



# THE INDIAN POLICE JOURNAL

# The Indian Police Journal

Vol. 63 • No. 2-3 • April-September, 2016

## BOARD OF REVIEWERS

1. Shri R.K. Raghavan, IPS(Retd.)  
Former Director, CBI
2. Shri. P.M. Nair  
Chair Prof. TISS, Mumbai
3. Shri Vijay Raghawan  
Prof. TISS, Mumbai
4. Shri N. Ramachandran  
President, Indian Police Foundation.  
New Delhi-110017
5. Prof. (Dr.) Arvind Verma  
Dept. of Criminal Justice,  
Indiana University,  
Bloomington, IN 47405 USA
6. Dr. Trinath Mishra, IPS(Retd.)  
Ex. Director, CBI  
Ex. DG, CRPF, Ex. DG, CISF
7. Prof. V.S. Mani  
Former Prof. JNU
8. Shri Rakesh Jaruhar  
Former Spl. DG, CRPF
9. Shri Salim Ali  
Former Spl. Director, CBI
10. Shri Sanjay Singh, IPS  
IGP-I, CID, West Bengal
11. Dr. K.P.C. Gandhi  
Director of AP Forensic Science Labs
12. Dr. J.R. Gaur,  
Former Director, FSL, Shimla (H.P.)
13. Prof. Ajay Kumar Jain  
B-1, Scholar Building, Management  
Development Institute, Mehrauli Road,  
Sukrali
14. Shri Balwinder Singh  
Former Special Director, CBI  
Former Secretary, CVC
15. Shri Nand Kumar Saravade  
CEO, Data Security Council of India
16. Shri M.L. Sharma  
Former Director, CBI
17. Shri S. Balaji  
Former Spl. DG, NIA
18. Prof. N. Bala Krishnan  
Hon. Professor  
Super Computer Education Research  
Centre, Indian Institute of Science,  
Bengaluru
19. Dr. Lalji Singh  
MD, Genome Foundation,  
Hyderabad-500003
20. Shri R.C. Arora  
DG(Retd.) Former Director (R&D),  
BPR&D
21. Prof. Upneet Lalli  
Dy. Director, RICA, Chandigarh
22. Prof. (Retd.) B.K. Nagla  
Former Professor
23. Dr. A.K. Saxena  
Former Prof. of SVP National Police  
Academy, Hyderabad

Opinions expressed in this journal do not reflect the policies or views of the Bureau of Police Research & Development, but of the individual contributors. Authors are solely responsible for the details and statements made in their articles.



THE INDIAN  
POLICE  
JOURNAL

Vol.-LXIII No.-4 ISSN 0030-000 April-September, 2016

The Indian Police Journal  
April-September, 2016 • Vol. 63 • No. 2-3



## Editorial Board

### Chief Patron

Dr. Meeran C. Borwankar, *IPS, DG, BPRD, MHA, New Delhi*

### Editor-In-Chief

Shri Parvez Hayat, *IPS, ADG, BPRD, MHA, New Delhi*

### Managing Editor

Dr. Nirmal K. Azad, *IPS, IG/Director (S&P), BPRD, MHA, New Delhi*

### Executive Editor

Shri B.S. Jaiswal, *IPS, DIG/DD (S&P), BPRD, MHA, New Delhi*

### Editor

Gopal K.N. Chowdhary, *IIS, BPRD, MHA, New Delhi*

# CONTENTS

Pursuance of Core Principles of Police Reforms: A Critique <i>Neelam Kumari, R.K.Sharma</i>	1
Some Irksome Repetitions <i>P.S. Bawa</i>	25
A Note on Cyber-Safety <i>Kartik Chawla</i>	42
Police and Human Rights Violation in India <i>Sewa Singh Dahiya</i>	49
Police Professionalism: Emerging new challenges in changing Scenario <i>K.N. Gupta</i>	66
Delhi's Crawl Towards The Commissioner of Police System <i>J.N. Chatuvedi</i>	83
Trials Involving Celebrities Media Trials, Reverse Discrimination And Need For Balanced Approach <i>Dr. Mahesh Thakar</i>	94
The Study of Mobile & Whatsapp - Usage and Trends <i>Varun Kapoor, IPS</i>	106
Ethics in Governance – Reforms in Vigilance Administration and Anti Corruption Measure <i>Parvez Hayat, ADG, BPR&amp;D</i>	122
Case Study of a Quadruple murder of a Senior Railway Official and his Family Members <i>Dr. G.V. Jagadamba</i>	140
Application of Centro graphic Technique, Pattern of Property Crimes in Chennai City: A GIS based Approach <i>Dr. S. Sivasankar, Dr. A. Sivamurthy</i>	152
Utilisation of forensic services by the Investigating Officers in the UT of Puducherry <i>J Jeremiah, B Shanmukham</i>	160

## **Editorial**

In view of slow pace of police reforms and the critical gap arising out of it being filled up by PM's SMART Police initiatives substantially, there remains one area which has not drawn enough attention, the core principles suggested by Second Administrative Reform Commission (ARC). Given the confusion arising out of views and literature on the Police Reforms, varying perspective put forward by various committees and commissions, ARC has underlined the need to outline the overarching principles of reform in the Police and criminal justice system. Once such principle finds acceptance, a reform package can be evolved in an integrated manner. As Police constitute the key element of the power of the state for enforcing law, hence institutional framework of Police reforms must ensure minimal dislocation to meet the varied challenges arising out of changing socio-economic scenario.

In the present issue of IPJ Dr. Neelam Kumari and Prof. R.K. Sharma, in their paper, 'Pursuance of Core Principles of Reforms: A Critique', highlight the core principles suggested by second ARC that have not been given due consideration. Resultantly these principles have been in the back stage of the Police Reforms. The authors urge all stakeholders to chalk out the road map to sincerely implement these reforms. Particularly, they have suggested that the State governments should come out of 'their archaic attitude to set the ball of reforms rolling towards desired goal of citizen-centric Police.'

Shri P.S. Bawa, IPS(Rtd.), on the other hand, in his paper 'Some Irksome Repetitions' vouches for Police Reform within the organization and further maintains that there must be a reckoning of the reality and not distraction with the illogical, irrational, false and emotional notions in bringing Police Reform to reality. He further states that Police Reforms is an ongoing process which requires continuous efforts and improvement in the present legislative domain.

Related with Police Reforms is the professionalism in Police. The police professionalism is linked with time bound service delivery as well as efficiency of the police. In the wake of a paradigm shift in the way policing is done, necessitated by emerging new challenges, it has become imperative to instil professionalism in the Police. There is no denying the fact that the Indian Police has emerged more professional as compared to yesteryears, nevertheless, there is much more remain to be achieved so far as professionalism as well as time bound service delivery is concerned. Policing as service has been stressed upon.

Shri K.N. Gupta, in his paper, 'Police Professionalism: Emerging New Challenges in Changing Scenario', puts emphasis on instilling managerial perspective to the policing, to make it more professional. Professionalism should be further encouraged by adopting the management and the managerial

approach to policing, so that a high degree of professionalism in the ranks may fortify it against any sort of interference. Moreover, a professional Police may go a long way in improving the image and acceptability of the Police in the society. Once the Police become professionally sound, they will become competent, responsive and popular with the masses. With this popularity and acceptability gained in the society by being professionally sound and competent, the police will be able to use their professionalism as a key to better Police-Community relations, bringing about a perceptible improvement in their efficiency and behavioural attitudes.

Apart from this, corruption and vigilance are other key areas that merit attention to make governance in general and policing in particular effective and efficient. In addition to legislation, reforms in vigilance administration and leveraging of technology are the two areas that may make governance and police function free from vicious circle of corruption.

To bring out different dimension of Police reform, a paper on ‘Ethics in Governance – Reform in Vigilance Administration and Anti-Corruption Measures’, highlights that it is imperative for Government functionality to take up leveraging the technology with tools like e-governance or e-procurement, reverse auction and e-processing and so on. Adoption of such technology must be given priority so that the requirement of qualitative and cumbersome processes can be reduced to the minimum. For this, there is an imperative need to improve the system, by cutting down the dispositions to ensure transparency, equity, fiscal integrity, price discovery and competition which would go a long way in achieving substantive justice. The author stresses that integrity is directly co-related to efficiency and increased productivity. Moreover, the proper use of preventive vigilance is a way of ensuring efficient performance at all levels of managerial functionality of government. Vigilance need not be feared but to be harnessed to enhance the performance of any system and must work as inherent continuous process. Hence, there is a need to replace punitive vigilance with preventive, pro-active as well as prescriptive vigilance.

In addition to above, this issue discusses other relevant subjects such as Police and human rights violation, cyber safety, study of mobile & Whatsapp, Simulation and 3 D visualization of Mobile Call details records to assist crime detection algorithm and use of forensic Sciences technology in crime detection and prevention.

**(Parvez Hayat)**  
Editor-in-Chief

# Pursuance of Core Principles of Police Reforms\*: A Critique



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

**Neelam Kumari<sup>1</sup>, R.K.Sharma<sup>2</sup>**

## Keywords

Core Principles, Effectiveness, Efficiency, Human Rights, Model Police Act, Police Administration, Police Reforms, Reality Check, Second Administrative Reforms Commission.

## Abstract

The dictum that 'Change is the law of Nature' is deeply and closely associated with the term Reforms. The Reforms are, often, deliberate & conscious effort attempted by an organization to bring change and improve upon the efficiency and effectiveness of the organization. The governments at all the levels engage themselves to have a dig at the reforms. The creation of Second Administrative Reforms Commission (ARC-II) (2005) was one such big effort to recommend a frame work of Core principles to evolve 'Reforms' package. The ARC-II widely covered 15 vital areas of administration including important aspect of 'Public Order' (5th Report, 2007). The police reforms have hogged limelight 'always' because police has been on the receiving end when it comes to the delivery of services and its 'image'. The present paper is a ground work done on the basis of suggested core principles of reforms and the analysis is well substantiated by the findings of some related studies and the observations.

---

\* Second Administrative Reforms Commission Recommendations, 2007

## Author Intro:

- 1 M.A, Ph.D., Department of Public Administration, Panjab University, Chandigarh
- 2 Founder and Former Coordinator of Centre for Police Administration, University Institute for Emerging Areas in Social Sciences, Panjab University, Chandigarh

## Background

The Police is considered as the vital arm of a state rather the active arm through which state wields its power and authority.

The policing has been the age old practice ever since the society organised itself, however, organised and legal police system called Darogah system appeared in British- India in the year 1792 (Lord Corn Wallis)<sup>1</sup> in the state of West Bengal which was later on extended to the province of Bombay (1793). The Darogah system did not work up to the expectations of the then government as the system was unable to exercise control over village police as it suffered from the shortage of manpower.

Finally, in 1814, the Darogah system paved the way for previous method of village policing and as a result, uniform pattern of village police was introduced throughout the presidency of Madras<sup>2</sup>. In year 1821, saw the merging of offices of Collector & Magistrate which raised many eyes brows as the system had inherent defect as the thief catcher was trying the thief as well. In 1827, the powers of both offices were separated (Lord Auckland).<sup>3</sup>

All the experiments, made by then British Government to make use of the police in a subtle manner to propagate their designs, failed miserably and the political and administrative situation worsened with the Indians Revolt of 1857. The government took many hasty but productive steps by enacting laws like Code of Civil Procedure (1859), Indian Penal Code (1860) and Code of Criminal Procedure (1861). In the year 1860, then British Government appointed a Police Commission under the chairmanship of M.H. Courts to study the Indian Police System and suggest measures to tune the police system with the needs of the hours. All these efforts culminated *in the introduction of famous Police Act of 1861*<sup>4</sup>.

The Police Act of 1861 conceived the police as a ‘force’ rather than the ‘service’ and it had prime goal to keep the Indians under strict magisterial control of single unified police force in every province. The real intention of it could be discerned in its expedient to recognize the police and to make it a more efficient instrument for the prevention and detection of crime.<sup>5</sup>

British Rule over India saw another historical feat with the appointment of All India Service Commission 1902 by Lord Curzon<sup>6</sup>.

The police commission found that the police is far from efficient, it is defective in training and organisation. It is inadequately supervised and is generally recorded as corrupt and oppressive and it has utterly failed to secure the confidence and cooperation of the people.<sup>7</sup> The commission emphasised on training aspects of the police personnel. Further, the creation & recommendations of Islington Commission (1912) and Lee Commission (1920)<sup>8</sup> could not cut much of the ice as the police administration in the country remained slow and ineffective.

## **Police Reforms: Post Independence Scenario**

After Independence the subject of “Police” has been placed in Seventh Schedule, state list (2), of the constitution. However, the Centre government can persuade the state governments from time to time to bring the requisite reforms in the Police Administration to meet the expectations of the people.

After Independence, the country has witnessed the creation of various committees and commissions to examine the various aspects related with Police Administration and suggest remedial measures. Some of the important developments on the front of police reforms have been mentioned in the ensuing discussion.

