in Leon) reported being physically abused by a partner at least once; 27% reported physical abuse in the previous year, according to a 1996 report.

Central Europe

Among the Central and Eastern Europe/CIS/Baltic States, Estonia reported to have 29% of women aged 18-24 feared domestic violence, and the share rises with age, affecting 52% of women 65 or older, according to a 1994 survey of 2,315 women. In Poland, 60% of divorced women surveyed in 1993 by the Centre for the

Examination of Public Opinion reported having been hit at least once by their ex-husbands; an additional 25% reported repeated violence. In Russia (St. Petersburg), 25% of girls (and 11% of boys) reported unwanted sexual contact, according to a survey of 174 boys and 172 girls in grade 10 (aged 14-17). In Tajikistan, 23% of 550 women aged 18-40 reported physical abuse, according to a survey.

Asia-Pacific

In the Asia and the Pacific region⁷ the situation is equally alarming. For instance in Cambodia, 16% of women (a nationally representative sample of women) reported being physically abused by a spouse; 8% reported being injured. In Korea, 38% of wives reported being physically abused by their spouse, based on a survey of a random sample of women. In Thailand, 20% of husbands (a representative sample of 619 husbands) acknowledged physically abusing their wives at least once in their marriage.

According to India's National Crime Records Bureau (NCRB), at least 20% of married women between the ages of 15 and 49 in India experience domestic violence, many of them on a continual basis. Every six hours, a young married woman is burned, beaten to death or driven to commit suicide. Overall, a crime against a woman is committed every three minutes in India. As per the NCRB's 'crime clock', the country reported one dowry death every 77 minutes in 2004.

In a multi-site study of nearly 10,000 households, 40 percent of the women reported experiencing at least one form of physical abuse and 26 percent reported severe physical abuse, including being hit, kicked, or beaten. Fifty percent of the women experiencing severe physical abuse reported being beaten three or more times in their lifetime and at least once during pregnancy⁸.

⁵ibid (See Footnote Ref. No. 3)

⁶"Violence against Women," WHO, Op. Cit.

⁷"Violence against Women," WHO, Op. CU.

⁸Visaria, Leela. 1999. "Violence against women in India: Evidence from rural Gujarat." In *Domestic Violence in India 1: A Summary Report of Three Studies*. Washington, DC: International Center for Research on Women and the Centre for Development and Population Activities.

Indian Sub-continent

The United Nations Women's Development Fund (UNIFEM)⁹ estimates that domestic violence is the leading cause of death across the world. In South Asia, the figures on domestic violence are stark and worrisome. In India, the National Family Health Survey (NFHS-II) reveals that one in five married women in India experiences domestic violence from the age of 15. Around two-third of married women in India are victims of domestic violence and one incident of violence translates into women losing seven working days in the country, according to United Nations. As many as 70 per cent of married women in India between the age of 15 and 49 are victims of beating, rape or coerced sex, says a United Nations Population Fund report.

In Bangladesh¹⁰, between 50 and 60 per cent of women in Bangladesh experience some form of domestic violence, according to recent research by International Center for Diarrhoeal Disease Research-Bangladesh (June 2006). One Stop Crisis Centre, a Bangladesh-based NGO that supports women victims of violence, reveals that almost 70 per cent of sexual abuse suffered by women occurs within their own homes. An estimated 200 women are murdered each year in Bangladesh when their families cannot pay their dowry, says Oxfam Australia.

In Sri Lanka, a survey by the Ministry of Child Development and Women's Empowerment (2006), 60 per cent of women throughout Sri Lanka are victimized by domestic violence and 44 per cent of pregnant women are also subject to harassment.¹¹

In Pakistan¹², around 80 per cent women suffer violence within their homes according to the Human Rights Commission of Pakistan. In Nepal¹³, Records of

Nepal's Central Women Police Cell registered 3,505 cases on domestic violence between 1998 and 2004; women's organisations, however, maintain that a majority of cases remain unrecorded.

In Afghanistan¹⁴, research conducted by Afghanistan Independent Human Rights Commission's (AIHRC) in 2005 on domestic violence shows that more than 50 per cent women are victims of abuse within their homes. Forced marriages are common, though it is a punishable offence under the law.

Impact of Gender Based Violence

The impact and consequences of violence are complicated and lead to lifelong health and developmental problems. The immediate personal impacts and the damage that violence does to an individual is carried forward into later childhood, adolescence and whole of adult life. Abused women and children are more likely (than others) to suffer from various psychological, emotional and behavioral problems. The abused women are most likely to suffer from depression, anxiety, psychosomatic symptoms, eating problems, sexual dysfunction and many reproductive health problems, including miscarriage and stillbirth, premature delivery, HIV and other sexually transmitted infections, unwanted pregnancies and unsafe abortions. Domestic violence in all its forms causes immense damage to the reproductive health and wellbeing of women and girls resulting into unwanted pregnancies and restricted access to family planning information and contraceptives; unsafe abortion or injuries sustained during a legal abortion after an unwanted pregnancy; complications from frequent, high-risk pregnancies and lack of follow-up care; sexually transmitted diseases, including HIV / AIDS; persistent gynaecological problems; psychological problems, including fear of sex and loss of pleasure. Consequences

⁹ United Nations Population Fund (UNFPA) Report, 2000. Cited by Oxfam GS, Oxfam (India) Trust, New Delhi. Online available at: <http://www.wecanendvaw.org/domestic-violence.htm> -

¹⁰ ibid

¹¹ ibid

¹² ibid

¹³ ibid

¹⁴ ibid

of abuse, such as HIV / AIDS or unplanned pregnancies, may in themselves act as risk factors for further aggression, thus forming a cycle of abuse. Adolescents who have experienced sexual abuse are more likely to experience it again later in life¹⁵.

Adverse Effects

In addition to injuries sustained by women during violent episodes, physical and psychological abuse are linked to a number of adverse physical health effects including arthritis, chronic neck or back pain, migraine and other frequent headaches, stammering, sexually transmitted infections, chronic pelvic pain, peptic ulcers, spastic colon, and frequent indigestion, diarrhoea or constipation. Additionally, optimal management of other chronic illnesses such as asthma, HIV / AIDS, seizure, diabetes and hypertension may be problematic in women who are being abused. Female adolescents who reported being sexually or physically abused are more than twice as likely to report smoking, drinking and using illegal drugs as non-abused teens.¹⁶

A study in the Indian states of Tamil Nadu and Uttar Pradesh found that women who had been beaten were significantly more likely than non-abused women to have had a pregnancy loss from abortion, miscarriage, or still-birth, or to have lost an infant.¹⁷

Witnessing violence actions by children can be mentally damaging. The children who are physically abused or hurt often copy the violent behaviour they witness, both as children and later as adults. Exposure to violence provides justification for children to use violence in their own relationships. They learn that violence is an acceptable way to assert one's views, get one's way or to discharge stress. These children also

learn that violence may be an inherent part of loving relationships. Apart from that, they may develop stress-related health problems. They can lose self-confidence, be afraid or angry, and blame themselves for what is happening or feel guilty.

They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution and commit sexual assault crimes. Children who are exposed to intimate partner violence have increased difficulties with learning and school functioning. The symptoms of trauma including sleep difficulties, hyper-vigilance, poor concentration and distractibility interfere with a child's ability to focus and to complete academic tasks in a school setting¹⁸.

A study in rural Karnataka, India, found that children of mothers who were beaten received less food than other children did, suggesting that these women could not bargain with their husbands on their children's behalf.¹⁹

Intervention

Violence against women has long been a private and a secret problem that is perpetuated through the silence and the stigma surrounding it. Most of the violence against women takes place within the four walls of the family and committed by her intimate partners only. The family which is supposed to be the place where an individual seeks comfort and protection from the outside world, according to Straus,²⁰ has become 'the cradle of violence', while marriage as 'the hitting license'. Due to the social stigma and shame, a woman maintains complete silence over it which makes the matters worse. The efforts are essential to break this silence and make the private shame a public crime in

¹⁵ Emma-Jane Cross. 2007. Online available at: <http://www.socialpreneurial.com/pdfs/Responding%20to%20Domestic%20Violence.pdf>

¹⁶ Identifying and Responding to Domestic Violence: Consensus Recommendations for Child and Adolescent Health. The Family Violence•Prevention Fund. August 2004. pp 4. Online available at: www.endabuse.org

¹⁷ Jeejeebhoy S.J. 1998. "Associations between Wife-Beating, and Foetal and Infant Death-. Impressions from a Survey in Rural India". Studies in Family Planning, 29 (3), pp 300-308. Cited in Population Reports, 1999.

