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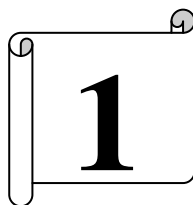
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PERJURY

Umesh Sharraf, IPS*

What is it?

Perjury is the act of lying or making verifiably false statements on a material matter under oath or affirmation in a court of law or in any of various sworn statements in writing. Perjury is a crime because the witness has sworn to tell the truth and, for the credibility of the court, witness testimony must be relied on as being truthful. This is because a person's statement on oath, testimony, and/or in sworn affidavit is regarded as the truth, unless the contrary is established, and is vital evidence on which judicial decisions are based. Perjury is a serious offence as it results in miscarriage of justice and it erodes the very credibility of the Court and the judicial system.

In the United States, for example, the general perjury statute under Federal law provides for a prison sentence of up to five years. In India, witnesses give evidence in the Criminal Courts after they are administered oath or affirmation under the Oaths Act, 1969. Section 8 of the Oaths Act provides that

**Joint Director SVP National Police Academy Hyderabad*

the witness is legally bound to state the truth on the subject. In practice, however, it is seen that the witnesses make false statements without any regard for the sanctity of the oath or affirmation that has been administered to them.

The rules for perjury may also apply when a person has made a statement under penalty of perjury, even if the person has not been sworn or affirmed as a witness before an appropriate official. An example of this is the United States' income tax return, which, by law, must be signed as true and correct under penalty of perjury. U.S. federal tax law provides criminal penalties of up to three years in prison for violation of the tax return perjury statute.

Statements of interpretation of fact are not perjury because people often make inaccurate statements unwittingly and not deliberately. Individuals may have honest but mistaken beliefs about certain facts or their recollection may be inaccurate. Like most other crimes in the common law system, to be convicted of perjury one must have had the mens rea to commit the act.

Perjury abroad

In the U.S. and in the U.K. several rich, powerful and famous people have been convicted of perjury. Jonathan Aitkin, British politician, who was a member of John Major's cabinet, was sentenced to 18 months imprisonment for perjury. Jeffrey Archer, British novelist and politician, was sentenced to 4 years imprisonment for perjury. Lewis "Scooter" Libby, former aide to Vice President Dick Cheney and assistant to President George W. Bush, was convicted of two counts of perjury along with other offences. Martha

Stewart was convicted of perjury, including making a false statement to a federal agent.

Perjury in India

In India, since Independence, 'perjury' never got the attention it requires. Only in the recent years, it came into public consciousness not once, but twice—in connection with two cases: The Best Bakery trial and the Jessica Lall murder case.

Zaheera Sheikh surrendered herself in the Mazagon courts after the Bombay special trial court in the Best Bakery case issued notices for perjury and the Supreme Court convicted her with a one-year imprisonment term for telling lies in a related contempt of court case. In the Jessica Lall case, the Delhi High Court suo motu took cognizance of the police theory on "hostile witnesses". Both cases are demonstrative of the fact that it required wide spread revulsion in the public mind over the failure of the "system", for the judiciary to move forwards to ameliorate the situation on perjury. It took over 60 years of complacency to underscore the fact that perjury is an offence against the Court and the initiative to curb it has to emanate from the judiciary and not the prosecution or the police.

Sadly, this has not been appreciated so far by many judicial officers. The high rate of acquittals in criminal cases in India is mainly due to witnesses turning hostile. The criminality of "buying" of witnesses by influential accused can be handled only by strictly enforcing the penal law on perjury. Zaheera is not the lone example of perjury. In a majority of

cases in Indian courts, false evidence or retraction of statements results in acquittal of the accused.

Under Section 191, the Indian Penal Code defines perjury as “giving false evidence”. The law relating to perjury can be found in Ch XI of the IPC which relates to ‘false evidence and offences against public justice’. By interpretation, perjury should include retracted statements, as the person is presumed to have given a false statement at some point. But hardly anyone, including legal experts, can recall a single case (before Best Bakery and the Jessica murder case) in which a person was prosecuted for making a false statement before the court. The common feeling in minds of many judges is that if all courts started taking action against falsehood, perjury cases would outnumber all other kinds of cases.

The Criminal Procedure Code places a bar u/s 195(1) (b) where no cognizance can be taken of perjury unless the trial court or its superior court makes an appropriate complaint u/s 340 Cr PC. Section 195 (1) (b) of the CrPC provides that no court shall take cognizance inter-alia of the offence of perjury under Sections 193 to 195 of IPC except on the complaint in writing of that court or of the court to which that court is subordinate. Section 340 CrPC prescribes the procedure to be followed for making a complaint contemplated by Section 195. It requires the Court to hold a preliminary enquiry to record a finding that it is expedient in the interest of justice that an enquiry should be made into any offence referred to in Section 195 (1) (b). Thereafter it has to make a complaint in writing and send it to the JFCM having jurisdiction. The order under Section 340 is appealable under

Section 341 of the CrPC. Section 343 prescribes the procedure to be followed.

‘Preliminary inquiry’ means only such inquiry as may be necessary. However, a preliminary inquiry is not essential in law and the proceedings under this section without such inquiry are not illegal. The Madras High Court had held that what the Court has to decide is whether any offence of the kind contemplated appears to have been committed and whether it is expedient in the interests of justice that it should be further inquired into. In order to arrive at a decision, the Court may, if it thinks fit, hold such preliminary inquiry as it considers necessary. The nature, method and extent, of the preliminary enquiry are entirely at its discretion. The inquiry need not be such as to satisfy the Court that an offence actually has been committed, but merely that an offence appears to have been committed. It is because a complaint is made by a responsible judicial officer after preliminary inquiry that the Court to which the complaint is made proceeds to deal with the case as if the case were instituted on a police report.

However, section 344 Cr PC also prescribes an alternate summary procedure. It provides that if the Court of Session or JFCM if at any time of delivery of judgment in the case expresses an opinion that the witness appearing in such proceeding had knowingly or willfully given false evidence or fabricated false evidence for use in the proceeding, the Court may if satisfied that it is necessary and expedient in the interest of justice that the witness should be tried summarily, take cognizance after giving reasonable opportunity of showing cause, try such offender summarily and sentence him to

imprisonment which may extend up to 3 months or to fine up to Rs.500/- or with both. In reality, this provision is rarely resorted to by Indian courts.

Action against making a false statement should be initiated during the trial itself and not after it has concluded. This would serve as a deterrent to persons who intentionally mislead the court or make false statements under oath or file tainted affidavits much against the public interest and fair trial. Late initiation of action often causes perjury cases to go completely unnoticed; it becomes one more case dragging on for years.

Courts and perjury

Despite the enabling provisions of section 311 Cr PC, the Indian courts never identify “possible” witnesses and issue specific notices to them. In India, the prevailing legal opinion has been that because a person makes two contradictory statements, one of which must be false, it does not make out a case of perjury unless the falsity of one of the two statements as charged in the indictment is positively proved to be so. Though a prosecution for perjury should have been taken as given in such a case by virtue of illustration (c) of s.221 Cr.P.C., it had been held by the superior courts several times to be inexpedient to do so in the interest of ‘justice’!

Thus, where a person made one statement u/s164 Cr.P.C. and a diametrically opposite statement in Court during the enquiry or trial, he should in view of this illustration be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false. But

the courts have taken the line in the past that to do so may tie him down to his previous false statement u/s164 Cr.P.C., and preventing him from telling the 'truth' even belatedly at the later stage of enquiry or trial! The Supreme Court too had felt in some cases that a witness whose statement had been recorded u/s164 Cr.P.C., feels 'tied' to his previous statement and as such his evidence had to be approached with caution ! The Andhra Pradesh High Court observed in Arjunappa's case "to prosecute a man who has resiled from a false statement made u/ s 164 is to encourage him in the belief that it pays to tell a lie and stick to it. It is far better that a man should escape punishment for having made a false statement u/s 164 than that he should be induced to believe that it is to his interest, however false the statement may have been, to adhere to it and thereby save himself from prosecution. The danger of such a course leading to the conviction of innocent persons is too great to be risked"!

In Ram Charan & Ors. Vs. State of U.P. {1968 (3) SCR 354} and Balak Ram etc. Vs. State of U.P.{1975 (3) SCC 219} the Supreme Court held that the evidence of witnesses whose statements are recorded under section 164 Cr PC must be considered with caution and if there are other circumstances on record which might support the truth of the evidence of such witnesses, it can be acted upon. As a matter of fact, those judgments specifically held that the mere fact that the statement of witness was recorded under section 164 CrPC cannot be a ground to reject their evidence. The Supreme Court dissented from the view expressed by the Patna High Court in the case of Emperor vs. Manu Chik (AIR 1938 Patna 290) which held that the statement of a witness

whose prior statement was recorded under section 164 Cr.P.C. always raises a suspicion that it had not been voluntary and such witness compromises in his evidence before the court because of the threat of perjury! While dissenting from the above view of the Patna High Court, the Court accepted the view of Subba Rao, C.J. expressed in re: Gopisetti Chinna Venkatasubbiah (ILR 1955 AP 633) wherein it was held that the evidence of witnesses whose statements were recorded under section 164 Cr.P.C. would have to be assessed with caution and if there are circumstances on record which lend support to the truth of the evidence of such witnesses, it can be acted upon. This was also the view of the Court in the case of Balak Ram where also the Court said that the evidence of such witnesses has only to be considered with caution and nothing beyond that. This was also repeated by the Supreme Court in Ramesh Singh @ Photti vs. State of A.P.

Case Study 1 – *of false testimonies:*

The Anti Corruption Bureau of Andhra Pradesh routinely gets the 164 CrPC statement of the complainant recorded in the trap cases booked by them. When I was posted there, I did a review of the court proceedings that revealed several startling facts. In 2006, out of 72 cases that were acquitted, as many as 46 cases (63.9%) were acquitted essentially because the complainant totally resiled from his/her earlier 164 CrPC statement. Out of these, perjury prosecution was ordered in only 25 cases (and not even one case was taken on file till 2007 end by the concerned JFCM) and in as many as 13 cases the court accepted the uncorroborated plea of the

complainant that the earlier 164 CrPC statement had been given under duress!

In 2005, out of 65 acquittals, 45(69.2%) were due to this turning hostile of the complainant but perjury proceedings were ordered in only 21 cases and those too never got initiated till 2007.

At the count done at the end of 2007, as many as 66 perjury cases were pending in various courts and 30 cases had not been taken on file or had been 'lost' in transit between the special court and the JFCM's court! Only 10 cases of perjury were disposed off, as per ACB records, in the last 10 years of which 6 were acquitted and 4 convicted out of which 2 complainants were released under the P.O. Act!

Case study 2- of false documents:

When a common man gets cheated, he approaches the criminal justice system for redressal. The courts are at the pinnacle of this criminal justice system. What do you think would happen, if the apex of the system itself becomes victim of a fraud? Shouldn't the "System" come down with the proverbial heavy hand on the culprit? Or is it that it will be darkest just beneath the lamp?

Thakur Devi Singh was the pattadar of the land to an extent of Acs.82-13 gts. in Sy.Nos. 1443,1445 etc. of Arjalabavi, hamlet of Panagal village, Nalgonda Mandal and District. Sri. Koppula Narsaiah, Veeraiah, Ramaiah, Venkataiah and Lingaiah were declared as protected tenants, in respect of Acs, 3-34 gts in Sy.No. 1445, under the A.P. (Telangana Area) Tenancy and Agricultural Lands Act. 1950

(for Short “the Tenancy Act”) they were also issued certificates, under Section 38-E of that Act on 30-10-1975.

Smt. Bharathi Bai W/o Thakur Devi Singh challenged the certificates issued in favour of Koppul Narasiah and others, by filing an appeal before the Joint Collector, Nalgonda. The appeal was rejected, and thereupon, she filed C.R.P.No. 2636 of 1985, before the A.P. High court. The revision was also dismissed on 08-04-1993. Despite this, she claimed ownership rights over an extent of Acs. 3-34 gts. In Sy.No. 1445. She also executed a sale deed in favour of Bodupalli Sathaiah, Yata Sathi Reddy and Akunuri Lakshmaiah on 16.08.1996. On the basis of the claim made by Smt. Bharathi Bai and the sale deed executed by her, the Mandal Revenue officer affected mutation in the revenue records, and issued pattadar pass books.

On coming to know this, Koppula Peddalinga Reddy and 11 others (legal heirs of Koppula Narasaiah and others) approached the Mandal Revenue Officer who told them that the dispute was civil in nature, and they should seek redressal from appropriate court. Koppula Peddalinga Reddy and 11 others (Respondents 1 to 12 in WP.No.1600/2000) filed an appeal before the Revenue Divisional Officer, Nalgonda, that was dismissed on 05-03-1999. Thereupon Koppula Peddalinga Reddy and 11 others filed a revision before the Joint Collector, Nalgonda. The revision was allowed and the Joint Collector quashed the orders of the MRO and cancelled the passbooks and title deeds issued in favour of Bodupalli Sathaiah, Yata Sathi Reddy and Akunuri Lakshmaiah.

Aggrieved by the orders of the Joint Collector, Nalgonda, Bodupalli Sathaiah, Yata Sathi Reddy and Akunuri Lakshmaiah filed a Writ Petition before the High Court vide no.16000/2000 making Koppula Peddalinga Reddy and 14 others as respondents on 4-9-2000. On the same day they also filed WPMP.No.20353/2000 and got Status-quo orders.

Thereafter, the accused filed a WPMP No. 9278/2002 before the High court. stating that, the matter had been settled between the petitioners and the respondents and prayed the High Court to dispose of the writ petition in terms of the compromise. The petition was signed by the writ petitioners and their counsel B. Viswanath Reddy and respondents 1 to 12 and their counsel Sri D. Goverdhana Chary. After verifying the relevant facts from the respective counsel, the High court disposed off the writ petition in terms of the compromise through order dated: 25-04-2002.

On coming to know of the compromise petition filed in the High Court without their knowledge, the respondents 1 to 12 filed the Rev. WPMP. No. 352/2003 alleging that they had not engaged any advocate or signed any memorandum of compromise. To know the truth in the allegations leveled in the WPMP no. 352/2003 filed by the respondents 1 to 12, that they did not sign on Vakalat or compromise memo, the High court called them to the Court and took the finger print of the respondents 1 to 12. Naked eye examination revealed that the thumb impressions on the vakalat filed by Govardhana Chary, advocate and those on the affidavit and the petition in WPMP.No. 352/2003 in WPMP 9278/2002 were different.

On 19-02-2002 the High Court of A.P directed Addl. Director General of Police CID, A.P. to cause an enquiry and submit a report on the following questions and sent the connected original documents through Govt. Pleader.

-Whether the respondents signed or put their thumb impressions on the vakalat filed before the High court by Govardhan Chary, counsel and the memorandum of compromise.

-If it emerged that the signature or thumb impressions on vakalat as well as memorandum of compromise did not belong to respondent 1 to 12 cited in the writ petitions, who are the persons that have put such thumb impressions or signatures.

Addl DGP, CID deputed the Zonal Inspector (Z.I), CID, Nalgonda with specific instructions to conduct enquiry on the lines stated in the letter of the High Court of A.P. The Z.I. Nalgonda visited Nalgonda on 24-02-2003, secured the presence of two mediators and obtain the signatures and finger prints of the respondents 1 to 3, 6,7 and 10 to 12 and recorded the statements of the respondents 1 to 3, 6, 7, 10 to 12.

Z.I. Nalgonda sent the finger prints of the respondents 1 to 3, 6,7 & 10 to 12 to the Director, Finger Print Bureau, A.P., Hyderabad for comparison of the finger prints of the respondents 1 to 3, 6,7 & 10 to 12 with the original compromise petition and vakalat filed by the defence. The finger print expert examined the finger prints and gave opinion stating that the finger prints collected by the Z.I Nalgonda were different from the finger prints found in the

vakalat petition and compromise petition filed by the defense advocate .

Addl.DGP, CID submitted a detailed report to the High Court of Andhra Pradesh on 19-06-2003 along with the original documents and reports. On this, the High court set aside the orders passed in WPMP No.9278/2002 (Compromise Petition) in WPNo.16000/2000 on 07-08-2003 and the Registrar General, High Court of Andhra Pradesh, Hyderabad sent a complaint to the Chief Metropolitan Magistrate, Hyderabad for taking further action. The CMM, Hyderabad took cognizance u/s 463,464,465,466,468,471 IPC and assigned C.C.No.13 /2004. Later, the CMM forwarded a letter dated 13-2-2004 with the copies of the connected documents to the Addl.DGP, CID with instructions to investigate the case and submit report U/s 173(8)Cr.P.C.

Subsequently, the Addl.DGP, CID, Hyderabad entrusted the case to Inspector of Police, EOW, CID, Hyderabad for further investigation on 24-2-2004. The Inspector of Police, EOW, CID, Hyderabad visited Nalgonda on 06-03-2004 and examined 1) Koppula Pedda Linga Reddy 2) Koppula China Linga Reddy 3) Koppula Suseelamma 4) Buchamma 5) Janakamma 6) Suramma 7) Yesamma and 8) Gogireddy Yadagiri Reddy and recorded their statements.

Koppula Pedda Linga Reddy and others stated that they never put the thumb impressions or signatures on the papers to compromise the civil case pending in the High Court before the village elder Gade Shanker Reddy, who figured as an accused in CCNO.13/2004 of the CMM court

and who played prominent role in filing the compromise petition without the consent of the respondents 1 to 12 before the court in WPMP No.9278/2002 in WPNO.16000/2000.

During the course of investigation, the IO took the signatures and thumb impressions of the suspects 1 Bodepalli Sathaiah, 2. Ankuri Lakshmaiah 3.Yaka Sathi Reddy,4.Gade Sanker Reddy.5.Kamasani Sathyanarayana Reddy 6.MarthaYadagiri Reddy and 7.Koppula Lakshma Reddy in the presence of mediators. The IO addressed letters several times to the Chief Metropolitan Magistrate, Hyderabad to furnish the original Vakalat and Compromise petition (Questioned documents) for sending the same to the Director, FPB and Hand writing Expert, AP FSL, Hyderabad. As the original documents were said to be not available in the CMM Court, Hyderabad, the IO was directed by the CMM to address a letter to the Registrar General, High Court of AP, Hyderabad. On that, the IO addressed a letter to the Registrar General, High Court of AP, Hyderabad on 05-01-2005. The Registrar General addressed a letter to the IO vide ROC.No.561/SO/2003 dated 25-6-2005 with instructions to approach the CMM, Hyderabad as the original Vakalat and compromise petition were already sent to the CMM court, Hyderabad!

Then the IO met and submitted letters to the CMM, Hyderabad several times and requested to furnish the original documents. On 10-3-2011, the CMM, Hyderabad addressed a letter to the Registrar General, High court of AP stating that the CMM Court had received the xerox copies of Vakalat and compromise petition along with original complaint from the High court of AP and requested him to send the original

documents to the CMM Court, Hyderabad for forwarding them to CID for further investigation.

The original documents were not furnished either by the CMM court or by the High Court despite several letters from the CID. How could the IO proceed to establish a charge of forgery without the original documents? Will the same courts accept a chargesheet based on xerox copies?

So, more than a decade has passed. Was the High Court cheated? Definitely. Were lawyers involved in the crime? Surely yes. Did the court protect its own honour?

Quo Vadis?

It is perhaps because of this, that in the Code of Criminal Procedure (Amendment) Bill, 2006 that was approved by the Union Cabinet on 1st May, 2008, a new section i.e. 164(B) (*among other changes*) was sought to be inserted in the CrPC as follows: “164B.(1) Any police officer not being below the rank of sub-inspector making an investigation of any offence punishable with death or imprisonment for ten years or more, shall, in the course of such investigation, produce all persons whose statement appears to him to be material and essential for proper investigation of the case, to the nearest Metropolitan Magistrate or the Judicial Magistrate, as the case may be, for recording their statements. (2) Subject to the provisions of sub-section (3), the Magistrate shall record the statements of such persons produced before him under sub-section (1) on oath and shall forward such statements so recorded to the Magistrate by whom the case is to be inquired into or tried.(3) The Magistrate shall, before recording any statement of a person under sub-section (2), satisfy himself that such person is making

the statement voluntarily and not under any inducement, threat or promise.(4) Copies of such statements shall be furnished to the police officer referred to in sub-section (1)". This salutary provision was proposed based on the recommendations of the Malimath committee.

The statement of objects and reasons of the bill stated, "need has also been felt to include measures for preventing the growing tendency of witnesses being induced or threatened to turn hostile by the accused parties who are influential, rich and powerful". Ironically, when this bill was finally passed as the Code of Criminal Procedure (Amendment) Act 2008 (Act 5 of 2009), this proposed section 164(B) CrPC disappeared from it, while the statement of objects and reasons of the Act remained unmodified! What does this tell us about our polity?

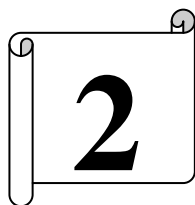
Yet, if the judicial mindset that suspects the very 164 CrPC statements (on the grounds they have not been subject to cross examination) and that does not treat perjury as the one real example of contempt of court, is not changed, the purpose of even this addition to law may not have had any discernible effect.

The 1971 Contempt of Courts Act defines contempt as any act or expression that 'scandalizes or tends to scandalize, lowers or tends to lower the authority of, any court; or prejudices, or interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any manner.' I, for one, am not able to see why blatant cases of perjury and cheating the court are not treated in the summary fashion by courts for contempt when on the other hand in other cases of contempt the court may not only require a

‘contemnor’ to apologize, but also reject his apology as it was not ‘contrite’ enough (Mahapatra(2014))!