**Gore Committee (1972):** The committee was appointed in Nov, 1971 by the government of India to take a stock of the existing police training programs and recommended the ways to improve the effectiveness of the police personnel. Training is considered as one of the important factors to enhance the efficiency and effectiveness of the police personnel. The committee under the chairmanship of Prof. M. S. Gore, a renowned Social Scientist, recommended that training is required for the following reasons:

- i. To import necessary knowledge and skills to the police personnel.
- ii. To create the right attitudes
- iii. To develop effective decision making ability and
- iv. To stimulate & create innovative thinking

The committee had thrust on enlarging the content and scope of police training from narrow to the broadest emphasizing on understanding human behaviours. The committee highlighted the training as a significant ‘Change Agent or Vehicle of Change’ through which not only

the personnel providing service is affected but it affects those who are served.<sup>9</sup>

**National Police Commission (1979-81):** The National Police Commission was appointed by the Union government in 1977 under the chairmanship of Dharamveer. The commission was assigned wide terms of references to view fresh areas relating to police, police-public relations and political interference with police functioning. The commission submitted eight reports between 1979 & 1981 covering sensitive areas of police administration and suggested wide reaching recommendations. The commission recommended to set up state security commission in every state and also suggested to separate investigation functions to make the investigation process completely independent of any outside influences and also to have fixed tenure for the police chief and above all to frame and formulate New Police Act.<sup>10</sup>

**Vohra Committee (1993):** The Vohra committee was constituted by the government of India under the chairmanship of N.N. Vohra, then home secretary to examine the problems of criminalization of politics and the nexus among criminals, politicians and bureaucrats. The committee observed that existence of criminal network which was visibly running a parallel government. The report revealed that criminals have entered the areas of politics, thus, are misusing the state police machinery for their individual gains.<sup>11</sup>

**Ribeiro Committee (1998-99):** The Ribeiro Committee was created on May, 1998 by the Government of India to comply with the directions of the Supreme Court arising out of a Police Interest Litigation (PIL) filed to get the recommendations of National Police Commission (1977) implemented. The committee had wider term of reference to review the action taken to implement the recommendations of the NPC, the National Human Right Commission and Vohra Committee. The Ribeiro Committee came out with two reports and suggested to create Police Performance & Accountability Commission with advisory and recommendatory role. It also recommended to establish District Police Complaint Authority and Police Establishment Board including other important aspects of Police Administration.<sup>12</sup>

## **Administrative Reform Commission II (ARC-II): Recommendations on Core Principles**

The Government of India installed a Commission of inquiry called the “Second Administrative Commission” with a purpose to prepare a blue print for revamping the public administration system in Aug, 2005. The basic aim of the commission was to suggest measures to achieve proactive, responsive, accountable, sustainable and efficient administration form the country at all levels of government. The commission examined 15 key areas of the governance and has submitted report on each of the aspect. The Fifth Report of the ARC-II broadly covered ‘Public Order’ wherein the 4<sup>th</sup> chapter of this report has dealt with ‘Core Principles of Police Reforms’ since the police reforms are the basic requirements of a modern, democratic State. Considering the literature on the subject and the suggestions of various expert bodies it has emerged that there is significant divergence of opinion on several issues of reforms. The Committees and Commissions constituted, from time to time, have made several recommendations in past but in isolation, without having any linkages with other facets of police administration and the judiciary. The ARC-2, therefore, felt that it would be useful to outline the overarching principles of reform in the police and criminal justice system. Once such principles find acceptance, a reform package can be evolved in an integrated manner. Police constitute the key element of the power of the State to enforce compliance with the laws of the land and a vital continuing institution to safeguard citizens and public property. Therefore, police reforms must ensure minimal dislocation and should meet the growing challenges of urbanization and emerging threats to constitutional order.

On the basis of the analysis and recommendations of various expert bodies and received inputs from citizens, civil society groups and professionals, the commission has suggested following eight core principles as the bedrock of police and criminal justice reforms.<sup>13</sup>

It is more than eight years when the recommendations were made; therefore, there is strong case to assess the execution status of the recommendations. The present paper has endeavour to assess seven of the eight core principles of the police reforms suggested by ARC-II

## **Responsibility of the Elected Government**

In a democracy, the government is elected to serve the people. People transfer a part of the right over their lives to government in order to serve the common goal of ensuring public order and protecting the liberties of all citizens. It is but natural that such an elected government must have authority. In our system, government is accountable to the legislature and to the people. Government must exercise real authority once elected to office. The imperatives of impartial investigation and fair trial demand autonomous functioning of the investigative and prosecution wings. But the overall accountability to the elected legislature and broad direction and supervision of the duly constituted government cannot be diluted. Also, several other functions of police including protection of public property, fight against terrorism, riot control and maintenance of law and order and intelligence gathering to anticipate threats need to be monitored and supervised by the political executive. Any reform proposal must recognise this requirement of democratic accountability and the responsibility of the political executive and elected legislatures. A police free from political direction can easily degenerate into an unaccountable force with the potential to undermine the foundations of democracy. The coercive power of the police can easily extinguish liberty unless it is tempered by responsible political direction. A corollary or welcome consequence of responsible political direction will be the much needed de politicisation of the police.<sup>14</sup>

### ***REALITY CHECK: Undoubtedly, it is the***

- i. Basic responsibility of a democratic government to make efforts to usher in reforms in the systems and
- ii. It is also responsibility of the elected government to ensure the accountability of police to the legislature.

Yet gasping holes are seen in the operational aspects.

On examining the first aspect in the depth, it can be stated that though elected governments have made sporadic efforts to bring reforms in the police system, (Refer discussion police reforms scenario p- 2-4) the governments at all the levels, union and states, remained too casual to the strategies of police reforms. In fact, many committees and commissions were constituted, especially after independence, but not much of ice was cut as many of these recommendations never saw the light of the day. In

context of the other aspect that Police must get political direction to check the use of coercive power has a flip side as the police is excessively used by government in power including the legislators to serve their vested interests and cause. The Police allowed itself to be used for the purposes some of which were questionable.<sup>15</sup> The greatest obstacle to efficient police administration flows from the domination of party politics under state administration.<sup>16</sup> The NPC has stated that people consider political interference with the functioning of police as a greater evil than even corruption<sup>17</sup> but the evil is only present and strikingly visible.<sup>18,19,20</sup> Therefore, the core principle that it is the responsibility of the elected government to ensure that police should remain under Political direction is perhaps over used by the state governments to serve their own interest rather than the interest of the public.

## **Authority, Autonomy and Accountability**

The various wings of police should have the authority and resources to fulfil their responsibilities and each such wing should have functional and professional autonomy commensurating with its requirements. For instance, intelligence wings need to have the flexibility to recruit personnel at short notice through summary procedures and the authority to procure sensitive intelligence-gathering technology without having to go through normal procurement processes. Traffic police need the resources to deal with the increasingly complex urban transport challenges, the quasi-judicial authority to impose fines on offenders when facts are incontrovertible or uncontested and flexible funding mechanisms without tortuous financial clearances. Police for riot control need a clear and unambiguous framework in which to operate, ready reinforcements when necessary and the confidence that bonafide use of force will not lead to victimisation. For each arm of the police, these requirements of authority and autonomy need to be spelt out clearly and codified. However, such autonomy and authority should be accompanied by clearly defined formal systems of accountability. Ours is an evolving democracy and our institutions need to be constantly refashioned to suit changing needs. In our system of compensatory errors, often the failings and distortions of one institution are compensated by the distortions of another institution. If policemen resort to third degree methods, political oversight of police functioning can unearth such torture and protect the

citizen. Therefore any autonomy must be accompanied by strong and verifiable systems of accountability so that the citizen is protected from abuse of authority. In a democracy struggling to reform its colonial institutions, there is nothing more frightening and enfeebling to a citizen than to be at the receiving end of police excesses. Any reform will yield dividends only when the efficacy of the system is enhanced while ensuring that the propensity for abuse of authority is curbed.

Although no one disputes that the police has to be accountable, there are differing views as to whom the police should be accountable to. It has often been argued that the police are answerable and accountable to too many authorities and institutions. They are answerable to their higher-ups in the organisation, they are answerable to the judiciary and the executive magistracy, to the political executive and to the public. There is another view that the existing accountability mechanisms, especially outside the police hierarchy are in fact too weak to extract any kind of accountability.

There is a school of thought that the police should be accountable to the law and law alone. This, it is argued, would give the police the required autonomy to function in a fair and impartial manner and would totally insulate them from political and bureaucratic interference.<sup>21</sup>

The accountability to law means allegiance to the law of the land and this is unexceptionable. The mode and manner of accountability of public servants, including police personnel has, however, to be laid down by law itself for the obvious reason that without the enabling framework, accountability would be rendered meaningless. In our sovereign democratic republic the citizen is the focus of all public service and it is therefore imperative that all government functionaries have citizen centred accountability laid down in sufficient detail in the laws of the land. This is all the more necessary in a scenario where all public services are best executed in a participative mode.

**REALITY CHECK:** *The principle of Authority, Autonomy & Accountability is so very vital to the functioning of the police.*

*The police being the state subject are enjoying the authority given it to by the respective state governments.<sup>22</sup> The Police Act, 1861 is still the basic instrument governing the functioning of the Indian Police which clearly states that all the powers are regarding the law & order in the state are vested in the Director General of Police. The reality check indicates that*

*police in the state is enjoying an adequate authority but this authority is highly centralised and is sans autonomy.*

*The authority is completely vested at the top and all orders flow the top to bottom in the hierarchy.*

*Till today, the laws governing the relations between the political executive and the police in broad terms merely states that superintendence of police is vested with the state governments.<sup>23</sup> thus, it is implied that police Acts themselves authorise the state governments or the head of the political executive to exercises control over the police force which has resulted in undemocratic functioning of police and inadequately directed police organisation.*

*The National Police Commission Report recommended state security commission to be set up in each state to lay down broad policy guidelines for police functioning and evaluate performance. The Riberio Committee recommended for Police Performance Accountability Commission in each state to ensure lawful transfers and merit based promotions and also to evaluate police ‘Performance. Similarly’ a committee was constituted under the chairmanship of Soli Sorabjee to prepare Model Act draft and the Act has focused on ensuring fundamental autonomy for police by insulating them from political and other external pressures. The model act has called for setting up a state police board to regularly evaluate each district and the state police performance.*

*The Supreme Court ordered to set up security commission for each state & union territory by passing an Act and as a result 26 states so far have set up State Security Commission through legislature or government order / memorandum. In reality, of the total lot only 14 commissions were functional<sup>24</sup> where as in 12 of the states the state security commission remained a paper tiger. Further, two of the states, J&K and Orissa have not created SSCs so far; the state of J&K is seeking exemption and the Police Bill of Orissa is still lying pending for approval. In UTs, there existed much of confusion regarding the creation of SSCs as the model act initially provided for one SSC for all the Union territories but after the confusion was settled three of the UTs; Delhi, Andaman & Nicobar and Lakshadweep, created SSCs for their territories. However, almost all the states, which have created the commissions, have used their discretion in the composition of these commissions thereby restricting their functional independence either by stuffing these with government*

*servants or retired government servants or politicians of their choice.<sup>25</sup> Moreover these SSCs invariably did not meet on regular basis.*

*Above all these commissions/boards are just recommendatory in nature and have been constituted as per the whims & fancies of the political matters thereby diminishing the very purpose of their creation. 'The provision of independent members on the commissions which have been set up is mere window dressing.'*

*Thus, police authority, even today, is highly centralised whereas the concepts of Autonomy and Accountability are still eluding the police.*

## **Disaggregation and Deconcentration**

One of the major problem impeding police reforms stems from the traditional approach of clubbing a variety of disparate functions in a single police force and concentrating all authority at one level. A single, monolithic force now discharges several functions: maintaining law and order, riot control, crime investigation, protection of State assets, VIP protection, traffic control, ceremonial and guard duties, service of summons and production of witnesses in courts, anti-terrorist and anti-extremist operations, intelligence gathering, *bandobast*<sup>26</sup> during elections, crowd control and several other miscellaneous duties. Often, even fire protection and rescue and relief are treated as police functions. In addition, giving support to state functionaries in removal of encroachments, demolition of unauthorised structures and such other regulatory activities are also treated as police responsibilities. Aggregation of all these functions in a single police force is clearly dysfunctional for four reasons: First, the core functions are often neglected when the same agency is entrusted with several functions. Second, accountability is greatly diluted when duties cannot be clearly and unambiguously stated and performance cannot be measured and monitored. Third, the skills and resources required for each function are unique and a combination of often unrelated functions undermines both morale and professional competence. Fourth, each function requires a different system of control and level of accountability. When a single agency is entrusted with all functions, the natural propensity is to control all functions by virtue of the need to control one function.

As already stated, mere mechanical and uniform application of law

in all situations will do irreparable damage to public interest. Therefore, the elected government and executive magistracy should broadly guide the use of force in riot situations. Crime investigation is a quasi-judicial function of the police, and painstaking professional methods are involved in interrogation, gathering of evidence and forensic examination. There is no case here for supervision by the political executive or executive magistracy. However, as civilian supervision of police is inevitable in order to guide riot control and deployment of forces, such supervision will inevitably transgress into crime investigation when the same police force discharges both functions. By horizontal fusion of disparate functions, the executive control necessary for law and order and other service functions also spills over to the domain of crime investigation.

Traditionally, the police forces have been structured on the pattern of the armed forces. Insignia similar to those of the armed forces, hierarchical control extending from the SHO to DGP, a culture of demanded obedience, and a structure of units and formations have made police a highly centralised force. Inevitably, the Inspector General of Police in the earlier decades and now the chief of police designated as the Director General and Inspector General (DG & IGP) has become the focus of authority of a vast police force discharging diverse functions. Much, therefore, hinges on the personality of the DG & IGP, the method of appointment, tenure, competence, integrity and ability to command loyalty of the force. While such a focus of authority has certain advantages like potential for coordination, it is arguably dysfunctional because of over-centralisation.

At the same time, disaggregation and deconcentration cannot be pushed to the extreme. There is need to strike a balance between authority and accountability, and between autonomy and coordination. Excessive fragmentation of the police force is as detrimental to public good as over-concentration. The Commission is of the view that three broad categories of functions can be clearly identified and the police force can be structured on those lines. While setting up mechanisms for effective coordination to prevent water-tight compartmentalisation; no agency of state can be an island, and each must support and draw strength from others. The three categories are:

1. **Crime investigation** – this function would, in particular deal with serious offences. Crime investigation can be treated as a quasi-

judicial function and an elite agency can be created to discharge this crucial function.

2. **Law and order** – maintenance of law and order is another important function of police. This function includes intelligence gathering, preventive measures and riot control. Performance of this function requires close interaction with other government agencies, especially the Executive Magistrates. This function should be with the ‘law and order’ police. Besides, all crimes not investigated by the Crime Investigation Agency could also be handled by this police Agency. These functions and other service functions can be combined under the control of the chief of Law and Order police in the state. Other peripheral services like protection of State assets, ceremonial duties, service of summons etc. can be progressively outsourced.
3. **Local policing** - Many functions like enforcement of civic laws, traffic control, investigation of petty crime, patrolling and management of minor law and order problems can be effectively supervised by local governments. Apart from these local functions, other functions performed by law and order police can be progressively transferred to elected local governments over a definite period of time but with adequate institutional checks and safeguards to prevent abuse of office.<sup>27</sup>

**REALITY CHECK:** *Till date police is performing aggregate functions varying from maintenance of law & order to ceremonial duties and other miscellaneous duties. In fact, the state finds it too easy but too strong a handle with state government which can handle any problem on urgent basis while serving the interest of the rulers. The other equally important factor is that police also love to add to their duties such sundry jobs which give them flexibility and urgency in dealing with the issue. On the other hand public, though willy nilly, is not bothered even if it is police who is serving them. Though, often, police is accused of high handedness, partial and indulging in favouritism and corruption.*

There have been few efforts on the part of police organisations at state level to outsource some of its non-essential functions but the arrangement is not either encouraged by the police organisation or by the people at large.

Police forces have been structured on the pattern of the armed

forces. Even, presently, a culture of demanded obedience and strict hierarchical control has made police a highly centralised police. No efforts have been made at any level to deconcentrate the police authority from the top to the lower level. Even, today, there are possible categories of functions, identified by the ARC-2, which are not separated yet in the police system in India (refer page- 10 of this paper). The concept of local police manage by the local governments is neither manageable in the given financial and political condition of these bodies nor it is of any liking for the states.

