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Editorial

The Indian Police Journal (IPJ) has come a long way since its first edition way back in 1954. Over the years, the journal has enlightened its readers worldwide. It has crafted a niche for itself and has been a source of knowledge for millions. It is our consistent endeavor to cover a variety of topics catering to wide sections of society and law enforcing agencies.

Through the ages, the police system continued to evolve and improve in some form or the other. The Indian Police Journal has always been striving for ways and means to promote a more efficient and humane police system.

In the article '**Need for Victim Oriented Policing in India: An Overview**' defines the study of victimology and relationship between victims and offenders, the interactions between victims and the criminal justice system that is in fact the police and courts besides correctional services. Article specifically highlights the undeniable fact in Indian context that in India victims of crime are usually treated as mere witnesses in the Criminal Justice System whereas in other advance countries like UK, USA, Japan and Newsealand, the rights of victims of crime are recognised statutorily. The article also discusses the scope for compensation and reparation of the damage to the victim, perceptible gaps between reporting and recording of crime, and need for victim oriented policing in India for ensuring substantive justice to victims of crime.

The article '**Evolution of the Indian Police system: Similarities through the historical discourse**' deals with dynamics of policing and shaping the structure of Police in India from ancient to present times.

Various aspects of democracy, sacred concept of human rights and its inability to properly liberate Democratic India from the clutches of rich and educated have been discussed at length in the article '**Relevancy of human rights in democratic India: A comparative study**'.

Policing is often psychologically testing as it entails a huge responsibility to maintain public order and prevent crime. Family commitments often becomes lower in priority for police officers. This becomes all the more stressful to women in Police as they are traditionally considered as care takers of household activities. The article '**A study on issues of work life balance among women police constables**' explores the issues related to difficulties faced by women police constables and possible solutions.

Indian society is passing through a transition phase. Issues of domestic violence have taken a new dimension with growing stress level in family institution. An attempt has been made to investigate the issue of domestic violence against women and its causes and consequence in the article '**A study of women victims of domestic violence in Punjab**'.

The paper '**Crime against children – 'Paedophilia'** discusses paedophilia and various related issues in contemporary setting of digital world.

Violation & denial of human rights of the arrested persons, by police, by way of non-compliance of the legal provisions has been analysed in the paper '**Inhuman wrongs perpetrated by the police against the arrested persons'**.

A very interesting and in depth study of facebook usage amongst students and children has been done in the article '**Study of facebook usage trends among student & precautions based on findings'**.

As our endeavour to bring out material on scientific aid to investigators. Three article namely '**Forensic detection and decipherment of a cheque'**, '**A unique gunshot injury pattern of the firearms of AK-Categories- A case study'** and '**Novel application of facial recognition in policing'** are all very relevant as part of cutting edge police investigation tool kit.

I am sure that this edition will make a fascinating reading and will further enhance the understanding of our readers about the subjects of their interest. Thanks for your patronage.

Happy reading!

(Parvez Hayat)
Editor-in-Chief

Study of Facebook Usage Trends Among Students & Precautions based on Findings



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Varun Kapoor*

Abstract:

Social Networking is a phenomenon that has been ushered in as a result of the information revolution that has gripped the entire globe. Citizens of all ages, right from adolescents to senior citizens spend a large proportion of their productive time in doing device related social networking activities. The impact is profound – both good and bad. Specially the vulnerable and impressionable minds to be protected against the ill impact. Facebook being the largest and most widely used social networking platform was chosen to study school and college students utilization patterns and usage effects. This study was carried out in the city of Indore and the interesting findings are presented in this report.

Keywords:

Facebook, Social Networking, School College Students, Friends, Groups, Status, Updates Posts, Profile Pic, Privacy, Setting, Obscene Friend Request.

THE STUDY

Facebook is a popular free social networking website that allows registered users to create profiles, upload photos and video, send messages and keep in touch with friends, family and colleagues. The site, which is available in 37 different languages, includes public features such as:

- Market place - allows members to post, read and respond to classified ads.
- Groups - allows members who have common interests to find each other and interact.
- Events - allows members to publicize an event, invite guests and track who plans to attend.
- Pages - allows members to create and promote a public page built around a specific topic.
- Presence technology - allows members to see which contacts are online and chat.

Author Intro:

* ADG Narcotics & PRTS Indore (MP)

Facebook offers a range of privacy options to its members. A member can make all his communications visible to everyone, he can block specific connections or he can keep all his communications private. Members can choose whether or not to be searchable, decide which parts of their profile are public, decide what not to put in their news feed and determine exactly who can see their posts. For those members who wish to use Facebook to communicate privately, there is a message feature, which closely resembles email.

Facebook was developed by the legendary Mark Zuckerberg in the year 2004 and has its head office at Menlo Park, California. Since its inception Facebook caught the fancy of the citizens the world over and started growing in number of users at an explosive pace. It is estimated that it took a mere **2 years** for Facebook to reach a target audience of **5 Crores** individuals. Today the Wikipedia estimates that Facebook has **171 Crore** active monthly users. This indeed is a huge number and this is ever increasing.

Just imagine – the total world population is approximately 700 Crores and if out of these 171 Crores are just on one platform – such a platform is a huge power.

This power is mostly for the good but unfortunately this power is often for things which are far from good. Such things which adversely affect not only individuals but many a times the society as a whole. Today we can reap a number of benefits from intelligent and diligent use of Facebook and other similar social networking platforms. Such advantages are known to all and need not be reiterated. However today these platforms and sites have become a huge source of crime. You name it and that crime takes place on Facebook and the like. Crimes like cheating, Embezzlement, Defrauding, Impersonation, Black-mailing, Defamation, Breach of contract etc – the list is endless – occur with impunity on Facebook and other platforms of social networking.

In addition people meet and make friends with total strangers online. They do not know the person in the real world and in fact have never met face to face ever but still the friendship flowers online. Then they go and meet the stranger offline and many a times it results in such heinous real world crimes like kidnapping, murder, rape etc. Thus we can safely conclude that Facebook and other social networking platforms are fast becoming a vast hunting ground for all sorts of criminal elements and all types of crimes are occurring through them.

It is also clear today that these sites have also become a leading cause of social unrest. In India too a number of social unrest and agitations were based on people to people contact over Facebook. They were organized on line and spread through social networking sites. The leading examples are Patidaar agitation in Gujarat; Kashmir agitations; Jaat agitation in Haryana etc. The first thing that the authorities do in such situations is to suspend sms service and mobile internet, to control such mass agitations that are orchestrated and spread through social networking sites. Not all such agitations are for an ignoble cause – the Anna Hazare movement against corruption is a case in point. This agitation in which social networking played an important role in planning and execution – was indeed for a great cause which was supported by large swathes of the populace. Similar was the Velvet revolution that convulsed one Arab country after another in North Africa and the Middle East. This was also for a good cause – it

was against long running dictatorships in these countries which violated human rights and abrogated human values.

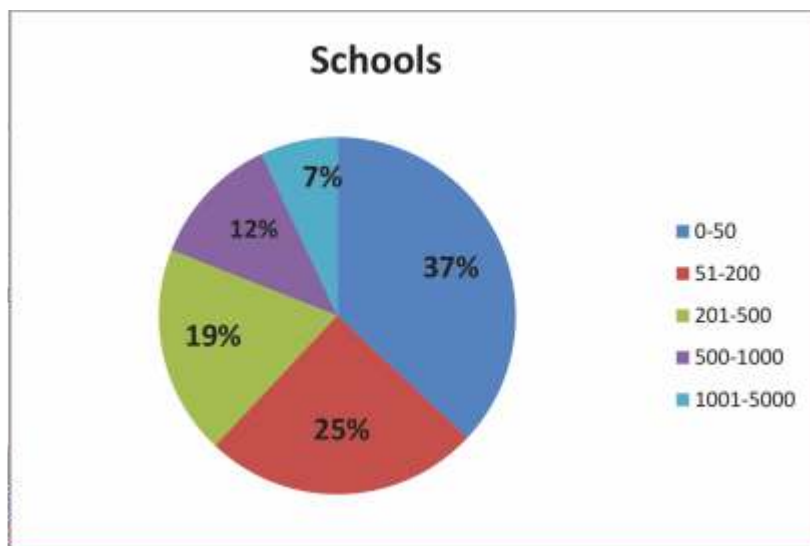
Keeping the above facts in view it is absolutely essential to find out the trends in usage of this all important service at the present time. It is also very useful to know the amount of time spent by our youth and children in this social networking activity. We also need to find out the behavior of our students and children, whether they are secure or not, while they are doing such activities. In fact there are a host of other reasons for which a close study of Facebook usage amongst students and children is the need of the hour. This will also point out the shortcomings in the way they use this service so that effective and quick remedial measures can not only be recommended but also implemented.

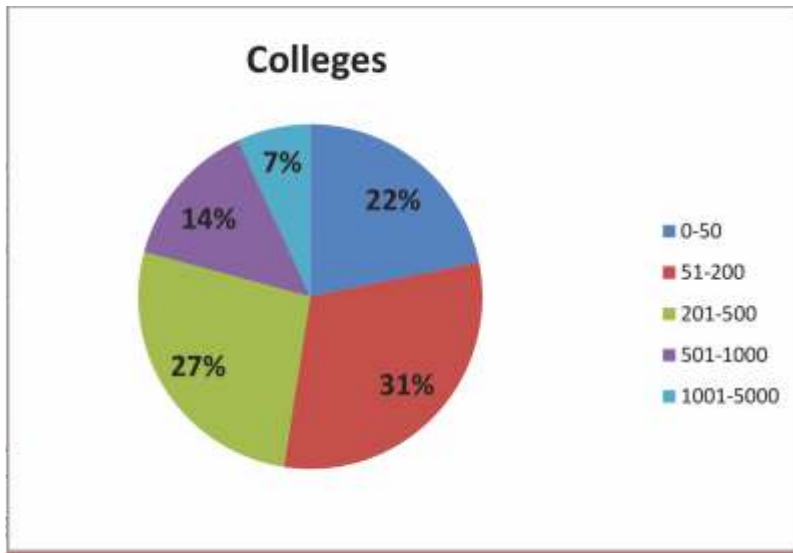
This study was conducted from February till August 2016. A detailed questionnaire was drawn up, this contained 25 questions. For administering this questionnaire, 250 students of standard 10th, 11th & 12th were selected from five schools of the city. This included both private and government schools. In addition a sample of 250 college students was selected from five different colleges. Again these colleges include Private as well as Government colleges. The effort was to make the study as representative and widespread as possible. The results of the 500 participants were collected, collated and analysed and a final report was prepared on this basis. This report has thrown up some interesting facts and figures – which show distinctly the current trends of Facebook usage amongst the student community of Indore.

DATA ANALYSIS

The answers received for the various questions asked threw up some interesting, revealing and startling facts. Let us analyse the findings of each question:

1. How many Facebook (Fb) friends do you have?

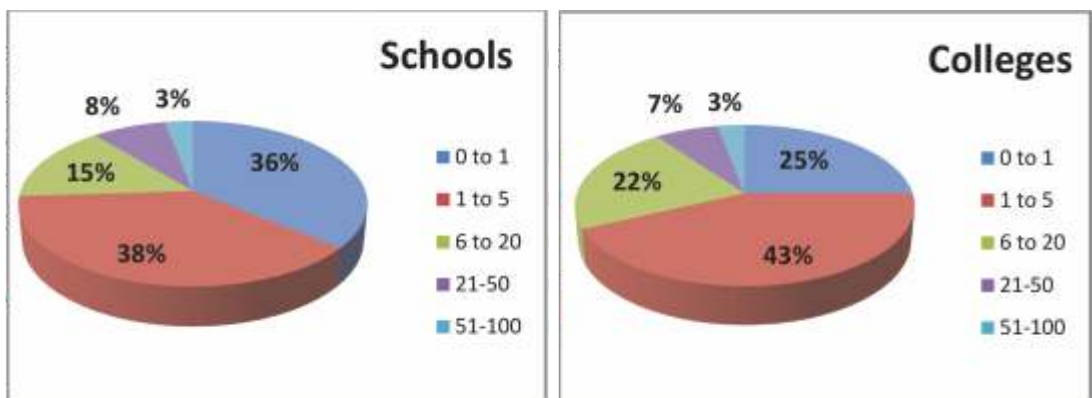




An analysis of these responses shows that a large chunk of school children, that is **44%** say that they have 50-500 friends. That means almost half the school students surveyed say this. This goes up even further in the case of College students. Amongst college going students **58%** say that they have a friend list of 50-500 id's. These are huge number and a vast number of friends o have on the virtual friend list.

It is recommended that only such friend requests should be accepted where the individual knows the person sending friend request in the real world. Otherwise accepting a friend request of an unknown person is fraught with all kinds of dangers. Thus it is evident that the school/college students who have a friend list going up to 500 – will actually not even know many of them in t he Real world. Thus this kind of activity is highly risky behavior!

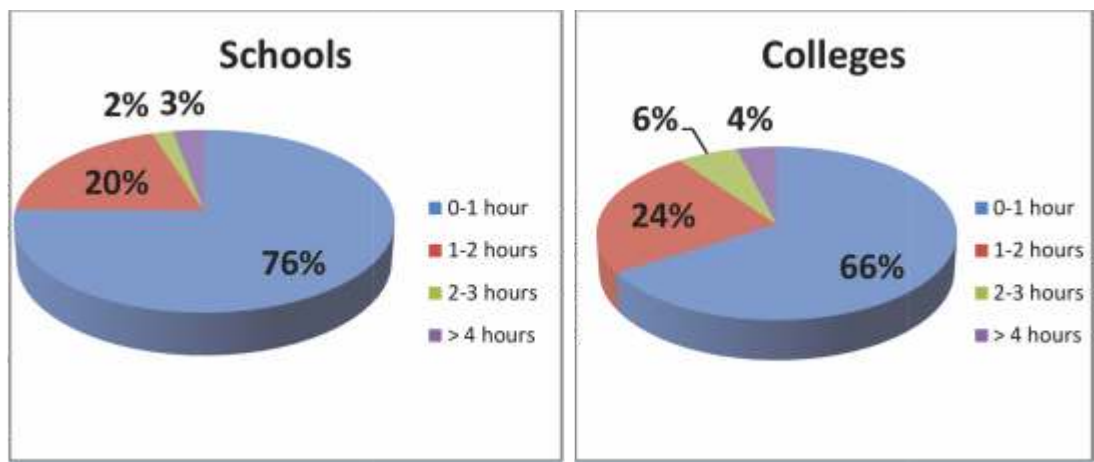
2. How many Facebook groups are you member of?



Responses to this question shows that **38%** school students are members of at least 1 group and this number can go up to 5 groups. Whereas in Colleges this jumps to **43%**. It is also evident that 36% School children are not members of any group whereas it is 25% in case of College students.

Another finding is the Schools students in larger numbers use Facebook but do not become members of any group (**36%** vs **25%**). Thus in a way School students are less exposed to the harms of group membership.

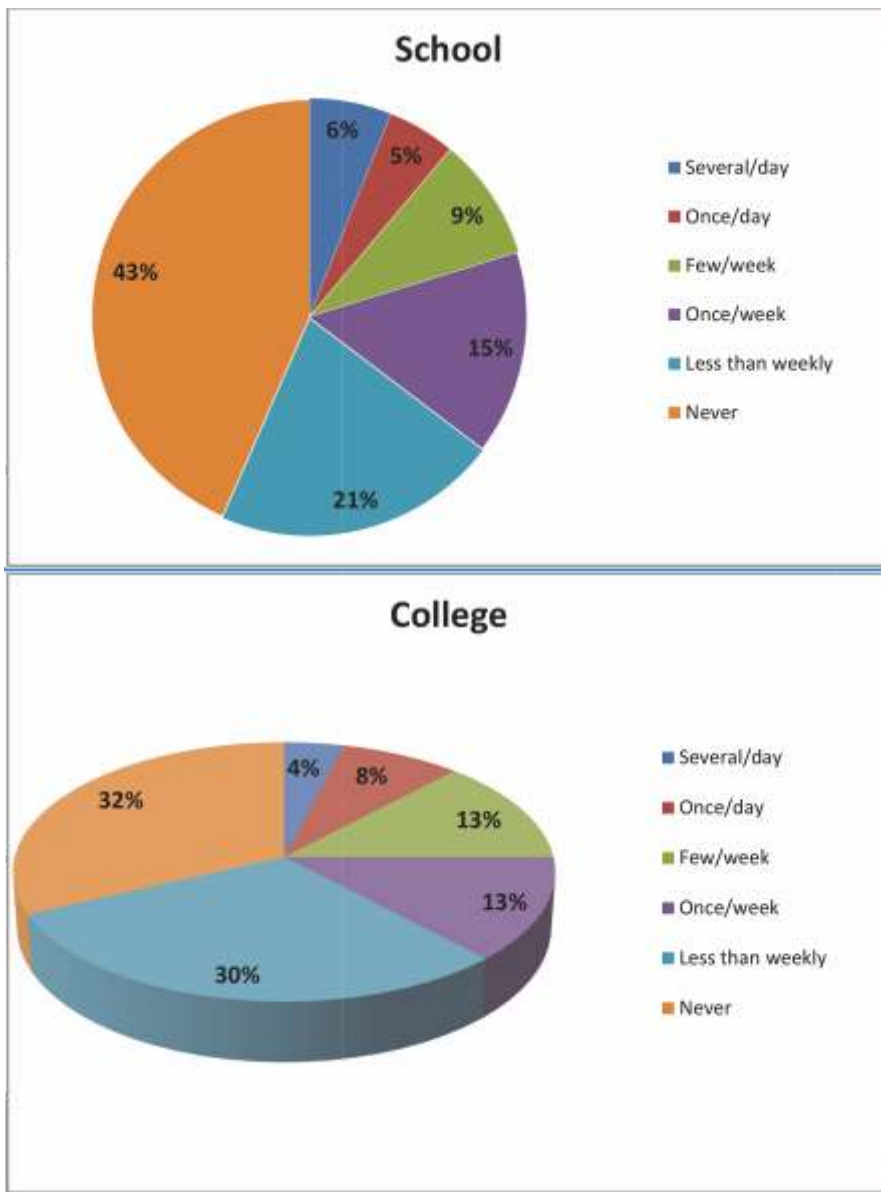
3. How many hours do you spend on Facebook?



The response to this question is rather startling. Majority of School (**76%**) and College (**66%**) students admit that they hardly use the Facebook service. However in College students **30%** students say that they use the Facebook for 1 to 3 hours a day. This is definitely a relatively large figure and coupled with **29%** College students saying that they use the WhatsApp for more than 4 hours a day (in an earlier study), the figure of virtual space social networking by youth and teenagers in this country becomes a rather large and significant figure.

Though no data exists to link the two usage times (Facebook & WhatsApp) – if there is indeed a link that those who use more than 4 hours WhatsApp a day are the ones who also use 1 to 3 hours Facebook a day – then we have a huge group of College goes who use over 7 hours of Facebook and WhatsApp combine in a day. This indeed is a very large portion of the productive time of the teenager or college going youth in the country.

4. How often do you post status updates on Facebook?

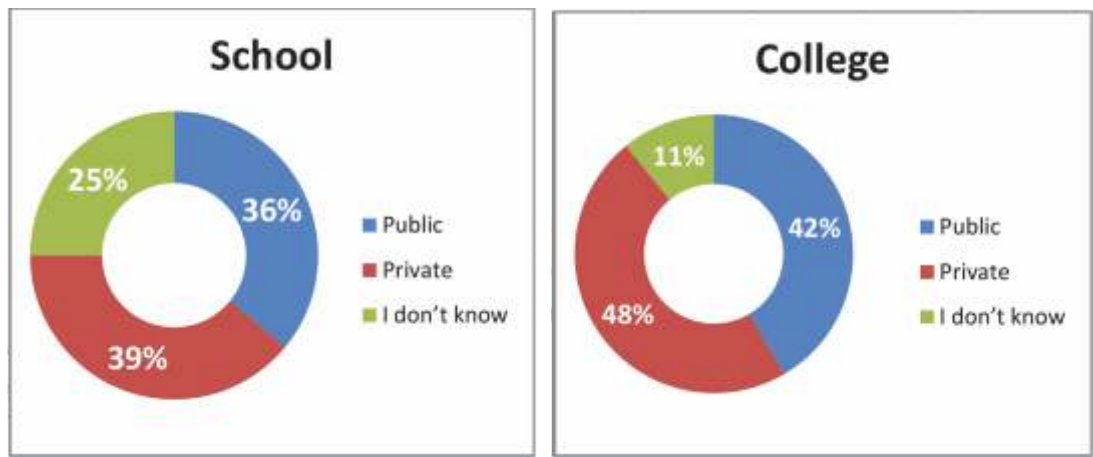


The analysis of the answers to this question reveals another hitherto little known fact that **43%** School and **32%** College students say that they never post status updates on Facebook. This means that they use Facebook as a means of checking out the happenings in the social media sphere – never themselves posting anything to disclose their activities, likes, opinions or ideas. This means that they are that much more secure. Otherwise – repeated and continuous posting of status and other things, if not securely and smartly done – does expose the user to harm. This

is also a revealing finding as hitherto it was believed and in fact assumed that school and college students are posting their status updates often and in increasing numbers on the social networking sites.

Having said this we must also take note of the fact that there are **11% school** and **12% college** students who are posting their status updates and other data daily on the Facebook and hence other such social networking sites. This figure in the Indian context is very large because of the sheer numbers of the students that are involved. They have to be made aware of the dangers of reckless posting and have to be sensitized regarding the safety measures to be always adopted and adhered to when doing status updates.

5. Are your Facebook posts public or private?



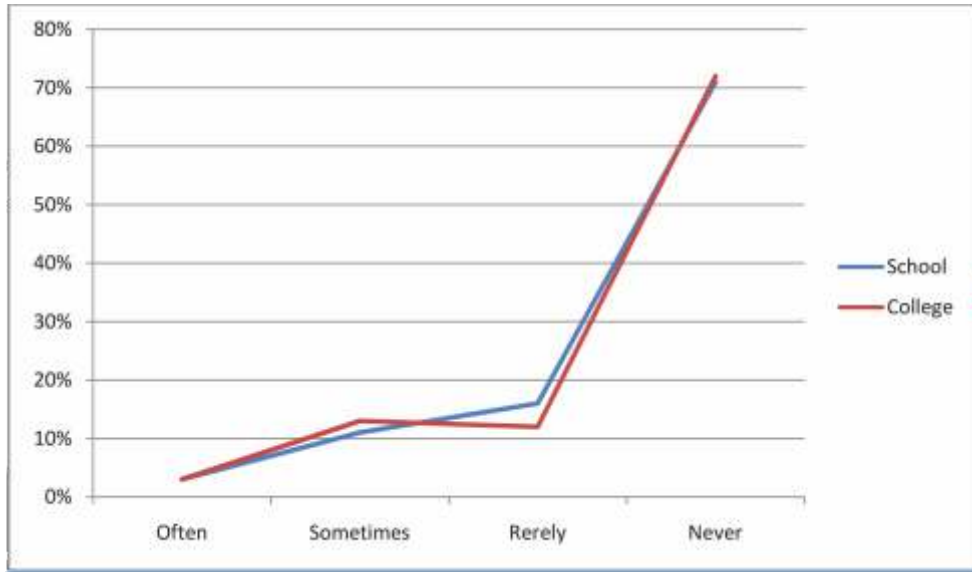
Those who routinely keep their post setting as “Public” are the ones who may be subject to phishing attack or some form of social engineering attack. Their Passwords can also be cracked using the personal information on display in their Facebook account. Thus they are the ones who are exposed to maximum harm and are the ones to be targeted for awareness initiatives.

The “I don't know” response also indicates the fact that these individuals are the ones who are also in harm's way – as they do not know that there is a setting in posting status updates. As this setting by default is “Public” – we can safely assume that those who have replied to the question with “I don't know” – have their setting as “Public”!

With this in view if we analyze the findings we will see that a overwhelming majority of School students (**61%**) are open to all types of cyber attacks and crimes as they have kept their posts “public”. In the case of College students this figure comes down to **53%**, but this still puts more than half of College students also in the danger zone. *This finding clearly points to the necessity of cyber security awareness amongst students of all categories and ages. It also highlights the*

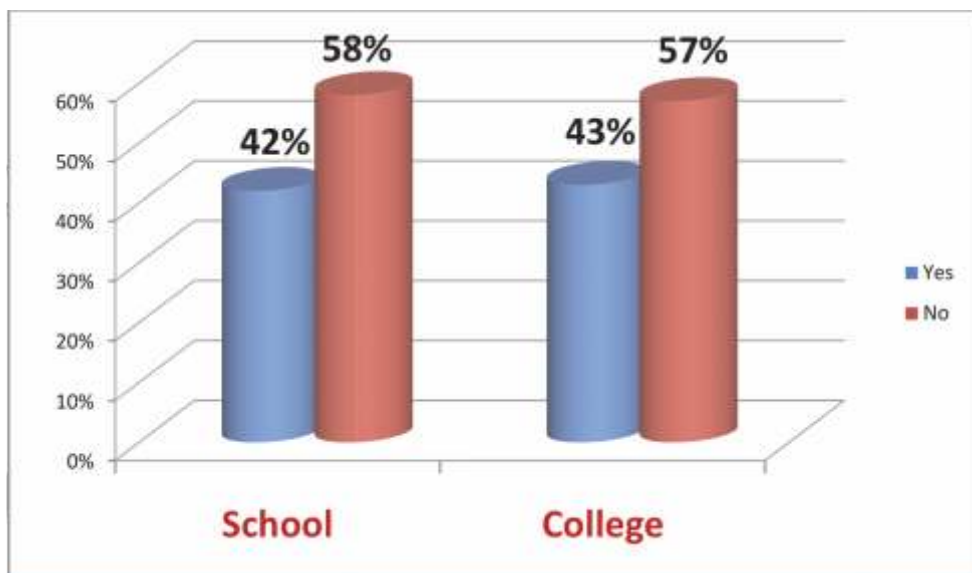
urgent need for promoting cyber security education in Schools and Colleges. This is a sphere of activity that the Government must urgently consider and launch at the earliest.

6. Do you use Video Chat option for Facebook messaging?



Analysis of this question shows that Video chat option in Facebook is rarely used by students of schools and colleges alike. Almost 3/4th of students do not use this feature.

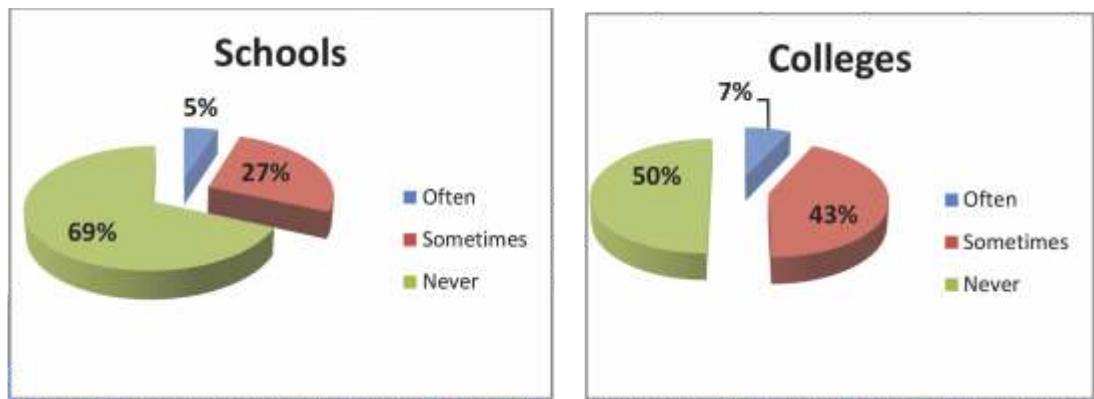
7. Are you friends with your parents on Facebook?



Again in this question we get almost identical responses from School and College students. The predominance is for the negative answer in both categories surveyed. In Schools 58% students and in Colleges 57% students admit that they do not have their parents in their friend list. It is surprising that School children in a slightly higher proportion say that their parents are not their friends in the virtual space. This is indeed a worrying trend both from the point of view of the children as well as the parents.

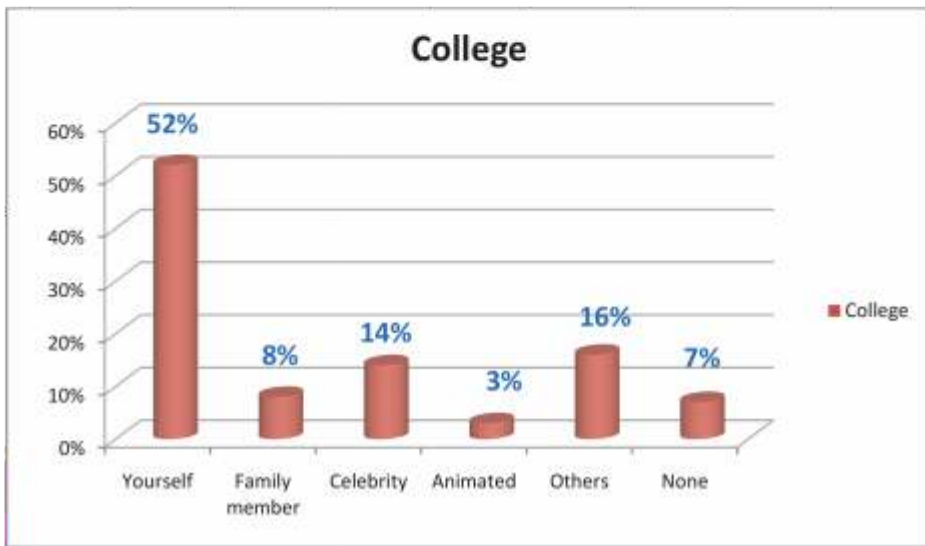
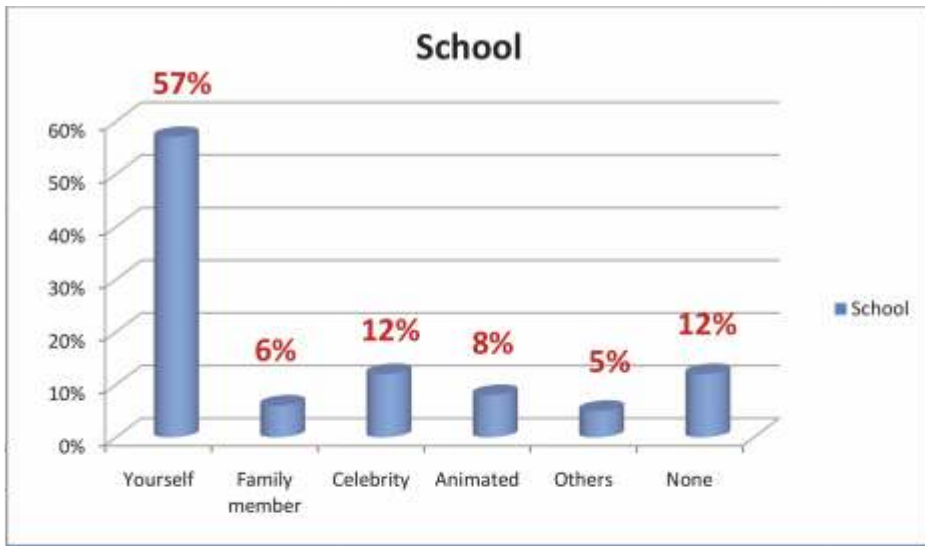
In this way the children/youth are exposed to greater reckless behavior as they are not under the watchful eyes of their parents. On the other hand the parents are abdicating their responsibility of monitoring and mentoring the use of the cyber space by their next generation – hence an important aspect of parenting is being involuntarily neglected. I say involuntarily because many parents do not themselves realize that they need to monitor their children's social networking activities too! Thus in addition to the children/youth – the parents too need guidance and awareness regarding safe internet/cyber space usage!

8. Do you click on Facebook ads?



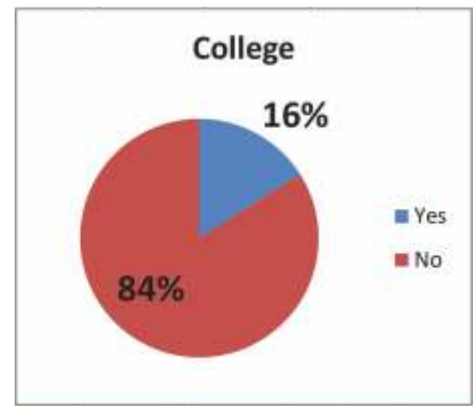
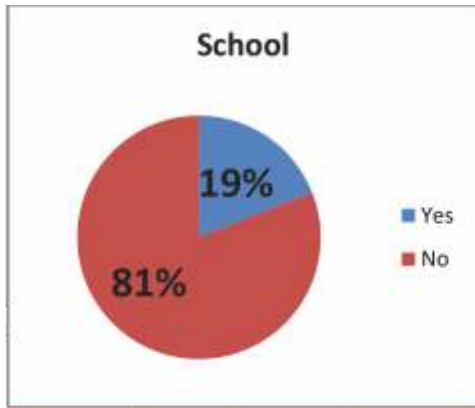
The analysis of the answers to this question throws up the specific fact that College students in much larger numbers (50%) click advertisements on Facebook than School students (32%). The reason is simple – as most ads have to do with marketing a product, greater financial freedom of college students puts them in a better position to purchase the advertised goods and services. Hence their attraction towards knowing product details is greater and hence the higher rate of clicking of Facebook based advertisement links. But with keener interest in ads should also come a clearer emphasis on security aspects of the social networking world. This is an issue which must be dealt with more vehemently with College going youngsters.

