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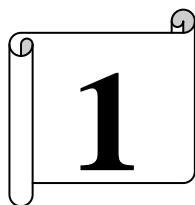
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## A REQUIEM FOR FREE SPEECH

Umesh Sharraf, IPS\*

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“A government afraid of its citizens is a Democracy. Citizens afraid of government is tyranny!” —Thomas Jefferson

### Right of Free Speech

Freedom of speech is the political right to communicate one's opinions and ideas to anyone who is willing to receive them. The right to freedom of speech is not absolute in any country and is commonly subject to limitations based on the ‘harm principle’ including libel, slander, obscenity and pornography, sedition, hate speech, classified information, copyright violation, trade secrets and non-disclosure agreements.

The term ‘offence principle’ is also used to expand the range of free speech limitations to prohibit forms of expression where they are considered offensive to society, special interest groups or individuals. For example, freedom of speech is limited in many jurisdictions to widely differing degrees by religious legal systems, religious offense or incitement to ethnic or racial hatred laws.<sup>1</sup>

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\*Joint Director SVP National Police Academy Hyderabad

<sup>1</sup>Van Mill, David. "Freedom of Speech". Stanford Encyclopaedia of Philosophy

John Stuart Mill introduced the harm principle, in placing the following limitation on free expression: "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." Here is an excerpt from the second chapter of his book "On Liberty" (1859): "Let us suppose, therefore, that the government is entirely at one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceives to be their voice. But I deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious, when exerted in accordance with public opinion, than when in opposition to it. If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to the owner; if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth. If wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error."

Unfortunately, in 1985 Joel Feinberg introduced the "offence principle", arguing that Mill's harm principle does not provide sufficient protection against the wrongful behaviours of others. Feinberg argued that the harm principle sets the bar too high and that some forms of expression can be legitimately prohibited by law because they are very offensive.<sup>2</sup> In my opinion, this has been the slippery slope down which, especially in India, Governments have slipped while dealing with free speech.

### Right to take offence

The right to take offence as well as the fact of someone having taken offence should have no role to play in a legal determination of the issue. Your right to be offended flows from your fundamental freedom of thought and conscience just as my right to speak, which may sometimes give offence. At the same time, whether you are offended, should play no part in determining whether I should be allowed to speak.

In Evelyn Beatrice Hall's biography of Voltaire, she coined the following phrase to illustrate Voltaire's beliefs: "I disapprove of what you say, but I will defend to the death your right to say it." Hall's quote is frequently cited to describe the principle of freedom of speech. Noam Chomsky states that: "If you believe in freedom of speech, you believe in freedom of speech for views you don't like. If you're in favour of freedom of speech, that means you're in favour of freedom of speech precisely for views you despise."<sup>3</sup>

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<sup>2</sup>Kenneth Einar Himma. *Philosophy of Law*. *Internet Encyclopaedia of Philosophy*

<sup>3</sup>Mark Achbar and Peter Wintonick (1992). *Manufacturing Consent: Noam Chomsky and the Media*



In India, we see an ever increasing competitive belligerence of different 'communities' with ever increasing sensitivities and propensities to take offence, which range from the farcical to the more serious issue of suppression of political comment. Unlike the American Constitution (after the First Amendment) that imposes strict restrictions on the State from curbing free speech, the Indian Constitution allows curbs on free speech in the name of Security of the state, friendly relations with other countries, public order, decency/morality, contempt of court, defamation or incitement to an offence! Leave alone the State, the above legal position in India has encouraged even corporate groups, religious groups, caste groups and many other interests to cause stifling of free speech.

### **The buckling under**

We had the name of a movie changed from "Billu Barber" to just "Billu" because the barber 'community' was offended. All references to 'Bombay' were changed in the movie "Wake Up Sid" to 'Mumbai' after the MNS threatened to take the law into their own hands. Women's groups demonstrated and Hindu hard-line groups ransacked movie halls showing the film "Girlfriend" for allegedly containing lesbian scenes that were antithetical to 'Indian culture'. A line in a song from the film "Aaja Nachle" was deleted since it used the expression of "samjhe mochi bhi khud ko sonar", references to caste that didn't go down well with the cobbler community. Lyrics in the song "Dhan te nan" from the movie 'Kaminey' were modified after release, since oil-sellers of India were upset about the use of the words "teli ka tel". Remember the hullabaloo over Aamir Khan's 'PK' for allegedly hurting Hindu sentiments?

When it comes to books, there is a depressingly long list! Rohinton Mistry's novel 'Such a Long Journey' was cut from Mumbai university reading list after complaints from Shiv Sena on the negative portrayal of Bal Thackeray in the book. Delhi University removed Ramanujan's essay on the Ramayana from its syllabus and Oxford University Press refused to publish it as neither wanted to hurt Hindu sentiments. The Bhandarkar Institute was burnt in Pune as a protest against James Laine's book containing references to Shivaji and Shrikant Bahulkar, a historian, thanked in the book, was assaulted and left with a blackened face. Joseph Leyveld's book on Mahatma Gandhi was banned in Gujarat and Maharashtra as it portrayed Gandhi as a bisexual man especially focussing on his relationship with Herman Kallenbach, a German architect. Arindam Chaudhury could ensure that the chapter on him and IIPM disappeared from the book 'The Beautiful and the Damned' by Siddhartha Deb. Hamish Mc Donald's 'the Polyester Prince's Deb. Hamish McDonald's 'The Polyester Prince', an unofficial biography of Dhirubhai Ambani, was banned because of references to Rajiv Gandhi.

Over the past decade or so, the freedom of artistic, scholarly and journalistic expression has received steady attacks. Some of India's most distinguished voices have been the targets. M.F. Husain, Deepa Mehta, Taslima Nasreen, Ketan Mehta, Romila Thapar, Ashis Nandy, Anand Patwardhan, Rakesh Sharma, the young Vadodara art student Chandra Mohan, Nandita Sen, Mallika Sarabhai, S.Z.H. Jafri, Vijay Tendulkar, Habib Tanvir, D.N. Jha, Y.D. Phadke, Salman Rushdie, P.V. Narayanan, Vikram Seth, Jose Periera, Wendy

Doniger- the list is long and grows every day.

### The Main Stream Media

However, free speech is not the same as free press- although the media would like us to believe so. The truth is that most main stream media – whether print or visual- is deeply compromised by the political-bureaucratic-big business nexus. First the Nira Radia tapes controversy and then the Ruia favours to journalists merely exposed the tip of this iceberg. It is instructive that way back in 1880, this is what John Swinton, a respected journalist, had to say about free press: “There is no such thing, at this date of the world's history, in America, as an independent press. You know it and I know it. There is not one of you who dares to write your honest opinions, and if you did, you know beforehand that it would never appear in print. I am paid weekly for keeping my honest opinion out of the paper to which I am connected with. Others of course, are paid similar salaries for similar things, and any of you who would be so foolish as to write honest opinions would be out on the streets looking for another job. If, I allowed my honest opinions to appear in one issue of my paper, before twenty-four hours my occupation would be gone. The business of the journalists is to destroy the truth, to lie outright, to pervert, to vilify, to fawn at the feet of mammon, and to sell his country and his race for his daily bread. You know it and I know it, and what folly is this toasting an independent press? We are the tools and vassals of rich men behind the scenes. We are the jumping jacks, they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men.”<sup>4</sup>

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<sup>4</sup>*Labor's Untold Story, by Richard o. Boyer and Herbert M. Morais, published by United Electrical, Radio & Machine Workers of America., NY 1955/1979*

In India, the situation today is even worse with owners masquerading as editors and 'paid news' replacing advertising. The sight of TV channels openly taking up cudgels on behalf of their owners and calling each other names has become all too common. The easily compromised mainstream media can no longer be counted upon to deliver free opinions, free ideas and free unbiased critique of the governing apparatus. The so called liberal press and the liberal voices in fine arts, literature and theatre in India have long been an insiders' club dominated by a leftist cabal that never gave the same freedom of speech that they zealously demanded for themselves to opposing viewpoints from the right of the political spectrum. Great writers like O.V. Vijayan who fell afoul of this secret society never got the exposure that they surely deserved.

### **Social Media and the Internet**

It is the Internet that broke the back of the pretensions of the main stream media having a monopoly on free speech and the advent of social media has placed free speech right back in the hands of the common citizen. Is it then surprising that in the censorship, monitoring and surveillance of channels of information, it is the Internet which is the most disruptive and unbound channel of communication, that is the prime target of the Establishment?

On February 6, 2013, Sanjay Chaudhary was arrested under section 66A of the Information Technology (IT) Act for posting 'objectionable comments and caricatures' of Prime Minister Manmohan Singh, Union Minister Kapil Sibal and Samajwadi Party president Mulayam Singh Yadav on his Facebookwall. This arrest follows numerous others in the recent

past for political speech through social media: Manoj Oswal for having caused ‘inconvenience’ to relatives of Nationalist Congress Party chief Sharad Pawar for allegations made on his website; Jadavpur University Professor Ambikesh Mahapatra for a political cartoon about West Bengal Chief Minister Mamata Banerjee<sup>5</sup>; Businessman Ravi Srinivasan in Puducherry for an allegedly defamatory tweet against the son of Union Finance Minister P. Chidambaram; two Air India employees, who were jailed for 12 days for allegedly defamatory remarks on Facebook and Orkut against a trade union leader and a politician; Aseem Trivedi, accused of sedition for drawing cartoons lampooning the Parliament and the Constitution to depict its ineffectiveness<sup>6</sup>; two young women, Shaheen Dadha and her friend Renu Srinivasan, for a comment posted on Facebook that questioned the shutdown of Mumbai following the demise of Shiv Sena Supremo Bal Thackeray. The girls were arrested under Section 66A(a) of the IT Act for allegedly sending a ‘grossly offensive’ and ‘menacing’ message (one of them had merely ‘liked’ the Facebook post made by the other!).

The US First Amendment bars Congress from passing any law restricting free speech. It contains a mere 45 words and has stood the test of time and protected free speech

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<sup>5</sup> *However, in this case, the salutary judgment of the Kolkata High Court of 10<sup>th</sup> March, 2015 upholding the 2012 order of the West Bengal Human Rights Commission imposing penalties on the jadavpur Purba police for this arrest and awarding compensation to the accuse*

<sup>6</sup> *Again, see the judgment of the Bombay High Court of 17<sup>th</sup> March, 2015 in this case that the provisions of Section 124 A of the IPC cannot be invoked to penalize criticism of the administration or the government. The court said that even strongly worded comments used to show disapproval of the government’s actions will not amount to sedition unless they incite the public to violence.*

against all tyrants since it was made in 1791. Many US Congress members tried to meddle with it or alter it but, fortunately, unsuccessful. In contrast, the Indian First Amendment made consequent to a very critical article by a communist magazine, that led to its ban which the Apex Court overturned, laid down restrictions that have led to even full censorship at various times, including the Emergency. This intolerance and trampling of free speech took a natural course to draconian laws like section 66A of the IT Act. The IT amendment that included 66A was hurriedly passed in early 2009 without the slightest debater or opposition in our parliament and was, as shown above, repeatedly misused.

### **Section 66 A of the IT Act**

In November 2012 a PIL (Shreya Singhal vs. Union of India) was submitted to the Supreme Court on the grounds that Section 66A of the IT Act curbed freedom of speech and expression and violated Articles 14, 19 and 21 of the Constitution. The petition further contended that the expressions used in the Section were “vague” and “ambiguous” and that 66A was subject to “wanton abuse” in view of the subjective powers conferred on the police to interpret the law. In reply to the petition, the Union government defended the constitutionality of Section 66A relying first on the “Advisory on Implementation of Section 66A of the Information Technology Act 2000” issued by the Department of Electronics and Information Technology on January 9, 2013 to the Chief Secretaries and the Director General of Police of all States /UTs. The advisory had asked State governments not to allow the police to make arrests under Section 66A of the IT Act without prior approval from an officer not below the rank of

Inspector General of Police in the metropolitan cities or Deputy Commissioner of Police or Superintendent of Police at the district level.

However, this advisory was clearly not sufficient as political interference in law enforcement and the propensity of police to bow to pressures is well known. Soon after the 2014 general elections, a student was arrested after the HudHud cyclone for some comments in Guntur. He had made a post stating he loved Hud Hud because it proved there was God and it brought destruction to those who didn't vote for YSR Congress! Should the CID, AP have arrested a student for this stupid comment? It may sound offensive or obnoxious but what exactly is wrong in making stupid comments? Our politicians make stupid comments every day. Sensible people would either laugh or ignore such silly comments. This is how politicians misuse law and police waste their precious time on frivolous nonsense.

The Centre had further sought to justify the legality of Section 66A, introduced in the 2009 amendments to the IT Act, on the ground that it had been taken from Section 127 of the U.K. Communications Act, 2003. Section 66A(a) referred to the sending of any information through a communication service that is 'grossly offensive' or has 'menacing character'. In the U.K., Section 127(1)(a) makes the sending of 'matter that is grossly offensive or of an indecent, obscene or menacing character' an offence. The drafters of the 2009 amendments to the IT Act in India presumably omitted the words 'indecent, obscene' as Section 67 of the IT Act already makes the publishing or transmittal of obscene material in electrical form an offence. The meaning of the term "grossly offensive" in

both Section 66A(a) and Section 127(1)(a) is crucial and remains yet undefined in India.

In a 2006 judgment in *Director of Public Prosecutions v. Collins*, arising out of racist references in messages left by a constituent on the answering machine of a British MP, the House of Lords laid down a seminal test for determining whether a message is 'grossly offensive.' It agreed with the formulation by the Queen's Bench Divisional Court that, in determining whether a message is 'grossly offensive' the "Justices must apply the standards of an open and just multi-racial society, and that the words must be judged taking account of their context and all relevant circumstances." The House of Lords added that "there can be no yardstick of gross offensiveness otherwise than by the application of reasonably enlightened, but not perfectionist, contemporary standards to the particular message sent in its particular context."

Most importantly, the House of Lords held that whether a message was grossly offensive did not depend merely on the degree of offence taken by the complainant but on whether it violates the basic standards of an open and just multi-racial society. This is considered a 'reading down' by the House of Lords of Section 127(1) of the U.K. Communications Act 2003, a hugely controversial legislation in the U.K. for its negative effect on free speech. It is particularly relevant in India where the 'hurt sentiments' of particular groups (or of individuals purporting to represent particular groups) is viewed by the state as sufficient to take criminal action against speech and expression.

Section 66A (b) was even more problematic than Section 66A(a) because it made an offence of sending through



a computer resource or communication device “any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device.”

Surely it could not have been a legitimate legislative objective to restrict freedom of speech in order to prevent annoyance or inconvenience? Can a democratic society criminalise the causing of annoyance, inconvenience, insult or ill will? Causing insult or ill will or enmity could be a criminal offence if it amounts to defamation. However, insulting someone or causing inconvenience per se cannot surely be a crime in itself either in the real or virtual world.

While Section 66A(b) of the Indian IT Act had clubbed causing annoyance and inconvenience in the same Section as criminal intimidation and made it subject to the same punishment, Section 127(1)(b) of the U.K. Communications Act is limited to the sending of a message that is known to be false “for the purpose of causing annoyance, inconvenience or needless anxiety to another.” Section 127(1)(b) itself has been copied from the Post Office (Amendment) Act 1935 in the U.K. and it is very surprising that in the Internet age, not only have British lawmakers sought fit to copy from what is clearly outdated legislation, even worse, their Indian counterparts had even copied the British mistake of applying 1935 legislation for one-to-one postal communications to social media despite the much greater adverse effect on free speech.

In its landmark judgement on March 24th 2015, the Supreme Court ruled that Section 66A of the Information Technology Act, 2000 was violative of Article 19(1)(a) of the Constitution and not saved under Article 19(2) and struck it down in its entirety. Section 66A was ostensibly introduced to address the challenges of cyber crime such as publishing sexually explicit materials in electronic form, data leakage, e-commerce frauds and identity theft. However, such was the over-breadth of the section on freedom of speech and expression that the Supreme Court rightly held it unconstitutional as “it takes within its sweep protected speech and speech that is innocent in nature and is liable therefore to be used in such a way as to have a chilling effect on free speech.”

Section 69A and the Information Technology (Procedure & Safeguards for Blocking for Access of Information by Public) Rules 2009 were held constitutionally valid. Section 79 was held valid subject to Section 79(3)(b) being read down to mean that an intermediary upon receiving actual knowledge from a court order or on being notified by the appropriate government or its agency that unlawful acts relating to Article 19(2) are going to be committed then fails to expeditiously remove or disable access to such material. Similarly the Information Technology "Intermediary Guidelines" Rules, 2011 were held valid subject to Rule 3 sub-rule (4) being read down in the same manner.

**But, one step forward and two steps backwards!** -On Obscenity and defamation.

However, on May 14, 2015, the same Supreme Court said that even though freedom of speech should be given a

broad canvas, it is not absolute, and mentioned the concept of “contemporary community sensibility”! The court also hinted that it will decide the limit of freedom in a literary work!

Marathi poet Vasant Dattatraya Gurjar had written a poem 'GandhiMalaBhetala Hota' ('GandhiMet Me') in 1984. The Bank of Maharashtra Employees Union in 1994 published the poem in its in-house magazine. On December 10, 1994, an organisation called Patit Pawan Sanghatana had filed a complaint with police in Pune, alleging that the said poem was obscene and that its contents were likely to lower the image of the father of the nation. Devidas Ramchandra Tuljapurkar, General Secretary of the Bank Union and the magazine editor, had been facing charges u/s 292 IPC of publishing the 'vulgar and obscene' poem since then. The Emblems and Names (Prevention of Improper Use) Act which prohibits the pictorial use of some personalities, including Mahatma Gandhi and Chhatrapati Shivaji, and names of some international organisations also, too was cited in the arguments before the court. The difference between "freedom of idea" and "freedom of words" has to be understood, the court said, and further added that while projecting a view, one cannot put "abusive" words in a person's mouth to "accentuate the sensationalism".

The difference between this case and the famous US case of Hustler magazine's Larry Flynt vs Jerry Falwell is stark. Larry Flynt had an everyday target of offending some public figure or the other. An ad in his magazine carried lampooned a religious leader of his “first time” through incest. Falwell went to court and the defamation case went right up to the US Supreme Court. The final court ruling was that people reading the offensive ad were well aware that it was a parody and no

one would believe it to be true and that Flynt exercised his free speech rights to lampoon a public figure. The US Supreme Court ruled that defamation must be “believable” with “malice” and must cause actual damage to a person in terms of reputation or other losses. In India, it is the public figures including media who often spew the most hatred with obnoxious and defamatory statements. Much of the “reasonable restrictions” of free speech as legislated by our governments and supported by our courts stems out of protecting ‘religious beliefs’ and ‘community sentiments’. The legislators enjoy completely free speech in parliament and are protected from prosecution for the most horrible statements. Do they believe other Indians do not deserve the same freedom? Must we exercise special caution and solicitude when we choose to parody or mock “historically respectable personalities”? Do the boundaries of our constitutional right to freedom of speech and expression vary with whom it is that we are talking about? Are there things that we are permitted to say about ordinary people, but are barred from saying about Mahatma Gandhi?

To understand the significance of this case, we must locate it within the history of Indian obscenity law. Section 292 of the IPC was used to unsuccessfully prosecute Ismat Chughtai and Sadat Hasan Manto. After the framing the Constitution, Section 292 was challenged on Article 19(1)(a)’s guarantee of the freedom of speech and expression. However, in *Ranjit Udeshi vs State of Maharashtra*, the constitutionality of Section 292 was upheld. Called upon to provide a definition of obscenity the Apex court adopted an 1868 English standard, popularly known as the “Hicklin test”: matter was obscene if it had “a tendency to deprave and corrupt those whose minds are

open to such immoral influences, and into whose hands a publication of this sort might fall.”