### **Independence of Crime Investigation**

The perception of an average citizen is that the police is, essentially, a crime prevention and investigation agency which is responsible for unearthing evidence in a crime, identifying the culprit, establishing the means, motive and opportunity, presenting evidence in a court of law through the prosecution, and securing a conviction. Many citizens, fed on a staple of detective fiction, crime thrillers and television serials portraying police functioning, regard painstaking crime investigation and police assistance in prosecution as the key functions of the police. However, in real life this core function, often, is relegated to the background. Excessive reliance on 'brawn' in other areas has blunted the professional skills required for effective investigation. The use of third degree methods to extract a confession from an accused or obtain cooperation of the culprit to recover stolen goods or unearth other evidence sometimes replaces analytical investigation. Failure to link all the threads in a criminal case and produce clinching evidence often leads to over-reliance on oral testimony in court. In our country, where perjury does not have serious legal or social consequences, witnesses often turn hostile because of inducement or fear. This again leads to lower conviction rates. The net result of deficiencies in crime investigation is the widespread belief that crime pays and the perpetrator can escape the clutches of law. It is usually the poor and illiterate who are victims of third degree methods and are convicted on the basis of oral evidence. The well-connected and better-off sections of society often find it easy to escape the consequences of their crimes as they are able to subvert crime investigation and the due process of law.

Over the years, the failure of the criminal justice system has led to

a pervasive atmosphere of lawlessness. There has been a proliferation of criminal groups providing rough and ready justice through brutal means. There is a growing ‘market demand’ for such gangs to ‘settle’ land disputes, ‘enforce’ contracts, or collect ‘dues’. There are instances of financial institutions hiring musclemen to recover dues from borrowers. Over time, these ‘crime lords’ who make a profitable career out of dispensing rough and ready ‘justice’ have found politics attractive as a second career. This is because experience has taught them that once a person dons political robes, he can ‘control’ the police and influence crime investigation to his advantage. What is worse, police can at times even be protectors and allies of crime syndicates. This process has led to the criminalisation of politics. It is in this background that many expert bodies and jurists have been urging that crime investigation should be separated from other police functions and needed autonomy, professional skills and improved infrastructure provided to deal with the challenges of rising crime.

When a police force is believed to be unresponsive to common citizens and pliant to politicians, the innocent victims of crime are forced to seek the help of politicians and middlemen even for the registration of an FIR, or pursuing an investigation. The lack of professionalism in an overburdened, under-funded and poorly-skilled police force, coupled with undue interference has led to lower level of trust in law enforcement. Many honest and hard-working policemen and officers do their best to serve society, but they are powerless to reverse the decline in standards of crime investigation. As a result, enforcement of rule of law and prosecuting and punishing the guilty has become major challenges in our governance.

Given these circumstances, the Commission is of the view that a separate, elite crime investigation agency of police should be created in each state and it must be completely insulated from undue political and partisan influences. While separating crime investigation from other functions, care must be taken to ensure that the crime investigation agency is not overburdened with petty offences, unable to apportion sufficient time for the investigation of serious crimes. It is therefore advisable to entrust only specified cases to the separately created elite crime investigation agency. Such an investigative agency must be well-trained and supported by adequate infrastructure including a network of forensic laboratories. This would, in effect, mean that the existing set-up

for special investigation of crimes (crime branch/CID/COD etc) would be replaced by an autonomous crime investigation agency with statutory jurisdiction.

The crime investigation agency will be impervious to political and partisan influences only when the recruitment, placements and supervision are professionally managed in a transparent and efficient manner. Yet, the political executive must have the opportunity to give broad guidelines.<sup>28</sup>

**REALITY CHECK:** *This very principle has not been considered seriously by any of the state government so far. There are few states, including Punjab where the political executive have made the statements in favour of separating crime investigating agency from the regular police force but these statements are more for the political gains only so far none of the state has set up a separate wing for investigating the crime.<sup>29</sup> This principle finds mention and place in many of the recommendations since independence but the principle is not of any interest to the state governments nor to the state police organisations as both view that separation will reduce the 'zone of interference and discretion' thereby demeaning their powers.*

*Further, some practical difficulties have been observed in this two tier model as those who detected the crime are not going to be one who will represent it or defend it, this gap can lead to weak defense of some of the criminals cases as has been seen that commandos deals with harder crime but the investigation part is done by the officers in the police stations.<sup>30</sup> Many of the states (Kerala & Manipur) who have experiment with the practice of separating crime investigation from law & order could not implement two tier system successfully as the provision still remain in the statute book only.<sup>31</sup> the situation regarding the separation of investigation from the law & order in the states can be assessed from the directions of the Supreme Court to the state governments to respond as to what action they have taken in the last eight years to separate the investigation and law & order.<sup>32</sup> More recently the government of India has informed the Supreme Court that it had worked out a draft manual for segregating investigation duties of police officers from law & order responsibilities but it will be left to the states and UTs to adopt the purposed policy.*

*BPRD Director General, Rajan Gupta, however, stated that a*

*separate cadre of officials to investigate crime might not be desirable as it could lead to service related problems like promotions & transfers<sup>33</sup> but he further, added that police research bureau will ensure that the crime investigations units in police stations were insulated from political or other extraneous influences.*

*The commentary is enough to make out that investigation separation has not been operationalized as yet. None of the States or UTs has so far filed any compliance reports rather have expressed their inability to implement the direction citing reasons like lack of manpower, service rules and promotion policies.<sup>34</sup>*

## **Self-esteem of Policemen**

The major chunk of police personnel comprises of constables (nearly 87%).<sup>35</sup> The position of the constable is the lowest in the hierarchy of police officials and open recruitment takes place at this level. The educational requirement for selection of a constable is a school leaving certificate. A constable can generally expect only one promotion in a life time and normally retires as a head constable. An average constable has little hope of becoming a Station House Officer (SHO). The statutory powers of investigation are with the Station House Officer who is usually a sub-inspector in rural police stations, and an inspector in urban police stations. As a result, constables have become ‘machines’ carrying out the directions of their superiors with little application of mind or initiative. Constant political interference in transfers, placements and crime investigation, long and difficult working hours, the menial duties they are often forced to perform as orderlies to senior officers, and the emphasis on brawn rather than brain in most situations tend to brutalise and dehumanise policemen. A constable devoid of dignity, lacking opportunities for vertical mobility, constantly pilloried by superiors and politicians, often derided by the public and habituated to easy recourse to violence and force cannot generally be expected to sustain his/her self-esteem or acquire the professional skills to serve the citizens.

Apart from the constabulary, the police force is top heavy. There is over-crowding at the top with no real strength at middle-management levels. Recruitment in most states is at several levels – constabulary, sub-inspector, deputy superintendent of police, and the Indian Police

Service. Several tiers of recruitment have diminished opportunities for promotion and the level of recruitment by the accident of an examination often determines career progression, not competence, professionalism, integrity and commitment. Lateral entry to the police is not feasible, as rigorous training, experience, expertise and knowledge of peers and colleagues are vital to the police service. Since this is a sovereign function, no agency or experience outside government prepares outsiders for police work. At the same time, incentives for performance within the police agencies are feeble.

The Commission is of the view that police recruitment needs to be restructured significantly in order to enhance motivation and morale, professionalism and competence of the personnel. This would require empowerment of the cutting edge functionaries and commensurate up gradation of their calibre and skills.<sup>36</sup>

**REALITY CHECK:** *A study conducted by the National Council of Applied Research on the working conditions of the constables in Delhi and UP has revealed that more than 50% of the constables are transferred from one place to another in less than one year.<sup>37</sup> The study further revealed that transfers were too frequent, adhoc, arbitrary in nature and usually adopted to punish the erring officers or to please the local politicians. One of the study conducted on police in J&K suggested that the lower rank officials had to wait for long to get the promotion<sup>38</sup> and further revealed that promotional avenues were not adequate.<sup>39</sup> The rewards and incentives were not linked with the performance appraisal of the employees. The lower ranks of police are not provided opportunity to do self-review in the performance appraisal process, thereby, indicating that the immediate supervisor opinion was the sole criteria to appraise the police officials.<sup>40</sup> The morale and motivation of the Police officers is often found low and the reasons are: poor work culture, uncongenial work environment, long duty hours, too much subordination, low pay scales in the back drop of challenging nature of job . To improve the image of the police and uplift their morale and motivation, the police officials should be introduced to some incentives like performance pay and explicit financial incentives which were totally unknown to the police managerial system.<sup>41</sup> To relieve the police from work pressure, long working hours and fatigue, some of the states have opted for shift system with variation in application.<sup>42</sup> The police organisations at state*

*level have taken certain other welfare measures and also have taken few initiatives to make the working conditions better.(such as introduction of Air Conditioned, PCR Vans for police officials doing routine duties) such steps as have been mentioned above will certainly enhance the self-esteem of the police officials but these measures are neither applied with uniformity nor are adequate to achieve the objectives.*

## **Professionalization, Expertise and Infrastructure**

Effective crime investigation, competent law and order management and useful intelligence gathering demand high standards of professionalism and adequate infrastructural and training support. Specialised training facilities are vital to hone skills and constantly upgrade them. Forensic laboratories need to be established for every district or a group of districts – at least one per 3 to 4 million population. Only such well-endowed forensic facilities will help police agencies to meet the growing challenge of combating crime in a rapidly urbanising society. Strong communications support, state-of-the-art weapons, non-lethal, modern tools for riot control and a high degree of mobility are prerequisites for modern policing. Adequate resources, technology and manpower need to be deployed on a continuing basis to meet these requirements. Like National Defence the internal security and public order cannot be compromised under any circumstances, if the integrity of the State and constitutional values are to be protected.<sup>43</sup>

**REALITY CHECK:** *The state governments are not fully geared up financially and skilfully to support forensic labs for each distinct rather it is considered enough if a state has one forensic laboratory. There are six central forensic laboratories (CFSL) under the Directorate of Forensic science sciences (DFSS) beside, there is one Central Forensic Laboratory (CBI) in Delhi.<sup>44</sup> The government has provided for Rs.285.24 crores to upgrade and modernize CFSL during 12<sup>th</sup> Five- Year Plan but the details of expenditure of last three years are indicating that the allocated funds are not being fully utilized. Likewise training aspect of police personnel is more or less a routine matter wherein training of routine nature follows. The syllabus is not revised for long period of times and the most of the states are deficient on infrastructure in the training academies. Further, these programmes are devised by Central Agency for all the*

*states without caring for the local needs of policing, thus, not prioritising the local law & order and crime issues. The professionalization of police personnel is the least emphasized area of human resource development in police services. The standards of Policing are low in India as compared to the developed countries. It is a fact that Police and Policing in the country has changed substantially since independence yet long way to go to attain the goal of hi-tech policing; having technology and using technology are two different things. The Information and Communication technology has proved to be booster in breaking serious nature of crimes and also combating and curbing terrorism effectively.<sup>45</sup> The detection of cybercrime with the help of technology is another achievement but technology is not available at all the levels. Generally such apparatuses, machines and tools are available at the Headquarters. More so, police use these techniques at their discretion.*

## **Police to be a Service**

The preamble of the United Nations Basic Principles on the use of Force and Firearms recognises that “the work of law enforcement officials is a social service”. The European code of Police Ethics states that the police shall be organised with a view to earning public respect. During the colonial era the police was primarily used as a ‘force’ in the hands of the government of the day to suppress any uprisings by the locals. Even today, the police is not totally free from this stigma. In a democracy, the police is to function as any other public service, which renders services to the community and not as ‘force’. In this connection it has been stated:

*“Every member of the force must remember his duty is to protect and help members of the public, no less than to apprehend the guilty persons. Consequently, whilst prompt to prevent crime and arrest criminals, he must look upon himself as the servant and guardian of the general public and treat all law abiding citizens, irrespective of their position, with unfailing patience, courtesy and good humour”.*

The Police Act Drafting Committee has also suggested that “There shall be a Police Service for each State”. The Commission is also of the view that this transformation is an urgent necessity. But this would require both legal and structural changes that would bring people closer to the police involve citizens in policing and give citizens some say in

policing. Besides, a total change in the mind-set of the police as well as the citizenry would be required. The reorientation of all police would be essential.

The concept of police as a ‘Service’ instead of a ‘Force’ encompasses the ideas of effective accountability, citizen centricity and respect for human rights and the dignity of the individual, these values should permeate all aspects of policing. Arguably the inordinate emphasis on police as the coercive apparatus of the State and its undeniable role in crime investigation contributes to an impression that the cherished rights of individuals are somehow subsidiary to the classical concept of police duties. It must be recognised that the power of the State to use force is not an absolute power. It is tempered with the Fundamental

Rights incorporated in Part III of the Constitution. A balance needs to be struck between the imperative to use force, to uphold the law and respect the human rights of all concerned – the victim, the accused and the society at large. This is the essence of the rule of law. The recommendations of the Commission have been formed by this perspective of police as a service and the inviolability of human rights in a civilised, modern democracy.<sup>46</sup>

**REALITY CHECK:** *It is a paradoxical setting for Police in the developing societies like ours, where ‘we wish the police to be a Service when we are at the receiving end’ and ‘wish the police to be Force when dealing with others’. It has become a demand of democracy that police in the present scenario no longer can act arbitrarily and autocratically as a force but should serve the society while keeping cordial ties with them. The Citizen-centric initiatives of Police Administration to usher in transparency, accountability, responsiveness and modernization in police work culture have resulted in bringing Police closer to the Public thereby reducing the relationship gap between the two. It is a bare fact that good police-public relations can prevent many potential problems on the law & order front. The efforts on the part of several states to strengthen the community policing at different levels of administration may not have yielded the desired results but certainly have sent a strong message to the stakeholders that sooner or later these initiatives will be the main components of police system. The police administration of the states has started with Maitri Yojna at the district level; Sahyog Yojna and Samarth Yojna at sub divisional level, and Vishvas Yojna and Police Clubs at the*

*police station level. Further, at Beat level the projects like Beat Policing teams, Sanrakshan Yojna & Police Sahayta Kaksh have been launched to involve the local communities to seek solutions to their safety & security problems. Besides, several Web-Portal based programmes, such as internet server, data base management system, motor vehicle coordination system, creating official sites, talash, digitization, video conferencing system, road safety management, setting guidelines for children while using internet. In reality majority of these programmes have either not taken off or are yet to fully operationalize.<sup>47</sup> The much referred Police Model Act (2006) has also emphatically suggested police to be a Service than Force<sup>48</sup> and the aspect has been ratified by the senior functionaries as well.<sup>49</sup> The biggest & major priority of Police, in present times, should be to assist Public and win their confidence.<sup>50</sup> The Police reforms are of critical importance to the protection and promotion of human rights in the country.<sup>51</sup>*

*On the front of Human Rights, there have been numerous complaints received by the National Human Rights Commission against the civilian authorities and police personnel in particular for abusing and misusing their powers to trample the human rights of the innocent people. The police indulge in violating the human rights by illegally detaining the people and falsely implicating and using third degree methods which sometimes caused deaths. The cases of rapes<sup>52</sup> in the custody and disappearance of persons are not uncommon incidences. This fact is factually supported by the sudden spurt in the number of cases registered against policemen for alleged human rights violation across the country.<sup>53</sup>*

*Therefore, more efforts be directed towards turning the police to be a service.*

## **Conclusion**

Ironically, the core principles suggested by the ARC-2 have not been given due consideration by the concerned governments and as a result these principles have remained in the back stage of the Police Reforms. These core principles were pursued in isolation by the authorities that too in bit & pieces without pronounced focus. In fact, the core principles were never pursued aggressively rather in the efforts to improve the working of police these were realised to varied extent as a result these were left to their own fate. The commission recommendations should

not be taken as mere periodic formality on the part of those who are in the power saddle rather the appropriate line agencies be strictly put to command to chalk out the road map to sincerely implement these reforms to change the ‘Role and Image’ of the Police. The state governments, police being their baby, should vow to change their archaic attitude to set the ball of reforms rolling towards the desired Goal to create Citizen-Centric Police.