9. Which photograph have you uploaded as your profile pic?

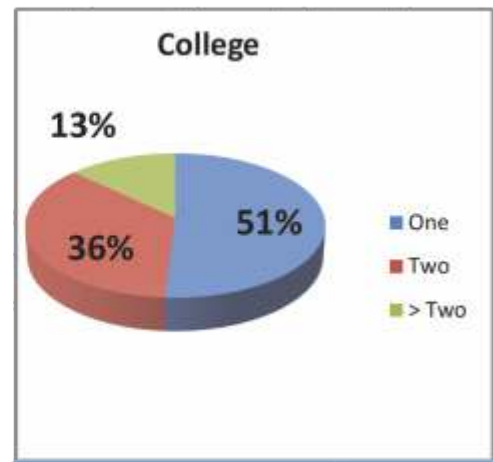
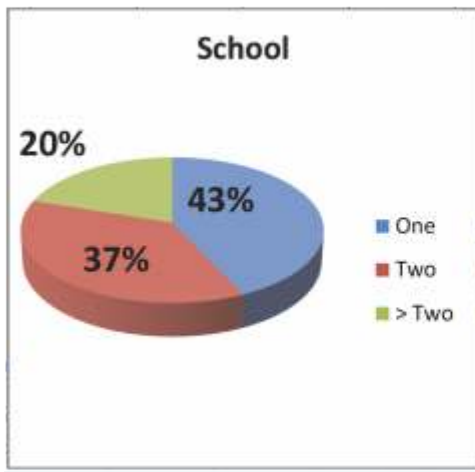


Overwhelming proportion of School (57%) and College (52%) students agree to putting their own pictures as their profile pic. This in itself is a risky proposition because this photograph maybe misused. It is always advisable not to use one's own photograph in his/her profile picture space. Second comes the category of Celebrities.

10. Do you have more than one account on Facebook?



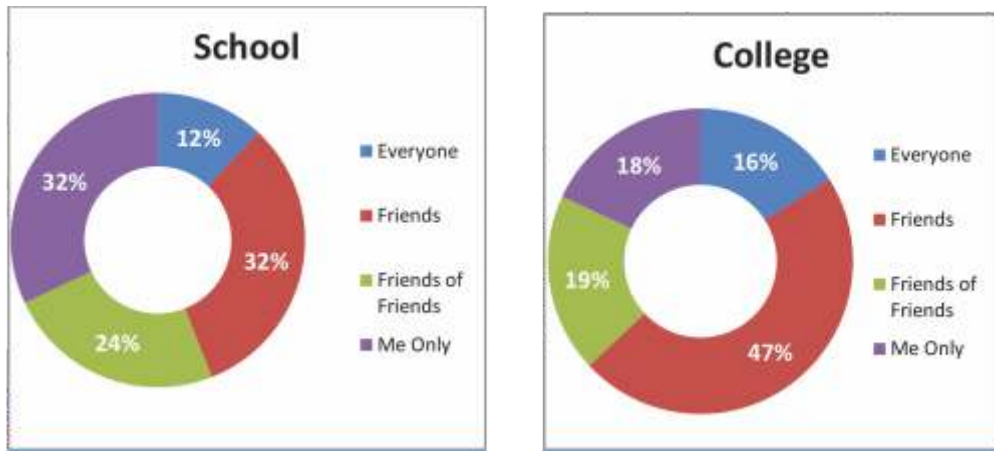
If yes then how many?



This question again throws up an interesting scenario. Greater number of school students say that they have more than one account (19% vs 16%). Similarly the figure of school students having more than 2 extra Facebook accounts is considerably higher than the corresponding figure for college students (20% vs 13%). Does this mean that school students are more adventurous and experiment prone as compared to college students?

The question not asked here is whether the extra accounts created by students are in their own identity or under a new or fake identity. This is an important question because if the students are creating new accounts in fake identities then they are doing a crime and that is definitely unacceptable behavior.

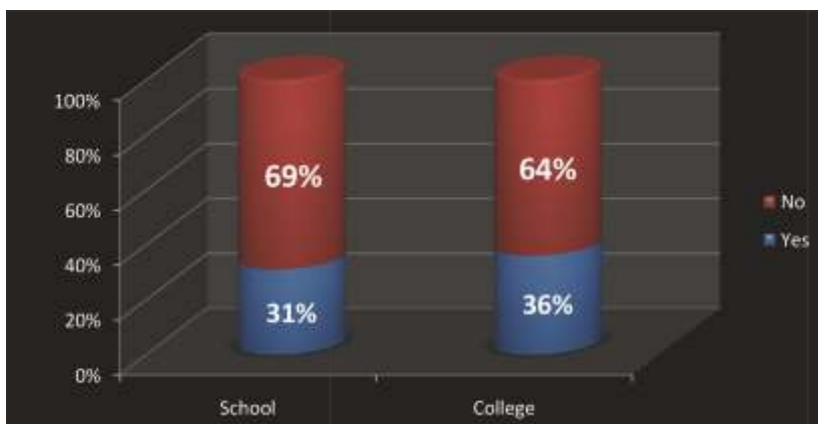
11. What is the privacy setting of your Facebook profile?



Analysing this result we find out that College students are more open and forthcoming regarding their Facebook activities and posts. This is evident from the fact that only 18% of college students keep their privacy setting as “me only” as against 32% school students. *As college students are more open on Facebook it is necessary that they follow the basic security precautions while doing so.*

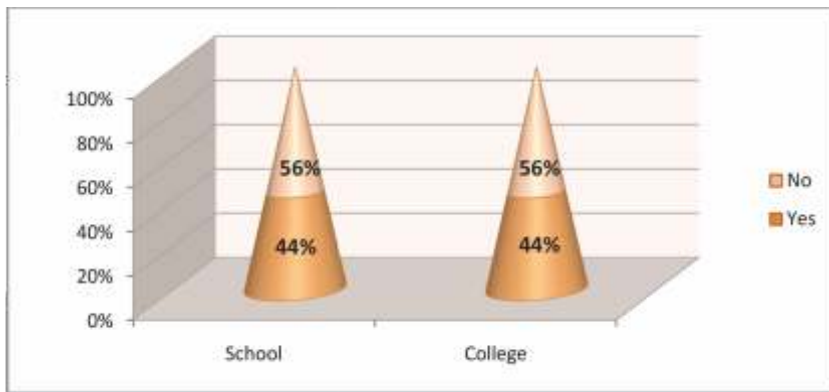
On the other hand the largest chunk of students – both college (47%) and school (32%) – have their privacy setting as “Friends only”. This in itself is a good thing provided that the list of friends of the students does not contain unknown entities. Because if it does then it is as good as having a privacy setting which says – Everyone! *This is due to the fact that an unknown entity can be anyone and maybe even an online predator posing as a normal person.* If he befriends the concerned student in the cyber space then all sorts of risks can be faced and are often faced by such targeted students. This should be avoided at all costs.

12. Does your Fb profile reveal your personal details like address, phone number etc?



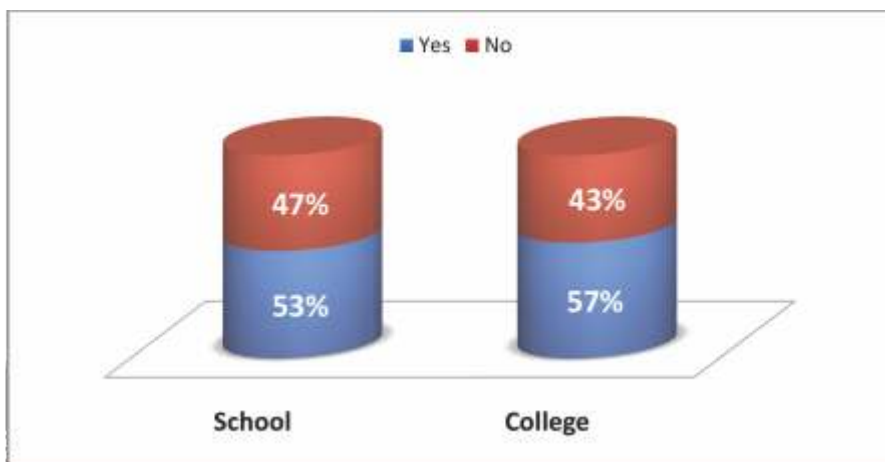
In this analysis too we find that college students are more reckless when it comes to secure and risk free behavior on the Facebook. **36%** college students give out their personal details on their Facebook account as compared to **31%** school students doing the same. Thus this behavior needs to be curbed and modified at the earliest.

13. Do you post your personal photos on Facebook?



The answer to this query gives exactly the same results for school and college students. But the striking feature of both these answers is that a large number of school and college students (**44%**) agree that they post their personal photographs on their Facebook account. This if done within limits can be considered a legitimate activity. But posting too many photographs and that too with a setting of “everyone” can cause certain complications. A number of such cases exist where the personal photos of students have been misused for a variety of purposes by certain criminal elements. This will eventually create complications for the individual concerned.

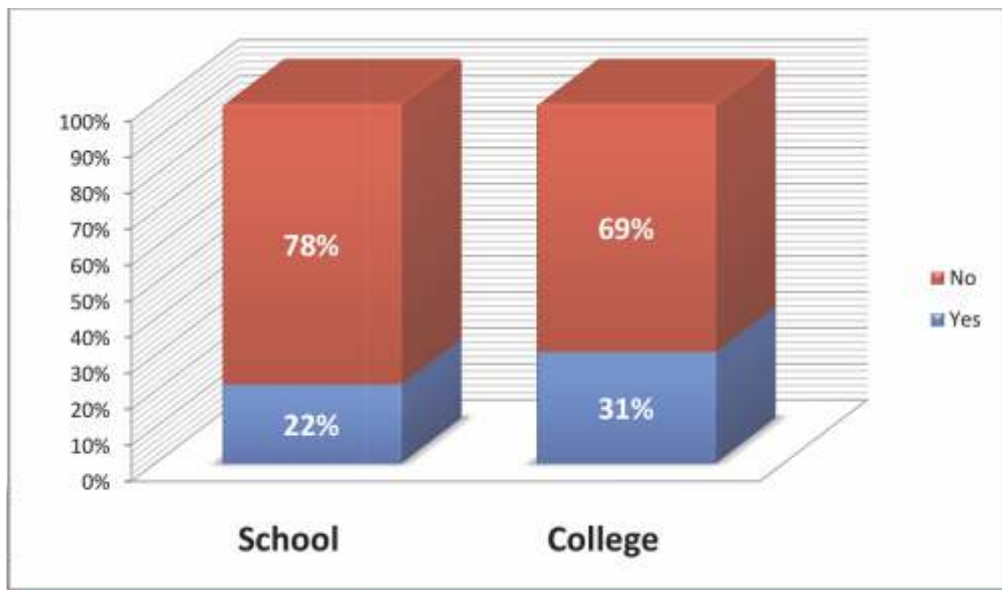
14. Can people see your actual photograph through your profile?



Again the responses are almost similar for school and college students. Whereas in college students **57%** say that their actual photographs can be seen through their profile, in school students this figure drops to **53%**. The difference between the two categories is not very significant. We can thus once again safely say that college students are slightly more open and have a desire of greater social contact as compared to school students.

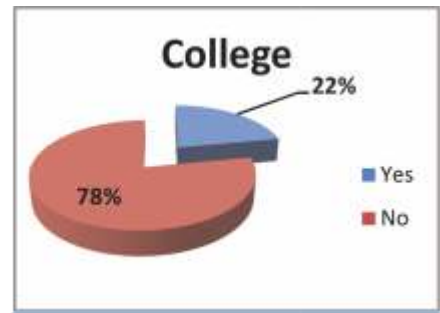
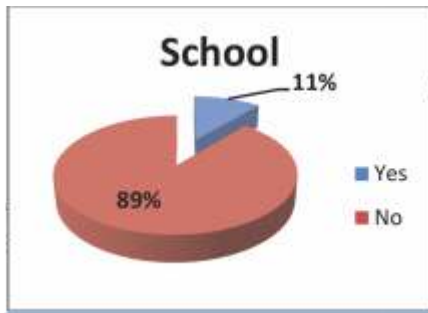
Whatever the case maybe but the important fact remains that a large proportion of school and college students put out their actual photographs on the social networking platforms. This in itself is a behavior which is fraught with dangers and challenges. Students will be best advised to strictly limit or eliminate the use of their actual photographs on social media.

15. Have you ever posted, liked or shared obscene content on Facebook?



31% College students as against 22% school students admit to having posted, shared or liked obscene content on Facebook. This is a rather alarming scenario. Posting, sharing & liking obscene content in cyber space is an offence in our country under section 67 and 67A of the IT Act. If this content is concerned with children below the age of 18 years – then even viewing is an offence under section 67B of the same IT Act. So are our children in large numbers inadvertently committing offences while using social networking platforms like Facebook? This is a moot question, which needs quick answers and solutions.

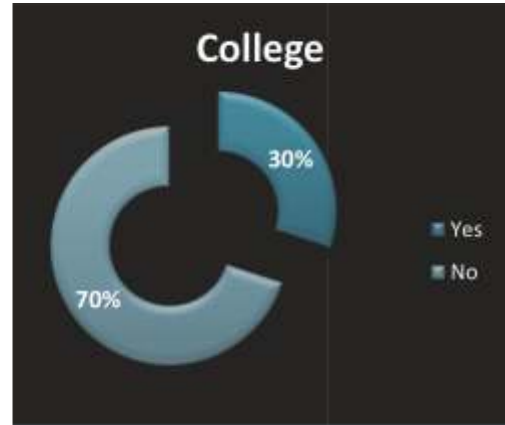
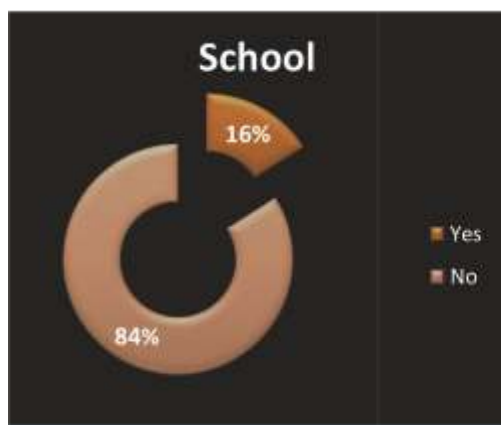
16. Do you post, like or share content against any politician, officer or celebrity on Facebook?



The number of college students who post, share or like content against important members of the society is double that of school students (22% vs 11%). This clearly shows the rebellious nature of the youth of the society in the present day and age. This attitude can bring about positive change but on the contrary this may also threaten the stability and sanity of the society – if stretched to absurd limits – which it is more often than not.

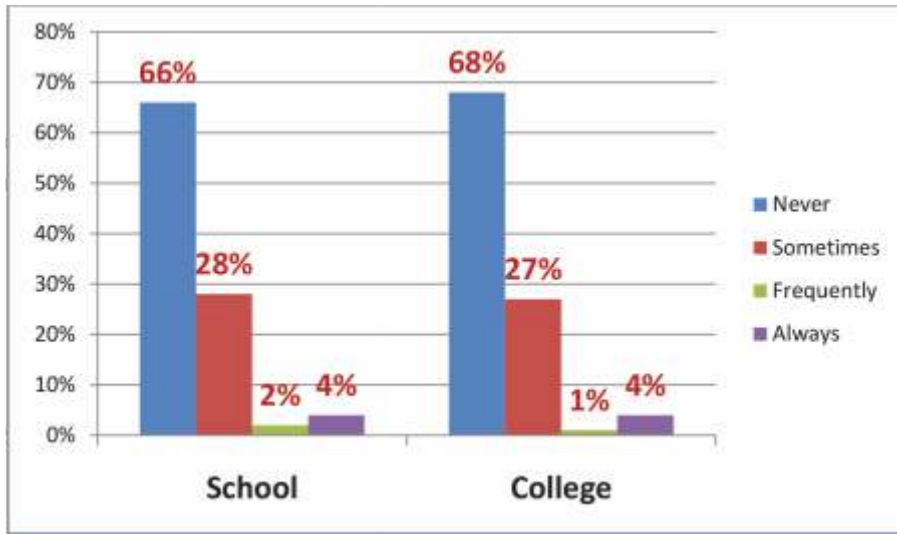
In addition posting, liking and sharing malicious content, without proof of its validity or truth – is defamation of the worst kind. If the concerned politician, officer or celebrity take it upon himself to set things straight – then the concerned youth can be hauled to court under the provisions of section 499 of the Indian Penal Code which deals with criminal defamation.

17. Do you disclose time and place while posting updates on Facebook?



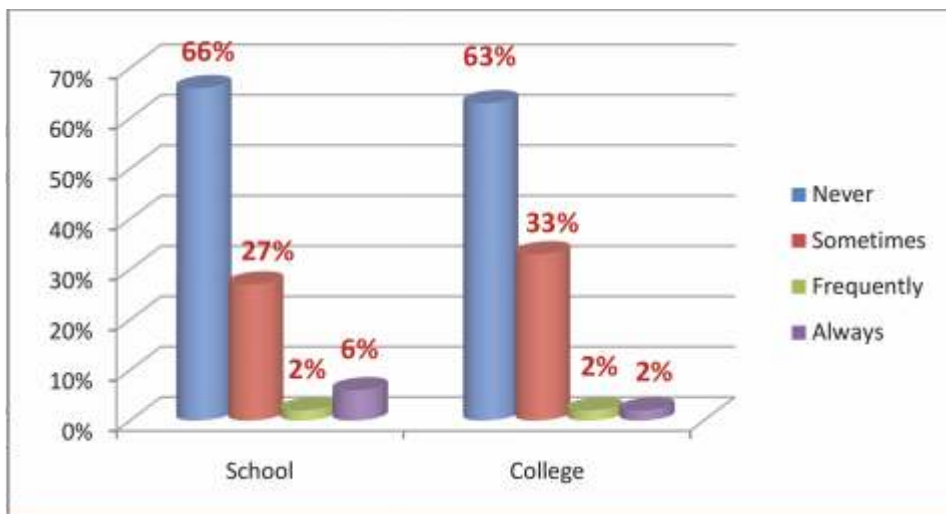
College students once again exhibit their tendency towards greater reckless and risky behavior while using Facebook. This is evident from the fact that a high percentage of college students (30%) admit that they give time and place reference while posting status updates on Facebook. This figure is almost half (16%) in the case of school going children who were surveyed. *Time and place reference is good data for online predators and can put them in business if the individual continues this practice with impunity.*

18. Do you send friend request to unknown persons on Facebook?



Mostly school (66%) and college (68%) students deny that they send friend request to unknown persons on Facebook. This in itself is a secure activity and is to be further encouraged. On the other hand in college students (32%) and school students (34%) still agree that they send friend requests to unknown persons – albeit to varying degrees. This is a point of worry so far as student security on the social media is concerned.

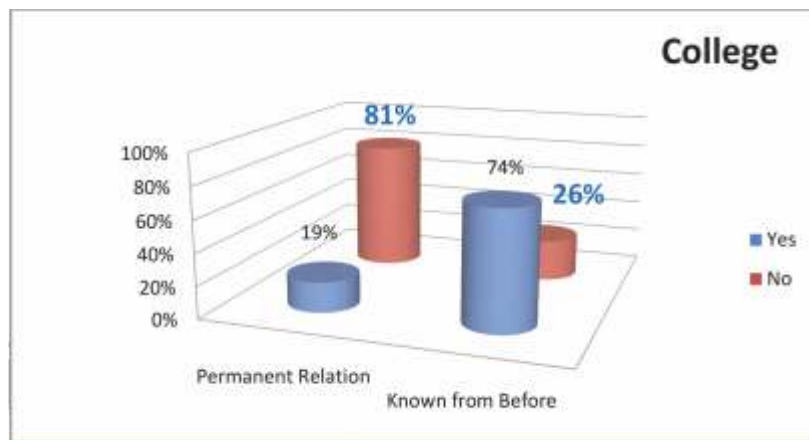
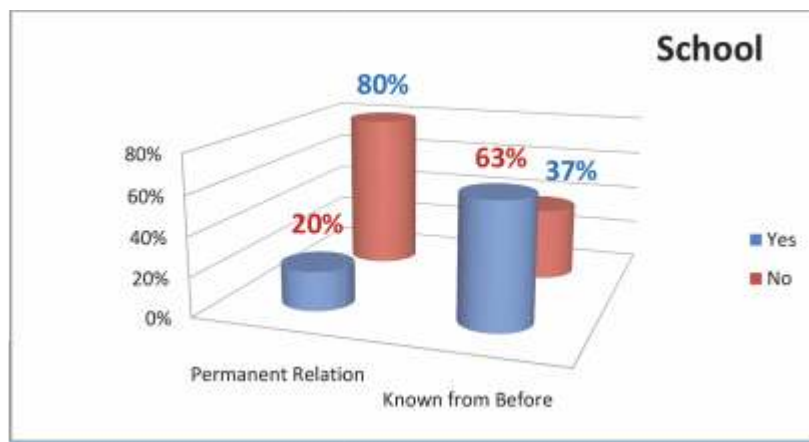
19. Do you accept friend requests from unknown persons on Facebook?



The responses to this query almost correspond to the responses obtained in the preceding question regarding sending of friend request to unknown persons on Facebook. While most students deny that they accept friend request from unknown persons on Facebook, a large majority still concedes to the fact that they do accept friend requests from unknown's. This number is **34%** for school and **37%** for college students. This is more than one third of the respondents in both categories. Not a very healthy situation.

20. Have you ever formed a permanent relation with anyone on Facebook?

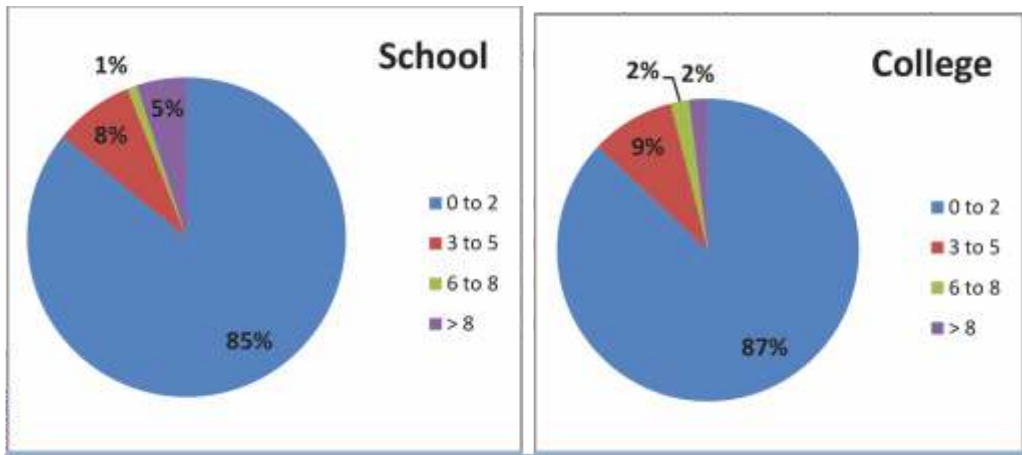
If yes, was the person known to you from before in the real world?



The analysis of this answer shows that college students exhibit a greater degree of caution as compared to school students while forming permanent relations on Facebook. Slightly lesser number of college students (**19%**) as compared to school students (**20%**) say that they have ever formed permanent relations on Facebook. However the safety feature comes into clearer focus when **74%** college students confirm that they knew the person from before with whom

they formed a permanent relationship on Facebook. The corresponding figure for school students stands at 63% only.

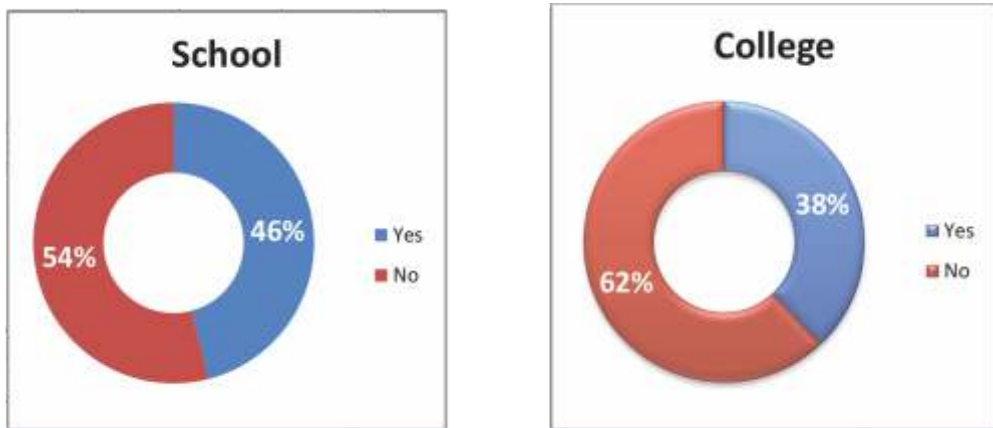
21. How many posts do you do in a day?



This question shows that the students of both schools (85%) and colleges (87%) do very few posts to Facebook daily. But the question remain – irrespective of the number of posts that students are putting up daily on Facebook – are they doing all activities in a safe and secure manner?

A very miniscule minority – for school students it being 15% and for college students it being 13% - indulge in regular and repeated posting on Facebook. This shows that college students even exhibit greater reluctance in posting content on Facebook. This may be due to lack of time or due to greater dependence on other social messenger services like WhatsApp.

22. Before tagging a friend do you take his/her permission in advance?



The answer to this query clearly demonstrates the cavalier attitude of the college students (62%) while tagging friends to their posts as compared to a more restrained attitude of the school students (54%).

MAJOR FINDINGS

The major outcomes of this painstaking research are as follows:

- Huge number of school (44%) and college (58%) students say that they have a friend list of at least 50-500 friends. This is an intriguing fact. So many virtual friends for an average students, proves that a majority of them will be unknown to the student. The means he or she will only be a “virtual” friend, not known in the real world. What can be more perilous than this to a youngster using the social networking space.
- Large number of school (24%) and college (34%) students use Facebook for more than 1 hour a day. This figure when translated to sheer numbers of students it will become huge and unimaginable, given the Indian population context. This huge number of students thus have to be made aware about the safety and security norms to be followed while using the Facebook network. Awareness is the bedrock of altered human behavior and performance. Keeping this in view, these huge numbers of students will have to be approached immediately and made aware about the security drill to be followed on Facebook. This is no easy task, seeing the huge shortfall in **cyber security guides** in this country.
- **57%** school students and **68%** college students admit to posting status updates on Facebook. The duration may vary – from several times a day to less than weekly. But they do indulge in this activity. That in itself requires that they be aware of the safety measures to be adopted and do go ahead and adopt these measures. Like a status update *must never contain time and place reference*. There are a slew of other precautions to be taken while posting status updates and they should be known to and implemented by the students.
- 61% school and 57% college students imply that their posts on Facebook are with a security setting – Public! This is indeed a huge number of students who are doing insecure behavior on the Facebook domain. They are exposing themselves to great harm and this can lead to the theft of their personal information which includes photographs. It can all result in such cyber crimes like – social engineering attacks; phishing attacks; morphing;

ID theft and loss of passwords; romance scams; relationship scams; Russian wife scam; opportunity scams etc.

- More school and college kids *are not friends with their own parents* on Facebook. This is an imminently precarious situation as it prevents proper monitoring of the children's activity by their parents. Hence parents too need guidance and counselling on how to go mentoring their own wards in the cyber space. Otherwise they will be abdicating an important responsibility in this ever widening and expanding aspect of child and youth existence.
- Large percentage of school (**52%**) and college (**57%**) students say that they use their own photograph as their profile pic. This is definitely a risky proposition as this photograph can be misused for a variety of purposes. It can be used for morphing and thus causing damage to the reputation of the student concerned which may lead to all kinds of stress and strain. In many recorded cases it may even lead to suicide and other such extreme steps. This photograph can also be used to make fake ID cards, SIM cards, AADHAR cards and the like. They can then be misused to the detriment of the student concerned. Thus the security drill for putting profile pic's is that an animated character, a child's photograph or no photograph at all should be the profile pic of a student.
- **19%** school and **16%** college students admit to having more than one Facebook account. This is perplexing because more than one account can most probably be only for a wrong purpose. If this account is in a wrong or fictitious name then it adds to the suspicion. That is because if anyone makes a Facebook profile in a fake/fictitious name, one that is not his or her, it can be only for a purpose which may not be that noble. It is also a breach of contract that the maker of the account signs with Facebook –that is to provide correct information. In addition it is also impersonation if it is made in a fake name. Thus such habits for making more than one profile have to be discouraged amongst students.
- Though the largest chunk of school (**32%**) and college (**47%**) students say that their privacy setting for their Facebook profile is "Friend only" – the danger is of making Friends of those they do not know in the Real world. If you make an unknown stranger a "Friend" just based on a Friend request – then it is as good as having a privacy setting of "everyone". Giving access to everyone to one's Facebook profile is indeed a dangerous

proposition because it opens up the user to all kinds of social engineering attacks as well as the nefarious designs of online predators.

- **31%** school and **36%** college students admit to another big security flaw – that is giving out one’s telephone number, address etc on their Facebook profiles. All these are personal details and should be shared to the smallest degree on Facebook and other virtual platforms. This is again due to the social engineering and online predatory attacks that such personal information can generate on the concerned user. Another major finding was that 44% college as well as school students share their personal photos on Facebook. This can again put the student to great harm – as photos can be morphed; Photo Shopped and misused for all the wrong reasons and with disastrous consequences. In addition a selfie from a mobile device which is GPS enabled will carry the latitude and longitude of the place where the selfie was clicked due to the feature of geo-tagging. If this photo is uploaded on to the internet it can be used to stalk the person posting it, as his/her location can be easily obtained by downloading the photo and right clicking on the properties and obtaining the latitude and longitude and hence the exact location via Google maps.
- Another big security lapse is that **22%** school and **31%** college students admit that they have posted, liked or shared obscene content on Facebook. This is alarming as all the above activities are offences under section 67, 67A & 67B of the Information Technology Act, 2008. Posting, liking and sharing content against any politician, officer and celebrity is also done by 11% school and 22% college students. This is another activity which has the potential to land the student in a soup as they can be hauled in front of the law under various sections of the Indian Penal Code, the chief being the lay against criminal defamation which is section 499. Thus students will be best advised to avoid such controversial activities too.
- Another security flaw found was that **16%** school and almost double the number that is **30%** college students admit that they routinely mention time and place in their Facebook updates. This is also a highly risky proposition due to the omnipresence of online predators – who latch onto such details and can use it to kidnap, abduct and confine students for financial gain or to commit sexual crimes.

- **34%** school and **37%** college students say that they accept Friend requests from total strangers on Facebook. What can be more harmful and dangerous than this. More than one third students indulge in this highly risky behavior. This may be out of temptation, curiosity or plain competition. Whatever may be the reason, it is an activity which is totally avoidable and if continued with impunity, may lead to severe complications and troubles for the concerned individual.
- Tagging without permission can also spell legal trouble for a student. And students do it with impunity – in schools **54%** and in colleges **62%** students tag their friends without permission. What if the tagged person does not like the post or photo in which he/she is tagged? It can and does lead to complaints and even legal action against the tagger.

Thus it is clear that High School and College students in India have still a long way to go as far as awareness regarding safe and secure behavior is concerned on Facebook and other such similar social networking platforms. How will this awareness come? Who will be the source of this awareness drive? What will be the timeframe in which this drive will be launched and ensured? Who will be responsible for analysing the results? Who will formulate reworked strategies based on the Feedback of the implemented initiatives? There are so many nagging questions but answers are few and difficult to achieve. But the bottom line is that things have to be done in the direction of safe social networking existence for students and it has to be done fast – because it is already very late and time is running out fast!

I end this report with the findings of the study regarding a couple of questions put to the students regarding – “what is the best thing that happened to you on Facebook” and “what is the worst thing that happened to you on Facebook”. Very few surveyed students responded – but response rate for good vs. bad was 1:3. From this we can safely assume the risks that even the students foresee on using social networking platforms. What they need is proper guidance and support (aka awareness) to make them safer and more secure.

Some gems of “best thing that happened” –

- ✓ Got connected with old friends
- ✓ Know news

- ✓ Reading blogs about cooking and psychology
- ✓ Updated about the world and happenings
- ✓ Information about exams and general awareness

Some gems of “the worst thing that happened” –

- Addicted to Facebook use
- Waste of time and mental disturbance
- Spending time on useless stuff when one has other important things to do
- Fake ID use by boys and vulgar talk
- Wrong friends/videos/photos
- Misuse of private information
- Hacking of Facebook Id’s
- Sharing adult content
- Connected with external people but distance from own family
- Failed in exam
- Decreased interest in studies

Seeing the above the choice is clear. In which direction awareness in use of Facebook and social networking use should proceed – in safe, secure and sensible use.

Need for Victim Oriented Policing in India: An Overview

Parvez Hayat*



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Abstract:

Victimology is the study of victimisation, includes the relationships between victims and offenders, the interactions between victims and the criminal justice system that is in fact is the police and courts besides correctional services which includes Jails in India and the relationship between victims and other social groups and institutions, such as the media, and civic society and public representatives. Victimology, in brief, means the study of crime victims and issues related to victimization. Victimology is, however, not restricted to the study of victims of crime alone but may include other forms of human rights violations as well. It studies about the harms caused directly a proximately to victim in commission. Victims of crime and the relative scope for compensation to the victim as a means of redressal. In criminal jurisprudence, mere punishing of offender is not sufficient to redress the grievance of victim, there is need to compensate the loss or harms suffered by the victim by means of restitution, compensation or reparation of the damages caused to the victim by the perpetrator of crime. Unfortunately, in India there is perceptible gaps between reporting and recording of crime between and so there has been need for crime victimisation survey which has been so far attempted in piecemeal by a few institutions like TISS (Tata Institute of Social Sciences), Mumbai, National Council of Applied Economic Research, Institute of Rural Management, Anand, IIM Kolkota and presently BPR&D and NITI Ayog are doing it professionally.