Ironically, by the time Ranjit Udeshi was decided in 1965, England, which had given the Hickling test, had abandoned it. In practice, it was seen to create many problems. The words “deprave” “corrupt” were unconscionably broad. The test meant that trials would be reduced to witnesses pointing out specific words or phrases that they found “obscene”. In Manto’s trial, for instance, the prosecution tried to argue that the word “bosom” was obscene, and accordingly saw its case thrown out of court. And furthermore, by choosing as its subject “those whose minds are open to such immoral influences”, the test judged obscenity from the point of view of the morally “weakest” and most corruptible constituency of society, thus setting the bar for obscenity very low indeed. As the decades progressed, the Indian Supreme Court began to realize as well that the Hicklin Test was unsuitable for a society that was never Victorian, and had long left such sensibilities behind.

In a series of cases, the court shifted the emphasis from the most corruptible constituency, to the “average, strong-minded and reasonable person.” In a landmark judgement called *Khushboo vs Kanniamal*, while quashing criminal complaints against Khushboo for her statement supporting pre-marital sex, the Supreme Court observed that the very purpose of free speech was to peacefully challenge dominant societal norms. In 2014, the Supreme Court finally got rid of the archaic Hicklin test, replacing it instead with the substantially more progressive American obscenity standard, developed in *Roth vs United States*. According to Roth,

obscene matter is that which “to the average person, applying contemporary community standards...the material, taken as a whole, appeals to the prurient interest.” The Roth test is substantially more free speech-friendly than Hicklin, because it does not cover all cases of moral depravity or corruption caused by “obscene speech”. Rather, speech must – from the point of view of the average person – appeal to the “prurient interest”.

Unfortunately, in its 14th May, 2015 decision, the Supreme Court has now held that a distinct standard of obscenity would apply to “historically respectable personalities.” It did so by adopting the first part of the Roth test – “applying contemporary community standards”, but entirely ignoring the second – that “the material...appeals to the prurient interest.” But to what is it that contemporary community standards are meant to apply? Unfortunately, the judgment is silent on this point. Unfortunately, the court also failed to clarify what it meant when it held that “contemporary community standards” would apply with “greater degree and in an accentuated manner”. Does it mean that the court will no longer accept long-established, statutory defences to obscenity charges, such as the social or aesthetic qualities of the work in question? Or does it mean that it will lower the evidentiary standards required to prove what community standards might proscribe in a particular case? Without any guidance upon what the community standards are meant to apply to (since the court dispensed with the requirement of prurient interest), or what it means for community standards to apply in an accentuated manner, and most of all, without any satisfactory definition of “historically respectable

personalities”, the court has opened another door for cases brought by organisations on behalf of “historically respectable personalities”, that will cast a severe chilling effect upon political satire and other areas of political speech. But surely, political and social iconoclasm is one of the defining features of a democratic community, as is a healthy scepticism and disrespect of its idols?

This brings us to the most troubling aspect of the Supreme Court’s decision: the idea that there are certain individuals, who occupy such an exalted place in national consciousness, that they are simply too precious to be sullied with disrespect or mockery. Such reasoning, however, is contrary to the most basic purposes of free speech in a democracy: to question, criticize and undermine the most dearly held beliefs of the majority, to use the medium of expression to challenge the most deeply entrenched moral and social norms; in short, to offend, shock or disturb. Seventy years ago the great American judge, Robert H. Jackson, wrote that “compulsory unification of opinion achieves only the unanimity of the graveyard.”

The ongoing arguments in the Apex Court in another case filed by Dr. Subramanian Swamy and others challenging the constitutional validity of sections 499, 500 of IPC pertaining to criminal defamation are also of great interest. The petitioners have argued that the sections are violative of free speech and that there was adequate remedy under the civil law. Attorney General Mukul Rohatgi has told the court that civil provisions cannot be an effective deterrent against defamation in India where courts take up to 20 years to decide such cases! The court was also told that with the advent of new

technologies acts like online defamation cannot be countered only by civil defamation. One has to watch as to how the constitution bench will decide this case.

### **Pornography and free speech**

How fraught is the relationship between the State's role to maintain order and the rights of the citizens to live their lives with certain freedoms! Could we have imagined that Article 21 of the Constitution would be invoked to protect the privilege of the citizens to watch porn? When on 30th July 2015, the Government banned 857 pornographic websites under section 79(3)(b) of the IT Act, the resulting public outcry immediately made the Government backtrack with the Attorney General Mukul Rohatgi telling the Supreme Court on 10th August 2015 that the Government had no desire to do moral policing and that only sites containing child pornography would be blocked! It is a different matter that the order to the ISPs had indeed been based on the list of 857 websites provided by the petitioner Kamlesh Vaswani who had filed a PIL in the Supreme Court seeking a blanket ban on pornography. A Supreme Court bench had then told Additional Solicitor General Pinky Anand that a complete ban on pornography would amount to a violation of Article 21! The bench had also remarked that the petitioner had failed to get the websites blocked.

Leave alone the sheer futility of trying to block over 2 crore pornographic sites, the fact is that even the order u/s 79(3)(b) can only block open access and people can freely access the same sites through virtual private networks. It is instructive, however, to see the volume of outrage in this case



compared to the muted responses to other such curbs on free speech!

### **Further curbs on free speech**

In a different assault on free speech, but with a similar ideology that underpinned the 14th May 2015 Supreme Court judgment, in the SC/ST(Prevention of Atrocities) Amendment Ordinance 2014 passed by the Government on 4th of March 2014 and which is proposed to be replaced by The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2014 that was introduced in the Lok Sabha by the Minister of Social Justice and Empowerment, Mr. Thaawar Chand Gehlot on July 16, 2014, a clause 3(1)(v) is added to the definition of an 'atrocities' punishable by a sentence of up to 5 years as follows: 'by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes.' Thus, a new offence is created by which even a deceased person is beyond enquiry or criticism because any such criticism can be taken as disrespect! This legislation takes pandering to communal sensitivities to a new low. Any historical review of policies and performance of a political person 'held in high esteem' by SC/ST communities is impossible now unless it is a hagiography!

### **Terrorism- exception to the Rule**

Edward R. Murrow had famously said: "A nation of sheep will beget a government of wolves." To recall Benjamin Franklin: 'Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.' Governments always try to restrict freedoms in lieu of

elusive securities. Yet, society has to ever balance such restrictions with the real or perceived threats to security.

Considering the possible range of expressions-including, hate speech that incites violence - it becomes apparent that even a tolerant society comes under pressure to put limits on freedom of expression. Therefore, much of the law relating to free speech is concerned with trying to strike the right balance between freedom of expression and the abuse of that freedom in a way that harms society. Article 10 of the European Convention on Human Rights itself recognises the need for some limits on free expression. It provides, however, that limits can only be imposed in order to achieve certain specified aims, and only in so far as is necessary to achieve those aims. The Convention lists several permitted reasons for limiting free speech, including national security, the protection of health or morals, and protection of peoples' rights and reputations.

The British Government introduced a new counter terrorism bill in 2014. The trigger was apparently the voice of a British ISIS terrorist calling on "brothers" in Western countries to commit domestic atrocities. It convinced the government that 'concerns about civil liberties and freedom of speech could no longer be allowed to interfere with security operations.' If the measures are passed by British Parliament, a raft of institutions will be forced to attempt to prevent radicalization actively for the first time. Universities, prisons, schools and local councils will be legally required to monitor those in their care and try to interdict extremist speakers and would-be terror recruiters.

As well as restricting freedom of speech, the sweeping new powers would also curtail the free movement of suspected terrorists, who could be stopped from leaving the country, or from returning to the country or even forced to live in a sort of internal exile away from their associates. Police and Border Force officers will be granted new powers to seize passports and tickets from British citizens at ports and airports if they believe they are travelling to engage in terror-related activities. British citizens would also be barred from returning to the country if the authorities suspect they have been involved in terrorism abroad, effectively leaving them stateless. Suspected jihadis who have been allowed to return to Britain are likely to be the subject of toughened monitoring measures, which can force them to move to another part of the country, live at a specified address, and even ban them from using the Internet. Internet service providers also would be forced to create, store and make available databases of IP addresses which could help the security services monitor the past behaviour of new suspects.

In India, though the Supreme Court struck down Section 66A of the IT Act, it is also being argued that the judgment has left a vacuum in the IT Act. The apex court had observed that there was a clear difference between speech on the internet and other media and hinted at a different set of penal provisions to govern the virtual space. However, no further analysis of the penalties currently prescribed was done by the Supreme Court, leaving ambiguity about whether such offences would remain under the purview of the Indian Penal Code or whether it would require drafting a new set of penalties for such offences. Because the web is prone to

offences from terrorists also, along with hackers, virus attacks, piracy, spammers, child pornographers and so on and with India ranking third in the number of internet users (behind China and the US), it would definitely be felt necessary by law enforcement agencies to regulate the 'e-space'. Whether the government counters the judgment with a legislation to negate its effect would be interesting to watch out for.

It can be argued that ideologies that are themselves intolerant of dissent seek freedom of expression and use the said freedoms to suppress the very same freedoms. In this connection, recall Karl Popper's prophecy in 1945: "Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them. -In this formulation, I do not imply, for instance, that we should always suppress the utterance of intolerant philosophies; as long as we can counter them by rational argument and keep them in check by public opinion, suppression would certainly be unwise. But we should claim the right to suppress them if necessary even by force; for it may easily turn out that they are not prepared to meet us on the level of rational argument, but begin by denouncing all argument; they may forbid their followers to listen to rational argument, because it is deceptive, and teach them to answer arguments by the use of their fists or pistols. We should therefore claim, in the name of tolerance, the right not to tolerate the intolerant. We should claim that any movement preaching intolerance places itself outside the law, and we should consider incitement to intolerance and persecution as criminal,

in the same way as we should consider incitement to murder, or to kidnapping, or to the revival of the slave trade, as criminal.”<sup>7</sup>

The political discourse in France that culminated in the Charlie Hebdo massacre is a case in point, where tolerance of intolerance led to more intolerance. In my personal view, therefore, terrorism should be the sole exception to the limits placed on the State in its ability to curb free speech.

### **The malaise of victimhood in India**

However, in our country the attacks on free speech are less due to the terror threat and more due to a psychological malaise of a pretend victimhood that is spreading and is being eagerly embraced by groups across our society. It reduces our capacity to think and speak straight, whether about art or religious practices or our shortcomings as a nation. This is also because the public authorities who are supposed to guarantee our freedoms of speech and expression- elected politicians, the courts and we the police - have perfected over-solicitousness to the growl and bluster of any and every ‘offended’ group. The general presumption is that the offended are in the right. On the force of this presumption, we have lost our understanding of the basic purpose of free thought and its expression.

Do you remember Professor T J Joseph of the Newman College, Thodupuzha, Idukki district of Kerala whose right hand was chopped off by ‘aggrieved’ members of a ‘Popular Front of India’ on July 4, 2010 for setting up of an internal

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<sup>7</sup>Karl Popper, *The Open Society and Its Enemies* (1945), Vol1, Notes to the Chpaters: Ch.7, Note 4

question paper for B.Com students that had a question that ‘insulted’ Prophet Mohammed? On April 30, 2015 thirteen of the accused were convicted, while eighteen were acquitted in an NIA court. It is not the saddest part of the story, as far as policing is concerned, that the professor suffered horribly all these years or that his wife committed suicide during this period or that he was dismissed by the college and could manage to get reinstated by the Court only on the day of his retirement but that after having been a victim of this barbaric medieval ‘punishment’, the police had arrested him, the victim, for an offence u/s 295 IPC (for which he was duly acquitted later!). Those of us who keep congratulating ourselves on our relative liberal values when compared to our immediate neighbours should ask ourselves as to how our behaviour was any different from that of the Bangladesh IGP AKM Shahidul Hoque who on 10th August 2015 asked the ‘secular bloggers’ of Bangladesh not to “cross the limit” while writing on religious issues even as his police had made no headway in the brutal murder of the fourth blogger (Niloy Chakrabarty) in 2015 by hacking by Ansar-Al-Islam, the Bangladesh chapter of Al-Qaida.

Do we also really want to live in an India where Taliban type fundamentalists running amok are matched in frenzy and murderous rage by Hindu zealots? I doubt that many so called liberals still remember the 1993 murder of Chekannur Maulavi at the hands of Islamic fundamentalists for a contrarian version of the Quran. Yet, what do you say when the cold blooded murder of Dr MM Kalburgi on 30th August 2015 is referred to chillingly by Bajrang Dal leader Bhuvith Shetty (who was arrested subsequently) on his twitter account as

follows: 'Then it was UR Ananthamurthy and now it's MM Kalburgi. Mock Hinduism and die a dog's death. And dear KS Bhagwan you are next.' Was not Dr Kalburgi murdered for his views on idol worship? Mr Bhagwan is now apparently facing harm due to his statements on Bhagwat Gita! Do note the tone and tenor of the statement made by Mr Shetty. Replace 'Hinduism' with 'Islam' and tell me if this mindset is any different from those who silenced Chekannur Maulavi? If one thinks that too much is being made out about a one-off incident, what about the murder of author Govind Pansare in Kolhapur on 16th February 2015? Do you remember the murder of activist Narendra Achyut Dabholkar in Pune on 20th August 2013?

Historically, the emergence of arguments vindicating the right to free speech was based precisely on the recognition that ideas and their expression would unsettle us. Mockery and satire, realism and argument, and even insult, were effective in puncturing the pomp and certitude of accepted orthodoxies and beliefs. To quote Orwell: If liberty means anything at all, it means the right to tell people what they do not want to hear. If the possibility of free speech did not cause social and political ripples, why ever would it need some of the finest intellects to defend it? A populace that is cowering down all the time in the fear of offending this or that person is a populace that will accept other restrictions on its freedoms. It is not accidental that most of the attacks on free speech have been orchestrated by groups who want to impose their world view on the rest and are backed by one political formation or the other. These attacks draw on the infinite Indian capacity for political opportunism. The ability to discover offence, to

set oneself up to harass such “offenders”, and to mobilize popular fury against them, have become skills essential to mustering support for political purposes.

### **Quo vadis?**

As police officers, there will be many occasions when pressures will be put on us to take deterrent ‘action’ on such ‘offenders’. It is entirely upon us as to how we act to uphold the letter as well as the spirit of law. I wish to recount an anecdote in this regard. I was Commissioner of Police in Vijayawada. The opposition party took police permission to take out a political rally. The permission was granted, with certain restrictions, especially with respect to any obstruction to the flow of traffic. During the rally, in one of the locations, some of the women in the rally enacted a drama of beating a man dressed up as the Chief Minister with brooms. In the evening leaders of the ruling party came to me and demanded that I arrest all the participants of the rally for insulting the Chief Minister. I held to the position that the police was not the arbiter of good taste and expression of political dissent could not be treated as an offence, especially when the rally had violated none of the conditions laid down in the permission granted to them. The DGP felt otherwise and I was asked to proceed on transfer, which I did forthwith.

I often hear officers complain as to how vulnerable they themselves are to unfair criticism and they compare their lot with the protective umbrellas of ‘privilege’ for legislators, ‘contempt’ for the judiciary and ‘free speech’ for the media. To them, I can only say that when we, the constitutionally protected Service, do nothing to stop these myrmidons, we



too contribute to making of a volksgeist where attacks on free speech will continue to seriously undermine our most fundamental freedom—to think, live and define ourselves as we choose, and to honour the right of others to do the same. I can't resist ending this article with Martin Niemöller's famous quote: 'First they came for the Socialists, and I did not speak out--Because I was not a Socialist. Then they came for the Trade Unionists, and I did not speak out-- Because I was not a Trade Unionist. Then they came for the Jews, and I did not speak out-- Because I was not a Jew. Then they came for me-- and there was no one left to speak for me.'

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## **SOCIO-ECONOMIC AND PHILOSOPHICAL FACTORS IN THE ETIOLOGY OF ISMS AND SCHISMS: A DIVERGENT STRATEGY**

Dr.B. Maria Kumar, IPS\*

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### **INTRODUCTION**

Besides controlling crime, maintaining peace and order etc., the policemen have a lot to do, inter alia, to deal with more serious isms and schisms such as terrorism, Maoism, insurgency, militancy, communalism, gundaim, narcotism, narcoterrorism etc. Whether the police forces fight alone or with the able support of para-military or army, they tend to resort to employing the modern technology backed operational tactics in addition to time-tested policing strategies. Even then are the police forces across the country able to achieve peace or are they further overwhelmed with the escalating magnitude of disruptive incidents? Are the police alone the panacea for all the deadly maladies?

### **UNIFACTORIAL OR MULTIFACTORIAL?**

I remember a Japanese film in this context. The plot is woven around a widower farmer, who is satisfied with his own life, looking after his school going son. One day his son gets killed in a road accident. With no limit to his sorrow, the farmer sets out to find the culprit. The driver says that he has

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*\*Spl.DG (Police Reforms) Police Headquarters MP Bhopal*

done no mistake but the vehicle he drove has got deficiency in the braking apparatus. The farmer approaches the car manufacturer, who explains that his vehicles are a certified lot, worthy of any climatic condition and opines that the mishap might have been due to error in road designing. The civil engineer narrates that the road was constructed in the best possible standards within the resources made available. The budget disbursing authority defends itself by saying that allocation has been made as to whatever the citizen's pay in taxes for the public utility projects like roads, canals etc. The farmer asks the people about why there was no sufficient public funding for the welfare of the society. Later on, he is told that his son was not properly educated on road safety etiquette, hence the misfortune. Disgusted with the reasoning from all quarters, he ultimately finds fault with everyone in the society for his son's tragedy.

Same way, it can be surprised that the social scenario, bogged down with various isms and schisms, warrants holistic introspection. One alert is that attributing causal phenomena in a wrong precedence aggravates the problem. For example, maoism is understandably an effect of underlying socio-economic-political grounds as a prime factor, if not a sole reason. The rule that 'like dissolves like' implies that same type of compounds dissolves in each other. Water cannot dissolve oil and vice-versa. A person who eats hot oily-mirchi snacks cannot cool down his mouth with cold water. He has to drink milk which has oily fats. Similarly an economic issue cannot be solved with astronomical explanation unless it has financial implications.

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## WHERE TO FIX?

Therefore, knowing the real cause of a problem is the first step that is to be followed subsequently by right remedial measures. Here is a relevant example.

An engine in a factory failed. The manager tried one expert after another, but none of them could figure how to fix the engine. Then at last, an old man turned up who had been fixing engines since he was young.

He carried a large bag of tools with him and when he arrived, he immediately went to work. He inspected the engine very carefully, top to bottom. The manager was there, watching this old man, hoping he would know what to do. After looking things over, the old man reached into his bag and pulled out a small hammer. He gently tapped something. Instantly, the engine lurched into life. He carefully put his hammer away. The engine was fixed meticulously.

A week later, the manager received a bill from the old man for ten thousand rupees. "What?" the manager exclaimed, "He hardly did anything!". So he wrote to the old man a note asking him to send an itemized bill. The old man forwarded a bill that explained – two rupees for tapping with hammer and the remaining nine thousand, nine hundred ninety eight rupees for knowing where to tap. Effort is important, but knowing where to make an effort in life is more important that makes all the difference. Otherwise, it is like a surgeon operating on a wrong part of the body. Likewise, as the expert mechanic does, it is essential to know where the fault lies, as a result of which the isms and schisms rage unabated day by

day. As fault is to machine, so is disease to the individual and so are the disruptive incidents to society.