¹⁸ Identifying and Responding to Domestic Violence: Consensus Recommendations for Child and Adolescent Health. Op. Cit. pp 5.

¹⁹ Ganatra B. R. et al. 1998. "Too Far, Too Little, Too Late- A Community-Based Case-Controlled Study of Maternal Mortality In Rural-West Maharashtra, India". Bulletin of the World Health Organisation, 76 (6): pp 591-598. Cited in Population Reports, 1999.

²⁰ Strauss, M.A. 1980. 'A Sociological Perspective on the Causes of Family Violence'. In Green, R.M (Ed.). Violence and the Family. Colorado: WestView Press.

order to bring an end to the practice. There is a need to bring domestic violence from the private to the public domain.

On the whole, reducing violence against women implies changing the nature and direction of the socially and culturally accepted factors and forces that discriminate and subjugate women. This would mean redefining the notion of power, so that the violence as a way of maintaining control loses its inherent value. It would entail making structural changes in societal and legal systems, challenging community norms on violence and holding perpetrators accountable. Putting what is at stake, the agenda is not too big to be achieved.

References

1. Government of India, Ministry of Home Affairs. 1999. *Crime in India*. New Delhi: Ministry of Home Affairs, Government of India.
2. Heise, L., Moore, K., and Toubia, N. 1995. *Sexual Coercion and Reproductive Health: A Focus on Research*. New York, NY: The Population Council.
3. International Center for Research on Women. 2002. *Domestic Violence in India: Exploring Strategies, Promoting Dialogue*. Washington. Online available at: <http://www.icrw.org>, Sept. 28, 2007.
4. UN Millennium Project. 2004. *Task Force Three Interim Report on Gender Equity*. New York: UN Development Programme and UN Department of Public Information.
5. UN Millennium Project, 2004. *The Millennium Task Force Report on Gender Equality and the Empowerment of Women*. New York: UN Development Programme and UN Department of Public Information.
6. UNFPA. 2004. *State of World Population*. New York: UNFPA.



MANAGING THOUGHTS AND VALUES FOR EXCELLENCE IN POLICING

Rakesh Kumar Singh*

Key Words

Thoughts
Values
Professionalism
Competency
Attitude
Materialistic
Courage
Knowledge
Visible
Commitment
Constructive communication
Administrative reforms
Care and concern
Feelings
Efficiency

Introduction

The defining moments in life of police professionals are often those times when our highest values are in conflict and we are forced to choose between two sets of values and ideas. It is in these moments that characters are built and destiny defined. These are the creative and constructive moments, which bring timeless glory and laurels. The intangible gains so achieved makes organization progressive and motivate individuals into intuitive attitudes surrounding values and beliefs. With these values innovation is the added parameter to excel in any arena in modern context. Since not only the world is materialistically changing fast but also its values and beliefs are under transformation. Therefore, the professional management of police administration is a harmonious balance commensurate with the burgeoning expectations of the people vis-a-vis resources of the nation state.

Today, the most humiliating allegations levelled against personnel in uniform are "of inaction, being corrupt, immoral, partial, dishonest etc. All these are the aspects of one's moral values and beliefs. Though not very often, yet police are also accused of lack of professionalism that is, the

police lack training and tactics to deal with the situation. Thus, questioning the competency and capability of the police. Nevertheless, the personal characteristics like values and beliefs to which the policemen adheres makes them more vulnerable and open for contempt and criticism.

Paradigm Shift

In recent years, there has been an accelerated shift in thought which guides police management culture. From management by example to management by objective to management by results there is perceptible move towards management by the values as a process to align personnel and get them committed to work for people at the cost of own comfort is a hard theory for anybody to vouch for in this materialistic and demanding society. However, still the core values of human beings have remained the same through the ages and still one gets ultimate satisfaction or in managerial terminology "self actualization" in serving and helping human being of some use to others and society.

One school of thought describes values being what is important to us and what gives significance and meaning to our lives. Explicit values provide an

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efficient way to build commitment, guide decision making, align actions, increase potential capability and achieve a state that enables us to unite members for effective performance. Our values are externally represented by our character and attitude. A policeman necessarily needs to have refined attitude and high character to win over hearts of people. In a developing country like India where the government is still administrating many aspects of people's life, the role of police is of paramount importance as this is apparently the most strong and visible hand of the government.

Values vs Thoughts

Values are simply the product of good atmosphere, positive thinking and truthful organizational vision. To inculcate values amongst the police professionals society do play a major and most impressive role but a good leadership, self pride, organizational esteem and sub-culture can contribute constructively to this august and most helpful "Police" institution. For promoting the cause of values, thoughts are to be generated and experimented. New ideas are implemented in managing facilitators by being tough on the values and tender in support of the personnel who would dare to take risk and try something new in support of those values. As Tom Peter elaborates in his book 'A passion for excellence' that the leadership must speak constantly of vision, of values, of integrity and they should harbour the most soaring, lofty and abstract notions. No issue or activity is too small to pursue if it serves to make the vision a little bit clearer. Inspired

management is the need of the time which should connote unleashing potent energy, urge for freedom and growth. These are possible through managing thoughts and adhering to values.

CPMFs at Crossroads

These days, the Para-Military and police are at crossroads due to the paradigm shift. Everything has changed from values, perceptions and morality. Even the definition of patriotism and nationalism has now a new dimension. No doubt, youth are still eager to die for the Nation or say more eager due to the pomp and glorification of electronic media these days. But there are certain aspects in their career where they do not want to be mute spectators and sufferers. The young blood in uniform want to express themselves and also wish that their "Expressions" find a place in the thought of the hierarchy of the organisation.

Clauswitz Carl Van has said, "In war what counts is doing simple things but in war it is very difficult to do simple things". Same hypothesis is true in, my opinion, for all sorts of crisis arising due to avoidance of changes into strategic leadership thinking and perceptions. To meet the expectations of its personnel, all police organization's leadership are required to have passion for promoting excellence. The reforms are required at two levels - one at the level of values and role perception of various functional leadership / personnel of organization, and secondly there is burning need of administrative reforms and cultural transformation in Police and Para-military in India.

Abstract

Police administration need to be infused with values and superior thoughts for betterment of organization and above all for Public Service. For such attitudinal transformation, visible commitment at top leadership level and organizational culture which promotes values, encourages work and innovation is required.

The defining moments in the life of police



professionals are often those times when our highest values are in conflict and we are forced to choose between two sets of values and ideas. It is in these moments characters are built and destiny defined. There are also the creative and constructive moments which bring timeless glory and laurels. The policing profession can be most trusted and respected by the people if we are able to manage

Administrative Reforms

In administrative reforms, the paramount concern is to make departmental rules, regulations, act and conduct rules more rational and logical. There are lengthy and complicated rules whose interpretation can be done either ways. Therefore, generally these are applied for disadvantage of own personnel or for the advantages of the sycophants or near and dears. These leverages promote inefficiency and ill-will thus demotivating the sincere personnel. Besides this, there is the need is to win the trust of the personnel and 'a feeling' is to be injected that they are being taken care of. For this transparency is required.

The Headquarters/Directorate will have to shun the policy of "touch me not/don't question us" policy. The personnel require their queries to be responded and their requests to be rationally disposed off. Nowadays everybody expect that reply to their request should be communicated, so it is apparent that justice has been done. The decades old bureaucratic response "Considered but rejected being void of merit. .." should be done away with and there should be response with explicit convincing reasons.

It is no surprise that most of the rules, sub rules or instructions are more compromised and broken at Headquarters than at field level. This makes the mockery of the system and brews dissatisfaction. Another aspect lacking in personnel management

of police is that the potentiality are not appropriately tapped and promoted to suit the society in general for whose services we are. While assigning tasks and training, one's taste and capability should be taken into consideration; not their proximity and vulnerability to the authority. While dispensing with decision and judgments the higher-up must consider their employees as customers to whom they have to provide services and facilities so that the later could do justice with their duty.

Cultural Transformation

Remarks of Winston Churchill is very appropriate in this connection -"It is not enough to do our best, sometimes we have to do what is required." The organizational hierarchy may reflect in its approach that they are sensitive towards the causes of its own personnel. After all, people are the most important asset even in business. We in the police are all about serving people only. Such cultural transformation in administration / hierarchy will generate a sub-culture of mutual trust, care, concern and compassion, which in turn will nurture a healthy working environment and ethics. This is glaringly missing from police functioning these days. These changes will transform the professionalism of the police.

Police Sub-culture

The police sub-culture generally treats its personnel in generalized form. If the leadership



wants to inspire its rank and file, the outlook must be of treating each person as an individual. Motivated police personnel must be selected and respected, and others be inspired. Inspiration is not tangible, nonetheless it does exist and it does happen.