Keywords:

Compensation, Rehabilitation, Restitution, Crime against Women, Sexual, Second Victimisation.

* Author is presently ADG, BPR&D

Introduction

In India crime victims are generally treated as mere witnesses and statutorily no defined rights are available to them despite recommendations of National Law Commission and Justice Malimath Committee which identified and recognised certain essential rights of victims, what exactly follows proposes a means by which to improve and accelerate police work so that it has an emphasis upon the rights and needs of victims irrespective of types and nature of crimes. Using a term such as victim-oriented policing sounds like a concomitant ongoing proposal to compete with community policing or problem-oriented policing, but it is not. As proposed here, it would be entirely in sync with such perspectives and their related activities, but would emphasize the fact that the concerns of victims should underpin a great deal of police work - more so than they do at present.

A victim of crime not only suffers from trauma of crime but from series of traumatic experiences after occurrence of crime. Victims are generally ignored in the whole process of criminal justice system. This leads to secondary victimisation in the whole criminal justice systems and processes and results from various factors ranging from unsympathetic attitude of police in general which is indifferent towards emotional pain and pangs of victims or sometimes perpetrators being favoured by the police that leads to demoralising effects on such victims. It is the state responsibility to develop a victim oriented approach in policing and the whole criminal justice system so as to ensure that the rights of victim are protected.

Definition

A victim can be defined as:

- A person against whom an offence is committed by another person;
- A person who, through, or by means of an offence committed by another person, suffers physical injury, or loss of, or damage to, property;
- A parent or legal guardian of a child, or of a young person; and
- A member of the immediate family of a person who, as a result of an offence committed by another person, dies or is capable, unless that member is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned.

The important rights for victims of crime includes:

- The right to be treated with fairness, dignity, sensitivity, and respect;
- The right to be informed each about administrative and judicial proceedings;
- The right to attend and to be present at criminal justice proceedings;
- The right to be heard in the criminal justice process, including the right to confer with the prosecutor and submit a victim impact statement at sentencing, parole, and other similar proceedings;
- The right to be informed of each proceedings and events in the criminal justice process, including the release or escape of the offender, legal rights and remedies, and available benefits and services, and access to records and any other valuable other information;
- The right to protection from intimidation and harassment;
- The right to restitution from the offender;
- The right to privacy;
- The right to apply for crime victim compensation;
- The right to the expeditious return of personal property if seized as evidence whenever possible;
- The right to a speedy trial and other proceedings free from unreasonable delay;

The Supreme Court of the United States first recognized the rights of crime victims to make a victim impact assessment during the sentencing phase of a criminal trial in the case of *Payne v. Tennessee* 501 U.S. 808 (1991) in which court directed to decide not only quantum of punishment based on gravity of crime but also quantum of compensation based of victim impact assessment report.

A victim impact panel is a form of community-based or restorative justice in which the crime victims (or relatives and friends of deceased crime victims) meet with the defendant after conviction to tell the convict about how the criminal activity affected them, in the hope of rehabilitation or deterrence.

United Nations General Assembly Declaration of Basic Principles of Justice for Victim and Abuse of Power, 1985 defined 'victim' as:

1. The term 'crime victim' means a person directly and proximately harmed as a result of the commission of an offense. It also means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.”

In Indian Criminal Justice System ‘Victims’ means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

The UN Declaration identifies the following rights of victims :

- Access to justice and fair treatment
- Contact with the criminal justice system (to be recognized as a legitimate participant in the process)
- Safety (both within the criminal justice system, and a restored sense of overall safety)
- Information (the most commonly expressed need for victims)
- Assistance and services, Continuity (in systems and across organizations and departments)
- To have a voice (to be heard, especially regarding what they have suffered)
- Validation and acknowledgement (that their feelings are normal)
- Restitution, redress and apology.

In order to develop a comprehensive statutory scheme redressing the needs of victims of crime, it may be useful to underline some of the current practices in practice in other developed countries like USA, Japan, Europe, Australia, UK, etc.

In **Australia**- rights of a crime victims are well defined and statutorily protected. Victim services include free access to legal advice and representation, counselling and monetary compensation. Monetary compensation is generally available in case of serious crimes in offenses where sentence is above six months' imprisonment. The funding of compensation facilitated by fines imposed on convicted offenders and also from other resources both by government and NGOS, private funding.

UK /Victims Support Fund- The fund is made up of fines and surcharges which offenders have to pay. Judges decide quantum of amount of the fines under the authority of the Criminal Code of the Victims of Crime Act. The Victims Assistance Fund is administered by the Victims Assistance Committee. The Committee is made up of three members who are appointed by the Minister of Justice for three-year terms. They review funding proposals and make recommendations to the Minister of Justice. The Minister makes the final decision on the disbursement of funds.

Rights of Victims in United States of America

Crime Victims' Rights Act (18 U.S.C. § 3771. Crime victims' rights)
RIGHTS OF CRIME VICTIMS -A crime victim has the following rights:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- (5) The reasonable right to confer with the attorney for the Government in the case.
- (6) The right to full and timely restitution as provided in law.

(7) The right to proceedings free from unreasonable delay.

Rights of victims in Canada

In Canada, the Victims Bill of Rights Act was passed in 2015 which gives victims of crime a more effective voice in the criminal justice system, came into force. This legislation creates the Canadian Victims Bill of Rights to provide clear statutory rights at the federal level for victims of crime for the first time in Canada's history. The Canadian Victims Bill of Rights establishes statutory rights to information, protection, and participation and to seek restitution, and it ensures that a complaint process is in place for breaches of these rights by a federal department or agency.

Scenario in Japan

In Japan, such rights are very well-documented as compared to other advanced states and are in practice to assist victims in police station which may be helpful in order to have a better understanding of victims' support by police which plays crucial role in victim rights protection.

Police in Japan has adopted the measures to support the victims of crime. This practice has reduced the gap to a large extent between the public and the police. The helping attitude of police towards the victims has further encouraged the people to approach the police at time of trouble for seeking help. Crime victims (including the bereaved families of the victims) not only undergo loss of life, physical injury, loss of property, and other direct losses and damage, but also suffer from what is known as indirect victimization like emotional shock, physical disorder arising from being the victim of crime, economic loss stemming from the medical expenses, loss of employment etc.

Key Issue Addressed

Police in Japan help the crime victims by receiving the request from them for help, police help the victims to recover from crimes by enlisting services of psychologists. The Safety Commission of Japan specified “the Basic Policy regarding the implementation of the support for victims of crime and others by the chief of the Police Headquarters” which came into effect in 2002 and is a unique feature. In 2005, as per the National Government decision on the Basic Plan for the Crime Victims, three investigative committees were set up namely, Investigative

Committee on the financial support, Investigative Committee on Liaison and Support and Investigative Committee on support for private groups.

Specific initiatives have been taken by the police for the support of the crime victims. Each prefecture's police have prepared a pamphlet referred to as the Brochure for crime victims of murder assault or rape or for their bereaved family members. Officers distribute these pamphlets and also explain their content, if necessary, when they interview victims or when the crime has been reported.

Processes and Functionalities

Police officers assigned to police boxes or the local police officers, contact victims living in the areas for which they are responsible. These police officers provide the victims information helpful for recovery or prevention of the further inquiry, provide information on crime prevention, listen to the victim desires regarding the police and also respond to the victim request for advice.

A Counselling center has been created within most police headquarters to respond to the citizen's request for assistance. Also, telephone counselling facility has been created and can be reached from anywhere in the country by dialling 9110. People who call on this number reach on the Comprehensive Counselling Centre, and additionally facilities specializing in counselling for victims of sex crimes, for juveniles have been set up.

There are occasions when crime victims are emotionally injured and require psychological counselling. Hence to overcome emotional injury, police department has also organized counselling systems in which they dispatch officers with expertise in counselling and also work together with psychiatrists and psychologists.

Apart from it in order to provide services to the victims of various crimes, police work in cooperation to other institutions and organizations which are as follows:

Crime Victim Relief Foundation: It was established in May 1981; the foundation basically funds the scholarships to the children who lost their parents in the crime. The foundation funds also cooperate in various ways with life counselling and private victim support groups.

National Network for Victim Support: This was created in 1998 strengthened after 2007 Act, and is working to further strengthen ties with victim support groups, train the staff of private victim support groups and also supports the victim self-help groups. There are also 'Private Victim Support Groups' which focuses on the needs of the crime victims by providing counselling for them to recover from their emotional injuries, this has been established in the various regions recently.

Early-Assistance-Providing Groups for Crime Victims: Each prefectural Public Safety Commission has been charged with the task of designating non-profit organization known as 'Early-Assistance-Providing Groups for Crime Victims', which have contributed to the swift reduction in damage of victims and provide continuous support until they recover the peace of their lives. This includes awareness raising activity, telephone and face to face counselling, accompanying the victim to the hospital or the court and also volunteer counselors.

Victims need support and assistance in medical and court related matters. Since police unable to meet all these needs by themselves hence legal, government and medical institutions are required. Based on this idea Liaison Council for Victim Assistance, composed of police, governor's office, and other related institution and groups have been organized in each prefecture across the nation.

Legal Resources available to Victims

Following the enactment of the Basic Act on Crime Victims etc. (note: "etc." hereinafter means victims' families and bereaved families) in 2004, the Office for Promotion of Policies for Crime Victims etc. at the Cabinet Office is established to assist the administration of the Council for the Promotion of Policies for Crime Victims etc., which is tasked to draft the Basic Plan for Crime Victims etc. to deliberate important matters concerning the measures for crime victims, and to promote, verify, assess and monitor implementation of such measures. Relevant organizations and agencies such as police provide some training and seminars for those who are responsible for the assistance to the victim of crime.

In February 1996, the National Police Agency issued its basic policies delineating the measures for supporting the crime victims. In May of the same year, the National Police Agency also established an office for crime victims in the Allowance and Welfare Division of its Director

General Secretariat. In pursuance of the Crime Victim Benefit Payment law, the National Public Agency allowed victims of crime to participate in the proceedings of certain cases through the victim participation system established in 2007 on government financial support with police as facilitators.

The victim participation system permits victims of terrorism, acid attacks, disaster victims, and their bereaved families, to:

- i) Appear on the trial dates and be seated next to public prosecutors;
- ii) Examine witnesses on matters necessary to challenge the probative value of the statements of certain witnesses with regard to the circumstances;
- iii) Examine defendants within the scope deemed necessary to state their opinions;
- iv) State their opinions on the finding of facts or the application of law after closing arguments have been made by public prosecutors;

As no one knows when and where the crime will happen, this brings an ordeal to the victim. Victim often suffers not only the physical loss but also suffers socially and psychological as well. When the crime happens police in Japan assist victims financially and socially, as per the demand of the victim. Some police officers are designated as 'Victim Assistant Officers', so that they can be available any time for the victim assistance service. Also, police work in close cooperation with the municipal and other private organization for their private recovery. According to one victim assistant officer in Ibaraki Prefecture "so to meet the various needs of the victim, cooperation of various other organizations is extremely important".

Police also distribute leaflets to the crime victims for victim assistant information. Content of the leaflet contains criminal procedures and also the assistant services provided to the victim. The leaflet contains the information in eight different languages including Chinese, English and Korean.

Thirdly apart from this there are certain other benefits are provided to the crime victims like the government makes the benefit payment to the surviving families of the crime victims. At the police stations consultation services are provided. Consultation services deals with the crime of domestic violence, murders, rape and so on so forth.

Policy Impact in Japan

Police in Japan established the system to contact victims. Under this system the police investigator officers contact victims of rape, murder, assault and also their bereaved families and being provided the information regarding criminal procedures , system for crime victim support, state of investigation, arrest of the suspect and also the processing of the suspect. Police officers assigned to the police boxes pay visits to the victim in the areas for which they are responsible.

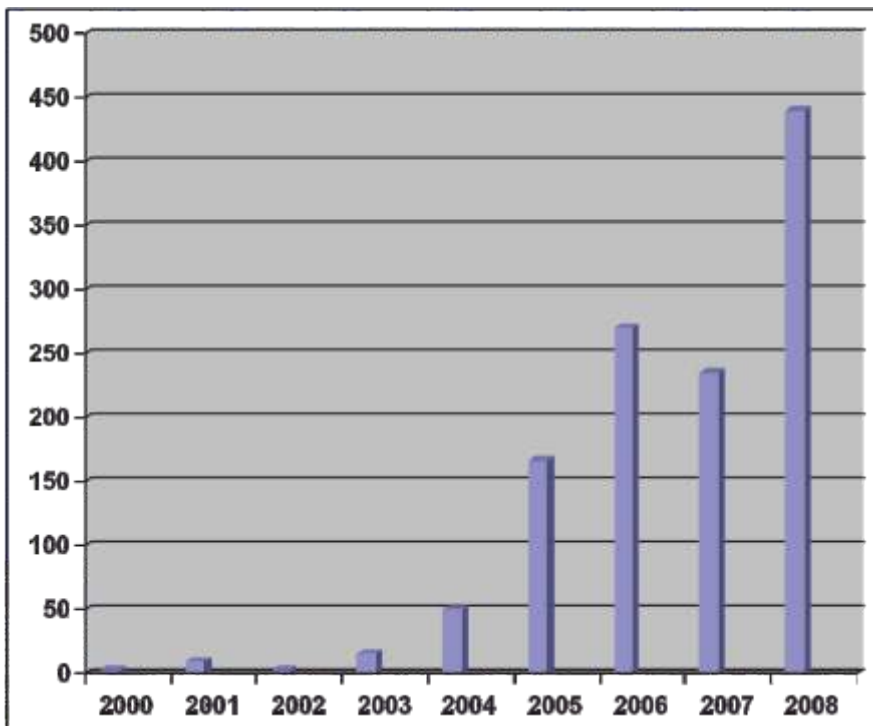
There are counselling centers within most of the police headquarters so to respond to the citizen's request for assistance. Telephonic counselling facilities have also been provided to the victims through which victim can contact the counselling centers from any part of the country. Hence the victim can contact the centers by dialling 9110 from anywhere at any time. Apart from it there are special facilities for counselling the victims of sex crimes, for juveniles and other sensitive crimes.

According to one of the residents of Ibaraki Prefecture in Japan, *“Police in Japan is quite helpful and also concerned about the needs and requirements of the victims of crime. They also distribute the brochures in the Prefecture containing the services available for the crime victims.”* For providing better counseling facilities police work together with psychiatrists and psychologists. Even during investigation from victim, police takes care of the psychological condition of the victim so to avoid any secondary victimization. When officers are called to the victim's home in any emergency like sexual assault, they will use unmarked cars and dress in street clothes if the victim does not to reveal its contact with police in his/her vicinity. Whenever the victim feels reluctant to come to the police station or the police boxes then the police use the victim response vehicles so to make it possible for them to meet police at his/her choice and maintaining his/her privacy while performing necessary interviews and on-site inspection of crime scenes.

All this as mentioned earlier is not possible alone by police hence it need the cooperation of various other non-government organization. Police therefore is working in close association with many victim assistance centers. One such victim assistance services providing organizations designated by the Ibaraki Prefecture Public Safety Commission is *“Ibaraki Victim Assistance Centre”* which work in close association with the police. The centre provides the 'Victim Advocates, Counselors for Victims. These advocates and

counselors are appointed on the basis of their experiences in victim assistance field. The center provides telephone services by the specialists like victim advocates and lawyers, face to face counselling services and other direct services on the request of the victim's needs like accompanying the victim to the court, securing a court gallery seat, explaining legal proceedings to the victim and also if required arranging press conference for them. Other services which are provided to the victims are like assisting the victim when applying for crime victim benefit. And all this is possible by the close cooperation of the police hence police work in cooperation with these organizations in assisting the victim and provides them necessary support. Victims first approach the police and then police refer them to victim assistance organizations. This also has helped to reduce the gap between public and the police. All these services in a way have made police more reliable to the people.

Increasing Number of 'Direct services' Cases



Source: Early Victim Assistance Services Providing Organization, Ibaraki Victim Assistance Center, Japan.

Replicability

This practice has increased the cooperation between police and other victim assistance organization. People have increasingly become reliable on police and police also has taken the responsibility for assisting the people in need and during their sufferings.

Hence this practice could be replicated in other parts of the world as well. This would help in reducing the gap between the police and people and would also make police sensitive to the needs and demands of the victims of crime.

Compensation and Rehabilitation of Rape Survivors a constitutional right

Victimology: Scenario in India

In India, at present, a crime victim or a complainant is only a witness for the prosecution till the court takes a final decision in the case and also victim remains a witness even when an accused is in undergoing imprisonment and not consulted or informed if accused is being allowed to go on a parole. Whereas the accused has several rights, the victim has no right to protect his or her interest during criminal proceeding. Sometimes, even the registering of a criminal case in the police station depends upon the mercy of the police officer, victims suffer injustice silently and in extreme cases, take the law into their own hands and seek revenge on the offender. Though no separate law for victims of crime has yet been enacted in India, the silver lining is that victim justice has been rendered through affirmative action and orders of the apex court. Besides, many national level Commissions and Committees have strongly advocated victims' rights and reiterated the need for a victims' law. Studies on crime victims by researchers started in India only during the late 1970s. Early studies were on victims of dacoit gangs (i.e. gangs of armed robbers) in the Chambal valley (Singh, 1978); victims of homicide (Rajan & Krishna, 1981); and victims of motor vehicles accidents (Khan & Krishna, 1981). Singh and Jatar (1980) studied whether compensation paid to victims of dacoits in Chambal Valley was satisfactory or not.

- The victim is the forgotten man of our criminal justice system. He sets the criminal law into motion but then goes into oblivion. The present code of criminal procedure does not recognize the right of victim to take part in the prosecution of the case instituted on the basis of police report. The victim is merely a witness in a State versus case. The victim of crime becomes the victim of our criminal justice system where the investigation agency or prosecuting agency shows lack of interest or apathy.
- The Supreme Court has forged new tools, devised new methods and adopted new strategies for the purpose of making fundamental rights meaningful even to the victims of crime. In AIR 1995 SC 14, the Supreme Court directed the State of Uttar Pradesh to suspend and start disciplinary action against two police officers and one medical officer for making perfunctory investigation of rape case to pay the amount of Rs.2,50,000/- as compensation.
- There are plenty of examples, where the Supreme Court awarded compensation to the victims, whose plight was brought to the notice of the apex court either by themselves or by way of public interest litigation. Millions of victims of crime, who cannot approach the apex court out of ignorance or lack of resources, are still crying for justice with the aim of protecting the human rights of the victim in our criminal justice system and to fulfil the constitutional obligation.
- In AIR 1983 SC 1086 the Supreme Court for the first time in RudaI Shah Vs. State of Bihar made it categorically clear that the higher judiciary has the power to award compensation for violation of fundamental rights through the exercise of writ jurisdiction and evolved the principle of compensatory justice in the annals of human rights jurisprudence. In Oraon Vs. State of Bihar the Supreme Court directed State of Bihar to pay the sum of Rs. 15,000/ as compensation to Bhama Oraon who was illegally detained for 6 years and kept in mental hospital when he was not insane.
- In another landmark case of D. K. Basu vs. State of West Bengal (AIR 1997 SC 610), the Supreme Court held that state compensation is mandatory in cases of abuse of power and said that "To repair the wrong done and give judicial redress for legal injury is a compulsion of judicial conscience".

- In the last decade, there is greater awareness on the part of the higher judiciary of the need for a better treatment of crime victims by the criminal justice agencies at different stages in India and this is reflected in the recommendations of the different committees and commissions calling for reforms in the criminal justice system to improve the existing conditions and situations of victims during the criminal justice process and some of the landmark judgments of the apex court in India.

Impact of Crime on Victims

Crime leaves manifold impact on victim's body and mind. Victim feels unsafe, desolated and also stigmatized. There is no separate law for victims of crime in India; the silver lining is that victim's justice has been rendered through affirmative action and orders of the apex court. Besides, many national level Commissions and Committees have strongly advocated victim's rights and reiterated the need for a victim's law (Chockalingam: 2010).

The victim set whole criminal justice in motion by first rendering the information to police. The victim as an informant is entitled to the copy of FIR, free of cost. However, the needs of vulnerable sections of society i.e. women and children have not been given adequate attention in the criminal justice system. Police is the first and foremost agency of the state to meet the victims of crime. Role of police is likewise very crucial and important in assisting the victims, instead of just taking them as mere informants. There is also no statutory scheme recognizing the rehabilitative needs of the victims of rape or domestic violence or even trafficking per se.

Supreme Court of India recently observed that no compensation can be adequate nor can it be of any respite for the victim but as the State has failed in protecting such serious violation of a victim's fundamental right, the State is duty bound to provide compensation, which may help in the victim's rehabilitation. The humiliation or the reputation that is snuffed out cannot be recompensed but then monetary compensation will at least provide some solace.

Cases of rape and sexual violence against women, spousal crimes and stalking and children and many new technology driven gender crimes are increasing throughout India. Inspire of post Nirbhaya amendments in the Criminal Law in 2013 and enactment of another special statute,

implementations are still too distant though present government is committed and visibly active in ensuring substantive justice to victims of

This paper deals with modern approach of penology and victimology which is striking a balance between rights of accused, victim and society. Various statutory provisions and decisions of the Supreme Court have been studied and analysed to highlight the need for compensation and rehabilitation of rape survivors as a constitutional obligation for human rights cause. Factors considered for deciding quantum of compensation, mechanism to fast track for delivery of compensatory relief and long-term rehabilitation has been discussed and recommendation for implementation. Critical analysis of Victim Compensation Schemes (VCS) in various states after amendments and insertion of Section 357 A, in Criminal Amendment Acts, 2009 and 2013 was done in this paper.

Forum v. Union of India (1995 SCC (1) 14, JT 1994 (7) 183), the case in which six women working as domestic servants in Delhi, were raped by eight army personnel in a moving train between Ranchi and Delhi. It has been pointed by the Court that complaints are handled roughly and are not given such attention as is warranted. The police, more often than not, humiliates the victims. The victims have invariably found rape trials a traumatic experience.

Law and Victim Assistance

A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. Under the Indian criminal justice system victims of crime have no rights as such, and the state undertakes the full responsibility to prosecute and punish the offenders by treating the victims as mere witnesses. Justice requires that a person who has suffered must be compensated. Basically, the accused is responsible for the reparation of any harm caused to the victim. We have five statutes, under which compensation may be awarded to the victims of crime.

- I. The Constitutional Remedies for Human Rights Violation
- ii. The Criminal Procedure Code, 1973

- iii. The Fatal Accidents Act, 1855
- iv. The Probation of Offenders Act, 1958
- v. The Motor Vehicles Act, 1988

Law Commission of India 1996

The law Commission in India stated that, “The State should accept the principle of providing assistance to victims out of its own funds, (i) in cases of acquittals; or (ii) where the offender is not traceable, but the victim is identified; and (iii) also in cases where the offence is proved.” The Law Commission emphatically noted: “Necessary confidence has to be created in the minds of the witnesses that they would be protected from the wrath of the accused in any eventuality.”

In its 178th Report (2001), the Law Commission recommended the insertion of s.164A in the Cr.P.C to provide for recording of the statement of material witnesses in the presence of Magistrates where the offences were punishable with imprisonment of 10 years and more. Based on this recommendation, the Criminal Law (Amendment) Bill, 2003 was introduced in the Rajya Sabha and enacted.

The Supreme Court of India in four recent Judgments, namely, NHRC v. State of Gujarat 2003(9) SCALE 329, PUCL v. Union of India 2003(10) SCALE 967, Zahira Habibulla H. Sheik and Another v. State of Gujarat 2004 (4) SCALE 375 and Sakshi v. Union of India 2004 (6) SCALE 15, has dealt exhaustively with the subject of 'Witness Anonymity' and 'Witness Protection Programmes'. The Supreme Court has also stated that Parliament must consider making a law on the subject at the earliest.

Under Sec. 33 of the Evidence Act, in certain exceptional cases, where cross examination is not possible, previous deposition of the witness can be considered that relevant in subsequent proceedings. The Evidence Act requires to be looked into afresh to provide for protection to a witness.

Victims have certain basic rights to be informed and to be present to be heard within the precincts of criminal justice system. Victims need not necessarily be notified about court proceedings, about arrest or release of accused, they have no right to attend and participate in the proceedings, no rights to be heard during sentencing or other hearing of the trial. Victim's assistance is not adequate or non-existent in few states.

The essential rights of victims of crime includes- right to be heard and participate, the rights to attend and participate in criminal justice proceedings. The right to protection from intimidation from the offender, the right to be informed about legal proceedings and events in the criminal justice processes, and events in the criminal justice processes, the right to restitution from offender. the right to prompt return of property seized if any as evidence. the right to a fast track trial and the right to enforcement of these rights. Large episodes, the main concern is not punishment or due acknowledgment by society of police manuals.

The brief review of the existing legal framework in relation to rights of victims of crime reveals that expect in the area of providing compensation, very little has been done either statutorily or through schemes to address the entire range of problems faced by victims of crime. There is need to take a fresh look at the position in which the victim of a crime is placed in our criminal justice system.

Although the Malimath Committee has recommended that “the victim has a right to be represent by an advocate of his choice; provided that an advocate shall be provided at the cost of the state if the victim is not in a position to afford a lawyer”, this fails to acknowledge that the present state of implementation in our country is still inadequate.

Malimath Committee also concludes “Time has come for a comprehensive law being enacted for protection of the witness and members of his family”. Justice Malimath Committee made recommendations to improve the rights of victims in criminal justice system. Some of the important recommendations include:

- The victim is dead, his or her legal representatives has right to implead as the party in every criminal proceeding where the offence is punishable with seven years' imprisonment or more.

- The victim has the right to be represented by an advocate and same shall be provided at the cost of state if the victim cannot afford a lawyer.
- Victims have right to participate in criminal trials.
- Legal services to victims may be extended to include psychiatric and medical help, interim compensation and protection against secondary victimization.
- Victim compensation is state obligation in all serious crimes.
- Despite these recommendations by various national committees and commissions the situation of victims in India remains grim. The very first step by victim for accessing justice is police station. It is very pertinent to have victim friendly police station. The behavior of police to the assistance provided by police plays a very significant role on threshold of criminal justice system. The Government on the Thursday, August 14 2003, tabled in the Parliament the Criminal Law (Amendment) Bill, 2003 proposing a series of changes including the insertion of new Ss.164-A and 344-A in the Cr. PC to deal with the problem of witnesses turning hostile. Further, s.195-A is proposed to be introduced in the Indian Penal Code making the threatening or inducing of any person to give false evidence a cognizable and non-bail-able offence punishable with imprisonment for seven years or fine or both. This response of the government is not only ad hoc but also inadequate as it fails to address Police assistance to the people in need would increase the reliability and also the faith of people in functioning of the police system. Two new Sections 164A¹ (w.e.f. 23-6-2006) and 195A² (w.e.f. 31-12-2009) have been inserted in the Cr.P.C.

Victims suffer besides primary, secondary and tertiary victimization. Often even rape victims once they are not satisfied by treatment meted out at Police station and Police don't provide psychological counselling and don't get support either from civic society/family or government commit suicide. Even misdirected youth too for want of counselling at times commit suicides on causes which can be taken care of by government and civil society.

1. Ins. by Act 25 of 2005, s. 17 (w.e.f. 23-6-2006).

2. Ins. by Act 5 of 2009, s.17 (w.e.f. 31-12-2009)

Provisions concerning free legal aid in the criminal justice system leaves much to be desired. The reform of the criminal justice system as a whole will have to be simultaneous with the reform of the legal aid system before a victim of crime can be guaranteed an effective right of representation in a criminal trial.

Though landmark judgment in India in Nirbhaya case if implemented will address many issues regarding victim's rights.

Indian Criminal Justice System need to undergo desirable change and adopt Japan model, Newseland model etc. to ensure each police station at least one in each Sub Division should have, besides women and youth Desk, an attached counselling center and a few referral counselling centers where such victims be females, youth can be given counselling.

Besides victims right should extend to be informed and heard even when an accused is to be released on parole. Victims may be taken to jails based on psychologist's recommendation to jails so as to meet the particular accused, in isolation chamber or through video conferencing organised by local police and Jail authorities, who has done incalculable harms to victims and make accused realised his guilt, this act will dilute accused vengeance against victims as he/she may be harbouring a plan in mind to strike back victims once out from prisons.

Hapless female victims who don't get acceptance in their own family stay in partnership with NGOs/Civil society, states should have institutional arrangements to rehabilitate, provide shelter offer them need based skill training besides soft skill training so that they can cope with social unfavorable pressure.

Source-rights of victims in the Indian criminal justice system by S Murli Dharan international environmental research center.

Police in India in general should, on rotation, from Constable to Inspector must undergo soft skill training emphatically behavioral training how to nicely behave a victim already mentally upset and emotionally traumatized to ensure substantive justice in our Criminal justice system. Such practice of police support to the victims would further reduce the

vulnerability of victim which many times results in secondary victimization.

The Supreme Court of India in Nirbhaya case in the year 2012 for the first time indicated the broad parameters for assisting the victims of rape asunder:

1. The complainant in sexual assault cases had to be provided with legal representation. It is important to have someone well acquainted with criminal justice system. The role of the victim's advocate would not only to explain the nature of the proceedings, to prepare her for case and to assist her in police station and in court but to provide her with guidance as to how she might obtain help of different nature from other agencies for example, mind counseling or medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked after the complainant interest in the police station represented her till the end of the case.
2. Legal assistance would be provided at the police stations since the victim of sexual assault might very well be in a distressed state upon arrival at police station. The guidance and support of a lawyer at this stage and whilst she was being questioned would be of great assistance to her.
3. The police were under a duty to inform the victim of her right to representation before any questions were asked of her and police report should state that victim was so informed.
4. A list of advocates willing to act in these cases should be kept at police stations for victims who did not have a particular lawyer in mind or whose own lawyer was unavailable. An advocate would be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victims were questioned without undue delay, advocates would be authorized to act at police station before leave of the court was sought or obtained.

Conclusion

Thus, In India from the registration of case by Police till the case is charge sheeted victims

apparently have no rights unlike in Japan, USA and other European countries. Victims of crime both primary and secondary victims like, parents, kids, caretakers etc. have apparently no rights in practice despite several legal pronouncements by Hon'ble Supreme Courts and High courts legal and some legislative amendments.

At present, there is no separate law for victims of crime in India, though many national committees and commissions have reiterated the need to have separate law for victims includes disaster victims as of late there is a perceptible increase of disaster crimes and disaster victims caused by natural and man-made disasters.

In India under Police Acts and Police Manuals of States, rights of accused well defined and statutorily recognised whereas rights of victims not statutorily provided in state till Nirbhaya judgement and few previous recommendation of Malimath Committee, and those of recommendations of 178th Report (2001) of the Law Commission and quite a few Judgements of Hon'ble High Courts Victims of crimes includes criminal assaults on women and stalking, spousal crimes, traffic accidents

And therefore, there is a need for legislative enactments both at Centre and States 'level to enacts laws in order to ensuring substantive justice to victims of crime and victims compensation and the police as agent of social change must acquire additional capabilities and other financial support to help victims of crime. Presently in India after Nirbhaya Judgments and strong government commitment in this direction certain actions in support of victims have been taken, Delhi State Legal Authority recently allowed a US women victim of sexual assault to travel from USA on government cost and depose in court.

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Satisfaction of Police Persons from their Service Conditions: A Case Study of Haryana



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Sewa Singh Dahiya¹
Samunder Singh²

Abstract:

The service conditions of the employees in an organization have a direct relationship with its performance and customer satisfaction. Better service conditions are a source of motivation for its employees. The employees' motivation in an organization plays a significant role in extracting their best efforts towards the realization of organizational goals. In such an organization not only the performance level would be higher but also the customer satisfaction. Police organization in this regard is no exception. In fact, police organization is a barren field in this regard and a very few field studies have been conducted with regard to the service conditions of the police persons. Moreover due to the lack of police associations, due attention towards this barren field could not be paid. As an outcome the service conditions of police personnel in Haryana are governed by the Punjab Police Rules 1930. An effort has been made to make a detailed examination of the service conditions of the Haryana police persons and their resultant satisfaction from them. In this regards some suggestions have also been mooted to ameliorate their plight.

Keywords:

Service Conditions, Salary and allowances, Periodical increments, Transfer & Promotion Policy, Weekly offs, Disciplinary Action, Retirement Benefits, Gratuity, provident funds.

Satisfaction of a person with his service conditions under which he is working has a direct bearing on his performance. If his level of contentment is more, his performance is better and vice versa. The conditions of service refer to the agreed terms and conditions between the employer and the employee. They determine the rights and responsibilities of both against each other. They are formalized by statutory, legal and contractual implications. The violation of service conditions may invite disciplinary actions against the employee (if he is at fault) and a

Author Intro:

1. Professor & Head, Department of Public Administration, M. D. University Rohtak (Haryana)
2. Guest faculty, Dept. of Public Administration, M. D. University, Rohtak (Haryana)

ground for grievance redressal against the employer (if the later is at fault). The conditions of service of a government employee includes pay, allowances, periodical increments, leave, promotion, tenure or termination of service, transfer, deputation, various types of rights, disciplinary action, holidays, hours of work and retirement benefits like pension, provident fund, gratuity etc. In the present study an effort has been made to examine the satisfaction level of the police personnel in Haryana state. It is unfortunate that the service conditions of police personnel in Haryana have not underwent any change even after the passage of 60 years of independence.