The elephant in the room

The reality is that perjury cannot happen without the involvement of the lawyers involved. A sting operation conducted by a TV channel, conducted in 2007, showed senior advocates RK Anand and IU Khan, who were the defence and prosecution lawyers, respectively, in the 1999 BMW hit and run case, trying to bribe the key witness Sunil Kulkarni to change his testimony to favour Sanjeev Nanda, accused of mowing down six people on Lodhi Road in central Delhi in the early hours of January 10, 1999. The division bench of Delhi High Court debarred them from practising for four months and slapped them with a fine of Rs 2,000 each in 2008. Deciding the appeal against this flea bite punishment, the Supreme Court in 2012 directed RK Anand to donate Rs 20 lakh to the Bar Council of India for developing the library or computer centre of a lower tier college, and also take up only free legal aid cases for one year! The court presented this course as an alternative to the rulebook sentence of six months of imprisonment for his conviction for contempt of court. It asked him to choose between the two options! The bench said: “If we write an order, no useful purpose will be served by putting this gentleman to this kind of punishment. It would be beneficial if the knowledge, skill and practice of this man is put to better use.” One wonders whether the courts would be this liberal in other cases.



STUDY OF MOBILE & WHATSAPP (Usage trends in students of Indore City)

*Varun Kapoor, IPS**

The Study

The world is becoming more and more "connected" as the time is going by. Today the citizens in general reside in two worlds. The *actual* or the *real* world and alongside that in the *virtual* world. This virtual world is the one which is not tangible and physically present in and around the users. Thus it becomes a sort of imaginary world and the actions of citizens while existing in this world also mirror this sentiment - "*Anything imaginary is not to be feared....after all it does not exist in reality....then why fear something that is non-existent*"\ But this is a crucial and critical mistake that most citizens are making, taking their existence in the cyber space so lightly.

They do not know or try to understand the law of the land that governs cyber crime in the country. A very small proportion of all users of cyber space are aware about the provisions of the Information Technology (IT) Act, 2000. As a result they are exposed to making mistakes which may be in violation of the law of the land and end up becoming

**ADGP, Narcotics & PRTS, Indore (MP)*

offenders under it. In addition most citizens don't take any overt security measures to keep themselves, their personal information; their private data; their reputation and their property safe - while undertaking activities in the virtual world. Thus they are highly vulnerable to all types and ever increasing cases of cyber crime. Today, these two factors are of critical importance and need to be addressed on a priority if the citizens have to be insulated and secured against the cyber crime menace.

To bring about the necessary attitudinal, behavioral and usage change in the citizenry, it is essential to carry out detailed analysis of the current trends in this regard. This will give us a clear picture of the existing situation and will also act as a guide to the direction and action to be taken for bringing about the desired results. Today the most used device to access the digital or cyber or virtual world is the hand held mobile device. The access point has gone from a desktop computer to a laptop computer, then to a tablet and now to a mobile phone. Today India has over 100 Crore¹ handsets in use and the connection per citizens is almost 80%. It is estimated that the total number of mobile phone users in India, will rise to a stupendous 73 Crores² by the year 2019. By the end of 2017, India will have 31.4 Crore³ mobile internet users. This shows clearly that mobile phones are the preferred device for usage in India. Of all the gadgets and gizmos that modern technology has produced, none beats the mobile phone in its utility, usage and affinity as far as the Indian public is concerned.

¹Wikipedia

² Statista -The Statistics Portal

³ IAMA & KPMG study

Furthermore, it is estimated that only 6% of mobile users are above the age of 50⁴ and this figure dips even further with only 1% of total mobile data users being above the age of 50⁴. These figures further drive home the point that a mobile phone is the gadget of choice amongst the youth of this country.

Amongst the various uses that the youth employ the mobile phone for - the leading usage is for the fastest growing App in the world "WhatsApp". Today WhatsApp is used by over 100 Crore⁵ users in the world. India has over 7 Crore users of WhatsApp. WhatsApp remains the hot favorite messaging App of 98% Indian Android users⁶.

Thus it is clear that the "virtual world" - is the place to be for today's generation in this country. And the favored means to get to this space is the smart phone and the favorite App to deploy for this purpose is the WhatsApp. However there was a gap in scientific information regarding the extent of use of the mobile phone and WhatsApp by the youth in the country in general and in a city like Indore, in particular. This gap needed to be filled - not only to ascertain the usage patterns but also to design and device better targeted awareness programs for such school and college students.

With this data in view and the above mentioned targets in mind - it was decided to conduct a study based on a questionnaire amongst school and college students of the city

⁴ Telenor report

⁵ WhatsApp official figures

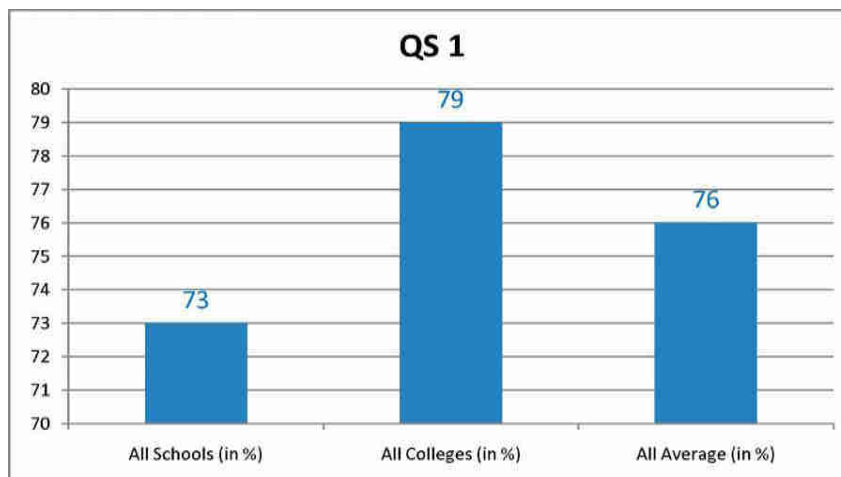
⁶ Erickson Study report 2015 - Smart Phone Apps Usage Behavior

of Indore. The students were asked 19 questions. The questionnaire was designed by Dr K. Ahuja, Dean School of Social Sciences of Devi Ahilya Vishwavidhyalaya, indore.

For administering this questionnaire, 250 students of standard 10th, 11th & 12th were selected from five schools of the city. This included both private and government schools. In addition samples of 250 college students were selected from five different colleges. Again these colleges include Private as well as Government colleges. In addition these colleges included colleges of various disciplines like Engineering, Medical, Management, Law, Arts, Commerce and Science. The effort was to make the study as representative and widespread as possible. It was held in September 2015. The results of the 500 participants were collected, collated and analyzed and a final report was prepared on this basis. This report has thrown up some interesting facts and figures - which show distinctly the current trends amongst the student community of Indore.

Analysis of the findings:

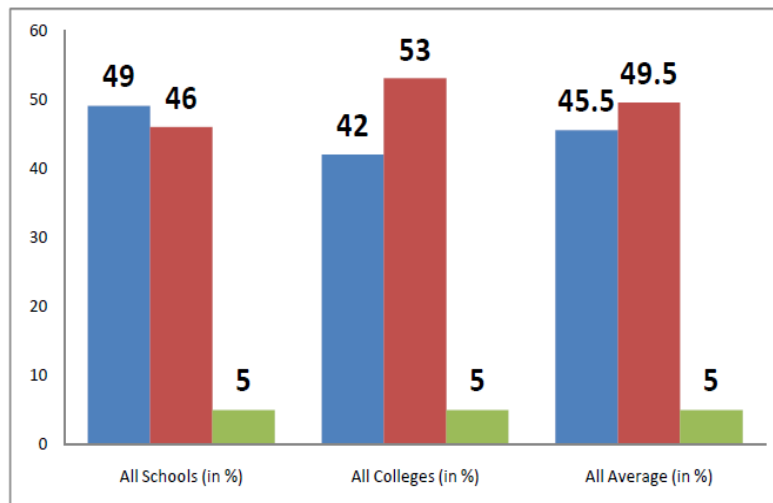
1. Do you have a smart phone?



This question brings out the fact that % the of all students in the city (age group 16 and above) have a mobile device to use. In Government schools only 47% of male students have mobile devices but in private schools 80% male students and 97.5% female students have mobile phones. This clearly shows the Government and Private school greatly differ in relation to access to gadgets for the students.

In colleges the results are different. Amongst male college students 76% female and 82% male students possess mobile phones. Maximum number of mobile phones (100% male and 91% female) are available with medical students in the city. So we can say that medical students are the most connected group of students as far as this study indicates.

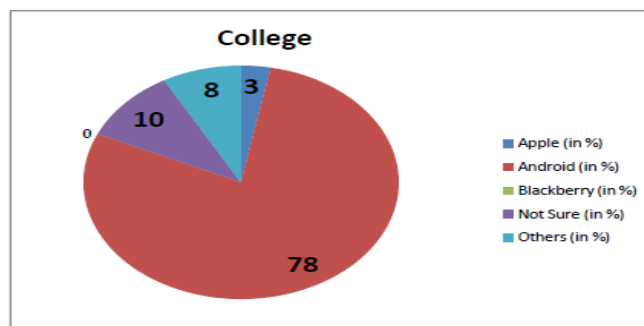
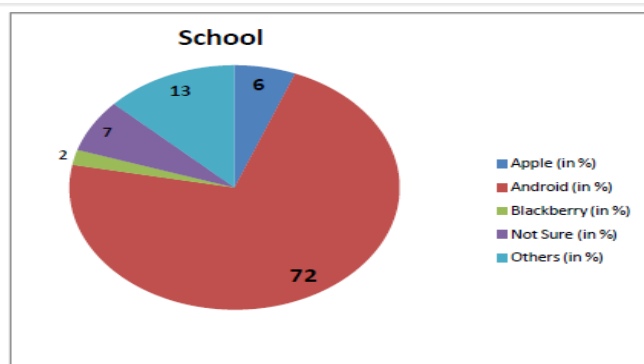
2. How many SIM cards do you use?



- 1 SIM
- 2 SIM
- > 2 SIM

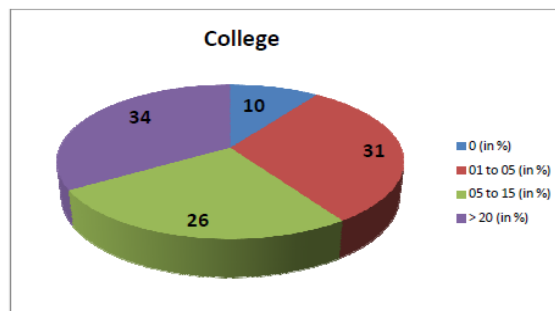
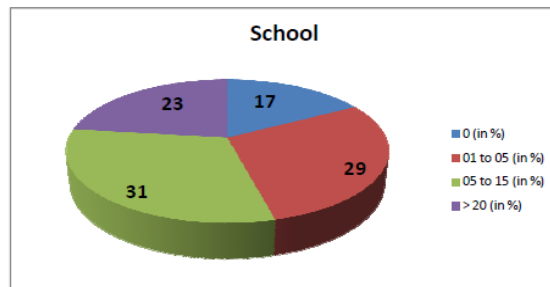
This question clearly reveals a very startling fact - that almost % of all college and high school students' posses two SIM cards-that means two mobiles. In fact in college students the number of students having more two or more mobiles is much more than the students having one mobile (58% vs. 42%). This finding is in consonance with the world figures. The world population is 700 Crores and the number of mobile subscribers the world over is 700 Crore. This means most of the users have more than one active mobile subscription. In India too there are 100 Crore active mobile sets for a population of approximately 125 Crores. Again it shows many individuals have more than one mobile set in use.

3. What type of operating system do you use?



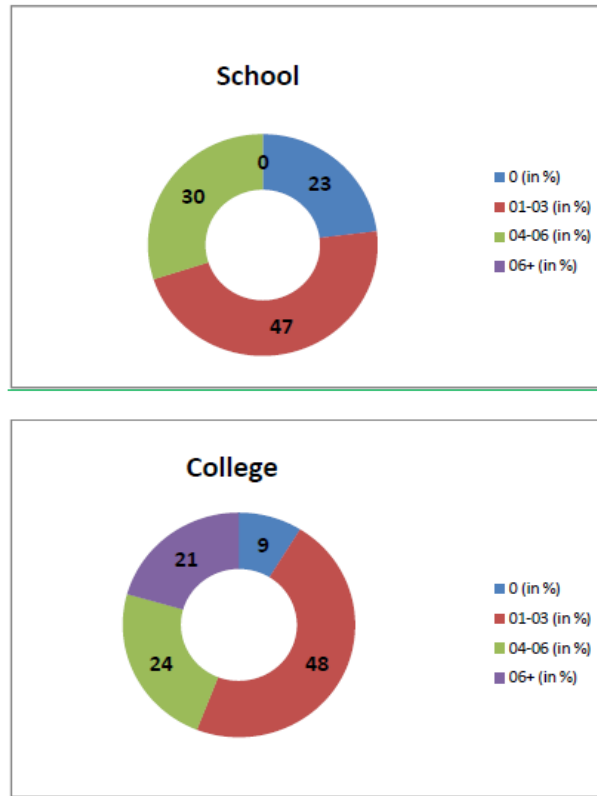
This reveals the statistical preference of various OS by students. In this there is no doubt that the majority prefer the Android OS - Colleges (78%) & Schools (72%).

4. How many Apps do you have on your digital device (mobile, laptop, tab)?



From analysis of this data we can conclude that the majority of the students are using more than 5 Apps. The number of such students is **54% for schools** and **60% for colleges**. This shows that the App based usage is highly prevalent and predominant in the student community. This will grow with time to come. The surprising fact is that **23% school** and **34% college** students are using **20+ Apps**. This clearly shows the amount of time they are spending on this usage and as a consequence the huge amount of time spent in the virtual world.

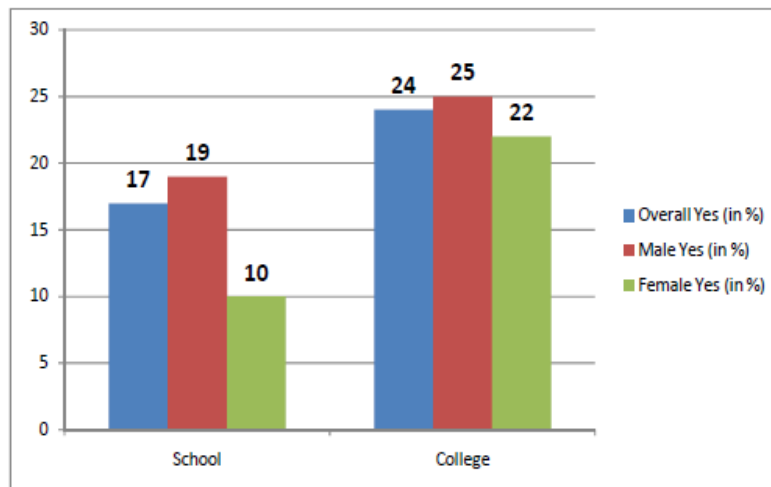
5. In a day how many of those Apps do you use?



Analysis of this question shows that maximum number (almost half) of School and College students use an average of 1 to 3 Apps in a day. In school students this figure is 47% and for College students this goes marginally up to 48%. However a striking feature of the result is that whereas no School student said that he uses more than 6 Apps in a day but for **College students 21%** said they use over 6 Apps in a day. From this we can conclude that the usage of the virtual world by the College student is more than school students as well as the desire for greater variety in usage is also more for College students.

It is interesting to note that in Government schools 53% of male respondents said that they use 0 Apps on their mobiles in a day. Whereas in private schools only 6% of male respondents said they use 0 Apps in a day. Amongst all female respondents of Colleges in the city only 11% said that they use 0 Apps in a day whereas only 7% males said they use 0 Apps daily.

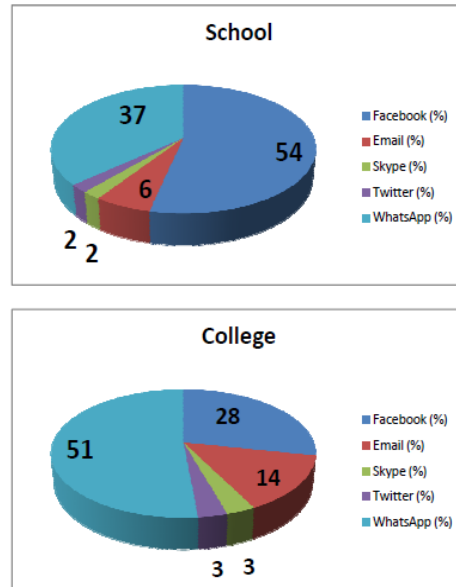
6. Do you ever pay for these Apps?



This shows that College students are more willing to pay for and use Apps as compared to School students (24% vs 17%). This may be due to **increased age** (adults) and as a consequence an **increased interest** in various aspects of life, which a school child does not possess. In addition it also may be due to **greater freedom** of the student in college as compared to school with respect to his moving out to a hostel and hence away from the more strictly regulated and monitored home environment. The college student may also have a **greater degree of financial freedom** which ensures

that he now posses more liquidity and hence is willing to spend his/her own money on Apps and other such things which interest him/her more.

7. Which virtual medium do you use for communication?

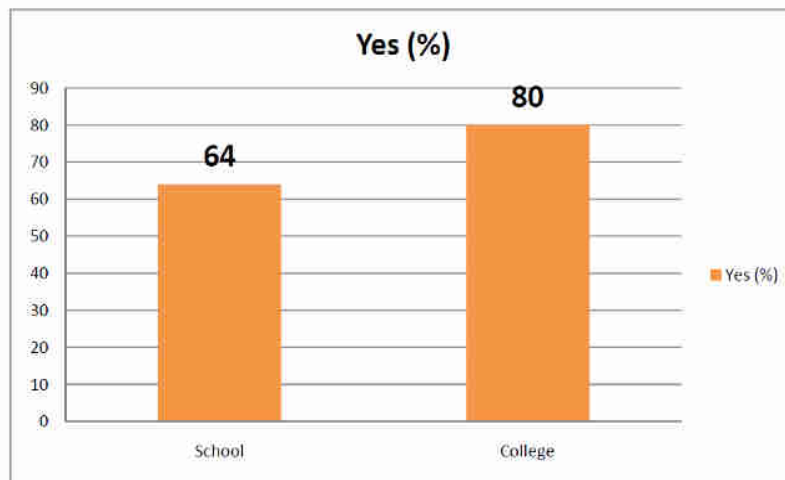


This result exhibits certain facts regarding usage patterns of different sites by the students in the city for communication purposes. Amongst **school** students the most commonly used site for communication is **Facebook (54%)** and this is followed by **WhatsApp (37%)**. The high usage of WhatApp amongst school students is surprising as the minimum age of a user for WhatsApp is pegged at 16+ years. Thus only standard 11 and 12 students can legally use WhatApp.

In **college** students the use of **WhatsApp** jumps up to **51%** and **Facebook** usage correspondingly drops to **37%**. In a way the use of these sites - WhatsApp & Facebook - trade

places when we move from the analysis of school to college students. Another important point to note is that the use of **Email** as a means of communication becomes more than double when we study the usage patterns of school vs. college students (6% vs. 14%). Twitter and Skype is not very widely used by students of schools and colleges in Indore.

8. Do you use WhatsApp?

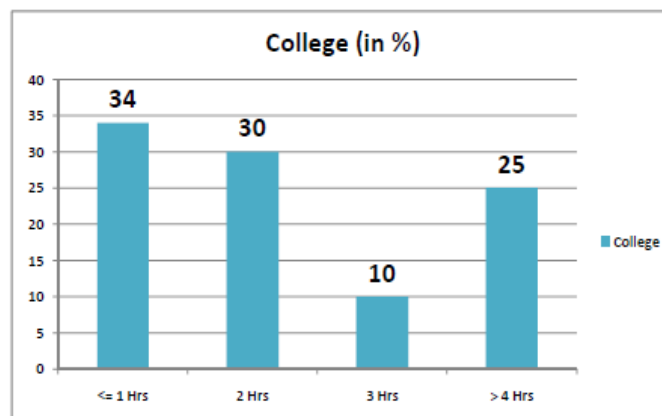
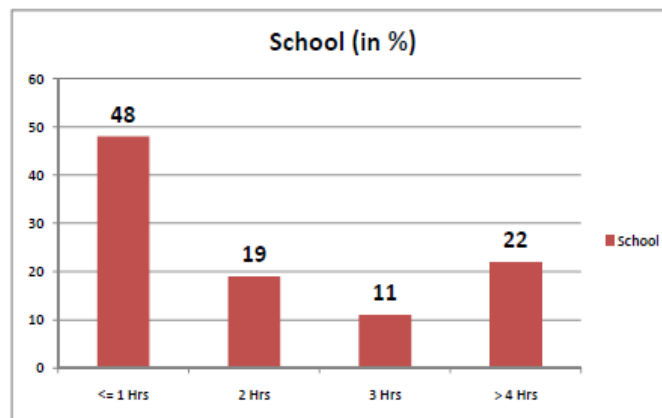


This finding is relevant as it demonstrates the power of WhatsApp today amongst the youth - students of colleges in particular. A high number of college students (80%) say that they use WhatsApp as a messenger service. This is a 16% increase over the usage of WhatsApp as a messenger amongst school students. This figure will only rise and more and more students will turn to this service as their favorite means of communication and networking.