Notwithstanding, all these cultural transformation there is also a need for administrative reform which may give more time to policemen to work on ground, go for experimentation and innovation. They be trusted and devote themselves for their primary duties than the avoidable petty policing works, and cumbersome documentation which has become a requirement these days, particularly to hush-up the inefficiency and lethargy of police and CPMFs.

Quality vs Quantity

In old days, the inspiration and motivation, as it is called, did not matter much. Subordinates did what the superiors told them to do or not to do. Thinking was not a required skill. Training consisted of inculcating drills and work habits. This approaches reached its climax in Armies. But it is now indisputably clear that quality matters, not quantity. Quality of leadership and quality of soldiers too, especially in respect of intelligence and inner motivation are required. In the light of the above cultural transformation within organization, it is necessary ultimately to develop healthy and motivated sub-culture of the

organization. This is possible only from the top. For this transformation, the personnel posted in "Staff" should be emotionally intelligent, professionally competent and must have positive attitude.

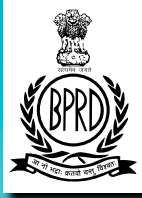
Corporate Ethics

The people having negative attitude and sadistic by nature should be identified and they may be given psychiatric treatment as well as they be monitored, so that they do not further inject spiritlessness and disharmony in the organization. Nonetheless, the police organizations must develop a few corporate ethics of personal incentives to employees such as encouraging personnel by award / commendation letters, etc. to continue with good works, e.g. if one wish to study further, a good luck card or a letter or telling one's positive aspects asking for their interest arena, choices for posting and if possible accepting them easily, and smooth acceptance of medical bill, TA/DA and L.T.C. bill. These will make people more sincere towards their job.

Like any other organizational culture, the police management and leadership are reluctant to the changes, particularly, if one associates changes with values and constructive thoughts. However, recent degradation in the reputation of police has really forced everyone to think to do something which makes it acceptable to the people. If image of police is not getting positive impact, very soon it will

our thoughts and adore core values for services which are expected from us by the society.

In police services the traditional managerial style of 'rule of thumb' still continues whereas today everywhere the employees are to be taken care of and their grievances / expressions need to find a soft place in the hierarchy. All these negligence of concern for employees make the police personnel inefficient and



demotivated resulting in dissatisfaction among the police personnel and people for whose services they are supposed to be existing. Thus, the need of the hour is change in leadership style and managing thoughts and values to work passionately for promoting excellence in policing.

become synonymous of something bad, irrational, rowdy, but necessary evil, etc.

Recommendations

To make genuine changes, an environment of mutual trust, feedback and constructive criticism is required amongst people and police as well as superior leadership of police and subordinate. For sustainable growth towards positive image, in author's opinion, following key ingredients will considerably help:

- ❖ Visible commitment at top leadership level (political as well as bureaucratic level).
- ❖ A sub-culture that encourages team work and innovation and promotes truthfulness.
- ❖ Tolerance for genuine mistakes, support for being proactive and respect for commitment.
- ❖ Open and constructive vertical as well as horizontal communications.
- ❖ An organizational culture which respects and promotes

values, and even in case of political victimization, one can stand behind colleagues.

Conclusion

Paradoxically, police is an organization where, for petty gains even colleagues collude with vested interests against their own fellow officers, only to weaken and harm the organization in the long run. This mindset need to be transformed, if they want that "Uniform" be respected in society. An appropriate Arabian proverb expresses it beautifully, "We cannot direct the wind but we can adjust the sails."

Personal leadership exists only as long as officers demonstrate it by superior values, courage, wider knowledge, initiative and compassion for the people. In all dealings, they must show integrity and unselfishness and place the well being of their men before their own. So gist is that : Infuse police administration with leadership through values and superior thoughts for actions and reactions for services to the people, and for its own survival as respectable and honoured institutions.



I B's EXPEDITION TO MT. EVEREST - 2008

First CPO and IPS Officer to Scale Highest Peak of World

Introduction

The management in modern times has undergone a sea change, factored by growing complexities of globalized world. It is for this reason that modern management, whether be it government sector or non-government sector, is banking heavily on multi-disciplinary

even in the modern day context. Therefore, Indian civilization has been treated as one of the most robust and the oldest in the world.

The importance of maintaining forces for the protection of territorial integrity of the state and the security of citizens has been undisputed in all old treaties, including those of



Route from Base Camp to the Everest Peak.

approach, and even borrowing tools and techniques from traditional sectors such as religious texts and ancient history and literature like Mahabharata, Ramayana, Bible, Koran, etc. India with its long history of multicultural heritage has a very rich treasure of scriptures, works of art, science, astrology, technology, military strategy, political science, economics, language, music, etc. which can be drawn upon gainfully

renowned economist and political scientist Kautilya. In the Independent India, the Union and the State governments have set up the control of State Police Forces to meet their obligations of national security and territorial integrity besides ensuring maintenance of order as ordained by the law of land.

Group holiday, company sponsored sightseeing, picnic, and

Key Words

Intelligence Bureau

Expedition

Multi-Disciplinary

Approach

Adventure Sports

Rock Climbing

Mountaineering

Central Police
Organization

SGMI

Everest Base Camp

Sagarmatha



Abstract

Group holiday, company sponsored sightseeing, picnic, and mountaineering, adventure sports have become the informal tools to rejuvenate the workforce and provide new insight to the problem solving. Moreover, in the case of Central Police Organizations (CPOs) like IB, CRPF, BSF, SSB, ITBP, BPR&D and others, this has added significance. Particularly,

mountaineering, adventure sports have become the informal tools to rejuvenate the workforce and provide new insight to the problem solving. Moreover, in the case of Central Police Organizations (CPOs) like IB, CRPF, BSF, SSB, ITBP, BPR&D and others, this has added significance. Particularly, mountaineering and adventure sports improve and hone their professional skills, in addition to arming them with innovation and improvisation to handle the challenging and difficult cases. As our CPOs have to operate in difficult terrain, this familiarizes them with various aspects of the mountaineering.

"The officers of Intelligence Bureau operate in varying terrains throughout the length and breadth of the country. However, it is in the vast, snowcapped mountains that they operate in conditions that could be lethal to the untrained." A high level mountaineering training institute to impart mountaineering tradecraft to their personnel was established in

1961 in Gangtok, Sikkim. It was called the Mountaineering Club, which was rechristened as Mountaineering Institute in 1963, and it was renamed again after legendary mountaineer, Late Shri Sonam Gyatso, who scaled the Mt Everest and after his untimely demise as Sonam Gyatso Mountaineering Institute in 1968.

Taking their regular activities to instill feeling of adventure and to hone up the skills of their officials, Intelligence Bureau (IB), to be in tune with changing times and challenges, has been conducting various activities/events to promote the importance of utmost physical fitness and stamina to withstand rigorous adverse climatic conditions. The IB conducted its first MT. EVEREST EXPEDITION in April-May, 2008. The expedition comprising 20 members, 16 from the IB and four State Police personnel (two constables from J&K, one constable from Uttarakhand and Shri Atul Karwal, IG from Gujarat) was led by Shri G.T. Bhutia, former Principal,



Climbers on South Summit, on way to Everest Peak.



Sonam Gyatso Mountaineering Institute (SGMI), Gangtok, under flagship of the Intelligence Bureau. The Deputy Leader was Dr. D.S. Burfal, who was also the Medical Officer for the expedition.

Flagging Off

The expedition was flagged off from Delhi in the early hours of March 31, 2008 by Shri P.C. Haldar, Director, Intelligence Bureau. The Fifty two days later, at 0530 hrs on May 22, 2008 the first climber of the expedition, Shri D.D. Bhutia, Chief Instructor, SGMI reached the Mt. Everest peak. Within a space of about two hours, nine other climbers also scaled the peak. The ten summiteers included seven from the Intelligence Bureau and three State Police officers (Constable Ashish Kumar Singh of Uttarakhand, Constable Ram Singh Salathia of J&K, and Atul Karwal, IG of Gujarat). Two lady Instructors of SGMI, Ms. Phul Maya Tamang and Ms. Yangdi Sherpa, were amongst the summiteers.

First IPS Officer on Mt. Everest

Shri Atul Karwal became the first IPS officer to have scaled Mt. Everest. Shri Nima Wangchu, Instructor, SGMI became the oldest Indian Everester at almost 60 years of age. All the three Police officers, who scaled Mt. Everest became the first Police Officers of their respective States to have achieved this distinction.