In the present study an effort has been made to conduct the study on a sample of 710 police personnel across the state to examine whether they are satisfied from their service conditions or not. It includes police persons of all the traffic police stations/ aid centers in the state, 50 randomly selected police stations both situated in rural and urban (25 each), 50 randomly selected police posts situated in both rural and urban (25 each). In that also 8 respondents from each police station, 4 respondents from each police post and 5 respondents from each traffic police station/ aid centers has been randomly selected as per the detailed scheme given below:

1.	Category of Police Establishments	Rank of Police Officials	No. of Respondents	Sample Size
	Police Stations (Urban - 25)	SI / ASI	1	200
		Head Constables	3	
		Constables	4	
		Total	8	
2.	Police Stations (Rural - 25)	SI / ASI	1	200
		Head Constables	3	
		Constables	4	
		Total	8	
3.	Police Posts (Urban - 25)	SI / ASI	1	100
		Head Constables	1	
		Constables	2	
		Total	4	
4.	Police Posts (Rural - 25)	SI / ASI	1	100
		Head Constables	1	
		Constables	2	
		Total	4	
5.	Traffic Police Station/ Aid Centers (22)	SI / ASI	1	110
		Head Constables	1	
		Constables	3	
		Total	5	
Total Sample				710

Data was collected from the above categories of respondents with the help of a detailed schedule. Along with this, the opinion and views of the some senior police functionaries were also taken into account. All possible observations drawn in the process of data collection were incorporated in the study where required.

Analysis of Data: In the present study the satisfaction of the sampled police respondents and their resultant satisfaction have been probed with respect to their salary & allowances, perceptions regarding promotion policy, perceptions regarding transfer policy, average period of posting on a police post, timely availability of casual/earned/medical leave, availability of weekly offs, availability of gazette/restricted holidays, effective duty hours, perceptions regarding quality of uniform.

1. Salary and Allowances: Salary refers to the monthly monetary payment made by an employer to an employee in lieu of services rendered by him. Salary is an important aspect of the service conditions in an organization. A fair salary not only attracts the talented persons but also retain them to serve the organization for a longer period of time thus lead to reduction in the cost of frequent recruitment and training. In case of public employment, the state being a model employer should pay adequate salary to their employee which is comparable with private organizations.

A fair salary must accommodate the cost of living; otherwise a person is more prone to corrupt practices to meet out one's basic requirements. Besides salary, certain allowances and other benefits are also provided to the employee for meeting incidental expenses, for being appointed to undertake extra duties and responsibilities or for meeting particular purpose-personal/official. Thus allowance is an amount officially allowed to an employee by an employer according to particular set of rules or byelaws. Thus the research team has strived to examine whether the respondents are satisfied from the salary and allowances paid to them. The data so gathered is given in Table-1.

Table-1
Salary and Allowances

Issues Enquired /Police Establishment	Police Stations				Police Posts				Traffic PSs/ Aid Centers (110)		Total (710)	
	Urban (200)		Rural (200)		Urban (100)		Rural (100)		Yes	No	Yes	No
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Are you satisfied from the salary paid to you?	19 (9.5)	181 (90.5)	18 (9.0)	182 (91.0)	9 (9)	91 (91)	11 (11)	89 (89)	13 (11.8)	97 (88.2)	70 (9.8)	640 (90.2)
Are you satisfied with the vehicle allowance admissible to you?	15 (7.5)	185 (92.5)	21 (10.5)	179 (89.5)	7 (7)	93 (93)	8 (8)	92 (92)	11 (10.0)	99 (90.0)	62 (8.7)	648 (91.3)
Are you satisfied with the timely availability of DA admissible to you?	72 (36)	128 (64)	67 (33.5)	133 (66.5)	34 (34)	66 (66)	29 (29)	71 (71)	31 (28.2)	79 (71.8)	233 (32.8)	477 (67.2)
Are you satisfied with the food allowance admissible to you?	42 (21)	158 (79.0)	47 (23.5)	153 (76.5)	27 (27)	73 (73)	21 (21)	79 (79)	29 (26.4)	81 (73.6)	166 (23.4)	544 (76.6)
Have you availed the Leave Travel Concession (LTC)?	47 (23.5)	153 (76.5)	38 (19.0)	162 (81.0)	22 (22)	78 (78)	20 (20)	80 (80)	26 (23.6)	84 (76.6)	153 (21.6)	557 (78.4)
Are these allowances sufficient?	17 (8.5)	183 (91.5)	21 (10.5)	179 (89.5)	12 (12)	88 (88)	10 (10)	90 (90)	14 (12.7)	96 (78.3)	74 (10.4)	636 (89.6)

It is obvious from the table that a vast majority of respondents (90.15 percent) were found dissatisfied from the salary paid to them. Some of the respondents stated that their salary and allowances are very low as compared to the police persons working in neighbouring states. According to them the police persons of Punjab, Delhi and the union territory of Chandigarh are getting almost double or triple salary and allowances in comparison to that of Haryana.

With regard to the allowances, 91.27 percent of the total respondents were found dissatisfied with the vehicle allowance. 72.18 percent respondents expressed their dissatisfaction with regard to the timely payment of their dearness allowance admissible to them during a month. About three fourths of the respondents (76.62 percent) opined that the food allowance available to them is inadequate and found dissatisfied from their existing food allowance i.e. Rs 600 per

month. 78.45 percent of the total respondents claimed to face difficulty in claiming Leave Travel Allowances (LTC) even the locking period of (LTC) is over. 89.58 percent of the total respondents opined that the allowances admissible to the police persons in Haryana are inadequate and very low.

2. Perceptions Regarding Promotion Policy: Literal meaning of the word promotion is 'to move forward'. It is an important aspect of service conditions as it provides growth avenues to the personnel. It is the main motivating force behind encouraging an employee to work with sincerity and devotion. It implies the filling of vacant posts from within the department. Generally the promotion policy of an organization may be based upon seniority, merit and seniority-cum-merit. The method of seniority is based on the duration of service of an employee whereas in case of merit, the order of preference is determined by the qualifications and achievements of an employee. However, in seniority-cum-merit both the above grounds are taken into consideration. The promotion policy regarding police personnel in Haryana is based on seniority-cum-merit. The research team made an effort to find out whether the respondents are satisfied with the promotion policy of the department or not. The responses gathered from the sampled respondents have been classified in Table-2.

The table reveals that more than three-fourths of the respondents (i.e. 79.86 percent) were found satisfied with the existing promotion policy of the government. However on being probed whether these promotions are made fairly by the department or otherwise, all the respondents were squarely divided. 48.31 percent of the respondents answered in affirmative whereas 51.69 percent of the respondents answered in negative. However, those found satisfied from the promotion policy criticized the reservation availed by the police persons at the time of promotion. Respondents found dissatisfied with the fairness in promotions (which constitute almost half of the total respondents) expressed their opinion that the policy is good but its implementation is faulty.

Table-2
Perceptions Regarding Promotion Policy

Issues enquired/ Police Establishment	Police Stations				Police Posts				Traffic PSs/ Aid Centers		Total	
	Urban (200)		Rural (200)		Urban (100)		Rural (100)		(110)		(710)	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Are you satisfied with the current promotion policy of the Department?	169 (84.5)	31 (15.5)	158 (79)	42 (21)	76 (76)	24 (24)	72 (72)	28 (28)	92 (83.6)	18 (16.4)	567 (79.9)	143 (20.1)
Are the promotions fairly made by the department?	96 (48)	104 (52)	98 (49)	102 (51)	47 (47)	53 (53)	49 (49)	51 (51)	53 (48.2)	57 (51.8)	343 (48.4)	367 (51.6)

3. Perceptions Regarding Transfer Policy: Generally, transfer implies change of place within the same grade and in the same position. In fact, it involves a change in job responsibilities having same difficulty level without any change in rank or emoluments. Indeed, it is an instrument of administrative coordination and an important ingredient of service conditions. It is also an important means of tuning the personnel arrangements with the changing requirements of organizational environment. It provides exposure to an employee to varied job responsibilities of the same level in different areas to enable him to work in different roles if need arises. Moreover, the transfer helps in mitigating the possibility of having any sort of nexus between the vested interests and the serving police personal. Thus one of the aims of transfer policy is to eradicate corruption by preventing the misuse of public office. Thus an effort is made to know the perceptions of the sampled police persons whether they are satisfied with the transfer policy or do they feel any sort of political interference while doing transfers of police persons. The sampled respondents were further probed on the issue of average stay of a police person in a posting. The responses so gathered have been tabulated in Table-3A&3B respectively.

It is obvious from Table-3 A that almost 63 percent respondents were found dissatisfied with the transfer policy of the department. Almost two thirds respondents of rural police station, urban police posts and traffic police stations/ aid centers were found dissatisfied from the existing transfer policy. However about 37 percent of the total respondents were found satisfied with the transfer policy. On being probed on the issue of political influence in matters of transfers, almost 71 percent of the total respondents answered in affirmative and confirmed the use of political influence in matters of transfer of police personnel.

Table-3 A
Perceptions Regarding Transfer Policy

Issues Enquired/Police Establishment	Police Stations				Police Posts				Traffic PSs/ Aid Centers		Total (710)	
	Urban (200)		Rural (200)		Urban (100)		Rural (100)		Yes (110)	No	Yes	No
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Are you satisfied with the transfer policy of the department?	76 (38)	124 (62)	68 (34)	132 (66)	34 (34)	66 (66)	38 (38)	62 (62)	37 (33.6)	73 (66.4)	393 (37.4)	657 (62.6)
Do you feel any political influence in transfers?	145 (72.5)	55 (27.5)	138 (69)	62 (31)	62 (62)	38 (38)	67 (67)	33 (33)	63 (57.3)	47 (42.7)	743 (70.8)	307 (29.2)

Table-3-B
Average Period of Posting of a Police Person

Issues enquired/ Police establishment	What should be the average stay of a police person in a posting?					
		0-6 months	6-12 months	1-2 years	2-3 years	More than 3 years
Police Stations (400)	Urban (200)	6 (3.0)	61 (30.5)	30 (15)	85 (43.5)	18 (9)
	Rural (200)	6 (3.00)	34 (17)	63 (31.5)	51 (25.5)	46 (23)
Police Posts (200)	Urban (100)	0 (0.00)	33 (33)	33 (33)	18 (18)	33 (33)
	Rural (100)	3 (3.0)	25 (25)	28 (28)	25 (25)	44 (44)
Traffic PSs/ Aid Centers (110)		7 (6.36)	24 (21.82)	34 (30.9)	32 (29.09)	13 (11.82)
Total	710	57 (5.4)	317 (30.2)	280 (26.7)	248 (23.6)	107 (10.2)

On the issue of average stay of a police person at a particular police establishment almost 30 percent of the respondents stated that it should be minimum 6-12 months. More than one fourths of respondents (26.67 percent) stated that it should be 1-2 years and 23.61 percent of the respondents opined that it should range between 2-3 years. Almost 60 percent of the total respondents have expressed that an average stay of a police person at a police establishment should range between 1-3 years (Table-3-B).

4. Timely Availability of Casual/ Earned/ Medical Leaves: An employee is entitled to various kinds of leaves which are earned by time spent on duty. However, a leave cannot be claimed as a matter of right; the leave sanctioning authority can refuse or revoke any kind of leave. As per Rule 8.9 of Police Act, casual leave not exceeding ten day at any one time or twenty days in a year and that leave exceeding four days is not granted more than twice in a year may be granted by the authorities. As is obvious from the previous chapter that police personnel in Haryana having ten years of service are entitled of 15 days casual leave in a year, persons having 10-20 years of service are entitled to 20 days and those having 20 years of service, are entitled of 30 days casual leave in a year. They are also entitled of 20 days earned leave every year. At present in Haryana, police persons can claim 20 medical leaves in a year on medical grounds. The personnel of constabulary (head constables & constables) attached to the police stations/posts are granted casual leave to a maximum limit of five days keeping in view the

available strength of police personnel by the in-charge concerned who are in turn granted casual leave by the assistant/ deputy superintendents of police. The research team probed the respondents on the issue of timely availability of various types of leaves admissible to police personnel and their resultant satisfaction. The data is recorded in Table-4 given below.

Issues Enquired/ Police Establishment	Police Stations				Police Posts				Traffic PSs/ Aid Centers		Total	
	Urban (200)		Rural (200)		Urban (100)		Rural (100)		(110)		(710)	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Are you satisfied with the availability of casual leaves entitled to you?	200 (10)	0 (0.0)	200 (100)	0 (0.0)	100 (100)	0 (0.0)	100 (100)	0 (0.0)	110 (100)	0 (0.0)	710 (100)	0 (0.0)
Do you face problem in availing entitled leaves when required?	127 (63.5)	73 (36.5)	120 (60)	80 (40)	67 (67)	33 (33)	66 (66)	34 (34)	71 (64.6)	39 (35.4)	718 (68.4)	332 (31.6)

Table-4 clearly reveals that all the respondents were found satisfied with the availability of casual/earned/ medical leave entitled to them. However, on being probed whether they face any difficulty in availing them, 68.38 percent respondents answered in affirmative while 31.62 percent answered in negative. Those who answered in affirmative expressed their opinion that unlike the other government departments the procedure of availing casual/earned leave is not so simple. They have to personally appear before the concerned authority and usually the number of leaves demanded is reduced to half. In case of casual leave, if the higher authority sanction them than it depends upon the Munshi of the police establishment who can allow or not which finally depends upon the availability of the adequate number of police personnel in that police establishment. They further expressed that most of the time their casual/earned leaves remained banned by the official letter of the government on various occasions. As far as medical leaves are concerned, they are rarely availed by a police person; it is mainly because they are granted only after exhausting the casual as well as earned leaves of the concerned police personnel.

5. Availability of Weekly Offs: According to Sec. 13.1 (b) of Minimum Wages Act 1948 (Amended) relating to employment rules, an employee in a scheduled employment should be allowed a day for rest every week which is usually a Sunday. But employer may fix any other day of the week as the rest day for any employee or a class of employees in that scheduled employment. The purpose of weekly offs is to refresh and recharge an employee. Usually

Sunday is the rest day in all government as well as private offices. The research team also made an effort to know from the sampled respondents whether any weekly off during a week is allowed to them or not. Their responses are recorded in Table-5.

Table-5
Availability of Weekly Offs

Issues Enquired/ Police Establishment	Police Stations				Police posts				Traffic PSs/ Aid Centers		Total (710)	
	Urban (200)		Rural (200)		Urban (100)		Rural (100)		Yes (110)	No (110)	Yes (710)	No (0)
	Yes	No	Yes	No	Yes	No	Yes	No				
Do you get any weekly off?	0 (0)	200 (100)	0 (0)	200 (100)	0 (0)	100 (100)	0 (0)	100 (100)	0 (0)	110 (100)	0 (0)	710 (100)
If no, do you get any extra remuneration in lieu of that?	0 (0)	200 (100)	0 (0)	200 (100)	0 (0)	100 (100)	0 (0)	100 (100)	0 (0)	110 (100)	0 (0)	710 (100)

It is obvious from Table-5 that weekly offs are not available to the police personnel in Haryana. On this issue all the respondents belonging to different police establishments answered in negative. The respondents claimed that there is no such system of weekly offs in police department. An informal practice was found that if a police person has some urgent work at home, he visits his house illegally by just informing the in-charge of the respective police establishment.

All these sampled respondents were further probed whether they were given any extra-remuneration in lieu of non-admissibility of weekly offs in police department. All the respondents again answered in negative.

6. Availability of Gazetted/Restricted Holidays: India being a culturally diverse society celebrates various cultural events and festivals at which gazetted/ restricted holidays are available to all the public employees. These holidays also includes three national holidays¹ in India and two restricted holidays in a year. Apart from national holidays states have local festivals depending upon prevalent religious and linguist demographics. In Haryana, a government employee is entitled to about 32 gazetted holidays and two restricted holidays in a year. The police personnel enjoy no automatic right to avail a gazetted/ restricted holidays

1. Republic Day, Independence Day and Gandhi Jyanti.

without the permission of the authority empowered to grant casual leave to the officer concerned. This permission is usually restricted. Gazetted/restricted holidays may be prefixed or affixed to leave with the permission of the authority competent to grant the leave.² The research team tried to find out from the sampled respondents whether the gazetted/restricted holidays are availed by them and if not, whether they get any other compensation except one month extra pay. Their responses are recorded in Table-6.

All the respondents working in different police establishments located in rural and urban areas expressed that like the other government employees they did not avail the gazette\ restricted holidays. They were of the view that every year they get one month extra salary which can be considered as a compensation to these holidays. On being probed whether they get any other compensation except this one month salary, all the respondents answered in negative (Table-6).

Table-6
Gazetted/ Restricted Holidays

Issues Enquired/ Police Establishment	Police Stations				Police Posts				Traffic PSs/Aid Centers		Total (710)	
	Urban (200)		Rural (200)		Urban (100)		Rural (100)		(100)			
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Do you get the Gazetted\ Restricted Holidays?	0 (0.0)	200 (100)	0 (0.0)	200 (100)	0 (0.0)	100 (100)	0 (0.0)	100 (100)	0 (0.0)	110 (100)	0 (0.0)	1050 (100)
Do you get any other compensation except one month extra pay for being worked on gazetted Holidays?	0 (0.0)	200 (100)	0 (0.0)	200 (100)	0 (0.0)	100 (100)	0 (0.0)	100 (100)	0 (0.0)	110 (100)	0 (0.0)	1050 (100)

7. Perceptions Regarding Effective Duty Hours: Section 13.1 (a) of Minimum Wages Act 1948 (Amended) provides for fixed duty hours for a scheduled employment by the government which shall constitute a normal working day. Any work discharged beyond that period is considered as overtime for which extra remuneration per hour shall be paid. This rule is applicable on all central as well as state services. In addition to this, reasonable working hours

2. As per the provisions of Chapter 9 of Punjab Financial Handbook No. 2. Volume II.

are further rationalized on the humanitarian grounds. Thus, in general eight hours of work has been fixed in almost all the public employments both at central and state services with one or more specified intervals (lunch & tea breaks etc.) The research team made an effort to know the effective duty hour from the respondent police persons. Their responses are recorded in Table-7.

The clear cut picture of the effective duty hours of police persons is quite obvious from the table. As revealed by the table almost 50 percent of the total respondents were found to work for 18-21 hours a day. Almost one fourth respondents i.e. 24.67 percent were of the view that their effective duty hours ranges between 15-18 hours. However, 14.19 percent of the total respondents have expressed that they have to work for 21-24 hours. Only 9.85 percent of the respondents accepted that they work from 12-15 hours a day. In nutshell, as per almost 90 percent of the total respondents, effective working hours of a police person ranges between 15-24 hours a day.

Table-7
Effective Duty Hours

Issues enquired/ Police Establishment	What are your effective duty hours?						
		Up to 8 hours	8-12 hours	12-15 hours	15-18 hours	18-21 hours	21-24 hours
Police Stations (400)	Urban (200)	0 (0.0)	0 (0.0)	22 (11)	14 (7)	134 (67)	30 (15)
	Rural (200)	0 (0.0)	0 (0.0)	6 (3)	56 (28)	100 (50)	8 (4)
Police Posts (200)	Urban (100)	0 (0.0)	0 (0.0)	6 (6)	30 (30)	49 (49)	15 (15)
	Rural (100)	0 (0.0)	0 (0.0)	11 (11)	32 (32)	43 (43)	14 (14)
Traffic PSs/ Aid Centers (110)		0 (0.0)	0 (0.0)	2 (1.8)	4 (3.64)	95 (86.36)	9 (8.18)
Total	710	0 (0.0)	0 (0.0)	95 (9.85)	259 (24.67)	517 (49.24)	149 (14.19)

8 Perceptions Regarding Quality of Uniform: Any disciplined force adopts a dress code to distinguish its staff from others. Simultaneously it symbolizes the unity and equality among the fellow members. Moreover, any public agency endowed with a critical and special function like

law and order, its members need to be explicitly recognized by the common masses to avoid any confusion about the identity of the members of that particular organization. Thus police persons like any other disciplinary force are supplied with a uniform to be worn on duty. Consequently the police department supplies uniform to all the police persons after a fixed interval. The research team strived to know whether the sampled police persons are satisfied with the quality of uniform supplied to them by the department and if not whether they prefer uniform allowance instead of uniform as such. Their responses are classified in Table-8 given below

Table-8
Perceptions Regarding Quality of Uniform

Issues Enquired/ Police Establishment	Police Stations				Police Posts				Traffic PSs/ Aid Centers		Total (710)	
	Urban (200)		Rural (200)		Urban (100)		Rural (100)		Yes (110)	No	Yes	No
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Are you satisfied from the quality of uniform?	24 (12)	176 (88)	32 (16)	168 (84)	13 (13)	87 (87)	15 (15)	85 (85)	24 (21.8)	86 (78.19)	161 (15.3)	889 (84.7)
Whether uniform allowances should be given?	176 (100)	0 (0.0)	168 (100)	0 (0.0)	87 (100)	0 (0.0)	85 (100)	0 (0.0)	86 (100)	0 (0.0)	889 (100)	0 (0.0)

It is obvious from Table-8 that a vast majority of respondents (84.7 percent) were found dissatisfied from the quality of uniform provided to them by the police department. It is surprising to note that only 15.3 percent of the total respondents expressed their satisfaction in this regard. Most of the dissatisfied respondents stated without hesitation that the quality of uniform provided by the department was claimed to be sub-standard. They pointed out that most of them have purchased their own cloth and get it stitched from their own pocket. However, on being probed whether they prefer uniform allowances instead of uniform as such, all the respondents answered in affirmative.

OBSERVATIONS OF THE STUDY:

Following are the main observations of the study:

1. Vast majority of respondents (90.15 percent) were found dissatisfied from the salary and allowances paid to them respectively. Some of the respondents claimed that their salary and allowances are very low as compared to the police persons working in neighbouring states like Punjab, Delhi and the union territory of Chandigarh. With regard to the allowances, 91.27 percent, 72.18 percent and 76.62 percent of the total respondents were

found dissatisfied with the vehicle allowance, timely payment of their dearness allowance admissible to them during a month and food allowances respectively. Almost three fourths of the total respondents answered that they faced difficulty in claiming Leave Travel Allowances (LTC).

2. More than three-fourths of the respondents (i.e. 79.86 percent) were found satisfied with the existing promotion policy of the government. As far as the fairness of these promotions is concerned, all the respondents were squarely divided. 48.31 percent of the respondents answered in affirmative whereas 51.69 percent of the respondents answered in negative.
3. 63 percent respondents of the total respondents were found dissatisfied with the transfer policy of the department. 71 percent of the total respondents expressed that political interference is the main reason behind most of the transfers of police persons. Almost 60 percent of the total respondents have expressed that an average stay of a police person at a police establishment should range between 1-3 years.
4. 68.38 percent of the total respondents claimed that they face difficulty in availing casual/earned leaves. They were of the view that unlike the other government departments the procedure of availing casual/earned leave is not so simple. They have to personally appear before the concerned authority and usually the number of leaves demanded is reduced to half. In case of casual leave, if the higher authority sanction them than it depends upon the Munshi of the police establishment who can allow or not which finally depends upon the availability of the adequate number of police personnel in that police establishment. They further expressed that most of the time their casual/earned leaves remained banned by the official letter of the government on various occasions. As far as medical leaves are concerned, they are rarely availed by a police person; it is mainly because they are granted only after exhausting the casual as well as earned leaves of the concerned police personnel.
5. All the respondents claimed that weekly offs are not available to the police personnel in Haryana. Instead of weekly offs an informal practice of illegal offs was found. If a police person has some urgent work at home; he visits his house illegally by just informing the in-charge of the respective police establishment. All the respondents claimed that they are not given extra remuneration in lieu of non-admissibility of weekly offs.
6. All the respondents working in different police establishments expressed that like the other government employees they did not avail the gazetted restricted holidays. They were of the view that every year they get one month extra salary which can be considered as a compensation to these holidays.
7. As per the study 90 percent of the total respondents claimed that the effective working hours of a police person ranges between 15-24 hours a day.
8. Vast majority of respondents (84.7 percent) were found dissatisfied from the quality of uniform provided to them by the police department. Most of the dissatisfied respondents stated without hesitation that the quality of uniform provided by the department was

claimed to be sub-standard. They pointed out that most of them have purchased their own cloth and get it stitched from their own pocket.

SUGGESTIONS

1. Salary and allowances of police persons in Haryana are very low as compared to the police persons working in neighbouring states like Punjab, Delhi and the union territory of Chandigarh. Some parity needs to be promoted at the earliest.
2. All promotions should be done at the state level instead of range level. The promotion should be based on merit of B-1 test only and the marks of interview should be abolished.
3. The political interference in matters of transfers of police persons be reduced to the minimum level. The problem of political interference in matters of transfer of police persons has even been highlighted by the Second Administrative Reform Commission.³ Average stay of a police person in a police establishment should be at least one year as it takes time to have a comprehensive understanding of a particular area and its people. Frequent transfers without any complaint but just on political grounds mar the efficiency and reputation of the police organization.
4. Some simplified procedure/ mechanism of granting casual/earned leave need to be developed so that at least the needy police personnel may be granted leaves as per their demand.
5. The practice of weekly offs need to be started in the police department at the earliest.
6. Duty hours of the police persons in Haryana needs to be fixed so that he may work like a human being instead of a machine.
7. Instead of uniform, uniform allowances may be given to the police persons to root out the possibility of corruption.

3. Second ARC Report, "Public Order", P. 24.

Forensic Detection & Decipherment of a Cheque

Swapnil Gupta¹

Kopal Gupta²

Deepak R. Handa³



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Abstract:

Today, Cheque fraud is one of the vital challenges faced by financial institutions and businesses. With the advancement of computer technology it becomes easy for criminals, either independently or in organized gangs, to manipulate cheques in such a way as to deceive innocent victims expecting value in exchange for their money. To prevent such types of fraud, a number of Security Features under Mandatory and Desirable Category have been proposed by CTS 2010 for the implementation and improvement of cheque. In the current research work a concept is provided for Forensic Scientists, Bank officials and Layman etc. for the awareness of enhanced features of a cheque and their use in the detection of cheque fraud. The decipherment between genuine vs fake cheque is just based on the forensic identification of Security Features, MICR and IFSC. MICR and IFSC Code also play an important role for the Forensic Examination of a cheque either by physical comparison or by its online verification.

Keywords:

NIA, CTS, MICR, E13B, IFSC etc.

Introduction

According to Section 13 (a) of Negotiable Instruments Act (NIA) 1881, “Negotiable instrument means a promissory note, bill of exchange or cheque payable either to order or to bearer, whether the word “order” or “bearer” appear on the instrument or not.”

Section 6 of NIA defines “A cheque is a bill of exchange drawn on a specified banker, and not expressed to be payable otherwise than on demand”. A cheque is bill of exchange with two more

Author Intro:

- 1 Laboratory Assistant (Doc), CFSL (CBI), New Delhi [swapnil4inspire@gmail.com]
- 2 Scientific Assistant (Doc), FSL, Delhi [kopal4bud@gmail.com]
- 3 Senior Scientific Officer I (Doc), CFSL (CBI), New Delhi [hoddoccfslcbi@gmail.com]

qualifications, namely, (i) it is always drawn on a specified banker, and (ii) it is always payable on demand. Consequently, all cheque are bill of exchange, but all bills are not cheque. A cheque must satisfy all the requirements of a bill of exchange; that is, it must be signed by the drawer, and must contain an unconditional order on a specified banker to pay a certain sum of money to or to the order of a certain person or to the bearer of the cheque. It does not require acceptance.

A cheque is a document that orders a payment of money from a bank account. The person writing the cheque, the drawer, usually has a bank account where their money was previously deposited. The drawer writes the various details including the monetary amount, date, and a payee on the cheque, and signs it, ordering their bank, known as the drawee, to pay that person or company the amount of money stated. Cheques are a type of bill of exchange and were developed as a way to make payments without the need to carry large amounts of money. Technically, a cheque is a negotiable instrument instructing a financial institution to pay a specific amount of a specific currency from a specified transactional account held in the drawer's name with that institution. Both the drawer and payee may be natural persons or legal entities. Specifically, cheques are order instruments, and are not in general payable simply to the bearer (as bearer instruments are) but must be paid to the payee.



Fig 1: A Cheque

The four main items on a cheque are

- **Drawer**, the person or entity who makes the cheque
- **Payee**, the recipient of the money
- **Drawee**, the bank or other financial institution where the cheque can be presented for payment
- **Amount**, the currency amount

Although forms of cheques have been in use since ancient times and at least since the 9th century, it was during the 20th century that cheques became a highly popular non-cash method for making payments and the usage of cheques peaked. By the second half of the 20th century, as cheque processing became automated, billions of cheques were issued annually; these volumes peaked in or around the early 1990. Since then cheque usage has fallen, being partly replaced by electronic payment systems. In an increasing number of countries cheques have either become a marginal payment system or have been completely phased out.

A cheque number was added and cheque books were issued so that cheque numbers were sequential. This allowed for some basic fraud detection by banks and made sure one cheque was not presented twice. Starting in the 1960s machine readable routing and account information was added to the bottom of cheques in MICR format. This allowed automated sorting and routing of cheques between banks and led to automated central clearing facilities. The information provided at the bottom of the cheque is country specific and is driven by each country's cheque clearing system. This meant that the payee no longer had to go to the bank that issued the cheque, instead they could deposit it at their own bank or any other banks and the cheque would be routed back to the originating bank and funds transferred to their own bank account. For additional protection, a cheque can be crossed so that funds must be paid into a bank account in the name of the payee. The format and wording varies from country to country, but generally two parallel lines and/or the words 'Account Payee' or similar may be placed either vertically across the cheque or in the top left hand corner. In addition the words 'or bearer' must be not be used or crossed out on the payee line.

Cheque Truncation System (CTS) or Image-based Clearing System (ICS), in India, is a project undertaken by the Reserve Bank of India – RBI, for faster clearing of cheque. CTS is basically an online image-based cheque clearing system where cheque images and Magnetic Ink Character Recognition (MICR) data are captured at the collecting bank branch and transmitted electronically. Truncation means, stopping the flow of the physical cheques issued by a drawer to the drawee branch. The physical instrument is truncated at some point en route to the drawee branch and an electronic image of the cheque is sent to the drawee branch along with the relevant information like the MICR fields, date of presentation, presenting banks etc. Cheque truncation, would eliminate the need to move the physical instruments across branches, except in exceptional circumstances. This would result in effective reduction in the time required for payment of cheques, the associated cost of transit and delays in processing, etc., thus speeding up the process of collection or realization of cheques.

Cheque Fraud- Cheques have been a tempting target for criminals to steal money or goods from the drawer, payee or the banks. A number of measures have been introduced to combat fraud over the years. These range from things like writing a cheque so it is difficult to alter after it is drawn, to mechanisms like crossing a cheque so that it can only be paid into another bank's account providing some traceability. However, the inherent security weaknesses of cheques as a payment method, such as having only the signature as the main authentication method and not knowing if funds will be received until the clearing cycle to complete, have made them vulnerable to a number of different types of fraud;

Embezzlement- Taking advantage of the float period (cheque kiting) to delay the notice of non-existent funds. This often involves trying to convince a merchant or other recipient, hoping the recipient will not suspect that the cheque will not clear, giving time for the fraudster to disappear.

Forgery- Forgery confers no title and a holder acquires no title to a forged instrument. A forged instrument is treated as a nullity. Forgery with the intention of obtaining title to an instrument would include: (1) fraudulently writing the name of an existing person, (2) signing the name of a fictitious person with the intention that it may pass that of a real person, or (3) signing one's own name with the intention that the signature may pass as the signature of some other person of the same name. Whereas a forged endorsement is slightly different. If an instrument is endorsed in full, it cannot be negotiated except by an endorsement signed by the person to whom or to whose order the instrument is payable, for the endorsee obtains title only through his endorsement. If an endorsement is forged, the endorsee acquires no title to the instrument even if he is a bonafide purchaser. On the other hand, if the instrument is a bearer instrument or has been endorsed in blank, and there is a forged endorsement the holder gets a good title because holder in such a case derives title by delivery and not by endorsement. Bankers are specially protected against forged endorsement under section 85 of NIA. Sometimes, forgery is the method of choice in defrauding a bank. One form of forgery involves the use of a victim's legitimate cheques, that have either been stolen and then cashed, or altering a cheque that has been legitimately written to the perpetrator, by adding words and/or digits to inflate the amount.

Identity theft- Since cheques include significant personal information (name, account number, signature and address and/or phone number of the account holder) which can be used for fraud, specifically identity theft.

Dishonoured cheques- A dishonoured cheque cannot be redeemed for its value and is worthless; they are also known as an RDI (returned deposit item), or NSF (non-sufficient funds) cheque. Cheques are usually dishonoured because the drawer's account has been frozen or limited, or because there are insufficient funds in the drawer's account when the cheque was redeemed. A cheque drawn on an account with insufficient funds is said to have bounced and may be called a rubber cheque. Banks will typically charge customers for issuing a dishonoured cheque, and in some jurisdictions such an act is a criminal action. A drawer may also issue a stop on a cheque, instructing the financial institution not to honour a particular cheque. A cheque may also be dishonoured because it is stale or not cashed within a "void after date". Many cheques have an explicit notice printed on the cheque that it is void after some period of days.