The idea therefore is not to control or restrict the use of this service but to ensure its secure use. Therefore in a way we have to make the students more aware regarding the safety

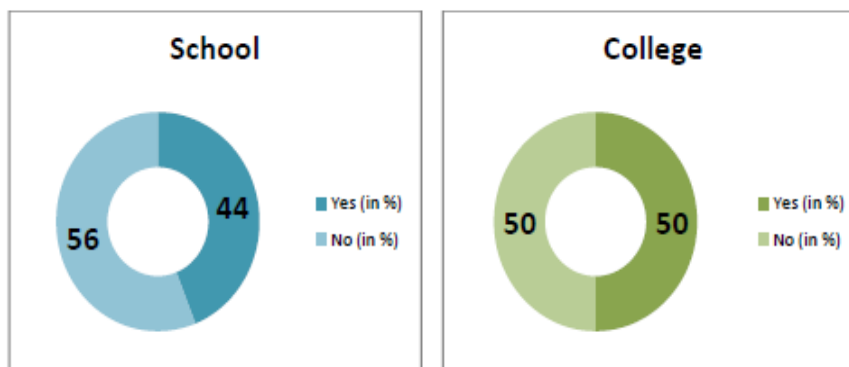
measures to be adopted to make the use of this service a profitable and safe proposition. Unfortunately students today are blindly using this service, as it is the in thing and the trendy way to communicate, without paying heed to the safety features and precautions that have to be taken - as a result increasing numbers are falling prey to the devious designs of cyber criminals, thugs, stalkers and predators!

9. How many hours do you use WhatsApp in a day?



Analysis of this finding throws up an interesting and startling fact. Firstly, maximum school students use WhatsApp one or below one hour (48%). Whereas this figure drops to 34% for College students - maximum number of College students also use WhatsApp (34%) around 1 hour a day. However the startling revelation is that a high percentage of school (22%) and college students (25%) admit to using WhatsApp more than 4 hours a day. Considering an average individual has around 12 hours of productive hours in a day - using a **third of this time** in only doing WhatsApp is an unusually high proportion of time spent on only "one" activity of the virtual world. This again emphasizes the need for heightened cyber security awareness amongst the new generation - this has been a highly neglected field in the education curriculum in practice today.

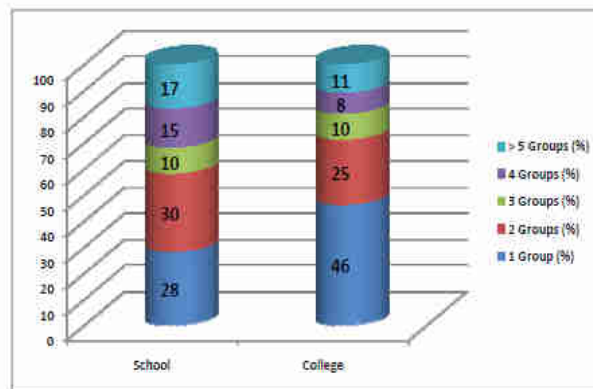
10. Are you Group Admin of any group



This question clearly brings out the fact that nearly half of all school and college students are Admins of Groups that they run on WhatsApp. The figure for Colleges is slightly higher as compared to schools (50% vs 44%). This will also show an increasing trend as the time goes by.

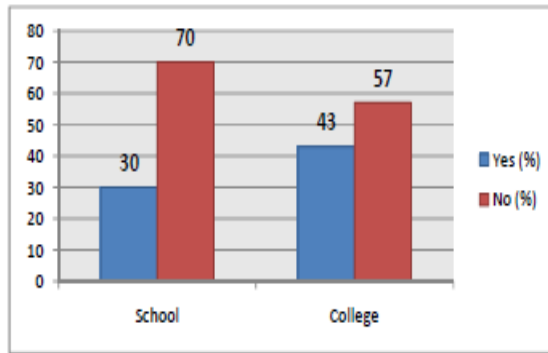
Detailed analysis of this question throws up an important sub fact. In case of girls studying in private schools - 52% said that they are Group Admin, whereas only 44% of male students of private schools said that they were Group Admin. This situation is reversed in colleges, where 59% male students said they were Group Admin against only 41% female students saying the same thing. Are girls of schools more active on the social messenger as compared to their counter parts in the colleges?

11. If “Yes” – of how many group



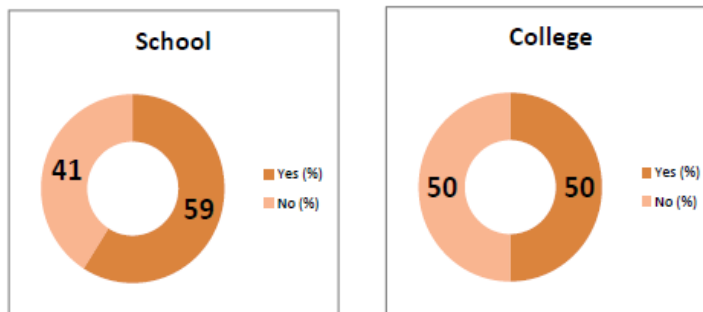
According to this finding it appears that school students are more enthusiastic as far as being Group Admin is concerned. Maybe it is a new fad and as a result they want to experiment more and more and become Admins of greater number of groups as compared to college students, who have settled down to a more mature use of this social messenger application. The study revealed that *5% of school students conceded that they are Group Admin in 9 or more Groups!*

12. Are you member of any group where you do not know all of the members or the Admin?



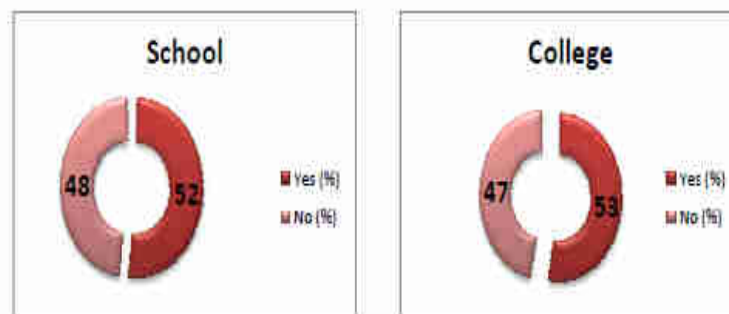
The propensity to become members of groups where the student does not know all the other members or even the Admin - steadily increases as we move from school to college students. In fact it nearly becomes one and a half times (from 30% to 43%). This is a highly dangerous and alarming trend. It displays a reckless and impudent lack of maturity because not knowing the Admin or other members and still being part of the group is opening oneself up to different types of crimes and prank posts.

13. Have you ever seen "Prank" posts & "Fake" posts on WhatsApp?



These results show that school students are more prone to seeing prank or fake posts like - UN has declared Jan Gan Man as the best national anthem or a child is missing and a number is given to call and tell whereabouts or some saying is given and if it is not forwarded to 10 people within 10 minutes then some bad luck will befall the receiver etc. This may be because school students being more immature will fall for such posts more easily as compared to college students. This then points to the fact that school students need greater protection and guidance while using the cyber world.

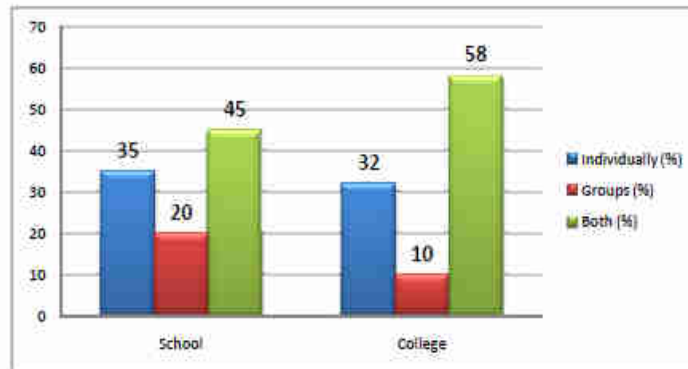
14. Do you think before forwarding such “Prank” or “Hoax” posts?



Analysis of this data shows that nearly half of school & college children think before they forward such prank and misleading posts. But the interesting fact is that almost half of all students do not think before they forward such misleading and wasteful posts. This is a rather alarming behavioral trend amongst students. As such posts not only waste precious time of the sender and receiver but also results in different types of hardships to scores of common citizens. Such hardships and heartburn is definitely avoidable - if students understand the falsity of such posts and avoid transmitting them further. The

only gainer in forwarding of such worthless material is probably the service provider - as they get more use time by the client.

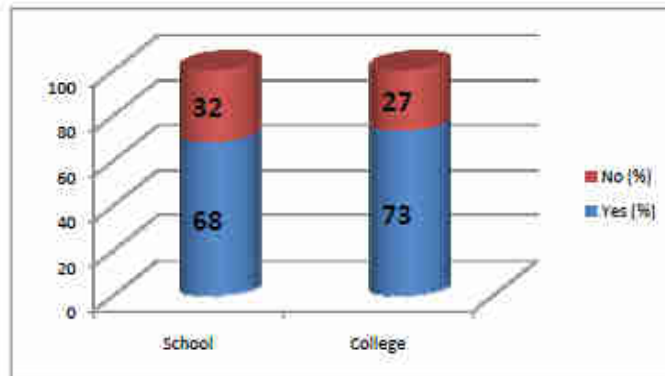
15. Do you chat individual or in group in WhatsApp?



This again brings out a similarity in pattern of chat types amongst school and college students. It can be said in general all students using the virtual space prefer to use a combination of group and individual chat. Whereas individual chat figures are nearly same for school and college students (32% vs 35%) - group chat figures for college students is half of the group chat figures of school students (10% vs 20%).

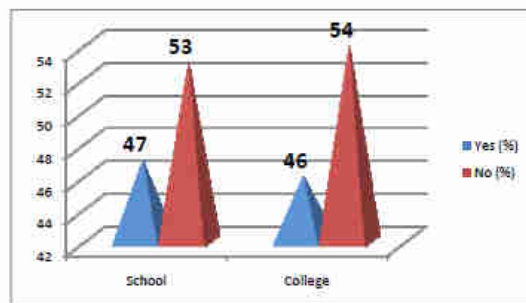
An important sub finding is that group chat preference of male students of schools and colleges is almost double of female students of the same institutions. In schools the male to female preference of group chat is 18% to 9%. Whereas for college students it is 13% to 7%.

16. Do you use WhatsApp for photo sharing besides text?



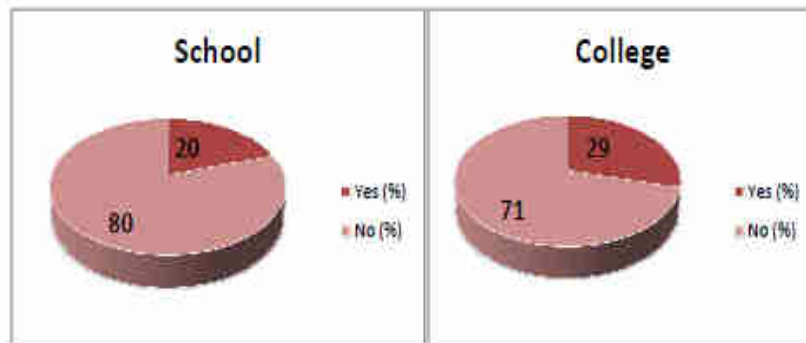
This shows that students of schools and colleges are sharing photos to a very large extent on WhatsApp. The content of such photo sharing is very important. It should not be something which is obscene, pornographic and otherwise harmful to the impressionable minds of students. Thus proper guidance and control of a parent or mature adult is required to ensure that the quality and content of photos and videos being shared on WhatsApp is such that it does not harm the student in any way.

17. Do you use WhatsApp calling feature?



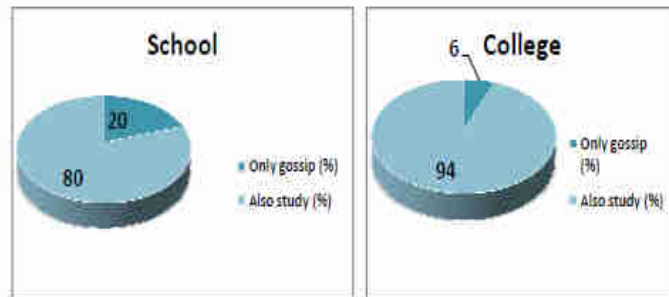
Almost half of all college and school students are using the WhatsApp calling feature for communication.

18. Have you ever posted or seen any obscene content on WhatsApp?



This question has brought out a very important factor - posting and viewing of obscene content on WhatsApp. School students (20%), who are still minors and hence immature and vulnerable have admitted that they have either viewed or posted obscene material on WhatsApp. This is indeed alarming as according to the law they are not permitted to do this and the other emergent factor is the impression this kind of obscenity will have on their immature minds. Considering the fact that 20% have voluntarily acceded to seeing or posting obscenity whereas the actual figure may be much higher and in times to come this will go up even further. This should be enough to set alarm bells ringing in the minds of parents & educators in particular and in the society as a whole in general. Further 29% college students acceded to having posted or viewed obscenity on WhatsApp and this is a crime under section 67, 67A & 67B of the IT Act. This should also provide food for thought for those who matter in society.

19. Do you use WhatsApp for only gossip or also for study related talks?



This last question shows that a healthy number of college students (94%) admit that they only do not use WhatsApp for only gossip and other entertainment activity but also for studies and knowledge enhancement. This figure is slightly lower (80%) for school students but that maybe due to experimentation and the novelty of a new gadget based App and just trying it out to connect to acquaintances and friends. This activity reduces as the student moves from minority to adulthood and from school enviorns to a college setting.

Major Findings:-

The main findings in this rather extensive study are as follows:

- Overwhelming number of school and college students posses smart phones. This number is almost % th of all students who were studied. It clearly demonstrates the huge amount of time that the students are spending in the virtual world, as smart phone is the device which connects an individual to the virtual world with greatest ease, speed and convenience.

- More than half of all college students and almost half of all school students possess 2 SIM cards, thus two separate connections. This is a significant finding once again as it demonstrates the increasing interest that the students have in the different aspects of the virtual world. This is because the two connections are being definitely being used for two different activities in the cyber space. Thus it proves that the students are today doing a host of different things in this space - ranging from communication; information; commercial activity; social networking to entertainment pursuits.
- Usage of number of Apps is also on the rise, with a majority of students having 5+ Apps on their mobile devices. This increasing usage of Apps also indicates towards the need for students to be secure while using these Apps and to fully understand the security features and procedures before starting use. This is however woefully lacking amongst all students and needs to be aggressively promoted.
- WhatsApp is the latest and most widely used social messenger service by the students of all ages and categories. 64% school and 80% college students use it today. The timing of this use is also stupendous - 22% school & 25% college students use it for more than 4 hours a day. This is almost 1/3 rd of the productive time available in a day to the students. If they are spending so much time on this activity they have to be using it in a safe and secure manner. This is a fact that is again missin - ask any student what security measure he/she takes while using WhatsApp and the answer more often than not is -

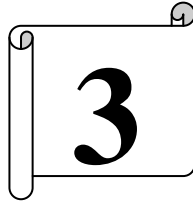
NONE. This is and must be a great cause of worry. In a world where a student is spending so much time and energy and investing nothing on safety - a disaster in the making is being prepared.

- School students (72%) and college students (54%) are Group Admins of 2 or more groups. This is again is an activity which cannot be undertaken recklessly, because any wrong activity by any group member can be pinned on the Group Admin too and it is being done by some city and state police forces. The situation is further exacerbated further when 30% school and 43% college students admit that they do not know all the members of the group in which they are members. This adds to the danger for all sorts of crimes to occur and online predators to have a field day.
- Prank or Hoax posts on WhatsApp in another big challenge. Almost half of all school and college students admit to forwarding such posts without thinking or finding out the veracity of such posts. This ends up causing great distress to other citizens and also ends up in promoting crime and criminal activity in the virtual space.
- Obscenity on WhatsApp provides the last big revelation in this study. 20% school and 29% college students admit to either viewing or posting obscene material on WhatsApp. This is alarming because if some student is posting and transmitting obscene material (which may be photos, videos or even *text*) then he is committing a crime under section 67 and 67A of the IT Act. Further if he is viewing (in addition to posting or transmitting) obscene material concerning a child (a person below 18 years of age) then

he/she is committing a crime under section 67B of the said act. Are we bringing up our children to commit crime in the cyber space with allowing unregulated and unsupervised use of this resource?

Thus the findings clearly indicate that the time has come to regulate and supervise the use of WhatsApp and other facilities on the cyber space for our students and children. Excessive and persistent use will not only ensure waste of time on avoidable (& even criminal) activities but also prevent the increase in crime and criminal activities in the virtual world. Use of this space for beneficial activities should be promoted as compared to unwanted and irresponsible activities and that can only be if we pay attention to what our wards are doing in this world and not leave things to their better sense and sensibility.

In addition the students must also be made aware about the security considerations that they must take into consideration while using the digital world. This is a factor that has to be brought in sharp focus by the Government too - by launching not only awareness initiatives for the students all across the country but also seriously considering the initiation of cyber education in schools.



EMERGENCE OF SOCIAL MEDIA: CHALLENGES AND OPPORTUNITIES FOR THE LAW ENFORCEMENT AGENCIES

*Sudipta Das, IPS**

"Social media spark a revelation that we, the people, have a voice, and through the democratization of content and ideas we can once again unite around common passions, inspire movements, and ignite change."

Brian Solis, Digital marketing analyst, Speaker and Author

Does social media really merit the attention of our Law Enforcement Agencies (LEAs), who are hard pressed to deal with a broad spectrum of human activities in their bid to prevent and detect crimes, and uphold the rule of law?

Let us look at statistics from a few popular social networking platforms. As of June 2015, if active monthly 'Facebook' users (-1.49 billion) constituted a country, then it would be the world's most populous nation ahead of China (1.36 billion) and India (1.25 billion). In India, Facebook has 125 million users, with 114 million users accessing Facebook from their mobile phones. Indian Facebook users, if constituted as a State, would be India's 2nd most populous state behind Uttar Pradesh (-200 million).

**SDPO Kailashahar, Tripura*

As of September 2015, the mobile messaging app WhatsApp' has more than 900 million monthly active users, with an estimated 10% of its users from India. If Indian WhatsApp users constituted a State, then it would be India's 5th most populous state behind UP, Maharashtra, Bihar and West Bengal.

The above comparisons lead to the inescapable conclusion that Indian LEAs need to acknowledge that social media is a vibrant domain of human activity - more so among young Indians-and therefore, a potential "jurisdiction" of interest, to monitor and secure similar to a territorial jurisdiction.

Social media allows people to communicate in previously unimaginable ways. One no longer requires costly PCs or laptops to share comments, emotions, pictures, videos, music, and documents. An inexpensive mobile phone, equipped with camera, apps and affordable Internet data pack, is enough to "socially network" an interested user. The social media space has witnessed a literal democratization due to availability of cheap Internet-ready mobile phones, launch of low-data 'Lite' versions of feature-rich websites like Facebook, Wikipedia or YouTube, and facility of vernacular expression.

Social media provides a liberating personal experience to its user, irrespective of gender, age, race, social status or nationality. Any attempt to regulate and censor public and personal behaviour may draw unpleasant comparisons to a police state and a dictatorial government. Everyone is free to make unlimited 'Friends', use incorrect language, masquerade as a different person say even a superhero, exaggerate Social

media provides a liberating personal experience to its user, irrespective of gender, age, race, social status or nationality. Any attempt to regulate and censor public and personal behaviour may draw unpleasant comparisons to a police state and a dictatorial government. Everyone is free to make unlimited 'Friends', use incorrect language, masquerade as a different person say even a superhero, exaggerate one's achievements, and voice opinion on any and every topic of interest - politics, religion, sports, culture, jobs, personal relationships, travel, food, etc. There is no penalty for being silly or sarcastic on social media. It really is subjective at what point innocent one's achievements, and voice opinion on any and every topic and good-natured teasing turns to traumatic and criminal bullying, unbridled 'friending' Word count: leads to cyber-stalking and unwitting sharing of personal information with criminals, and personal opinions clash with the values and standards of respected institutions.

Although social media encourages self-promotion - sometimes bordering on narcissism - activities of most users are benign. LEAs need not meddle with these. Nevertheless, social media is still a place where people vent their feelings and raw emotions. Wherever there is human activity, there is a possibility of deviant behaviour - a chance than someone will cross the thin line dividing morality and legality. Patrons of social media may sometimes exhibit socially unacceptable behaviour – an

*"Content is fire,
Social Media is
Gasoline."*

Individual may post highly provocative or defaming comments against another individual or a community, share unverified and

shocking information, spread rumors, hate speech and offensive imagery

Anonymity on social media may promote criminal behaviour, which get reinforced by like-minded others on online communities and blogspots through seemingly innocuous actions such as 'Likes', 'Shares' or 'Retweets'. Within a short time, physically detached individuals can congregate online to condone and propagate socially unacceptable conduct. Such mob mentality can reduce inhibitions and respect for law. Contagion effects can propel local incidents from far-flung areas into headline-grabbing 'breaking' news on mainstream media. New social networking sites like Minds.com, which claims to encrypt all messages, will pose new challenge to LEAs.

In sensational and heinous cases, say involving murder or crimes against women, the law prohibits disclosure of the identities of victims and key witnesses, sometimes even the accused. Normally, the self-regulated mainstream media complies. Unlike Word count: mainstream news articles which meet ethical journalistic standards and get dated the moment they are published, feedback on social media is as live as the latest update. The unbridled social media may freely discuss legally confidential information, sometimes in insensitive ways. Given that even conventional media websites now allow readers' comments below mainstream news articles, "trending" topics often generate exponential participation on social media. As it is rarely possible to moderate all comments in real time, any debate on a sensitive issue may easily get polarized, and rumours may gain prominence clouding the facts. Although none of the host websites proactively screen

uploaded user content to risk alienating patrons, they certainly respond whenever some content is flagged as 'inappropriate'. More proactive monitoring can separate the "Good" and the tolerably "Bad" from the downright "Ugly". Therefore, LEAs should find the right balance between individual privacy concerns and freedom of expression on one hand against broader national security concerns on the other.