## References

1. *David H. Bayley , the Police and Political Developoment In India* (New Jersey: Princeton University Press, 1969) p.15.
2. *Rajinder Prasher, Police Administration* (New Delhi: Deep & deep Publication, 1986)p. 15.
3. *J. C. Madan, Indian Police* (New Delhi: Uppal Publishing House, 1980) p.27.
4. *David H. Bayley ,op. cit.,p.45*
5. *The Police Act, 1861, p.1.*
6. *David H. Bayley ,op. cit.,p.47*
7. *Ibid*
8. *B.N. Puri, History of Indian Administration-vol.III* (Delhi:Munshi Ram Manohar Lal Publishers Pvt.Ltd. 1982),pp. 236-237.
9. *Gore committee Report 1971-73*
10. <https://ipc498a.files.wordpress.com/2008/09/firstreportnpa.pdf>
11. <http://indiaprospect.org/Blog/?p=23>
12. [http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/analysis\\_ribeiro.pdf](http://www.humanrightsinitiative.org/programs/aj/police/india/initiatives/analysis_ribeiro.pdf)
13. *Second Administrative Reform Commission, Fifth Report, June 2007, chapter-4. Pp-61*
14. *Ibid pp-62*
15. [http://en.wikipedia.org/wiki/Shah\\_Commission](http://en.wikipedia.org/wiki/Shah_Commission)
16. *Second Administrative Reform Commission, Fifth Report, June 2007, chapter-4. Pp-79*

17. *Second Report of National Police Commission, August, 1979.p-23*
18. *David H. Bayley, op. cit.,p.207-209*
19. *Sultan Akbar Khan, Power, Police and Public (Kurukshestra: Vishal Publication, 1983), p-176*
20. *M.S. Parmar, Problems of Police Administion (Relence Publishing House, New Delhi, 1992),p-266*
21. *Second Administrative Reform Commission, Fifth Report, June 2007, chapter-4. pp-62-63*
22. *Entry 1&2 respectively in list-II (state list) in the 7th schedule of the constitution.*
23. *Section 3, Police Act, 1861*
24. <http://indiatogether.org/chri-report-on-state-security-commissions-police-ssc-laws>
25. *Ibid*
26. *Bandobast is a Hindi/Urdu word, meaning arrangements*
27. *Second Administrative Reform Commission, Fifth Report, June 2007, chapter-4. Pp-64-66*
28. *Ibid pp-66-67*
29. <http://timesofindia.indiatimes.com/india/Punjab-police-to-have-separate-investigation-wings/articleshow/38888922.cms>
30. <http://hueiyenlanpao.com/articles/item/16499-two-tier-system-of-policingseparation-of-investigation-from-law--order>
31. *Ibid*
32. <http://www.dnaindia.com/india/report-police-reforms-separation-of-investigation-law-order-is-core-to-police-2014689>
33. [http://www.telegraphindia.com/1150116/jsp/nation/story\\_8703.jsp#.VXwmrfmqqko](http://www.telegraphindia.com/1150116/jsp/nation/story_8703.jsp#.VXwmrfmqqko)
34. *Ibid*
35. *The Padmanabhaiah Committee Report, 2000.*
36. *Second Administrative Reform Commission, Fifth Report, June 2007, chapter-4. Pp-68*

37. *Shodhganga.inflibnet.ac.in/bitstream/10603/7597/.../12\_chapter%207.pdf*
38. *Rouchi Chaudhary, Ph.D Thesis: Human Resource Delevepmet Practice of the Police Personnel (Non- Gazetted): A Case of the State of Jammu and Kashmir, Unpublished work. Pp-232*
39. *Ibid pp-236*
40. *Ibid pp-290*
41. *<http://economics.mit.edu/files/10192>. pp-4*
42. *<http://bprd.nic.in/writereaddata/linkimages/5122897254-National%20Requirement%20of%20Manpower%20for%208%20Hour%20Shifts%20in%20Police%20Stations.pdf>. Pp-16*
43. *Second Administrative Reform Commission, Fifth Report, June 2007, chapter-4. Pp-69*
44. *<http://www.truthlabs.org/needforaprivateforensicsciencelab.php>*
45. *<http://mha1.nic.in/par2013/par2013-pdfs/ls-110214/3300.pdf>*
46. *Second Administrative Reform Commission, Fifth Report, June 2007, chapter-4. Pp-70-71*
47. *Manish Kumar, Ph.D Thesis: Police Public Interface: A Case of District Solan in Himachal Pradesh, Unpublished work. Pp-267*
48. *Chapter-II, Model Police Act,2006*
49. *[http://zeenews.india.com/news/uttarakhand/police-a-service-not-a-force-uttarakhand-governor-kk-paul\\_1606430.html](http://zeenews.india.com/news/uttarakhand/police-a-service-not-a-force-uttarakhand-governor-kk-paul_1606430.html)*
50. *Ibid*
51. *Vivek Thakur, R.K. Sharma, "Myths and Realities of Police Reforms in India" The Indian Police Journal. Vol.LX.No.2, ISSN 0537-2429, April-June,2013, Pp-24*
52. *Bhanu P Lohumi, 'Rate of acquittal in rape cases on the rise' The Tribune, Chandigarh/ Monday/ 25 November, 2013. P-5*

# Some Irksome Repetitions



P.S. Bawa<sup>1</sup>

The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

## Keywords

Police, Existing Framework, IPC, Code of Criminal Procedure, Police Act, 1961, Colonial Law, Accountability

## Abstract

The object of this presentation is to clear the cobwebs of wrong thinking and taking a realistic picture thus creating conditions of reform, progress, and efficiency. There must be a reckoning of the reality and not distraction with the illogical, irrational, false, and emotional notions that are often used to suggest that these fetters, again imaginary and unrealistic, prevent police from performing. Whereas there is always a room for improvement, police must learn to make the best that exists. And much more can be done and is possible under the existing legislation.

## Introduction

Police, especially the senior officers, are in the habit of lamenting with a grouse about police functioning. They are used to blame others for their inadequacies. Wrong impressions and reasoning distort the views of subordinates who make unreasonable demands, feel demoralized and unmotivated. Moreover, distortions in approach can lead to wrong policy decisions. It is, therefore, necessary to clear the falsities of thinking. Here are some of the claims officers keep making in various forums in order to explain their failures and lapses. They do so ad infinitum, both in speaking and writing without giving a thought

---

### Author Intro:

IPS (Rtd.), Chairman, Transparency International

to the realities of law and the opportunities available to them for good work. It is time to stop the lament and, accepting realities, do things which can be done without shifting on the responsibility to law makers and others. Here is thus a plea for working within and focusing on what can be done within the existing framework, while seeking reforms.

I need to put a caveat. Nothing is perfect. Nothing is a last word in law. Laws are often adjusted and improved in tune with times and requirements. This does not preclude any positive change in law or sagacity on the part of politicians to withdraw their interference voluntarily. They may also show alacrity, so far missing, in changing law. However, reality does not prevent imagining a utopia. Yet, it has to be confronted in a positive manner without making any excuses, lamenting lack of something or carrying on with false notions that do not help the organization. Here are, therefore, some of the deep-rooted ideas that need to be demolished.

### **“The Police Act of 1861 was meant to prop up colonial rule only”**

**Not correct.** On the other hand, it was a method of civilizing relationships. It is not denied that the Act was the creation of colonial rulers and they designed it for creating a culture of law and of order. There was nothing better available that they had distorted. In fact, nothing existed except the primitive structure of dealing with justice, based upon will and whim of the ruler, king or a despot, or as per religious commandment that defied reason and logic. The country should be grateful for the contribution of legal system and codification of essential laws like the Indian Penal Code (1860), the Code of Criminal Procedure (1898, subsequently amended), and the Indian Evidence Act (1872). Castigation is easy and a way of transferring the blame of one’s doings or non doings. If the law had been defective then why has it taken six decades for any significant change? Why has the state not presented a better and viable model that could surpass in quality the colonial law as an improvement in treatment of people in general, victim in particular, criminals and other stakeholders, immunizing police from political interference and control?

The refrain of the critique may be plausible to some extent, but script and notations are missing. Despite clamor for reforming the Police Act, hardly any state has shown initiative in controlling the suspected fall. If the Act is incompatible with Indian genius, why not change it,

now when there is no compulsion of a foreign rule? Moreover, the landmark decision of the Supreme Court in *Prakash Singh vs. UOI* (2006 AIR SCW 5233) has hardly any taker, not even the chiefs of police who can do a few things on their own and pursue with the state governments for adoption the mandate of the apex court. There is no bold voice or pressure to get the decisions of the Supreme Court implemented. There may be a faint murmur, but nothing that is audible.

The word ‘colonial’ is used as a pejorative term to indicate a bundle of faults. However, a close examination of the Act does not reveal the fault lines. The third degree treatment is not allowed. In fact, as early as 1861 it was considered reprehensible and prohibited in Section 29, long before human rights had been conceived as an imperative. It specifically outlaws “any unwarrantable personal violence to any person in his custody”, and for this act of indiscretion the officer would be liable to a penalty, even to imprisonment. It mentions nothing of political interference. There is no mention of a political office in the Act. The Act does not prevent any officer from invoking law wherever necessary. It does not give authority to anyone not to register the first information report. Moreover, the law passes the test of legality as per Article 13 of the Constitution. It has not been found in conflict with any of the fundamental rights.

### **“India has a long standing tradition of police”**

**Wrong.** It is often asserted, out of patriotic feeling, that police had its origin in ancient India. To strengthen this assertion Kautilya’s *Arthashastra* is invoked. Reading the classic work of Chanakya one gets indications of the system of watch and ward and intelligence collection. Both these were required to strengthen the hold of the king over his subjects. The technologies of policing proposed by Chanakya like *saam* (suggestion or persuasion), *dam* (bribing), *danda* (punishment akin to torture or an ordeal), and, *bhed* (secrets) were more in tune with the collection of intelligence than for policing. Imagine police using bribing and torture to extract information. Not only is their use an anathema, even inducement, threat or promise are not permitted. So it is disparaging to modern police as an institution to compel it to accept is genealogy of Arthashastra police system. The DNA of the two does not match. Modern police is a refined institution and a structure, though it too may require transformation in functioning in tune with the times.

Therefore, police as an institution did not exist in ancient times. It is difficult to imagine police without laws, procedures or prisons. There was hardly any semblance of the same. The object of the treatise was to advise the king on administration and functioning of the kingdom. The system worsened during the subsequent dynasties and rules, including the Mughals, who could not give a proper system, except the nomenclature of a kotwal.

The police as an institution had a proper beginning only with the Police Act of 1861 and must be considered a gift of the colonial rule. It goes to the credit of the British that, following the mutiny (war of independence for Indians), the Torture Commission recommended a proper police force. In response to the shift of control from the Company to the Crown, the British needed a legal system to protect their subjects from arbitrary actions of local minions of the Company. Unlike the Commissions set up by free India that were often consigned to limbo of oblivion, the so called colonial rulers were sincere in establishing a system with proper laws - substantive, procedural, and evidentiary, the courts, the prosecution, and prisons. By 1872, all the major laws were on the statue book. It is a contrast to free country that has not even bided by the directions of the Supreme Court of India made in 2006 in *Prakash Singh* case. No system can exist without a well knit criminal justice structure that was conspicuous in its absence during period that preceded the Act of 1861.

Therefore, it is not true to say that police had existed earlier as an institution. What had been there was only a function of watch and ward, perfunctory and arbitrary doling out of raw justice by authoritarian rulers. There need be no hesitation to give the credit where it is due because it is not justified to suggest that we were wiser or did not owe anything to others. If that were so we would have created a robust system ahead of 1861, or in ancient times when the rulers were Indians. There was almost a vacuum.

### **“Confession before police is not admissible in evidence”**

**Nothing wrong; but necessary.** The confession before a police officer is not admissible as Section 26, Indian Evidence Act. Unless the law changes, there is no ground to fret and fume. But there is no sufficient reason and justification for reversal of law in this respect. The reason for

not supporting a change in law is due to the fact that police is anxious to secure conviction of the criminal. Police is thus an interested party. This interest can be enough temptation to fiddle with facts. The person detained by police is under their influence and is liable to be manipulated under the awe of authority. This would frustrate the principle of voluntary nature of confession. There is thus a conflict of interest. The present procedure is correct. It is sometimes seen that the confessor even resiles from his confession before the magistrate. Any suggestion to make confession before police admissible in law is a rebuke to the Article 20 of the Constitution that stipulates that 'No person accused of any offence shall be compelled to be a witness against himself'.

The method of confession before police officer has been tried in TADA cases. The experience was not pleasant in the sense that even the senior officers, like the Superintendent of Police, failed to perform this function in accordance with spirit of law. In some cases, the confession was recorded by the reader to the SP. The law was reversed. Police cannot be entrusted with this authority till it acquires the confidence of the judiciary and the people. It will not happen till police takes its onerous duty seriously. The opportunity provided in the special legislation was frustrated even by senior officers. This left little room for the subordinate ranks to be credible in this respect. They are more interested in 'solving' the case and hence can be tempted to resort to this method, if it were permissible.