Counterfeited & Altered cheques- Counterfeiting can either mean wholly fabricating a check using readily available desktop publishing equipment consisting of a personal computer, scanner, sophisticated software and high-grade laser printer or simply duplicating a check with advanced colour photocopiers. Alteration primarily refers to using chemicals and solvents such as acetone, brake fluid and bleach to remove or modify handwriting and information on the

check. When performed on specific locations on the check such as the payee's name or amount, it is called-spot alteration; When an attempt to erase information from the entire check is made, it is called-check washing.

SECURITY FEATURES OF A CHEQUE

Reserve Bank of India has prescribed new guidelines on standardization of security features of cheques, referred to as CTS-2010. A Cheque must be having weight of 96 g.s.m. (+5%) and thickness of Not less than 4¼ thousandths of an inch (+5%). "CTS-2010 Standard" for Cheque Forms- Specifications involve following Security Features for a Cheque under different categories;

A. MANDATORY FEATURE: Mandatory Features are the compulsory features which must be present in all the cheques issued from each & every Bank.

1. Paper (At Manufacturing Stage)- Currently all the Banks are maintaining paper specifications as per the document 'Mechanised cheque processing using MICR technology – Procedural Guidelines', available at RBI website. Now paper is image friendly and have protection against alterations by having chemical sensitivity to acids, alkalis, bleaches and solvents giving a visible result after a fraudulent attack. CTS-2010 Standard paper should not glow under Ultra-Violet (UV) light i.e., it should be UV dull.
2. Watermark (At Manufacturing Stage)- All cheques are carrying a standardised watermark, with the words “CTS-INDIA” which can be seen when held against any light source. This would make it difficult for any fraudster to photocopy or print an instrument since this paper would be available only to security printers handling cheque printing. The watermark should be oval in shape and diameter could be 2.6 to 3.0 cm. Each cheque must hold atleast one full watermark. Sample watermarks that would be used in CTS will be finalised in consultation with Indian Banks' Association (IBA) / National Payments Corporation of India (NPCI) and could (illustratively) appear as under –
3. VOID pantograph (At Printing Stage)- Pantograph with hidden / embedded “COPY” or



Fig 2: Layout of CTS INDIA Watermark



Fig 3: Watermark [Bank Logo & CTS INDIA]

“VOID” feature should be present in the cheques. This feature should not be visible on the scanned image at the resolution specified in CTS but should be clearly visible in photocopies and scanned colour images as resolution used in such cases would be above the prescribed CTS standards. This would act as a deterrent against colour photocopy or scanned colour images of a cheque.

4. Bank's logo printed with invisible ink (ultra-violet ink) (At Printing Stage)- Bank's logo



Fig 4: Void Pantograph

should be printed in ultra-violet (UV) ink. The logo will be captured by / visible in UV-enabled scanners / lamps. It will establish genuineness of a cheque.



Fig 5: Bank Logo under UV Light

5. Field placements of a cheque- Placement of significant fields on the cheque forms shall be mandated. However, placement of additional fields shall be left to banks. This will enable data capturing by Optical / Image Character Recognition (OCR / ICR) engines in offline mode and help banks in automating their payment processes. A sample cheque with recommended field placements is placed at for below.
 6. Mandating colours and background- Light/ Pastel colours shall be mandated for cheques so that Print/ Dynamic Contrast Ratio (PCR/ DCR) is more than 60% for ensuring better quality and content of images. The colours will be finalised in consultation with IBA/NPCI.
 7. Clutter free background- Background of cheques shall be kept as clutter free as possible for improving quality and clarity of images.
 8. Prohibiting alterations / corrections on cheques- No changes / corrections should be carried out on the cheques (other than for date validation purposes, if required). For any change in the payee's name, courtesy amount (amount in figures) or legal amount (amount in words), etc., fresh cheque forms should be used by customers. This would help banks to identify and control fraudulent alterations.
 9. Printing of account field- All cheques should, as far as possible, be issued with the account number field pre-printed. This should be considered must for current account holders and corporate customers.
 10. Use of UV feature on cheque images- Though bank's logo in UV ink is a strong deterrent for forgery and duplicate cheques, there are challenges in terms of increased image size, stabilisation of UV technology in CTS environment, availability of UV-enabled scanners, etc., in implementing this feature. However, the benefits outweigh the limitations and hence this feature shall be incorporated. Presenting banks can subject instruments beyond a threshold value to UV verification using the UV lamps currently available for currency note verification. In case UV technology stabilises in future, the UV image view could be incorporated in CTS as an additional image view or by dropping one of the existing image views.
- B. DESIRABLE FEATURE:**
1. In addition to the mandatory security features as above, banks can consider including additional security features as per their risk perception like
 - i. supplementary watermark containing their own logo,
 - ii. embedded fluorescent fibres,
 - iii. fugitive ink,
 - iv. secondary fluorescent ink,
 - v. micro-lettering,

- vi. toner fusing,
- vii. check-sum,
- viii. patterns,
- ix. floral designs,
- x. bleeding ink,
- xi. structural magnetics,
- xii. security thread,
- xiii. hot stamped holograms on multi-city cheques and demand drafts,
- xiv. auto-detection tools,
- xv. use of UV band on sensitive and key areas of interest on a cheque such as Legal Amount Recognition (Amount in Words), Courtesy Amount Recognition (Amount in Figures), Signature, Beneficiary Name,
- xvi. pre-encoding of amount field on the MICR band for demand drafts / pay orders (above a self-decided cut-off) before issue to customers,
- xvii. use of check-sum on the face of demand drafts / pay orders (other than the MICR band), etc.



Fig 6: Micro-lettering

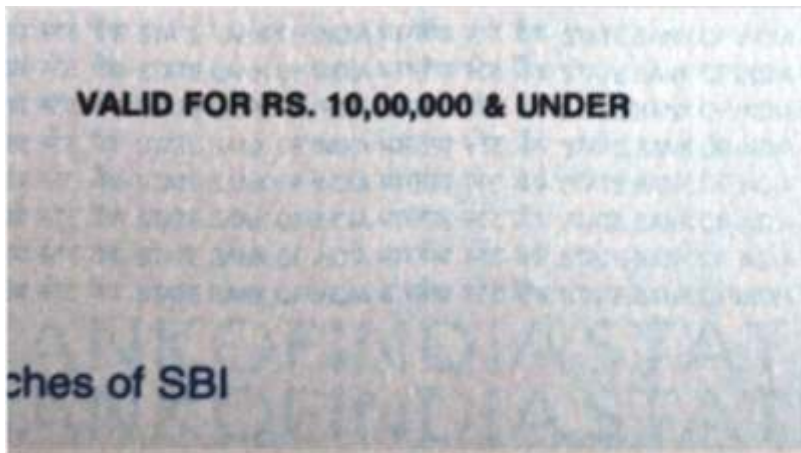


Fig 7: Fugitive Ink

2. Use of additional features by banks will be subject to the features being compatible with CTS requirements. While incorporating additional features, banks should take care that-
 - i. The additional security features do not overlap or be very close or clash against the prescribed minimum security features.
 - ii. The features are compatible with CTS specifications.
 - iii. The features are not image heavy, i.e., increase the image size.
 - iv. They should not block any important data on images or hinder payment processing.
 - v. Presenting banks are not expected to verify the additional features.

C. IMPLEMENTATION MODALITY:

1. IBA and NPCI shall be jointly vested with the task of certifying additional/ optional security features. IBA and NPCI would ensure that the additional/ optional features are compatible with CTS and MICR clearing schemes before releasing them to banks.
2. IBA and NPCI shall be entrusted with the responsibility for empanelment of vendors with capability to provide the new security standards.
3. Use of UV image view in CTS is being kept on hold for the present. The decision would be revisited in future once UV technology stabilises.

D. LAYOUT OF A SAMPLE CHEQUE LEAF:

The layout of a cheque leaf and location of various security features as prescribed above would appear as under –

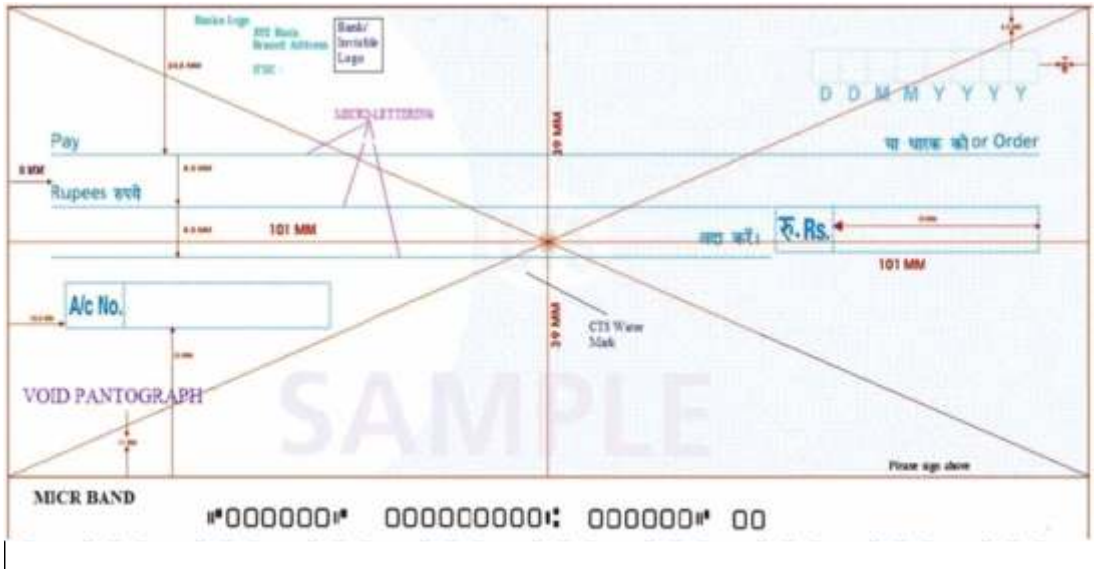


Fig 8: Layout of a sample Cheque Leaf



Fig 9: Cheque Leaf sample adopted by SBI

MECHANISED CHEQUE PROCESSING SYSTEM

One of the important means of efficient funds movement through the organised sector of an economy is the process of clearing of cheques. To facilitate quick processing of cheques and prompt settlement thereof, mechanised cheque processing systems using Magnetic Ink

Character Recognition (MICR) technology for cheque clearing. Magnetic Ink Character Recognition (MICR), a technology invented in the 1950s has allowed financial institutions to streamline their check processing. (MICR) consists of magnetic ink printed characters that can be recognized by high speed magnetic and/or optical recognition equipment. The MICR encoding, called the MICR line which contain some characters are printed with special MICR Fonts and are known as MICR Characters, which must be printed with MICR Toner or MICR Ink. It is the combination of Toner and Fonts that create the machine readable MICR line. MICR Toner or Ink is the element which adds the magnetic readability to each character, allowing for high-speed check clearing.

MICR CLEAR BAND DIMENTIONS -

To facilitate MICR based Cheque Processing, instruments passing through clearing are required to be issued in standard format and defined size of 8" x 3 2/3". The instruments should be printed on MICR grade quality paper with a "Read band" of 5/8" in width reserved at the bottom on which essential particulars occur in special MICR ink in the E-13B Font. Cheques are printed by approved security printers forming part of a panel of printers and paper manufacturers which is maintained by the Indian Banks' Association.

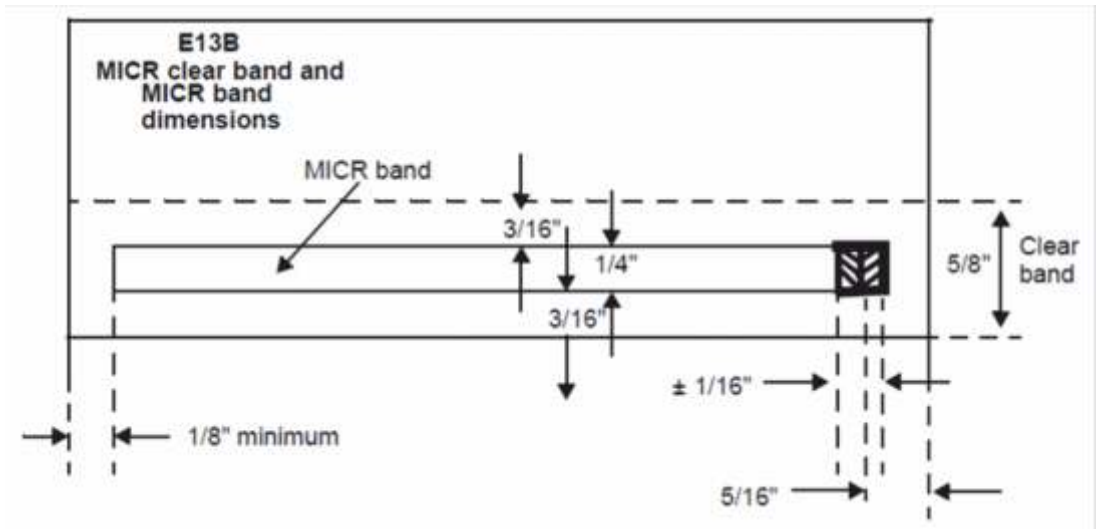


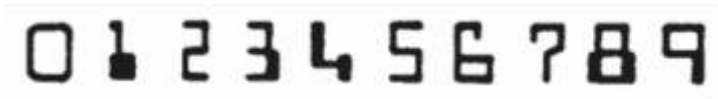
Fig 10: MICR clear band dimensions

MICR Fonts are the characters that appear at the bottom of checks or financial documents. There are two different fonts which are used depending on established banking standards in the country. These fonts are E-13B and CMC-7. E13-B Font is used in the India, United States of America, Canada, Australia, United Kingdom, Japan, India, Mexico, Colombia, and Turkey while CMC-7 Font is used in France, Spain, Israel, South America (except Colombia) and other Mediterranean Countries.

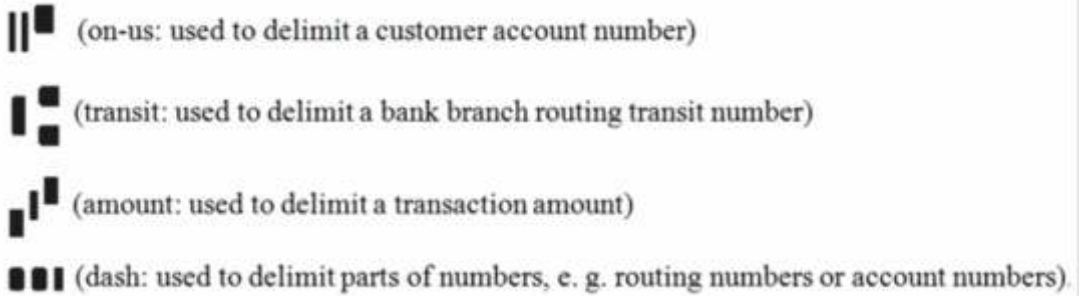
E13B FONT-

These are the special font which used in magnetic ink printing. Use of the term E13B generally implies both the character shape as well as the magnetic aspects of the printing. Actually the name E13B is the abbreviation wherein E signifies that it was the 5th version of the font considered; 13 references the fact that the MICR font is constructed on a .013” module for stroke and character width and B signifies that it was the second revision of that font. There are two types of characters in the E13B font: numbers and symbols.

E13B Numbers-The E13B font numbers are illustrated below:



E13B Symbols-The E13B font has the following four symbols.



FIELD FORMATS [E13B Font]-

The MICR line contains some character positions. These positions are grouped into five fields, which are read from right to left.

1. Amount Field
2. On-U's Field
3. Transit Field
4. External Processing Code Field (optional)
5. Auxiliary On-U's Field (optional)

All checks have at least three of the fields (Amount, On-U's, and Transit). Commercial checks may also have an Auxiliary On-U's field, located on the left of the check. Some checks also have an External Processing Code (EPC) digit, located between the Transit and Auxiliary On-U's fields. The Amount and Transit fields have a standardized content, while the contents of the On-U's and Auxiliary On-U's fields can vary to meet the individual bank requirements.

MICR Code Line Structure-

The code line occurring in the Read Band is divided into five fields with distinct delimiters separating each field, the details of which are as under:

- I. **CHEQUE NUMBER-** It of six numeric digits preceded and followed by a delimiter. The alpha-numeric prefix to the serial number normally used by banks should be printed outside the code line in close proximity, just above the read band, in normal ink.
- II. **SORT NUMBER-** It is consisting of nine digits followed by a delimiter. The first three digits represent the City, the next three indicate the Bank and the last three digits signify the Branch. The nine digit sort code is unique for any bank branch in the country.

The first three digits represent the City code and are same as the first three digit of the PIN code of that city. e.g., a bank in Delhi will have first three digits of MICR code as 110. The Bank code is a three digit code number allotted to the bank on an all-India basis. A list of 3 digit bank code numbers allotted to banks alongwith the three letter abbreviation (alpha code) to the respective bank is furnished in the list available on the website e.g. SBI bank's code is 002. The Branch code is the last three digits of the nine digit sort code and is unique to a branch in a city e.g. generally the service branch of a bank is allotted the branch code of '001'.

- III. **ACCOUNT NUMBER-** It is consisting of six digits followed by a delimiter is an optional field. In the case of Government Cheques issued by RBI alone, the account number is of seven digits. The Government Account number is 10 digits in length-7 digits occurring in the Account number field and three in the transaction code field.
- IV. **TRANSACTION NUMBER-** TID comprises of two digits in all instruments except Government cheques drawn on RBI which have a 3 digit transaction code. Control documents - batch and block tickets have a three digit representation in the transaction code field.

A uniform set of transaction codes has been developed to be used by all banks. The transaction code, to be pre-printed, comprises of a two digit number running from 01-99, codes 01-49 are reserved for debit instruments and codes 50-99 for credit instruments.

It also tells about the payability of cheque e.g. 10 - Saving Bank Account Cheque, 11 – Current Account Cheque, 12 – Banker's Cheque, 16 – Demand Draft, 29 – At Par Current Account Cheque, is a local cheque our payable at par cheque. 29, 30 and 31 represents payable at par cheque, while 09, 10 and 11 represents local cheque. Payable at par cheque is a cheque that can be cashed at any branch of the issuing bank, while local cheque can be cashed only at the issuing branch. So, if you deposit a cheque in your bank, with code 10 written at the bottom of the cheque, it'll take a few days for the money to come in your account. However since most of the branches these days are CBS (Core Banking Solution) enabled, so the cheques are generally payable at par.

- V. AMOUNT NUMBER- It consists of some numeral digits bounded on both sides by a delimiter. The amount is encoded in paise without the decimal point. The field is always zero-filled to the left. E.g. if the amount of the cheque is Rs 1000/- then Amount Number is present as '00000000'000000' [added later by Bank in Fig. 11].

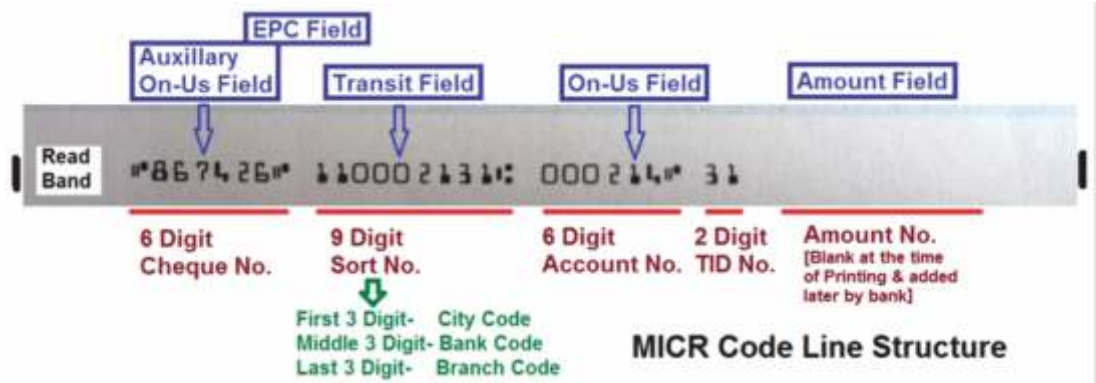


Fig 11: MICR Code Line Structure

SUGGESTIONS

Except all above features and techniques, verification of cheque can also be identified through Online Process by checking MICR & IFSC. Although a number of website is available for that but the most popular one using a website i.e. <http://bankifsc.com/>.

The **Indian Financial System Code (IFSC)** is an alphanumeric code that uniquely identifies a bank-branch participating in the two main electronic funds settlement systems in India: the real time gross settlement (RTGS) and the national electronic funds transfer (NEFT) systems. Every bank has a unique IFSC code which is an eleven (11) digit code wherein components of this alpha numeric code are:-

1. First four characters denote the code of Bank.
2. Fifth character is a '0' and this is reserved for future use.
3. Remaining six characters define the specific branch of the bank.

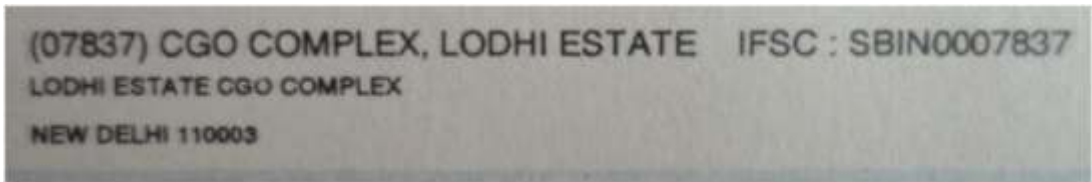


Fig 12: IFSC present on SBI Cheque

Enter 11 character IFSC Code.

IFSC Code

**IFSC Code:- SBIN0007837,
STATE BANK OF INDIA, CGO
COMPLEX**

Bank: STATE BANK OF INDIA

Address: CGO COMPLEX,LODI ESTATE,LODHI RD,NEW DELHI

State: DELHI

District: DELHI (Click [here](#) for all the branches of "STATE BANK OF INDIA" in "DELHI" District)

Branch: CGO COMPLEX

Contact: IP-301521

IFSC Code: SBIN0007837 (used for RTGS and NEFT transactions)

Branch Code: Last six characters of IFSC Code represent Branch code.

MICR Code: 110002131

Fig 13: Online Identification of IFSC

Enter 9 character MICR Code. MICR Code has only numbers

MICR Code

Submit

Reset

**MICR Code:- 110002131,
STATE BANK OF INDIA, CGO
COMPLEX**

Bank: STATE BANK OF INDIA

Address: CGO COMPLEX, LODI ESTATE, LODHI RD, NEW DELHI

State: DELHI

District: DELHI (Click [here](#) for all the branches of "STATE BANK OF INDIA" in "DELHI" District)

Branch: CGO COMPLEX

Contact: IP-301521

IFSC Code: SBIN0007837 (used for RTGS and NEFT transactions)

Fig 14: Online Identification of MICR CONCLUSION

Cheques are the paper items that are used by almost each and every person. Cheque Fraud is the most common fraud which involves various categories like embezzlement, forgery, identity theft, dishonoured cheques, counterfeited & altered cheques. Hence Cheque should be examined by the paying Bank for security, fraud prevention and detection purposes to ensure that the cheque has been made out correctly and to make the decision whether to return a cheque unpaid. So after examining all the Security Features of Cheque and analysis of its MICR & IFSC Code, Cheque fraud can be prevented. This research paper certainly be useful to Forensic Scientist, Bank Officials and as well as for a layman.

ACKNOWLEDGMENTS

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A Study on Issues of Work life Balance among Women Police Constables



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Maheshwari S.Kachapur*

Abstract:

Policing is a psychologically stressful work filled with responsibility to maintain law and order in addition to personal responsibilities towards their own families. This becomes all the more stressful to women police as women are traditionally considered as care takers of house hold activities. The present research article intends to explore the issues related to Work life Balance of women police constables with special focus on North-Eastern Police range of Karnataka State, India. It also aims at analyzing the difficulties faced by women police constables in balancing work and life responsibilities. The study brings about valuable insights to both policy makers and administrators. It also adds to that body of literature which focuses on problems of working women in male-dominated law enforcement profession. The study concludes with highlighting the role of social work interventions in dealing with issues of work life balance among women police constables.

Keywords:

Women constables, work-life balance, family support

Introduction

The role of women in India has been subjected to many changes over the past few decades. The impact of inequality is reflected in the status of women worldwide in general and in India in particular. Over a period of time, women engaged in various

Author Intro:

* Assistant Professor, School of Criminology and Criminal Justice Rani Channamma University, Belagavi, Karnataka, India

professions including police. The role of policing is essentially to maintain law and order in the society and it is a stressful work. The work place environment has a bearing on employee morale both positively and negatively. It influences their level of motivation and performance. Policing is a psychologically stressful work filled with responsibility to maintain law and order in addition to personal responsibilities towards their own families. This becomes all the more stressful to women police as women are traditionally considered as care takers of house hold activities.

Women police face psychological problems such as frustration, anxiety and insecurity which are mainly due to work and related to work-life balance issues. In addition to this, like in any workplace, harassment against women police were frequently recorded. The strain for women in police is bound to be greater than in many other occupations. Not only the male counterparts of their own department, but common people also have strong prejudices about them. All these will have serious implication on job performance and personal life. However, there is very limited attention paid by the researchers and policy makers to address work related issues of women police in India. Professional concern in this area is yet to be translated into positive and realistic action in police system for the betterment of women working as police constables.

Today, the police department is one of the important departments in India to protect the interest of society and maintain law and order. Women could equally observe the positions in the department. The working conditions of the women constables largely differ in comparison to the working women in other departments.

Women Police constables have to work around the clock. Hence, balancing the family responsibility with the duty will be always stressful to them. The perception of society towards women police constable is different and at times they are ill treated. Due to the irregular work hours, women constables hardly get sufficient time to spend with their family members. Earlier studies have found that working environment, issues in the family and personal life adversely affect health and psychological well-being of working professionals in general.

Some of the major issues and their causes in achieving a healthy work-life balance are discussed in the following paragraphs.

- 1. Working Conditions:** Women police face severe problems due to poor and ineffective working conditions. There are inadequate welfare measures, insufficient facilities, uncertain

working hours and leaves rules make situation worse. Work nature exposes them to criminals, deviants and anti-social elements. The nature of duties in policing makes them work at odd hours like late night or early hours in the morning. Policing requires 24 hours duty with no regular holidays and work schedule. This makes it very difficult for women to maintain family responsibility along with the police work.

2. Uncertain Role in Department: Women police face a lot of uncertainty about their roles. By recruiting women into the police force solely to have them work on domestic violence cases, and causes related to the family which limit them to “traditional” roles, undermines their complete integration into the force. Role of women police is undermined and discriminated in assignment of duty by men police or superiors. Such discrimination and role ambiguity poses greater uncertainty and that impacts both work and life.

3. Work-Life Imbalance: Though dual responsibility of work and family affect both men and women, it affects more to women who are generally responsible for household chores, upbringing of kids, taking care of older family members and other dependents. Policing is considered to be a multi-faceted profession and hence striking a proper balance between work and family responsibilities is one of the biggest challenges for women in the police.

Women Police and Relevance of Social Work

Aleem S (1989) observed that women in police were used as social workers rather than as law enforcement officers, dealing mainly with matters concerning women and children. In another paper Mangai Natarajan (2006) studied the impact of training programme in the context of dealing with domestic disputes or violence by women police through a method of action research. Before-and-after assessments were made of the 30 women's working knowledge of dispute-resolution techniques, interviewing the petitioners in family disputes, and data entry and data management. Significant improvements were found in all three areas and the project illustrates the value of web-based technology for delivering police officer training.

Aleem S (1991) published a book based on the experiences of Andhra Pradesh State women police and discussed the recruitment policy, training and promotion, functions and role, and the problems and challenges of the women's protection cell. An analysis of the functions assigned to women police suggested numerous areas for women police to act as agents of social change.

A few potential social change functions include handling and investigating cases involving vice or sexual offenses, the rescuing of women/girls from sexual exploitation, taking on the role of social worker, and establishing truth in cases of unnatural dowry deaths of women and bride burning. Thus, it can be noted that women police constables could act as social change agents if suitable resources and guidance provided.

Researcher has come across many studies that discussed the status of women police in India. In a study conducted by Mangai Natarajan stressed the fact that the underutilization of women police potential in wide range of activities. In her study, Mangai Natarajan (1996) interviewed women police officers and found that higher rank police woman, i.e. women police officers were satisfied with work and career prospects. Further, it was observed that women police officers were interested in performing full range of police duties but only in the units which were staffed only by women.

Dr. Pavithran G. Nambiar (2005) in his study concludes that interpersonal relation in police has much significance in ensuring effective work and its impact on the society. It is the lack of cordial relation among personnel of various levels that are responsible for rising violence and suicide in police and their low image in public eye. Value based training, work culture and welfare are the prominent factors that have to be considered for improving the relationship between different levels in police organization.

Thompson, B. M., Kirk, A and Brown, D (2005) attempted to test a path model in which work stress affects policewomen's functioning in their family environment through a component of burnout, emotional exhaustion. Role ambiguity and role overload were considered as work role stressors for assessment. It was found that work based support from supervisors, but not colleagues, was predicted to reduce role stressors and emotional exhaustion, and improve perceptions of family functioning (cohesion and conflict).

Above selected research papers and views expressed by the researchers establish the fact that social work has an important role to play in policing in general and women policing in particular.

Method

The present study is an exploratory study focusing on 1) Exploration of difficulties faced by

women constables in balancing family and professional responsibilities and 2) and to study whether family members cooperation is associated with balancing work life of women police constables. The present study selected 205 (out of 341) women constables working in North-Eastern range of the Karnataka State Police Department based on multi-stage cluster sampling. North-Eastern range of the Karnataka State Police Department covers 5 districts, namely: Kalaburagi, Bidar, Raichur, Koppal and Yadgir. A list of women police constables working in North-Eastern range (as on January, 2015) was obtained from the office of Inspector General of Police, Kalaburagi. According the list, there were 341 women police constables who constituted the total population of the study.

Following table 1 details the distribution of respondents across districts.

Table 1. Distribution of respondents across the districts:

District	Women Police Constables in Rural Police Stations	Women Police Constables in Urban Police Stations	Women Police Constable in Women Police Station*
Kalaburagi	37	09	19
Bidar	35	08	NA
Raichur	32	09	NA
Koppal	28	08	NA
Yadgir	14	06	NA
Total (205)	146	40	19

*North-Eastern range has only 1 Women Police Station which is situated in Kalaburagi.

Results and Discussion

1. Family Background of the Respondents

- About 52% of the women police constables are married and about 31% are unmarried, remaining are widow (20 respondents), divorced (10 respondents) and Separated (4 respondents).

2. More than 66% of the women police constables live in joint families, about 23% women police constables belong to nuclear families and twenty are single.
3. More than 43.41% of the respondents' work experience is less than 5 years; 38.04% of the respondents' work experience is between 6-10 years; 12.68% of the respondents' work experience is between 11- 15 years; and small fraction of 05.85% of respondents' work experience is above 16 years.

2. Family Acceptance and Support

1. More than 71 percent of the respondents feel that their family has accepted them being working as women constables. There is around 30 percentage of respondents still suffer the lack of family acceptance.
2. A possible association between continuance in the job of women constable and family acceptance was tested using Chi-Square results. However, the Chi-Square test showed no association was found between family acceptance and job continuance $\chi^2 (3, N=205)=0.933, p=.817$. This indicates that with or without family acceptance, women constables tend to continue to be in the job.
3. Further, it was tested whether there was any association between the type of family and family members' support. Chi-Square test showed no statistical significant association between type of family and family members' support $\chi^2 (2, N=205)=1.806, p=0.405$. Therefore, it can be understood that family members' support to women constable is not necessarily dependent upon whether she belongs to joint family or smaller families.
4. Family members' support is associated with education qualification. A Chi-Square test was performed and an association was found between education qualification and family members' support, $\chi^2 (4, N=205)=69.920, p=0.000$.

3. Work-Life Balance Related Issues

1. More than 48.30 percentage of the respondents agree that family responsibilities

pose challenges in managing job; 19.50 percentage of the respondents disagree that family responsibilities pose challenges in managing job and remaining 32.20 percentage of the respondents are having neutral perception about this question.

2. More than 42.90 percentage of the respondents agree that marriage increases responsibilities and that makes it to perform dual role, that is role of spouse and woman constable. Another 32.70 percentage of the respondents did not agree to this aspect and 24.40 percentage were having neutral opinion.
3. More than 56.10 percentage of the respondents agree that they do not find time for attending social and family functions; 38 percentage of the respondents disagree to it; and 12 percentage are having neutral opinion.
4. From the Chi-Square test it can be inferred that there is an association between family responsibilities and feel of tiredness. A Chi-Square test was performed and association was found between family responsibilities and feel of tiredness $X^2(4, N=205)=44.034, p=.000$.
5. From the Chi-Square test it can be inferred that there is an association between family responsibilities and difficulty to find time in attending social and family functions ($X^2(4, N=205)=59.958, p=.000$).
6. From the Chi-Square test it can be inferred that there is an association feel of tiredness due to family responsibilities and work efficiency. $X^2(2, N=205)=11.225, p=.004$.
7. During pregnancy respondents felt greater stress and difficulty in performing the duty without the support of family members. However, it was noted that slightly higher than 50.70 percentage of the respondent get family members' support and remaining, i.e. 49.30 percentage of the

respondents do not get their family members' support which will have an influence on their job performance and well being.

Managing Work-Life Balance: A Social Work Approach

In this paragraph, some of the social work methods which are useful in managing work-life balance are discussed.