A Felicitation Function was organized for the team members at Delhi on July 21, 2008. The Hon'ble Union Home Minister was the Chief Guest at the Function. Among the distinguished gathering were Capt. M.S. Kohli, leader of the first successful Indian Mt. Everest Expedition - 1965 and Shri Sonam Wangyal, former Principal of SGMI, who was a member of the Everest Expedition under Capt. M.S. Kohli and scaled Mt Everest on that occasion.

The 20-member Mt. Everest Expedition was flagged off by

mountaineering and adventure sports improve and hone their professional skills, in addition to arming them with innovation and improvisation to handle the challenging and difficult cases. As our CPOs have to operate in difficult terrain, this familiarizes them with various aspects of the mountaineering.



On Hillary Step (28,900 ft.), below the Summit.



View of Mt. Everest (South Col) from Kalapathar Nepal.

Shri P.C. Haldar, Director, Intelligence Bureau, from Delhi in the early hours of March 31, 2008. The team reached Kathmandu (Nepal) by road on April 2. The next few days were spent making preparations, including mustering and sorting out of expedition equipment and obtaining the necessary clearance and climbing permits from the Ministry of Tourism, Government of Nepal.

On May 5, the team left Kathmandu for Lukla (8,860 ft.) in a small Twin Otter aircraft. Lukla is a unique airport with a narrow and short airstrip curving upwards between houses. The size of the airport itself is about a third of a football ground. The trekking commences from Lukla, the route winding through wooded areas and villages, continuously climbing upwards towards Monju (9,000 ft). After a day's halt at Monju, the team proceeded to Namche Bazar (11,000 ft), an important administrative and commercial centre.

Base Camp

Three days later, the team resumed its trek from Namche Bazar to Pangboche, passing the famous Thyangboche monastery on the way. Resuming the trek—the next day, the team finally reached Gorakshep (16,300 ft.) three days later. Gorakshep is located very close to Kalapathar, from where one of the best views of Mt. Everest can be had. On April 15, the team reached the Everest Base Camp (BC) at the height of 17,500 ft.

The BC is established on the foot of the Khumbu Icefall, where the depth of the glacier is around 1,500 ft. About 39 teams from all over the world were camping in the Base Camp, spread along a strip that is about 1 km long and ½ km wide. A well-organised camp, including tents for accommodation, kitchen, messing and medical cover, was established. A helipad was also constructed at the BC for emergency evacuations. There was considerable bonhomie and cordiality among the members of the different teams at the base camp, all of whom gathered for a common purpose after making considerable preparations. A puja was performed by the team members, to seek the blessing of Sagarmatha (the presiding deity of Mt. Everest).

Khumbu Glacier is one of the trickiest and most dangerous areas to negotiate during the climb. It consists of shifting ice, huge ice walls and deep crevasses. It can be negotiated only by fixing ladders across the steep ice slopes and deep crevasses.

The positions of the ladders have to be changed often, depending on the melting of the ice. It takes about 7 hrs to cross the Khumbu Ice Fall, and this is an activity that has to be undertaken frequently during the acclimatization and climb to the higher camps. As such, it was necessary for the team members to train themselves on crossing the Khumbu Ice Fall. About 70 percent of the casualties during the Everest climb occur at the Khumbu Ice Fall.



Onward March from Camp II to Camp III.

There are lurking dangers in the form of toppling of seracs and drifting of heavy snow boulders; one wrong step and a person can plummet a thousand feet to his death.

Camp-I to Camp-III

As Camp-I (19,500 ft.) is located on the shoulder of Khumbu Ice Fall, it can only be accessed from the BC by making the risky crossing over the glacier. The camp is situated at the junction of three glaciers and the area is unstable and prone to sinking. Camp-II (21,200 ft.) is situated at the foot of Mt. Everest and Mt. Lhotse. The area is a gently rising slope of snow and ice. It was termed 'the valley of silence'



Negotiating Khumbu Glacier.

by the Swiss expedition of 1952. It is also referred to as the Advance Base Camp for Mt. Everest and Mt. Lhotse. All logistic and administrative support is located here. Camp-III (24000 ft.) is established on Blue ice on the Lhotse face. The route to Camp-II is traversed along a 45-60 degree ice slope, dangerous, treacherous and exhausting to negotiate. Tents are pitched at Camp-III on the slope and anchored to the ice wall. Ropes are tied around the tents to enable members to move outside by holding on the ropes. Any slip could result in an uncontrollable fall down the steep slope. This is also a rockfall zone prone to avalanches.

Camp-III to Camp-IV

The so-called Yellow Band is a long stretch of yellowish limestone that cuts horizontally across the upper reaches of the whole Everest massif and is about 2 hours climb from Camp-III. This is also a very difficult stretch to negotiate as it comprises rocks and hard ground on which the use of sharp crampons attached to the bottom of the climbing boots have a tendency to slip. After negotiating the Yellow Band, climbers enter the unfortunately named Death Zone, which starts above 24,500 ft., an altitude where human life cannot be sustained for any long period of time, even with supplementary oxygen supply. The Geneva Spur is a rib of rock that guards the entrance to the South Col. The Geneva Spur was named by Swiss Mountaineers in 1952. It is the last major hurdle before the South Col.

Camp-IV

Also known as the South Col (25,940 ft.), the camp is situated on a flat and rocky ground. Icy winds blow from the northeast to the southwest across this area. This camp is the launching pad for the summit. Climbing from Camp-IV towards the summit, one first encounters a stretch known as the Balcony (27,600 ft.), a lodge below the South East Ridge. Also referred to as Camp-V, inexperienced and relatively weak climbers often camp at in this area to recoup their energies before the final assault.



Ms. Phul Maya Tamang and Ms. Yangdi Sherpa, lady Instructors at SGMI, who scaled Mt. Everest.

Several hours of climbing later, the Hillary Step (28,900 ft.) is encountered, which is a 12-metre long climb up a rock face named after Sir Edmund Hillary, the first mountaineer to climb Everest. It is a difficult technical obstacle on the South East Ridge and is prone to getting blocked when the traffic of mountaineers is high.

The **Summit Ridge** is a slender, heavily corniced fin of rock, exposed to strong icy wind laden with snow, between the South and main summits. On either side of the ridge, the surface slopes precipitously, to Tibet on the East and to Nepal on the West. A beautiful view of the Himalayan ranges with their peaks far below can be had from here.

The Everest Summit (29,028 ft.) is conical at the top and can only accommodate around 4 summiteers at a time. Since the last few years, a bronze statue of the Buddha been placed at the summit by the Sherpa community.

The first climber of the Indian Mt. Everest Expedition - 2008, Shri D.D. Bhutia, scaled the peak at about 0530 hrs on May 22, 2008. He was followed by 9 other climbers from time to time. By 0755 hrs, all 10 climbers had reached the summit. They included two lady Instructors from the SGMI, 3 police officers (one each from the States of J&K, Uttarakhand and Gujarat) including the first IPS officers, Shri Atul Karwal, IGP Gujarat Police, and the oldest Indian to climb Mt.



Const. Ram Singh Salathia, J&K Police, on the Summit.



Atul Karwal on the Khumbu Glacier.

Everest, Shri Nima Wangchuk, aged 59 yrs 7 months, an Instructor from the SGMI.



Atul Karwal, IPS, IGP Gujarat, unfurls National Flag on Peak.

Triumphant Return

Returning from the peak, the climbers rested for the night at Camp-IV. The next day, they recommenced their downward journey and finally reached the Base Camp after two days on May, 24. The entire climb to the peak from Camp-IV on May 22 involved non-stop climbing for 17-20 hours, through the night and day, on oxygen and without any solid nutrition. This was a tremendous pressure on the physical and mental reserves of the climbers.



Nima Wangchu, Instructor, SGMI, oldest Indian (59 yrs. 7 months) to scale Mt. Everest.

As the team members returned to the Base Camp, a rousing reception awaited them. Celebrations



Group photo of the Union Home Minister with team members on the occasion of Felicitation Function (New Delhi, July 21, 2008)



Const. Ashish Kumar Singh of Uttarakhand Police, who scaled Mt. Everest.

continued throughout the night, participated by not only the Indian climbers but all the other expedition members—including Vietnamese, Thai, Canadian and Irish teams.

Left to Right : S/Shri G.T. Bhutia (Leader), V. Rajagopal (Joint Director, IB), Rajiv Mathur (Special Director, IB), P.C. Haldar (Director, IB), Shivraj V. Patil (Union Home Minister), M.K. Narayanan (National Security Adviser), Madhukar Gupta (Union Home Secretary), K.V.S. Gopalakrishmana (Additional Director, IB), Dr. D.S. Burfal (Dy. Leader)

Standing First Row : S/Shri Kesang Tshering, P.W. Sherpa, Yaduram Sharma, Kunzang G. Bhutia, Ms. P.M. Tamang, Ms. Yangdi Sherpa, S/Shri N. Suraj Singh, Bishnu Tamang, Tsering Mutup.