Unlike conventional crimes where there is a physical scene of crime, crime scene on social media is largely electronic. Evidence resides in digital content on the servers of the host website. Unfortunately, most of the popular social media platforms are controlled by foreign private organizations, mainly US-based, operating under their own set of laws and regulations pertaining to user account privacy. Usually, attempts to extract digital evidence through the international Mutual Legal Assistance route end in a simple denial of information. Even in high-profile investigations, the best result that could be achieved is a mere removal of the offensive content from the website or a permanent blocking of the offending user. Although the criminal act is curbed, the criminal actor remains unpunished, free to commit further crimes with impunity. So, for crimes involving digital evidence, there is an urgent need to harmonize the disparate - often ad-hoc - efforts made by different LEAs, first within our country, and then attempt to share knowledge and incident-based intelligence globally amongst LEAs. Ironically, collaborative approaches suffer because nations hold varying perceptions of social media as an instrument of propaganda and opinion building, especially on issues requiring international debate and posturing. Countries differ in their

standards of tolerance and freedom of social media. In this regard, the INTERPOL may spearhead collaborative efforts.

Crimes on social media may not necessarily be very sophisticated and complex, but due to unrestricted access, offences occur persistently. Greater legal awareness and easier multi-pronged means to reach the police through 24/7 control room numbers, toll-free helplines, e-mails or even customized policing apps can lead to one inevitable conclusion - that reporting of wrongdoings on Facebook, Twitter, YouTube or WhatsApp is only going to increase, and even conventional body, property or marital offences would leave trace evidence on social media. Therefore, LEAs need to gauge this trend and shift their priorities vis-a-vis training, staffing, statistical reporting, and supervision. For example, newly recruited personnel may be tested more on their familiarity and practical understanding of the Internet and social media platforms, instead of demanding physical standards.

It is common experience that, while receiving complaints of abuse, harassment or threats involving Facebook, WhatsApp or Twitter, the FIR registering officer at the police station tends to avoid applying provisions of the Information Technology Act 2000 (subsequently amended in 2008) - a special law enacted to deal better with Internet crimes. Instead, case is registered under less stringent, but more familiar, sections of the Indian Penal Code. By not applying IT Act, the investigation can be endorsed to a Sub-Inspector rank officer, in violation of Section 78 of the IT Act, which mandates investigation by an officer not below the rank of an Inspector. Quality gets compromised. Lack of

trained Investigating Officers in Inspector ranks is a commonly cited excuse. In reality, Inspector rank officers, who may also be Officers-in-Charge of busy police stations, are reluctant to take up investigations involving meticulous and voluminous documentation of electronic evidences. Therefore, LEAs should inculcate positive attitudinal change towards technology to address unethical burking by otherwise responsible officers. Simultaneously, LEAs should train prosecutors and sensitize Courts in dealing with, and appreciating the importance of, electronic evidence - a hallmark of social media crimes.

Social media is highly dynamic in terms of content and participation. Users may not only upload their own comments, photos and videos, but even 'tag' or 'like' personal information and comments of others. So, personal information on social media is highly exposed and vulnerable to unauthorized access, more than personal information which previously used to be available behind password-protected secure sites run by responsible agencies, e.g. government databases, bank accounts or within e-mails. Police officers and their family members also maintain social media accounts in which details about their law enforcement jobs risk getting exposed more than desirable. All levels within the police hierarchy are not equally mature with social networking. Sometimes, they inadvertently post pictures of confidential areas of Police Station building (e.g. lockup), GPS tag the location of a raid/ ambush team, upload profile pictures with service weapons, or even tag senior officers without their prior approval. Such personal information may be picked up by criminals to compromise the safety of a duty-

bound officer and his family, or publicly highlight few private details to discredit his good work as a professional cop.

Paranoia, precaution and preparedness are the keys to success in the security world. So, whenever there is an attack on a high profile target - an influential individual or an institution - LEAs should gently nudge the political decision makers who also control the funding purse to invest in capacity building. Moreover, they should impress upon the political masters that knee-jerk blocking of websites or banning of online content will be regressive, an infringement of citizen's fundamental right to freedom of expression, and only generate public resentment.

Can police go after each and every transgression on social media? No. Social networking traffic is too voluminous and the data simply too "big" to sift through. After all, police officers are constrained to respond at the speed of law, and not the speed of electronic bytes! So, it becomes the responsibility of LEAs to assist lawmakers in asking the right questions and suggesting socially acceptable answers.

Radicals are using the largely unregulated social media as a force multiplier. Propagandists abuse social networks to disseminate a distorted hate-filled narrative, and then isolate, recruit, train and arm civilians for a misguided cause, e.g. by publicizing larger-than-life photographs of Islamic State jihadists, and justifying atrocities like beheading and torture in the name of religious cleansing. 'Shares', 'Likes', 'Tweets', 'Forwards', and blogs magnify such fringe activities of the orthodox, and spread fear and panic among the mainstream neutrals. Often, LEAs hit a blind spot when it comes to

Voice-over-IP cross-border calls and chats. Even if traced out, LEAs find it difficult to pursue content trails which go beyond geographic boundaries.

Although Internet censorship is undesirable, and perhaps unconstitutional, national security concerns require

"We don't have a choice on whether we DO social media, the question is how well we DO it."

Eric Qualman, Author and Keynote

closer monitoring of the social media space in innovative ways, such as on-demand access to account user details from websites, and access to metadata. LEAs find it

difficult to determine where and how to influence conversations on social media because discussions occur among diverse and dispersed communities, and with varied speeds instantaneously or over a course of months. Launching a national cyber security programme now can thwart online proliferation and protect future generation.

Absence of reliable measures to gauge the financial impact of disruptive social media offences deter LEAs from devoting sizeable resources – financial or human – Absence of reliable measures to gauge the financial impact of disruptive social media offences deter LEAs from devoting sizeable resources - financial or human to escalate cyber monitoring activities. This is further compounded by the fact that social networking technologies are still evolving, and their impact on national security are almost impossible to predict. Technology spending of LEAs has and, in the near future, is expected to remain a few steps behind that of the social media platform developers and entrepreneurs - unless India

decides to create specialized infrastructure, similar to USA and China.

Social media can encourage public spiritedness in cyberspace. Community policing can be taken to the level of an e-partnership. A large number of cases remain unsolved at the investigation stage, or remain pending for trial, because the suspect/ accused could not be apprehended. What is stopping the LEAs from posting details and pictures of such absconders on a Facebook page, and invite tip-offs from alert netizens?

'Facebook' arrests certainly have a future. The list of possibilities is virtually endless, limited only by one's imagination.

LEAs should definitely explore the following opportunities:

1. Post public safety alerts, security and crime prevention advisories and media releases (e.g. on women's safety, pandemic/ floods/ disaster advisory, lower court convictions, bail and parole releases, scam/ fraud alerts, cybercrime/ road safety awareness, anti-ragging/ anti-extortion measures, eviction drives, etc.) in an integrated manner on all social networks, and in partnership with print, television and radio media.
2. Publish positive stories, images and videos of various commendable initiatives and community outreach efforts, that may not be reported by the mainstream media, e.g. relief & rescue missions, poll and festival deployment, liquor/ narcotics/ gambling/ FICN raids and seizures, blood/ eye donation camps, self-defence training of women, sports and cultural activities, awards and medals,

martyr commemoration, passing-out parades, recovery of stolen property, drives to rehabilitate missing children, welfare for elderly people, 'Shramdan', tree plantation, etc. Convergence of mainstream and social media allows such stories to be detected by mainstream media.

3. Receive suggestions/ feedback through "Visitor Posts" and online surveys to improve enforcement and to realistically determine policing priorities. Doing so will showcase the democratic credential of modern day police as organized to be responsive and accountable downwards.
4. Encourage creation of Citizen Cop forums and groups to solicit discussions on community safety, and crime reporting through text/ audio with photo/ video evidence. Such online reporting can check on burking of crime at police stations, and in identifying crime hotspots - both physical and digital.
5. Updates on traffic arrangements during public events, e.g. road diversions, lane closures, parking restrictions, availability of public transport, etc.
6. Promote specialized mobile-based safety and emergency reporting apps that automatically integrate GPS coordinates of the sender, e.g. apps on women's safety, passerby accident reporting, fire incident reporting, tourist support, kidnap alert, hospital emergency room, intruder alert, cab refusal, etc.
7. Appeal for information on missing/ wanted persons, unknown bodies, lost & found property.
8. Garner support for police reforms by portraying the 'human face' of police using pictures/ videos of hardships and struggles endured by dutiful officers, challenges faced

by women police, conditions of police buildings and vehicles. Online petitions have a much wider public reach than traditional means of lobbying.

9. Encourage, through closed communities, groups, e-mailing lists and hashtags, with public as Moderator, free discussion and timely resolution of issues concerning special interest groups like journalists, NGOs, civil administration officials, shopkeepers' associations, local political/ religious representatives, bankers, teachers, transport representatives, student/ trade unions, etc.
10. Announce police staff recruitment drives, important transfers and postings, to complement traditional press releases and gazette notifications.
11. Increase legal awareness by sharing gist of landmark Court judgements, new legal enactments and amendments, and important government notifications.
12. "Follow" experts and eminent personalities on Twitter/ Facebook/ blogs to obtain up-to-date information and opinion on specialized topics like cyber security, human trafficking, narcotics, policy analysis, etc. Sometimes, complex problems may be solved through online discussions.
13. Highlight other e-services (e.g. WhatsApp helplines, CCTNS) through hyperlinking.

But, decision makers in LEAs need to keep an open mind on the following points:

1. Initiative may come from any level, because technology is certainly a great leveler.
2. Incentivize idea generation and creativity by instituting national-level and state-level cyber innovation awards in

- different categories, e.g. best apps, best online content, most visited pages, most liked posts, etc.
3. Seek advice from experts in academia and industry, discuss what is possible within the existing criminal justice system, and experiment with pilot projects.
 4. Encourage out-of – the-box thinking, review proposals for implementation on priority
 5. Emphasize upon thorough documentation of all efforts and outcomes to facilitate speedy technology transfer and adoption between units.
 6. Emulate successful models of sister LEAs instead of reinventing the wheel. Benchmarking and pooling of efforts produce better results.
 7. Sustain initiate through institutionalization. efforts must be collectivistic organization - driven rather than individualistic personality - driven.
 8. Issue instructions to and encourage feedback from lower formations in a broadcast mode to achieve shared responsive policing.
 9. Frame a formal Social Media Policy to be circulated among stakeholders, including at the Ministry level for standardized adoption across all state-specific LEAs. Discuss, among other things:
 - A. Officers and staff in charge of screening, uploading and monitoring content, and conditions when additional expert staff may be required.
 - B. Extent of disclosure vis-a-vis confidentiality on official matters.
 - C. Remedies for unintended leaks, crisis PR and other risks.

- D. Cautionary guidelines and etiquettes - Do's and Don'ts - on uploading personal content, including that of family members, without undue infringement upon staff privacy.
- E. Steps against excessive and inappropriate use leading to loss of productivity.
- F. Professional ethics like using aliases, engaging in or endorsing political or religious views.
- G. Include up-to-date social media terminology as appendix.
10. Secure political buy-in for social media outreach; showcase it as an extension of the Public Relations office and Community Policing efforts.
11. Acknowledge that achieving positive results will require long-term commitment.
12. Explore Corporate Social Responsibility (CSR) funding for developing social media tools and hardware, for low-resource LEAs.
13. Impress upon the government budget makers that cheap open source solutions require a steeper learning curve, do not receive timely troubleshooting support, and are rarely designed keeping in mind a police end-user.
14. Demand separate technology budget for police to harness technological expertise available among students and academics through research grants and scholarships, applied science competitions, and venture capital funding of security-related tech start-ups.
15. Accept that wrong actions by a few may discredit and hold vicariously liable the entire organization.

Responsible authority should issue immediate clarification to mitigate social media criticism.

16. Avoid unsolicited promotion. Bulk messages or invitation reminders - automated or otherwise — are irritants.
17. Ensure immediate completion of any action promised on social media to maintain credibility. Avoid misleading statements and overpromises,
18. Avoid confusion due to social media jargon and slang, which may be unfamiliar phrases or recognizable words that have been redefined. Learn by exploring.
19. Remember that social media only provides a pulse of the people. And, sometimes the pulse may be swayed by a lynch mob mentality, which is unlawful.
20. React to collective behaviour anomalies, but tolerate individual misdemeanors. Shift focus from prevention and detection of specific acts by single offenders to prevention-detection-response to recurring deviant patterns and behaviour of many.
21. Set up well-equipped data centres in each State to ensure proper recording of social media logs and backup of content of interest.
22. Increase sophistication of social media engagement depending on the LEA's charter and resources. For instance, intelligence-oriented LEAs can emulate social engineering and stalking methods (subterfuge, deception, aliases, false pretenses, etc.), similar to those employed by online criminals, to collect intelligence on potential terror suspects, infiltrate closed online communities, bait cyber criminals, and frustrate anti-national entities. If

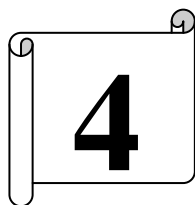
counter propaganda is a cherished goal, LEAs may explore artificial intelligence solutions.

CONCLUSION

In today's digital era, it is imperative that LEAs embrace new technologies and tools, not just to appear up-to-date and reach out to the youth, but also to present a balanced narrative to counter negative news and rumors related to police actions in any adverse law and order situation. Social media instruments provide a good platform to present the public with the police perspective that may not be brought out by mainstream media in their sensationalist coverage. Properly administered and monitored, social media amounts to semi-controllable positive publicity for the LEAs, engendering support for various initiatives, and an opportunity to rebrand as accountable, new-age and empathetic agencies that empower the public and make their lives better.

LEAs should discern between innocent participation and malicious activities on social media. While cybercrimes are still not as pressing as on-ground crimes, these are steadily evolving, thanks to intelligent and white-collar perpetrators, and need to be addressed by LEAs in preventative advisories. Social networking can generate constructive dialogue with different stakeholders, amplify endorsement for police actions, and restore public faith in the most visible arm of the criminal justice system.

It feels apt to reiterate here the following prescient observation by Simon Mainwaring, a Social Media Consultant: "Social media is not about the exploitation of technology, but service to community."



FACETS OF COUNTER IED STRATEGY (a cognitive frame work)

*Dr.A.P.Maheshwari, IPS**

Dynamics of proxy war and asymmetric offensives keep us on our toes and generate constantly mounting pressure towards evolving a higher level of response capacity in order to counter the moves of the adversary. A more normative approach would be to neutralize his efforts before he can implement his designs. Use of improvised explosive devices has changed the nature of proxy war and the required level of preparedness. The war zone has shifted to the civic society and, therefore, our strategies are required to shift from geographical terrain to the human terrain.

2. In the Indian context, it would be relevant to glance through NBDC data analysis of the IEDs for the year 2014 which depicts that about 190 IED blasts took place in the year causing 75 fatalities. Manipur, Chhattisgarh, Jharkhand, Bihar and J&K topped the list in respective order. This provides an initial idea of the intensity as well

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as the spread of threats, which nevertheless remain dynamic.

3. With the advancement of science & technology and use of scientific domains to uplift the quality of life, these very options are being used to further accentuate the means of destruction. Items of daily use are combined to make explosives, whereas, electrical and electronic components can be integrated to activate their detonation. Hence, any counter IED strategy would need a comprehensive vision, encompassing various facets, such as customized technology, global communication spectrum, perception management tools, expert intelligent domains along with their collaborative formats, smart security systems, investigative trails, network integrations and so on. Such a vision shall also have to factor in the technologically exported global terrorism and many other unknown 'unknowns' of proxy war. The vision itself would have to match with the pace of dynamism in this domain. Core questions would need to be asked and attended to as frequently as possible - what, when, where, by whom, how much & why? The foremost onus on the agencies would be to carry out awareness exercises through 'intelligence inputs' and 'data analysis'. Our vision would be considerably constrained if these domains are left lagging behind. Technological 'do-how' and 'know-how' could be made available, one may even get the necessary 'hardware and software'; but what about the right 'thought ware'. 'Thought ware' is what provides the real drivers. Otherwise, we bear the risk of remaining in our own silos

and missing the opportunities offered by collaborative formats and their expert integrations.

4. Therefore to be precise, on one hand the value of capacity building in terms of counter IED training on a constant basis to the well selected human assets would remain crucial and on the other hand a 'proactive visionary' mind set would also have to be evolved beyond the rigid set of SOPs pushing one to a state of self-created silos.
5. Next important domain would be the quality of the human resource. That means technical, managerial as well as leadership skills. In India, we often suffer as a consequence of our lack of faith in maintaining a shared vision and a synergetic work culture. We don't optimize on our 'organic' resources as our priorities differ. How do we arrive at a potent strategy if our agendas are different? And just imagine the borne opportunity costs.
6. In all our seminars, we speak of the remote sensing of IEDs, remote initiators, UAV driven GPR, broad spectrum jammers, sniffer dogs, various sanitization techniques and so on. The 'know-how' and 'do-how' options are not difficult to capture in a digitally linked world. Where are we then failing? Probably due to the 'do-why' syndrome. All these options as enumerated above are already being used in various commercial and manufacturing fields. They are not difficult to emulate. But who would take the onus and the initiative? Are we

bogged down more with procedures and paper output than the real outcome on the ground in terms of net value addition? Are we having the right vectors in place to make a true value analysis?

7. Detection itself is a proactive step to prevention. Hence, post blast analysis, forensic trails and proper investigation should also lead us to neutralize the 'human- network' that is supporting the adversary. This aspect is more important than the technical detection and the associated damage control. We may further strengthen our 'database supported' control rooms. Such work stations could be further augmented by web based networks, along with compact security in the virtual-world domains.
8. Another dimension which has now become important, besides coming out of our own cylindrical existence, is to go close to the civic society and make them our active partners. In the name of secrecy, we keep our stakeholders and partners at an arm's length. After all, they are the centre of gravity for the adversary too. In a proxy war, human terrain assumes greater importance than the geographical terrain. Without optimizing on this grid, our position would remain that of being 'all dressed up but with nowhere to go'. And even if we get some clue on our own, it may not be easy to ensure that we are fighting with the right enemy at the right place. In today's world, the enemy can mutate amidst the civic population without being actually physically present.

The virtual world takes over and does the job. Can we then claim to be smarter than our adversary!

9. Human terrain specialization shall also assist us in locating the demand and supply side vectors and control them cogently, before any of the systemic faults are discreetly exploited by the adversary. We can build systems to check leakages, identify such points and repair them in time. This model can be invariably applied, whether we focus on leakages of detonators from mining activities or sale of chemicals for commercial purposes or any such similar usage in civic life.
10. Last but not the least; we need to divert resources for logistical support and constant R&D. This has to be done in a decentralized manner so that each operational level is empowered to the core. Local capacity building needs to be augmented. Centralized or outside support have the tendency to create a situation of goal displacement either due to the 'silos effect' or the 'why me apathy'.
11. Security concerns have to be shared on an open collaborative framework with an ownership mind set at the level of all the stakeholders and where the civic society must be considered supreme. 'Thought ware' is more important than 'hardware' and the 'software'. This stands true for any counter IED strategy in any given situation in a proxy war environment.

12. In this context, the initiative by certain forces to set up specialized institutions is a welcome step in order to evolve a cogent working culture in the professional arenas at each level. They have also set up IED labs and parks to evolve the desired counter IED responses. Further a step ahead, certain lead states have set up police universities for generating integrative holistic response between police agencies, scholars, researchers and the resource persons from the civic society. It is now a global concern in view of the terror techniques being adopted in various conflict ridden areas. In an age of 'technologically - exported' global terrorism, the security agencies have to keep a vigil on latest trends and response patterns across the globe, anywhere and at any time.
13. Global defence exhibitions have been providing opportunities to various users as well as vendors to understand the security requirements and offer optimal integrative solutions. The mutual competitiveness guided by R&D potentials also present varied norms. A combination of electro-magnetic, motion, doppler or such similar sensors integrated with smart locational as well as decision support technologies are now available with possibilities of customization as per situation.
14. However, in this crucial area, the financial outlay or the opportunity cost of technological obsolescence should not be a limiting factor as indirect costs of various damages, financial as well as psychological, would always be far

more than the direct financial outflows. The criticality also entails rationalization of induction procedures.

5

REPORT OF KARNAL POLICE -TRAFFIC

*Pankaj Nain, IPS**



**SP, Karnal, Haryana*

Raahgiri day – apni rahen, apni azaadi



On 30th August, 2015, the city of Karnal celebrated its first Raahgiri Day when thousands of residents came out of their houses to enjoy their city's first ever car-free Sunday. Without vehicles dominating the streetscape, pedestrians, cyclists, and runners all converged on the streets; children took the opportunity to play soccer, cricket, and badminton; skating enthusiasts honed their skills; and fitness enthusiasts enjoyed.

The name Raahgiri translates into taking charge of our own journey, of our own streets, of our lives. It has a mystic appeal, creates a sense of curiosity and will connect with today's children and youth. The concept is inspired by "Ciclovía held weekly in Bogotá, Columbia and now popular all over the world known by different names viz. Open Streets, Summer Streets, etc. In India, the first Car Free Sunday was observed in Gurgaon in the name of Raahgiri Day in 2013 and since then have spread to over 36 locations all over the country in various names and forms but with essentially the same concept.