### **SPENCER'S SOCIAL ORGANISM**

An English thinker Herbert Spencer made an interesting and thought-provoking analogy in 19th century between individual (organism) and society (social organism). He drew certain similarities between the two:

- As an individual organism grows up from childhood to adult, so a small group of individuals becomes a village, a town, a country or an empire.
- As various parts of the human body depend upon each other, so the institutions are inter-dependent in the society.
- As life of the individual is more important than the part of the body, so the life of society as a whole is larger than the institutions.

**He also pointed out dissimilarities –**

- In an individual, consciousness is concentrated in a small part of the body, where as it is diffused in the society.
- In an individual, the parts exist for the benefit of the whole body and in the society; the whole collective exists for the benefit of all individuals.

### **SOCIETAL WELLNESS**

The crucial logic here is that the well-being of the individual depends upon the degree of societal wellness to that extent. A rich man is not safer in the presence of a starving man. Wellness of the society is ensured when all citizens lead

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their lives in harmony without uncertainty, insecurity, chaos, conflicts, wars, crimes, disruptive activities etc. But what happens is that things go wrong due to lack of true knowledge. As is evident, nature designed human beings primarily for food and sex – food for self-survival and sex for the survival of the progeny. These two fundamental necessities should be rated high on priority scale. All other needs are secondary. Unless these two basics are fulfilled, Maslow's principle of intrinsic motivation for satisfaction sets in and individual beings will be on the prowl to achieve them by hook or crook. While doing so, there is no going back on their part to commit even crimes – sometimes petty and sometimes deadlier. Hence, the society has to take suitable measures to solve this puzzle. Else, uncertainty and insecurity will reign throwing the individuals to their own devices.

### **FIVE HEALTHS**

Like individuals, society also has to maintain five types of healths, broadly – physical, emotional, financial, social and moral. If any of these is missing, societal wellness as a totality will be in danger because all healths share a relationship of multiplication in mutual terms. So, absence of one nullifies the other.

Physical health of the society refers to being in the state of stability and order. It rests on various institutions and mechanisms that strengthen the societal wellness in terms of laws, rules, civil police, defence forces and the like. Maintenance strategies include forecasting, assessing, analyzing, pre-empting, handling, minimising the threats etc. with the aid of not only

appropriate technological and human resources but also of modern outlook.

Emotional health is directly proportional to collective attitudes, stress-free environment, conflict less interpersonal relations etc. Emotions deal with all what one behaves while interacting with people and situations in the society. Proper emotions guide us how to respond rightly. This determines proper behaviour. “World Development Report, 2015: Mind, Society and Behaviour” points out that the social progress becomes effective when combined with insights into human behaviour. Long back, Aldous Huxley noted that we have done enough research in physics and chemistry. He lamented that where we have to do research, we have not done – that is in psychology and meta-physics. This unfortunate situation led to first atomic bomb explosion in Hiroshima. As we see now, there is no change in the trend. It necessitates us to take urgent steps to sharpen mental control skills. Emotional intelligence needs to be promoted. Otherwise one day we may see the society full of those with technical brains but no human emotions.

Maslow’s basic need of food can be met by everyone comfortably when there is financial health. Besides, other needs in the hierarchical pyramid could also be taken care of by economic well-being. Though required as means to survival, financial health is essential upto certain limit for a comfortable living, the absence of which will make the needy highly motivated to resort to any violent crime for realizing the same.

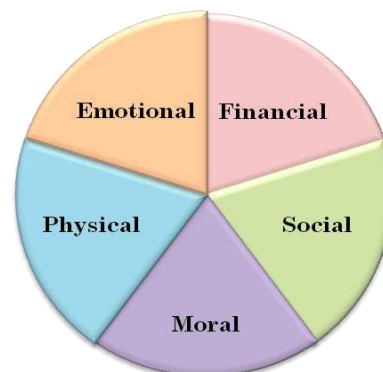
As the individual is a social being, social health can be achieved if all individuals respect their as well as others' personalities. The positive interactions amongst all personalities will lead to collective harmony. Therefore all individuals have to Endeavour to make them law-abiding. If one alone is following rules on the road, it is not enough. Accident may still happen. A rash and negligent driver may hit on wrong side. One who violates law is capable of making others feel insecure and unsafe.

Lastly, time-tested morals, ethics, values and manners stand as beacon light for leading meaningful life in a harmonious society. They guide the citizens to know what is right and what is wrong. Relations, professions, friendship, marriage, politics etc. should adhere to such morals as to enable the people to stick to righteous paths without going astray. They help the individuals live willfully in peaceful co-existence in the collective.

All these five healths have got their realms called environments. The extent of health in each environment depends on the extent of harmony or disorder existing therein.

#### VICIOUS CIRCLE

It can be postulated that harmony begets harmony and disorder begets disorder. Taking it further, a situation or change in one set-up or environment can result in



**Social organism as a whole**



a change in the other set-up or environment. As we have taken social organism (collective) as composed of these five realms, one situation can alter the situation in the other realm of the collective. See the illustration.

### Situation – 1

Violent ethic erupts in moral environment

↓ leads to

Disorder in physical environment

↓ leads to

Stressfulness in emotional environment

↓ leads to

Low productivity in financial environment

↓ leads to

Inter-personal rivalry in social environment

↓ leads to

Further conflicts that destroy morals and values

### Situation – 2

Poverty escalates in financial environment

↓ leads to

Wide gap between haves and have-nots in social environment

↓ leads to

Combatism in moral environment

↓ leads to

Lawlessness in physical environment

↓ leads to

Feelings of insecurity and uncertainty in emotional environment

↓ leads to

Further economic upheaval in financial environment

On the contrary, wrong belief processes and overt or covert threats to or in the collective act as catalysts, promoting disharmony in the social organism. Belief systems which are detrimental to society at large, unscientific thoughts and anti-human traditions and customs endanger the social cohesiveness by triggering divisive, disruptive and sectarian tendencies. Societal wellness is also indirectly proportional to internal threats that emerge in the form of sedition, incitement, disaffection etc. and external attempts to intrude with malicious intent into the collective habitat.

### CONCLUSION

So as to make the whole idea much simpler, we may draw the inferences such that –

Societal Wellness (W) is –

directly proportional to Physical health (P)  
 directly proportional to Emotional health (E)  
 directly proportional to Financial health (F)  
 directly proportional to Social health (S)  
 directly proportional to Moral health (M) and  
 inversely proportional to Belief systems (B)  
 inversely proportional to Threats (T)

$$W \propto \frac{PEFSM}{BT}$$

$$W = K \cdot \frac{PEFSM}{BT}$$

K = Constant of Societal Wellness

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## OPERATION DEEP SEA FISHING - BY THE MARINE POLICE

Dr.C. Sylendra Babu, IPS\*

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1. When a sailing expedition was planned from Chennai to Kanyakumari from 22.02.2015 to 03.03.2015, by the marine police and even when the sail plan was chartered by the Tamil Nadu Sailing Association, no one had ever anticipated that a 12T Fast Interceptor boat, escorting the sailing team could go down to the bottom of the sea. But the most unexpected had happened, and here the Coastal Security Group of Tamil Nadu rose up to the challenge and salvaged the ill fated boat.

2. I am writing on this incident for the reason that I was at the scene soon after the incident and also until the boat was located, brought up and then towed to Tuticorin harbor. It is always credible and desirable that the story be narrated by an eye witness, rather than by the hearsay that I proceed to make an account.

3. In the Coastal Security Group, it is generally understood at least till this shocking disaster became a reality that the 12 Tonne boats are unsinkable. These boats were designed and constructed by the GRSE, Kolkata, in

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\* *Addl. DGP, Coastal Security Group Tamilnadu Police*

collaboration with Moto Marine Technology of Greece. And it is openly declared that they are so stable that they would not sink. Our own experience so far is that they were stable boats that would sustain turbulent sea and they had indeed sustained violent sea save the disastrous Thane cyclone of 2011. Unfortunately when the ‘Thane’ cyclone hit Cuddalore and Nagapattanam the three boats were birthed inside the safety of poorly safeguarded harbors of Cuddalore and Nagapattanam.



4. But again, it was the same agency that caused the present disaster. A low pressure area triggered giant waves in the small hours of 10th March 2015. It was a bad luck for the boat that both engines have failed, one after the other necessitating the Coastal Security Group to seek the help of Coast Guard ship Vaibhav to tow the boat.

Boat is towed by ICGS Vaibhav

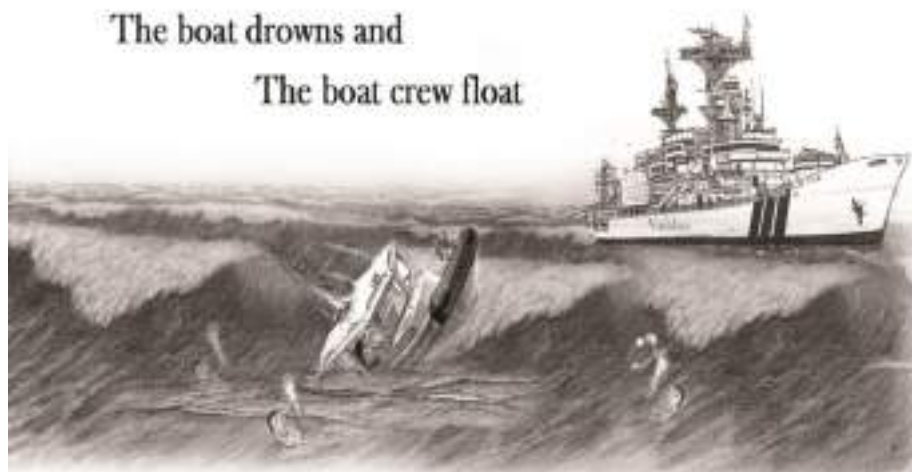


The technical officer of ICG Vaibhav tried in their capacity to repair the engines, at last one of them but in vain. They had deliberated on all possible ways of bringing it up to the harbor before the low pressure area of Sri Lanka formed into cyclonic storm that could endanger both, the boat and ICGS Vaibhav. The towing commenced at 8pm on 10th March and during her slow unsteady sail the wind picked up speed.

Giant waves topple the boat



The waves were huge swells of 3 to 5 meters soon after the midnight. In the violent action the rear side engine box lid flew away to let water into the engine room. The boat dipped in its rear side and it slowly descended to the ground. The panic stricken Captain Shri S.Ravichandran and crew, PC 224 Ramachandran and PC 500 Vinoth Kumar floated on the water. The Coast Guard lost no time in searching for the crew in the pitch dark sea blinded by the absence of any light on a new moon day. They had managed to locate two of the marine policemen, but the third one was drifted 500 meters away, located by the using powerful search lights of the ICGS Vaibhav. The Indian Coast Guard ship sailed on its journey back to Tuticorin that night, leaving the boat in its earmarked locations of 08-18-78N; 078-05-99E.



5. I arrived Tuticorin on the early morning of the 11th March to continue the proposed sailing expedition at 6 am. But I was aware of the unfortunate developments and the ultimate tragedy early in the morning itself and hence did not

entertain any hope of continuing with the sailing. I was constrained to think of the rescue of the boat.

6. The boat has sunk 5 NM off Manapad, and hence we assembled at Manapad along with a few local experts in salvage. The master salvager Mr. Viniyan was positive about the rescue though he himself has not seen the boat. The boat was located about 5 NM off Manapad coast; it wasn't that difficult given the fact that there was buoy still floating attached to the rope from the boat. We thanked the ICGS Vaibhav Captain P. Anil Kumar DIG, who tied the buoy along the rope of the boat.

7. But the boat had displaced considerably in the last 12 hours. The depth was not known and it had to be found out. We, in the meantime summoned the professional driver Mr.Arvind from Pondicherry. The driver had seen to the depth of the floor and estimated the depth to be 70 feet (231/2m).

8. The marine police is not an expert in boats salvage; we are a very simple marine force with the meek boat staff and meager resources. We consulted the authorities of the Tuticorin harbor, only to get an unpleasant reply that it was not worth salvaging that boat in such a depth and if at all the boat is rescued, it was best brought to Manapad village and not to Tuticorin harbour. One can understand their concern; keeping the harbour off these damaged and uncertain boats is the justifiable objective behind such advice or ill advice. But the CSG staff did not quite agree with this noble idea instantly. This is the boat that was meant for national defense,

and it had served us for 5 long years, hence cannot be left abandoned.



SCUBA divers inspect the boat at 73' deep floor deflated tyre tubes are tied in an effort to lift the boat by inflating them

9. Professional salvage companies are available in Mumbai. One such company came forward with a proposal to bring the boat to the harbor at a prohibiting exorbitant cost. If agreed, the experts would fly down from Mumbai and make an assessment and then confirm to undertake the work. Apart from the cost, it was going to take one week. Should we wait till such time?

10. It was at this moment that officers of CSG unanimously voiced their resolution to salvage the boat, or at least to make an attempt with all our resources at hand. A decision was taken to make an attempt to recover the boat ourselves, not waiting for anyone else. The IGP, CSG Mr.K.Sokkalingam, the Dy. SP Mr. Periyakaruppan, Inspector of police Mr.Mugesh Jayakumar and Mr.Sahaya Jose are the police officers who constantly persisted. The captain M.G.Kumar of marine police an ex-chief petty officer of Indian Navy called me by mobile at 1145 pm and planed with



me to make an attempt to lift the boat. He planned the idea, that it is within our means to bring it up to the surface of water. These officers sounded as if salvage has by now become a prestige issue. I was moved by the sentiment and in the night 10th itself the decision was communicated to everyone concerned to start the salvage operation.

11. In the early morning of 11th March, the plan was formulated. It was decided to tie deflated truck tyre tubes all around the boat with the help of SCUBA divers, of whom there are six in CSG and then inflate the tubes through compressors kept in the fishing boat. Four fishing boats are then to pull the 12 ton up to the surface and then to tow it to the harbor.

12. On 12th March four traveler boats sailed off from Tuticorin soon after midnight and took position at 6NM east of Manapad. The divers Arvind Chandru, Arokiam and James sailed from Manapad at about 5 am. And arrived to the spot at 6 pm. The work started, but it was not until 4 pm that the tubes were inflated. When the engines of trawler boats roared to life, the boats moved lifting the 12 Tonne boat inch by inch, assisted by the SCUBA divers in the ocean floor. The 12 Tonne responded to the pull of the giant trawler boat and it came up to the surface. We tried to pump out water but in vain. We tried to bail out water but it wasn't helpful as the boat's rear portion was hopelessly dropping by the loads of water in the engine room.



It was rough sea all along, due to the impending cyclone. We are told that sea is always turbulent in Manapad as the mighty Indian Ocean waves hit this coast at Manappad.

13. The 12 tonne boat, which by now attracted media attention was brought to the Tuticorin harbour at 11 pm, and it was drained of water to a maximum extent and kept on hooks, till in the morning when two powerful cranes were brought. When the boat was lifted to its cradle there was a sign of relief and a sense of achievement. There was a crowd to witness the ceremony. Vow! we have done it. Thoughtfully, DSP Periyakaruppan had arranged a badakhana in the form of a breakfast. The Superintendent of Police, Mr.Manohar who assisted me throughout the rescue from the evening of 11th March arranged for the inspection of the boat, by the GM of GRSE M.Rajiv Karunakaran. The operation 'deep sea fishing' was a completely well coordinated effort in which the fishermen became partners. We thanked them formally in the jetty with shawls to Mr.Arokiyam, Mr.Vijay and Mr.James.

14. When we started the operation, we haven't any inclination to name this operation. We weren't sure of success with it, given our poor exposure to marine salvage missions and the infrastructure at hand. At the jetty of Tuticorin old harbour we named it 'operation deep sea fishing'

15. "Operation deep sea fishing" was a resounding success in more than one way. It was our first ever experience with such an operation. We learnt lessons and earned confidence. We thank the Indian Coast Guard, the master salvage fishermen Mr.Viniyan and fishermen drivers Arokiyam and James and the Tuticorin harbor authorities for helping us to accompany their feat.



16. The DG of Tamil Nadu police Mr. Ashok Kumar, IPS., gives support us in the most trying times, encouraging us to rescue the boat at any cost. We thank him whole heartedly and look up to his guidance to make the coastal security group a strong fighting force in the territorial waters of Tamil Nadu.

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## IN SEARCH OF A VIABLE BORDER MANAGEMENT DOCTRINE

Dr. A. P. Maheshwari, IPS\*

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### CONTEXT:

In this modern era of global society where information technology has revolutionized the world of netizens, creating a virtual world where geographical boundaries have become redundant and time lines have become too thin; one may be often undermining the importance of border management. In the real world, seamless boundaries are no longer so real.

The concept of Border Management is no more limited to geographical terrain mapping and its physical security. Amidst the proxy war strategies of the modern era, technologically exported global terrorism has been used as a tool to invade human terrains, make socio-economic invasions to radically change the intrinsics of the system to the advantage of the invader. So much so that it is only the small operatives who get entangled in the security net while the real players remain incognito and the handlers anyway are located far away from the actual site of action.

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\*ADG BSF. IPS 1984 Batch.

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Proxy war is financed through trans-border crimes as well as trafficking. This makes it imperative for border guarding agencies to evolve an 'intelligent system' to see beneath the surface and visualize beyond the proximate.

The complexities of the border management further flare up with regional as well as global influences (for strategic or economic interests) which may be pursued openly as a part of the strategy by countries. Ulterior motives may be nurtured under the garb of some 'justifiable pretexts'. Some may even carry them to the diplomatic zones. This brings border management under the scanner of various agencies which need to coordinate well to arrive at the 'reality' and then take appropriate measures.

The multi agency work-domains call for an integrative work culture, as the border management grid is dominated by multiple stake holders.

Man made problems are further accentuated by the natural terrains. Mountain ranges not only provide unfavourable conditions for sustenance, but also tend to grant positional advantage to the adversary, as rivers frequently change their own courses, floods too result in changing the geographical configurations. Borders marked by coastal area or marshy lands yet require a different approach. The terrain and environmentally induced area specific typicalities drastically change the nature of challenges. This in turn affects the nature of technology, human skills, safety mechanisms and other firewall systems required to aid the border sanitization processes.

One may undermine the importance of history as a subject in school. However, historical imprints always decide the destiny of not only individuals but also nations too. The optimalities missed at anytime of life would leave its 'marks' that could change the 'mould' of the future. We are forced to face many boundary disputes with our neighbours owing to 'historical' rigidities or constrictions. The demographic settlements alongside or across the border may form many incongruous enclaves that may never have a linear solution. Their cultural ethos too impacts the modus operandi of security forces.

It may, therefore, not be prudent to ignore the core context before evaluating the viability options of the border management doctrine.

#### **CAPACITY BUILDING:**

Optimal response capacity needs to address various domains. In consonance with the policy, strategies and tactics need to be redesigned. Unless we do that, it would be an exercise in vain to build any viable system. Border Management Vectors, more often than not, tend to change their character. It is not a simple function of physical check on geostationary markers. Even the geographical terrain and contours vary drastically and call for distinct systemic response. Accordingly, the logistics too would then vary. In Indian context, the Pak border is different from that of Bangladesh. Even the Pakistan (Pak) border ranges from snow clad mountains to rugged terrain, deserts, marshy land to the coastal belt. The formats of civic life and commercial activities also vary. Hence, there would be a wide variance in the response capacities. Similarly,

China and Nepal Borders present a different geo-human terrain.