Standing Second Row : S/Shri Sajad Hader, Lakpa Tshering, Tundup Rahul, D.D. Bhutia, Nima Wangchu, Ram Singh, Shridhar Pokhariyal, Ashish Kumar, Atul Karwal

From Desk of Director (BPR&D)

Conference of the Ministers, Secretaries and Directors/Inspectors General in-charge of Prisons

R.C. Arora, IPS

A Conference of the Ministers, Secretaries and Directors/Inspectors General incharge of Prisons was organized by the MHA and BPR&D on 25th April, 2008 at the DRDO Auditorium, DRDO Bhawan, to discuss the Draft National Policy on Prison Reforms and Correctional Administration, Model Prison Manual as also the progress of scheme of modernization of Prisons. This all India meet was chaired by the Hon'ble Union Minister for Home Affairs, Sri Shivraj V. Patil. Other special dignitaries, who participated in the national meet included the Hon'ble Union Minister of State for Home Affairs, Dr. Shakeel Ahmed, the Hon'ble Minister from Assam, Smt. Ajanta Niyog, the Hon'ble Minister from Haryana, Shri Randeep Singh Surjewar, the Hon'ble Minister from Punjab, Shri Heera Singh, Union Home Secretary, Shri Madhukar Gupta, DG, BPR&D, Shri K. Koshy, Additional Secretary MHA, Smt. Anita Chowdhary and the Joint Secretary (CS), MHA Shri N.S. Kalsi, Senior Officials of the National Human Rights Commission, Law Ministry and other Ministries and Directors General, Inspectors General, Jail Incharge of different states and officials from BPR&D and ICA.

In his welcome address the Union Home Secretary, **Shri Madhukar Gupta**, emphasized upon the importance of bringing reforms in prison administration, which has hitherto remained a relatively neglected area of criminal justice system. He observed that the reform process in the Prison Administration has been slow and staggered and has been mainly based on interventions by the Courts. He expressed his concern at the ad-hoc approach adopted by the prison administration to deal with problems related to prisons. Despite the fact that prison is a state subject, the Union Government has been actively helping State Governments under the **Modernization of Prison Scheme** so that the States are able to overcome major financial constraints to upgrade their capacity, and infrastructure for managing prisons in conformity with the modern correctional philosophy of reformation and rehabilitation of prisoners.

The Union Home Secretary also underlined the importance of documenting and replicating the **best practices** in prison management. He noted that the prison reforms can become a reality only with sustained and coordinated efforts to be made by the states and the central government by involving different departments in a position to make significant contribution to one or the other aspect of prison management, and asserted that bold steps are needed to usher in the much needed change.

The MHA appointed a committee headed by the Director General, Bureau of Police Research & Development, which prepared the **Draft National Policy on Prison Reforms** through wide ranging consultative process involving the stakeholders in Correctional Administration in the country. This document was submitted to the MHA by the DG, BPR&D on 19.7.2007 and the same has since been circulated to all the states for their views. It was taken up as one of the main agenda items for discussion in this conference.

Shri K. Koshy, DG, BPR&D, made a power-point presentation on Draft National Policy on Prison Reforms; Shri Koshy apprised the Conference with the major recommendations of the Draft Policy. The DG, BPR&D also shared with the Conference some of the notable initiatives taken by the Bureau ever since the Correctional

Administration Division has been set up by the MHA in BPR&D in the year 1995 in terms of Research, Training, Publications, institution of Correctional Service Medals, preparation of scheme for the Modernisation of Prisons, etc.

Shri N.S. Kalsi, Joint Secretary (CS), MHA gave a power point presentation on the efforts made by the MHA for modernization of prisons in collaboration with the States. He highlighted the salient features of the modernization scheme in **Phase-I** and the progress made by the States under this scheme so far. He also outlined the broad contours of the **Second Phase** of the modernization scheme. The areas that primarily need to be addressed in Phase-II were highlighted in the presentation along with the estimated cost thereof during the next five years. He suggested a time frame for the finalization of the scheme for its commencement during the current financial year 2008-09. Allocation of funds under this scheme are proposed to be linked to (a) utilization of funds released under Phase-I, (b) broad compliance with the provisions of Model Police Manual prepared by the BPR&D since its circulation by the MHA to all states in 2004.

In his inaugural address, the **Hon'ble Union Home Minister, Shri Shivraj V. Patil** underlined the importance of this National Conference on Prison Reforms and Correctional Administration. He focused upon the Draft Policy Document and appreciated its well-researched recommendations, touching upon wide spectrum of areas like the amendments needed to the existing laws; upgradation of prison infrastructure to undertake such programmes as are required to initiate and sustain various programmes for the reformation and rehabilitation of prisoners, aimed primarily at their behaviour modification and vocational skill building.

Touching upon the recommendations like inclusion of Prisons and Treatment of Offenders in the Directive Principles of the States Policy; transfer of the subject of Prisons from List-II (**State List**) to List-III (**Concurrent List**) and setting up **All India Correctional Service** within the All India Services; a new Central Prison Act to replace the existing Prison Act, 1894 etc, he was of the view that these had wide implications on Centre-State relations and, therefore, need to be addressed gradually in consultation with the states.

In the context of decongestion of Indian Prisons, Shri Patil while agreeing to most of the recommendations, also drew attention to the recent amendments in the CrPC, 1973, introduced vide the CrPC (Amendment) Act, 2005, by inserting a new Section 436 (A) providing for the mandatory release of prisoner on bail with or without sureties on completion of the period equal to one half or full of the maximum sentence provided for his offence; and Section 265 to 265 (L) to allow **plea bargaining**, which have great potential to reduce overcrowding in our jails. He stressed upon the need to translate these salutary new provisions of CrPC into action by sensitizing all the functionaries of the criminal justice system who are directly or indirectly responsible for the continued detention of the person in the jails.

Shri Patil discussed that just as there is an urgent need to prepare **Model Design for Police Stations, District S.P. Office, Control and Police Headquarters**, there is also a need to prepare a well-thought out **Model Design for the lock-ups as well as prison of different categories**. He emphasized that while planning for new prison one should not confine to the need to eliminate current level of overcrowding, but one

should prepare very imaginative plans to cater to the perspective of next 50 years, which will help us to implement the Correctional Administration programmes more purposefully.

The Union Home Minister was quick to point out that the compliance with these Model Designs for construction of new prisons was not mandatory to get funds under the Modernization of Prison Scheme. He concluded that for prison reforms to be actualized into a reality the prison administrators/managers need full faith both in the capacity, along with a vision and determination to improve the situation in accordance with the philosophy of reformation and treatment of offenders to bring them back into the fold of society.

In his address, the Hon'ble Minister of State for Home Affairs, Govt. of India - Dr. Shakeel Ahmed observed that correctional administration has been assigned a very challenging task in terms of re-educating and reforming offenders into law abiding and useful citizens of the society. To meet this formidable challenge, he especially underscored the importance of regular training of prison officers as an essential pre-requisite for their professional capacity building. For this purpose, he added, the staff needs both domestic and international exposure, to the progressive developments in the correctional administration because the problems of prison administration remain more or less the same the world over.

Mrs. Ajanta Niyog, the Hon'ble Minister, Govt. of Assam, addressing the Conference apprised it with the broad composition of the total of 8947 prisoners in the state's 27 jails including one OPEN JAIL and the various steps initiated to promote correctional programmes for the prisoners and their positive impact.

Shri Randeep Singh Surjewala, the Hon'ble Minister, Govt. of Haryana, welcomed the idea of a National Conference on Prison Reforms and expressed his gratitude to the Union Home Minister for this initiative to promote the cause of prison reforms in the country. The Hon'ble Minister referred to the fact that prison reforms lie at the bottom of the pyramid concerning reforms in the overall Criminal Justice System in our country. He committed his whole hearted support to the cause of prison reforms as outlined in the draft policy document while who advocating further consultation in respect of recommendations as well as its long time implications.

Shri Heera Singh, the Hon'ble Minister, Govt. of Punjab, focussed on reforms in prisons as well as for prisoners. He called for having a Psychologist in each prison to help in the implementation of the correctional philosophy. This, he said, would help in individualized treatment of offenders and to effect change in their mindset. Religious programmes, he added, are also effective for behavioural change in the criminals as our prisoners like free citizens in the society are deeply influenced by the religious scriptures. Keeping in view the Special circumstances prevailing in the bordering State of Punjab, he requested for a special package for Punjab State to upgrade the prison infrastructure.