Raahgiri Day has been chosen as one of the 24 most inspiring stories for "Pathways to Green Cities" by the Global

Advisory Committee of The Earth Day Network. It has also won the early-bird prize for UL and Ashoka Changemakers: Safer Roads, Safer India Competition and has been selected as one of six most innovative solutions in addressing road safety. Most importantly, the Ministry of Urban Development (MoUD) has documented Raahgiri Day as a best practice in urban transportation in Indian cities.

The story behind raahgiri day

Karnal is a city with population of 3.5 lakh people as per 2011 Census. Though a small city, it records about 250 accidents a year of which 100 are fatal. These statistics are matter of concern and need to be reined in. Rapid urbanization has led to motorization and thus road safety has to be taken up at the earliest as a precaution.

The seeds of Raahgiri in Karnal were sown during a meeting organized by SP of Karnal Mr. Pankaj Nain, IPS at Panchayat Bhawan Karnal on 19th August 2015 with social workers, artists, poets, writers, journalists, and Principals of Schools and Colleges as well as the administrators. About 300 persons from all walks of life attended this meeting. A core committee was formed from these respected and energetic persons. The idea was to create a space for pedestrians, cyclists, children and adults and to inculcate a sense of healthy living in our busy urban schedules. For this purpose, the routes from Old Tehsil to Committee Chowk, Sabji Mandi and HDFC lane were selected.

The first RAAHGIRI was organized on 30th August 2015. More than 5000 people participated in various events on the first day. The activities included Carrom Board, Chess,

Dancing, Singing, Yoga, Cycling, Skating, Gymnasium, Volleyball, Badminton, Boxing and Aerobics as well as nostalgic street games like Snakes and Ladders, Skipping and Tug-of-War etc. Adequate arrangements were made for drinking water, parking and traffic management. Exhaustive arrangements were made for the safety of citizens with a special focus on the security of women and children. To the utter admiration of everyone, the first event was a grand success. Sh. Hanif Qureshi, IPS, Inspector General of Police, Karnal Range, Sh. Pankaj Nain IPS, Sh. Amrender Singh, OSD to Chief Minister, Haryana & Sh. Sher Singh, Superintendent of Prison, Karnal and a number of other dignitaries participated in various activities to encourage the citizens.

The second RAAHGIRI was organized on 6th September 2015. In this event differently abled children participated and displayed their talents & skills. Perhaps the first time the children got to perform on a public stage. Street games like Shtapu, Rope Jumping, Archery, Fencing, Painting, Art & Craft and folk songs of Rajasthan were performed. NCC Cadets & NSS volunteers from various schools and colleges presented a disciplined march past in accompaniment to the rhythm of the band. A team of Sikh clergymen performed customary Gataka.



The team RAAHGIRI (consisting of NGOs, social workers and the Civil society) under the leadership of Sh. Pankaj Nain, assisted by a few worthy Police Officers has initiated a process of cultural

transformation in Haryana. It has helped in changing the perception of people regarding the enforcement agencies including the police personnel. Thus the convoy of RAAHGIRI is continuously moving forward. The Honorable Chief Minister of Haryana, Sh. Manohar Lal Khattar launched RAAHGIRI website i.e. www.raahgirikarnal.com on 20th September 2015. Since the sixth week, Raahgiri Day Karnal has moved to a new location opposite Mini Secretariat.

The idea behind the movement is to address the following objectives:

1. Road Safety: More than 1.4 lac people annually die in India due to road accidents and majority of them are pedestrians and cyclists as they are not respected on roads.
2. Air Pollution: As per WHO report, more than 6.2 lac premature deaths per year happen in India due to air pollution and this problem is severe in cities and towns.
3. Physical Inactivity: The WHO report also estimates that more than 4.3 lac premature deaths happen per year in India because of physical inactivity which is largely due to lifestyle changes.
4. Inclusive Development: Many urban areas are becoming very exclusive as there is no formal mechanism for interaction between various cross sections of society. The outcome of this social segregation is manifested social unrests which are detrimental to our habitation.

Karnal police facilitates community engagement

On each Raahgiri Day, the Karnal Police ensures that all Raahgiri routes are free of vehicles during the event timings. A vehicle trying to pass through that area is guided to a detour. Without the participation of Police every Sunday, conducting this event will not be possible.

Raahgiri has also promoted great level of interaction between the police and citizens. The Police has made a conscious effort to connect with various NGOs and civil society groups through Raahgiri Day. A list of all these groups are maintained by the Karnal Police and are encouraged to come forward and work with the Police.

The major takeaway for everyone from Raahgiri is that the gap between enforcement bodies and citizens has reduced. The citizens who generally hesitate to go to a police station now have an opportunity to meet and interact with them at Raahgiri on Sundays. It has greatly improved the level of engagement between the Police and residents and wins their trust. These informal interactions are invaluable for the society. Karnal Police have also used the Raahgiri platform to make roads safer for cyclists and pedestrians. Talks are on for various projects to improve road safety.



Apki Police Apke Saath radio programme by Radio Mewat, Nuh, Haryana received the Most Innovative/Creative Programme Content Award for National Community Radio Awards by Ministry of Information and Broadcasting, Government of India.

Impact of raahgiri in karnal

Raahgiri Day in Karnal has been a huge hit with residents of Karnal and has also had a positive impact on attributes like Road Safety, Physical Activity, Air & Noise Pollution and Local Business! One person in Karnal dies every four days due to road accidents. With Raahgiri, the discourse on road safety has gained mileage and will help reduce the number of lives lost on road. The phenomenal support and participation from Karnal Police, who conduct activities at Raahgiri Day every Sunday to generate awareness around road safety will go a long way in improving road safety in the city.

Raahgiri / Ciclovía is not an end but a means toward an end, which is sustainable development. Ciclovía led to construction of permanent bikeways (now 320 km network) and sidewalks (all over the city) in Bogota. We hope what Ciclovía did for Bogota, Raahgiri will do the same for India; our cities will have better infrastructure for active commuters and better quality life for our children.



Car free day karnal



Raahgiri was the door that opened discussion on road safety, pollution and healthy lifestyle in the city. While Raahgiri provided safe roads for public on Sundays, the talks shifted to weekdays and the rising number of cars on the city roads and the congestion and air pollution they cause. Car Free Weekdays were first observed in Hyderabad in India with discernible results with regard to reduce congestion and air pollution. Every week, they are able to push 10,000 private vehicles off roads, save 100,000 personal hours on roads, save 37,500 litres of fuel, and avoid 78 tonnes of CO₂. Gurgaon began to observe Car Free Tuesdays starting on September 22nd, 2015, it caught the fancy of the whole nation and was taken up by many cities, even Delhi! Karnal started observing Car Free Tuesdays on November 17.

The story behind car free day



The Police of Karnal, City Administration, Civil Societies and NGO's met to come up with a solution to tackle congestion and pollution in the city and decided on observing weekly Car Free Tuesdays in Karnal, starting on November 17th, 2015. The highly congested areas of Sadar Bazaar will be made completely free of all private vehicles from

7 am to 7 pm on Car Free Tuesdays. The Superintendent of Police appealed to the people that there be no private vehicles in Mini Secretariat and administrative offices pledged to use alternate transport on Car Free Days.

In the run up to the D-Day, Karnal had been buzzing with campaigners at every chowk and mandi for 15 days. About 72 schools are supporting the novel initiative and volunteers were seen enlightening young minds the need to promote Sustainable Transport. The Traders Associations in the city are also backing pedestrianization of the central business area of the city. NGO's and Raahgiri Foundation have given wholehearted support to the novel initiative. WRI-EMBARQ India is providing the technical support for the same.

SP of Karnal, Mr. Pankaj Nain IPS, took up the cause to the masses, leading by example. He cycled to work for two weeks before the start of Car Free Day, promoting citizens to take up walking, cycling and public transport as an alternative to Private Vehicles. 70 Schools actively participated in "Car free day" reducing about 1000 cars from schools. Old Raahgiri route between Bus Stand to Clock Tower, to Sabji Mandi Chowk, Karan Gate Area, HDFC Bank was turned car free zone. Traders were happy to see open wide roads of market today with no cars, pollution & sound. Hospital road, Sector-12 road and Mall Road were also car free today where strict enforcement against car parked on roads were carried out. More than 100 such cars were



challenged on the first Car Free day. SHO's in uniform were solicited for enforcement and patrolled the stretches on cycles. The city roads were rendered smooth with no traffic congestion on Tuesdays. There was considerably less noise and air pollution. Overall, 500 cars are reduced in the car free zone, with 50 less in Mini Secretariat alone every week.

Impact of car free day on police

Car Free Day has helped Karnal Police to realize its potential as an enforcement body. Every week, Police personnel regulate traffic and control illegal parking along city roads. On Car Free Days, Karnal Police ensures zero tolerance all over the city. No illegal parking is allowed and the notified stretches are made completely car free. It has improved the visibility of the Police in the city. City Police have begun to take a larger role in ensuring clean air. There has been a sea change in the attitude towards non-motorised transport.



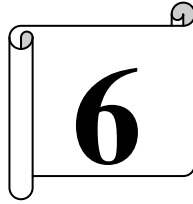
The Police have taken ownership of the campaign leading by example and have taken to cycles and e-rickshaws for their commute on Tuesdays. As a token of appreciation, Karnal Police distributed around 700 reflective stickers to cyclists who regularly cycle to work.

Traffic Tau - a concept to encourage community Policing, an affable policeman in white dhoti, kurta and red pagdi acting as mascot have improved the image of the Police. Traffic Tau, in his patent Haryanvi accent will gently admonish traffic

offenders on road and spread the message of safety. He was introduced during Car Free Day campaigns and has become a favorite with school students. He is a regular at cycle rallies, campaigns at schools and other awareness programmes.

Car Free Day has in a nutshell been a citizen engaging as well as enforcement improving experience for the Karnal Police.





REFORM FROM WITHIN

*P.S. Bawa, IPS**

There are two strands of police reforms. One refers to deficit in resources like manpower, vehicles, wireless, police station buildings, forensic laboratories, etc. The other pertains to structural reforms directed by the Supreme Court in *Praksh Singh*¹ decision. Both are important and indispensable. Their availability shall strengthen the department to a great extent. But there is one inadequacy. In both is involved the aspect of waiting and dependence. Many commissions have proposed additional resources. The National Police Commission has dwelt upon various aspects of structural reforms that culminated in the apex court decision. But there has been a long wait for their fructification. Nothing much has happened in terms of resources or implementation of the Supreme Court directions. The department is still in the waiting mode. The modernization mission of the Ministry of Home Affairs has few spirited takers. There has not been much enthusiasm in utilization of funds. Both aspects of reforms depend upon support from outside. The government has to provide resources to meet the deficits or translate the directions into

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legislation. These may take a long time and police shall continue in the same situation surrounded by inadequacies and lack in delivery of services.

Whereas both above mentioned methods of reform shall continue to be significant and eagerly awaited, and must be pursued, there is one mode of reform that has not yet been tried consciously. It is within the realm of the doable, things which are within the competence of the department and do not require many resources or dependence on the outside. This is the area of inner growth of the department, the development of the individual officer, practices of the organization, and supervisory controls and leadership contributions that would synergize the positives of the department. In other words, the strategy is not for pining for 'absences' but using the 'presences', not waiting for what is not while using that which is available.

One strong point in favor of police is the existence of law that is unambiguous, supportive, and enabling with regard to performance. Whereas police may continue to seek more and better laws, if necessary, it must also contend with the given and the available. There is no need to find alibis for inaction on the ground of non-availability of power. Here are some aspects of police reforms that, if taken seriously, can raise the level of functioning and its contribution with impact, despite various lacks.

Inspiration from the Constitution

Police at the moment is not conscious of its linkage with the Constitution of India and is struck at the level of the Police Act of 1861 which, interpreted in the right earnest and

broadly, too can deliver the same results. Yet the focus is missing. With the Constitution on the mind, police shall do better in delivery of service. Police do not realize that superior to the Police Act is the Constitution which is the fount of law because every act of law must not be in conflict with the fundamental rights (Art 13). The Constitution is an overarching document. Not only are laws sanctified by it, the Constitution also gives a direction to what is to be achieved.

The preamble is a mission statement. Though not specifically meant for police, yet police must consider it as such. The preamble speaks about justice, equality, freedom, fraternity, dignity of the individual, and unity and integrity of the nation. It is further articulated in the fundamental rights that deal with rule of law, cessation of discrimination, preservation of equalities, freedoms, including that of religion. Since rights are further actualized in various legislations and it is the task of police to implement law, it is the duty of police not only to protect rights of people, but also seek advancement of regime of rights. Every crime is a violation of a right.

The Constitution also gives broad directions regarding functioning of police, in a way. Article 20 pertains to avoiding torture for seeking confession ('No person accused of an offence shall be compelled to be a witness against himself.') Article 21 mandates the sanctity of legal procedures ('No person shall be deprived of his life or personal liberty except according to procedure established by law.'). In other words, police has no option but to follow the procedures and not to violate these in the interest of achieving ends. Art 22 contains directions on arrest. There is a categorical mention regarding protection of the weak that includes women, children,

scheduled castes and tribes (Article 15), forced labor (Art 23), juveniles under fourteen years working in hazardous factories (Art 24), the minorities and religious freedoms (Articles 26-8). Hence the rights approach to policing would provide quality to its performance. Moreover, it is the fundamental duty to of a citizen to 'abide by the Constitution' (Art 51A). Ensuring the dignity of the individual is immutable and inherent as a core paradigm in all other. Seeking justice is a justified claim of every individual. Therefore, police must wrap itself in the cloak of the Constitution for a better functioning.

Appreciation of the wider concept of policing

At present, there is a myopic view of functions of police, confined only to dealing with crime, criminals, and criminality. This involves investigation, detection, and its procedures. This is important and necessary, but not sufficient. It is a limited view of the police function. Police must open its doors of perceptions, broaden views on its role, and undertake many related tasks that deal with basic matters of crime, disorder, and controls. The organization must get over the stereotype functioning of police and not seek legitimacy only in dealing with crime thus considering all tasks pertaining to security, maintenance of order, preservation of peace and enforcement of law as burdens, distractions and attention-snatchers from the main task of dealing with crimes that have happened. Although the preamble of the Police Act mentions that police is 'an instrument for prevention and detection of crime' (emphasis added), police must get out of this trap and seek innovative interpretation of its work. And there is nothing to prevent this.

The Police Act, in its simplicity, also refers to its concern with public spaces like ghats, ferry spots, processions, etc. These can now be altered in their interpretation to mean bus stops, roads, pedestrian walks, etc. Section 34 deals with issues and problems in the public domain that interfere with the smooth and orderly life of people. Thus one of the important tasks of police is to maintain public order. A look at encroachments in big and small cities and the traffic mess betrays police reluctance to consider these as core tasks. Police feels that these are thrust upon it, its main task being only dealing with crime that has taken place and is in the past. Although this shall continue to be the main responsibility of policing, other areas of security, prevention of crime, dealing with fear of crime, etc., shall engage police in a big way. Bittner² has rightly pointed out the task of police as being 'Something-ought-not-to-be-happening-about-which-something-ought-to-be-done-NOW'. Therefore, rather than react to a situation only, police must be proactive in anticipating a problem and dealing with it. This orientation is within the competence of the department that must give direction to this style of thinking.

Besides the investigation of crimes and widening the ambit of policing, police has two creative tasks it ought to attend.

(1) Prevention of crime

Police interest in prevention of crime must extend beyond application of preventive sections in the Code of Criminal Procedure. Except for resort to Sections 107 onwards, like Section 133, there is not much effort in the direction of prevention of crime. What is required is a systematic approach to this project. In other words, police has not only to be approachable, but also inform people of strategies for

prevention of crime like taking care of themselves, their wards, senior citizens, and property, especially one lying in public space. The officers ought to be tuned to these issues through normal training. Besides, police must make use of simple technologies in catching culprits, especially of traffic violations. Thirdly, police must, in order to give importance to this task, create a special wing in the police station, at least by dedicating an officer for this purpose.

(2) Meaningful contact with public

The second aspect pertains to building a systematic contact with public. All efforts till now have been spasmodic, irregular, and are personal initiatives of individual officers who are not able to build sustaining interest in the subject. The project vanishes after their transfer. The department has to inform people of their obligations, powers, and duties contained in law, both in the Code of Criminal Procedure pertaining to information on crime, aiding public official, power of arrest, etc., and the Indian Penal Code like the right to private defense. Police has not made any conscious and special effort in building relationship with public in a systematic manner. This ought to be done and does not require any resources. What is required is just a proper orientation of the need to do so. This can be done by having a regular contact with resident welfare associations that have been established almost all over.

Both projects have to be institutionalized for proper outcomes. This can be done by dedicating a police officer (any rank, but interested) for these tasks. Intense advantage would accrue from this officer.

Legal institution with autonomy

Police must get over the fixation with inter-service hierarchy as there is none in the system. Various components of governance like legislature, police as part of the executive, and judiciary are independent and function as such under their laws and regulations. All components of the criminal justice system have their own hierarchies and are independent of each other. However, their connections and linkages are ordained by law. Therefore, police must acquire the necessary confidence of being an independent organization and also one without whose support other systems cannot function. In fact, all need each other. It is a regime of inter-dependence rather than insularity.

Secondly, there are many tasks that the police can undertake independently of other organizations. These are mostly preventive in nature. None can interfere in performance of these. Police, therefore, misses a good opportunity in waiting for directions in performing these tasks. Thirdly, police is accountable to law only. It has nothing to do with politicians in general or even the elected representatives, except reporting to houses of legislature, through the minister, in the context of any question or as a response to a select committee. However, this too is contained in the network of procedures. Thus no politician is given any space in any of the laws, except the state government that runs through ministers who are elected. And such a functionary too works in accordance with powers conferred under law. So every relationship has a legal backing and nothing out of it is acceptable. The rest is all frivolous.

Police officers must, therefore, appreciate the limitations on all functionaries. Such realization is imperative for an independent and not servile functioning. Accountability of police, therefore, is directly to law and not to any individual functionary. However, this ultimately transforms into accountability to the department, legislature, judiciary, and executive, but whichever the authority may be it has to function through a procedure woven in rules, law, and other instructions framed under these regimes. Nothing can be arbitrary. It is this realization that is important for police reforms, else officers feel that are at the beck and call of authorities considered 'superior' to them, though there is none.

Sanskritization of Police

Sanskritization is a concept in sociology, articulated by M.N. Srinivas, by which 'a 'low' Hindu caste or tribal or 'other' group, changes its customs, rituals, ideology, and way of life in the direction of a high, and frequently 'twice-born' caste'³. The object is to climb to a higher position in the caste hierarchy. It indicates the desire of lower classes to act and behave like upper classes so as to be counted among them. It is the way in which castes raise their status by adoption of practices from higher caste groups. It is both an aspirational and inspirational venture. It is an emulation of upper caste norms and standards of behavior that is reflected by 'several jatis (who) made efforts to get for themselves an honorable pedigree and also a right to wear thread'⁴.

By all counts, police, though a legal entity, is considered lower to the judiciary in the sense that whereas judiciary has a

highly educated manpower with an understanding of law and every officer counts as an independent asset, this is not so in police. The level of police officer (every constable is an 'officer' under Police Act), and even of those senior to him, is not the same as that of a judicial officer, both in terms of education and skill. The police officer lacks confidence as he is not as much aware of law as the magistrate is. Moreover, the judicial officer is independent, but a police officer works under a hierarchy to which he feels obliged to 'obey'. In this context, having a broad interpretation of law, all police officers ought to be the same except in terms of the hierarchy when the orders of the seniors (presumably 'legal' and rational) are to be obeyed or they are to be guided for purposes of command and control. Every police officer at the spot represents the top of the organization and is an 'officer' at the spot with legal powers.

It is in this context that police that is considered low in the hierarchy of the criminal justice system and permits everyone tread upon its turf and claim superiority has to transform itself into a higher region by dint of understanding its autonomous position and getting confidence of its being an independent agency of law. Police leadership must therefore ensure that all the police officers, or most of them, have fairly high knowledge of law, as this is the most powerful, critical, and important instrument of functioning. This knowledge would help them use discretion prudently, keep them on the path of rectitude knowing what is permitted and what is not, the penalties of wrong-doing, besides protection for all actions done in good faith and unquestionable intentions.

This effort would not entail many resources. A band of police officers from the training institutions may be especially dedicated for this task of raising the knowledge of officers. Knowledge would give more confidence for working independently in handling a situation. This could mean knowledge of functions and broader role of police, matters with regard to evidence and procedure, writing and reporting, the judgments of the Supreme Court and the unchallenged but landmark decisions of the High Court of the State, etc. The department must endeavor to cover officers of all ranks, despite the limitations of education. Since most of the police officers have robust common sense and worldly experience, appreciation of subtleties of law would not be a problem. It is in this context that police must aspire to the condition of judiciary. A conscious effort shall pay huge dividends and raise the image and morale of the force. Sanskritization in this context does not mean that the police appropriate the duties of the judiciary and act in a manner so as to penalize the offender/suspect. It only conveys the need to raise level of grasp of law and aspire to independent working where matters pertaining to law are concerned. This would make functioning of police legal as per jurisprudence and prevent wrongdoing.

Leadership imperative

Before seeking more in terms of laws, better and more severe, police leadership must take note of what is available and can be grabbed quickly. In this context, the decision of the Supreme Court in Prakash Singh case is relevant. There are three aspects of the judgment: (1) directions to the state government; (2) directives regarding functioning of police department; and (3) directions for the central government.