In such a scenario, operational inventories and fire power options would also require different configurations or add-ons. Crisis management systems would also vary. How then would a coordinated response follow once a threat is countered? In a fluid and a dynamic scenario, a constant 'on the job' learning environment would prove to be more fruitful, as could be feasible through the use of various technologies and communication systems. In fact, the management of borders would require one to revisit the following key words again and again and see if they can be made more meaningful through customization or generic innovations:

Policy ⇔ Agenda ⇔ strategy ⇔ structure ⇔ system ⇔ skills  
styles ⇔ speed ⇔ asymmetry ⇔ output ⇔ outcome ⇔ value

Each of these word carries a meaning for the commanders, an insight into the 'organized response'. A check list of what, when, how, how much, how long, for whom and last, but not the least, WHY!

#### **RISK MANAGEMENT:**

A doctrine would be viable, if it can provide for the sustainable options to mitigate the plausible risks. To a soldier, sacrificing his life for the safety and security of his country, is a moment of pride. He, thus, honours the oath he undertakes when he makes the choice to be a soldier. Hence, sacrificing his life for a cause is not the risk per-se. That is a commitment. The risk, as we see, is the 'response-capacity deficit', the lack

of support systems or the operational multipliers. The dynamics of Border complexities may witness sporadic situations of violence or Border breaches, but one may visualize, predict, simulate and provide for such eventualities. The second risk could be 'synergy deficits' in a multi agency environment where different agencies may not coordinate well or hide information for one-upmanship or adopt a bureaucratic route. Thirdly, there could be contradictions in codal responses i.e. standard operating procedures not providing for adequate operational autonomy but create hardship trade offs instead. Similarly, there may arise situations where one cannot actually draw a clear line when and where the Human Rights violations would become more relevant than otherwise. Since they have the potential to change the game of perceptions, the intangible risks may in turn affect the 'drivers' determining the intrinsics of our policy. Finally, all would depend upon how the dominant players in the arena of 'counter-terrorism' individually or collectively respond. When a well coordinated global response is lacking or some players play a double game or have ulterior motives, the geo-political controls would be weakened by technologically exported global terrorism or terror funding modules operating on the border. The risk has its transitive base in the global environment.

#### **WAR OF PERCEPTION:**

In a proxy war situation, where population is the centre of gravity, war of perception becomes more relevant. All the stakeholders, therefore, tend to manage perception. The silent communications may prove to be more fatal. They can create gateways for the intruders if perceptions generate alienation. There may be induced propagation as part of cognitive pressure



tactics. Hence, Border management doctrine would be ineffective without recognizing the intricacies of the war of perception and finding ways and means to turn this war in favour of the state. It may also lead to creation of multiple centres of gravity that may damage the 'firewalls' made by the security forces over a period of time.

#### EMPOWERED DOMAINS:

Decentralised autonomy to local commanders in taking decisions within their domains remains crucial in Border Management which varies drastically in its geographical as well as human terrain. More so, the urgency of crisis-response may involve huge opportunity costs, if not handled properly in time. However, extreme situations may require vertical consultations at the top, in particular those having policy implications. Hence, real time live connectivity at vantage points on border may be required to assist in bridging the consultation gap between cutting edge operational levels on the Border and those at the helm of affairs, i.e the custodian of diplomatic and international norms. Empowerment without cogent financial delegation could be meaningless. Hence, there is a strong case for congruent financial autonomy in critical sectors as uniform policy may not provide the optimal solutions.

As Border Management involves varied interventions by different agencies, the concept of 'lead agency' becomes important to coordinate and synergize these units to the best advantage of all. Each agency may have different work-culture. At times, coordination becomes crucial as uncovered gaps may provide a window or entry point to the adversary. Think of a

situation when intelligence agencies, armed forces, local administration, customs, coast guards, controller of narcotics, various enforcement directorates tend to work at cross purposes or address the issues within the domain of their own 'sub-culture'. Who would have the right vision to recognize the real 'elephant' on the border? Hence, strategic command response is essential to see why the things are happening the way they are. Where are the 'under-currents' and the 'real players'. Are we just superficial in our response or are we confusing the trees for the woods? The effective doctrine has to factor in for any dissonance between such agencies.

#### **RELATIONSHIP MANAGEMENT:**

On the Border Management grid, it is important to see who is placed where! The position on the grid and level of accessibility are important issues. This is as much true for the agencies on either side of the border, as for the agencies within a border. The inter se degree of flexibility would also matter much. Hence, the system of 'flag meetings' on ground zero to the meetings at multiple levels moving upwards need to be revisited time and again. Once agreed to, the violations should then be strictly avoided, horizontally as well as vertically, much less the diagonally. This is to underline the fact that each functionary, at whatever level, has its role and functional impact. Its dilution could have behavioral as well as strategic implications.

Relationship management, role congruencies, positional advantage on negotiation grid are some of the very crucial aspects that have their own driving power. Let us not ignore such 'drivers' while evolving a doctrine.

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**INTELLIGENCE NETWORK:**

For effective proactive responses, role of Intel agencies cannot be understated. However, the network should also be a factor in the active contribution of various agencies that can make in providing supportive inputs. Constant counseling by Intel agencies in this regard may pay strong dividends, particularly when one has to make inroads into the human populace alongside the border which constitutes centre of gravity for the adversary too. Infact, maximum attention should be paid to 'quality intelligence'. If the operational man can be developed as intel expert and vice-versa, that would be the ideal situation.

**RESEARCH AND DEVELOPMENT:**

We cannot guard any system and fight as such against a 'common man'. Similarly, due investments need to be made in the required orientation of human skills and technological solutions. Amidst the globally exported terrorism in form of proxy war, a much proactive approach is needed. Our radars have to see much more and far beyond. We have to proactively respond and not react as a mere sitting duck. Deliberations over all these issues simply underline the need for a set up which does R&D work within the futuristic 'change domains' to cater for the impending complexities. Various factors such as terror trading, improper alignment between countries, inconsistent conflict management regimes across the globe and free for all digital divides would ofte make us lose the common frame of reference. Just holding on to geographical pillars may not be enough. There may erupt different bogeys of reconcilia-

tion. Non lethality, settlement of stateless people, possibility of trading and such similar issues could be aired time and again with own agendas. The activities at hinterland need to be correlated with what is happening in mainland and vice-versa.

Developing a correct vision towards R & D is, therefore, the prime pre-requisite. In absence of any clarity on the issue, we may underplay such a crucial domain and tend to lose various prospective advantages.

#### **CONCLUSION:**

We cannot have a perfect doctrine, particularly in a static mode. Asymmetry will always be there. Hence, dynamism would be the key to capture strategic advantage at any point of time. Those managing the Borders, right from ideology to policy, agenda to strategy and further to structures, systems, skills, synergy and evaluating eventual outcome need to be sensitized to effectively operate in a multi mode and a multi networked environment. Elephant has to be seen as an elephant in totality and not otherwise.

We must also not undermine the global, regional and national vectors affecting the security scenario. The technologically augmented virtual connectivity, which clearly undermines any geographical boundaries, is also of crucial import. The ground level 'firewalls' may be attacked and cracked even without being on the ground and seen somewhere. Power of proxy war needs to be factored in before contemplating any long term Border Management Doctrine. Formats of human sustenance and economic handshakes may also provide strategic gateways, direct as well as improvised. Any progressive doctrine cannot afford to ignore such vectors

and their likely derivatives. Eventually, the center of gravity, the civic society needs to be given due place on the security grid as a partner and brought to the optimal confluence levels, lest we lose some of them to our disadvantage and to be used against us.

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## STRESS STUDY OF POLICE INVESTIGATORS

Varun Kapoor, IPS\*

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"Stress in police" is an oft repeated phrase, that is both true and widely accepted. "Stress" is simply is a reaction to a stimulus that disturbs our physical or mentalequilibrium. It is an omnipresent part of life. A little bit of stress (acute stress) can be exciting – it keeps us active and alert. But long-term stress (chronic) can have detrimental effects on health. According to Gail Goolkasian and others, research study shows that the police officers are affected by their daily exposure to human indecency and pain; that dealing with a suspicious and sometimes hostile public takes its toll on them; and that the shift changes, the long periods of boredom, and the ever-present danger that are part of police work do cause serious job stress. To add further in Indian context, we have never ending political interference and adverse superior-subordinate relations to the mix, the recipe for ever present and excessive police stress is complete.

The causes of stress amongst the Police Investigators are many and varied. However the classification of causes of stress in Police Investigators can be clubbed under three broad categories:

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*\*IGP & Director PRTS & PITI, Indore (MP)*

1. **Policy Factors**: These factors include stressors as given below-

- Overwork
- Understaffing
- Time constraints
- Meeting deadlines
- Adverse working & living environment
- Lack of proper & sufficient resources for routine policing
- Lack of specialized tools and equipments needed for policing

These are **Macro level factors** and are determined and controlled by-

- Public Policy
- Government Policy
- Budgetary Constraints
- Financial Priorities

Due to the above enumerated controllers, these factors cannot be changed and modified at a rapid rate and that too at the behest of the Police Department. As a result the stress levels of the police officers cannot be suitably reduced by bringing about desired changes in these factors.

2. **Systemic Factors**: These factors include stressors as given below-

- Negative natures of the job
- Constant threat to security of the officers

- Continued contact with unwanted elements of the society
- Negative public image
- Pressure of enhanced public expectations
- Judicial activism pressure
- Hyperactive media exerting pressure
- Push-Pull factors with other departments & sections of society

These like the Policy factors are also Macro Level factors and are controlled by -

- Inherent nature of the job
- Police Performance
- Impingement of Policy Factors
- Socio-Political reality of life in the country

These controllers are also not under the direct influence of the Police Department at HQ and local level. A number of issues combine and intermingle to act as stressors for the police officers under this category.

3. **Behavioral Factors**: These factors include stressors as given below-

- Interpersonal relations
- Smooth superior-subordinate relations
- Leadership styles
- Esprit de corps
- Team work

These are definitely **micro level factors** and can be controlled by-



- Departmental police
- Institutional level intervention
- Upgraded training programs
- Targeted training initiatives

These controllers include institutional intervention which is a very important factor while designing efforts to reduce stress amongst police investigators. Institution, like the PRTS, can be used to develop & execute intervention techniques that well serve the purpose of stress reduction.

However the issue is that we all (in the police & the members of the public at large) know and feel the presence of extensive police stress - but the magnitude, extent & causes have never been studied in a scientific manner especially in the Madhya Pradesh Police. Hence it was decided to undertake a detailed & scientific study of stress amongst police officers working in the various field units of Madhya Pradesh Police.

The entire exercise was carried out in such a manner that the evidence is scientifically collected, collated & analyzed and based on that, reasoned and backed findings & results are arrived at. This is the concept of "EVIDENCE-BASED POLICING" (propagated by Prof. Lawrence W. Sherman at the University of Maryland, College of Park, 1998) and that is what this study has put into effect. Based on this proper statistical data (of the findings), the entire concept of stress in police can be put forth more accurately and forcefully and as a result cogent and effective solutions can be explored and ultimately implemented. In that sense this is the first of its kind and path-breaking study carried out for the police officers of Madhya Pradesh police.

The study targeted the police officers of the rank of Sub Inspectors upto Deputy Superintendents of Police. This is the cutting edge level of police, the officers who head police stations & sub-divisions, the two smallest units of policing in the state. As a result they occupy a pivotal position and are the key level at which the public at large interacts with the police. These levels of police officers are in an unenviable but unique position. They have to deal with the "push" factors of the top hierarchy of the police brass and at the same time they have to exert "pull" factors on the formations below them in the hierarchy. This position ensures that police officers occupying these positions have to deal with added doses of stress and they thus become the ideal level to study in such a research project. The results brought forward by a study of this key intermediary level of the police, ensures a representative study, one which is of the greatest use. Hence, it was this level of officers of the police which were selected for conducting the study.

The next important factor that was considered was that only police officers of the rank SI-DySP, working in the district executive force (DEF) were utilized as subjects for the study. It is widely believed that police officers working in the district executive force are subjected to higher quantum of stress as compared to those working in the other specialized formations of the M.P Police so the officers from DEF were taken in preponderance. In addition this study was conducted on DEF officers of 50 districts of Madhya Pradesh. Only Police Investigators from district Sidhi were not surveyed during this marathon study. To make it a study that encompasses different formations of the police, officers from specialized formations

like STF/ATS/SAF/Telecom were also surveyed as a part of this exercise. Hence a study predominantly (though not exclusively) conducted on police officers presumably under the greatest stress and from such a large number of police districts is definitely the most comprehensive study to be every conducted on the MP Police.

This path breaking study was conducted at the Police Radio Training School, Indore. It was conducted by the undersigned (Varun Kapoor, Director & IGP, Police Radio Training School, Indore) & assisted by Dr Yamini Karmarkar, Associate Professor, International Institute of Professional Studies (IIPS) of Devi Ahilya Vishva Vidhyalaya at Indore. It was administered on the trainee's of the DEF who were undergoing training here under the "INVESTIGATOR DEVELOPMENT PROGRAM." The study was conducted over a period of more than 9 months (from 01/05/12 - 20/02/13) and respondents from 18 courses at PRTS were used for the testing. The test was administered to 343 respondents out of which the responses of 238 respondents were randomly selected for analysis.

The rank wise breakup of the officers tested is given below:

Table 1 - Sample		
Sno	RANK	NUMBER
1.	Additional Superintendent of police	001
2.	Deputy Superintendent of police	015
3.	Inspector	048
4.	Sub Inspector	279
	TOTAL	343

Causes for stress can be studied in a variety of ways:

- Direct Observation - Difficult to execute due to logistical issues; people tend to modify their behavior when being observed.
- Directly asking police personnel - again there is a limitation of getting socially desirable responses.
- Questionnaires - Under the circumstances most suitable to get accurate and honest responses.

Hence a simple Questionnaire was developed and administered to the respondents and the results analyzed by using various statistical tools. The SPSS software was used to perform the requisite analysis.

The results of this study threw up some interesting and challenging facts. The biggest eye opener was that large numbers of police investigators are subject to high and unacceptable levels of stress. The study showed the following disconcerting situation:

- Normal Stress: 18%
- High Stress: 50%
- Very High Stress: 26%
- Extremely High Stress: 06%

This clearly indicates that 82% (page 8) of the Police Investigators of MP Police face high levels of stress. This is a worrying situation which requires immediate attention of the top brass of MP Police. The causes need to be taken note of and immediate remedial action needs to be taken.

Our study identifies two factors that reveal 'Positive Perception' towards police duty and these are:

1. Sensitivity & Concern shown by Superiors
2. Pride of being a policeman

In addition the study also identifies four factors that reveal 'Negative Perception' of officers towards police duty and these are

1. Challenges of the job
2. System generated challenges
3. External pressures
4. Personal & behavioral challenges of the job

These factors definitely affect the stress levels of the surveyed officers. It was found that higher the value of the two positive factors, lower is the stress level of the police officer. However, in the case of negative factors, only the first two factors have significant effect on the stress levels, that is higher the value of these two factors, higher will be the stress levels of the concerned police officer. Negative factors 3 & 4 have no significant effect on the stress levels of the police officers.

This study highlights (amongst all other findings enumerated clearly in the report) and clearly brings out the fact that "sensitivity & cooperative attitude of superior towards subordinates" is highly rated factor by the officers who were surveyed. About 41.3% of the officers felt that their superiors were sensitive and cooperative towards them (page 11). This was found to be significantly negatively related to stress level (page 21).

This indicates that higher the sensitivity and cooperative attitude of superiors towards subordinates lower will be the subordinates stress levels. This is also a pan departmental phenomenon and not only limited to the level of officers surveyed. Each rank of police officer has a superior and if he feels stress due to the superior's behavior towards him/her, then this inturn could cause similar stress to his subordinates. This is indeed a significant finding and one which needs to be worked on to ensure that the stress levels of police investigators can be reduced from within the departmental hierarchy itself.

Till date efforts were always made to reduce stress levels of police personnel by modifying external factors. These were often difficult to control and even more difficult to modify (to suit the peculiar needs of police officers). As a result all the efforts made at stress reduction came to naught and remained irregular, piecemeal efforts.

The finding of this study also brings forth a heartening fact that 45% of the police personnel surveyed felt that with a little guidance and support they can overcome stress (page 19). Hence this positivity and desire of the police personnel can be used to ensure reduction in stress levels amongst themselves and from efforts based from within the police department itself. The autocratic leadership model (persisted with due to the imperial legacy & disciplinary compunctions) needs to be revisited. This model needs to be made more cooperative, supportive and participative (at least in "peace times") without compromising too much on discipline.

This can be achieved by designing a "leadership" training program specially suited and targeted for the needs police department. Such a program has been christened "Progressive Leadership Program" and has been jointly developed by the PRTS & IIPS. It will be soon put into effect at Indore. The results thus achieved will be measured, analyzed and used for future efforts at stress reduction from within the Police Department itself.

STRESS STUDY  
Questionnaire3  
PRTS & IIPS, DAVV

Respected Officer,

This information is being compiled for academic purpose. Your response will help us understand your needs better. Please spend some time to read and understand the questions and respond to them.

Please give honest answers. Your identity will not be revealed.