- 1. Counselling:** There is a need for establishing a counselling centre in each district so that women police constables can discuss their problems with social workers. From the study it was found that women police constables lack required skills in the areas of conflict management, skills to improve their stress management level, ease of doing their jobs etc. Therefore, customized training programmes may be offered to the women constables. In addition to this, women constables may be encouraged to attend suitable training programmes which would help them in performing their duty as well as improve their overall well-being.
- 2. Problem Solving Therapy:** Problem-solving therapy is a treatment that helps people take action in their lives, helping them cope with difficulties, and teaching them to pro-actively solve their problems. Unlike traditional psychotherapy, problem-solving therapy makes use of cognitive and behavioural interventions, helping people directly work on life's challenges. Problem-solving therapy can help with achieving goals, finding purpose, reducing depression, managing anxiety, and solving relationship problems. Problem-solving therapy has been the subject of recent scientific research, showing it can be helpful not only with psychological problems, but with physical illness as well.

Problem-solving therapy works by teaching people skills to help them take a more active role in their lives, taking more initiative, and utilizing whatever influence they have to effectively make decisions and achieve their goals. By using this treatment approach with one specific problem, people learn to apply it to any other problem they may face, empowering them to face difficulties more independently. As these skills are repeatedly practice, clients often report an increased sense of confidence and agency in many aspects of their lives. The core components of problem-solving therapy are addressing problem orientation,

clearly defining problems, brainstorming and evaluating solutions; and taking action.

- 3. Family Therapy:** Family therapy is a form of psychotherapy that seeks to reduce distress and conflict by improving the systems of interactions between family members. While family therapists often seek to have all family members (affected by the problem) in the room, that is not always possible or necessary. What distinguishes family therapy from individual counselling is its perspective or framework, not how many people are present at the therapy session. This type of counselling views problems as patterns or systems that need adjusting, as opposed to viewing problems as residing in the person, which is why family therapy is often referred to as a “strengths based treatment.”

As observed in the present study, women constables struggle with many issues such as cooperation from family members and colleagues, social acceptance and stress. Therefore, family therapy would help in resolving some of these issues.

Conclusion

Women police constables generally face many problems viz., non cooperation from the family for the domestic works, parenting, taking care of elders and children, guests and relatives. Even at workplace too, they face problems such as unhealthy workplace, misbehavior from male colleagues, use of vulgar language, non cooperation from the officers and colleagues. In this situation family members' support is an important factor in dealing with balancing work life and family.

In the view of problems faced by the women police constables, the research has suggested social work methods, namely-counseling and problem solving therapy which would not only help in dealing with work life balance but also aiming at overall well-being.

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A Study of Women Victims of Domestic Violence in Punjab

Sheenam Sekhon*



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Abstract:

An Indian Society is passing through a conversion phase of social development, a lot of problems have emerged automatically in the process and domestic violence is also one of them. Domestic violence is the outcome of various socio, psychological, cultural and economic factors. Domestic violence against woman, whether physical or non-physical in nature, has extensive consequences and overall impact on gender identity formation. The ultimate challenge is prevention and elimination of all forms of domestic violence and the immediate task is to support and offer choices to those women living in violent situations or suffered any form of domestic violence. Keeping in view the complex nature of the issue of domestic violence, the response to such violence is typically needed a combined effort from law enforcement agencies, the courts, social services agencies, correctional agencies and the civil societies.

Keywords:

Victims, Violence, Investigate, Domestic Violence, Findings, Economic Violence, Elimination, Consequence.

Objectives:

In this present study an attempt has been made to investigate the problem of domestic violence against women in the state of Punjab. The main objectives of the study are to:

1. Know the causes of domestic violence in Punjab; and
2. Understand the consequences of domestic violence in the state of Punjab.

Research Methodology:

The study is based on both primary as well as secondary data and secondary data were collected from books, journals and newspaper articles. In order to collect primary data a questionnaire was prepared and administered to 50 women victims of domestic violence from Jalandhar district of state of Punjab covering urban and rural area.

Author Intro:

* Ph.D, Research Scholar, Centre for Public Administration, Punjab University, Chandigarh.

Findings:

After the study it is found that physical attacks are most frequent form of domestic violence and experienced by most of the women belonging to Lower Economic Class or Lower Middle Economic Class. Alcohol addiction of husband is prominent cause of domestic violence against women victims. Suspect about extra marital affairs of the women victims, unemployment of male partners, dissatisfaction with household roles played by respondents is also access as prominent causes of violence. Domestic violence has serious consequences on women's mental and physical health including their reproductive and sexual health.

Introduction:

Violence of any nature or form is inhuman. As domestic violence undermines the value of women as an individual, it is a serious human right violation. Domestic violence most of the times is equated to physical abuse like beating, hurling of objects or abusing. Though it is most common and most visible variety of domestic violence, domestic violence is much more than just that. Other forms of it like psychological and sexual violence, which are generally hidden from the social purview, have equal or more implications. This violence need to be given high priority as they deeply impact a women's psyche and linger on for a longer period of time than most physical scars and pain. If the inflictor of violence is unaware about the serious implication associated with his action, there is a higher chance that he may resort to physical violence. It has also been observed that among educated couples incidence of physical violence is comparatively low but they tend to resort to psychological and sexual violence to overcome their frustrations and limitations. Domestic violence can be defined as a pattern of behaviour in any relationship that is used to gain or maintain power and control over an intimate partner. This includes any behaviours that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone. Domestic violence can happen to anyone of any race, age, sexual orientation, religion or gender. It can happen to couples that are married, living together or who are dating. Domestic violence has gradually emerged as a global problem. It is present in all countries irrespective of the nation's social, economic and political status. Policy makers and social scientists worldwide have started taking serious note of it and therefore, various legislations and acts are being formulated to counter domestic violence.¹ Surveys have frequently conveyed that many women who undergo this trauma don't bring it to the notice of the state agencies like police or women commissions mainly because of fear, ignorance of law and lack of confidence in these agencies. Therefore, most of the cases related to domestic violence go unreported. The discussion on domestic violence begins with understanding few important terminologies associated to the topic. American Heritage dictionary defines violence as "Physical force exerted for the purpose of violating, damaging, or abusing". Violence is therefore, an act undertaken by an individual when he/she is unable to control aggression. The intention of violence is to cause physical and psychological trauma to the victim.² Domestic violence too has been explained in various ways.

1. Davis L Richard (1998): *Domestic Violence: Facts and Fallacies*, Praeger Publishers, United States of America

2. Misra Preeti (2007): *Domestic Violence Against Women: Legal Control and Judicial Response*, Deep and Deep Publishing Company

The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." SVN (Supervised Visitation Network), an American NGO, specializing in providing a violence free atmosphere for children defines domestic violence as "any form of physical, sexual, verbal, emotional, or economic abuse inflicted on any person in a household by a family or household member".

Definition of Domestic Violence:

'Domestic violence' means acts of violence against a member of one's immediate family, especially in the home.³ Domestic violence in its fullest sense consists of a wide range of acts, which may include physical, sexual, psychological, emotional or economic abuse between partners/ ex- partners, members of the same household or with a family connection. The Royal College of Psychiatrists defines Domestic Violence as the physical, sexual or emotional abuse inflicted on man or woman by their partner. Thus, Domestic Violence can be described as when one adult in a relationship misuses power to control another, it is the establishment of control and fear in a relationship through violence and others forms of abuse. The UN Model Code on Domestic Violence prescribes that Domestic Violence should be defined to mean any act of omission or conduct which is of a such nature as to harm or injure or has the potential of harming or injuring the health, safety of the person aggrieved and includes physical, sexual, verbal, mental or economic abuse. The Protection of Women from Domestic Violence Act, 2005⁴ defines 'domestic violence' as any act, omission or commission or conduct in certain circumstances which includes causing physical abuse, sexual abuse, verbal and emotional or economic abuse which are also explained in the clause. In determining whether any act, omission, commission or conduct of the respondent constitutes "domestic violence", the overall facts and circumstances of the case shall be guiding factor. The definition of 'domestic violence' under the act is very comprehensive and it provides clear legislative guidelines for judges to decide whether or not an act of domestic violence has been committed. The domestic relationship covered under the Act not only includes wives, widows, daughters, mothers, sisters, but also woman who may not have a valid marriage as well as ex-wives.⁵

Forms of Domestic Violence:

Domestic violence gets manifested in following four ways: Physical violence, Psychological-emotional violence, Sexual violence and Economic violence.

3. Random House Webster's College Dictionary

4. Section 3 of the Act No.43 of 2005

5. Section 2(f)- "Domestic Violence" means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are by consanguinity, marriage, through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

Physical violence: As mentioned earlier it is the most visible form of domestic violence. It is an act wherein physical force is deliberately used by the inflictor with an intention of causing grave harm to the victim. Physical violence includes actions like pushing, throwing, hair pulling, slapping, punching, hitting and use of a weapon.⁶ It also includes encouraging other people to do the same.

Psychological and Emotional violence: It has a huge and deep impact on a women's psyche. As the impact of this violence cannot be quantified, it is difficult to recognize its presence and the extent of damage it causes. The Service de police de la Ville de Montréal (SPVM) explains that psychological violence has three aspects to it: Intimidation, Harassment and Threat.⁷ Psychological violence leads to social and emotional problems like depression, suicide and suicide attempts.

Sexual violence: It is one of the most invisible forms of domestic violence and can be equated to sexual harassment. Equal Employment Opportunity Commission (EEOC) defines sexual harassment as “Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature...”⁸. Sexual violence happens more frequently in marital relationship through marital rape and other forced sexual activities. Many a time, sexual violence goes unnoticed, as victims tend to hide it due to fear and belief that marital relationship gives unlimited sexual access to a husband over his wife. However, various agencies have now realized the serious implications associated with the problem and countries like Australia, Canada, Finland, Poland, Spain, UK, USA have been successful in introducing legislations to counter marital rape and other forms of sexual violence. EEOC also provides a list of acts, which can be considered as sexual violence/harassment. These acts include actual or attempted rape or sexual assault, unwanted deliberate touching, leaning over, cornering, or pinching, unwanted sexual looks or gestures, unwanted sexual teasing, jokes, remarks, or questions, personal questions about social or sexual life and making sexual gestures with hands or through body movements.

Economic violence: It broadly means denying the available economic opportunities and facilities to women. Olufunmilayo I.Fawole in her paper titled '*Economic Violence To Women and Girls: Is It Receiving the Necessary Attention?*' mentions that economic violence has gross impact on women's health and it leads to gross poverty and other forms of violence.⁹ She also explains that economic violence includes exclusion from financial decision making, unequal pay pattern, prohibition on working and denial of property rights.

Violence against Women in India:

It is pitiable to report that independence has not brought freedom for a majority of women. Even

6. Physical Violence, <http://education.qld.gov.au/actsmartbesafe/violence/physical.html>

7. Psychological Violence, http://www.spvm.qc.ca/en/service/1_3_1_1_violpsycho.asp#intimidation

8. Facts about Sexual Harassment, The US Equal Employment Opportunity Commission

9. Olufunmilayo I.Fawole (2008): *Economic Violence To Women and Girls.Is It Receiving the Necessary Attention?*, tva.sagepub.com

today patriarchy continues to inhibit women's canvases as it did during the colonial period, of course in new ways. New problems have replaced old and new versions of old problems have surfaced during the last 55 years of independence. It is painful to note that in spite of theoretical constitutional equality for all (men & women), separate personal laws ensure that men and women are not equal. Male guardianship prevails even today and 'marriedness' for women translates into subordination in ways it does not for men. Such paradoxes in the formal and informal areas continue to exclude women from an equal footing with men in free India.¹⁰

According to available statistics from around the world about 33.33 percent of the women have experienced violence in one form or the other, in an intimate relationship at some point in their life. This is just an average based on available national surveys across industrialized and developed countries, published in the report of the W.H.O. in 1997. In India, statistical evidence available about the actual prevalence of domestic violence is scant and the only large scale survey carried out by the National Crimes Record Bureau, Ministry of Home Affairs, Government of India relating to the crimes against women reveals that a record 71.5 per cent increase in cases of torcher and dowry deaths during 1991 to 1995. International Clinical Epidemiologists Network (INCLIN), 2000, found domestic violence as a problem that cuts across age, education, social class and religion in India. It was also found that 40% women had experienced at least one form of physical violence in their married life. Surveys conducted by independent social scientists indicate that physical abuse of Indian Women is quite high. Thus in India the problem of domestic violence against women has become serious and has assumed the form of a social problem.¹¹

It is a fact that domestic violence against women is universal across the culture, religion, class and ethnicity. Despite this widespread nature of domestic violence, it is not customarily acknowledged and has remained invisible. This hidden nature of domestic violence against women remains so due to the social construction of the divide between public and private affairs. The law has historically considered the domain of the house to be within the control and unquestionable authority of the male-head of the household.¹²

Violence against women in Punjab:

"Violence within homes in Punjab villages is a norm rather than an aberration. High male child preference in peasantry and practices such as dowry exchange, levirate marriages and honour revenge are the reasons for domestic violence".¹³

According to a report published in the Chandigarh Tribune, domestic violence is increasing in Punjab since link between alcoholism and violence could be seen and Punjab had highest per capita consumption of alcohol.¹⁴

10. A Research Study Report by Yugantar Education Society, Nagpur

11. *ibid* at 4

12. *ibid* at 4

13. <http://timesofindia.indiatimes.com/city/chandigarh/Domestic-violence-dowry-pip-rape-cases-in-Punjabs-181-service/articleshow/26709630.cms>

14. <http://www.legalserviceindia.com/article/I263-Domestic-Violence-in-Marriage.html>

Domestic violence has emerged as a concerning trend. From the total complainants against crime, about 41% complainants are women in Punjab. Punjab, which had emerged as the fourth worst state in India in terms of sex ratio at 893 females.¹⁵ Punjab has now recorded maximum crimes of violence against women with 1584 registered cases in the year 2015 according to National Crime Record Bureau (NCRB).¹⁶

On base of the above discussions the present study tries to find out causes and consequences of domestic violence in the state of Punjab. In order to find out the causes and consequences of domestic violence some questions were asked to the selected women victims. The analysis of the result has been discussed and presented in following tables.

Table 1.1
Personal Information of Respondents

Age	%	Educational Qualification	%	Caste	%	Family Income	%	Working Status	%
18-20yrs.	10	0-5th	36	General	12%	5000-10,000 Rs.	41	Working	24
20-25 yrs.	36	5 th -10 th	40	S.C.	48%	10,000-25000 Rs.	25	Non-Working	76
25-30 yrs.	44	10 th -12 th	14	B.C.	24%	25,000-50,000 Rs.	18		
30 yrs. And above	10	Graduation and above	10	OBC	16%	50,000-1 Lakh	12		
						1 Lakh and above	4		

Source: Primary Data

15. *ibid*

16. <http://ncrb.nic.in/>

Table 1.1 shows that Majority of the respondents (80%) is in between 20-25 yrs. & 25-30 yrs. Thus younger women are more prone to the violent attacks than the older one. Caste – wise distribution shows that domestic violence is prevalent in all caste categories in India but more in Schedule caste with 48% followed by Backward class (24%), OBC (16%) and General with 12%. Most of the victims of domestic violence are house – wife (76%). It shows that women who are economically dependent have found to be strongly related to the risk of domestic violence. Educational level of the victims show that illiterate as well as highly educated women both are experiencing violent atrocities behind the closed doors but still is more prevalent in illiterate (36%) or primary educated women (40%). From the economic status of the respondents, it is found that about 41% of the respondents belong to the family whose monthly income is only 5000-10,000 Rs. and 25% are from family with monthly income from 10,000-25,000 Rs., 18% from with family income from 25,000- 50,000 Rs. And 12% are such family whose family income is from 50,000- 1 lakh Rs. Only 4% of the respondents are from those class families whose monthly income is 1 lakh and above. Thus those women belong to lower economic status are more prone to frequent violent attacks.

Table- 1.2
Type of Violence faced by Respondents

Type of Violence	Percentage
Physical Violence	57
Emotional Violence	21
Sexual Violence	8
Economic Violence	14

Source: Primary Data

Table 1.2 shows that physical violence (57%) is the most frequent form of domestic violence faced by women victims. 21% respondents faced emotional violence. While 8% respondents have faced sexual violence and 14% have faced economic violence. Thus physical violence is the most, which has experienced by the women victims.

Table 1.3
By whom experienced violence the most

Experienced violence by whom	Percentage
Husband	40
Mother-in-law	30
Sister-in-law	14
Brother-in-law	4
Father-in-law	8
Relatives of husband	4

Source: ibid

Table 1.3 shows that 40% respondents respond that they have faced violence by their husbands and 30% have faced violence by their mothers-in-law. While 14% told that their sisters-in-law are the persons by whom they faced violence in their matrimonial homes. 8% respondents faced violence by their father-in-law and 4% have faced violence by the relatives of their husbands.

Table 1.4
How many times violence faced

How many times violence faced	Percentage
Daily	16
More than one time in a week	20
More than one time in a month	8
More than one time in a year	14
Not certain	36
Occasionally	6

Source: ibid

Table 1.4 shows that majority of the respondents (36%) respond that they have faced violence uncertainly. 20% respond that they have faced violence more than one time in a week and 16% have faced violence everyday. Only 8% respondents told that they faced violence more than one time in a moth and 14% told that they experienced violence more than one time in a year. 6% respondents faced occasionally faced violence.

Table 1.5
Causes of Violence

Causes	Percentage
Alcohol	24
Dowry	16
Suspect of extra-marital affair	10
Unemployment of husband	6
Dissatisfaction with household roles	4
Disobey husband or in-laws	10
Infertility	16
Giving birth to girl child	14

Source: ibid

Table 1.5 shows that 24% respondents informed that they have experience violence because of alcoholism. 16% faced violence because of dowry and 10% faced violence because of suspect of extra-marital affair. Unemployment of husband (6%), Dissatisfaction with household roles played by respondents (4%) and disobey husband or in-laws (10%) are some more reasons behind violence faced by respondents. Because of Infertility (16%) and giving birth to girl child only (14%) respondents faced violence also.

Table 1.6
Why tolerating Violence

Why tolerating violence	Percentage
Economic dependents	36
No other place to go	8
For the sake of children	24
Stigma of divorce or status of separated women in our society	14
Dignity of Parents	18

Source: ibid

Table 1.6 shows that 36% respondents tolerating such situation because of economic dependents upon husbands. 8% respondents told that they have no other place to go so they do not have any option to face such situations. Further 24% respondents respond that they are bearing violence for the sake of their children. 14% respond that stigma is associated with divorce and the status of separated women in our society. 18 % respond that because of loss of self-image in the society and for the dignity of their parents they are tolerating such violence.

Table 1.7
Impact of Violence

Impact of Violence	Percentage
Psychological Impact	40
Impact on family life & children	12
Impact on social life	18
Impact on reproductive & sexual life	30

Source: ibid

Table 1.7 shows that 40% of respondents informed that violence affected psychologically on them and they are suffering from depression, mental stress due to violence. 12% responded that violence impacted badly their family life and their children. Their children are not properly looked after and cared for. Because of violence 18% of respondents narrowed their social circle because it affected their social life too. And 30% of respondents informed that violence has impacted worse their reproductively and sexual life.

Suggestions:

On the basis of above analysis some suggestions to prevent and eliminate all forms of domestic violence are as follows:

1. There should be some strict and effective laws to punish the abuser and to protect the victim.
2. Government should create awareness on family and community level to fight with domestic violence.
3. A massive awareness campaign involving the community, religious leaders, women's organisations, National Service Scheme (N.S.S.), NGOs, and opinion makers at all levels is necessary to counter the present trend of violence against women in general and domestic violence in particular.
4. Social activists should launch a drive against the evil of domestic violence.
5. Necessary to plan a media strategy for bringing a massive awareness and education on the issue of domestic violence against women.
6. The Central and State Governments should conduct regular training programmes of law enforcement officers, judges, other court personnel and prosecutors to identify and respond more effectively to the cases of domestic violence against women in particular and crimes against women in general.
7. The Central and State Governments should develop, enlarge and strengthen social support services programmes for the women who are victims of domestic violence.
8. The Central and State Governments should encourage to develop and support projects to implement community driven initiatives to address the needs of victims of domestic violence.
9. Most of the victims of Domestic Violence are uneducated, backward and economically disadvantaged. The legal aid and advice should be made available to them without any cost.
10. Freedom of families from liquor is their first need. The State Governments should enforce the prohibition in more widespread and effective ways in their efforts to minimise the incidence of domestic violence against women.

Conclusion:

The root cause behind domestic violence is the concept of patriarchy, where inclusive powers and all rights are given to males and women victimize as less to no power. In such society male possessiveness and women subordination is accepted as a social norm. In patriarchal society like India women are positioned in lower status than men in their family and confine to the domestic duties only and refrain from decision-making process. On the other hand male avail all the economic and social power. Wife beating, bride burning, sexual assault by husband and sometimes ultimate leading to female suicide are common incidents in such society. Where male dominance is strong, wife battering is likely to be more frequent. Dowry is considered as one of the patriarchal practices that contributes to the inferior position of women in India and also contributes to wife abuse. Domestic violence against women shows that there is only theoretical constitutional equality for men and women but in practice women are not considered as equal as men in the patriarchal form of society like India. Most of the victims of domestic violence live in the marital home even after experience of frequent violent attacks as they have no other place to go due to absence of support of their family, relatives or friends. The educational level and occupational status of women victims has the direct link with domestic violence. It has been disclosed in the above discussed data analysis that women who had no education and economic dependence on husbands are more prone to domestic violence than those are highly educated and working. The social class background of victims of domestic violence revealed that women belonging to families living below poverty line and lower class run higher risk of being physically abused as compared to women belonging to upper class. The data revealed that domestic violence affected the mental and physical health of the victims in different ways i.e. mental stress, depression etc. So, there is need to transformation of society based on gender – inequality and different socialization among girls and women. In this respect media, social activists, NGOs, different government agencies can bring a massive awareness towards gender – equality and empowered them socially and economically.

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www.chandigarhtribune.com

Inhuman Wrong Perpetrated by the Police against the Arrested Persons

Dr. Shyam Sunder*



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Abstract:

It is described of the Tool, Universe, Primary and Secondary Data, Size of the Sample and Statistical Analysis and arrangements to take care of the arrested through central reception facilities in cities and towns; fixing responsibility of preventing custodial violence on supervisory officer; to educate public to fight vigorously the violations of the rights through legal processes and in publicizing them have been made by the judicial pronouncements, NHRC, various police commissions, NGOs, Until and unless there is organizational culture which frowns upon misuse and abuse of force, the chances inhuman wrong are remote. Maintenance of law and order and prevention of crime in State is exercised through its administrative apparatus.

Keywords:

Perpetrated, Inhuman Wrong, Arrested Persons, Constitutions, Description.

Introduction

Maintenance of law and order and prevention of crime in State is exercised through its administrative apparatus – police organization, which exercise the authority of law in pursuit of the constitutionally mandated goals. However, misuse or abuse of that authority or the perversion of the legally accorded power by the law enforcers renders such issue beyond the pale of rule of law. “Police, creatures of law cannot be allowed to violate the very law they are expected to uphold. Their misdeeds would be more heinous than the game keeper becoming a poacher.....” (Bhagawan Singh V State of Punjab. 1992 Supreme Court).

2) Rights Guaranteed in Indian Constitution

Article 20 guarantees right against double jeopardy under 20 (2) and right against self-incrimination 20 (3) while Article 21 guarantees right to life Articles 22 the following rights:

- Right to a counsel of his/her choice 22 (1)

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* Ex. DGP, Tamil Nadu.

- Right of an arrested accused to be produced before a magistrate within 24 hours of arrest 22 (2)

2.1) In addition, Indian Constitution has mandated certain fundamental and primary rights which cannot be violated in the enforcement of any substantive or procedural penal laws. Although there is no specific prohibition of degrading treatment under our Constitution, Supreme Court has held in Mullin's case that any form of torture or degrading treatment would be offensive to human dignity and would therefore violate Article 21.
- 3) **Indian Penal Laws and Human Rights:** The arrested persons have various protections under Indian penal law. Some important rights of the arrested person are briefly given below:
 - 3.1) **Person arrested to be informed of ground of arrest and of bail** (Section 50), 55 (Procedure when police officer deposes his subordinates to arrest without warrant) and 75 (Notification of substance of warrant) of Cr.P.C 1973 are mandatory in nature and their propositions can be summarized as under:-
 - A. After very arrest (both under a warrant and without it) the person arrested has a right to be informed of the grounds of his arrest.
 - B. In all cases of arrest in bailable offences, the accused has a right to be informed of such a right to enable him to avail the same.
 - 3.2) Right of the accused persons not to be subjected to unnecessary restraints (Section 49 of the Cr.P.C., 1973); the arrest of a person duly effected as per law further warrants that there should be no more restraint that is necessary to prevent his escape. But, before keeping a person under restraint, it is necessary that there must be an arrest which must be valid and as per law. Thus, restraint without arrest would be clearly illegal. Moreover, sections 56 & 57 of the code prescribe that the arrested must be produced forthwith before a magistrate by an officers in charge of a police station and this provision is exclusively meant to prevent the misuse of the power of arrest viz. Arbitrary arrest of illegal detention by the police for more than twenty four hours of such arrest (Sec 57 Cr.P.C).
 - 3.2.1) Furthermore, as per section 167 of the Code of Criminal Procedure, 1973 it is incumbent upon the magistrate to ask the accused person whether he has been informed of the grounds of his arrest (Vimal Kishore V. State 1956).
 - 3.3) Persons arrested should be brought before court without delay (Section 76).Its purpose is three fold:
 - A To prevent the arrest and detention with a view to extract confessions, or as a means of compelling people to give information;
 - B To prevent police stations from being used as though they were prisons;
 - C To afford an early recourse to a judicial independent of the police on all questions of bail discharge (Md. Suleman, CWN).

- 3.4) Right to be released on Bail in Bailable offences: The arrested person has the right to be released on bail (436,437 and 438 and also sections 50(2) and 167 of the Code of Criminal Procedure 1973). The circumstances in which a person may be arrested with or without a warrant are enumerated in the Code of Criminal Procedure 1973 (Sections 41 & 44 of the Code). The basic standards relating to bail are:-
- a) Bail is matter of right, if the offence is bailable whereas in non-bailable offences it is a matter of discretion.
 - b) A Magistrate shall not grant bail if the offence is punishable with death or life imprisonment. But, if the accused happens to be a woman, a minor below the age of 16 years, or a sick or infirm person, the court has a discretion to grant bail, and
 - c) The court of Sessions and the High Courts have a wider discretion in granting bail even in respect of offences punishable with death or imprisonment for life.
- 3.5) **Right of the Accused to have him medically examined:** Section 54 of the Code of Criminal Procedure, 1973 provides for examination of the arrest person by a medical practitioner at the request of the arrested person.
- 3.6) **Right against harassment and ill-treatment while under custody during investigation:** The term “police custody” referred to in section 26 of the Indian Evidence Act cannot be construed in a strict or literal sense, as the term ‘police custody’ would be that “as soon as an accused or suspected person comes into the hands of a police officer, he is, in the absence of clear and unmistakable evidence to the contrary, no longer at liberty and is therefore in custody within the meaning of section 26 of the Evidence Act (Maung Lay V. Emperor, 1924).
- 3.6.1) In fact, section 163 of the Code of Criminal Procedure, 1973 prohibits any police officer from making any inducement, threat or promise for the purpose of obtaining a statement. But, by sub section (2) of the same section, there should be no stopping of a voluntary statement by a witness. Thus, provisions of section 163 of the Code make it abundantly clear that it does not authorise the police officer to beat or to confine a person with a view to induce him to make a statement. Section 330 and 331 of the Indian penal Code and also Article 21 of the Constitution of India guarantee right against harassment and ill-treatment while under custody, during investigation:
- 3.7) **Search:** Sec 100 Cr.P.C. Following measures are considered elementary to ensure that the searches are as per law, fair and correct.
- a) At least two independent and respectable witnesses of the locality or any other locality if no such inhabitant of the locality is available or is willing to be a witness, shall be asked to be present;
 - b) The search shall be conducted in their presence and the list of things seized should be signed by the witnesses;

- c) The occupant of the place or his representative shall be allowed to be present during the search and a copy of the search list signed by the witnesses shall be given to him;
 - d) When any person is searched under section 100 (3), a copy of the list of things taken possession of shall be given to him.
- 3.8) Right to Counsel: It may also be borne in mind that Article 22(1) provides, in addition to the right against arbitrary arrest, another vital right known as the Right to Counsel. Article 22(1) of the Constitution of India guarantee to the accused a right of consultation with a lawyer of his choice.

In Nandini Satpathy's case, the Supreme Court hastened to add ... "by making it prudent for the police to permit the advocate of the accused, if there is one, to be present at the time he is being examined ... We do not lay down that the police must secure the services of the lawyer ..."

4) **Description of the Tool, Universe, Primary and Secondary Data, Size of the sample and Statistical Analysis**

The following were chosen by the author in his thesis for research:

- 4.1) One structured interview schedule to interview the arrested persons was prepared. It has two parts. Part-I of the schedule contains 12 questions dealing with the personal data of the arrested person. Part-II of the schedule contains 52 questions with regard to treatment of the arrested person by the police from the time of picking up till either releasing the arrested person on bail from police station or till production before a magistrate.
 - 4.2) The universe of the study were the arrested persons by the police of the chosen categories of offences.
 - 4.3) The primary data were collected from the arrested persons with the help of the interview schedule designed for this purpose and administered in vernacular language. Secondary data, the statistics were collected from the respective district Crime Record Bureau.
 - 4.4) After carefully considering the statistics collected from the Crime Records Bureau, due to the availability of a larger sample the respondents were identified by stratified random sampling technique. A sample size of 411 arrested persons – 191 from a metropolitan city and 220 from a mofussil district was taken for the research study.
 - 4.5) The data collected were classified and subjected to statistical analysis on the basis of inferential analysis, Bi-variate analysis and Content analysis. These analyses were done in order to accept or reject the chosen hypotheses for the study.
- 5) **Violation of human right of the arrested persons arising out of non-compliance of the Legal provisions: The following variables were chosen by the author for his research:**
- a) Not informing the ground of arrest
 - b) Not informing the bailable nature of the offence

- c) Not showing the order of the court for hand cuffing of the arrested person
 - d) Not preparing a list for seizure of money or other items made from his / her person immediately or not delivering a copy of the list to the arrested person.
 - e) Not preparing a list for seizure of materials from the house of the arrested person after seizure
 - f) Making the arrested person nude against right to dignity
 - g) Denial or right to counsel
 - h) Demanding illegal gratification
- 6) Mandatory Provisions of Law and Human rights violations – Frequencies and Percentages**

Table - 1

S. No.	Denial of Rights	Number of samples with violations	Number of samples without violations
1	Not informing Grounds of arrest	97 (23.60%)	314 (76.40%)
2	Denial of right to bail – Total – 185	105 (56.75%)	80 (43.25%)
3	Making Nude	39 (9.48%)	372 (90.52%)
4	Not issuing acknowledging for seizure of money	6 (100%)	NIL
5	Not showing the search warrant for search of the premises	11 (18.3%)	49 (81.7%)
6	Not issuing any receipt for the seizure of articles	26 (70.3%)	11 (29.7%)
7	Causing unnecessary damage to the premises	12 (20%)	48 (80%)
8	Denial of Right to Counsel	71 (17.27%)	340(82.73%)
9	Corruption	50 (12.16%)	361 (87.84%)
10	Hand-cuffing the arrestee without actually showing court orders by the police	16 (61.54%)	10 (38.46%)
	Total	433 (21.45%)	1585 (78.55%)

6.1) it is evident from table-1 above that of the chosen ten mandatory provisions of the Constitution and law none have been upheld to the fullest extent. It is rather painful to note that in all 6 cases of seizure of money from the arrested persons, the police did not issue any acknowledgement, which indicates that the police personnel have perhaps pocketed them. Similarly, in many cases, police did not issue the receipt in support of seizure of articles from the house of the arrested persons. Moreover, the police had indulged in causing unnecessary damage to the premises of the arrested persons in 12 out of 60 cases as the victims would not dare to report the incident to anyone for fear of reprisal. The police denied the arrested persons their right to counsel in 71 (17.27%), in contravention of article 22 (1).

7) **Relationship between gender and human rights violations of the arrested persons arising out of non-compliance of the provisions**

Table-2

S.No.	Violations		Gender		x2 value & Significant level
1	Not informing the grounds of arrest	No. Of Cases	Arrested women Sample	Arrested men Sample	.16989 P>0.05
		With violations	7 (26.9%)	92 (23.89%)	
		Without Violations	19 (73.1%)	293(76.11%)	
2	Denial of right to Bail	With violations	5 (62.5%)	100(56.49%)	.65087 P>0.05
		Without Violations	3 (37.5%)	77(43.51%)	
3	Demand of illegal gratification	With violations	9 (34.6%)	41(10.64%)	13.02 P<0.01
		Without Violations	17 (65.4%)	344(89.36%)	

Result of the above table reveal that there is a relationship between gender and demand of illegal gratification, while there is no relationship between the gender and denial of right to bail and not informing the grounds of arrest. Induction of women in male-dominated police profession, instead of reducing corruption against the arrested women, has only worsened the situation. Such a trend is perhaps owing to two reasons. It could be because the women police officers – the new “emancipated women” wanted to prove a point that they were stricter and tougher than their male counterparts instead of proving their worth in positive terms. The other reason perhaps was the demand of more money from the arrested women so as to give a share to the women police officers who were associated with men investigating officers in cases involving women accused.

8) Relationship between Religion of the Arrested Persons and Human rights Violations arising out of non-compliance of the Legal provisions:

Of the 411 samples the frequency of Hindus, Muslims, and Christians was respectively 373, 22 and 16.