Regarding directions to the state, it is the duty of the chief of police to lobby with the government for acceptance of the State Security Commission and the establishment of Police Complaints Authority. One wonders whether the chiefs have been putting adequate pressures upon the governments. The assumption is that since most of the state governments do not want the control of police to slip through their fingers and therefore not likely to accept these, the chiefs become lukewarm in their pressure. They perhaps find it inconvenient to push through the point and canvass against the wishes of the government. All governments like to keep a tight grip over the 'instrument' (expression used in the preamble of the Police Act, 1861) and do not afford the risk of their power over it being diluted or neutralized by intervention of many other actors in the Commission. Since the state DGP cannot go beyond a point, the issue must be taken up by the annual conference of heads of state, besides seeking the setting up the National Security Council at the Union level. This would build up a collective pressure upon authorities to submit to the mandate of the Supreme Court.

Another area of direction pertains to action within the department. There are two recommendations that fall within the competence of the police chief. One of these is the separation of investigation from law and order duties, to start with, in the metropolitan police stations. The chiefs have not done this for two reasons. One, they would need more staff for this purpose. This may be necessary for which they can make proposals. But nothing prevents them from dedicating at least a few officers in police stations that have sufficient number of investigating officers. This is doable. At least, an effort can be

made in compliance with the apex court's direction. This would be a good gesture. It shall have a symbolic value, in spite of constraint of resources. This would testify to an authentic effort of police. However, nothing prevents the chief to use these officers for maintenance of order or security, should the need arise due to an emergent situation.

The area that is the easiest to implement is the establishment of Police Establishment Board (PEB). For this, there is neither a constraint of staff nor the need to seek the approval of the state government. This is an in-house activity. The chief is well within his powers to issue an order thus constituting the Board. Here too there could be a hitch. On the pretext of seeking government approval, he may not comply with this direction. But there is no such stipulation that he must seek the approval of the government. What he does within his organization is solely his business. If he needs to be advised by his senior colleagues in matters of postings, there can be no objection by the government whatsoever. And if he does not do so, one can suspect his intention of not sharing his powers, especially posting of the station house officers, or in police stations, traffic, crime branch, licensing, special cell, etc., the areas which are considered critical and important. Any reluctance on his part in the garb of non-availability of a nod from the government is questionable as nothing prevents him from following the mandate of the Supreme Court. There is no risk of any contempt from any quarter, the least from the government.

The PEB deals with two categories of officers. The gazetted officers are posted by the state. But the state cannot object to the recommendation of the Board. The proposals of

the Board would have strength and the state may not find it easy or convenient to disagree with the Board if the proposal is not in tune with the desires of the political executive. Even if the state does not agree with the chief of police, the chief would be on record for scrutiny at a later date and reveal the intention of the government if there is any unusual aspect of the decision. However, in case of disagreement with the police chief's proposal, the State shall have to record reasons for not accepting the recommendations of the department. The other category of postings is that of the non-gazetted officers which are within the competence of the department. The chief has no excuse in not consulting his senior officers. This is an area of action that is the least controversial and would reveal the positive intentions of the chief.

The chief must, therefore, display initiative in embarking upon the least risky project that could give dividends in the long run. At least, there would be more satisfaction and a feeling of justice among the lower subordinates. They would consider transfers as not arbitrary but a well thought out process where the senior officers have applied their mind. Postings would then be the joint responsibility and not the prerogative of the chief who can be affected in his likes and dislikes, pressures from 'above' and outside to whom he feels obliged for an obligation or future expectation.

One would expect an argument to the contrary. But if one does not exist, the chief has no option to ignore the directions of the Supreme Court. Inability or reluctance to seize the opportunity is not only indefensible but betrays lack of appreciation of Article 141 of the Constitution that lays

down that law declared by the Supreme Court shall be binding. In other words, the chief has a constitutional duty to translate directions of the court into action. Therefore, he must not forfeit his discretion and power to which he is fully entitled. None can object to the establishment of the PEB. Not doing so would demonstrate his open defiance of the apex court's direction and can expose him to contempt even.

Dealing with maladies

The maladies of the department are well known. These pertain to aspects of registration of the first information report, like non-registration, burking, minimization offences, clubbing, and contests on jurisdiction between the station house officers of bordering police stations who can easily avoid this by registering an offence immediately and transferring it to the one with jurisdiction. The second malady is the non-enforcement of law, considering this to be a residual activity. Thirdly, accepting impunity by permitting unauthorized activities within public places, often in connivance of the department, or making virtue of a necessity by demonstrating the peoples' livelihood in jeopardy, etc., are indefensible. Fourth is the corruption in the department for acts of commission or omission. Fifthly, the sight of a policeman violating law by taking liberty with the helmet rule, jumping traffic lights without any justification of chasing, avoiding queues at bus stops, entering the bus from the wrong side, driving in the wrong lane, etc., are abhorable sights for an organization whose image itself is a medium of instruction and mode of disciplining people.

There is a lot that the department can contribute to management of traffic by taking simple measures. The officer can channelize pedestrians to the bridge or tunnel, and not permit them to cross the road by negotiating through heavy traffic. He can patrol his jurisdiction and prevent obstruction caused by faulty parking, commercial vehicles waiting for passengers, and obstructing the normal flow. All this may not be spectacular, but has an instant impact demonstrating the effectiveness of police. It has the advantage of educating people in correct mannerism in public places as well as intensifying disciplined conduct. Similarly, patrolling has to be meaningful, well supervised, and must have an impact, besides appearing to people that the officer is available for help of any type. The existing patrol officer have no visual impact that makes it clear to citizens whether the officer is going on some other duty or is available for assistance. Avoiding dealing with a problem when one is on the spot is unacceptable.

And what prevents the department from promoting officers on time, one of the biggest dissatisfies and demotivators for deserving candidates, or recruit officers when vacancies exist for which no outside permission is required? The police-population ratio is already poor. It is more problematic when vacancies are not filled up. It is paradoxical. There is unemployment, there are jobs, and people do not get these. Vacancies are endemic. The department knows well the rate of attrition due to retirement.

Officers should not be deprived of their promotion due to sheer lethargy of not setting up the committee for department promotions so that the officers can get the benefit as the number of vacancies to be filled up is known well in

advance. Since everything is timed. Why not start the process by anticipating the vacancies. What stops the officer from refining the movement of the so-called important persons by not harassing the public who deserve dignified behavior? What makes officers on the spot not to be patient and polite with the waiting multitudes? Why should officers get tense, grimace at the innocent deviations that cause no risk to the critical person as he is miles away, or panic when this is avoidable? These, and not the legislation or the big deal changes, are required for police reform too and should not be rated as inconsequential.

Avoiding tyranny of low expectations

It is a sad reflection on senior management that does not consider the subordinates as contributing to the general policing because they are deployed as orderlies, dispatch riders, at pickets, sometimes on the golf course (an abominable practice), parades, officers' mess, or guard duties. The tasks of patrolling, and security duty for long hours in heat on the road, are boring, dull, repetitive, and not involving any initiative. This demoralizes the officer who slowly starts losing faith in his work. Such tasks are devoid of self-esteem. Although these assignments are necessary, a few can be performed more creatively by using gadgets, or multi-tasking. Some of these tasks are soft compared to others. If the officer continues for a long time on these, he may develop a tendency to avoid the real tasks that are more exacting.

'When people lack respect, trouble follows'⁵. It is the responsibility of the leaders at various levels to inculcate a sense of belonging in all with regard to fulfillment of

important tasks of ensuring peace, security, protection of life and property, maintenance of order, etc., which are vital to the organization. All officers are partners in this effort. In other words, there is a need to reduce the distance in the thinking of the officers who, even when they perform sundry tasks, must have a feeling of contributing to the ultimate objective. It is the syndrome of 'making a cathedral' and not cutting stones or building a wall.

The seniors must acknowledge that all functions performed by the officers are important. However, a few things can be done to upgrade the spirits of officers. One, every senior officer must realize that so far as powers, duties, and obligations are concerned, all are equal. Law makes no distinction between the senior and subordinate officer. These are administrative hierarchies. Law acknowledges only 'a police officer' as in the Police Act of 1861 and subsequent acts, as well as the Code of Criminal Procedure. The power of arrest, the most important power, is the same for all ranks. The expression 'any police officer' is used extensively in laws.

It is felt that police can enhance its effectiveness by introducing small measures that have neither any financial implication nor have to await any change in law. A sincere effort by all in the hierarchy of leadership can work miracles for reforms in the department.

Notes:

1. **Prakash Singh & Others v. Union of India:** 2006 AIR SCW 5233; 2006(9) SCALE (Judgment dated September 22, 2006 in W.P. © No. 310 of 1996.

2. Bittner Ergon: Functions of the Police in Modern Society; NIMH; Washington, D.C.; 1970
3. Srinivas M.N.: Social Change in Modern India; University of California Press, Berkeley; 1971.
4. Dube S.C.: India's Changing Villages; Routledge & Kegan Paul; London; 1960.
5. Dreher Diana; The Tao of Personal Leadership; Thorsons (Harper Collins); London; 1997



CAN STAMPEDES BE PREVENTED?

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The latest tragedy at Kumbh Mela Ujjain which claimed 7 lives has led me to write this article. Having the experience of managing two Kumbh melas that is in year 2003 and 2015 at Trimhakeshwar and Nashik respectively I strongly feel that precise planning and effective steps can clearly avoid these kinds of tragedies. India is a vastly populated country therefore stampedes keep on occurring is neither a reasoned statement nor a logical proposition! Every country in the world, whether big or small, has socio cultural traditions culminating into large fairs and social ceremonies. Over a period of time they have grown into huge traditions attracting millions of people at a particular time to a particular area for festivities. These areas may or may not be equipped to accommodate such a large flux of people and to support the socio cultural or religious events. Kumbh Mela in India, though a 5000 years old tradition has been changing and evolving in the last few centuries. Though the religious sentiments associated with it remains the same but the economic angle and the facilities to be provided to the citizens have multiplied many fold. The

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respective governments have to invest hundreds of crores of rupees and huge areas have to be developed to accommodate the Kumbh mela and the millions who throng the area. In this context first big stampede after independence occurred in Allahabad Kumbh congregation on confluence of river Ganga and river Jamuna in 1954 in which 850 people perished. Justice K.K.Verma commission was then appointed to look into the causes of the tragedy and it came up with both detailed reasoning and solutions to avert such tragedies.

In the recent Ujjain tragedy it is noted that many temporary structures were erected without proper foundations so they could not sustain the pressure of the heavy down pore. It led to their collapse and the misery was further enhanced when the drainage line near Ramghat burst and flooded the whole area with sewage water. It may look like a natural tragedy however I am certain that with proper planning and judicious implementation it could have been clearly avoided. In modern day planning disasters of all sorts and even vagaries of nature are also accounted for as unforeseen contingencies in mega event management plan.

The Cognitive Gap

It is indeed true that most pilgrims who come to the Kumbh Mela lack information and knowledge about safety measures they must undertake. When they become part of a large crowd they become little reckless also and mindlessly follow the crowd. In this sense they may become a little directionless and lose their normal discretion. As such a cognitive gap between their real behavior and expected behavior becomes very huge. The cautions that people usually

Follow are also thrown to winds. Hence lack of information combined with overall directionlessness of the crowd and lack of civic understanding in huge crowded situations often culminates into stampedes. I noticed this situation particularly in Nanded during the tercentenary celebration in year 2008 where people came from all parts of country specially from Punjab in big jathas and not even their leaders knew the local language or the landscape or their way around the premises. In that case even though Nanded is in the state of Maharashtra we had to hire Panjabi speaking people to handle public address system and had to put signage's in Panjabi script for the convenience of the pilgrims. In case the cognitive gap between the people's sense of direction and expectations of the administration is really huge, it can lead to serious problems.

The most shocking part of stampedes is that people face sudden deaths when they are actually waiting to experience most pleasurable moments of their life. To analyze this issue critically we must first understand that the research has proved that an adult person needs 4 square feet of space to stand comfortably and 6.5 square feet of space to sit or squat comfortably. Thus if one lac people are to attend an event, there must be 6 lacs and fifty thousand square feet of physical space available including vertical space. In all such mega events the concern must not be how best the space can be used commercially but how the safety of pilgrims against fire and stampede can be ensured.

The International Building code and ISO 9000 standards must apply when constructing any stadia, Conference Halls or Auditoria in the entire mela premises. When Congregations and fairs are held in big open lands, the

approach and exit from the venue should not be narrow and choking. If only a single narrow way is available, it can lead to disasters like the ill-fated bridge stampede in Ratan Garh in Datia district or another ill-fated Al- Aaimmah bridge stampede on Tigris River in Iraq where 950 people perished in 2005. If the way is narrow, then pilgrims or visitors must be barricaded and released on the narrow paths at a certain pace and in batches. This controlled flow with security personnel presence at regular intervals can play an important role in avoiding stampede.

The author of this paper suggests that in order to avoid tragic deaths in stampedes and fires in mega events it is necessary that a “Mega Event Authority” is established in each state head quarter and also at district head quarters to monitor safety of people in mega events. All events where more than ten thousand people assemble for sports, mega marriages, religious congregations, traditional annual fairs etc. must be declared as mega events. No mega event should be allowed without prior permission of the State Mega Event Authority or the District Mega Event Authority. It should also be mandatory that organizers of such events undergo a short training to understand and undertake all sorts of disaster mitigation and management initiatives and to build all anti-stampede, anti fire measures in their master plan.

Simple rules of saving lives by avoiding stampedes and fires:

1. Clearly delineated routes for dispersal, escape and exit for participant public from beginning of event up to the end of event must be easy, clearly highlighted and without any obstruction. Many a times closing of doors, wrongful

parking of vehicles, dumping of any goods, illegal shanties etc block the paths and create bottleneck for smooth flow of crowd. This is a sure shot recipe for disaster like stampedes, fires and sometimes even peoples uproar.

2. There should be constant dialogue and communication on public address system between the event attending public and the District Mega Event Authority's agents and there should be no scope for any rumor to spread, which can potentially cause panic amongst the event attending public. On 13 October 2013 stampede occurred at Rattangarh temple in Datia Madhya Pradesh. Nearly 25000 people were stranded on a bridge when railing collapsed. Suddenly rumor spread like wild fire that entire bridge is collapsing. That rumor sparked worst stampede killing 115 people including women and children. If some authority connected with event had spoken to trapped people on the bridge on public address system giving them assurance that bridge was not collapsing stampede would have receded without any loss of life. In such situations high-rise watchtowers can play a major role to control the flow of crowd and make public announcements of clear-cut and easily understandable instructions. Now a day's installation of CCTV's at all strategic locations and round the clock monitoring at a demarcated control room is almost mandatory to keep a complete control and over view of

all the locations at all times. Many a time the cost incurred for such arrangements is considered a deterrent. But in my opinion it is a very small cost to pay for ensuring safety and security of our countrymen.



Datia tragedy

Ravan Dahan tragedy of 2014 in Patna city would not have occurred if someone from district administration had spoken to people assuring them that no live electricity wire has fallen and that rumor is false and that people should not panic. There should be constant dissemination of instructions from the watchtowers through public address system directing people and giving them accurate guidance. In the absence of such an arrangement it is impossible to avoid stampedes. Now a day's huge LED screens at various locations showing graphic details of all the proceedings go a long way in calming down the crowds and keeping them engaged during long waiting periods.



Patna tragedy

3. Bursting of crackers on all happy occasions ignoring the risk of fire has become fashion these days but history tells us that firecrackers can potentially turn any happy occasion in to a tragic one. Most of us remember that on 3rd March 1989 the plastic sheets used to erect huge shamiana (tent) caught gigantic fire in Tata Steel Jamshedpur where 150th Foundation day of Tata Steel was being celebrated. About 60 people died including company's top management officers and their families. The cause was the decision of the management team that there should be a firecracker show for at least 15 minutes.
4. Another such tragedy occurred on 6th February in the year 1990 when fire broke out on the sets of TV serial Tipu Sultan in Mysore city in which 62 people died and

many were injured. The cause was that the scene of coronation of Tipu was being shot in which huge bursting of firecrackers was to be shot for viewers. The crackers created so much heat that entire set of coronation caught fire killing 60 and maiming another 50 people.

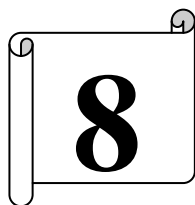
5. The author is not suggesting that display of fireworks should be totally banned instead I feel that it should be handled by properly trained fire marshals and all safety measures must be in place like fire dowsing equipment's, foam cylinders should be in place. Also the fire display must be at sanitized place away from the crowd and no debris in any way fall on people or any structures.
6. At mega events no gas cylinders, kerosene stoves for cooking and deep-frying eatables should be allowed. At Mandhar Devi temple stampede in Satara district of Maharashtra, which occurred in January 2005 bursting of a cooking gas cylinder, was the cause of panic. In this stampede 340 people lost their lives. In the greed of making a fast buck vendors and stall owners neglect safety of themselves and others.
7. No inflammable, fire catching plastic sheets and awnings should be allowed on shops and stalls. Proper signage's should be utilized to educate and guide people about the terrain, entries, exits and important locations. It is also stated that pictures/ figures shall also be used in the posters, as most of the visitors visiting religious mega events are uneducated and little ignorant.
8. Gates, doors of fenced ground, compound, auditoria where people are to assemble should not be inward

opening type. In an attempt to escape, people themselves jam the inward opening doors/ gates due to extreme push from behind and thus get stuck up. Casualties in Iraq stampede on the bridge were caused by inward opening gate at the end of bridge as per media report.

This is high time that officers holding important positions such as commissioners of police, Superintendents of police and district collectors be given mandatory training in disaster management and crowd management. Presently the system is that the officers are posted in the districts and given the responsibilities of managing all kinds of events without undergoing proper training. Moreover the officers holding responsible positions must do the audit of the resources available at their end. They must organize regular trainings for their lower staff so that the staff understands what they are supposed to do in time of crises and emergency.

For all the young police officers who are interested in understanding the process and the technicalities of managing disasters should read the SOP's and various protocols defined by National Disaster Management Authority of India. Every state also has a disaster management plan for each district and state head quarters. It would be worthwhile to read these plans to understand the state specific issues. Also this has been an area of research at many international universities. There are some extremely acclaimed works available which would make a good reading. The young officers are advised to get updated with latest information in this field to be able to perform effectively in their subsequent assignments.

This is the first article in the series written by the author on this topic.



STRATEGIC PAPER ON REGULATION OF CHITFUND AND PONZI SCHEME COMPANIES IN INDIA

*Arif Shaikh Husen, IPS**

A Ponzi scheme is a fraudulent investment operation where the operator, an individual or organization, pays return to the investors from new capital paid to the operators by the new investors, rather than profit earned by the operator. Operators of Ponzi schemes usually entice new investors by offering higher returns than other investments, in the form of short-term returns that are either abnormally high or usually inconsistent. The scheme is named after Charles Ponzi, who became notorious for using the technique in 1920¹.

India with a large low income rural agrarian and semi-urban population with very limited access to formal banking services encourages these financial entities to actually operate Ponzi schemes in various disguises. Three years ago the Ministry of corporate affairs sent a list of 34,754 companies to RBI who was suspected to be engaged in the unscrupulous financial business². The exact quantum of the financial transaction is unknown given their modus operandi. It is

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¹ Sarah Peck, *Investment Ethics*, 2010 p. 5.

² When it comes to Ponzi schemes India have miles to go, *Rediff business* 17 Nov 2015.

estimated that just in eastern India they have raised close to Rs. 10 trillion from the depositors³. Thus hard earned money of gullible people goes down the drain and forms part of parallel economy posing serious threat to National security in the long run.

Scope of the issue and Interaction with external Factors

The *sine qua non* of a Ponzi scheme is its resilience and adaptability to the environment. They quickly change their frontal business according to the situation and run in the garb of Property real estate promoters, Automobiles sellers, Dairy, Hospitality, Animal Husbandry, Plantation industry etc. However their core business model remains the same. In many cases they have changed their Business Model from being just a Multi-level marketing company (MLM) to Non-banking financial company to Collective Investment schemes (CIS) to Multi State Cooperatives (MSC). Thousands of such companies like Sharadha, Sai Prasad, Speak Asia, PACL etc. have duped millions of people and escaped the enforcement net exploiting the weak system.

The entire structure and jurisprudence of financial regulation in the country has been evolved from one fraud after another, but not from first principles. This has left gaps, inconsistencies and room for regulatory arbitrage. Adequate evidence also shows that the effectiveness of the regulations have been further diluted by conflict of interest due to the existing political nexus between the perpetrators and the political wing, delays in enforcement actions and delivery of justice.

³ Govt says multiple agencies probing chit funds, *Business Today* 27 April 2013

India is one of the few countries in the world to allow non-banking companies to raise deposits from public. There is multiplicity of regulatory agencies which only looks after their earmarked area without any umbrella agency that can oversee them in entirety, for example the CIS falls under the Securities and Exchange Board of India (SEBI), the NBFC falls under the Reserve Bank of India (RBI), MSC falls under the Ministry of Agriculture etc. Currently there are 8 regulators of the financial system, more than 60 Acts and numerous regulations. Despite this, it is not impossible for an investment entity to design a scheme in a manner which falls outside the purview of regulators.

Need for Action

Billions of hard earned money of gullible lower and middle class people which otherwise would have formed part of the National economy and strengthened the GDP of the country, is being diverted to the Parallel economy via the Ponzi schemes, Most of the black money arising out of these schemes is laundered and reinvested back through different routes, causing serious implications for the National security⁴. Besides this, the lure of quick and easy money is attracting many young bright minds to this nefarious business, as the rise is spectacular while the chances of getting prosecuted and convicted is not that great due to legal complexities. With the exposing of one chit fund scam after another in the various parts of the country, there is a lot of public pressure on the government to get back the deposits they have invested. The first responder in all these cases becomes police who in the absence of any specific enforcement act becomes mere

⁴TMC workers beat Police probing Sharada scam, DNA India, 27 Nov 2014

spectator. The unrest among the people is soon taking form of serious Law and order issue⁵. The credibility of the Government in general and the Police force in particular is at serious stake due to the exposing of nexus between the Politicians, Police and the Chit fund companies⁶. Many a time the Police officers have drawn the flak of Courts and even senior police officers have been arrested for their involvement⁷.