नाम –

पद –	उम्र –	
नियुक्ति स्थान –	कार्य विवरण –	
पुलिस सेवा में कितने वर्षों से कार्यरत है –	सेवा निवृत्ति में शेष वर्ष –	
सेवा काल में कुल पोस्टिंग –	स्त्री	पुरुष

पुलिस में वो पाँच बातें जो आपको बहुत पसंद हैं

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

पुलिस में वो पाँच बातें जो आपको बिल्कुल पसंद नहीं हैं

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_



Answers the following questions on the basis of your personal opinion of each object

1- Strongly Disagree, 2 –disagree,3- Neither Agree Nor Disagree,4- Agree,5- Strongly Agree

S.N		1	2	3	4	5
1.	There is high esteem associated with being an officer					
2.	There is tremendous workload on most of the days					
3.	There are bureaucratic hassles in day to day working					
4.	There is always a pressure of being transferred in an unfavorable location					
5.	Getting along with the team and working together is a big challenge					
6.	The common man has a perception that the police is always never there when they are wanted					
7.	There is immense satisfaction of protecting and serving the society					
8.	There is lack of proper infrastructure in the department					
9.	There is always a pressure of possible delay in the promotions					
10.	The work timings are too long					
11.	There are political pressures which affects normal working in the department					
12.	There is immense power vested in the post					
13.	As an officer in uniform, I get special attention when I go for any work					
14.	There is peers pressure to perform good/bad					

S.N		1	2	3	4	5
15.	There is too much negativity to be handled in terms of crimes and criminals					
16.	The overall working condition generates a lot of anger					
17.	There are problems in scheduling appearances in courts.					
18.	The court is lenient towards the criminals					
19.	The superiors are sensitive and cooperative towards subordinators					
20.	There is enough pride and influence in being an officer.					
21.	Interaction and coordination with other departments like Court forensics, etc is a challenge					
22.	Court shows lack of consideration to police officers					
23.	In many cases police officers are being cross-examined by court					
24.	I get lot of direct and indirect privileges for being an officer					
25.	It is difficult to maintain a social life in this duty					
26.	There are facilities given by police department					
27.	The image of Police in the eyes of common man is satisfactory					
28.	It is too demanding and challenging to learn new technology like ICT etc.					
29.	There are long and stretching VVIP duties					
30.	There isles time for family					
31.	The salary paid by department is insufficient to meet basic needs					
32.	The perks and other facilities provided by the department are good					

S.N		1	2	3	4	5
33.	The perks and other facilities provided by the department					
34.	I have physical problems which make it difficult to perform duty efficiently					
35.	I have family problems which make it difficult for me to concentrate on work					
36.	The attitude of co-officers is difficult to cope up with					
37.	I have to work on festivals, when everybody else is enjoying					
38.	There is supportive work environment in the department					
39.	I try to be cooperative and sensitive towards my subordinator					
40.	I am able to maintain a healthy and harmonic work environment in my office					
41.	The department provides very relevant and suitable training for the needs of officers					
42.	The training provided by the department is sufficient to meet all the needs of officers					
43.	The efficiency of officers increases as a result of training imported					
44.	The department provides adequate arms and equipments for the safety and security of officers					

3. निम्नलिखित प्रश्नों का उत्तर आप को जैसा महसूस हो वैसा दें

0 – कभी भी नहीं 1– लगभग नहीं 2 – कभी कभी, 3– अकसर, 4– हमेशा

		0	1	2	3	4
1	गत माह में आप के साथ कुछ अनपेक्षित होने पर आप कितनी बार विचलित हुए हैं					
2	गत माह में आप को ऐसा कब-कब लगा कि आप अपने जीवन के महत्वपूर्ण चीजों पर से वश खो रहे हैं					
3	गत माह में आप को उदास और तनावपूर्ण कब-कब लगा					
4	गत माह में आप को अपनी व्यक्तिगत समस्याओं से निपटने की आपकी क्षमता पर भरोसा कब-कब महसूस हुआ					
5	गत माह में आप को ऐसा कब-कब लगा कि चीजें आपके चाहने के मुताबिक हो रही हैं					
6	गत माह में आप को ऐसा कब-कब लगा कि आप अपने से संबंधित सभी चीजों से नहीं निबट सकते।					
7	गत माह में आप कितनी बार आप अपनी चिड़चिड़ाहट पर काबू पा सके हैं					
8	गत माह में आपको कितनी बार ऐसा लगा कि आप के साथ सब कुछ अच्छा चल रहा है					
9	गत माह में कितनी बार आप को ऐसी चीजों या बातों पर क्रोध आया जो आपके बस के बाहर हैं					
10	गत माह में कितनी बार आप को ऐसा लगा कि समस्याओं का ढेर इतना बड़ा हो गया है कि अब यह आपके बस के बाहर है					
11	गत माह में कितनी बार आपको ऐसा लगा कि आप के ऊपर काम का अत्यधिक बोझ है।					
12	गत माह में कितनी बार आपको समय की कमी के कारण चिड़चिड़ाहट हुई					

आप को तनाव देने वाली पाँच सबसे बड़ी बातें (व्यक्तिगत या काम से जुड़े)

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

इन तनाव पैदा करने वाली बातों से निबटने का आपका तरीका

1. मैं खास कुछ नहीं कर सकता तनाव तो रहेगा ही

2. मैं भूलने की कोशिश करता हूँ और थोड़ा बहुत कामयाब भी होता हूँ

3. मुझे लगता है कि थोड़ा सही मार्गदर्शन मिलने पर ये तनाव कम हो सकता है।

4. मैं अन्य तरीके अपनाता हूँ

5. मैं अध्यात्मिक दृष्टिकोण अपनाता हूँ



## PSYCHOLOGICAL PROFILING FOR COUNSELLING OF IPS OFFICERS AND TRAINING NEEDS ASSESSMENT

Dr. A.K.Saxena\*

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### 1. Introduction

It is presumed in Police that by role modeling and intensive indoor and outdoor training interventions desirable personality traits, attitudes and leadership styles will develop automatically. It is felt that appropriate group and individual counseling based on psychological tests will develop the IPS Officers very well. Above-cited lines are based on the author's long experiences in using the Psychological Tests and subsequent individual and group counseling interventions at the SVP National Police Academy, Hyderabad particularly with the IPS Officer Trainees and the Senior Police Officers.

In this Paper, an attempt has been made to present an account of the Psychological Profiling interventions of one of the batches of IPS officer trainees. The Paper has been organized under the following heads:

- Introduction
- Psychological Profiling Preparation
- Identification of Training and Learning Needs on the basis of profiles.

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- Conclusion.

## **2. Psychological Profiling Preparation**

Following procedural steps were adopted by the author:

### **Step-1: Selection of Psychological Tests based on the training requirements of IPS Officer Trainees (OTs).**

The following tests were selected very carefully from:

Map Series Form A (1996). It has the following 20 dimensions which are highly correlated with the leadership competence.

#### **1. Adaptability (Ad)**

This dimension refers to the ability to make appropriate responses to changed or changing circumstances. Those individuals, who score high readily accept any beneficial chance to meet the environmental demands and are said to be highly adaptable. They settle down to the conditions for work.

#### **2. Achievement Motivation (Am)**

This is a sentimental dimension consisting mainly of two attitudes 'Learning skills' and 'Keeping the job'. It seems to reflect the amount of actual experience the individual had and the degree to which he is currently interested and concerned. 'Am' is a collection of various other personality dimensions referred to as general intelligence, dominance, imagination, radicalism, self-sufficiency and discipline. High scoring individuals may be described as ambitious, overtly interested in their career and realistically involved in various aspects of life. Low scores indicate regressive behavior, escapism and unwillingness to accept responsibility. Feelings of failure may also tend to decrease the score.

### 3. Boldness (Bo)

High scoring individuals on dimension 'Bo' are typically adventurous, bold and energetic with good insight. They enjoy being the focus of attention in a group situation and have no problem with stage fright. Low Bo individuals, on the other hand have little 'insulation', therefore, external stresses can penetrate them more easily. Consequently, they expend more energy to maintain equilibrium.

### 4. Competition (Co)

High Co indicates that the individual is self assertive, dominant and aggressive. Such individuals describe themselves as forceful and are generally very direct in their relations with other people. Low Co individuals tend to be submissive, mild, humble and accommodating.

### 5. Enthusiasm (En)

High scoring individuals on dimension En are generally happy-go-lucky, lively and enthusiastic. They enjoy parties, shows and jobs that offer change, variety and travel. Low En simply indicates that the person is serious, prudent and sober. This dimension may be treated as a behavioral control indicator in which high score indicates that the individual will externalize or 'act out' inner conflicts. On the other hand, low En simply indicates that the person will internalize (or control) his inner conflicts.

### 6. General Ability (Ga)

High scoring individuals on Ga have a greater mental capacity to learn. They are insightful, fast-learning, and intellectually adaptable. They are also inclined to have more



intellectual interests and show better judgments in their observations. Low scoring individuals on the other hand, have a poor mental capacity to learn and are unable to handle abstract problems. They act to be less well organized and show poor judgment in their observations.

### **7. Guilt-proneness (Gp)**

The High Gp person feels over fatigued by exciting situations and is unable to sleep through worrying and feels inadequate to meet the rough daily demands of life. He is easily downhearted and remorseful and feels that people are not as moral as they should be, he is inclined to pity, prefers books and quiet interests. High Gp dimension is strongly weighted against successful leadership in face to face situations and is correlated significantly with accident proneness in automobile driving.

### **8. Imagination (Im)**

Essentially, it is seen that the high Im person has an intense subjectively and inner mental life. Although cheerful and irresponsible on practical matters, he actually has higher internal anxiety tensions than the low Im person. High Im individuals in groups tend to feel unaccepted, but unconcerned. They participate and make original leadership suggestions, and are not immediately ignored, but their suggestions turn out to be rejected. Low Im is seen in occupations requiring mechanical sense, realism and alertness.

### **9. Innovation (In)**

Individuals with high score on this dimension tend most frequently to be analytical, liberal and innovative. High In persons are more well-informed, more inclined to experiment

with problem solutions and less inclined to moralize, etc. They feel that society should throw out traditions. They trust logic rather than feelings and prefer to break with established ways of doing things.

### **10. Leadership (Ld)**

A person who scores high on Ld, has the ability to direct and control the attitude or action of others. This is especially true when this person exhibits such influence on a group. High Ld individuals usually occupy such positions in a group that commands a certain authority or potential for controlling the behavior of this group. High leadership qualities consist of various other personality characteristics such as self confidence, controlled and strong will power. They are also adventurous and responsive to people, preserving, determined and responsible, and are usually quick and alert in their surroundings. Subjectively, the high Ld person views himself as a guardian of manners and morals. They are planned and are able to concentrate, interested in analyzing people and prefer efficient people to other companions. Low scoring individuals are undependable, obstructive and prefer to be sound followers. They are group dependent and impatient and are likely to escape when faced with responsibility.

### **11. Maturity (Ma)**

This dimension is the first of those involved in the anxiety pattern. Its contribution is negative; i.e. higher anxiety is generally reflected in low scores on Ma. The higher the Ma score, the more resources the individuals has available to meet the challenges of the day. The low Ma persons is easily annoyed by things and people, is dissatisfied with the world situation,

his family, the restrictions of life, and his own health. High Ma individuals are frequently chosen as leaders than are low Ma individuals.

### 12. Mental Health (Mh)

High scoring individuals on **Mh** are in a relatively enduring state in which they are well adjusted, have a zest for living, and are attaining self-actualization. This is a positive state, and not mere absence of mental disorder, it includes all measures aimed at preventing mental disorder and at improving the psychological adjustment of individuals and their capacity for harmonious relationship in groups. The **Mh** dimension consists of various other personality characteristic such as emotional stability, impulsively, self- security and low tension. Low **Mh** is also associated with physical illness especially coronary problems.

### 13. Morality (Mo)

Individuals, who score high on this dimension, tend to be more persistent, more respectful of authority, and more conforming to the standards of the group. High Mo individuals describe themselves as being disgusted by sloppy people and messy rooms.

### 14. Self-Control (Sc)

This dimension may be treated as the ability to bind anxiety. High scoring individuals generally have strong control over emotional life and behavior in general. The high Sc person shows socially approved character responses, Behavior control, persistence, foresight, considerateness of others, and conscientiousness. In group dynamics high Sc score especially picks out persons who will be chosen as leaders, but even more

so those who are effective rather than merely popular leaders, they make more remarks than others, especially problem-raising and solution-offering, Low Sc is a major contributor to the anxiety pattern and serves as a important clinical sign, signaling the individual's inability to keep his/her emotions in order.

### 15. Sensitivity (Se)

Descriptions associated with high scores on this dimension include tender minded, dependent, overprotected, fidgety, clinging, and insecurity among individuals. High Se scorers prefer to use reason rather than force in getting things done. The high Se person shows a fastidious dislike of 'crude' people and rough occupations, a liking for travel and new experiences, imaginative aesthetic mind, a love of dramatics, and certain impracticality in general affairs. High Se tends to be significantly associated with mental break down, psychotic, neurotic, and psychosomatic complaints. Low Se individuals have a history of fewer illnesses and operations, more aggressiveness, and significantly greater participation in athletics and sports.

### 16. Shrewdness (Sh)

High scoring individual's report that they prefer being around 'polished', sophisticated people. They say that their feelings are not easily swayed and that they are polite and diplomatic about handling other people. They prefer to keep problems to themselves. High **Sh** individuals may also be described as ingenious, good at clinical diagnosis, flexible in view point, alert manners, to social obligations, and to the social reactions of others. **Sh** may be an important relationship

factor. Individuals who are extremely high on this dimension may be too detached and unable to respond appropriately to the emotional needs of the other partner.

### 17. Self sufficiency (Ss)

High scoring individuals on this dimension prefer to be alone. They need no support of groups. In describing themselves, they prefer to work alone rather than with committees and are good at problem solve themselves. High scorers also appear to be related to success at school, particularly at the upper educational levels. Extremely high scores on Ss are probably not directly indicative of any underlying pathology, but in combination with low Social Warmth (Sw-to be discussed later) and Enthusiasm (En) or high Guilt Proneness (Gp) and Tension (Tn) may lead to pathological withdrawal from the society. High scorers may also be associated with the incidence of coronary heart disease and hypertension.

### 18. Suspiciousness (Su)

The descriptions associated with high scorers on this dimension include suspecting, jealous, dogmatic, critical; and irritable. However, it is important to note that Su is a normal personality dimension which is not to be confused with paranoia, which comes under the pathological domain. Self reports of high Su scorers include the notation that they do not forget mistakes easily, they say their parents were strict and demanding. They are bothered about what others say behind their backs and they tend to be critical of others work. High Su indicates higher frequencies of General illness particularly peptic ulcers and high blood pressure. Low scores on Su must be regarded as a healthy sign regardless of how extreme it may be.

### 19. Social Warmth (SW)

High scorers are usually found to be very warm hearted personable, and easy to get along with. If given a choice, they would rather sell than develop an invention. They are most satisfied and successful in occupations where public relations or interpersonal contract is essential, such as sales positions. High Sw individuals prefer to adapt to others to adapt to their schedules. They are also more likely to share their feelings with others.

### 20. Tension (Tn)

High TN scorers are irritated by small things, are short tempered and may suffer from sleep disturbances. Extreme cases involve being irrationally worried, tense, irritable and anxious turmoil. In group situations, high scorers rarely achieve leadership and have a poor concept of group unity and orderliness.

**2. Cognitive Style Inventory:** It was developed by Lorna P. Martin (1988). It measures 'Analytical' (Systematic) and 'Creativity' (Intuitive) scores which direct us to decide the following 5 cognitive/ problem solving styles:

#### i. Systematic style.

An individual identified as having a systematic style is one who rates high on the systematic scale and low on the intuitive scale. According to the findings in the Harvard studies, an individual who typically operates with a systematic style uses a well-defined, step-by-step approach when solving a problem; looks for an overall method or programmatic approach; and then makes an overall plan for solving the problem.

**ii. Intuitive style.**

An individual who rates low on the systematic scale and high on the intuitive scale is described as having an intuitive style. Someone whose style is intuitive uses an unpredictable ordering of analytical steps when solving a problem, relies on experience patterns characterized by universalized cues or hunches, and explores and abandons alternatives quickly.

**iii. Integrated style.**

A person with an integrated style rates high on both scales and is able to change styles quickly and easily. Such style changes seem to be unconscious and take place in a matter of seconds. A result of this “rapid-fire” ability is that it appears to generate energy and a proactive approach to problem solving. In fact, integrated people are often referred to as “problem seekers” because they consistently attempt to identify potential problems as well as opportunities in order to find better ways of doing things.

**iv. Undifferentiated style.**

An individual rating low on both the systematic and the intuitive scale is described as having undifferentiated cognitive behavior. Such a person appears not to distinguish or differentiate between the two styles extremes and, therefore, appears not to display a style. In fact, in a problem-solving or learning situation, he or she may exhibit receptivity to instructions or guidelines from outside sources. Undifferentiated individuals tend to be withdrawn, passive, and reflective and often look to others for problem-solving strategies.

v. **Split style.**

An individual rating in the middle range on both the systematic and the intuitive scale is considered to have a split style involving fairly equal (average) degrees of systematic and intuitive specialization. At first glance the split style appears to differ from the integrated style only in the degree of specialization. However, people with a split style do not possess an integrated behavioral response; instead, they exhibit each separate dimension in completely different settings, using only one style at a time based on the nature of their tasks or their work groups. In other words, they consciously respond to problem-solving and learning situations by selecting appropriate style. Due to the fact that an assessment score identifying a split style generally indicates an equal degree of both dimensions, it might be assumed that both dimensions would be equally exhibited

'Integrated Style' is regarded as the most desirable problem-solving style.

**3. Your Temperament Scale:** This Scale was developed by Khandwala (1988) who was the Professor at IIM Ahmadabad. Following 7 blocks to creativity are measured:

**Allergy to Ambiguity (A)**

Tendency to avoid unclear tasks and complex brain teasers is defined as "Allergy to Ambiguity". It shuns the path of invention, discovery and creation because of feeling of 'messiness'.



### **Conformity (C)**

Fear of social criticism or punishment, excessive attachment to tradition and a dislike of innovations that are counter to social norms define 'Conformity'.

### **Rigidity/Stereotyping**

Tendency to stereotype people; tendency to dogmatism; to old ideas, inability to assimilate new information and interactions with people is defined as 'Rigidity'.

### **Fear of Failure (FF)**

Tendency to stick to safe options, avoid competitive situations, or to participate in activities where one is sure of winning. Tendency to look for abilities for failure, excessive fright and nervousness in test situations and it can also paralyze the individual due to stress.

### **Starved Sensibility (SS)**

It is defined as inability to feel or experience or imagine richly'. It reduces the supply of stimuli that may trigger divergent thinking reduced curiosity and openness, and a sense of fresh encounter with life.

### **Resource Myopia (RM)**

It is defined as the tendency to get dependent and become passive, feeling of helplessness, participation in a very narrow range of activities; inhibition of risk taking.

### **Touchiness (Fear of Humiliation) (T)**

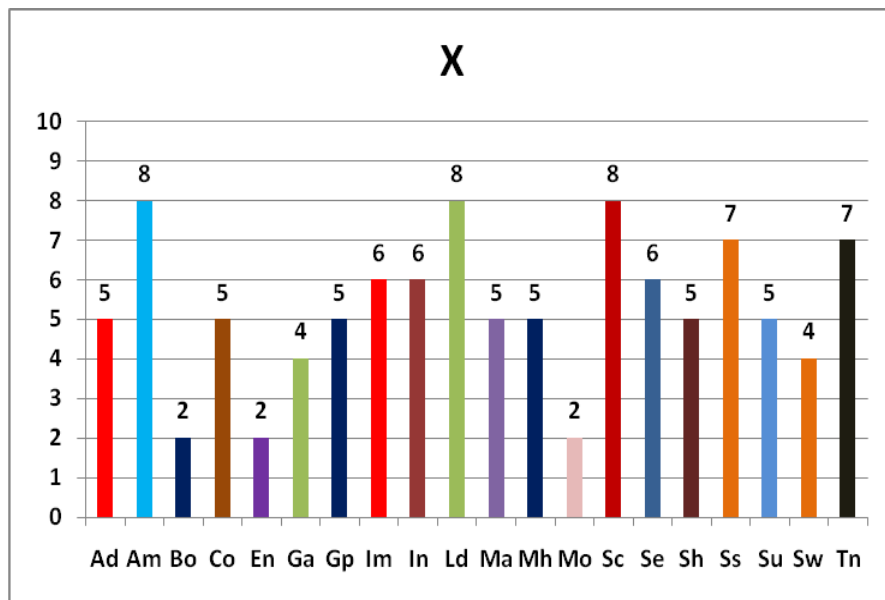
It is defined as 'aversion to meeting strangers; tendency to seek flatterers; wanting to stick to the same old group; coldness towards "threatening" persons, excessive shyness'. Interpersonal collaboration can be difficult. It may also make a person averse to seeking feedback.