The **Technical sessions** of the Conference started with a very impressive presentation by **Shri B.K. Gupta, IPS, Director General of Prisons, Tihar, New Delhi**, followed by presentations from DGs/IGs of various states.

Shri K. Koshy, DG, BPR&D accepted the offer to bring out a quarterly Prison Newsletter to disseminate information about good practices all over the country. Therefore, AS (CS) requested the delegates to send self contained write-ups and photographs about the good practices started by them to DG, BPR&D, on regular basis.

Smt. Anita Chowdhary, AS (CS) expressed the hope that the deliberations of this Conference have helped the MHA a lot to understand and appreciate different aspects of Prison Management in the country and the ways and means to address the problems coming in the way of running prisons on the modern principles of Correctional Administration.

AS(CS) observed that the adoption of well-researched documents like Model Prison Manual and the Draft National Policy on Prison Reforms prepared by the BPR&D shall help us to formulate our systematic approach to put the prison administration in the country on a sound footing in conformity with the Correctional philosophy. The Government of India, MHA, and the states shall be working with a spirit of cooperation and accommodation to push forward Prison Reforms in the country as underlined by the Union Home Minister and the Minister of State for Home Affairs in their addresses to this Conference.

JS (CS) thanked all the delegates for their valuable participation in the Conference and for their considered views on different aspects of Prison Management. He also thanked the BPR&D, especially Shri R. C. Arora, Director (R&D) and Dr. B. V. Trivedi, Assistant Director, BPR&D, Shri Neeraj Kansal, Director (CS) and Shri V. S. Pandey, Under Secretary, MHA, for their untiring efforts in making excellent arrangements for this conference despite serious resource constraints. He also thanked the CRPF for lending their helping hand to make the Conference a success.

The Conference concluded with a vote of thanks to the Chair.

BOOK REVIEW

NEED TO AMEND A CONSTITUTION AND DOCTRINE OF BASIC FEATURES; Dr. Ashok Dhamija; Nagpur, Wadhwa and Company; First Edition revised, 2007; PP: xx + 568. Price: Rs. 495 (Economy paper-back).

The book under review, written by Dr. Ashok Dhamija, deals with the provision of amendment in different constitutions. The author has examined, in this work, the amending clauses in various constitutions "with special reference to the Constitution of India". As claimed by its author, the book is "A comprehensive, comparative, and analytical study of the theory, nature, law and practice of Constitutional Amendments".

The author has not only reproduced in this work the amending clauses in the Constitutions of 110 countries, but also the amending clauses in the Constitutions of 50 states of the United States of America. In regard to the reproduction of the various amending clauses in this book, it may be pointed out that the said reproduction hardly helps us in understanding the limitations, express or implied, on the amending power in any of the Constitutions discussed in this work. A Constitution, after all, has to be construed as a whole. Therefore, the amending clause in a Constitution has to be construed by taking into consideration all the other provisions in the Constitution. This explains why the Supreme Court of India has held that in interpreting the provisions of the Constitution, "the Court must always bear in mind that the relevant provision has to be read not in vacuo, but as occurring in a single complex instrument in which one part may throw light on the other" (1)

In Chapter 11, titled "Amending Clause in the Constitution of India", the author has reproduced the original text of Article 368 of the Constitution. It goes without saying that the text of Article 368 can not be read in isolation, since it is controlled or qualified by many other provisions in the Constitution. Therefore, unless we construe the Constitution as a whole and on its own

terms, we can not succeed in discerning the limitations on the amending power conferred by the Constitution.

The Constitution of India embodies a built-in rule of interpretation in Clause 1 of Article 367. But the implications of this rule have not been examined by the author in this work. It would be pertinent to mention here that the rule of interpretation embodied in Clause 1 of Article 367 distinguishes the Constitution of India from the Constitutions of the USA, France, Ireland, Japan, etc. which the founding fathers of the Indian Constitution had consulted before framing the Constitution. Clause 1 of Article 367(1) reads:

"367. *Interpretation* (1). Unless the context otherwise requires, the General Clauses Act, 1897, shall, subject to any adaptations and modifications that may be made therein under Article 372, apply for the interpretation of this Constitution as it applies for the interpretation of an Act of the Legislature of the Dominion of India."

In regard to the expression, namely "unless the context otherwise requires", the apex court has held that, where the definition or expression in an enactment is preceded by the words "unless the context otherwise requires," the said definition or expression, set out in the section, is to be applied and given effect to, but this rule, which is the normal rule, may be departed from if there be something in the context to show that the said definition or expression could not be applied (2). By the same token, since the provision in Article 367(1) of the Constitution is preceded by the words "unless the context otherwise requires," the rule of interpretation, set out in it, has to be applied and given effect to, but it may be departed from if there be something in the context to show that the said rule could not be applied. But it is shocking to note that, while construing the Constitution in *Shankari Prasad's case*, *Sajjan Singh's case*, *Golak Nath's case* and *Kesavananda's case*, the apex court has neither applied the rules of construction laid

down in the General Clauses Act, 1897, as mandated by Article 367(1), nor has it shown that the context required that the said rules could not be applied to the interpretation of the Constitution in any of these cases. As the Constitution has to be interpreted on the terms of the Constitution, the disregard of Article 367(1) calls into question the very constitutionality of the rulings made by the apex court in *Shankari Prasad's case*, *Sajjan Singh's case*, *Golak Nath's case* and *Kesavananda's case* on the amending power under the Constitution of India.

Underlining the supremacy of the Constitution, Cooley, a noted writer on Constitutions, observes: "For the Constitution of the State is higher in authority than any law, direction, or order made by anybody or any officer assuming to act under it since such body or officer must exercise a delegated authority, and one that must necessarily be subservient to the instrument by which delegation is made. In any case of conflict the fundamental law must govern, and the act in conflict with it must be treated as of no legal validity"(3).

In view of the fact that the apex court has construed the provision of amendment in *Shankari Prasad's case*, *Sajjan Singh's case*, *Golak Nath's case* and *Kesavananda's case* without observing the rule of interpretation laid down in Article 367(1), it is high time a de novo interpretation of the amending power was undertaken by the apex court by constituting a bench larger than the one that had decided *Kesavananda v. State of Kerala*(4). In this regard the following observation in a recently published work on the misinterpretation of the Indian Constitution also deserves attention:

"The fact that numerous new articles, clauses, sub-clauses, parts and schedules have been incorporated into the Constitution from 1951 onward in flagrant violation of Articles 366, 394, 60 and 367(1) of the Constitution, hardly leaves any room for doubt that the Constitution has neither been construed as a whole, nor has it been interpreted on its own terms. The result is that, in India, right from 1951, the amending laws masquerade as the Constitution"(5).

On pages 342-343 of the book under review, the author observes the following in regard to the amending power under the Indian Constitution: "A plain reading of Article 368 as it existed at the time of coming into force of the Constitution in 1950, clearly shows that all provisions of the Constitution were amendable and that there were no restrictions on the power to amend the Constitution, whatsoever. The amending power under Article 368 was absolute. In fact, in the earlier cases of *Shankari Prasad v. Union of India* and *Sajjan Singh v. State of Rajasthan*, the amending power under Article 368 had been held to be absolute. And to be applicable to all the provisions in the Constitution."

The point that has escaped the attention of the author is that the General Clauses Act, 1897, which, in terms of Article 367(1), applies for the interpretation of the Constitution as it applies for the interpretation of an Act of the Legislature of the Dominion of India, distinguishes the expression amendment from the expression repeal and re-enactment with or without modification. In other words, by laying down the rule of interpretation in Article 367(1) that, unless the context otherwise requires, the General Clauses Act, 1897, shall apply for the interpretation of the Constitution, the founding fathers of the Constitution have made it obligatory for an interpreter to distinguish in the Constitution the expression, namely 'amendment' from the expression, namely repeal and re-enact with modification. In this regard, it would be pertinent to recall here the judgment in *Emperor v. Rayangouda Lingangouda Patit* wherein Justice Macklin of Bombay High Court, speaking for himself and Justice Sen, has pointed out that there is a clear distinction between an amendment simpliciter of a provision of an Act and an amendment which goes so far as to provide in terms for the substitution of one provision for another. In latter case, it is "mere juggling with words" to say that it does not amount to repeal and re-enactment within the meaning of S. 8(1) of the G.C. Act (1897)(6).

As Article 367(1) ordains that, unless the context otherwise requires, the General Clauses Act, 1897, shall apply for the interpretation of the Constitution as it applies

for the interpretation of an Act of the Legislature of the Dominion of India, the expression, namely 'amendment', that has been used in the Constitution, has to be viewed as amendment simpliciter, in contradistinction to the expression, namely repeal or re-enactment in Section 8(1) of the General Clauses Act, 1897. Moreover, the amendment simpliciter in Article 368 has to take colour from the text as well as from the context.