There is a rise in the number of Public Interest Litigation (PIL) filed by activists to restrain the Ponzi companies from receiving funds. Since there is absence of a coordinating agency at the government level, the regulators like RBI, SEBI are also approaching the Supreme Court to fill in the vacuum e.g. In Sahara case the Supreme Court is directly monitoring the investigation and has already put the MD of the company behind bars so long as he is unable to pay back the monies of the public. The Supreme court is also directly monitoring the cases of Chit Fund companies like Sharadha, Sai Prasad, PACL etc.

Frameworks for Action

With eight different regulators and more than sixty Acts and numerous regulations and rules the Chit funds and Ponzi schemes regulation is all the more complex. There is a conspicuous absence of the overarching coordinating body.

⁵ *Your intention is shaky, Supreme Court tells Sahara, The Hindu, 3 Dec 2012, Sahara cannot be trusted anymore :SC, Times of India , 28 October 2013*

⁶ *CBI interrogates Orrisa officers, Business standard, 14 Nov 2014*

⁷ *CBI arrests former DGP, Telegraph Indian, 9 September 2014*

Currently there are 3 different stake holders in the regulation framework viz. The RBI and SEBI at the central level, The State government at the state level and the Central Bureau of Investigation on behalf of the Supreme Court in cases which have ramifications at the Centre and State levels, nonetheless the system is yet uninspiring.

The RBI works within the framework of The Reserve Bank of India Act 1934, which regulates the Non-Banking Financial companies operating in India. The RBI issues certificate to the financial institutions under section 451 of the RBI Act to operate as NBFC after it meets certain necessary conditions. The Contravention of this may result into attracting section 58C of the RBI Act, the penalties of which are mentioned in section 58B of the RBI Act. The violation of this Act leads to maximum punishment of three years and fine. The Act does not list the offence as cognizable and only RBI officers can approach the court as per section 58E of the RBI Act.

The SEBI works under frame work of SEBI Act 2014 which regulates the Collective Investment Schemes. The CIS is defined in section 11 AA of the SEBI Act any contravention of this Act is punishable with imprisonment which may extend to 10 years and fine which may extend to 250 million or both.

Most of the State Governments have enacted the Protection of Investors Act to protect the interest of the investors against these Ponzi schemes and to redistribute the

funds already siphoned off by these schemes after attaching their assets. There is no uniformity in these acts and they vary from State to State.

Dilemma for the Police

Amongst all the Institutions mentioned above, Police being the field agency and the visible arm of the State is always the first responder. Police always gets intelligence and information about the working of these unscrupulous financial companies beforehand. The Modus operandi of these companies is such, that when they operate they always pay back the investors handsome returns as promised just to establish their credibility. Thus no complainant comes forward for registration of cases. Once the company reaches its peak and is no longer in a position to pay back, it runs away with all the monies. This is the time when people come and report, however the damage has already been done. Most of the people don't come forward in the hope that they will get money if they don't report. Thus there is a population which wants its money back but at the same time refrains to report, this causes serious law and order problems. In the absence of complainant, Police can work *Suo motu* in these cases only in the Prize chits and Money circulation (banning) Act 1978, section of the act specifies the contravention of this Act as Cognizable. However this Act is negative in the sense it does not directly prescribe the conditions of violations. Hence it leaves action against a Ponzi company open ended with ample discretion at the level of the Officer In charge (OC) of the Police Station. Police has to prove that the company is not an NBFC, not a CIS, not a Multistate cooperative and hence is attracting the definition of *Easy money* as specified in section 2

(c) of the Money circulation act and hence a FIR can be registered against them under the relevant sections of the act. If complainant comes then the relevant sections of fraud under Indian Penal Code.

Code is attracted. However most of the Investigation officers are not aware of the basics of the economic offences in these cases which seriously affect the quality of evidence collection, which in turn affects the prosecution and conviction. Even if convicted the Punishment is not commensurate with the crime.

Similarly, in case of the Protection of Investors Act passed by different State Governments there is no uniformity about the role of the Police. The responsibility of the enforcement of the act rests with the Competent Authority, in most of the States like Chhattisgarh, Orissa etc. District Magistrate is appointed as Competent Authority, while in few states a separate Director of Economic offences is the Competent Authority, in spite of the fact that actual investigation is done by the Police; its role is not clearly defined in few of the states. In many states, acts do not give direct power of cognizance to Police. Similarly the Seizure, Attachment and process of repayment also varies in various states.

The Chit fund companies run a network across most of the States; most of the States file FIR against them after they abscond. This leads to multiplicity of cases for same offences and leads to wastage of lot of resources. Also since the constitution of India enshrines under article 20 (2) that no person shall be tried for the same offence twice,

what will happen to the prosecution of the accused who is already tried and convicted for the same offence of fraud in different States is unknown. This is more relevant since the CBI is investigating the cases against these Ponzi scheme companies on a Pan India basis where already the State Police has filed charge sheets in most of the cases.

The Road ahead

The following are the salient features to an effective response mechanism against the resilient Ponzi scheme:-

1. There is a need to put checks on the proliferation of highly complex and tiered holding-subsidiary and associated structures in financial businesses as well as on the marketing of financial products to the public, by curbing subscriptions to schemes that promise absurd returns. Moreover, selling and distribution of all financial products at the rural and semi-urban level could be organized under strict governmental supervision or thorough government-established centres or platforms. Only licensed sellers can participate in these centres. Having these centres could also mitigate the growth of large and dispersed agent networks and prevent entities from building pyramids and distribute valuable information, advice and spread awareness among public depositors and investors,
2. There must be uniformity in spirit among regulators. In order to do so, there is a need to establish an umbrella body to deal with matters which fall beyond the jurisdiction of all regulators. Such an umbrella body

should be established through legislation and should comprise of representatives from all the different regulators. Matters on which opinions of regulators vary should be referred to the umbrella regulator and actions will be taken as per the directions of the umbrella regulator. The powers and authorities of regulators and enforcement agencies also need to be strengthened. Special enforcement agencies are required to be set up by the regulators and the government to conduct continuous inspection, surveillance and scrutiny of financial groups and individual entities engaged in selling, distribution of financial products and other kinds of investment and deposit-taking activities. Such enforcement agencies should be empowered to demand disclosures at any time and make visits and inspections under general search warrant issued by the government or judiciary. Quick reporting of deviations and information exchange between enforcement agencies and regulators could enable timely enforcement actions.

3. The Punishment under the Money circulation (banning) Act 1978, SEBI Act, RBI Act, protection of Investors Act may be increased exponentially in terms of both fine and imprisonment so as to deter unscrupulous elements.
4. Training of the Investigation officers in the Police at regular basis to keep them abreast to the new trends in financial domain.
5. Quick disposal of the Pending cases.

6. Efficient mechanism to distribute the amount invested by the people via the attached property and the bank accounts.
7. Financial Inclusion of all potential investors at all levels of income group.
8. Spreading awareness about the Ponzi schemes and their modus operandi, so that people proactively refrain from investment and inform the Police for legal action against them.

It can be hoped that a financial regulatory system based on soundness and consistency in principles, proper coordination and sharing of responsibility, a prompt judiciary and independent enforcement machinery can go a long way in containing the menace of Ponzi schemes in the country.



CRISIS IN INDIAN POLICING -IS IT A LEADERSHIP FAILURE

*Dr. Ish Kumar, IPS**

Chapter 1:

The causes of crisis

Before an attempt is made to make Indian Policing democratic and people friendly, one needs to define all the contours of the crisis in the Indian policing first and then examine the same as to whether the police leadership is wholly or partly responsible and what are the other factors leading to the crisis which need to be addressed.

1. Lack of credibility

The biggest crisis for the Indian police today is - lack of credibility among the people. Mistrust of police is common amongst people in all walks of life including those in judiciary, bureaucracy, media, intelligentsia and at times police themselves. Common man is not sure in approaching a police station for redressing his grievances. The general feeling is that police will not act on any complaint without a recommendation or paying bribes. One is not sure whether one would be subjected to humiliating behavior or even a beating at the police station.

** ADGP, Technical Service, AP*

Sir Robert Pees conceptualization of a friendly policeman "Bobby" is a distant dream for most of the Indian citizens.

The mistrust in police emanates from various factors which are enumerated below:

- a. Non registration of complaints at police station and doubting the veracity and credentials of every complainant. Even if a case is registered, same is done with minimization (sections of law with reduced gravity). Resultantly, poor and marginalized strata of society suffer badly as their cases never get registered.
- b. Making non cognizable cases into cognizable and vice versa.
- c. Inadequate or delayed response to various complaints.
- d. Shoddy investigations. Unprofessional handling of scenes of crime, little/no use of forensic aids either because of incompetence or excessive work load.
- e. Use of discretionary powers in favor of influential or those in ruling party - Deletion/addition of names from the charge sheet.
- f. Booking of false cases against innocents and false recoveries.
- g. Rampant abuse of the power of arrest either to fill up the statistical records or to extort money or at behest of political bosses/ senior police officers.
- h. Illegal detentions, use of third degree, custodial violence including rapes and deaths.
- i. Unfriendly, arrogant and unsympathetic behavior of the policeman towards the complainants, victims and witnesses.

- j. Bias towards weaker sections of the society especially the women, SC/ST and minorities.

All above factors have led to continuous decline in the conviction rates especially for the IPC crimes.

2. Excess use of force in law and order management

- a) The real strength of an efficient policing system lies in handling of various law and order problems in a democratic manner without human rights violations and causing least inconvenience to public. Indian police is known for its excess use of force in handling crowds - use of tear gas, water cannons, lathi charges and opening of fires resulting in killing of several people and injuring others. This normally happens when either police loses temper, or does not have a proper gear or is not well trained.
- b) All VVIP security arrangements cause traffic holdups for long resulting in severe inconvenience to children going to the schools, people going to offices and patients going to the hospitals.
- c) Gross human rights violations take place when the police are fighting against insurgency, naxalism or terrorism during combing operations; houses of the suspects are raided, destroyed and at times even burnt. Suspects and some time their family members are illegally detained for days to bring pressure to surrender. Women are searched without the presence of women police. There are fake encounters killing either terrorist in captivity or even innocents. The special laws enacted in this regard lead to further misuse of these powers both by army and police.

One may like to recollect the famous remarks by Justice Mui/a that police are single largest group of criminals in uniform. One may not entirely agree with the above remarks but it definitely requires soul searching by all policemen and their leaders.

One factor responsible for above scenario is over militarization of civil police as well as a mindset among large number of senior police officers that use of excess force is the only effective way of tackling terrorism/naxalism /insurgency.

3. Unsatisfactory delivery of services

Another major grouse the common man has against the police is unsatisfactory delivery of various services. There are undue delays, corruption and lack of accountability in furnishing copy of the FIRs, verification for jobs and passports and permissions for holding meetings and use of loudspeakers, return of case properties etc. Complainants are never informed about the progress in investigation and status of the cases.

4. Professional Incompetence

Common man's mistrust is compounded further by the fact that he does not find the common policeman competent enough to deal with the modern challenges of cyber crime, cyber terrorism, and multi crore economic crimes spread across states and countries and huge pilferages of national resources (2G scam, Coal block allocations, Commonwealth games).

5. Inadequate intelligence

Lack of actionable and accurate intelligence and lack of criminal databases which can speak to each other are other

professional nagging issues. Government has initiated NAT GRID and CCTNS to tackle the above two issues. However both the systems are yet to be grounded completely.

6. Lack of Internal Reforms

The above scenario is further complicated by following internal police problems which have not been attended to by the senior police leadership for long:

- a) A de-motivated police constabulary (85 - 90% of total police force) because of lack of promotions and unsatisfactory working conditions.
- b) Inadequate police modernization as evident from the fact that
 - i. Still 20 - 25% of police stations are without vehicles and even when vehicles are provided, fuel quotas are limited putting severe restrictions on patrolling investigations.
 - ii. Large number of states have limited number of firing ranges and there is perennial shortage of practice ammunition. There are no ranges for area weapons and hardly any baffle ranges.
 - iii. There are large numbers of police stations running from rented premises.
 - iv. Most of the police stations don't get funds for investigation and other contingency expenses.
 - v. There are inadequate number of mobile forensic vans, bomb disposal squads and dog squads in all the states. There are hardly any Distt. Forensic Labs.
- c) The police ratio in India(177) is much below the UN norms(222) and there are more than 5 lakh vacancies in the civil police across the states (as per BPRD)

- d) Even If the above vacancies are filled, states have no training capacity to train these policemen. A large number of constables do not get opportunity for refresher training even once in ten or fifteen years.
- e) The housing satisfaction percentage for the police is less than 30% even after 67 years of independence.
- f) There are very few schools for the children of police personnel and only two or three states have adopted the cashless policy of medical insurance for constabulary.

Chapter 2:

Police leadership failure?

For most of the above problems, senior police officers will give following reasons:

1. Colonial legacy.
2. Political interference.
3. Lack of adequate funds
 - a. However, the police leadership cannot escape the part of blame as they have consistently failed in reforming the police and at least initiating those police reforms which deal with internal policing processes and do not require any financial sanctions/government approvals.
 - b. The police leadership is also responsible for overlooking the corrupt and illegal activities of their subordinates.
 - c. At times senior police officers have themselves indulged in corruption (misutilization of SS funds, extortion in resolving land disputes, recruitment scandals, uniform scandals). Even honest police officers start believing in discounts culture.

- d. At times the senior police officers pass illegal instructions to subordinates to file cases, arrest or charge sheet so and so.
- e. The police leadership is also responsible for over deployment of police forces especially in VVIP bandobast as they believe in deploying large numbers rather than training or briefing them adequately.
- f. Most of the senior police officials have no long term vision for democratic policing and are happy if they are able to complete their tenure of 2 - 3 years which is considered as a yardstick of the success.
- g. Senior officers do not mind courting ministers/MLAs for lucrative postings. Only priority for them is to please political bosses and common man's problems take the last priority.
- h. Police leaders have also failed to protect their subordinates from political interference. In some states, SHOs are posted in police stations in consultation with the local MLAs.
- i. Police leadership has also failed in paying attention to career plans and training plans for their subordinates.
- j. At times the senior police leadership has not been just when they have recommended gallantry medals to themselves (while being away from the crime spots) or have recommended medals to undeserving personnel like orderlies and cooks. There is a lack of transparency in transfers and promotions of subordinates.
- k. Many senior police officers suffer from syndrome of super cop image while there are others who either become

cynical or writers or turn spiritual and lose interest in day to day policing.

- l. There is other class of senior police officers who only want to use the facilities provided by the department and enjoy themselves without bothering for their responsibilities.
- m. There is another class of senior police officers who for their future gains actively collude with the politicians and there have been instances where police officers have gone disbursing money during elections on behalf of the ruling government. Such officers set a very poor example before the subordinates and the public.
- n. Senior police officers should also take blame for promoting third degree and encounter culture in police.
- o. Senior police officers also suffer from caste and community biases.
- p. Senior police officers are also responsible for non registration of cases at police station as they do not want crime figure to increase during their tenure.
- q. Regular field visits and inspections have taken a back seat. Laptops can assist but cannot substitute field policing.
- r. The police leadership has lost its backbone/spine in taking stand against the illegal demands by politicians as they can be transferred within minutes at the whims of CM/HM.

In this manner today's senior police officers are neither leaders nor law enforcers but only managers.

Chapter 3:

The way forward

1. Creation of vision documents and HRD plans with the help of management consultants and HR specialist
 - a. Each police force must create HRD plans for its police force where its various requirements in terms of man power, mobility, weaponry, communication, housing are assessed and gaps are projected for the present and future requirements 5 years, 10 years, 20 years henceforth.
 - b. Once the budget projections are based on empirical data and evidence, the police leadership must convince the state government (both political executive and bureaucracy) to sanction the above funds. The government of India must also enhance its contribution towards modernization of state police forces. The police leadership should also educate the public and emphasize the need for adequate budgetary sanctions to fulfill the people's expectations. Ironically in India the state's contribution towards police modernization is minimal as they are just budgeting for salaries, pensions and minimal day to day recurring expenditure.
 - c. Each police station in the country should be given a monthly budget of Rs. 10000 to 15000, this will reduce the dependence of police on monthly collection (from bars, hotels, transporters and even hapless complainants) for its day to day expenditure. The annual budgetary allocation required for above expenditure will vary from Rs.15-20 crores per state per year which is not much. A

few states (AP and Karnataka) have taken lead in this regard. Other states should follow.

- d. Similarly an evaluation must be made of the recruitment, training, transfer and promotion policies and suitable corrections should be brought wherever required.
- e. All state forces must reorganize their police forces (Restructuring) to ensure the functional separation of crime investigation from law and order. Similarly teeth to tail ratio must be modified from existing 1:7/8 to at least 1:4 and preferably to 1:2 so that there are more number of officers available for investigations and interaction with the public. This will also increase the promotional prospects for the lower subordinates. Existing four levels of recruitments must be restricted to only two. The recruitment at the level of sub inspector and Dy SP should be done away with (recommendations). of national police commission and commission and law commissions)
- f. Fast track promotions for deserving among constabulary and Sub inspectors up to the rank of IPS must be opened up to improve their motivation level.
- g. Number of women police officers must be increased in police force so that adequate number is available to tackle gender based crime and women helpdesks are established in all police stations.

2. Introduction of community policing

- a. Community policing is the only way for involving the community in determining the policing priorities and accessing the requirements of the public. Community

policing will bring down the corruption and enhance the transparency in police functioning..

- b. For this purpose community liaison groups must be established at the beat and police station level. RWAs, the business communities, the various associations (auto drivers etc.) must be involved in the CLGs. Jan-Maitri, Student Cadet police models of Kerala, Trichi Beat Boxes and Friends of Police models of Tamil Nadu, Gram Rakshak Dalams and Nagar Rakshak Dalams of Madhya Pradesh, Mahila Tanta -Mukti of Maharashtra, Saanjh centers of Punjab, Prahri model of Assam and Parivartan in Delhi are some of the successful community policing models practised across the country.
- c. National Police Mission under BPRD, MHA has worked out number of models for community policing like Over Arching Model, Alternate Dispute Resolution (Vijayawada and Kota models), Community Policing in naxal affected areas etc.
- d. Each state can choose and implement the models of their choice in addition to basic community policing. However, the senior officers have to change their mindset that community policing is a soft policing and is an additional workload.
- e. Each police station must have a community police officer (ASI/ Head Constable) and community policing functions should be amalgamated in day to day police station routines. Police headquarters should have a community policing cell under an ADG/IG level officer as done in Punjab.

- f. The legal framework (Kerala Police Act 2011 or Draft Model Police Act 2006/2014) and additional financial support if required must be provided.

3. People friendly policing

- a. The senior police leadership must convert all police stations into people friendly by providing round the clock reception counters, women desks, proper waiting halls with adequate provision for drinking water, toilets and essential literature (as done in case of corporate hospitals). The custody areas must be maintained neat and clean with provisions of CCTV cameras and toilets in each cell. Separate rooms should be there for custody officer, medical officer and for meeting lawyer/family members and interrogation. Police stations must have CCTV cameras at training hall, rest and recreation space, a canteen, separate toilets for men and women, a working desk for each constable, a neatly maintained record room and property room with sufficient greenery in surrounding area. The state government must provide adequate land for the construction of the police stations and BPRND should update its model police station designs based on the current requirements. One such model police station has been constructed by Orissa in Tommando.
- b. Police stations must ensure 100% recording of all the complaints received in person (oral or written) through SMS, email or telephonically. Each complaint must be logged on to a computer screen for its monitoring. Senior officials must monitor disposal of each complaint and FIR

should be issued under the right sections of the law wherever required. Jurisdictions of all the police stations must be digitized to prevent the jurisdictional disputes among the neighboring police stations. The police station must be able to provide first aid and counseling to the victims with the help of nearby hospitals and NGOs.

DGPs should issue clear instructions to all district and range officers for 100% registration of crime. Non registration of crime should attract severe disciplinary actions. Police outpost should be authorized to register the cases.

- c. Each state must introduce command and control rooms for each city on 911 pattern of USA or integrated dial 100 system for the whole state as done by Andhra Pradesh and Telangana. Apart from the control rooms there must be well equipped GPS enabled adequate number of response vehicles with trained manpower to respond to various situations of law and order crime or natural calamities. All states should also provide for highway patrolling teams, rail alert and QRT vehicles.
- d. Help-lines should be established for helping the women, children, drug addicts etc.

4. Training

- a) Each state must carry out rank wise TNA(Training Needs Analysis) to find out their training needs and should suitably modify the existing training courses as well as evolve new courses (Both basic and refresher trainings)

- b) Each police constable should undergo 2 week refresher training at least once in two years or 1 week training every year.
- c) 5 -10% of the total police force must undergo specialized training in Counter insurgency, Cyber crime investigation, forensic science, defensive and offensive driving etc. every year.
- d) Basic and pre promotional trainings must be conducted every year.
- e) Based on the above parameters, each state must calculate its training capacity gap and create new training centers i.e. district training centers for training of constables, head constables and ASIs Range training centers for refresher training of inspectors and sub inspectors and specialized training centers for intelligence, VIP security, counter insurgency, telecommunication, cyber investigation, traffic training and coastal policing apart from PTCs and PTSs.
- f) The training institutes can be as good as the quality of trainers. The training centers must not become dumping grounds for the unwanted.
- g) The course materials must be regularly updated. Training films and case studies should be prepared.
- h) Integrated training concept followed by national police academy should be followed by all the states.