**Step 2: Administration of tests, Scoring and Profiles preparation:**

A Battery of tests was administered on the IPS Officer Trainees. Hand-scoring was done. Individual profiles were generated after feeding the data in the computers. Sample Profiles are presented below:

1. Map Profile (A specimen profile is given below)
2. Cognitive Style
3. Blocks to Creativity

Figure: 1 Specimen Map Profile



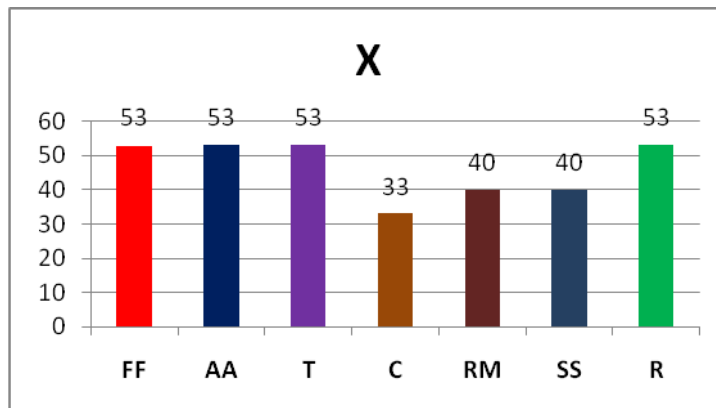
The profiles were studied and feedback was given.

Figure 2: Cognitive Style Profile of 5 OTs (randomly selected)

OTs	SS	IS	STYLE
A	71	73	Split Style
B	84	75	Integrated Style
C	56	63	Un Differentiated Style
D	84	61	Systematic Style
E	71	72	Split Style

\*\* Integrated style is the best counseling is given as to how to integrated style by side tracking other 4 styles.

Figure 3: Profile of ' Blocks to Creativity'



**Step 3:** Handing over the profiles to the IPS- OTs with full descriptions of various dimensions.

**Step 4:** Group Counseling Interventions for at least 3 hours on various concepts and dimensions were explained by the author. It was followed by Question-Answer Session.

**Step 5:** Individual Counseling focused on one-to-one interactions with the OTs for at least 15 minutes each. It helped to show their strengths to further amplify and to use them and to further know certain weaker areas of development. Individual action-plans were evolved by using the same.

**4. Uses of data for training and learning needs identification:**

Generate Training Needs of the learning group proper analysis was done. Please refer to the following Table 1 Performance on Map Series; Table 2: Performance on Cognitive Style Test; and Table 3: Performance on 'Blocks to Creativity' Test indicating analysis of data related to 'MAP-Series', 'Cognitive Style' and 'Blocks to Creativity'.

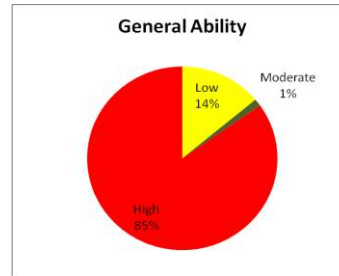
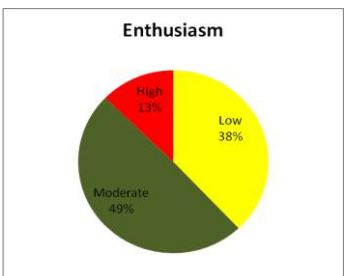
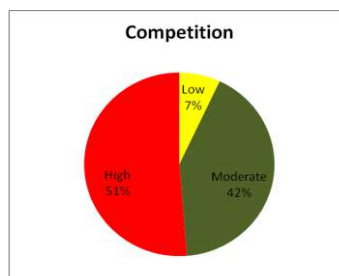
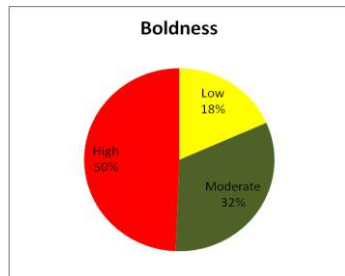
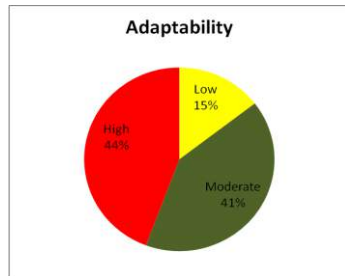
**Table 1: Performance on Map Series Test**

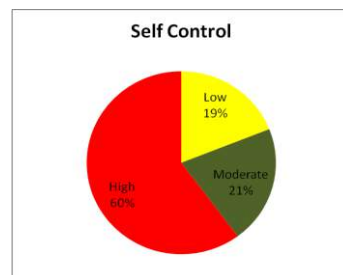
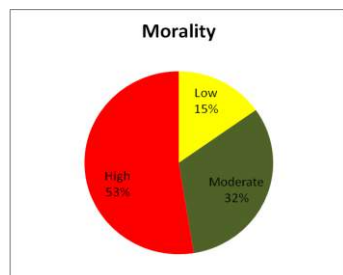
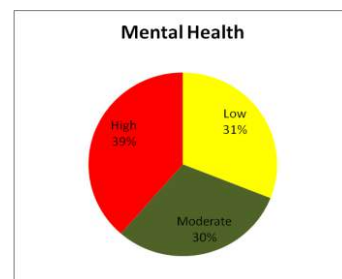
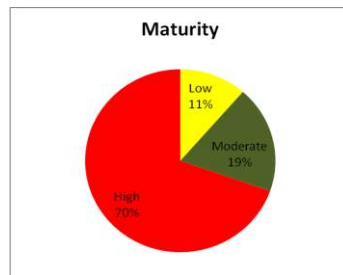
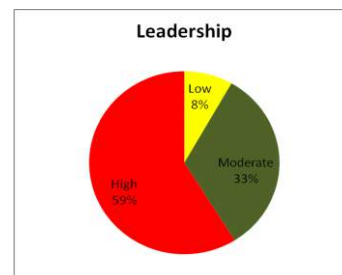
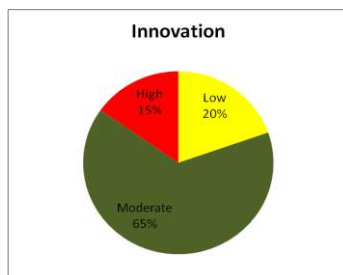
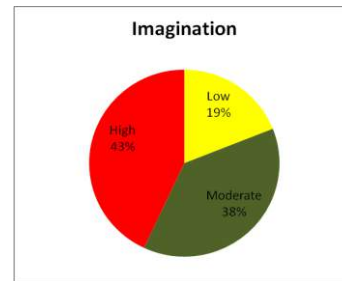
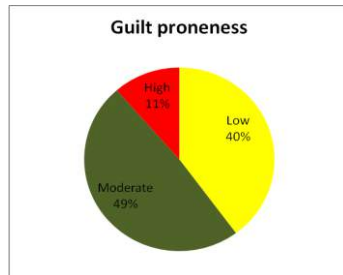
Dimensions	Low	Moderate	High	X2
Adaptability (Ad)	23 14.6%	65 41.1%	70 44.3%	103.228 (S)
Achievement Motivation (Am)	28 17.7%	52 32.9%	78 49.4%	45.241 (S)
Boldness (Bo)	29 18.4%	51 32.3%	78 49.4%	77.063 (S)
Competition (Co)	11 7%	66 41.8%	81 51.3%	111.873 (S)
Enthusiasm (En)	60 38%	78 49.4%	20 12.7%	134.152 (S)

General Ability (Ga)	22 13.9%	2 1.3%	134 84.8%	150.253 (S)
Guilt-proneness (Gp)	63 39.9%	77 48.7%	18 11.4%	93.646 (S)
Imagination (Im)	30 19%	60 38%	68 43%	72.000 (S)
Innovation (In)	31 19.6%	103 65.2%	24 15.2%	209.861 (S)
Leadership (Ld)	13 8.2%	52 32.9%	93 58.9%	135.924 (S)
Maturity (Ma)	18 11.4%	30 19%	110 69.6%	96.684 (S)
Mental Health (Mh)	49 31%	48 30.4%	61 38.6%	98.101 (S)
Morality (Mo)	24 15.2%	51 32.3%	83 52.5%	90.266 (S)
Self-Control (Sc)	30 19%	33 20.9%	95 60.1%	81.367 (S)
Sensitivity (Se)	32 20.3%	66 41.8%	60 38%	107.063 (S)
Shrewdness (Sh)	46 29.1%	51 32.3%	61 38.6%	21.241 (S)
Self sufficiency (Ss)	87 55.1%	38 24.1%	33 20.9%	90.354 (S)
Suspiciousness (Su)	65 41.1%	64 40.5%	29 18.4%	81.367 (S)
Social Warmth (SW)	54 34.2%	52 32.9%	52 32.9%	36.937 (S)
Tension (Tn)	60 38%	50 31.6%	48 30.4%	90.354 (S)

- Significance at .05 level of significance for  $df_1=2$  and  $df_2=157$

Graphical Representation of the data on 'Performance of Map Series'





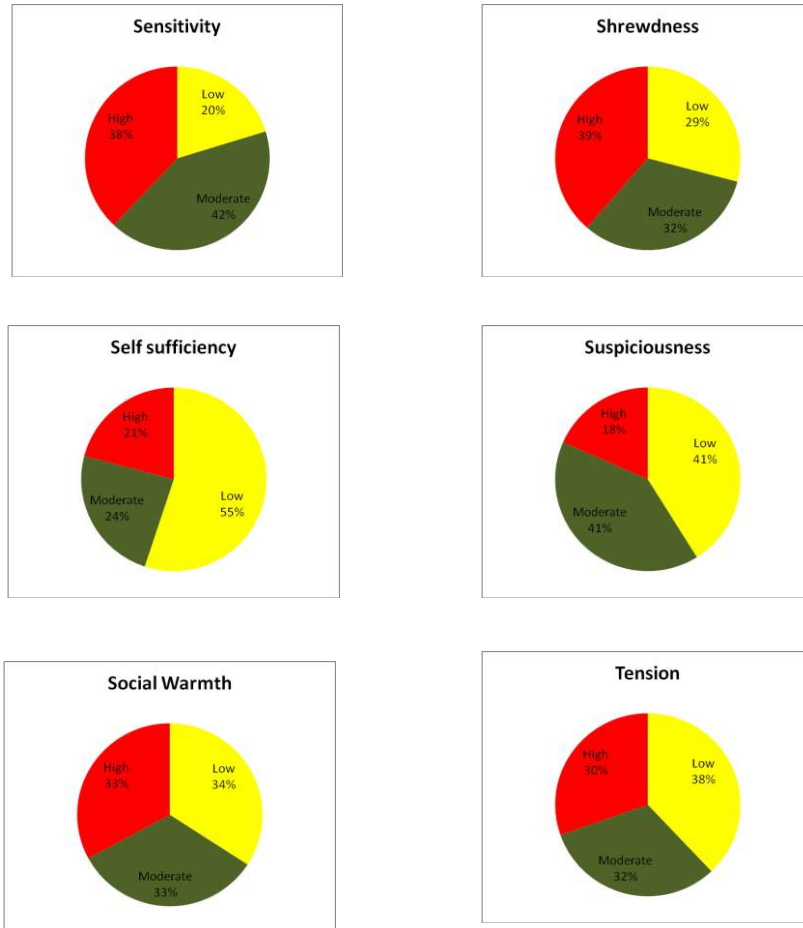


Table 2: Performance on 'Cognitive Style' Inventory

Sl.	Style	No. of OTs
1	Integrated Style	13
2	Intuitive Style	4
3	Split Style	99
4	Systematic Style	30
5	Undifferentiated Style	12



Graphical Representation of Cognitive Style Inventory

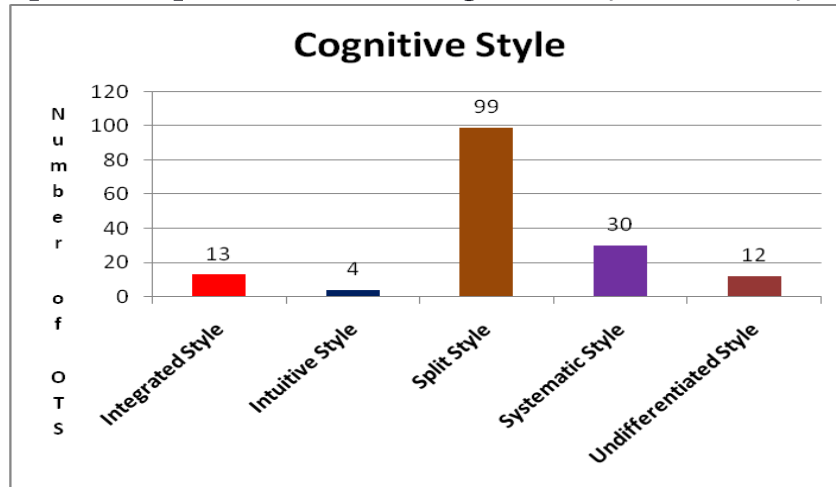
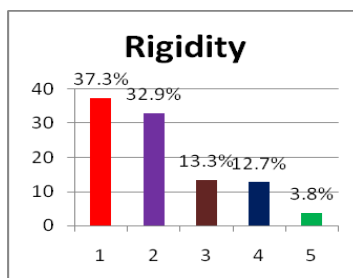
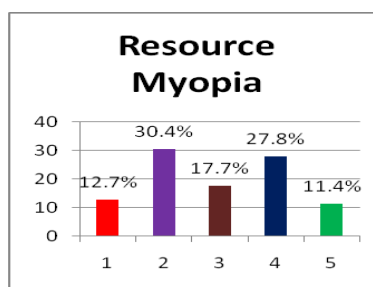
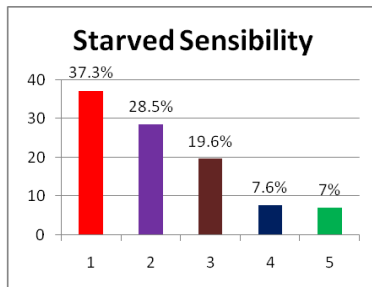
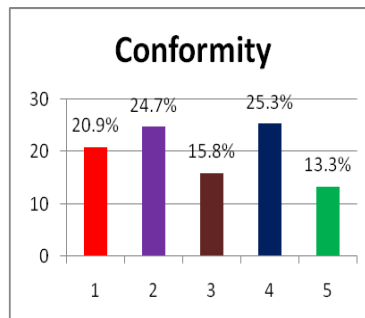
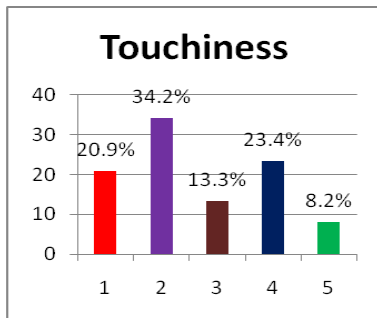
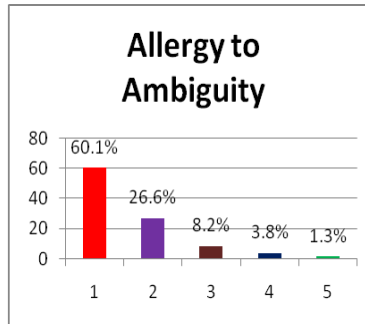
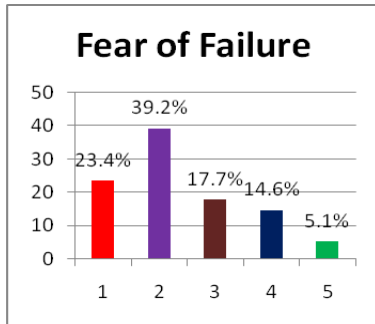


Table 3: Performance on 'Your Temperament'

Blocks to Creativity	Very High 50%	High 40%-49%	Moderate 30%-39%	Low 20%-29%	Very Low <20%	X <sup>2</sup>
Fear of Failure	37 23.4%	62 39.2%	28 17.7%	23 14.6%	8 5.1%	167.190 (S)
Allergy to Ambiguity	95 60.1%	42 26.6%	13 8.2%	6 3.8%	2 1.3%	113.709 (S)
Touchiness	33 20.9%	54 34.2%	21 13.3%	37 23.4%	13 8.2%	137.595 (S)
Conformity	33 20.9%	39 24.7%	25 15.8%	40 25.3%	21 13.3%	72.051 (S)
Resource Myopia	20 12.7	48 30.4%	28 17.7%	44 27.8%	18 11.4%	125.203 (S)
Starved Sensibility	59 37.3%	45 28.5%	31 19.6%	12 7.6%	11 7%	111.304 (S)
Rigidity	59	52	21	20	6	106.60

	37.3%	32.9%	13.3%	12.7	3.8%	8 (S)
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Graphical Representation of Block to Creativity



**3. Following 'Training Needs' have emerged out through analysis:**

- (i) Achievement Motivation
- (ii) Controlling 'Outspoken nature'.
- (iii) Controlling Aggression while communicating
- (iv) Reducing 'Internalization of Conflict Tendency.
- (v) Using 'Guilt Feelings' to modify behavior
- (vi) Interventions for enhancing 'Self-Esteem' and positive self-concept.
- (vii) Sociability
- (viii) Participative style of leadership.
- (ix) One of the most important findings of the study leading to Training Needs is "How to develop Intergrated Cognitive Style" for effective problem solving and decision making?'It will require training officers to integrate both 'logical' and 'Imaginative' thinking well. Training in 'Brainstorming', 'Nominal Group Technique' and 'Mind Mapping' is very important. After it, how to put the ideas in the frames of analytical/logical thinking to achieve at effective decisions and to solve the problems.

Training and non-training interventions for checking the following

'Blocks to Creativity' are extremely important:

- (i) From 'Fear of Failure' to 'Hope for Success'.
- (ii) From 'Allergy to Ambiguity' to 'Love for Ambiguity'.
- (iii) From 'Conformity' to 'Forward Thinking'.
- (iv) Use of 'Intuition' in creative functioning
- (v) From 'Rigidity' to 'Openness'.

#### 4. Conclusion:

The use of individual and group counseling interventions after drawing psychological profiling is very important in training and development of police officers.

In this Paper an attempt has been made to communicate the methodology of the intervention. On analysis we reached to the conclusion that there is a dire necessity to include learning and training needs in the curriculum of training.

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## INNOVATION IN DETECTION AND PREVENTION AND INVESTIGATION OF ECONOMIC OFFENCES

Dr. Prateep V. Philip, IPS\*

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### **Proactive and Preventive Initiatives:**

An analysis of the trend of ‘economic offences’ in Tamil Nadu over past two years shows a declining trend. A number of factors can be attributed to the reason for such decline. Among such factors, proactive and preventive initiatives taken by the Economic Offences Wing (EOW) of Tamil Nadu police have played a vital role by way of creating awareness among the public to understand the hidden agenda of fraudulent companies. The mass awareness campaigns conducted by FOP EOW along with printed literature helped to create pockets of ‘No Economic Offences Zones’ that work as a tipping point. In addition to such awareness programmes, proactive and preventive measures like FOP Scambuster, IVRS of EOW have helped citizens to have information about such fraudulent companies before investing. It insulates them from being victims of economic offences and created “No Economic Offences Zones or NEZ” in their locality against economic offences. This needs to be replicated in all states. The NEZ starting from a small group needs to cover all vulnerable persons. The data illustrated below are quantitative evidence of the declining trend of economic offences in Tamil Nadu:

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\* *Addl. DGP, EOW Chennai-32*

A vision of a strong, economically progressive India would also include the goal of making India NEZ (No Economic Offences Zone).