The point that needs appreciation is that we cannot succeed in discerning the aforesaid distinction in the Constitution unless we construe the Constitution as a whole and on its own terms. Here it would be pertinent to point out that Article 357(2) delegates to Legislature the power to enact law, to repeal or re-enact with or without modification the delegated legislation made in terms of Article 357(1) of the Constitution. Had the founding fathers of the Constitution intended that the provisions of the Constitution be repealed or re-enacted with modification by a creature of the Constitution, they, instead of using the expression 'amendment' in Article 368, would have used the same expression which they have used in Article 357(2) in respect of a delegated legislation under the Constitution.

In this regard it would also be useful to pay attention to the rule of construction in Section 20 of the General Clauses Act, 1897, which reads:

"Where, by any Central Act or regulation, a power to issue any notification, order, scheme, rule, form or bye-law is conferred, then expressions used in the notification, order, scheme, rule, form, or bye-law, if it is made after the commencement of this Act, shall, unless there is anything repugnant to the subject or context, have the same respective meanings as in the Act or regulation conferring the power."

The principle underlying the above rule of construction is that an Act is the genus and the order, scheme, rule, etc., issued in exercise of power conferred by the said Act are the species of the same genus; and, since the power to issue order, legislative scheme, rule, notification, form or bye-law is derived from the enabling

Act, the expressions used in the said scheme, rule, order, notification, etc., issued in exercise of power conferred by the Act, shall have the same respective meanings as in the Act conferring the power unless there is anything repugnant to the subject or context.

Had the expression, namely 'amendment' connoted repeal or re-enactment with modification, the founding fathers of the Constitution would have used in Article 357(2) the expression amendment, rather than the expression, namely repeal or re-enact with modification, in view of the express rule of construction laid down in Section 20 of the General Clauses Act, 1897. The fact that they did not use the expression, namely amend in Article 357(2), lends further credence to the contention that the expression amend does not connote repeal or re-enactment with modification; and, bound by Article 367(1), read with Section 20 of the General Clauses Act, 1897, the founding fathers of the Constitution have used the expression, namely repeal or re-enact with modification in Article 357(2) so as to ensure that the expression in the rule/order under this Article has the same respective meaning as in the Constitution conferring the power to issue the said rule/order.

Unfortunately, the Constitution was not interpreted on the terms laid down in Article 367(1), read with Section 20 of the General Clauses Act, 1897, in *Shankari Prasad's case*, *Sajjan Singh's case*, *Golak Nath's case* and *Kesavananda's case*. Had the apex court interpreted the amending power in these cases on the terms laid down in Article 367(1), it would have detected without any difficulty that Article 368 provides procedure to amend, rather than procedure to repeal or reenact the provisions of the Constitution with modification.

In regard to construction of a Constitution, the following observation of a learned judge deserves attention: "It is an essential rule of construction that while dealing with a Constitution every word is to be expounded in its plain, obvious and common sense unless the context furnishes some ground to control, qualify or enlarge it and there cannot be imposed upon the words any recondite meaning or any extraordinary

gloss. (See Story on Constitution of the United States, Vol. I, Para 451.) It has not yet been erected into a legal maxim of constitutional construction that words were meant to conceal thoughts"(7).

The founding fathers of the Constitution have not concealed thoughts either in Article 357 or in Article 368. Had they intended that power be delegated through Article 368 to repeal or re-enact the Constitution with modification, they would have used in Article 368 the expression, namely repeal or re-enact with modification (as they have been done in Article 357(2) in respect of a delegated legislation under the Constitution), and not the expression, namely amend. The point deserving attention is that the power to repeal and the power to enact go hand in hand; and, since the people of India enacted their Constitution in the Constituent Assembly in exercise of full legislative power, they alone can repeal and re-enact it with modification in the Constituent Assembly in exercise of full legislative power. The aforesaid principle, adopted by the founding fathers of the Constitution, reminds us of the following legal maxim: *Jura eodem modo destituuntur quo constituuntur*----- Laws are abrogated or repealed by the same means by which they are made.

If the omission on the part of the Supreme Court to apply the built-in rule of interpretation in Article 367(1) to the interpretation of the Constitution in *Shankari Prasad's case*, *Sajjan Singh's case*, *Golak Nath's case* and *Kesavananda's case* points to the fact that the Constitution was not interpreted on its own terms by the apex court in any of these cases, the failure on the part of the apex court to pay attention to as many as four provisions of amendment in the Constitution in *Shankari Prasad's case*, *Sajjan Singh's case*, *Golak Nath's case* and *Kesavananda's case* bears testimony to the fact that Constitution was not construed as a whole in any of these cases decided by it. These four neglected provisions of amendment are reproduced below:

1. Article 391, "Power of the President to, amend the First and Fourth Schedules in certain contingencies: (i) If at any time between the

passing of this Constitution and its commencement any action is taken under the provisions of the Government of India Act, 1935, which in the opinion of the President requires any amendment in the First Schedule and the Fourth Schedule, the President may, notwithstanding anything in this Constitution, by order, make such amendments in the said Schedules as may be necessary to give effect to the action so taken, and any such order may contain such supplemental, incidental and consequential provisions as the President may deem it necessary. (ii) *When the First Schedule or the Fourth Schedule is so amended, any reference to that Schedule in this Constitution shall be construed as a reference to such Schedule as so amended.*" (Italics supplied)

2. Article 392(3). "The powers conferred on the President by , article 391 shall, before the commencement of this Constitution, be exercisable by the Governor-General of the Dominion of India."
3. Paragraph 7 of the Fifth Schedule. "Amendment of the Schedule- (1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, *when the Schedule is so amended, any reference to this Schedule shall be construed as a reference to such Schedule as so amended.*" (Italics supplied)
4. Paragraph 21 of the Sixth Schedule. "Amendment of the Schedule:(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, *when the Schedule is so amended, any reference to this Schedule shall be construed as a reference to such Schedule as so amended.*" ((Italics supplied)

Article 391 delegates power to the President to issue an order under the Constitution, to amend the First Schedule and the Fourth Schedule on the commencement of the Constitution. The order under the Constitution, mentioned in Article 391, is a part of the legal system created by the Constitution—a fact that

is substantiated by Article 348 (1) (b) which enumerates the various types of laws created by the Constitution.

Article 392(3) embodies yet another provision of amendment that empowers the Governor General to issue an amending order under Article 391 before the commencement of the Constitution.

These two provisions point to the fact that the power conferred on an institution of the Constitution to amend the Constitution is neither the so-called constituent power, as held by the apex court in *Shankari Prasad's case*, *Sajjan Singh's case* and *Kesavananda's case*, nor the legislative power, as held in *Golak Nath's case*, but a delegated power to issue an amending order under the Constitution; and this amending order has the same status vis a vis the Constitution as an order under an Act of the Legislature of the Dominion of India has vis a vis the enabling Act, in view of the rule of interpretation laid down in Article 367(1), namely "Unless the context otherwise requires, the General Clauses Act, 1897, shall, subject to any adaptations and modifications that may be made therein under Article 372, apply for the interpretation of this Constitution as it applies for the interpretation of an Act of the Legislature of the Dominion of India."

The point deserving attention is that without construing the Constitution in accordance with the rule of interpretation laid down in Article 367(1) and without taking into consideration as many as four provisions of amendment, i.e., Articles 391, 392(3) read with Article 391, Paragraph 7 of the Fifth Schedule and Paragraph 21 of the Sixth Schedule, the apex court has read into Article 368 the expression, namely, 'constituent power', to make its ruling that Article 368 vests in Parliament the constituent power to alter the provisions of the Constitution. The expression, namely constituent power, is not mentioned anywhere in the Constitution. Moreover, there is absolutely no justification to invoke the doctrine of necessary implication to make the ruling that amendment of the Constitution is made in exercise of constituent power. The expression 'necessary implication', according to Black's Law Dictionary, means: "An implication so strong in its probability

that anything to the contrary would be unreasonable." There is no gainsaying that the doctrine of necessary implication cannot be invoked if there is an express provision in the Constitution. In view of the fact that there is an express provision in Article 391 to indicate that amendment is made by an order under the Constitution, there is absolutely no justification to invoke the doctrine of necessary implication to conclude that amendment is made in exercise of constituent power. The fact that the aforesaid ruling is not at all constitutional, is also reinforced by the provision in Article 348(1)(b)(iii), read with Article 367(1), and Section 20 of the General Clauses Act, 1897, which points to the fact that the Constitution has not conferred 'constituent power' on any creature of the Constitution.