### **"Citizens are police without uniform"**

**This is not logical.** That citizen is a police man without uniform is a romantic idea, a patronizing stance perpetrated earlier, by well wishers to confer the stature of police to people. Nothing can be farther from truth. Public are not police. If they were to undertake tasks of police, they shall act impulsively, prejudicially, and without rules, only depending upon their whims, moral standards, religious prejudices, etc. Crowd lynching mentality is not unknown. Considering them police and letting be so would amount to vigilantism and legal nihilism. Public are not accountable to law and hence considering them as police defies rationality.

Legally, people have no role with regard to policing, except giving information to police of commission of heinous offences (Sec. 39, Code of Criminal Procedure), aiding magistrate or police demanding his aid

in preventing the escape of any person whom the officer is authorized to arrest, prevention and suppression of breach of peace, or damage to public property (Sec. 37), and being a witness to search proceedings (Sec. 100). People are not authorized to use force, except in self-defense. If public were to behave like police, there would be no need for police, no traffic problem, and utter peace would prevail, a state of utopia, indeed. In fact, public is the *raison d'être* for establishment of police as it is public, some of them, who indulge in violence, disorder, and crime. Such a group of persons cannot be considered to be police without uniform. Moreover, public does not investigate cases, or make arrests on their own.

However, this does not obviate the need for involving people who are decent, law abiding, ethically endowed, and socially oriented for seeking advice, cooperation, and voluntary support in the interest of creating a peaceful community. This does not deny the need for community policing, vigilance groups, the community supporting police as traffic wardens, special police officers, counselors, etc. This also does not ignore the relationship, responsibilities, and powers of citizens under law. But all this does not make public policemen without uniform as there is no legal fiat or mandate.

### **“And police are citizens in uniform”**

**Certainly not.** This idea is as bizarre as the one which considers public as police without uniform. There is no denying that every police officer is a citizen. This is an oxymoron, a tautology that conveys nothing. But this has often been touted by some senior officers in camouflaging indiscretions of policemen by saying that ‘After all, they are part of the society’, meaning thereby that if their reactions were odd this was because they conformed with the public behavior as they too belonged to the public and have the same style of thinking and value system. This is a dangerous justification that ought never to be permitted.

Though police officer is part of the society and drawn from the same stock, yet he has to be a better part of society that, unlike the public, keeps his emotions under check, subdues his likes and dislikes, behaves in a disciplined manner and in accordance with law. He has no religious predilections when in uniform. There can be no justification, whatsoever, to permit a policeman behave like public, show and practice the same responses as public does in a mob.

Without being pretentious it would be correct to say that police has to be above ordinary citizens in their reflexes, sense of fairness, appreciation of law, rationality, and courage. They are trained for the job, in attitudes, behavior, knowledge, and mannerism. They have to be impartial in their approach. They have to work within domain of law and accountable to it in that capacity. They are a special group of society conferred with legal powers. They cannot avoid risk as it a legal obligation and a duty.

It is not only the uniform that distinguishes a policeman from a citizen. Nearly one third of the force may not be in uniform and engaged in security, collection of information, academics, research, administration, and various sundry duties. What distinguishes police from public is a legal mandate. Uniform only confers identity. No citizen can be police man by wearing a uniform. This misleading expression may better be avoided.

### **“Police are accountable to public”**

**This is not so.** Accountability to people has to be regulated by some legislation. It does not exist as yet. Moreover, any such body consisting of public only without any institutional framework shall make police subservient to the irrational forces of emotional reaction in which people want to lynch a rapist when they seek his possession from police to deal with him.

Though police is meant *for* the public to solve their problems pertaining to order, violence, crime, violation of rights, etc., they are not accountable *to* them. Perhaps the expression is used to indicate that police's first interest ought to be the people. But this does not amount to saying that they are answerable to people. Yes, they are accountable for protection of rights of people, preservation of peace, maintenance of order, provision of security, and investigation of crime.

However, the responsibility cannot be to an amorphous public. Police are certainly accountable to the legislative assemblies and parliament with regard to their performance when the issues of law and order are discussed in the houses of legislature. Since the legislators are representatives of people, police is indirectly accountable to public. Secondly, police are accountable to law that is legislated by legislature. Thirdly, the Supreme Court has tried to create a virtual public in *Prakash*

*Singh* judgment by including eminent representatives of public and professionals in various institutions proposed and mandated by it as part of the State Security Commission or District Complaint Authority. Fifthly, the recent legislation like the Juvenile Justice, the Welfare and Protection of Parents and Senior Citizens, and Domestic Violence Act has incorporated the role of public functionaries in implementation of these laws. Strangely, even this has not come into force in most of the states.

In fact, accountability to people is implied in law. It is indirect. It has nothing to do with any association, organization, and forum that have not been created so far. Public relations are gratuitous, optional, personal initiatives, and have to be operated under law. This is, of course, a strategy for friendly and helpful relations. So it is a misnomer to suggest that police are accountable to public, though they are accountable for the well being of the public in protecting them against violence, crime, and disorder.

### **“This is not our task”**

**Why not?** Police feel that anything that has nothing to do with crime, security of VIPs, traffic, or general ‘law and order’ is not their task and must be done by others. They feel that encroachment on public spaces is not their task and the concerned department must be held liable for that. Whereas this is correct to some extent, it cannot be denied that all encroachment is a crime and when the commission of crime comes to the notice of police, it has to take cognizance thereof. There is no option whatsoever. Moreover, it is the task of police to prevent the commission of crime. So by ignoring such instances, police facilitates illegality. Same is true of pavements occupied by encroachers outside their shops.

It must be appreciated that ‘something-that-ought-not-to-be-happening-but-happens’ is the task of police as it is round-the-clock organization with communications, and being the only symbol of the state’s authority present cannot avoid doing things that ought to be done by the government. It is an onerous task. But it is just like it, and cannot be avoided. That is why much that is not crime like organizing crowds at festivities, matches, processions, security of the institutions of governance, managing things during a natural calamity, etc., are yet to be managed by police. So police has to take a wider look at their role and act

accordingly. It need not wait for others to start the process. In fact, if the concerned department fails to take note of any irregularity, then police must give an official wake up call.

### **“Police needs to be professional”**

**Well, do it and make it so.** The common refrain of the senior officers is that police is not professional and must be so. This is also the tone of politicians. Pray, who is to make police professional if not the senior officers or the politicians who have control over funds. Nobody likes an unprofessional doctor, engineer, or a craftsman. We all expect and need perfection. Same is true of police.

Earlier the constables were illiterate. It was a paradox to endow them with immense powers of arrest and detention without their knowing the law and what it meant. For a long time, no change was brought about in educational levels. It is only recently that with the spread of education that basic educational level has been raised. Now due to lack of employment opportunities and open competition, the candidates joining police are better qualified and aware than the minimum qualifying level.

The task to make police professional lies with management. Most of the states have police recruitment centers, schools, colleges, and academies to impart training to officers at different levels. The curriculum is available or can be refined if considered inadequate. The department has to consider how to make officers acquire the right kind of skills, attitude, behavior, and knowledge to make them perform in a professional manner. The management has to give adequate support and status to training. The skills of training can be upgraded by the department itself. It can seek advice from any competent institute in the country. The only condition is that management must take interest in this venture. There is nothing that prevents police from being professional and behaving thus.

### **“Politicians interfere with police functioning”**

**Don’t permit it and deal with them if you can; but don’t blame.** Police have often felt that they are under the tutelage of politicians and have constantly been complaining about political interference and pressure. This is also used as a cloak for inaction and justification for non-performance or over-performance. It may be appreciated that politician,

especially an elected representative of people, is within his authority and as a part of duty, either compelled by his supporters or when he feels reasonable, to contact police during a problem with a view to ensuring that his people are heard. This need not be treated as interference for it is a common experience that people find it difficult to contact police and are heard only after a recommendation.

The politician has neither power nor authority to compel police to go his way. It is unfortunate that such casual contact of a politician is taken so seriously that it comes in the way of law. Be it clear that the politician has no authority whatsoever in the matter of policing. The politician does not appear in the letter of law and no role for him is conceived in the legal system. The Police Act or any of the Code of Criminal Procedure does not mention any political functionary in their text. No role is assigned to any minister or anyone. The law only refers to the 'State' that is a complex operation of the executive, including the bureaucracy. This does not give any authority to anyone to interfere unless provided for in law. Thus the so-called interference or pressure is a figment of imagination, but true for the officer who has a personal agenda in terms of a posting and seeks patronage of a politician having access to powers that decide these administrative matters.

Such relationship between police and politician is not prescribed in law, and therefore any claim of interference must not be accepted and condoned. The officer cannot shift the blame on the politicians. The police are directly accountable to law, with no intermediary whatsoever, not even the seniors of the department, unless mandated by law. Thus any assertion by police of interference by politicians is hogwash and has no basis.

The only hazard for a police officer not towing the line and wishes of a politician is transfer to a 'less important' post or to an inferior location thus impinging upon the self-interest or comfort of the officer. The only remedy to counter such interference is for all officers to behave according to law in a steadfast manner. But if a few officers buckle under threat or temptation of a posting or a location, they would inadvertently invite interference and pressure. Any police officer who hankers after a 'suitable' posting or an expectation thereof with the help of a politician is obliged to him and shall do his bidding. This acceptance of patronage is enough to invite interference that the officer later on mentions for his inability to perform correctly. It is his personal weakness that he imputes

to the system. Moreover, an acknowledgment of political interference would prevent police from being a professional organization. Pressure and professionalism are contradictions. These are not compatible. One prevents the other.

### **“Investigation is on the backburner”**

**Why should it be so?** The officer must realize that investigation and dealing with crime are not the sole objectives of police. There are many non-crime functions as well, like the maintenance of order, providing a secure environment, ensuring peace and managing conflict, preventing harm to people by providing security, etc. None of these have an element of investigation. Yet these functions are important. These may have the flavor of prevention of crime. One of the important features of these functions is that these assignments cannot wait. Time is the essence. Any postponement shall be harmful. Imagine the possibility of a riot, or tension in the area that could result in a riot, or a flood, fire, an accident, or visit of a critical personality in the area. These are all instant issues and dealing with these cannot be postponed. So even if an investigation officer has to be part of this management, so be it, because investigation is of the ante, something that has already happened, whereas the problem pertains to the present act and has to be attended to, like patient in an emergency ward.

Police works on the principle that something-ought-not-to-be-happening-about-which-something-must-be-done-NOW. (Knockers in *The Idea of Police*). The officer has to realize what is important as of NOW. There is no risk of any task getting less priority. All are important tasks. It is for the officer to determine prioritization. Thus back-burner analogy ought to be discarded as investigation is not the only function of police. No leeway can be permitted in any of the functions, the least with regard to investigation. However, there is a prioritization of cases as sensational, casual, formal, and financial. And no harm shall accrue to the investigation if it is delayed a little bit to overcome the critical problem.

One of the reasons for giving adequate priority to other important tasks that cannot wait is that police is the only wing of the government that functions round-the-clock, its officers having powers under law to regulate things if a need arises, and has some semblance of a communications network.

However, all this does not mean that investigation is not important, but other tasks are not less important.

### **“Do police have no human rights?”**

**They have. Why not?** This is an awkward question. The statement is a critique of the civil society that is considered to side with the law breakers, especially the terrorists, when they are dealt with by police allegedly by harsh methods not provided for in law. Police have a grudge that the civil society is reticent when there is a police casualty at the hands of terrorists. They do not lament the loss of police life. This impression is erroneous. Whereas in the case of police officer as victim of terrorist act, law has initiated its process, in the case of others for whom civil society cries hoarse, the law is silent and suffocating. Moreover, civil society’s condemnation of acts of terrorism has little meaning and no impact, even if they do so. Civil society, by not being vocal in condemning the acts of such groups, does not mean that police have no rights. These rights are not conferred by the civil society. These are inherent in the Constitution and are available to all, including police men. The reticence of civil society does not mean a denial of rights to police.

Police and, sometimes academics, also confuse human rights with conditions of service. In view of the long hours of duty, distance from their families in case of paramilitary personnel, tight housing conditions, poor working conditions, long hours of work, stressful, tiring, and risky situations, less salary, non-recognition of their work by public, etc., they feel that their rights are being frustrated. This feeling too is not correct. These are managerial issues and have nothing to do with constitutional rights. Various commissions have recommended many measures. These are administrative matters and have nothing to do with human rights, the violation of which is a serious matter and for which remedy is available under Art 32. None of these grounds is sufficient to invoke the Article and seek remedy from the High Court or Supreme Court. Police therefore have all the fundamental rights available to citizens.

Besides, they have the protection of law with regard to prosecution for acts performed in the course of their duty (Sec. 197, Cr P C) and against arbitrary action (Article 311). An illegal detention is not comparable to long hours of duty. Difficult working conditions are no match to use of torture or disappearance of a person. However, good

policemen who die in harness are treated as ‘martyrs’ that the nation pays homage to, reveres and salutes. The death of a terrorist is not granted respectability. So police need not bemoan. There are professional hazards that are part of the assignment. There is nothing to regret, fret, and fume. This thought is required to be removed and ignored. Any persistence in this perception would only expose police officer’s ignorance of the Constitution, especially the fundamental rights. So it should be given up.

### **“Human rights interfere with police functioning”**

**Not correct:** On the other hand, human rights have simplified the task of policing by prescribing norms and standards to be adhered to. Human rights, as contained in the Constitution and labeled as ‘fundamental rights’, are all about justice, freedoms, equality, secularism thus securing the individual freedom to follow any faith, protection of the weak, like women, children, old persons (senior citizens), bonded labor, and hence issues of human dignity. These are also tasks of police because every crime is a violation of one of the rights. Police should be grateful that it has a loadstar to follow for direction that tells it the path to travel so as to avoid use of torture (Art. 20), follow provisions of law (Art. 21) and take precautions with regard to arrests (Art. 22).

Hold on. Did the earlier laws permit not to adhere to these norms? Certainly not. Any lament of human rights interfering with police functioning and any objection to the institutions of judiciary and the human rights on this count only display lack of understanding of law that had existed much before the idea of rights, contained in the Universal Declaration, incorporated in the Constitution of India. These norms had earlier existed in laws since 1861 in the Police Act, the Indian Penal Code, the Indian Evidence Act, and the Code of Criminal Procedure that had perhaps foreseen the onset of human rights as all that is contained in the discourse of rights had existed prior to the UDHR and the Constitution. All these laws prevented arbitrary functioning of police. The much-maligned Police Act of 1861 prohibits use of force upon a person in custody. Its infraction contains a penalty, even imprisonment of the officer. This stipulation is supported by all other criminal laws.