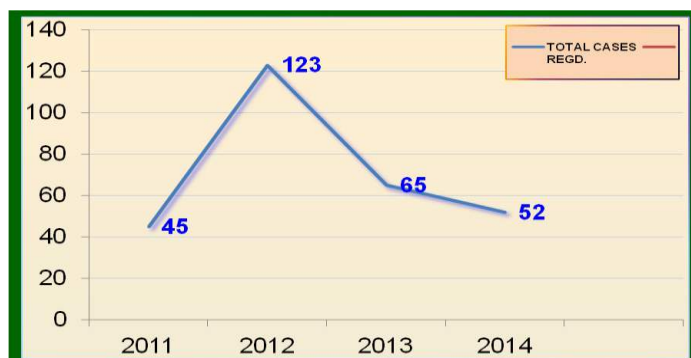
I. DECLINING TREND OF ECONOMIC OFFENCES CASES  
IN TAMIL NADU

Year	No. of cases Registered	Percentage Declined
2012 Base year	123	-
2013	65	45.31%
2014	52	20.00%
2015 (Upto June)	30	-

II. DEFAULT AMOUNT AND NO. OF DEPOSITORS FOR THE CASES  
REGISTERED DURING THE PERIOD FROM 2012 TO 2015

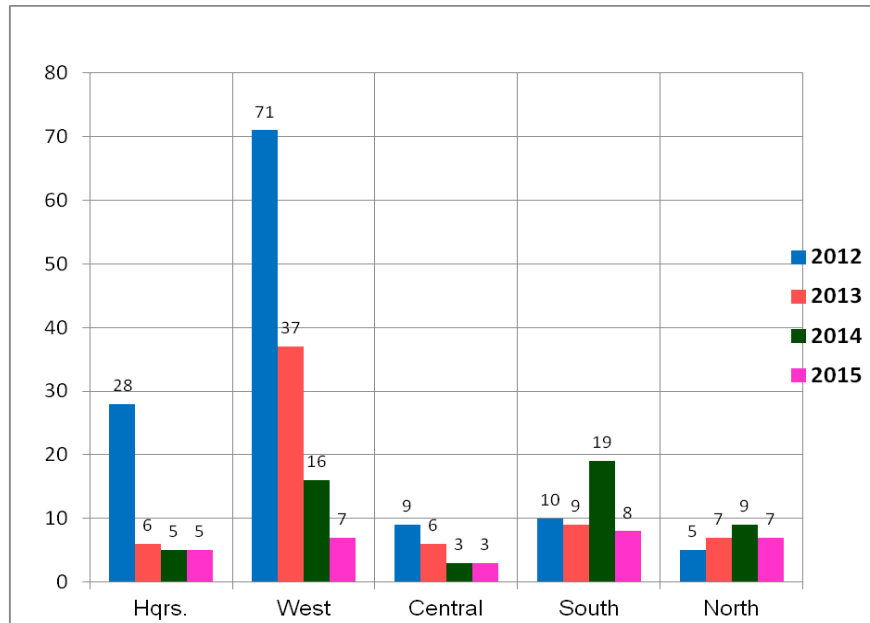
YEAR	Amount defaulted (Rs. in Crores)	Percentage	No. of depositors
2012-Base year	767.27	-	1,59,235
2013	222.29	71%	12,242
2014	85.70	61%	22,888
2015 (Upto June)	41.06	-	2,864
Total :	1116.32		

CASES REGISTERED IN EOW.II FROM THE YEAR 2011 TO 2015 (UPTO JUNE)



IV REGIONAL DISTRIBUTION OF CASES REGISTERED IN EOW.II DURING THE PERIOD FROM 2012 TO 2015 (UPTO JUNE)

Zone	Units	2012	2013	2014	2015	TOTAL
WEST	Coimbatore	19	10	10	03	42
	Erode	39	10	01	-	50
	Salem	10	10	04	03	27
	Namakkal	03	07	01	01	12
<b>TOTAL</b>		<b>71</b>	<b>37</b>	<b>16</b>	<b>07</b>	<b>131</b>
CENTRAL	Trichy	06	01	-	02	09
	Karur	03	05	03	01	12
<b>TOTAL</b>		<b>09</b>	<b>06</b>	<b>03</b>	<b>03</b>	<b>21</b>
SOUTH	Madurai	02	03	06	05	16
	Virudhunagar	03	04	02	01	10
	Dindigul	03	-	02	-	05
	Tirunelveli	02	01	07	02	12
	Kanyakumari	-	01	02	-	03
<b>TOTAL</b>		<b>10</b>	<b>09</b>	<b>19</b>	<b>08</b>	<b>46</b>
NORTH	Kancheepuram	-	02	-	02	04
	Villupuram	03	02	04	02	11
	Vellore	02	03	04	03	12
	Cuddalore	-	-	01	-	01
<b>TOTAL</b>		<b>05</b>	<b>07</b>	<b>09</b>	<b>07</b>	<b>28</b>
CHENNAI HQRS.		28	06	05	05	44
<b>TOTAL</b>		<b>28</b>	<b>06</b>	<b>05</b>	<b>05</b>	<b>44</b>
<b>GRAND TOTAL</b>		<b>123</b>	<b>65</b>	<b>52</b>	<b>30</b>	<b>270</b>



#### V ZONE WISE CASES REGISTERED IN EOW-II

#### VI CASES REGISTERED IN EOW-II

Year	No. of Cases	No. of Depositors
Upto 2000	382	8,52,662
2001 to 2005	780	2,92,383
2006 to 2010	305	1,12,357
2011 to 2015	315	2,04,210
<b>Total</b>	<b>1782</b>	<b>14,61,612</b>

1. The Economic Offences Wing-II (Financial Establishments) came into existence with effect from 01.01.2000 as per the orders of Government of Tamil Nadu in G.O. Ms. No. 1697/Home (Courts-IIA) Department, dated 24.12.1999.



The wing was formed as per the direction of the Hon'ble High Court of Madras, Chennai, in its order dated 29.09.1999, in Company Application Nos.479 and 480/1999 filed by M/s. Anubhav Plantations Limited, Chennai. The Hon'ble High Court ordered that a special wing comprising of persons possessing skill and capable of acting with a sense of urgency, headed by an officer not below the rank of a Police Commissioner, Chennai, be formed to deal with the cases against Non-Banking Financial Companies (NBFCs) and Un-incorporated Financial Institutions which have collected money from public as deposits and thereafter defaulted in repayment.

2. The Government of Tamil Nadu enacted the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act 1997, in order to protect the interests of large number of depositors defrauded by non-banking financial corporations and unincorporated bodies. Tamil Nadu was the first State in the country to legislate such a special law. The primary mandate of the Economic Offences Wing is the implementation of TNPID Act.

3. The Wing also takes up investigation of other serious economic offences. The wing functions with a total strength of 377 under an officer of the rank of Addl. Director General of Police. Besides, the Headquarter Unit at Chennai, there are 15 field units at Kancheepuram, Cuddalore, Villupuram, Vellore, Salem, Namakkal, Erode, Coimbatore, Trichy, Karur, Madurai, Dindigul, Virudhunagar, Tirunelveli and Kanyakumari. One Inspector General of Police and two Superintendents of Police are supervising the work of the subordinates.

During the year 1997 large number of NBFC Compan-

ies collected deposits with an assurance of high rate of interest. The innocent depositors who had high hope of returns were startled to find no return even of their capital amount. The modus operand of each company varies according to the status of the depositors.

Companies promoted deposits in plantation, for high rate of interest, for the returns of high valued lands, while other companies promoted deposits in Emu, Chicken, Goats etc and farming.

However, towards the end it was the depositors who lost their hard earned money. The Economic Offences Wing formed to handle such cases has now taken up an initiative to prevent such offences being committed by creating awareness by way of the proactive methods below:

**Friends of People (FOP) EOW SCAMBUSTER:** In the interests of the public, FOP EOW scambuster program has been started in EOW from **August 2013 (i.e. 01.09.2013)**, to prevent mushrooming of fraudulent financial establishments. The committee comprises of respected commercially aware citizens of the locality and members of depositors associations. “Scambuster” team disseminates information regarding fraudulent financial establishments. Further, several “Public Awareness Programmes” were also conducted throughout Tamil Nadu to create awareness among public regarding fraudulent financial companies on fortnight basis at various public places.

Apart from that an E-mail id, i.e. [ewscambuster@gmail.com](mailto:ewscambuster@gmail.com) has also been created to receive complaints through e-mail as well as oral complaints have also been received through

Mobile Number 98405-84729 and necessary action has been initiated on the complaints.

All over Tamil Nadu, FOP Scambuster Committees have been formed with 230 members and committee meetings were conducted in the respective jurisdiction. So far, 65 meetings have been conducted in the year 2013, 138 meetings in the year 2014 and 48 meetings in the year 2015. In all **251 meetings were conducted till June, 2015**

Apart from that street plays were also conducted in every district of Tamil Nadu to create awareness among the public about fraudulent financial companies.

Further, all over Tamil Nadu, so far 328 Awareness Campaigns (2013 – 115, 2014 – 171, 2015 – 42) have been conducted by the jurisdictional Police Officers with the help of FOP Scambuster Committee. **(32 Awareness Campaigns were conducted as on 30.03.2015)**

Public Awareness has also been created by way of hoardings at people gathering places, such as bus stands, temples, work places, eg. Vellore, Erode etc., and also

- Issue of Pamphlets to general public.
- Sending SMS, during festival seasons.
- Telecasting 3 minutes documentary film in Trade Fair at Island Ground, Chennai.
- Eminent local qualified persons advice to public, during public meetings.

Further, in order to create awareness among the public / depositors to safeguard their hard earned money of the public and rescue them from depositing in fraudulent financial institutions a State wide Awareness Campaign was held on

30.03.2015 in 32 Districts Headquarters including Chennai City. In the campaign, the officers of Economic Offences Wing and CCIW CID along with Revenue Department educated the public about the activities, adopted methods of the fraudulent financial companies, methods adopted by fraudulent institutions to cheat the public, using innovative methods like a specially created short documentary film. In Public Awareness Campaigns, IGP / EOW, District Collectors, DROs, SsP were also participated for the first time.

#### **INTELLIGENCE CELL:**

Erring financial establishments in the entire Tamil Nadu are being watched by the newly formed Intelligence Cell of EOW in each district. These new initiatives tend to safeguard financial consumers and also to deter fraudulent firms and individuals.

EOW Intelligence Cell was formed in August 2013 in all the districts of Tamil Nadu. The main objective of EOW Intelligence Cell is:

- i) To collect information about the financial institution functioning without getting authorization from the Regulatory agencies.
- ii) Collection of information on any form of unauthorized collection of deposits from the public by any financial company / Institutions / individual.
- iii) Collection of information about the Ponzi schemes / pyramid schemes.
- iv) Chit Fund, Deepavali Fund.

- v) To watch for any pamphlets / bit notices containing advertisements about the financial institutions assuring attractive returns /prizes.
- vi) To watch about the collective investment schemes promoted by jewellery shops.

Having collected the information, the EOW Intelligence Police Personnel will send the report to EOW, Headquarters, Chennai. After pursuing, the officials in EOW / Hqrs. will be marking that information to the concerned district EOW Officers for further enquiry/information. If the information is found true, subsequently the relevant information is passed on to SEBI and RBI. Simultaneously, EOW also pursue to get complaints from the depositors as suo moto action cannot be initiated by EOW Police.

Apart from the Intelligence Cell, round the clock monitoring and dissemination of information received from general public was the hall mark of the effective functioning of EOW control room. For this purpose, an exclusive mobile number 98405-84729 was initiated and publicized for the general cause of the public. So far, 450 complaints have been received and necessary action has been initiated against fraudulent financial companies and they have also been monitored in frequent interval for the benefit of gullible depositors.

FOP EOW Scambuster was opened in Facebook to read the pulse of the society and to be in tune with the latest developments regarding criminal activities and fraudulent financial activities.

**EOW – Interactive Voice Response System (IVRS) :**

As a proactive measure to prevent Non-banking Finan-

cial Companies frauds, the EOW has created a facility through telephone called **Interactive Voice Response System (IVRS)** with the help of IIT, Madras by which public/depositors can use this service calling a telephone number **044-64500155** it has come into service from 25.02.2014. On furnishing the name of an NBFC, they will be informed by return SMS whether the company is licensed by RBI or any criminal case was registered against the company and other details.

It is only an advisory service from EOW for cautioning the public/depositors about their investments/deposits. EOW disclaims any legal or other responsibility for the information provided by this system, or the decisions taken on this basis.

This people friendly tech savvy initiative is being introduced for the first time globally and no such facility is available in any Economic Offences Wing or in any Financial Institution of this country. Since its inception, 1496 IVRS calls (2014 –1424, 2015 –72) were received in a short period of time and necessary action has been initiated on the calls.

### **An innovative concept to streamline economic offence investigation: Gap analysis in economic offences**

GAP in an economic offence is the undetected and untraced portion of deposited amount of depositors, in a company involved in financial fraud.

In all types of economic offences investigated by Police, in all the states of India, a common pattern of cheating or fraud emerges. The basic pattern of such offences is a promise

of extremely high and imaginary return in terms of cash or kind against a deposited amount over a period of time or one time investment. Novelty of imaginary schemes and mass propaganda of predator companies lure the gullible investors easily. Companies choose the vulnerable target groups very selectively and manipulate the mandatory provisions of various Enforcement Agencies, controlling financial investments. Lack of awareness about different modus operandi of fly-by-night operators and the lure of quick return makes individuals victims of the triangle of need, greed and gullibility. Only when the investor does not get the promised return from the Financial Company, then he turns towards the police and the legal battle starts. It takes years to net such financial offenders by the legal system and even though law eventually catches up and punishes the offender; the investor remains dry, due to non detection of invested amount from the fraudulent company.

GAP analysis is for the ultimate aim of tracing the invested amount to the depositor in the event of any default committed by the fraudulent company. It aims to locate the entire amount collected by the fraudulent company from the public or depositors. Often in the legal triangle between Depositors, Fraudulent Company and Investigation Agency; emphasis is always given by the company to discredit the power of Investigating Agencies and various legal provisions to enforce their authority over its business. Such digressing techniques are invariably employed by fraudulent companies in almost all cases for buying time to siphon, launder or park the collected amount in undetectable places. Police or any Investigating agency, fights the initial years of any case of

economic offence to prove its authority as the prosecutor and often less than expected amount of importance is paid to locate the invested amount with the fraudulent company. In such situations, even though the culprit company is punished, the punishment comes in terms of imprisonment, leaving the depositors high and dry. GAP analysis is to save such situations. Take what time the legal battle may be; if the investigating agency brings the deposited amount to the book of Law. Finally, the depositor's day is saved by the way of getting back their hard earned money even after the end of the legal battle.

GAP Analysis involves four components taken by the Investigating Agency to ensure return of investment of depositors after the legal course of action in case of a Economic Offence.

$$\text{Gap} = L - A + B + C + D \quad (L = \text{Liabilities})$$

- Step – 1: To arrive at the total amount defrauded by any Fraudulent Company by the way of deposits collected from public.
- Step – 2: To sum up A+B+C+D of the fraudulent Company.
- A- Monetary value of Immovable Assets of the Fraudulent Company detected by the Investigating agency and taken into the legal cognizance.
  - B- Monetary value of to Movable Assets of the Fraudulent Company, detected by the Investigating agency and taken into the legal cognizance.
  - C- Cash, Bank deposit etc seized by the investigating Agency and taken into the legal cognizance.
  - D- Receivables by the Fraudulent Company from its various loans and investments, detected by the



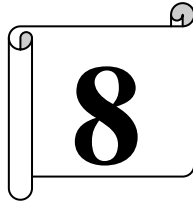
Investigating Agency and taken into legal cognizance.

Step – 3: To arrive at the GAP value by deducting the total of A+B+C+D from total amount defrauded by the Fraudulent Company.

Step – 4: Investigating Agency to take action to equalize the A+B+C+D with the defrauded amount and to bring all detected assets of the Fraudulent Company under A,B,C,D into legal cognizance.

If the investigating agency focuses on the GAP analysis from the very first day of registration of an economic offence, the offender does not get chance or time to lay the cheated amount in untraceable places. It exposes the false promise of the company as fraudulent companies never invest the depositors money in any genuine venture. By bringing, the GAP to the notice of the court, the criminal intent or ‘mens rea’ of the fraudulent company’s promoters is proved and the defaulting company can be compelled legally to account for the collected amount from the public and thereby the depositors will be assured of the return of their deposited amount at the end of the legal procedures. In addition, focused and prompt attention can be given to the classified assets such that in the “golden phase” of early days of investigation, the liquid and movable assets are seized or frozen and hence prevented from vanishing into thin air.

The above detailed proactive measures may be replicated all over the country. A vision of a strong, economically progressive India would also include the goal of making India NEZ (No Economic Offences Zone).



**EMERGING NEO CHARTERS FOR BORDER  
GUARDING**  
**Role in congruencies or capacity deficits?**  
**( A case study of BSF)**

Dr A P Maheshwari,IPS\*

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In a recently conducted seminar on the Border Management, marking Golden Jubilee of BSF, certain interesting issues came to the fore which have been agitating various thinkers. Unable to locate the right vectors which could lead us to an acceptable equilibrium amidst conflicting domains, as could be relevant in context to the trans-border flows, the agency more responsive and visual, the border guarding force was expected to deliver the most. From diplomatic domains to the domains encompassing trade and commerce, amidst various international security concerns, largely dominated the contours & curves of the road ahead. But when it came to who, why and how, many could not think beyond BSF. There emerged a situation of pride, as well as capacity deficit in upkeeping the implicit onus.

2. Why and how cattles from cow belt states find their way to Bangladesh Border? Why couldn't agencies across the nation control it? During such a brain storming, various interesting factors emerged:

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\*ADG BSF. IPS 1984 Batch.

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- Directive principles of state policy provide for a ban on cow slaughter and leave it to the states to frame their own policies. Many states have not yet responded “cogently”.
  - Is it the protein value of beef which attracts such a trade that an animal ranging from Rs. 500-1500 in India fetches a value of Rs 20,000 - 30,000 crores) in Bangladesh (in all an annual turnover of Rs. 10,000 crores) or is it the value of skin of the animal which creates a further business of at least \$1 billion in leather craft trading. Even bones find their way to ‘Bone China’ industry.
  - Why an animal husbandry policy or the export policy in the above context not been finalized for the past so many years to replace informal trade by formal trade?
  - Even if BSF tries to intervene in this process of ‘Pink terrorism’, as it is called, where would those cattles numbering over a lac per year of seizure by BSF would get routed? Custom agencies have no other way but to auction them further. They, in turn, find their way again to Bangladesh through new buyers, with slight decrease in the otherwise huge financial margins which one gets in Bangladesh, where this informal or illegal trade gains legality by paying a meager sum as tax.
  - One of the concern expressed by a scholar drew attention of the house from a different angel. These animals having no more productive life, if not traded to Bangladesh, would cost more than Rs.31000

crores in terms of their annual maintenance cost. Even if we discount this estimate by 50%, still the cost will be much more than the trade value in informal market.

3. The stalwarts of Border Security Force, who had a distinction of converting military victory into civic victory by guiding the Bangladesh functionaries in post 1971 war scenario, could not have then imagined to this extent that times would come when not only the cattles but the issues of illegal migrants, having common socio- cultural backgrounds in the border area, could also pose a serious problem. Change in internal political equation could even take a brutal turn as happened at Boroibari.

4. A recent observation by Hon'ble Supreme Court explains the incongruency on the issue of BSF being assigned the task of controlling cattle smuggling. It was felt that BSF lacked numerical strength even to perform its core task of securing the borders, they could not be tasked further to exclusively look into the cattle smuggling.

5. We have many more dimensions to the problem. Drugs, fish, wheat, sugar, textiles, processed food etc. have also been finding their way on smuggling grid. Almost 4100 Kms of open border makes it easier to follow straight lines rather than the roads routed through ICP. Amidst such a scenario it is felt that trade policy restrictions may invoke legal as well as cultural issues, besides anti-India feeling. Use of non- lethal means for border control under the present regime has also been seen as an aiding factor for smugglers.