Table-3

Violations	Hindu Size-373	Muslims Size-22	Christians Size-16	χ^2 value & Significant level
Use of Unnecessary force	127-34.0%	8-36.4%	7-43.8%	.67241;P>.05
Parading to insult	29-7.8%	4-18.2%	3-18.8%	4.89470;P>.05
Illegal gratification	44-11.8%	3-13.6%	3-18.8%	.74133;P>.05
Making nude	28-11.1%	2-10.5%	2-15.4%	.24129;P>.05
Not issuing a copy of medical memo	5-71.4%	1-100%	5-100%	2.02597;P>.05
DOR to counsel	140-37.5%	12-54.5%	5-31.3%	17.58;P<.05

It is evident from the above table that there is association between religion and denial of right to counsel at 0.05 level of significance while there is no such association with the other 4 variables and therefore the hypothesis that the police will not violate human rights of arrested persons based on religion is accepted. In the state taken for the study through there is no proportional representation of Muslims in police force, it is heartening to note that there is no bias against minorities, Muslims or Christians. It is perhaps due to the harmony that prevails among various religions in state in question. 54.5% of Muslims had been denied right to counsel as compared to 37.5% of Hindus and 31.3% of Christians. Perhaps non-availability of lawyers belonging to Muslim religion might be the reason for more violations against the arrested Muslims.

9) Relationship between categories of offences and human rights violations of the arrested persons arising out of Non-compliance of the Legal provisions

Table-4

S.No	Violations x2 value &signification level		Categories of offences							
		No of cases	Prope- r- ty offend e	Murder	Rape	Assault on public servant	POA	Dowry death	Simple hurt	Griev o-us hurt
1	Not informing grounds of arrest 13.49 P>0.05	No of cases								
		With violations	22 31.4%	15 30.6%	6 26.1%	9 34.6%	1 6.7%	8 24.2%	29 18.95%	7 16.7%
		Without violations	48 68.6%	34 69.4%	17 73.9%	15 65.4%	7 93.3%	26 75.8%	104 108.05%	23 83.3%
2	DOR to bail-105 36.05 P<.01	With violations	NA	NA	NA	11 84.6%	NA	NA	79 51.7%	15 78.9%
		Without violations	NA	NA	NA	2 15.4%	NA	NA	74 48.3%	4 21.1%
3	Not acknowledging the seizure of items-26	With violations	2 66.7%	7 70%	1 50%	1 50%	...	3 75%	6 75%	6 75%
		Without violations	1 33.3%	3 30%	1 50%	1 50%	...	1 25%	2 25%	2 25%
4	Not sending telegram-39	With violations	9 69.2%	1 50%	...	3 60%	NIL 0%	2 66.7%	18 69.2%	6 75%
		Without violations	4 30.8%	1 50%	...	2 40%	1 100%	1 33.3%	8 30.8%	2 25%
5	Corruption -50 22.46 P<.01	With violations	5 7.1%	3 6.1%	1 4.3%	4 15.4%	6 40%	1 3%	22 14.4%	8 19%
		Without violations	65 92.9%	46 93.9%	22 95.7%	22 84.6%	9 60%	32 97%	131 85.6%	34 81%
6	Making nude 10.84 P>0.05	With violations	10 14.3%	7 14.3%	4 17.39 %	4 15.4%	NIL 0%	1 3%	9 5.9%	4 9.5%
		Without violations	60 85.7%	42 85.7%	19	22 84.6%	15 100%	32 97%	144 94.1%	38 90.5%

9.1) From the above table it is clear that there is no relationship between categories of offences and the human rights violations arising out of not informing the grounds of arrest, making the arrested person nude in violation of their to dignity, not acknowledging the seizure of articles, while there is a relationship between categories of offences and corruption and

denial of right to bail. Corruption was very high against the arrested persons involved in Prevention of Atrocity cases (POA), grievous hurt, assault on public servants, simple hurt, while it was relatively low against the arrested persons involved in dowry death, rape murder and property offences. Corruption depends on various factors including the attitude of the investigating police officers, the economic conditions and perception of the arrested persons and their relatives as to the benefit of greasing the palm of the police. Perhaps with the expectation of better treatment of the arrested persons by the police or for reducing the gravity of the offence or persuading the police to delay the arrest of the offenders so as to represent the case to senior officers or to move to court, the arrested persons or their relatives who committed crime relating to POA cases, grievous hurt, assault on public servants and simple hurt might have bribed the police. Arrested persons for rape, dowry death, murder and dowry death did not expect for better treatment by the police and therefore did not prefer to bribe. However, demand to illegal gratification from the arrested persons by the police perhaps reflects the deteriorated moral attitude of the police and the prevailing milieu of social permissiveness.

9.2) The significant association between denial of right to bail and categories of offences was perhaps not only due to lack of awareness of the arrested persons or their relatives regarding the right but also due to the failure on the part of the defence counsel of the arrested persons to take up the matter either with senior officers of court.

10) Relationship between income level or educational level or caste and human rights violations of the arrested persons arising out of non-compliance of the Legal provisions

It is evident from the result that neither the income level nor the educational level nor the caste of the arrested persons show significant association with the human right violations of the arrested persons pertaining to failure to inform grounds of arrest, denial of right to bail, making nude, not acknowledging seizure of articles and demand of illegal gratification at 0.005 of significance. It is gratifying that the police did not differentiate the arrested person based on either their income or education or caste while violating their right.

11) **Reasons for recurrence:** studies reveal that there are officers who believe the legal system they serve is failing and that it is their duty to pick up the slack. This is known as “Vigilantism,” Where the officer involved may think the suspect deserves more punishment than what they may have to serve under the court system. Unfortunately, they receive support from quick-result pressure group comprising victims to police officer and ruling elite politicians to public. The haters of the snail pace of the criminal justice system may also tacitly support by their silence.

12) Summary

i. Non-issue of receipts was found in all the 6 cases (100%) relating to seizure of money .

- ii. Non-issue of receipts was found in 17 out of 28 cases (70.3%) pertaining to seizure of articles from the premises of the arrestee.
 - iii. Handcuffing of the arrestee without court orders was found in 26 out of 37 cases (70.3%).
 - iv. The police violated the right to dignity by making the arrestee nude in 39 cases (9.48%) of the total sample.
 - v. The police did not grant bail in 56.75 per cent of the totalailable cases of 105.
 - vi. The police failed to inform the grounds of arrest in 23.6 per cent of the total sample.
 - vii. The police demanded money from one eighth of the total sample (50 cases.)
 - viii. There were significant human right violations due to non-compliance of the requirements of law in 22.45% of the total sample.
- 13) **Conclusion:** Quite a few recommendations viz. Organizing proper supervision and arrangements to look after the arrested through central reception facilities in cities and towns; fixing responsibility of preventing custodial violence on supervisory officer; to educate public to fight vigorously the violations of the rights through legal processes and in publicizing them have been made by judicial pronouncements, NHRC, various police commissions, NGOs and well wishers time and often to contain if not eradicate violations of the arrested by the police. Until and unless there is organizational culture which frowns upon misuse and abuse of force, the chances of containing inhuman wrongs are remote.

A Unique Gunshot Injury Pattern of the Firearms of AK Categories – A Case Study

Dr. S.S. Das*



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Abstract:

Generally the firearms are classified either from the fired bullets or cartridge cases as regards to class characteristics because the class characteristics are studied first then experts go for the individual characteristics for the identification of firearms, which known as the firearm finger printing. But in this paper the firearm is classified first from the entry hole on the human target. The classification of the firearm can be studied from the entry gunshot hole when it is fired within the close range whereas the firearms are classified either from the pattern of the rifling on the surface of the fired bullet or from the pattern of the firing pin impression on the percussion cap of the fired cartridge case. Hence the classification of the firearm (design of the muzzle end) is studied from the pattern of entry hole on the target.

Keywords:

Classification, firearm finger printing, patterns, flash hider, muzzle design, point-blank

Introduction

A joint operation led by armed police forces of two neighboring states, suddenly came across to a group of heavily armed left wing extremists (LWE) in the year 2013. There was heavily exchange of fire between the police and the left wing extremists. Following cessation of firing, police recovered an injured person belonging to the left wing outfit. The body of the individual had characteristics of bullet entry wound on the right side of the chest.

The author was posted in the District Forensic Science Laboratory of that area and the services of the author who summoned by the police to the District head Quarters Hospital, where the injured person was admitted and declared dead, to collect the physical evidence for subsequent forensic examination.

On reaching the hospital it was informed that the dead body was shifted to the mortuary for postmortem examination. While examining the body the following characteristic of wounds were observed.

Author Intro:

* Scientific officer, State Forensic Science Laboratory, Odisha, Rasulgarh, Bhubaneswar – 751010, India

DESCRIPTION OF THE INJURIES:-

- i. One large lacerated injury with 14cm length x 10 cm breadth x 4.5cm depth was found on the forehead.
- ii. One gunshot entry wound^{1,2} with inverted margin and in elongated size of dimension 1 cm x 0.5cm was found on the right chest at 4cm, left to the right nipple. Four numbers of oval shaped black patterns of 1.8cm x 1 cm dimension were found around the above entry wound with 0.5 cm apart between 1-2, 2-3, 3-4 but it is 1.5 cm between 1-4. (**Fig. 1**)
- iii. One exit wound^{1,2} with everted margin in elongated shape of 2cm length x 1 cm breadth was found on the right side back about 4 cm right to the mid of the vertebra which is situated 42 cm from the top of the head.
- iv. One brush abrasion in dark brown color of dimension of 16cm x 5cm found on the right arm and another at right elbow of 5cm x 1cm dimension No postmortem lividity was present.

The gunshot injury (**fig. 1**) on the right side chest was unique one having an entry wound surrounded by four black patches. The critical observation revealed that the entry wound carried on possible sign such as scorching, blackening. Inverted margins surrounding black patches were due to scorching indicating there by, it was an incident of firing from **point blank**. The surrounding scorching marks could be attributed the periphery of the barrel and impression of the hot gun powder emitted through the slits of the flash hider (**fig.2 & 3**) of the firearm.

It was a typical close range entry wound^{3,4,5} of the rifle belonging to Kalashnikov (AK) family of firearms.

METHODS:-

i. BODY EXAMINATION:-

The hand wash (cotton swab) of both the hands and ten digit specimen finger prints are taken by myself and the finger print expert respectively in presence of executive magistrate & I.O. The scaled photograph and video graph also taken. The cotton swab (soaked in distilled water) of the black patches around the entry wound vide SL No.ii (Fig-1) are taken. X-Ray of the body was taken to ascertain the position of the lodged projectile inside the body. But no lodge of the bullet was noticed as remission required the track from entry to exit wound was from right chest to back of the right chest wall was very clear.

ii. SCENE OF CRIME EXAMINATION:-

The scene of crime was in the border village of Odisha is Badalpani which is 5 km East to the spot. The spot was situated at the Bamdera Jungle at the right side of the road from Bamdera to Raichhapal which was identified by the initial I.O. During spot visit eight numbers of rimless SPRG S.&B .30-06 cartridges in a charger, two KF 9mm fired empty cartridge cases, one rimless SPRG S.&B .30-06 fired empty cartridge case, one OFV 7.62x39 mm fired empty cartridge case, blood stained earth, sample earth are collected which were photographed also.

iii. LABORATORY EXAMINATION:-

In order to be sure on the side similar firearms & its impact were examined in the laboratory in which boroscope with CCD camera was used. The boroscopic examination indicated that the slits of the muzzle (flash hider) of the rifle (**fig-4**) are characteristic of the firearms of AK group where the distance between two consecutive slits from 1 to 4 are found to be 0.5cm where as that of between 1 & 4 is 1.5cm. The same finding was found on the body of the victim when the distances between the slits 1, 2, 3 & 4 and 4 to 1 were measured.

From the chemical examination & instrumental (ICP-OES) analysis it was revealed that the deceased was right hand shooter. Firing discharge residues was detected from the four black patches around the entry hole on the target (deceased) as well as the star shaped torn on the deep blue sleeveless banyan (vest) of Rupa 85cm (**fig-5**).

RESULT OF THE EXAMINATION

On the basis of the above findings it was deduced that the gunshot entry wound found on the right side chest of the victim was caused by an AK rifle. The series of studies in the laboratory and boroscopic examination on the slits of the rifles were in consistent with the pattern of slits of the AK rifles.

THEORY

When a cartridge is fired through a firearm the primer is ignited due to the friction between percussion cap and anvil and causes spark and fire passes through the vent hole which burns the propellant of the cartridge which forms a large volume of gas at a very high temperature. The gas being confined in a small space available in the cartridge, exerts pressure in all the directions. The pressure acting on the base of the projectile pushes it out of the muzzle with a high velocity. After the projectile leaves the muzzle the mass of the hot powder gases retaining considerable energy rushes out of the muzzle at a high velocity carrying with it the firearm discharge residues contributed by the primer, propellant and the projectile. If it contains any types of wads also leaves the barrel with high velocity acting on the projectiles. The hot gases mass carrying the firearm discharge residues diverse out of the muzzle in a reverse conical shape. All these components of the cartridge turbulence in the hot gas causes the blasting effect. The emerging hot gas with very high temperature cools down fast after once it leaves the barrel. Generally the range of action of hot gases with the firing discharge residues in case of smokeless powder present in the cartridges is restricted within a couple of feet depending upon the firearm- ammunition combination. If the target is within the range of these action of hot gases, discharge residues and wadding etc. the effects produced by these components on the target which pave way for the ballistics experts to estimate the muzzle target distance. In case of close range phenomena, burning, singeing, scorching, blackening, deposition of non-volatile products of combustion, Powder tattooing or deposition and metallic fouling observed on the target.

It is an instant case where the above phenomena occurs on the target prior to the ejection of the bullet from the muzzle within a fraction of second due to the availability of opening/slit on the flash hider (**fig-2&3**) at the muzzle end which are observed around the entry hole.

DISCUSSION

From the above observation and examination it is revealed that due to the deposition of hot gasses i.e. gunshot residues such type of pattern (scorching) was observed around the entry hole vide SL No. ii. (**fig-1**). Question arises how these residues are deposited during fire.

When bullet travels inside the barrel followed by the hot gases it released to outside at the muzzle end prior of the ejection of fired projectile from the muzzle. So this only can be possible due to the slits/opening are present around the muzzle end. Hence the numbers of patches(scorching) around the entry hole reveals the numbers of slits at the muzzle end of the involved firearm i.e. the AK-47 rifles (**Fig-2**) with flash hiders of four slits (**Fig-3**) at the muzzle end were used during the exchange of fire which is consistent with the firearms used by the DVF party during operation.

Finally the conclusion is drawn that the class characteristics of the firearms can be studied from the entry hole apart from the rifling (fig-6) on the fired projectile and the firing pin impression on the percussion cap of fired empty cartridge case.

Similarly the firearms like SLR (self-loading rifles) having flash hider (**fig-7**) with three slits can also be classified and firearms on which flash hider⁷ is used can be classified without rifling (fig-7) and firing pin impression.

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Fig-1



Fig-2



Fig-3



Fig-4

Boroscopic image of the flash hider of AK-47 rifle



Fig – 5



Fig-6

Boroscopic image of the rifling of AK-47 rifle

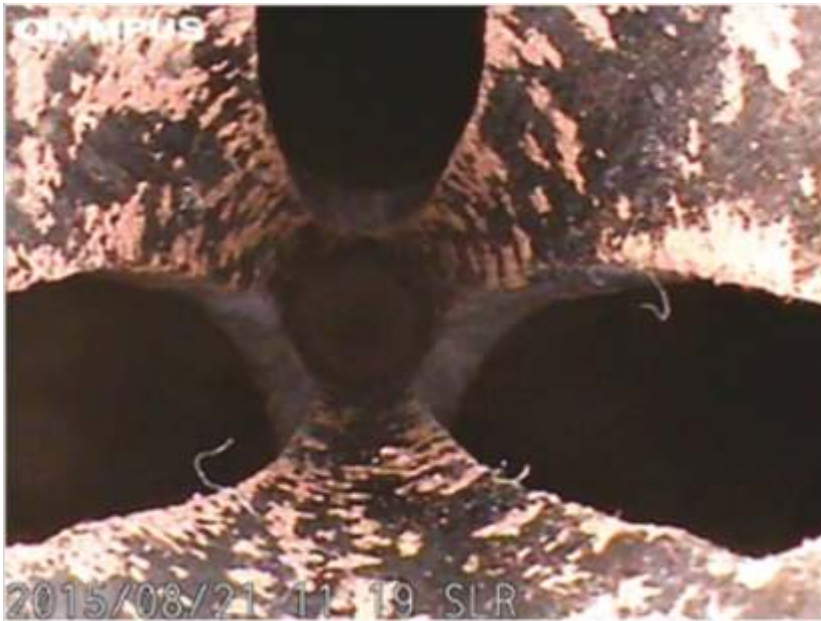


Fig-7

Boroscopic image of the flash hider of SLR



Fig-7

Boroscopic image of the rifling of SLR

Evolution of the Indian Police System: Similarities through the Historical Discourse

Yashodhara Sharma¹

Ram Singh²



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Abstract:

The history of the system of policing in India is as old as the subcontinent itself. While in ancient India, policing lay upon the kings, the Medieval era saw the development of organised systems of police. The Colonial modern era in India consolidated and shaped the police structure as it is in present times. The practice of Police in India, has been very dynamic and distinct throughout the course of history, and it would thus be best to divide it into major time periods. It can well be noted that many historical, or past features of police functioning in the Indian subcontinent have been incorporated.

Keywords:

Police, law and order, ancient, medieval, modern, justice

Introduction

A society dominated by a ruling class', (Haas, 1982: 173-174). The Oxford Dictionary defines the term 'Police' as- 'the civil force of a state, responsible for the prevention and detection of crime and the maintenance of public order. 'The development of the police system in a society runs hand in hand with the development of the state. The police system existing within a kinship-based society, as a product of the whole society, is transformed into a police system that predominantly represents the interests of the dominant class in a class-dominated society while at the same time purporting and appearing to represent the entire society. It is important to understand that India has been a highly heterogeneous zone, with no one political power over the whole of India, at any given period of time, throughout its history. The study of the evolution of police in India is divided into the basic historical time-frames of ancient, medieval and modern.

Ancient

The earliest traces of police can be found in the Rig-Veda and Atharva-Veda, which elaborately describe the various crimes and punishments of those times. Detailed accounts of police

Author Intro:

1. Graduate, Hindu College, Delhi University.
2. Graduate, Hindu College, Delhi University.

systems involving secret intelligence as well are in abundance, of the Mauryan and Gupta periods, which have survived in various Sanskrit, Pali and Prakrit texts. The occurrence of these systems in text indicate that the administration of law, order and justice was taken into record.

Kautilya's Arthashastra records the full organisation of police, dividing it into two wings-the regular police and the secret police. The regular police is further divided into three tiers of official- the Predestas (rural) or the Nagarakas (urban) officials at the top. The rural and urban Sthanikas at the middle and the Nagarakas pertaining to the inquiry of a sudden death included a post-mortem and a detailed account of events, gives a sense of continuity, as the inquiry of such cases is much the same today. The secret police too was divided, into the peripatetic and stationary categories.

The Manusmriti too talks about the secret police, to aid prevention of crime as prevalent in the ancient period. The mention of notions like the 'informant' and 'investigating officer' in practice' with the law stating that the informant need not only be the victim or from his family, but could be anybody, draws similarity with the modern day notions of law and order. Manusmriti gives an account of 'police stations' or Sthanakas too, which should ideally be established for a group of villages with a Suchaka, or investigating officer appointed in each. The Manusmriti rests the responsibility of control, detection and prevention, as well as punishment of crime upon the king.

During the Gupta period till through the Pala period, the police officials were called, Chaurodhariks', whose responsibility was to catch the thieves. The common modern-day surname 'Chaudhary' is derived from this term, and the fact that it is used across the northern to eastern part of the subcontinent, among Hindus as well as Muslims, underlines that it was a post, and not indicating caste, besides giving a sense of continuity.

Some of the concepts of policing in the ancient period, which are till date prevailing in the modern police system are:-

- The concept of perjury, i.e., the act of feigning evidences or information, was considered a serious offence.
- The right of self-defence existed, and was extended to include acts done in defence of children, women and the weak.
- Failure of duty towards society was taken as an offence, like that of not helping a person who is in dire need of help, or is fatally wounded, being attacked, etc.
- Offences by police officials or public servants were dealt with more severity.

Medieval

In the medieval times, politics of the subcontinent was controlled majorly by the Muslim rulers, and Hindu rulers were few. The Muslim rulers, called Sultans, emphasized on many reforms on criminal justice and the police system. The Delhi Sultans re-instated some of the police features of ancient India. The Kotwal, the key police official helped in early detection and prevention of

crime, by night patrolling, guarding of vantage points, maintenance of records of all arrivals and departures of strangers, etc. Balban introduced an elaborate system of espionage, or spies to find out the truth about criminals. Sikandar Lodhi introduced several reforms in the criminal justice system, which are however, not much in use today.

With the coming of the Mughal order in 1526 with Babur, the focus shifted onto internal security. Akbar divided the state into provinces, or Subas, whose head was the Subedar, who presided over numerous Faujdars under him. These were the police officials, guiding the highways, arresting robber gangs and containing smaller rebellions, with an over-awing show of strength, and also collected unpaid taxes from the defaulters. Under the faujdars were the Thanedars. These nomenclatures of faujdars and thanedars are still used in present-day India, so is the term 'thana', for police station.

The Ain-i-Akbari by Akbar's minister Abul Fazl describes at length the functioning of police, talking about the kotwal as the police prefect of a city. The kotwal was salaried by the state, from which he had to maintain his subordinate personnel as well. Kotwal served as the chief of the city police, as magistrate, as a municipal officer, and the prisons to were his responsibility.

Police regulations were first laid down formally by Sher Shah Suri, who believed that stability of the state depended upon deliverance of justice. The village councils' heads were given police responsibility and the Shiqadars, who were till now at par with the kotwals, were now given magisterial powers.

During the Muslim rule of medieval India, the cities and towns came under the jurisdiction of the kotwal, the countryside under the faujdar. The offices of the judiciary and police were the Chief Sadr and the Chief Qazi, which were held by the same person. The villages had the concept of chowkidari, the term 'chowki' used for smaller police checkpoints, in use even today. The last kotwal of Delhi was Mr. Gangadhar Nehru, the Grandfather of the first prime minister of India, Dr. Jawaharlal Nehru.

Among the Hindu kingdoms, in the Vijayanagara empire (1336-1646), under Krishnadeveraya most notably, was an elaborate system of adjudication, which tells about an advanced judiciary. Under the Marathas, Shivaji's revenue officials- Sarsubhedars, Havaldars, Kamavisdar, Mukadams/Patils (village officials), etc. were responsible for policing and many of these terms are still in use, even officially.

Modern

With the disintegration after the decline of the Mughals, the Indian subcontinent was in state of turmoil, with little kingdoms, like of the Jats, Sikhs and even larger ones like that of the Marathas emerged. These kingdoms brought new laws with them, and their immediate needs were satisfied by loot and plunder. This was the time when the British set foot into country and very soon gained control economically as well as politically.

Warren Hastings, observing severe inequity and regional variation in the system across the country. He did not try to bring about much changes in the existing Muslim order in practice.

Lord Cornwallis was the first British administrator who improved the police system. He appointed the Superintendent of Police for Calcutta in 1791 and stripped the zamindars of Bengal, Bihar and Orissa of their police powers. He ordered in 1793 the District Judge to establish police stations at every few hundred miles, with a police officer to be placed in. This official came to be known as 'Daroga'. The Daroga system introduced by Cornwallis was defined and specified under Regulation XX of 1817. It was the first Police Manual ever drawn up, which guided the conduct of the police personnel.

These reforms were followed by series of experiments, in which drastic changes were made by the colonial government, most of these were applied in a regionally specific manner. However, with the Revolt of 1857, the British realised that different laws for different territories resulted in utter failure. It was then realised how urgent it was to unify and organise the police machinery of the entire subcontinent. With the series of events of 1857 in hindsight, the Police Commission of 1860 was told to bear in mind that 'functions of a police are either protecting and repressive functions of a civil force from functions purely military, may not always be clear'-(Imperial) Gazetteer of India, Part IV, reprint 1909, p.380). the Commission recommended the following reforms:-

- Abolition of Military Police as a separate organisation, as it unnecessarily burdened the government.
- Establishment of a homogenous police force, for the performance of all police duties, to be superintended by the respective state governments.
- Police was to be organised on provincial basis, on the pattern of the Royal Irish Constabulary. The Inspector-General of police being in charge of the 'general police district'.
- In this district based system, each district was to be headed by the Superintendent of Police, who was presided over by the District Magistrate.
- The duties of the ranks of Inspector, Head Constable Sergeant and Constable were laid down.
- Village police was recommended to be retained.

The major recommendations of the Commission were incorporated into a Bill, passed into the Act V of the Indian Police Act of 1861. This Act is based upon the pattern of the Army, the personnel to be used for maintaining civil peace, the Act has provided the basis for the formation and functioning of all the central and state police systems in India, till date.

Conclusion

With the beginning of the State society, the need for a body for crime prevention and detection was felt, for which different measures have been used by different states of different eras.

However, as the concept of State remains constant so do many features of the police system as discussed. It is thus, worth noting that in order for the maintenance of the civil order, it is essential to revisit the past and blend it with the current times. The evolution of the police system therefore, it can be rightly said, has a story of intermingled change and continuity, which is as diverse as it's glorious and varied history.

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Crime against Children – 'Paedophilia'



Dr. S. M. Mahendra Simha Karna*

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Abstract:

In contemporary societies engaging in sexually oriented behavior with a child or involving a child in sexual activities is offensive, immoral and illegal. Paedophilia - sexual perversion targeting children has been a topic that has galvanized the attention of the public for several years. In contemporary western society, those who participate in this deviant form of sexual interplay have been labeled as the worst of most vile criminals. However, historically, those who engaged in sexual relation with children were not viewed as criminal as they are today. Today, the situation is different. The paedophile is recognized as a perverse sexual offender who targets and victimizes innocent children for his own sexual gratification, often causing long term damage to his victim's psyche. This paper defines paedophilia and discusses the different types of paedophiles, its etiology and the incidence and prevalence of paedophilia. The paper concludes with suggestions on measures to stop child sexual victimization.

Keywords:

Child abuse; Paedophilia; Victimization, Immoral, Offenders, Contemporary, Deviant, Measures, Pedophile, Immature, Sadistic

Author Intro:

* Assistant Professor, Department of Criminology & Forensic Science, Dr. Harisingh Gour Central University, Sagar – 470 003. (M.P). India.

Introduction

The National Policy on Children (1974), declared children as a nation's 'supremely important asset' while stating the goals and outlining the national policies. Children constitute about 40% of India's population and their nurture and solicitude are our responsibility and equal opportunities for development to all children during the period of their growth should be our aim, for this would serve our larger purpose of reducing victimization of crime and ensuring social justice. The Constitution of India has given directions to the state on specific child development concern and granted them protection. Even so majority of India's children continue to be in difficult circumstances. India has signed the UN Convention on the Rights of the Child and obligated itself to work towards ensuring all the rights enshrined therein to all its children. This paper focuses on the crimes in which children are the victims specifically 'Pedophilia' as a form of child sexual abuse is frightening, abhorrent and very often an unimaginable issue, but the reality of the situation is that it exists. Pedophilia means sexual perversion targeting children. However, historically, those who engaged in sexual relations with children were not viewed as the abusers that they are today. In ancient Roman society, it was normal for an adult male to take on a child as a sexual concubine. In fact, not only was it considered the highest form of love, but also there was intense competition to get one's child "hooked up" with the right person who could not only teach the child the ways of the world but also teach him a skill or trade that would become his future career, (Holmes, 2010). In the present scenario the internet also provides criminals easy and anonymous access to children. Criminals exploit the fact that children in adolescent years are curious and inquisitive to obtain more information about topics like sex, drugs, etc. Some of the ways by which criminals are targeting children are: exploit children (sexual abuse); cyber-bully children (emotional abuse); corrupt children (violence abuse); distract children (social abuse), (Thuraisingham, 2010). Problems related to child abuse need to be dealt with extreme sensitivity and using a focused framework built specifically to deter, detect and defend crimes against children.

Meaning of Pedophilia

Pedophilia means the condition of being sexually attracted to children; sexual activity with children. Pedophiles may engage in a wide range of sexual acts with children, these activities range from exposing themselves to children (exhibitionism), undressing a child, looking at naked children (voyeurism), or masturbating in the presence of children to more intrusive

physical contact, such as rubbing their genitalia against a child (frotteurism), fondling a child, engaging in oral sex, or penetration of the mouth, anus, and/or vagina, (American Psychiatric Association, 2000 & 2007).

Definition

A technical term that describes the erotic and libidinal love of a child is paedophilia, and a person having such interests is said to be a paedophile, to those whose major and exclusive or near exclusive interest is in children, whether male, female, or both (perhaps undifferentiated). While pedophilia, as a psychological category might best be analysed in that manner, as a legal-behavioural category it is the act itself that is of interest, not the nature of the drive behind it. (McCaghy, 1966).

Sociologist Reinhardt considers paedophilic persons more dangerous than ordinary rapists. He says, "The term paedophilia denotes a form of perversion that demands a child as the sexual object. Paedophiles are extremely dangerous for among them are not only sadistic rapists and murderers, but they are by nature cruel despoilers of the morals of children where no serious injury is inflicted (Reinhardt, 1957).

Types of paedophiles

In a study that examined the relationship between age and types of sexual crimes, found that up to 44 per cent of pedophiles in the sample of 168 sex offenders were in the older adult age range of 40 to 70 years. When compared with rapists and sexual sadists, pedophiles comprise 60% of all older offenders, indicating that pedophiles offend in their later years at a greater rate than other sexual offender, (Dickey, et.al 2002). The Ideal victim types of the offenders who engage in sexual activities with pubescent teenagers under the legal age of consent (ages 13-16 years) are known as hebephiles (attracted to females) or ephebophiles (attracted to males). Paedophiles and Hebephiles often prey on victims who come from a family in crisis or one in which the offender can develop a close relationship to the victims, and sometimes they do not. In most cases, the relationship that develops is one based on a commodity exchange relationship.

Types of child sexual offenders

Pedophiles are subdivided into several classifications. One of the first distinctions made by Stephen Holmes and Ronald Holmes offer a typology of those offenders who prey on children. They claim that four types of paedophiles exists, which include the Immature child offenders, Regressed child offenders, Fixated child offenders, Sadistic child offenders.

Immature Child Offenders- this type of offender does not understand the true nature of his or her offenses or the societal rules that prohibit the involvement of adults with children in a sexual manner. Some offenders suffer from organic problems and cannot appreciate the impact of what they have done, for example, the elderly grandfather or the older gentleman who lives in neighbourhood may suffer from impaired intellectual functioning and may not understand the ramifications of his actions. The activities of these offenders like to hug, fondle, kiss, lick, or stroke a child, with no intent to attempt sexual intercourse or sexually molest the child.

Regressed Child Offender- is one who has historically been involved with adults in normal sexual relationships. Psychologically, this type of child offender experiences the child as a pseudo-adult. This sex offender as typically married or is in a longstanding relationship, often lands into a sexual act or series of precipitating events. Compared with other sexual child offenders, the regressed child offender has the best chances of not reoffending, especially if precipitating event or cause can be discovered and remedied.

Fixated Child Offender – this child offender has not really developed beyond the point where he or she, as a child, found children attractive and desirable. In other words, they have become fixated at an early stage of psychosexual development. The pedophilic interest of the fixated type of child molester generally begins in adolescence. The fixated child offender loves children and does not desire to do anything that might harm them. They court them, buy those gifts as a seduction ploy, and slowly become physical.

Sadistic Child Offender – this type of pedophile, usually male, has made a vital connection between sexual arousal and fatal violence. Typically, the child is a stranger to this aggressive and sadistic child offender. They will often abduct a child from place where children gather, such as playgrounds, school, shopping centre game rooms, and other such places. Usually, he will not attempt to seduce or otherwise induce the child to go with him; he simply takes the child by force, (Holmes & Holmes, 2008).

Etiology of the Pedophile

The basic etiology of the paedophile is currently unknown. What is known is that paedophiles and other child molesters are generally men. They generally match the population in terms of education, marital status, and religious observance practices. Furthermore, it is now believed that the pedophile often begins the offending behaviour at the young age, most often before the age of 20 years.

Salter in 1989 conducted a study on Treating child sex offenders and their victims. Based on the finding of the results he suggested that several predisposing factors may lead one to molest children. These factors include deviant arousal patterns or the molestation itself provides the offender a way to medicate for other nonsexual problems. Most pedophiles come from broken homes with domineering mothers or passive/absent fathers. Furthermore, most child abusers suffer from low self-esteem and poor coping skills.

Paedophiles and hebephiles also generally have minor or no criminal records. Thus, when their crimes are first brought to the attention of the police, there are no records on them. In many ways, they are thought to be offense specialists. That is, they only commit one type of crime, which is generally sexual in nature.

Nature and extent of the Pedophile

Among various problems faced by children in society, one of the fastest growing problems is Pedophile. It is difficult to estimate the true prevalence of pedophilia because of poor reporting. According to Diagnostic and Statistical Manual of Mental Disorder, pedophilia is characterized by intense sexually arousing fantasies, urges, or behaviours involving sexually activity with a prepubescent child (typically age 13 or younger). The individuals categorized as pedophilic by above definition must be at least 16 years old and at least 5 years older than the child.

It is estimated that 25% to 33% of all young girls were sexually abused prior to their 18th birthday. Similarly, slightly less than 20% of all boys in the same age range were victims of some type of sexual abuse by the time they finish high school, (American Psychiatric Association, 2000).