You may exercise freedom, for the sake of argument, to forget or ignore the Constitution (if you can) thinking that it is only a directive. But you cannot ignore laws. You may bypass the Constitution and

human rights, but how can you escape from law. But have you not taken the oath of the Constitution, the supreme law? Was the oath a ritual performance without any significance? And are you not aware of the fundamental duties one of which is ‘to abide by the Constitution’? The Constitution, human rights, procedures, substantive law, the rules of evidence are intermeshed with each other, each supporting the other. So it is necessary to change the paradigm of policing that must respect ‘fundamental rights’. Try it, and feel comfortable in functioning. Your performance shall improve without much effort.

### **“Police alone is not corrupt”**

**Not a satisfactory feeling.** It does not mean that police can draw inspiration from other corrupt departments and claim immunity on that basis. That other departments are corrupt is no consolation for police being such. Sometimes it is suggested that police is less corrupt than other departments who have more powers on finances of people and deal with money matters. Well, it is not a question of more or less. This is a lame argument to defend the indefensible. Moreover, police is an organization that is supposed to bring about probity in public life by invoking laws that are available. It cannot claim the concession that since other departments are corrupt, it too could get a license for that activity. Whereas other departments are not equipped with legal powers, except departmental action to deal with their employees, it is police alone that can use legal powers to deal with problem of corruption. It, therefore, has a dual duty of not only being corrupt itself and but also ensuring that others too do not indulge in such practices. That is why many powers under investigation are available with police. If police is corrupt even a bit, it shall have a multiplier effect on the conduct of others who can deal with impunity with their clients.

### **“People don’t appreciate our work”**

**Not correct.** People are discerning with a lot of common sense. They understand all the nuances, even subtle responses of police. They do appreciate when police delivers, works as per law, empathizes with victim, keeps the area clear of encroachments, has its eyes and ears open to infractions of law and take suo motu action without waiting for a ‘formal’ complaint, is courteous, properly dressed, does not violate

traffic law by imagining immunity, register report of crime and delivers a copy of the same instantly. Good police officers have been generously idolized, respected, remembered, and awarded both by public and the government.

But people shall deprecate if police is unjust, unhelpful, and unreasonable. They shall not spare criticism if police's behavior is crude, its action illegal, and officers corrupt, insensitive, and uncivil. They do not like to be called to police station repeatedly without their statement being recorded or any effort at searching conciliation between parties. They detest police not 'seeing' blatant violations of law, police obliviousness of traffic rules in their presence and busy reading a newspaper or making call on the mobile while vehicles block the right of way or pedestrians find it difficult to cross the road as vehicles have covered the zebra and gone much beyond, when they do not wear helmets while driving a motorbike. They have seen police slapping girls and manhandling women, a criminal tied with a rope to a motorcycle of a police officer and dragged in full public glare. They know of the blinding of criminals at Bhagalpur. They are wide awake and vigilant. They may not speak out of fear, but they are well informed through media and have a piercing gaze of that happens around.

So if police wants its work appreciated, it shall have to work hard for it., improve level of policing that includes effectiveness in enforcing law, and proper conduct and behavior, as well as integrity. People will start according respect and appreciation. However, police would do well to follow guidance of the Holy Gita to work without expectation of reward. ("You have a right to work only and never to the fruit thereof" II.47, and "Perform your duties renouncing attachment, be even-minded in success and failure" II.48). However, appreciation shall follow work and not precede performance.

### **"People do not cooperate with us"**

**They do; they do not:** Cooperation of people is an index of police acceptability by the community. There are two aspects. One part of cooperation pertains to legal duties prescribed in law with regard to arrest, aiding the public official in making apprehension, assist in witnessing a search, etc. But proactive cooperation is available only when police is receptive. Many persons do not give information for fear of their

identity being compromised. They also avoid apprehending discourteous behavior. Therefore, any attack on police officers, equipment, or a police station is an indication of peoples' pent up grievances with regard to behavior, denial of a legitimate service, delay in doing so, or a general image of exploitative force that acts unreasonably, illegally, or listlessly.

Cooperation of people is positively correlated with police receptivity that includes quick action, dignified behavior, and keeping the identity of the informer secret. It is reflection of a friendly and helpful police that takes initiative in doing things it ought to do, taking note of nuisances, dealing with disruptive elements that usurp public spaces and disturb public tranquility by using loud horns, even without any person complaining about these. Cooperation, like respect, is to be earned and cannot be sought by force, except wherein provided under law, or wishful thinking.

For seeking cooperation, one has to build bridges of goodwill over time. The task is for the department as a whole. Individual officers shall continue to wield influence, but the department must step in.

### **“We need strong laws for proper functioning”**

**Not necessary:** There are strong laws for which death or life imprisonment is provided as penalty; yet these offences continue. People know of the consequences, and yet act criminally in the hope of not being found out. The law on rape is strict after the Nirbhaya incident, and yet cases of rape are reported. So is the case with laws dealing with terrorism and use, sale, and manufacture of dangerous drugs. A strong Dowry Prohibition Act has not guaranteed cessation of the evil practice. Strong laws are therefore no guarantee of deterrence. On the other hand, these can influence the fickle minded officer who can compromise in return for a reward commensurate to the quantum of penalty.

The law is as strong as its use. Law may exist, but, if not used, has no impact. The power of police lies not in strong and yet stronger laws, but in the power of process. Taking cognizance of a crime is like starting a chain of processes that include arrest, the person seeking bail, possibility of a police custody, incarceration if bail is not granted, charge sheet, processes in the court, confrontation with evidence, engagement of a lawyer to defend and expenses involved in doing so, the possibility of many adjournments, and uncertainty of the outcome or likelihood of

a penalty. Even during grant of bail, the person is not free but bound down by a trust. There is a burden upon the person for compliance. Even the traffic challan is avoided by drivers by resorting to subterfuges and explanations. So the power of police lies in enforcement and not in strong laws. Police has therefore three powers under law. These are laws that empower, laws that prosecute, and laws that provide immunity while performing their work in the course of duty. A judicious use of these powers is more effective than waiting for strong laws. The argument does not suggest that strong laws are not necessary, but police need not await action till these are available.

## **Conclusion**

The above mentioned comments are to be taken in a positive manner. Healthy criticism provokes efforts for improvement and should be welcomed. There is no place for a sycophant who is an enemy of change and sticks to the status quo and what appeals to the ears. On the other hand, a critic is a friend for he points out faultlines of defective thinking. A pathologist is not to be spurned for unraveling the truth of inadequacies. He only leads to proper treatment. Karl Popper has recommended ‘critical examination of our presuppositions...morally as well as intellectually important’ (Bryan Magee; Popper; Fontana Press; London; 1986; p.15). In the sincere hope of rounding the rough edges of thought, this article has been attempted.

# A Note on Cyber-Safety



Kartik Chawla<sup>1</sup>

The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

## Keywords

Cyber, Safety, Password Security, Hardware, Systems Security, Networking & Website Security

## Abstract

There have been several instances of cyber-attacks in recent past on Government sites. Websites of the CBI and MP Police, for example, in past, have faced such attacks. The purposes of such attacks vary, ranging from stealing sensitive data to simply embarrassing the Government or the Organization. Success of such attacks emboldens the criminals and even erodes the faith of common man in the Government and the Organization. In certain cases, the resources of the Government departments have even been used as tools to conduct these attacks.

## Need For Cyber Safety

The Government of India as well as State Governments have been, of late, laying a strong emphasis on e-governance. This involves, inter alia, the use of web site (of the Organization) for speedy and better conduct and discharge, and functions and duties of the Organization, and use of email functionalities for the same purpose. There is nothing, generally speaking, in the Acts and/or Orders which contradicts or contravenes the use of website and email functionalities. Some departments are also using VPN connections.

There have been several instances of cyber-attacks in recent past on

---

### Author Intro:

B.A. LL.B(Hons.) IV year Student, Nalasar University & Law  
E-mail: kartik.chawla08@gmail.com

Government sites. Websites of the CBI and MP Police, for example, in past, have faced such attacks. The purposes of such attacks vary, ranging from stealing sensitive data to simply embarrassing the Government or the Organization. Success of such attacks emboldens the criminals and even erodes the faith of common man in the Government and the Organization. In certain cases, the resources of the Government departments have even been used as tools to conduct these attacks.

Though the infrastructure and staff was impressive, it has been observed that whatever be the levels of infrastructure modules in the departments or organizations, more safety awareness is needed among the staff controlling the infrastructure, and also among the staff using the infrastructure modules.

For example, in one of very sensitive offices the password of the official mail id found written on a piece of paper and the piece of paper was pasted on a wall. The password was 12345. The password had not been changed in the last two years. The piece of paper was two years old. The head of the office did not know that he had an official mail id as the staff was handling it. This head of the office had joined office after the mail id was allotted to the office. Whatever mails were there were printed on paper and presented to the head of office. Similarly, in a “Computer Lab” in an institution, the wi-fi password was printed on a piece of paper and the paper was stuck on the entrance door of the Lab.

There are several such examples. During each visit to such Offices, the security concerns with the staff concerned was discussed and the staff was invariably receptive. This prompted to think that all offices should have some guidelines circulated among the staff. Such guidelines may very well be office-specific. The seriousness of such matters should be highlighted very well.

Some sample guidelines may be like this:

## **Guidelines**

Generally speaking, following guidelines should be followed strictly:

- Due to the exhaustive list of checks and precautions required for Cyber Security, in some cases the value of the e-Governance system over the traditional governance system is questioned. However, though both have their respective uses, the e-Governance system

is a necessity of our current times. For instance, given the size of operations, managing the current level of railway systems would be impossible if the Railways did not use computers. Same is or will be shortly true for many organizations.

- A Cyber safety policy should be formulated and it should be reviewed and revised, at the most, every six months.
- To ensure compliance with the latest Cyber Security standards, a Cyber Safety Audit (CSA) must be conducted periodically, and that too only by experts.

### *Password Security*

- All systems should be password protected. Password should be extremely difficult to guess. The password should be revealed to staff on need-to-know basis.
- All passwords should be changed at least every week, and should be changed instantly if and when there is slightest hint of it having been leaked or compromised.
- Passwords should only be memorized and should not be noted down. For instance, these should not be left written on pieces of paper or on diaries which are supposed to be kept on tables. Hackers and thieves look into even dust bins of the offices for sensitive information. If one writes it on a writing pad, the paper below can be used to retrieve the password.

It must be presumed that there are people who are trying to steal your password to harm the organization or to harm the individual.

- While entering passwords on any systems (computers), care should be taken that no one is standing behind you or looking over your shoulders at the keyboard. Onlookers may steal the passwords in such a manner. If cameras are installed in the room, care should be taken that finger movement can be recorded in the camera.
- All passwords should be ‘strong’ enough so that they are not easily ‘crack-able’. For a password to be a strong password, it must be at least eight characters long, must contain at least one numeral, at least one special character (for example \$, \*, ^ and so on) and at least one uppercase letter and one lowercase letter. It is better if the password is randomized, and contains no complete words. Dates of

birth, vehicle registration number, names, names of pets etc. must be avoided at all costs to be used as passwords.

### *Hardware and Systems Security*

- All systems should have tested and verified anti-virus software and anti-malware software. All software installed on the system should be regularly updated, including the Operating System, the security software, and the networking software. Ideally, the software should be automatically updated, with the system administrator keeping an eye on the update package to ensure that the security software itself is not tampered with.

Only those software should be installed which are essential. Unnecessary and non-essential software must not be installed.

- E-mails from unknown sources must not be opened on secured systems. For e-mails from public and previously unknown sources, a separate, well-protected and ‘sandboxed’ system should be used. This system should be separated from the rest of the network so that a virus or malware that affects it cannot be spread to other systems. The general terminology for this process is ‘sandboxing’.
- A system should be connected to the web only if and when needed. All systems that are connected to the web must have real time protection.
- Wi-Fi routers must be secured with difficult passwords, for Wi-Fi access and even administrative access to the router itself. Such routers are sometimes set to default manufacturer passwords or commonly used passwords which are widely known or easy-to-guess, and hence pose security risks. A list of default manufacturer passwords and commonly used passwords is available with criminals.
- All physical connections especially network connections should be checked at least twice a day, before office hours begin and after they end, to ensure that they remain un-tampered.
- Routers having reset buttons should be at secured locations, ideally under lock-and-key. Access points for routers and any other sensitive networking hardware should be under CCTV surveillance wherever possible.

- No system should ever be left powered-on and unattended, even if it is left so for a short period of time while the user goes to a washroom or the next room for even a minute. Before leaving a powered-on system, it should be ‘locked’. The shortcut for locking a Windows system is (Window Key + L).
- A detailed and secure backup process is extremely necessary. If there is no online backup system, physical backup must be taken daily.
- However, the security of the physical backups must be a high priority. The physical backups should be kept under lock-and-key, in a fire- and water-proof environment.
- Adequate fire safety and anti (physical) theft measures should be ensured at the site of computer systems, routers, physical backups.

#### *Networking and Website Security*

- An Organization of the size and importance of the Home Guards must have a dedicated Network & Systems Administrator and a Website Administrator.
- The website of the Organization should to be updated on regular basis. As far as possible, all important information should be available on the website.
- Right to Information mandates about some information should be on the website. This should be done immediately and regularly as per the law.
- The provisions of the Information Technology Act, 2000 should be strictly adhered to, and any and all notices from the Computer Energy Response Team India (CERT-In) should be given due notice and consideration.
- If the website is made interactive, the security level should be enhanced immediately.
- The Organization needs customized applications for several purposes like human resource management, inventory management and financial management. When such applications come into usage by the Organization, the Organization will have to take higher level of the onus of software security on itself.

### *Other Guidelines*

1. Detailed, professionally-designed workshops on Cyber Security, including network security and cyber forensics, should be held. This will immensely help the staff to become aware of the threats and methods to face the threats.
- Certain websites and certain types of websites are extremely dangerous to visit as they most likely infest the system with virus, malware and/or key loggers. The staff should be briefed on the risks associated with such websites, and a web-surfing policy should be spelt out.
- All important files, particularly confidential files, should be separately password protected. If needed, general viewing permission may be granted but modification permissions may be denied as and when needed.
- Emails, though quicker, may not be an entirely secure medium of communication. Hence, all sensitive files that are to be sent through email services should be password protected. Passwords should be strong enough and should be communicated to the recipient through different means. As an alternative, the Organization may consider encrypting its communications, emails or otherwise, with public-private key infrastructure.
- For further safety, with the advent and ongoing implementation of e-governance, use of digital signatures may be considered by the Organization.
- All Officers of the Organization should be well conversant with the provisions of the Information Technology Act, 2000, and the amendments made by same to the Indian Evidence Act, 1872. All applicable provisions of these Acts should be adhered to.