6. However, humanitarian issues too, at times, dominate the policy decisions. There is no medical coverage available to families in distress on Bangladesh side, as much as it is available on Indian side, with greater ease. Do we apply law at the cost of human life in case of medical emergency when Bangladeshi nationals try to cross over for a while, that also in a scenario of common cultural linkage? Beyond cattle smuggling, there are, thus, some of the more glaring issues. Probably they are not getting enough attention, as cattle issue is seen with a different prism.

7. There has not been a clear cut policy or approach on the issue of illegal immigrants from Bangladesh. The porous and open border having irregular boundaries remains a burning issue. Historical distortions in demarcation of boundaries have been causing practical problems of implementation. Human terrain management has remained a difficult task in this area under such an environment. Bangladesh also bears the risk of slipping into the clutches of fundamentalists, depending upon the regime changes. It already suffers with the drawback that it has been a transit point for many illegal activities. Common population factor accentuates the possibility of greater exploitation. It had existential problem of terror network controlled by ISI. Possible presence of ISIS is not ruled out, though not much documented proof of ISIS exists as of now. However, thinkers feel that ideologies and culture are more serious a danger than the number of migrants in India (estimated to be over 2 crores and spread over all the places right up to J&K). Possibility of exploiting them for terror purposes is not ruled out.

8. Bangladesh border is also being used for human trafficking purposes. However, lack of accurate data base, absence of real insight into the mafiosi or handlers of such trade and improper coordination between various agencies has kept the success away in this context. At times, refugee camps have been used to support such a trade. High level of sensitivity is actually needed amongst officials to regulate human trafficking on the border. Borderless criminals, amassing huge wealth through this trade, need to be brought under the radar of the border agencies. Synergetic efforts need to be further augmented. BSF again takes the brunt, being the only visible 24X7 agency on the border.

9. The emergence of non state actors and reverberation of various conflicts in Pakistan have had their impact on India, in particular the Indo-Park border. Various frictions have developed owing to sectarianism, economic conflicts and radicalism. Conflicts in Syria, Iraq & Yemen have also impacted the propensities of Islamic ideology, having lack of conformity on core definitions. In the backdrop of such incongruencies, NATO withdrawal from Afghanistan too has a potential to ignite a protracted civil war. Particularly in the situation where Punjabi, Baloch and Sindhi influences have already led to alienation and centrifugal etho-nationalism. Observers see this process of 'talibination' or 'lebanisation' impacting border management in terms of attacks, radicalization, migration or indirect influences on Indian terror outfits. However, another set of observers who see India as a stronger economic power undermine these perspectives. In so far as economic power is a soft tool of change and dominance, they feel that Pakistan is on a weaker grid with low economic indices. Yet, nothing can

be taken for granted. Pakistan is often being placated by stronger nations - US, China as well as UAE and enough money is flowing in. Quality of population is also low. One should not forget that population segments with distorted mindset could be very dangerous. Drug smuggling has also been a serious cause of concern. This has led to 'spill-over' effect on Indian side near the borders. Punjab is a prominent example. Many see it as a geopolitical strategy to capture Kashmir through a dilapidated Punjab. Issue of water crisis in this region is also being flared up.

10. Some critics yet draw the attention towards the bigger elephant in the room and discount the importance given to Pak. They raise the issue of 'good' Osama vs 'bad' Osama. Who have been the realhandlers? Neotrends have also impelled people to draw a distinction between Abraham Zihad of Arabs in west and the Vedic Zihad in the east. Hence, there emerges a different reality is it terrorism per-se or the silent 'power games' which need real attention. It is, the 'terror-trading' that needs to be brought under global scanners. Some countries have been using war as a rationale for peace. Amidst such a scenario, the Indo-Pak border would always remain an important strategic concern. Black money flows, terror trading, drug and fake currency smuggling, distorted mindset of local populace, hold of arm dealers in deciding war-zones, all such factors would keep the borders boiling. The complexities cannot be viewed in a simplistic format. *Ceteris-paribus*, Border guarding forces have to work in close integration with various agencies and with a larger perspective. It needs analysis of various data banks to reach at the correct diagnosis of

factors governing the complexities at any point of time. Do we have correct and accurate data analysis expertise?

11. Thinkers have also drawn attention towards European model of border management. Europe has no doubt made the borders irrelevant. Can Asian countries also do the same? Prima facie, it does not appear to be so easy. Various socio-cultural and economic factors, besides strategic interests often shape conducive conditions for such an arrangement. Historical imprints also do matter. However, regional cooperation & developmental approach, people friendly initiatives, integrated upliftment programmes of border populace and such similar steps may gradually enlighten our way through this dark tunnel. Options need to be kept alive.

12. Now what is the way out? Would smart fencing systems on the border with intelligent collation modules help? Shall it pay to enhance anti-smuggling response capacity of the Force? Does it require investigative and intelligence skills? Shall we choose the option of drawing synergy between various agencies with BSF as the lead agency? Don't we need developed databases and analysis capabilities? Shouldn't borders cease to be the barriers? Should borders not be used to provide corridors and gateways for growth and mutual sustenance? Could we provide room for dynamic virtual borders to facilitate common data mining, digital clearances, resource sharing and multi-tasking integrations? Change of mindset may help converting limitations into opportunities. Optimised risk management could provide better 'time', 'space' & 'form' coverages. Concepts of security could be widened to encompass the domains of innovative edge as well as economic security. Thus, we are back to the core questions of ideologies, agenda,



strategy, synergy and the ultimate value addition in all plausible perspectives. Amidst various dynamics and relativities, we are still in the process of developing foolproof systems, structures and strategies.

13. For a border guarding Force, being the main visible Force as first line of defence, challenges remain real and it will be constantly called upon to fill up the inter - agency gaps and manage the fault lines emerging from any of the capacity deficits at any level. The problem issues and solution domain may marginally vary from border to border. However the larger picture that would carry us ahead would rotate around the plausible options as enumerated in the concluding segments.

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## EXPERIMENT ON RAISING CONVICTION PERCENTAGE THROUGH PROACTIVE INTERVENTION AT THE STAGE OF JUDICIAL TRIAL

Nawal Bajaj, IPS\*

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In order to achieve convictions in offences tried by the courts, Police traditionally has been focusing on improving the quality of investigation. The presentation of a case in the court during trial is sometimes not given adequate importance or the required priority. In an experiment done in Thane District in Maharashtra, various initiatives by the local Police to intervene during the trial stage resulted in a remarkable improvement in the conviction percentage.

Police leadership, traditionally has been focusing only on the investigation quality in order to achieve conviction of an accused. In the process, the attention given to prosecution i.e. trial in the court of law, has suffered with the process of criminal trial being relegated to the bottom of the list of priorities of the Police. With the removal of the cadre of prosecutors from the control of Police department in 1997 (as a result of a judgment of Supreme Court), they are no longer held responsible for obtaining a conviction.

Together, the above reasons have led to a very severe fall in the conviction rate as can be seen from the data of NCRB.

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The conviction percentage of the I.P.C crimes (All India) declined from 64.8% in 1961 to 41.7% in 2009. Maharashtra appears to be at the bottom of the list with a conviction percentage of 9.6% against a national average of 41.7%.

Without suggesting that the role of quality investigation is in any way less important in achieving higher conviction rate, an experiment was conducted in 2008 in Thane (Rural) district for obtaining some "Quick wins". Serious and intensive interventions were made at the prosecution stage of all the sessions cases which were investigated earlier but were being tried in 2008. This was done only with sessions cases as they are more heinous and also because their number being less (259 out of 5406 I.P.C cases in 2008), it was easier to monitor them closely.

The results achieved by this intervention at criminal trial stage were surprisingly, extremely good and beyond the expectations of the stakeholders. From a conviction percentage of a measly 9% (25/286 tried sessions cases) in 2007, the year 2008 saw a jump to 23% (59/259 tried sessions cases), a rise of 155% over the cases convicted in 2007, (Appendix-1).

This substantial rise in the rate of conviction was achieved by ensuring stringent implementation of instructions laid down for the Police Station staff and the legal officers attached to the office of S.D.P.Os in the district.

The analysis of the improved conviction rate indicated the importance of intervention at the prosecution stage; The correct deposition by a witness in the court of law is crucial for a successful trial because most of the serious cases dealt by Police in India are "human centric" rather than being

"document centric" i.e. a majority of serious offences are against the body, hence, testimony of a human witness is of prime importance. Also, it is rather easy for the defence lawyer to use 'temptations, intimidations and threats to turn a witness hostile. Documentary evidence on the contrary seldom "lies" or turns "hostile" in the trial process.

Because of the lack of evidentiary value attached to the statement made before the Police and the fact that a judicial trial is a process of fresh investigation of truth of the case, the role of proper conduct of the trial by the prosecutor and correct deposition by the human witness becomes crucial for determining the outcome of the trial. From the experience of Thane (Rural) district, it was seen that the conduct of successful prosecution is equally if not, more important than the investigation of the case. A well investigated case can easily be lost due to a faulty prosecution; however, it may not be true always.

Therefore, the need of the hour is that the Police machinery should, in the larger interest of the society go beyond its call of duty, into the realm of judicial court. It should intervene in the process of prosecution with whatever resources and discretionary powers it has, to ensure that the offenders do not go unpunished. After all, an unpunished criminal returns to the society with increased audacity to commit more depredations. With every subsequent acquittal, the offender becomes a bigger challenge for the law enforcement agency.

The details of the instructions and the methodology for their execution was as follows-

1. Pairavi officers of the rank of P.S.I /A.P.I were appointed for every Sessions Court in the jurisdiction of Thane district. They were tasked to ensure attendance of witnesses and I.O, refreshing the memory of the witnesses, keeping a watch on the court proceedings and reporting the entire work on a prescribed format i.e, a CourtDiary to the S.D.P.O./Addl.S.P. They were also to report on the quality of conducting of the trial procedure i.e arguments/presentation etc, by the prosecutor in the court. Pairavi officers were also asked to look after the welfare of the witnesses during trial for which they were adequately provided finance by the office of the S.P.
2. The Pairavi Officer were asked to ensure that under no circumstances should the witnesses / panchas be left to suffer due to, either the multitude of procedures of the court or harassment and humiliation by the defence lawyers during the cross examination. He was asked to prepare the witnesses psychologically, to face the rigours of cross examination and to help him to sustain inordinate delays during trial.
3. Legal officers attached to the office of S.D.P.O. were tasked with attending the courts during the trial and act as 'watching advocates' over the prosecutors. They were tasked to report on the prosecutors and the Pairavi officers during the conduct of trial.
4. In order to build a culture of obtaining convictions, important acquittals and convictions were discussed, threadbare in the monthly crime conference of all officers

and the periodic conferences with S.D.P.O.s and Legal officers. A system of incentives and disincentives was started to encourage officers obtaining convictions in their investigated cases.

5. Additional responsibility was given to an officer of each police station to look after the difficulties of witnesses /panchas of various sessions cases pending trial. The police station in charge officer were asked to hold a meeting, once every four months, of all important witnesses/ panchas to reassure them, of their safety and security and ensure that they are not turned hostile or subverted. The Beat Officers were asked to visit during their patrolling, the houses of the witnesses and solve any problems that they might be facing.
6. Police station officers were made to ensure that all the summons and warrants of sessions cases were served; which were executed promptly by me. The F.I.R of the cases on trial along with the name of their I.Os. and prosecution witnesses was prominently displayed in the official boards of the Police station.
7. Periodic and regular interaction of S.D.P.Os with the prosecutors was organised.
8. Each I.O. was individually informed about the outcome of his I her investigated case by a D.O. letter. Also, each I.O. was required to study the judgement and come out with the reasons if the case ended in acquittal. Financial provision for obtaining copy of judgement of each sessions case was provided for by the office of the S.P.

An all round attempt was made to inculcate a sense of ownership of the investigated cases, amongst the I.Os, so that they would go "a little extra" beyond their "brief" to obtain a conviction.

9. S.D.P.Os. I Addl.Ss.P. were asked to personally attend (if not otherwise busy with L&O duties) the courts during the trial of serious and important cases. This was done with the intention of projecting to the Hon'ble Courts, the concern and seriousness of the senior formations towards successful trial of serious cases.
10. The S.D.P.Os. and Addl.Ss.P. were asked to formally call on, all the members of judiciary and develop a rapport with them to get their feed back on the shortcomings seen in the investigation, deposition by the I.O., response of the Police station staff in service I execution of summons I warrants etc. They were also asked to apprise the members of the judiciary about the serious concern, the Police leadership had, about declining conviction rates.
11. Legal officer at the S.P. office was tasked to analyse the reasons for acquittal in all cases ending in acquittal and examine the possibility of filing appeal in the higher court of law. He was also asked to highlight the good practices observed during the trial I investigation of cases, that ended in conviction.

Several other steps were similarly taken to improve the quality of investigation of serious (sessions triable) cases. However, those instructions are not being enumerated here because the scope of the present experiment was limited to the trial stage intervention only. A combination of good quality investigation

and prosecution can lead to a higher conviction rate, than, that achieved during the above experiment.

To conclude, by reiterating the immense importance of prosecution in achieving conviction of an offender in a criminal case. It was felt that the time is appropriate to initiate large scale interventions by the Government, at the Executive and Judicial levels to achieve higher rates of conviction.



Appendix-1Percentage of conviction in the Sessions Cases tried and disposed off in 2007.

Sr. No.	Police Station	Sessions Court	Total tried & disposed off	Convictions	Percentage of conviction.
1.	2.	3.	4.	5.	6.
1.	Mira Road	Thane	19	2	11
2.	Kashimira		3	1	33
3.	Bhayandar		2	0	0
4.	Vasai	Vasai	6	0	0
5.	Manikpur		29	3	10
6.	Nala sopara		32	5	16
7.	Virar	Palghar	18	1	6
8.	Palghar		24	4	17
9.	Saphala		13	1	8
10.	Manor		19	1	5
11.	Satpati		00	0	0
12.	Boisar		8	0	0
13.	Tarapur		4	1	25
14.	Wangson		8	1	13
15.	Dahanu		24	1	4
16.	Gholwad		3	1	33
17.	Talasari	13	1	8	
18.	Kasa	11	0	0	
19.	Javhar	Thane	00	0	0
20.	Mokhada		2	0	0
21.	Vikramgad		00	0	0
22.	Ganeshpuri		6	1	17
23.	Wada		0	0	0
24.	Bhiwandi Taluka		4	0	0
25.	Padgha	Kalyan	0	0	0
26.	Shahapur		8	0	0
27.	Kasura		1	0	0
28.	Marbad		10	0	0
29.	Kalyan Taluka		6	0	0
30.	Kulgaon		9	1	11
31.	Kinhavali		4	0	0
32.	Tokawade		0	0	0
	<b>Total</b>		<b>286</b>	<b>25</b>	<b>9</b>

Appendix-1Percentage of conviction in the Sessions Cases tried and disposed off in 2008.

Sr. No.	Police Station	Sessions Court	Total tried & disposed off	Convictions	Percentage of conviction.
1.	2.	3.	4.	5.	6.
1.	Mira Road	Thane	13	2	15
2.	Kashimira		5	0	0
3.	Bhayandar		6	1	17
4.	Juvhar		4	1	25
5.	Mokhada		0	0	0
6.	Vikramgadhi		1	1	100
7.	Ganeshpuri		3	1	33
8.	Wada		6	0	0
9.	Bhiwandi Taluka		4	1	25
10.	Padgha			3	1
11.	Vasai	Vasai	3	0	0
12.	Manikpur		6	1	17
13.	Nalasopara		12	4	33
14.	Virar		9	4	44
15.	Palghar	Palghar	23	4	17
16.	Saphala		17	6	35
17.	Manor		10	3	30
18.	Satpati		3	1	33
19.	Boisar		22	6	27
20.	Tarapur		7	4	57
21.	Wangaon		4	2	50
22.	Dahann		33	4	12
23.	Gholwad		2	1	50
24.	Tafasari		17	2	12
25.	Kasa	26	9	35	
26.	Shahapur	Kalyan	4	0	0
27.	Kasara		2	0	0
28.	Murbad		5	0	0
29.	Kalyan Taluka		5	0	0
30.	Kulgaon		2	0	0
31.	Kinhuvali		2	0	0
32.	Takavade		0	0	0
	Total		259	99	23

## BOOK-REVIEW

Title: Police Leadership: A Primer for the Individual and the  
Organization

Author: Quinn Mccarthy

Publisher: Palgrave Macmillian

Price: Not mentioned

Year of Publication: 2015

Pages: 211, Hard- Bound

Dr. A.K.Saxena\*

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The author had been a Police Officer with more than 2 decades experience in USA. In 'Acknowledge' he writes that in his time with US Army he could learn many lessons on Leadership. In this book the author explored the unique policing environment through a leadership model developed specifically for law enforcement. The CORE Leadership Model brings to life a refreshingly honest look at how business management models lack a solid connection to the policing environment. Through a compelling series of real experiences, he brought home the lessons of leadership that are relevant, practical, and useful to the police leader of today and tomorrow. An attempt has been made to analyse the Police environment. The question has been posed is why do so many leadership training programs ignore this fact and instead teach business management models as the basis for police leadership?

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The CORE Competency Model encompasses the following dimensions with skills sets and behavioural competencies on page 20 of the book:

- Competency in Leadership
- Organizational Climate (Positive Environment)
- Responsibility (Sound Values and Behaviours)
- Extending Influence

10 behavioural competencies have been mentioned in the book.

The book has been organized in 11 well crafted chapters. Out of 11 Chapters following chapters are very analytically written and have been fleshed with relevant examples and experiences:

- Chapter 1 Why We Need a New Approach: “Do We Want Leaders or Administrators?”
- Chapter 2 The Principles of Leadership: “Back to Basics Works But Only if you understand the Basics”
- Chapter 4 Competency in Leadership “Trust Me: I know What I am Doing”.
- Chapter 7 Extending Influence: “Perception is Reality”.
- Chapter 9 Training Leaders : “Getting the Most Out of What Precious Little Time We Have”.
- Chapter 11 Learning to Deal with Leadership Failure and Success: ‘How the Heck Did That Happen?’

Competency based approach has been adopted in developing all the Chapters.

Below-cited thoughts outlined in the book forces us to think analytically to bring changes in Police Leadership training and practices:

- Do we want Leaders or Administrators?
- Developmental direction of Leadership training focuses more on 'Craft of Leadership'.
- Concern should be on 'How a Police Officer thinks rather than what he thinks.
- Leadership demands open minded and driven to learn from mistakes while striving to improve upon success.
- A leader needs to get out into the world and great in trenches. A leader need to be with the people at every opportunity. He should become a perfect 'Learning Leader' those who stop learning inevitably stop leading.
- A leader's effectiveness should largely measured by the performance of his subordinates.
- Leaders need to make sure that their subordinates share the organization's philosophy.
- Leaders are the organization's ambassadors to everyone inside and outside the organization.
- The climate within an organization is much like the Ocean tide. It ebbs and flows, being able to predict these tides is a skill that all leaders much learn to master.

There are many other such thought provoking statements of wisdom for effecting organizational change interventions.

The language of the book is flowery and very convincing. Therefore, it enhances the readability of the book. Printing and binding are attractive.

This book is recommended for all levels of Police Leadership specially for the IPS Officers. The Police trainers from both Police and Academic world must read this book to bring out changes in focus content and methodology of Police Leadership training.