Abel and Harlow, (2002) claim that offenders who molest children before the age of adolescence victimize as many as four times the number of victims that hebephiles do. In their study, they found that the average hebephile. The offenders who prey on older children molested 2.9 children on average. When it comes to the number of sexual acts, they found that those who prey on younger victims (paedophiles) commit an average of 71 molestations events compared with 6.5 acts for those who prey on older children or adolescents (hebephiles). Pedophilic child molesters on average commit 10 times more sexual acts against children than nonpedohilic child molesters.

Briere, (1989) found that in a sample of 193 male undergraduate students, 21% reported a sexual attraction to children, 9% described fantasies involving children, 5% admitted to masturbating to these fantasies, and 7% indicated a likelihood of having sex with a child if they could avoid punishment and detection.

D'Ovidio et al. (2009) conducted content analysis of adults-child websites and concluded that they are criminogenic, in that they contain a myriad of communication tools, for example, chat rooms, instant messengers, and message boards to promote and facilitate pedophile activities on the internet.

The report by Choo, on online child grooming, discusses in depth the concept on online grooming; ways in which predators exploit technology to groom children online; impact of these on policing, policymaking and legislation and suggested ways by which we can respond to this issue. (Choo, 2009).

Pedophiles may target certain types of families when looking for children to abuse. The study by Bagely et al. (1994) noted that the parents of children who had been abused by pedophiles had notable characteristics, such as a lower overall education and a higher rate of absenteeism from home. The mothers of abused children had less education than control group mothers and were more likely to be single parents. A significant number of fathers in the molested group were absent for at least 3 years before the child turned 16 years old.

Similar findings were reported in the study by Contre et al. (1989) (n=20) in which pedophiles were interviewed on how they selected the children they abused. The pedophiles stated they would choose vulnerable individuals (eg, children living in a divorced home, emotionally needy or unhappy children) and/or children who were receptive to the advances, even if that child did not meet the pedophile's usual physical pattern of attraction.

Conclusion and Suggestive measures

A large number of disadvantaged children in especially difficult circumstances need protection, care and rehabilitative services for their growth and development. Paedophiles and other forms of child sexual offenders represent a real threat to children. Although many do not recognize or understand the harm they are doing, the extant research shows that many who have been sexually abused as a child grow up with deep psychological scars that stem from the abuse. Pedophilic abuse is often not reported for a variety of reasons ranging from fear (eg, worried about not being believed, will be physically harmed if child reports abuse, emotional reasons (needy child identifies with the pedophile), or guilt (feels responsible for what happened), (Fuller, 1989). In the study by Bagley et al., (1994) the most common response why individuals who were molested once did not report abuse was that they could 'handle the abuse' and it 'didn't bother, them (50.7%), with the second most common response being that they were afraid of how other people would react (40%). Parents, teachers, and others in positions of authority must share in the educational campaign to let children know that the sexual abuse and exploitation of minors is not appropriate, cannot be tolerated, and should be reported immediately. It is only through open communication between children and their caregivers do we have a chance at catching and stopping these offenders.

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Relevancy of Human Rights in Democratic India: A comparative study



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Subir Karmakar*

Abstract:

A sacred concept of Human rights was envisaged for promoting and preserving self-respect in Democratic India which could not liberate itself properly from the clutches of the rich and educated to the courtyard of down-trodden uneducated poor people, even after 70 years of independence, thus apparently it seems to have resulted in pseudo humanitarian democratic India but its bindings are done in a cohesive form. We have a Constitution where Fundamental Rights and Human Rights act as antivirus to the democracy.

Keywords:

Democracy- A form of government by the people, for the people and of the people and a state of society characterized by recognition of equality of rights and privileges--- social, political and legal equality.

Oligarchy- A form of government in which a few people have the power.

Monarchy- A form of government in which the supreme power is in the hand of a monarch.

Autocracy- An absolute government by one person.

Demagogue – A popular political leader or orator.

Despots – An absolute ruler or tyrant.

Inextricable- that cannot be escaped from.

Discussion

Before coming to the topic, the same constituent assembly which presented the most sacred book for the people of India in the name of 'Indian constitution' should be evaluated with our tributes and regards for their relentless perseverance and efforts for the benefit of hundred crores of Indians that all the States of India are placed effectively in a single row for their development and prosperous issues particularly on the point of achieving fundamental rights, out of all.

Author Intro:

* Circle Inspector of Police, Manbazar Circle, District Purulia, West Bengal.

Indians are thankful to the parliamentarians who time to time amended our Constitution book with the realistic world and inserted timely and relevant theories to flourish Indian people and to thrive their society. They have their utmost efforts to do better every moment in this respect. Accordingly the benefit of the thoughtful ideas is getting matured and people are getting benefitted and undoubtedly the colour of development is sighted, if properly seen, in every strata of society except those who do not have the ideas and do not bother what is happening in free India due to their illiteracy and poverty as well as about their financial crippling and live in remote villages where the rays of sun also miserly reach.

Here I am talking about the rights which democratic India has successfully given to all irrespective of caste and religion, male or female, but divided unmindfully between what we called richly educated and downtrodden uneducated people. Yes I am talking about these two groups. Here I would like to remind you what Alexis De Torque Ville told long ago in his famous book 'Democracy in America' --- "Its our way of using the word 'democracy' and 'democratic government' that brings about greatest confusion unless they are not clearly defined and their definition agreed upon, people will live in an inextricable confusion of ideas, much to the advantage of demagogues and despots".

Our constitution writer declared India as democratic country because they saw the countries which had belief and administration of Oligarchy, Monarchy, Fascism, Communism, and Autocracy did not sustain long but democratic country evaluates people's respect and regards as human being in its true sense. The democratic culture of the European countries in promoting rights of the people may be cited in this regard. After lying 200 years under boots of British Regime they thought people's respect is most vital among all to identify as human being and everyone should be given opportunity to exercise their way of living just like a human being as well as to promote and preserve self respect. In democracy they firstly assured election by Independent Election system where free and fair election was conducted with proper voter's security and extended the ambience of freedom of expression of opinion.

In our Constitution it is clearly mentioned that all men are equal and untouchability is prohibited but caste system which is considered to be great human abuse could not be waived. There are a lot of instances that untouchability is still prevailing in our society as had been ostensibly prevailing in pre independent era. India is founder member of United Nations. Democratic India had to enact Protection of Civil Rights Act in 1955 to combat the criticism of United Nations. But unfortunately it has not been abolished as can be seen very poor and downtrodden people of our country have to conduct scavenging work till date though after lapse of 43 years to combat same criticism Democratic India enacted Employment of Manual Scavengers and Dry Latrine (Prohibition) Act in 1993. Scavenging work is manually conducted in railway stations, railway tracks and so other places of government interest. Here the belief of all men are equal has not sustained as confirmed by our constitution. With the enactment of aforementioned law we can expect abolition of manual scavenging work. Here again the difference of richly educated and uneducated poor Indians is sighted. We should not ignore it anymore. The comparison of violation and protection of human rights ranges from one sphere of society to another sphere of society. The comparison is not from one state to another but from people to people here in this context of comparison.

With the advancement of time we experienced a good number of turmoil at different parts of India and Democratic India handled every issue with care and keeping the fact of public security in mind. Democratic India enacted a good number of laws from time to time including Armed Forces (Special Powers) Act 1958. In the Act soldiers have been empowered to shoot to kill in certain situations and to arrest without warrant. A safeguard is also there that no prosecution shall lie upon any soldiers without the prior permission of Central Government. The soldiers who protect our country and provide proper security--- sacrifice their lives before the bullet (of the people who fight for their identity through subversive activities and religion-based-self-interest through terrorism) are not always protected by the government as per law and they face criminal proceedings in many cases. In one hand government is getting the benefit of deployment of soldiers in the area and on the other hand when such issue is highlighted, action of soldiers is criticized from the angle of educated activists, government fails to protect them very surprisingly with its law. It is true that the life of every people is regarded and respected but at the same time when such life creates terrorism and destruction of mankind to a large extent through explosion and other subversive activities, such life may be ceased for the protection of other innocent candid Indians---- above all mankind and its society.

The sight of carrying the dead body of wife of Dana Majhi of Kalahandi district of Orissa by himself onto his shoulder and also on foot for a length of 50 kilometers from hospital to his village with his 12 years-old starving-bare-foot-daughter took us to a question---- whether after lapse of 70 years of independence is it true that we don't have such scheme or policy for the poor to show respect to those after death who pay tax to the government even when a loaf or biscuit is purchased by them! It will remain in the form of a question only in the context of rights of people and we will forget such trivial issues after a week or so. While no system is perfect it seems that the democracy is under assault. Government has so many schemes for the poor but the authority who should sympathetically handle these issues, fails to do so on many occasions and it occurs to the poor and uneducated people largely.

Criminal Tribes Act 1871 was enacted to take appropriate action against tribal criminal gangs. Stringent punishment was mentioned in this law. All nomadic tribes are under the purview of this law. Sabar people of Purulia were considered criminalized tribe and also punished by the British by this law. Democratic government repealed this law after independence and formed Habitual Offenders Act in 1952. 6 crore nomadic tribes are under this law. In 1885 Indian Government enacted another law PASA (Prevention of Anti Social-activities Act) to take action against criminalized tribe but they have not been given status of SC/ST/OBC as highlighted by CERD (Committee on the Elimination of Racial Discrimination) and brought to the notice of Central Government in 2014. Now see, one law has been repealed but two different laws have been formed. Shri T. S. Thakur, former CJI has said: "Judiciary has been given the duty to keep a watch that nobody crosses the limit granted by the Statute book. Parliament should make laws only in limits granted under the constitution. Judiciary has every right to set aside any law made by parliament, if it is against the constitution". As for example Prevention of Terrorism Act (POTA) of 2002 was repealed and action is required to be taken in Unlawful Activities (Prevention) Act 1967. Similarly, if criminalized tribes have been reformed through different

social measures and government schemes, then time has come also to take their future aspects in consideration by repealing or reenacting or amending the above noted two Acts.

We celebrate 8th March as International women's Day every year to mark the day as women's contribution and respect to the society. It is for social, economic, cultural and political achievement of women. But we are not unaware of it that a good number of women of our society who earn wages on daily basis are unaware of the day and its importance as well as its celebrations. Even today it is seen that on 8th March women labourers and workers bear the burden of their family. Common picture is seen all over tea gardens on that day also. Progress of women has slowed in many places across India and it needs acceleration with gender parity. Unless and until every single woman is honoured and evaluated in every strata of our society, such celebration on the day has no meaning at all. Hence proper sensitization on its necessity in every strata of society is required.

Though Fundamental rights are guaranteed by Indian Constitution but in 1993 Human Rights Act had to be enacted as its necessity was felt. Human Rights are derived from Fundamental Rights as postulated by Indian Constitution. There were reports of gross human rights infringements in the form of custodial violation through interrogation, physical exploitation, fake encounters etc all over India prior to enactment and government had to face the rage of critics and activists. But if we discuss only these sorts of violations of human being then the law will remain captivated for police rule book. Discussion of human rights is not limited to these issues only. At abreast we should also be concerned about other rights of human being otherwise there will be no one to think of the people who are born on footpath and dies subsequently one day on footpath without having the taste of human rights. There will be no one to think about those who spend their entire life in tea garden as labourers and workers and those who are marked as slum dwellers at places where they do not have proper basic sanitation, medical facility and education and earn little bit wages for sustaining their life. There will be no one to think about those who sleeps on roads and dies by running vehicle of dignified persons or gets kidnapped followed by raped & murdered and gets dumped into water body by criminals just because she is a girl, poorest and do not have any roof onto head. Tea gardens are considered as industry, hence it is seen that there is ambulance but no all time driver, there is water tap but no potable water, there is residential cottages but no basic sanitation, there is a system of paying wages on weekly or fortnightly basis but no enhancement of wages even once in two or three years (in pen and paper you will see a lot of anomalies) and so on. Before being so late it is to be seen that our democracy do not turn into hypocrisy in this context. The authorities that are responsible for implementation of all the schemes of the government properly towards the poor in this aspect should be more vigilant and cautious.

Anjeze Gonxhe Bojaxhiu popularly known as Mother Teresa had her advent from Ireland to pre independent India to teach us what is 'Right to Life' and 'Right to Education' which continued till her death in 1997 as she became a symbol of hope to many ---- the aged, the destitute, the unemployed, the diseased, the terminally ill and those who abandoned by their families ---- and thus performed an important part-role of democratic government which should have been done

by it for protecting and preserving the rights of the people in general. In pre independent era her selfless sacrifice was required to a large extent but after India was freed from the clutches of British regime her service could have been honoured by the democratic government by way of taking responsibility on it and the service could have been given to the poor and the downtrodden by the democratic government itself. As the authorities those were acting on behalf of the democratic government failed to do so and to provide 'right to life' and 'right to education' to all financially weaker section of people, mother Teresa had to continue her service in independent India, thus became a Saint and revered from all over the world. We have deep respect to her. We celebrate her but don't follow the path showed by her by dint of our service. Here lies the difference.

Renowned Political Scientist of Italy Giovanni Certiorari while discriminating 'governed democracy' and 'governing democracy' stated that 'democracy is rule of elected elites and power of active demos'. Sometimes it is seen that political parties are showing their grievances by way of blocking the road for hours. In this way they are violating the rights of the people who are detained on road and not allowed to move. In this respect it is good to see what Shri Inderjit Singh, Hon'ble Judge of Punjab and Haryana High Court has said in February 2016 that Jut leaders had violated the fundamental rights of the general people of free movement by blocking a national highway during their protest for reservation and they are not entitles to any relief of pre-arrest bail. The protesters had right to agitate or voice their grievances but they were also duty bound not to cause any inconvenience to others and not to violate their fundamental right of free movement.

After a long period of UN criticism Indian democratic government enacted Human Rights Act in 1993 and formed National Human Rights Commission at national level and State Human Rights Commission at state level to keep an eye on human rights violation. Interestingly these commissions are recommending authority simply and not implementing authority and partially act at sweet will of the government. They never highlight the loopholes of the aspects where government has interest and when the rights of poor downtrodden people are less observed. They can strongly recommend government to ban POTA or TADA where the interest of investigating agency is there and now after ban the delicious fruit is eaten by terrorist and hardcore criminals. It may be cited that the action of police force to eradicate 'Khalistan Movement' from Punjab was taken in compliance to the order of the government, but we could not protect Shri Ajit Singh Sandhu IPS, SP Taran Taron District to jump from train to commit suicide as a lot of criminal suits relating to violation of human rights were running after him. Common people have no interest to interfere into this law at all. They are only concerned of custodial violations, fake encounters etc but not of other issues which are equally important for promoting self respect and is safeguarded by fundamental rights. They are not concerned of basic amenities of the people of closed tea gardens, death due to starvation, closed factories, slum dwellers, manual scavenging etc. and hence the thought of relevancy of human rights is incomplete and its breach from people to people is clear though observed and the benefits of human rights are enjoyed by criminals and terrorist only.

It is unfortunate to note that all the aforementioned descriptions are meaningless as India is clearly divided between the rich and educated people on one side and poor uneducated people on the other side. Similarly Democratic India and its all Human rights are meaningful to the rich and educated while to poor and uneducated it is culturally meaningless and its proper application by government machinery seldom reach to them. Only the rich and educated know the application of Article 32 and 226 of the Indian Constitution and have the capacity to get proper application of law and hence the critics and educationists say wisely that in democratic India rich and educated are considered as qualitative measure while poor and uneducated as quantitative measure. Poor are counted in numbers only.

Conclusion

Democracy is a valued principle; some people sacrificed their lives to fight for it. Human rights will be relevant and meaningful when its protection, evaluation and necessary action with timely redressal reaches to people as and when required otherwise celebration of Women's Day, Children's Day and Human Rights Day will have less meaning to us. Human Rights should not be limited or restricted within the periphery of a handful people. Taste of it should be the realization of human life. Thank you for your continuous perseverance to go through this article.

Reunion: Novel application of facial recognition in policing



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Ashish Tiwari¹

Chirag Shah²

Abstract:

Facial recognition technology has matured with the advances in artificial intelligence. There have been exciting uses of facial recognition technology in developed countries. It has found its use in social media, security systems, access control, biometrics, commercial identification and marketing tool. Coupled with ubiquitous mobile, social media and 4G revolution this technology can solve some of the age old problems of policing like lost and found, child and women trafficking, criminal matching, access control, forensic video investigations, efficient patrolling etc in Indian context. In this paper, we will see a novel application of facial recognition technology for solving the problem of lost and found persons. As a proof of concept an app named “Reunion” is developed, which makes use of state of art technology by Microsoft called “Microsoft cognitive services¹”. It is an advance over the legacy systems in place for solving problem of lost and found in India. Results show almost 100 percent success rate in matching the geo-tagged images in lost and found database. On the one hand, the police version of app is used for reporting lost persons when filing FIR. On the other hand, a citizen version of app is used to report found persons. Police and child line numbers are readily accessible in the app. One dashboard having global view of lost and found databases along with match alerts is for coordination between multiple agencies. This facial recognition app is first of its kind in the world and has multiple exciting applications in future. It has its future uses in field of criminal tracking using criminal database, stop trafficking, access control, forensic investigations, efficient patrolling etc.

Keywords:

Reunion, Novel, Facial, Policing, पुनर्मिलन, Hierarchy, Description, Application, Penetration, Architecture

Author Intro:

1. SP Mirzapur, SP office, Mirzapur, UP
2. CEO, www.innodel.com

Introduction

One of the greatest fears of person is to lose a child. In India, a child goes missing every eight minutes, according to data from the National Crime Records Bureau². According to CRY, despite various measures by the government, the number of untraced children has witnessed a sharp increase. The situation is getting worse by each day as more and more children are getting lost. Almost 180 children per day are lost in India. At the same time, number of untraced children is increasing with time. Maharashtra and Delhi are two top defaulters. Assam, Madhya Pradesh and Haryana come next with respect to untraced children. In last 3 years, MP and Haryana have witnessed a growth of 60 percent in number of untraced children.

The cumbersome “Khoya Paya” portal and “track the missing child” portal have not been able to deliver results despite guidelines of mandatory feeding on these portals. When a child goes missing government has made filing of FIR mandatory at police station instead of “lost report” in general diary. But the results are disappointing.

The "Reunion" or पुनर्मिलन app concept is simple. It uses basic concept of facial recognition (along with some optional parameters) to solve the age old problem of missing children. Lost children data is generally taken from police station/police station records. Found children data is taken from police stations, Ngo and shelter homes or from streets.

The dashboard will have a lost database and a found database of persons. Whenever anybody clicks a photo if photo matches with a lost person's photo in database, it will match and tell the location from where the person is lost along with the related police station and helpline number for anyone to contact. It can increase scale and reach of operation smile.

Finding a lost child is a difficult task. The current manual system has long procedure. Existing solutions like <http://khoyapaya.gov.in>, <http://trackthemissingchild.gov.in> are falling short. Disruptive change is required. These solutions have lost and found databases but manual matching of a huge data. There might be existing matches on these websites which are not detected due to manual text based search. It's time to bring collaborative approach between police, shelter homes, ngo, government, citizens bound by technology.

Summarily, "Reunion" or पुनर्मिलन app if used by police, government, corporations, citizens and non government organizations working in areas of children at pan India level can save innumerable innocent lives, avoid hardships and provide joy of reunion to millions of parents.

It has its future uses in field of criminal matching using criminal database, trafficking, access control, forensic investigations, efficient patrolling etc.

Features

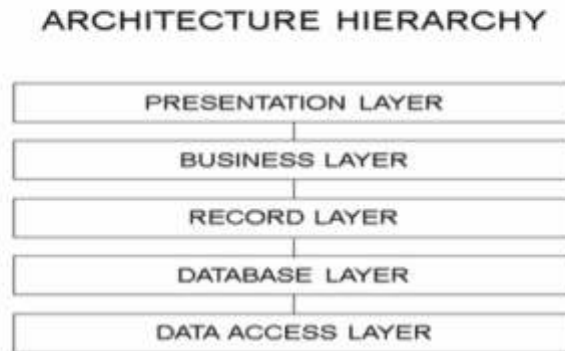
- Reunion has two mobile apps - one for citizen and police authority each.
- A missing person is reported by police only. Reunion police mobile app is distributed privately. Once police station is registered with reunion, they can report a missing person; upload photos or identity which can be used to match with found persons.
- Citizens' reunion android app can be downloaded from Google Play store to report found persons.
- Reunion App uses a face detection and comparison technique to match the found person with the missing reported by police.
- Take a picture of a child or person when you spot a missing and submit the report with whatever information you can collect.
- Reunion automatically matches found person with missing reported and send push notification to police via reunion police mobile app.
- Reunion police mobile app has options to filter the results by name, body type, etc.
- You have an option to call nearby police station and inform about whereabouts of the found person.



Reunion Android Application Architecture

The Reunion Android Application Architecture is designed to illustrate and identify the high level architecture systems used to design and implement Reunion Citizen application and Reunion Police application. The architecture contains an overall view of the system hierarchy, logical views of the system components, and a process view of the system's communication.

High Level Hierarchy

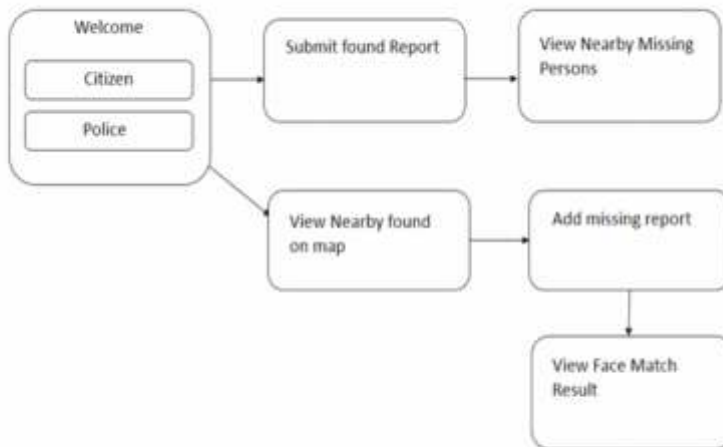


Hierarchy Description

The architecture system for the Reunion application is n-tier architecture. This architecture system is designed to allow for proper information hiding, modular components, and single system dependencies. The abstraction of the presentation layer, and consequently the User Interface (UI), allow for a flexible pipeline for the optimization of the UI to meet people and law enforcement needs and expectations. There are multiple layers between the Presentation Layer and the lowest level, due to the significant challenges present in the optimization and control of the Processes design. The Database layer is an abstraction used to represent both text and visual data (in the form of JSON format) and the Data Access layer is the lowest layer which allows simplified access to data in the form of visual images through Microsoft Cognitive API.

System Behavior

The use case view is used to both drive the design phase and validate the output of the design phase. The architecture description presented here starts with a review of the expert system behavior in order to set the stage for the architecture description that follows.



Use Case View

Citizen:

1. Get co-ordinates of mobile GPS.
2. Start application.
3. If citizen already registered then display his previous found reports. If citizen not registered then ask to provide name, email and mobile number. After entering the details, OTP will receive on registered mobile number and email.
4. Citizen can add found report.
5. After filling report, citizen can call child help line or police station.
6. Citizen can view nearby missing from navigation menu.

Police:

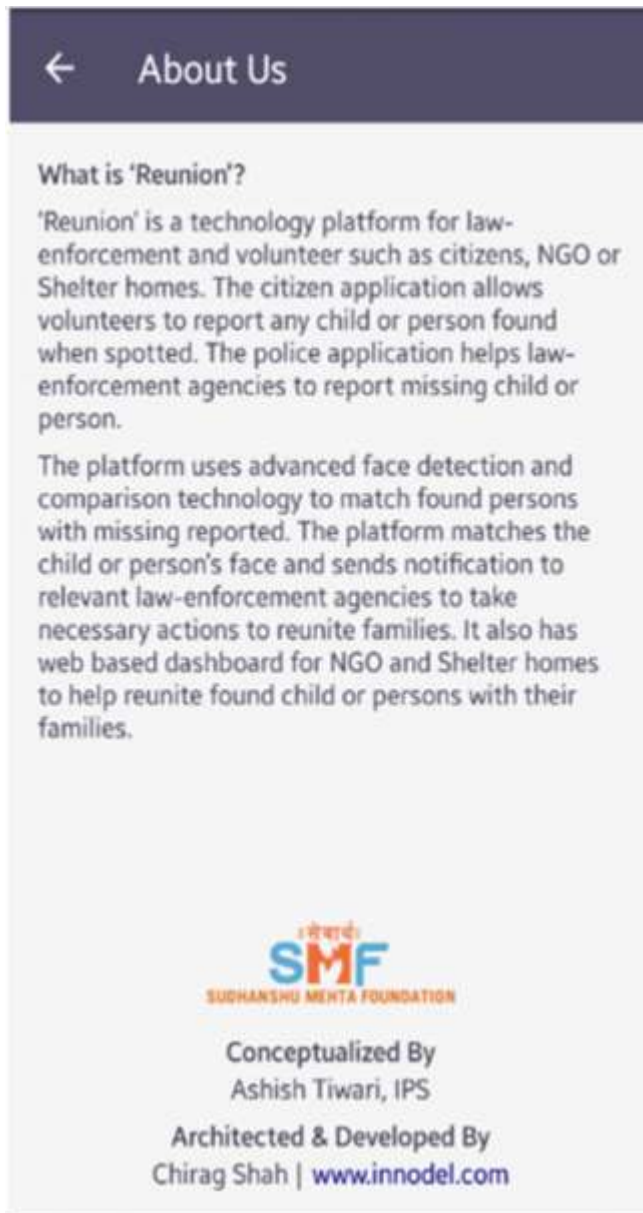
1. Get co-ordinates of mobile GPS
2. Start application.
3. If police station already registered then select details from dropdown. If police station not registered then edit number and verify OTP which send on registered mobile number

4. View nearby found reports on map.
5. Add missing report.
6. View my reports.
7. View Face Match Result and Suggested Result
8. Close Report.
9. View Receive Notification

Reunion application



The detailed working of the police application⁴ and citizen application⁵ along with dashboard⁶ can be seen in the bibliography. The police.apk⁷ and citizen.apk⁸ applications can be downloaded from the links given in the bibliography.



Results

The sample data size of 57 real life persons was tested at district Mirzapur. The digitally scanned standard passport size photographs of persons' younger years were clicked using the police application to be treated as missing persons.



Figure: Sample lost database. (Scanned passport size photos)

Similarly, real life photos from mobile camera were taken by citizen app to make the found database.

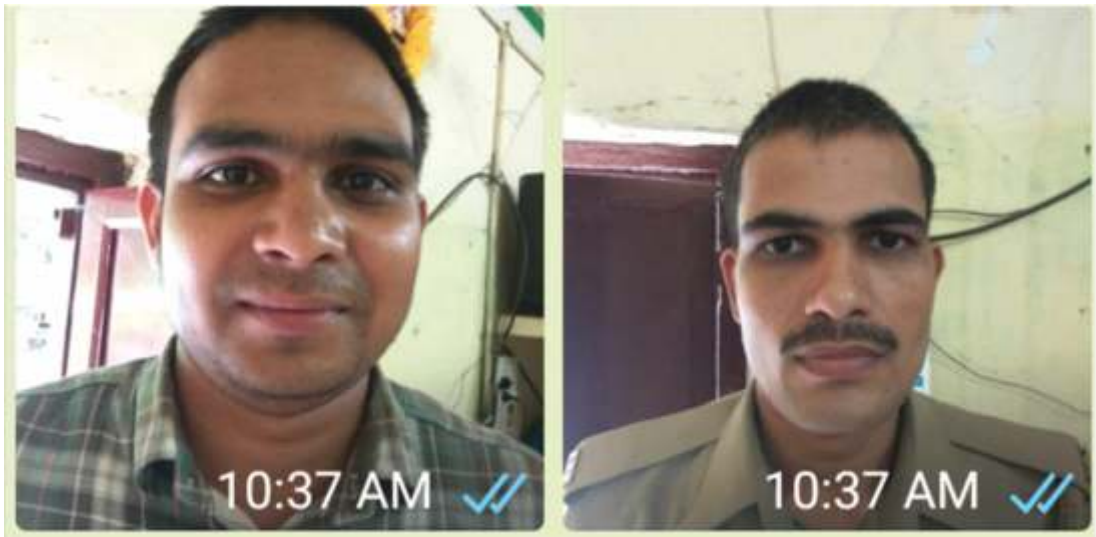


Figure: Sample found database. (Scanned passport size photos)

A 100 percent match was found in all 57 cases. A sample match in application is shown in figure below.

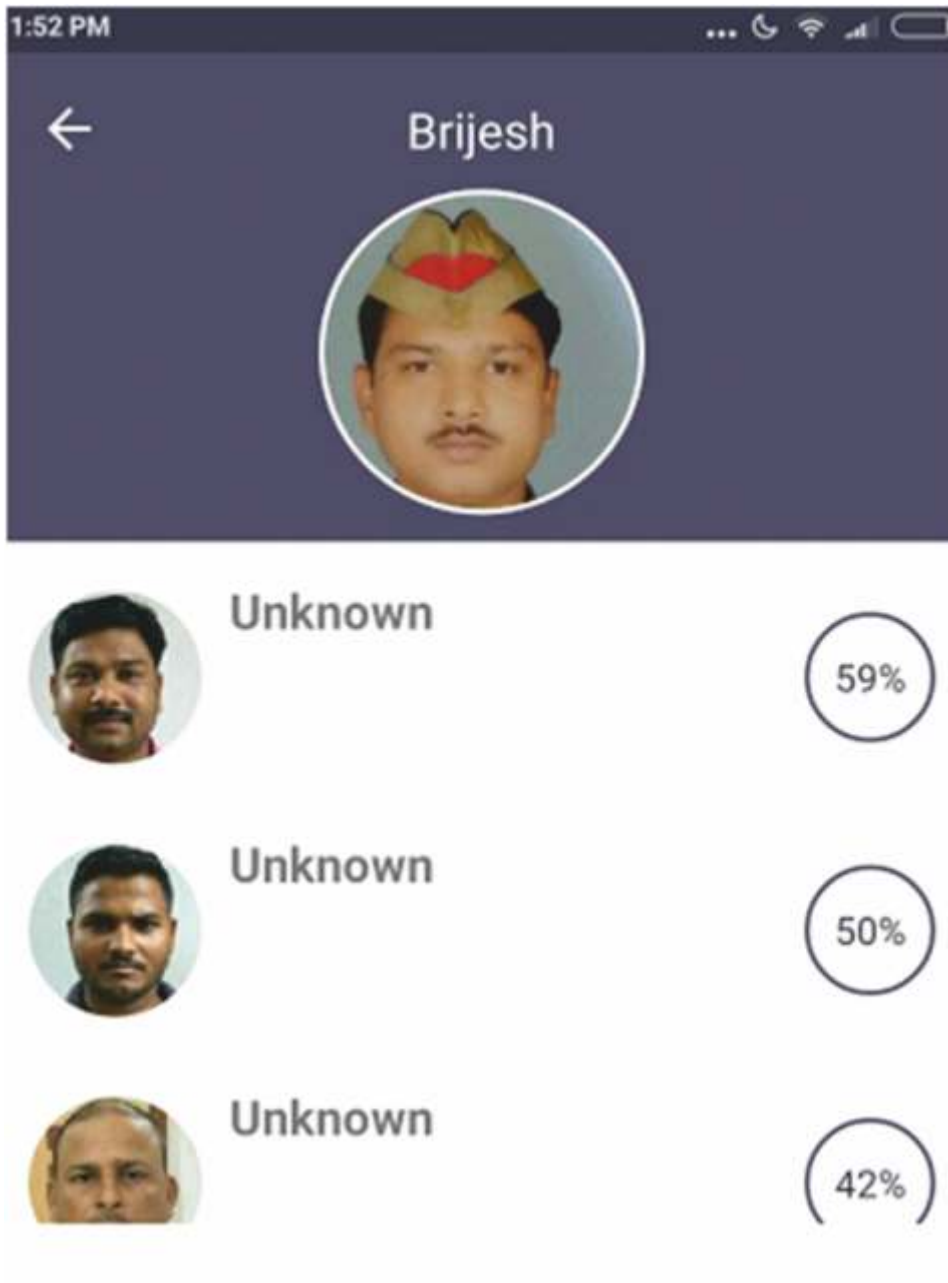


Figure: Topmost match is the current photograph in found database.

Photo in the circle is the old scanned photograph of younger days in lost database.

Conclusion

The problem of missing persons can be solved with the active participation and coordination between police, non-governmental organizations, citizens, shelter homes and child line using facial recognition technology. Reunion application proves that the facial recognition technology is advanced enough to be used in real life law enforcement.

Existing technology solutions are not working due to outdated technology and manual work. High Mobile penetration, 4G data speeds, advanced facial recognition technology, increasing use of social media and increasing sensitivity towards child and women trafficking: all these factors are culminating towards the ready adoption of the proposed solution by government and market forces.

The need of the hour is use of this application as part of standard operating procedure (SOP) at police station level while registering FIR u/s 363,366 IPC. Also, use of the application should be mandatory when a person is reported found by any of the agencies. Ministry of child and women development should adopt the project along with its other initiatives. As policing is a state subject in India, Child line can act as a centralized agency which can monitor all alerts across the nation on dashboard and can act as a coordination agency between different police stations. It can lead reunion of the missing person with loved ones and can make world a happier place.

Moreover, this exciting technology has its future uses in field of criminal tracking from criminal database, trafficking, access control, forensic investigations, efficient patrolling etc.

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