### **Conclusion**

These measures will infuse cyber safety and security in the Organizations. It must be remembered that the criminal intention has the advantage of surprise, and the criminal is prone to think innovatively in order to commit the intended wrongful act, tortious act or crime. Hence, the members of the Organization should always remain alert. Even writing

a password in diary delivers something on the page below, which may reveal the password to the criminal. One should always remain alert and updated.

Above mentioned guidelines are by no means exhaustive. These are general guidelines for general staff. Regular CSAs and revision of guidelines, which may be organization-specific, should be issued as and when need arises. Heads of Offices must be sensitized to such needs for effective, useful and harmless use of IT infrastructure. Such effective use will definitely enhance productivity and efficiency of any organization.

## **Important Message**

**Forthcoming Issues of The Indian Police Journal will be dispatched by E-mail as well. Kindly send your E-mail ID to editoripj@bprd.nic.in or editoripj@yahoo.co.in.**

**Editor**

# **Police and Human Rights Violation in India**



**Seva Singh Dahiya<sup>1</sup>**

The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

## **Keywords**

Human Rights, Violation of Rights, Police Misuse of Power, Custodial Torture, Rape, Colonial Attitude

## **Abstract**

The problem of violation of human rights is very acute in India due to socio-historical reasons. This problem is further aggravated by the way the police discharges its duties in the pursuance of law. Consequently human rights abuses have continued unabated in our country. An effort has been made to analyze the working of the police in India with regard to human rights violation. Here an effort has been made to examine the nature of human rights violations by the police which are substantiated by enquiry reports, judicial pronouncements and the routine incidents that are published by various new papers in the recent past.

**H**uman rights have remained the main concern of all civilizations since times immemorial. The philosophers of Vedic age opined that “human rights”, earlier called ‘natural rights’ “...are inherent in our nature without which we can not live as human beings.”<sup>1</sup> However, due attention to this concept was given after the Universal Declaration of Human Rights by the UN at the international level in mid-twentieth century. This Declaration proved significant in popularizing this concept not only in developed but also in developing countries. Consequently, different countries brought necessary legislation for the recognition and

---

<sup>1</sup> The Tribune, New Delhi, January 11, 2009, p12

---

### **Author Intro:**

1. Reader, Department of Public Administrator, M.D University, Rohtak (Haryana)

protection of human rights. India though late, passed Human Rights Act in 1993.

In fact, the protection of human rights is one of the important tasks of the police in a democratic country and India is no exception. There is a direct and critical relationship and inter-dependence between the police working and the protection of human rights. Various police actions intersect with human rights when they affect free and open human movement and discourse. It needs to be mentioned here that the nature of duties and the environment in which police operate is somewhat like the two blades of sword. Many a times the police is often blamed for violation of human rights even if there has been a sincere and honest discharge of duties on its part. It is very unfortunate, if it does something in a situation it is accused of human rights violation and if it restrains its action, it is blamed for its passivity and indifference. For instance, in riots like situation, if police disperse the crowd through force, it is blamed for human rights violation and if it restrains its actions, it is blamed for apathetic attitude. Moreover, the pressure from the media and politicians to give instant results specifically in high profile cases compels police to go for illegal arrest, unlawful and prolonged detention, biased investigation, and torture during interrogation. The most conspicuous observable tension between police and human rights is associated with the manner it operates.

Unfortunately, the problem of violation of human rights is very acute in India due to socio-historical reasons. This problem is further aggravated by the way the police discharges its duties in the pursuance of law. Consequently human rights abuses continued unabated in our country. These include "...extra-judicial killings; fake encounter; custodial deaths in police lock-up and excessive use of force by security forces in disturbed areas; arbitrary arrest and continued detention; prolonged detention while undergoing trials..."<sup>2</sup>etc. As a result, police in India has failed to win the trust of the common masses. A vast majority of people believes that "...the police perpetrate some crimes themselves, shield criminals, refuse to register complaints, fabricate false cases against innocent victims instead, use beating as favourite technique of investigation and frequently resort to illegal detentions at

police stations.”<sup>3</sup> Commenting on the police functioning P.L. Mimroth<sup>4</sup> has observed that “... the police, who were supposed to uphold the rule of law were often seen helping the perpetrators of violence against Dalits, minority communities and women.”<sup>5</sup> He further added that, “human rights activists intervening on behalf of victims invariably face harassment and slapping of fabricated charges by police.”<sup>6</sup> Vipul Mudgil has aptly commented that on an average the National Human Rights Commission (NHRC) receives over 70,000 complaints against the police regarding human rights violations every year.<sup>7</sup>

In such a situation, realizing the need of hour, an effort has been made to analyze the working of the police in India with regard to human rights violation. Here an effort has been made to examine the nature of human rights violations by the police which are substantiated by enquiry reports, judicial pronouncements and the routine incidents that are published by various new papers in the recent past.

## Nature of Human Rights Violations

Since almost two thirds of the total population in India live in villages and is least aware about their rights. Resultantly, the possibility of violation of their rights increases enormously. It is unfortunate that most of the cases of human rights violation go unreported even today. Lack of awareness on the part of vast majority about their rights is further encased by the police in India. The prominent forms of human rights violations for which the police is often accused, has been examined as under:

1. *Non-Registration of FIR*: Registration of a first information report (FIR) is a first step in the direction of seeking justice and the denial of registration of FIR is itself rules out all possibilities of getting justice. But unfortunately registration of FIR is an uphill task in India, specifically due to the colonial mind set of the police

---

3 Thakur, Ramesh, “India’s Dysfunctional Police”, *The Hindu*, New Delhi, January 26, 2007.

4 Patron of the Centre for Dalit Rights and the Supreme Court lawyer

5 *The Hindu*, New Delhi, October 24, 2009 p7.

6 *Ibid.*

7 *The Hindustan Times*, New Delhi, January 21, 2007.

even today. This phenomenon was earlier observed by the Law Commission in its 37th report (1967) which recommended the setting up of a Reporting Centre under the direct supervision of SP in all districts, but in vain<sup>8</sup>. This tendency of refusal of complaints registration on one pretext or the other was further examined by the National Police Commission (NPC) in its Fourth Report in 1977. The NPC recommended an important amendment to Section 154 Criminal Procedure Code according to which registration of FIR is mandatory for an incumbent on a police station "...whether or not the crime has taken place in its jurisdiction and then transfer the FIR to the police station concerned."<sup>9</sup> In October 1999, the same view was expressed by the Apex Court, moreover, in 2003, the Malimath Committee Report recommended the "...compulsory registration of crime irrespective of whether it is a cognizable and non-cognizable offence in relation to the police power to investigate and making it obligatory on him to entertain complaints regarding commission of all offences. The police failure of compliance should attract punishment..."<sup>10</sup> Likewise, in 2007, N.R. Madhav Menon Committee Report advocated "... greater professionalism and accountability in crime investigation with adequate infrastructural support and functional freedom." Despite all these efforts, it is unfortunate that till date no fundamental change in the Criminal Procedure Code could be brought in context of mandatory registration of FIR. It is obvious from the observations of the Fifth Report of the 2nd ARC in 2007 which clearly expressed the need of "...comprehensive review of the Criminal procedure Code in consonance with the present-day needs and challenges."<sup>11</sup> Even today a common citizen has to go from pillar to post for the registration of an FIR which is obvious from the fact that the wife and daughter of the Supreme Court Judge, B.N. Aggarwal have to spend two hour in getting their FIR registered in the capital.<sup>12</sup> "... if this is the situation with a Supreme Court Judge, imagine

---

8 Kumar Hemant, "Making FIR Mandatory: Safeguards Needed to Check its Misuse", *The Tribune*, New Delhi, January 31, 2010 p13.

9 Ibid.

10 Ibid.

11 Ibid.

12 *The Tribune*, New Delhi, July 15, 2007 p1.

what happens to a common man.”<sup>13</sup> Even today the help of top police officials or high courts is sought to get an FIR registered. The prevalence of non-registration of FIRs can be substantiated with the help of following instances:

- In the Nithari (UP) episode, as many as 38 children went on missing over a period of thirty months but so insensitive was the police that they were not prepared to lodge the FIR despite the consistent complaints of the parents of the missing children.<sup>14</sup>
  - Delayed registration of FIR after a lapse of two years on the directions of Punjab and Haryana High Court in a dacoity cum murder case by the Panipat police is an eye opening incident.<sup>15</sup>
  - In the ‘Ruchika Molestation and Suicide’ case<sup>16</sup> the FIR was filed on December 29, 1990 after the intervention of two courts orders, one from the Punjab and Haryana High Court and the other from the Supreme Court after more than four months since the occurrence of the incident.
2. *Misuse of the Power of Arrest:* Section 41 of Criminal Procedure Code equipped police with wide-ranging powers of arrest without orders from the magistrate or without any warrant of arrest. Thus, it is the most important and potent weapon in the hands of police which ultimately has repercussion over the human rights. The immense discretionary powers conferred to police in matters of arrest provide ample scope of its misuse and highhandedness<sup>17</sup>. The corruption and malpractices that arise out of the gross abuse of this police power is highlighted by the National Police Commission, in its Third Report according to which about 60 percent arrests by the police are either unnecessary or unjustified. It further pointed

---

13 Ibid.

14 The Tribune, New Delhi, January 2, 2007.

15 The Tribune, New Delhi, September, 14, 2010 p3

16 The case dates back to August 12, 1990 when Rathore molested 13-year –old Ruchika Girotra in the office of Lawn Tennis Association at Panchkula. Later on she went into depression and consumed poison. The Tribune, New Delhi, December 22, 2009 p1.

17 Sen, Sankar, “Use and Abuse of the Power of Arrest”, The Tribune (Editorial), New Delhi, February 7, 2010 p12.

out that "...during 1974-76, 43 percent of the expenditure in the connected jails was over such prisoners who need not have been arrested."<sup>18</sup> Thus, the misuse of power of arrest ultimately led to unnecessary crowd and expenditure in jails. In the same context, the Law Commission in its 177th Report recommended that "... no arrest should be made just for questioning a person as it amounts to unlawful interference with the liberty guaranteed under Article 21 of the Constitution. To arrest a person on suspicion is an awesome power vested in the police and it is to be regulated to prevent abuse." Till date no serious efforts have been made by the government to curb the menace of this police power. The misuse of this power has emerged as a prime source of corruption in police stations and the frequent violation of human rights which is highly suited to the unscrupulous police officers. The same can be evidenced by the following incidents:

- The incident of keeping a person illegally in police custody by the Sunam police (Sangrur) in Punjab for four days who was later released with the intervention of the Punjab and Haryana High Court.<sup>19</sup> He was accused of harassing a woman over telephone.
- Sentence to five cops<sup>20</sup> for three years' imprisonment and a fine of Rs. 2500 each by the district court Sirsa is a clear cut reflection of the misuse of power of search arrest and detention. They were sentenced for forcibly entering into the house of Jinda Ram, beating him up and looting. As per the complainant, "...the policemen forcibly barged into his house and blamed him for running a gambling racket from his house... He recalled that they constantly yelled at him and beat him up while taking him to police station."<sup>21</sup>
- The recent instance of the arrest of the social worker Anna

---

18 Ibid.

19 The Tribune, New Delhi, February 4,, 2010 p7

20 The convicted policemen are former sub-inspector Rajendar Singh, ASI Ram Murti, head constable Rann Singh, Constable Amar Singh and Omparkash. Satbir Singh, another accused in this case has already expired. The Tribune, New Delhi, July 13, 2008

21 The Tribune, New Delhi, July 13, 2008

Hazare who is fighting for the enactment of the Jan Lok Pal Bill by the Delhi Police on 16 August 2011 when he was going to stage a fast unto death at Jai Parkash Naryan Park in New Delhi, narrates the whole story of misuse of the power of arrest and preventive detention.

3. *Misuse of the Power of Shoot-to-Kill Order:* It is a type of extra-judicial killing by the police which is highly dreadful having a great possibility of the violation of the human rights. Here the police acknowledge the killings but falsely claim that they acted in self-defense or to prevent victims fleeing from arrest. “Only in the rarest of rare circumstances will it be possible to justify shooting with the intent to kill orders. Such orders often militate against legal and human rights norms and have to be subjected to close and judicial scrutiny.”<sup>22</sup> Prima facie, this power is illegal and can be justified only in exceptional circumstances of mob violence and imminent terror strike “.... which leave no option for the magistrates or the police officers but to order firing to save the lives of innocent citizens or themselves. It can be justified only as a measure of private defence under Sections 96-106, IPC which deal with rights of private defence of life and property.”<sup>23</sup> These orders have been severely criticized by humanitarian law experts as well as the human rights activists time and again and they held the view that such orders have posed an enduring threat to human rights. It is quite unfortunate that the misuse of this power of shoot to kill order is still in practice which is conspicuous from the following instances:

- Enquiry report in ‘Dhakla Encounter’ case revealed that the encounter was an outcome of procedural lapses on the part of police persons which led to the registration of a case against two Haryana police personnel including an ASI and a head constable. It was found that “...the duo had allegedly opened fire on the victim without following the procedural norms of giving any warning to the victims.” In this encounter a youth Jasbir Singh was done to death at his residence in Dhakla

---

22 Sen, Sankar, ‘Shoot-to-kill’ order has dangerous implications, *The Tribune* (Editorial), New Delhi, December, 27, 2009 p12.

23 Ibid.

village (Jhajjar) on October 12, 2008.<sup>24</sup>

- Encounter of four youths<sup>25</sup> on October 17, 1999 by six cops in Bhadoi district (UP) was found completely fake on being probed by the crime branch of CID as none of the youths was found to have any criminal record, which ultimately compelled all the cops to surrender before the district local court.<sup>26</sup>
4. *Police Torture:* Torture by police in custody is still another form of human rights violation. No civil society can allow torturing of hapless victims under the guise of interrogation. Even under the Law of Torture, police is not permitted to record confessions by using harsh means. Police sometimes use torture and other mistreatment to elicit confessions to generate evidence to the charges they fabricate. Though the information secured in police custody as evidence is of little use in the court of law. Considering torture as a heinous crime, the UNO adopted the Convention against Torture and other Cruel, inhuman or Degrading Treatment (UNCAT). It was opened for signature, ratification and accession by the General Assembly in 1984 and came into force in 1987. It was signed by India in 1997 but till now, sincere and serious efforts in the direction of prohibiting torture by police are found deficient.<sup>27</sup> The intention of the government in this regard is obvious from the introduction of a weak Prevention of Torture Bill, 2008 in the Parliament. It was unfortunate that even its revised version in 2010 failed to fully comply with the obligations of the UNCAT. Some of the instances of police torture can be cited as under:
- Incident of beating of a teenager girl on the theft charges by the policemen in full public view before being pulled up by her ears by one of the six police persons in Etawah (UP) is dreadful.<sup>28</sup> It reflects a case of having almost no fear of law in

---

24 The Tribune, New Delhi, June 29, 2009 p3.

25 Claimed to be Dhananjay Singh (the notorious history sheet carried a reward of 50,000/- on his head) and his associates.