- i) Special emphasis must be laid on soft skills training for bringing in the attitudinal change, service orientation and right values.
- j) Training should also be imparted for sensitizing the policemen towards weaker sections, gender and minorities.
- k) Militarization of civil police training should be done away with.
- l) SOPs must be developed for investigation of various crimes, all the policing processes and various law and order situations and police personnel must be trained in these SOPs.
- m) Training should also be imparted to face new emerging challenges and new technology used both by police and criminals.
- n) Police should also be trained in helping victims of natural calamities and disasters.
- o) The policemen must be trained in dealing with the complainants, victims and witnesses properly.
- p) Police officers must be trained in interviewing and interrogation skills.

5. Expedite police reforms

- a) Right from National Police Commission 1979-81, the various commissions and committees have given series of recommendations for improving the criminal justice system and the police functioning. However, the senior police leadership has not bothered to understand and implement at least those recommendations which are well

within their ambit and do not require any structural reforms or financial support from the government.

b) MHA has already listed out 49 of these recommendations for implementation in 2004. However it does not include the recommendations from:

1. Supreme Court Guidelines on PIL filed by Sh. Prakash Singh 2006
2. Recommendations of 2nd Administrative Reforms Commission, 2007
3. Draft Model Police Act 2006/2014

c) The DGPs in each state must make road maps for implementation of above police reforms and should convince government and create public opinion in favor of other reforms which require governments approval like establishment of state security commissions and police complaint authority.

6. Supervision

The police leadership must take strong action against the complaints of corruption and Human Rights violations.

7. Public Surveys

Conduct of surveys among public and obtaining their feedback on the functioning of each police station must be done regularly. Similarly, crime victim surveys should be conducted, regularly.

8. R&D Wings

Each state police must open its R&D wings for the standardization of technology and replication of good practices. These wings should collaborate with various

universities, research institutes, private industry and their counter parts abroad.

9. Best Practices

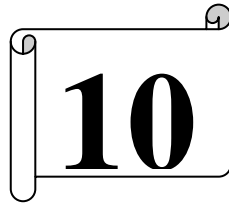
The good practices like transparent recruitment system, court monitoring system, ISO certifications of police stations should be implemented across the country. BPRD should take lead in compiling and circulating the best policing practices.

10. Laws

- a. New Police Act must be promulgated across the country on the model of Draft police Act 2006/2014 or Kerala Police Act 2011.
- b. Right to Services Act must be implemented across the country.
- c. Government should also ratify UN convention against torture.

Conclusion

Only the public opinion in favor of democratic and people - friendly policing will ensure minimization of political interference in police working. However, both judiciary and media have to play an important role in this regard. The police leadership also needs to learn to take principled stand on various issues and should be willing to pay the price if required. Senior police officers must become ideal role models for all. People must become their first priority. Internal police reforms must start now. Police leadership has to think strategically for improving the police functioning and set up common minimum standards for delivery of services to public to win their trust.



STRESS PROFILING FOR TRAINING AND COUNSELLING OF POLICE OFFICERS (Personality, Psycho- Social and Bio-ecological Factors)

Prof. Anil Kumar Saxena*

1. Introduction

The research on Police Stress in our country has focused mainly on the following aspects-

- Identification of Organizational Stressors.
- Suggestions for coping with stress (Individual)
- Recommendations to organization for facilitating better environment.

[Bhaskar (1986), Kumar (1995), Marwaha (1997), Saxena (2000), Prasad Rao (2000), Paremewan (2000), Maheswari (2007), Singh (2007), Kapoor (2014), Karunanidhi and Chitra (2014), Kapoor (2015) etc].

A little emphasis has been laid on scientifically preparing the Stress Profiles of individual police officers based on proven psychological tests. Concept of individual and group counselling interventions for managing stress has not pierced into the psyche of Police. Training and Non-training

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interventions do not occupy space in the Police Training curriculum except 2-3 hours lecture on 'Stress Management' in the training programmes.

2. Personality, Psychological and Bio-ecological factors contributing on to stress

This Section draws heavily on the work of Girdano et al (2005).

2.1 Personality factors: Personality may be thought of as the summation of the characteristics, attitudes, values and behavioural patterns that individuals manifest in interacting with their environment.

Girdano (2005) recommended the below-cited personality factors contributing to stress

2.1.1.Type 'A' Behaviour Patterns:

Type A- Behaviour (Friedman & Roseman)

- Intense sense of time urgency (Hurry sickness)
- Poly- phase i.e. behaviour
- Aggressive Personality
- Intense Achievement Motive
- Quantity conscious

Effects of Type 'A' Behaviour

- Premature heart disease
- Sympathetic over responsiveness
- Elevated cholesterol
- Decreased vascular flexibilities
- Increased blood pressure.

Remedies for Type A- Behaviour

- Utilize time management
- Reduce ego involvement
- Use the goal path model for planning
- Practice concentration
- Engage in thought stopping

2.1.2. Self Perception

The origin of much of our personal stress may lie within our concept of our selves. Psychologists have been pointing to the individual's self concept as perhaps the single most influential factor in determining behaviour. It would logically follow that self perception plays an important role in personal stress and stress management also. Self perception or self concept refers simply to the image that you hold of yourself. We form this image by evaluating our power and self-worth based upon input from our family, friends and other people who hold significant places in our life. At a very early age we begin to accumulate information about ourselves from these sources, and slowly but surely we form our self concept. This information may stop as early as the age of 5 or 6 or may continue until death. Lower self-perception leads to high levels of stress.

2.1.3. Anxious Reactive Personality

Anxiety is a basic component of stress. Anxiety is not only a symptom or manifestation of stress, but also a cause of further stress. Based upon the observations of people who suffer from chronic anxiety and seem to complain of stress-related disorders, "anxious reactive" personality has been defined. If we are one of these people, we suffer from anxiety

to a far greater degree than most people because of our reaction to stressor results in a form of anxiety which seems to perpetuate itself. Most people experience an anxious moment and it quickly ends when the stressor is removed. The “anxious reactive” individual experiences stress that seems to persist or increase, even after the stressor is gone. The feelings of insecurity are transformed into physiological arousal of the endocrines and sympathetic nervous system. Our thought processes are aroused and our bodily processes are also. Fortunately, this hyper aroused condition usually subsides shortly after the stimulus has been removed. The anxious reactive personality is hypersensitive to the feedback mechanisms at work during the stress reaction. This means that the anxious individual suffers from an anxiety feedback “loop” that perpetuates the anxiety reaction.

2.1.4. Need for Control

Psychologist Albert Bandura stated that “Need for control was mainly perceived inefficiency in coping with potentially aversive events that makes them fearsome. To the extent to which one can prevent, terminate, or lessen the severity of aversive events, there is little reason to fear them. In other words, it can be argued that the most powerful stressor of all is the real or imagined loss of control. Indeed, what may contribute to all of the psychosocial and personality stressors examined is a real or imagined loss of control over one’s life.

In other words, we see that situations in which we perceive yourself as being helpless or trapped. For example, out of control will be far more stressful than situations over which we believe we have some control.

Kobasa and her colleagues have called these three moderating factors control, commitment and challenge “hardiness”. Hardiness seems to be a powerful force which appears to protect us from the potentially harmful effects of high life change.

2.2 Psycho-Social Factors

2.2.1 Adaptation Our health and even our very survival is based Upon our body’s ability to maintain a healthy balance of mental and physical processes. This state of equilibrium is called homeostatic. Excessive change is harmful to our health because it acts to destroy homeostasis and forces the body to restore homeostasis through adaptation.

Homeostasis The state of the body in which a stable equilibrium of internal functions exists

Adaption The tendency of the body to fight to restore haemostasis in the face of forces which upset the natural bodily balance.

2.2.2. Frustration Frustration is the thwarting or inhibiting of natural or desired behaviours and goals. Frustrations occurs when we are blocked from doing what we want to do, whether it is a certain behaviour we wish to perform or a goal we wish to attain. Emotionally, we respond to frustration with feelings of anger and aggression and with the nervous and hormonal responses

that accompany these emotions. Frustrations cause the stress response and in a highly technological, urban society this source of stress should be recognised so that it may be dealt with.

2.2.3. Overload

Overload refers to the state in which the demands around us exceed our capacity to meet these demands. Some aspect or aspects of our life are placing excessive demands upon us. When these demands exceed our ability to comply with them we experience distress. Forcing the brain to exceed its natural processing capabilities, as during a period of overstimulation, will lead to a breakdown of the system, just as the operator will breakdown from exhaustion if pushed too far beyond his/her limitation. A level of stimulation or demand that exceeds the capacity to process or comply with those demands: overstimulation. The four major factors which contribute to the excessive demands of overload are (1) time pressures (2) excessive responsibility or accountability (3) lack of support and or (4) excessive expectations from yourself and those around us. Any one or a combination of these factors can result in stress from overload.

2.2.4 Deprivation Stress The Psycho physiological stress response caused by states of boredom and/ or loneliness. Boredom appears to prey quite heavily. Loneliness can also be a devastating stressor. James Lynch's book on the subject of loneliness demonstrates how stressful loneliness can be. Lynch noted that the major causes of death are heart disease, cancer, and automobile accidents.

Social Engineering Strategies, as recommended by Girdano (2005), help us to cope with Psycho-Social causes of stress.

Table 1: Social Engineering Strategies
[Girdano etal (2005)]

Adaptive Stress

- (a) *Establish routines when possible.*
- (b) *Use time-blocking techniques*
- (c) *Establish a "mental health" day.*
- (d) *Remember that a vacation does not always mean relaxation.*
- (e) *If possible, avoid or minimize other changes during periods of massive change.*

Stress from Frustration

- (a) *Use the Goal Alternative System model to find new alternatives to your frustrated goal.*

Overload

- (a) *Practice time management and set priorities.*
- (b) *Avoid overloading situations-avoid over commitments by learning to say no.*
- (c) *Delegate responsibility*
- (d) *Reduce the task into manageable parts.*
- (e) *Enlist the aid/support of others.*
- (f) *Accept fallibility.*
- (g) *Determine optimal stress level.*
- (h) *Avoid exposure to stress.*

Deprivation stress

- (a) *Plan ahead to avoid potentially stressful situations.*
- (b) *Realize your vulnerability to deprivation stress.*
- (c) *Find relaxing activities which are not overly complex or ego-involved.*
- (d) *Remember that boredom does not equal relaxation.*

Bio ecological stress

- (e) *Use nutritional engineering.*
- (f) *Avoid exposure to noise.*

2.3. Bio-Ecological Factors

- 2.3.1 **Bio-Ecological Rhythms:** Human behaviour should be synchronized Whenever possible, with the naturally occurring rhythms that surrounds us.
- 2.3.2 **Nutritional habits** may contribute to stress. We should now be Aware of how sympathomimetic agents (such as caffeine and nicotine), vitamin-depleting foods, hypoglycaemic foods and habits and sodium may all affect the stress response.
- 2.3.3. **Noise** consists of biological and psychosocial components- both capable of causing distress. Regardless of certain adaptive characteristics, noise in excessive quantity or quality is distressful.

3. Stress Profiling

The author has introduced 'Stress Profiles' of the Police Officers especially of the IPS-OTs at the SVP National Police Academy to provide basis for inputs on 'Stress Management'. He utilized also the stress profiles for individual and group counselling.

Format of stress profile

MY STRESS PROFILE

1. Signs of Stress in me.

2. Personality Factors affecting my Stress:

- | | | |
|----|--------------------------|---------------------|
| A) | 2.1. Type A- behaviour | High/Moderate/Low |
| | 2.2. Frustration | High/Moderate/Low |
| | 2.3. Feeling of overload | High/Moderate/Low |
| | 2.4. Deprivation Stress | High/Moderate/Low |
| | 2.5. Self- Perception | High/Moderate/Low |
| | 2.6. Anxiety | High/Moderate/Low |
| | 2.7. Need for control | High/Moderate/Low |
| B) | Locus of Control | Internal/External |
| C) | Thinking Patterns | Positive/ Negative. |

3. Organizational induced Stressors for me:

4. Family induced Stressors :

5. Environment induced Stressors :

6. My Action-Plan for 'Stress Management' :

Besides Girdano’s framework, below-cited psychological factors were considered-

- Locus of Control (Internal/External)
(People with Internal Control have less penetration of stress in them).
- Thinking Patterns (Positive/Negative)

(Negative thinking patterns contribute very levels of stress)

A Battery of test developed by Girdano (1986) is administered on the officers:

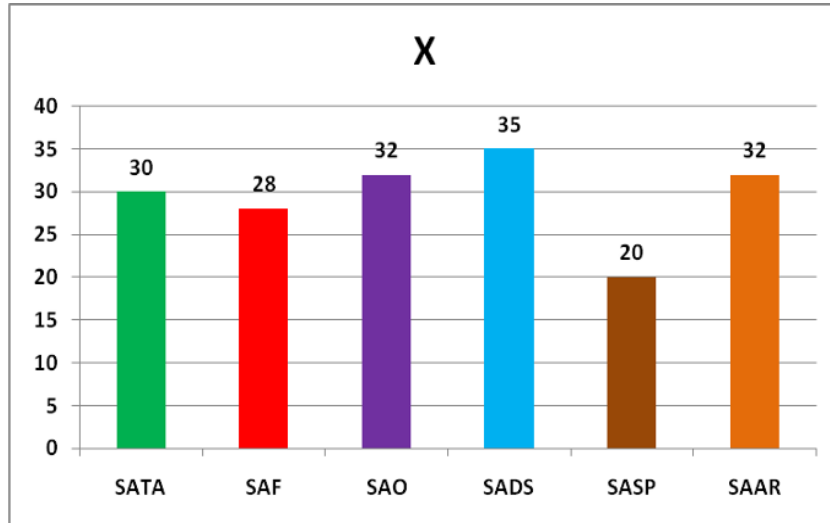
Table 2: Psycho-Socio and Personality Factors

Sl. No.	Factors	Typical Items	Number of Items
1	Type A Behaviour (SATA)	I hate to wait in lines. a) Almost always true b) Often true c) Somewhat true d) Almost never true.	10
2	Frustration (SAF)	It bothers me when my plans are dependent upon the actions of others. a) Almost always true b) Often true c) Somewhat true d) Almost never true.	10
3	Overloading (SAO)	Find yourself with insufficient time to complete work? Almost always, b) Very often,	10

		c) Seldom, d) Never.	
4	Deprivation Stress (SADS)	I have trouble paying attention during lectures that last over 20 minutes. a) Almost always true b) Often true c) Somewhat true d) Almost never true.	10
5	Self Perception (SASP)	I am at ease when I am around members of the opposite sex. a) Almost always true b) Often true c) Somewhat true d) Almost never true.	10
6	SAAR (Anxiety Reactivity)	Do everything I can to resolve the problem immediately; if I don't it will drive me crazy worrying about it later. a) Almost always true b) Often true c) Somewhat true d) Almost never true.	10

An example of 'Stress Profile' is given below:

Figure 1: Stress Profile of Mr. 'X'.



Any Scores above 25 of any six of the above-cited factors represent High Scores of the various factors. Below 20 scores represent low-scores. Both 'High' and 'Low' scores are undesirable.

From Figure 1 it can be inferred that Mr. X suffers from very high levels of stress because of the following personality and psycho-social factors:

- Type 'A' Behaviour
- Frustration
- Overloading
- Deprivation Stress
- Anxiety Reactivity.

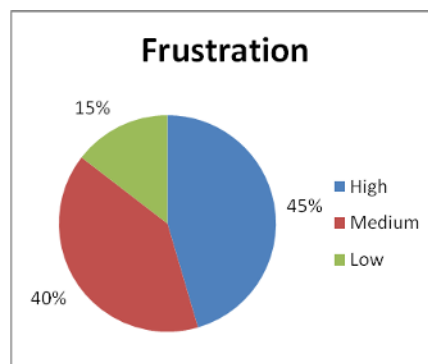
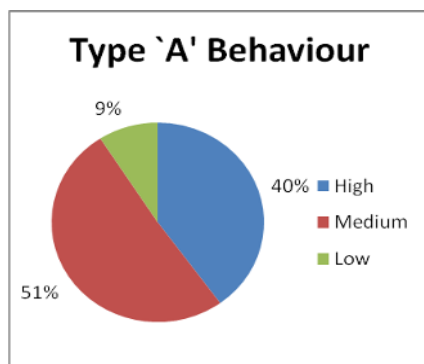
He requires 'Counselling' on the above-cited factors to control/manage stress.

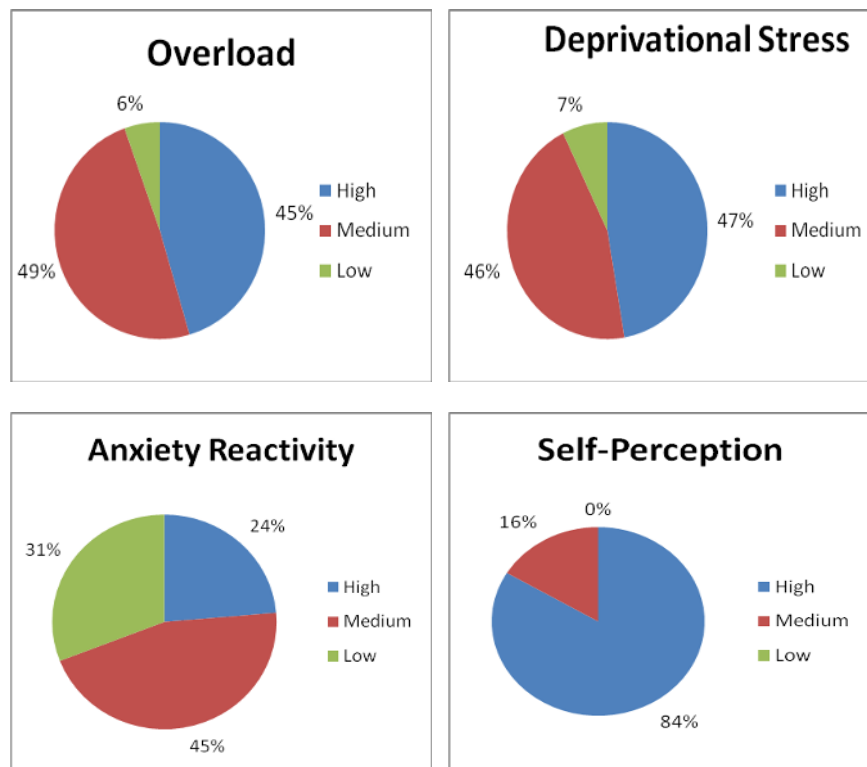
The scores of 'Trainees' are further analyzed for the preparation of group profiles:

Table 3: Group Profile of IPS Officers.

Sl. No.	Factor	High	Medium	Low
1	Type A Behaviour	22 (40%)	28 (50.9%)	5 (9.1%)
2	Frustration	25 (45.5%)	22 (40%)	8 (14.5%)
3	Overload	25 (45.5%)	27 (49.1%)	3 (5.5%)
4	Deprivation Stress	26 (47.3%)	25 (45.5%)	4 (7.3%)
5	Self- Perception	46 (83.6%)	9 (16.4%)	0 (0%)
6	Anxiety Reactivity	13 (23.6%)	25 (45.5%)	17 (30.9%)

Figure 2: Pie charts





From Table 3, the most alarming findings have emerged out:

- 40% Police Officers had high Type 'A' Behaviour which usually leads to 'Coronary' heart diseases. Type 'A' Behaviour is stress inducing.
- 45.5% Police Officers had high levels of 'Frustration' which may lead to 'Stress Prone diseases'.
- 45.5% Police Officers had overloading problems.
- 47.3% Police Officers suffered from 'Loneliness' and 'Boredom' contributing to high levels of stress.
- 83.6% Police Officers had abnormally high levels of 'Self- Perception'. This may lead to arrogance,

superiority complex and aggressive tendencies. They may stop learning and have aversion to change.

- 23.6% had problems of anxiety reactivity. Both 'Psychological Counselling' and 'Medical Interventions' are required.

4. Training and Counselling (Group and Individual Interventions)

Above analysis reflected that appropriate training and counselling interventions are necessary.

In counselling, concept, causes and effects of Dysfunctions Stress (High and Low) are explained by utilizing individual and group counselling.

Individual and group counselling interventions, as per the learning needs, focus on the following 'Stress Management' techniques and coping mechanisms.

- Time Management and Planning for Type 'A' Behaviour modification.
- Cognitive Restructuring, Positive Self-Talk, Thought stopping, Power Language etc for distorted thinking.
- Rational Emotive Therapy.
- Mindfulness (Upasana).
- Yoga, Meditation and Breathing relaxation exercise.
- Managing 'Anger', 'Guilt and Shame', 'Fear', 'Worry', 'Helplessness', 'Hopelessness', 'Hostility' etc.
- Anxiety Reduction Techniques.
- 'Spirituality & 'Religiosity' for stress Management.
- Value of 'Forgiveness' in Stress Management.
- Values and Stress Management.

- Work-Life Balance.
- Quality of Work Life (QWL).
- Social Support, Relationships and Communication for better stress management.
- Healthy Lifestyle (Exercise, Aerobics, Nutrition, Stress etc).
- Autogenic training and Guided Imagery etc.
- Uses of techniques are recommended on the basis of the Score patterns on various factors. (Not General but specific recommendations are made).

4. Summing up:

In this paper very analytical and scientific base for Stress Management interventions has been provided. Personality, Psycho-socio and Bio-Ecological factors contribute to high levels of stress. Scientific base to counselling involves assessment of stressors and right recommendation for each factor. The Author's experiences of using 'stress profiling' for training the IPS officers have been presented in the paper.

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