Article 391 and Article 392(3), read with Article 391, point to the fact that an amendment of the Constitution is made in exercise of the delegated power to issue an amending order under the Constitution; and, since the power delegated to amend is the same, whether it is delegated by the Constitution to the Governor-General before the commencement of the Constitution, or to the President on the commencement of the Constitution, or to the Parliament, or to Parliament subject to ratification by not less than one-half of the Legislatures, every amendment is effected by issuing an amending order in exercise of power delegated by the Constitution, rather than in exercise of any power overriding the Constitution.

In terms of Article 367(1), read with the General Clauses Act, 1897, as adapted and modified under Article 372, the amending order under the Constitution has the same status vis a vis the Constitution as an order under an Act of the Legislature of the Dominion of India has vis a vis the enabling Act. In other words, like an order under an Act of the Legislature of the Dominion of India which is a delegated legislation under the enabling Act, the amending order under the Constitution is a constitutionally delegated legislation; and, being a delegated constitutional legislation, it can be valid only if it is made within the contours of the Constitution.

In Chapter 12 of the book under review, the author examines "The doctrine of the non-amendability of the basic features of the Constitution, as propounded in the case of *Kesavananda Bharati v. State of Kerala*". In his perception, the restriction on the amendment of the basic features should not be there as there is "a near unanimity amongst all scholars on the subject about the need for an absolute amending power so that the future generations could fulfil their own aspirations and meet their own cherished social and economic goals". Had the author paid attention to the text of Article 368, he would have noticed that it uses the expression, namely "An amendment of this Constitution" and not "An Amendment of the features of the Constitution". As an interpreter is not empowered to re-write a provision of the Constitution, the construction of Article 368 in *Kesavananda's* case to the effect that non-basic features of the Constitution can be changed by exercising the amending power under Article 368, appears to have been made *per incuriam*. The aforesaid contention is further reinforced by the restrictive and exhaustive definition of "article" in Article 366(3), read with Article 394, since it precludes an interpreter from reading words in and out of any of the Articles in the Constitution, including Article 368.

The author has taken pains to collect useful information on the amending power in different

Constitutions in the world. There is a good bibliography at the end. The book is reasonably priced. The utility of the book would get significantly enhanced, if the author revised his conclusions in the light of the provisions in Articles 394, 393, 366, 60, 13(2), 348, 391 and 367(1) of the Constitution, read with the General Clauses Act, 1897.

Dr. R. C. Jha, IPS (Retd.)

References

- (1) *Atiabari Tea Co. Ltd., v. State of Assam*, AIR 1961 SC 232.
- (2) *KV Muthu v. V.A. Ammal* AIR 1997 S.C. 628 P 631 para 11.
- (3) Quoted with approval by Madholkar, J., in *Sajjan Singh v. State of Rajasthan*, AIR 1965 SC 845, p. 864.
- (4) AIR 1973 SC 1461.
- (5) Dr. R. C. Jha, *Cry of the Indian Republic*, New Delhi, Anamaya Publishers, 2004, p. 160.
- (6) AIR (31)1944, Bombay, 259, p. 262, Column 2.
- (7) Justice Khanna in *Kesavananda v. State of Kerala* 1973 SC 1461, p. 1838



LIST OF AWARDEES OF GALLANTRY MEDALS ON THE OCCASION OF REPUBLIC DAY-2008 PRESIDENT'S POLICE MEDAL FOR GALLANTRY

Andhra Pradesh

Late Manukonda Venkata Nageshwara Rao
Constable (Posthumously)

Tanga Ramakrishna
Reserve Inspector

Jammu & Kashmir

Late Shalley Singh
Deputy Superintendent of Police

Farooq Ahmad
Sergeant Constable

Mohammad Iqbal
Constable

Border Security Force

Mohd. Aslam Chichi
Head Constable

D.D. Boro
Constable

Late Deen Bandhu Pal
Constable (Posthumously)

Central Industrial Security Force

Late Kaptan Boipai
Sub Inspector (Posthumously)

Late Hoshiyar Singh
Constable (Posthumously)

Central Reserve Police Force

Jagdish Patel
Constable

Gopal Prasad Singh
Inspector

Late Binod Rai
Constable (Posthumously)

POLICE MEDAL FOR GALLANTRY

Andhra Pradesh

Vavilapa Narayana Rao
Reserve Inspector

Pantrangam Kataiah
Head Constable

Kondapalli Appala Naidu
Reserve Sub Inspector

Kunchapollu Sanjeev Kumar
Head Constable

T. Raja Sambaiah
Head Constable

Yanabothula Sanjeeva Rao
Reserve Sub Inspector

K. Rama Rao
Constable

Billu Adinarayana
Assistant Assault Commander/Reserve Sub Inspector

Gunta Kemdas
Head Constable

Bandapalli Srinivasulu
Reserve Sub Inspector

A.V. Ranganath
Additional Superintendent of Police

R. Ram Babu
Reserve Sub Inspector

A. Venkateswarlu
Armed Reserve Police Constable

Chappidi Ramudu
Head Constable

Gopati Narender
Sub Inspector

M. Rajesh
Junior Commando

P.V. Trinath
Assistant Assault Commander/Reserve Sub Inspector

D. Surendra Babu
Senior Commando

T.V. Satyanarayana
Sub Inspector

Killo Appala Swamy
Head Constable

Chodey Subba Rao
Head Constable

A.V. Ranga
Reserve Sub Inspector

M. Surender Reddy
Constable

Assam

Kamal Kumar Gupta
Sub Divisional Police Officer

Ruhindra Nath Changmai
Sub Inspector

Naba Kr. Borah
Sub Inspector

Dhiraj Choudhury
Constable

Soda Tisso
Constable

Ashim Swargiary
Additional Superintendent of Police

Bir Bikram Gogoi
Additional Superintendent of Police

Biraj Mohan Borooah
Deputy Superintendent of Police

Jayanta Kalita
Sub Inspector

Jammu & Kashmir

Shabir Ahmad
Inspector (Bar to PMG)

Nissar Ahmad
Assistant Sub Inspector

Dewan Chand
Head Constable

Sunil Singh Jasrotia
Inspector

Jasbir Singh
Sub Inspector

Chain Singh
Sub Inspector

Abdul Ghani Mir
Senior Superintendent of Police

Harmeet Singh
Deputy Superintendent of Police (Bar to PMG)

Randeep Kumar
Deputy Superintendent of Police

Bushan Singh Manhas
Sub Inspector

Jharkhand

Matin Ansari
Constable

Madhya Pradesh

Adarsh Katiyar
Deputy Inspector General

Sajid Farid Shapoo
Superintendent of Police (Bar to PMG)

Ramkishan Singh Gurjar
Sub Inspector

Maharashtra

Late Babasaheb Dnyandeo Adhav
Sub Inspector (Posthumously)

Manipur

Thokchom Krishnatombi Singh (4th Bar to PMG)
Inspector

Chingtham Anandkumar Singh
Sub Inspector

Ningthoujam Sanajaoba Singh
Assistant Sub Inspector

Thounaojam Herojit Singh
Constable

K. Paukhenthang
Jemadar

O. Premananda Singh
Assistant Sub Inspector

S. Shyamo Singh
Rifleman

Thokchom Jayanta
Sub Inspector

Khundrakpam Birachandra Singh
Constable

Maku Thamba Maring
Constable

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Constable

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Deputy Superintendent of Police

Ahongsangbam Tomba Singh
Sub Inspector (Bar to PMG)

Pebam John Singh (Bar to PMG)
Sub Inspector

Muipuinamei James Thangal
Sub Inspector

Oinam Keshor Singh
Constable

Sanasam Kiran Kumar Singh
Constable

Shougrakpam Chandrakumar Singh
Sub Inspector

Oinam Meghachandra Singh
Constable

Yuno Thekho
Constable

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Inspector

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Inspector

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Sub Inspector

Manoj Kumar Chaturvedi
Head Operator (Mechanic)

Assam Rifles

Late P. Vishih (Posthumously)
Rifleman

Harendra Singh Negi
Havildar

Ramesh Kumar
Rifleman

Border Security Force

Raghuraj Singh
Inspector

Surjeet Singh
Constable

Biplab Ghosh
Constable

Manish Kumar Chaudhari
Constable

Central Industrial Security Force

Dalip Singh
Constable

Bhagwati Singh
Constable

R. B Singh
Deputy Commandant

Md. Irfan
Inspector

Central Reserve Police Force

Dinesh Pratap Upadhyay
Second-in-Command

Udai Nath Sahu
Constable

Ramashish Tiwari
Sub Inspector

Arvind Kumar
Sub Inspector

Love Kumar
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Ras Bihari Singh
Second-in-Command

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Constable

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