26 The Tribune, New Delhi, October 28, 2009, p2.

27 Raj, Pushkar, "Prevention of Torture: A weak Bill won't do", The Tribune (Editorial), New Delhi, p12.

28 The policeman pulled out her hairs to make her confess that she did steal a purse carrying Rs 280 belonging to the woman complainant. The Tribune (editorial), New Delhi, February 5, 2009.

police psyche.

- The confidence and misadventure of the police is reflected from the incident of alleged beating of an advocate Mahipal Tyagi, a member of Sonepat Bar Association by six police persons including three sub-inspectors. He visited the police lines in connection with challaning of his vehicle on January 20, 2009.<sup>29</sup>
  - Rescue of a youth from the alleged detention of the CIA staff of Mogha by a warrant officer appointed by the Punjab and Haryana High Court on September 23, 2009, is alarming who was brutally tortured by the police when he went to the police station to enquire about his brothers picked up by the police earlier on September 21, 2009.<sup>30</sup>
5. *Custodial Deaths:* The police in India is often blamed for committing unlawful killings in police custody. Such deaths are many a times the result of inflicting third degree treatment. Here the suspects die during custodial torture and police deny all responsibilities stating that there were other reasons behind the deaths. As per National Human Rights Commission, an average of 158 people died every year in police custody from 1994-2008. It is further substantiated by the Report “Torture in India 2010” that “...taking 2000-2001 as the base year, custodial deaths have increased by 41.66% persons under the United Progressive Alliance (UPA) government between 2004-2005 and 2007-2008. This includes 70.72% increase of deaths in prison custody and 12.60% increase of deaths in police custody”.<sup>31</sup> In this context following incidents can be cited:
- Registration of a case against SHO of Dharmkot police station, Yadwinder Singh Bajwa and then his suspension for allegedly beating to death Naib Singh, a Congress supporter, at Kokri Vehniwal village in Moga district of Punjab reflects a case of

---

29 In the police lines, the policemen pushed the advocate inside a room and after beating him, they also snatched his two mobile phones and a Titan wrist watch. The Tribune, New Delhi, January 22, 2009 p3.

30 The Tribune, New Delhi, September 24, 2009 p7

31 Torture in India, Asian Centre for Human Rights, April 13, 2010. See web <http://www.achrweb.org/reports/india/torture2010.pdf>

police barbarity.<sup>32</sup>

- Suspension of two police cops who were on duty when a youth Pawn Sharma allegedly ended his life in a police lock up on October 6, 2009 in Jammu was timely.<sup>33</sup>
- Registration of a case against one DSP and four other cops on the directions of local court in Karnal district for allegedly murdering Subhash, a resident of Pundri village who was summoned to Gharaunda police station on April 23, 2007 in connection with the alleged murder of an old man of that village. “It was alleged that police officials had used third degree means during interrogation.”<sup>34</sup> It indicates the extent to which police tortures a person on account of interrogation.
- Arrest of three cops<sup>35</sup> on July 4, 2008 on the orders of Chief Judicial Magistrate, R.P. Bansal of local court, Sonipat is an another incident of police brutality leading to death. Raj Pal Kashyap, a resident of Barpoli village in district Sonipat (Haryana) “... was allegedly beaten up and dropped at his house in serious condition on December 28, 1999. However, he succumbed to his injuries on December 29.”<sup>36</sup>
- Charge sheeting of Inspector Shri Ram (the then SHO), SI Lekh Ram and others by the CBI for the custodial death of Sita Devi and her minor daughter Sarika Aggarwal at Dharuhera police station of Rewari in November, 2000 is worth citing. The Dharuhera police brought the duo to the police station, where they were allegedly subjected to the third degree torture which provoked them to suicide by consuming celphos.<sup>37</sup>
- Directions of Punjab and Haryana High Court to the CBI to investigate the case of custodial death of Chhaju Ram on July 14, 2005, a native of Charkhi Dadri in Bhiwani district of Haryana and a financial assistance of Rs 5 lakhs to the

32 The Tribune, New Delhi, May 16, 2008.

33 The Tribune, New Delhi, October 9, 2009 p6

34 Ibid, May 17, 2008.

35 Sahib Singh was the SHO of the Rai (district Sonipat) Police Station and Jugal Kishor and Prithvi Singh were head constable and constable respectively.

36 The Tribune, New Delhi, July 5, 2008.

37 The Tribune, New Delhi, March 25, 2009 p4.

petitioner, the wife of the deceased is appreciable. In this connection a case has been registered against nine persons including four policemen and the then inspector.<sup>38</sup>

5. *Custodial Rape & Sexual Harassment:* "Custodial rape is a form of rape which takes place while the victim is "in custody" and constrained from leaving, and the rapist or rapists are an agent of the power that is keeping the victim in custody"<sup>39</sup>. It is another form of human rights violation for which the police is often blamed. In such cases the cops forcibly harass the arrestees or otherwise sexually in police lock ups despite the fact they know that such cases need reporting to NHRC within 24 hours as per the directions issued by NHRC.

- Alleged rape of a 22-year old girl who went to lodge a complaint of her lost mobile phone in Gurgaon (Haryana) by a head constable Pawan on August 11, 2007 is shameful.<sup>40</sup>
- Suspension of Mr. Sadhu Ram, SHO of Mohindergarh district who had raped a teenaged girl in the police station on February 13, 2009 by the SP Narnaul is still a blot on the kahaki.<sup>41</sup>
- The incident of sexual harassment and extortion of Rs. 30,000 reported by a woman from Barnala, to the Punjab State Human Rights Commission against head constable Parminder Singh is quite distressing. The complainant was going back to Barnala along with her sister, head constable Parminder and one ASI wrongfully picked them up and brought them to Sadar Police Station in Chandigarh, where they were illegally detained for

---

38 Ibid, October, 16, 2009, p4.

39 <http://www.angelfire.com/space2/light11/women/custodial1.html>

40 Ibid, August 31, 2007.

42 The head constable demanded 50,000 to release the women and her sister. On the contrary, the cop started outraging the modesty of the complainant and her sister. Finally the complainant agreed to pay Rs. 30,000. Rupees 30,000 was arranged and it was paid to the cop and they were allowed to go. The Tribune, New Delhi, February, 27, 2008.

41 The Tribune, New Delhi, February 23, 2009 p442 The head constable demanded 50,000 to release the women and her sister. On the contrary, the cop started outraging the modesty of the complainant and her sister. Finally the complainant agreed to pay Rs. 30,000. Rupees 30,000 was arranged and it was paid to the cop and they were allowed to go. The Tribune, New Delhi, February, 27, 2008.

two days.<sup>42</sup>

- The incident of harassing two rape victims sexually in the lock up on the fateful night of March 16, 2008 by sub-inspector L. Ali of Assam Police on the pretext of interrogation is highly shocking.<sup>43</sup>
- Heinous rape of a minor girl in Rakh Bagh (Ludhiana) by three cops including an internal power lifter by holding his helpless boyfriend hostage on April 12, 2008, brought shame to the men in uniform.<sup>44</sup>
- Incident of alleged rape of 25 years old woman Sarita, a resident of Rohtak city (Haryana) by two police persons –Balraj Singh and Silak Ram on April 10, 2008 and her subsequent suicide at police headquarter in Panchkula on June 10, 2008 after she failed to get justice is shocking and narrates the actual picture of police functioning.<sup>45</sup>
- Dismissal of the SHO of Nissing police station ( Karnal) by the IGP, Rohtak Range (Haryana), for allegedly raping a married woman at his official residence on June 26, 2008, is again a blot on uniform.<sup>46</sup> The later was sentenced to life imprisonment by the District and Session Judge, Karnal.
- Incident of illegal confinement and molestation of minor orphan girl by the Munshi Jagtar Singh (HC) at Khanna police station in Punjab on January 6, 2010, reflects the crossing limits of the human rights violation.<sup>47</sup>

---

43 The Tribune, New Delhi, March 21, 2008.

44 The Punjab police SSP R.K. Jaiswal dismissed ASI Inderjeet Singh, cook Guremel Singh, and class IV employee Hari Ram for this rape. Ibid, April 13, 2008.

45 Sarita was asked for a bribe of Rs. 6,000 to get her husband released from jail and when she expressed her inability to make the payment, her womanhood was abused. The Tribune (editorial), New Delhi, June, 11, 2008.

46 The rape victim, a BA-II student, had gone to the house of the SHO, supposed to be a provider of help to the aggrieved, along with her husband to meet her parents to sort out a dispute over her inter-caste marriage. The Tribune, New Delhi, June 27, 2008.

47 She was illegally confined for one night and was allegedly molested by munshi on duty on the fateful night. After an enquiry of the senior police officials, the entire staff including the munshi and the SHO of this police station were suspended. The Tribune, New Delhi, January 7, 2010 p7.

- Registration of a case against the Former IG (erstwhile SP of Yamunanagar) after 8 years for allegedly outraging the modesty of Arvind Kaur resident of Bridgepuri Colony of Yamunanagar who met him in case of dowry harassment in 2002 reflects a case of sexual harassment.<sup>48</sup>

## **Problem Areas**

Considering the facts reflected in the incidents given above, one can easily perceive or judge the extent to which police in India is the protector or violator of the rights of the people. Since police in India is frequently accused of human rights violations having no fear of being punished. Now question arises why police in India indulge in frequent violation of human rights? To have an answer, an effort has been made to unearth the prominent reasons beneath these violations which are being discussed as under:

### *Ignorance of Common Masses about their Rights*

Frequent violation of the rights of common citizens has a direct bearing with the ignorance of the common masses about their rights. In the want of requisite awareness on their part most of the cases of human rights violation go unreported. It is because a vast section of Indian society resides in the villages and is having deficient knowledge about their rights. Widespread illiteracy is another serious impediment behind the ignorance of the people. Apathetic attitude of the government to generate such awareness further aggravates this problem. The existing non-governmental organizations have yet to achieve desired results in this regard. Even the electronic and print media failed to generate sufficient awareness about the human rights among the masses.

### *Colonial Attitude*

The existing police system in India is a legacy of the colonial rule. Police in India was created to serve the colonial interest. It was used by the British as an instrument of oppression of freedom movements and to maintain

48 Ibid, June 9, 2010 p3.

law and order which had least concern for human rights. Unfortunately even after independence no fundamental change could be administered in the existing police set up. Even today the police in India is governed by the provisions of the Indian Police Act of 1861 and now the same is used by the politicians of independent India. “Colonial-era police laws enable state and local politicians to interfere routinely in police operations, sometimes directing police officers to drop investigations against people with political connections, including known criminals, and to harass or file false charges against political opponents.” Consequently, the police in India is operating with the same colonial attitude and any expectation with regard to care for the human rights is a far distant reality.

### *Unsatisfactory Service Conditions*

Police in India, especially at the bottom tier, is a great sufferer in terms of service conditions. The average working hours of a police person are comparatively far more than those of the other government servants.<sup>49</sup> Usually, they have to work for long hours without any weekly offs. Consequently a police man has to often steal time to visit his family. Problem of overwork due to the shortage of staff and meager salary specifically that of constabulary further aggravated their woes. Moreover, they were allowed limited number of holidays and are seldom permitted to avail them as per their domestic requirements. The suffocative senior-subordinate relations in the police setup further added to the frustration of the police persons serving at operating level. In fact, in the name of discipline, even their genuine demands are usually turned down. The subordinates are seldom encouraged to express their views freely. As an outcome, the frustration so generated, ultimately boomerang while dealing with the public and leads to the violation of rights.

### *Inadequate Institutional Arrangement:*

In the want of adequate institutional arrangements specifically at the district level, the rights of the common citizen are jeopardized. What

---

<sup>49</sup> The Hindustan Times, New Delhi, July 19, 2002.50 Sehgal, B.P. Singh, Human Rights in India: Problems and Perspectives (edited), Deep & Deep Publications, New Delhi, 1995, p206-07.

to talk of setting up of human rights authorities at the district level, only 15 states have set up state human rights commissions till date. Further these commissions don't have their own investigative agencies and have to rely upon the central/state agencies for conducting investigations. Besides, most of the police stations/ posts lack CCT cameras to monitor the working of police during interrogation of the persons. In addition to this, human rights cells are found lacking at the police station level to check the frequent violation of human rights.

## **Remedies**

**Generation of Human Rights Awareness:** In order to curb the menace of human rights violation, it is but essential to generate sufficient awareness among the common citizens about their rights. This awareness can be generated in following ways:

- i) *Part of Curriculum:* There is a need to impart knowledge about human rights at schools, colleges and universities level. To this end, a "separate curriculum" concerning human rights needs introduction in the education system. Besides, Human Rights Groups and Committees need to be constituted at schools, colleges and universities levels to generate awareness on the part of student community as well as public about recognition and safeguarding their human rights.
- ii) *Electronic and Print Media:* In the promotion of awareness about the human rights, the role of electronic and print media is vital. The NHRC is required to arrange interactive meetings with senior officers of AIR and Doordarshan, at regular intervals which ultimately contribute significantly in spreading the awareness about human rights. Besides, the commission is further required to take the help of print media through the publication of small booklets, pamphlets, posters, hoardings etc. The publication of Human Rights News Letter and its wider circulation across the nation may further contribute in the generation of mass awareness. Moreover, electronic and print media need to be encouraged to devote more time and space to the matters relating to human rights.
- iii) *Periodical Meetings:* Holding of periodical meetings with the members of the State/National Human Rights Commissions, public-spirited persons and non-governmental organizations dealing with

human rights violation with the police persons further helps in curbing the menace of violation of these rights.<sup>50</sup>

- iv) *Role of Non-governmental organizations:* At the grass roots level, the role of non-governmental organizations may prove vital in generating awareness about the human rights among the poor and illiterates. In case of violation of human rights by police or any other government agencies, these organizations may prove instrumental in effectively inculcating public opinion against such moves.

### *Attitudinal Change*

There is an immediate need to change the colonial mindset of the police persons by policing the police through attitudinal change, so that they may behave in a humane way with the common citizens. Seven-point agenda suggested by Supreme Court judgment<sup>51</sup> to central and state governments may prove significant in framing model police Act. In addition to this, the methods of police investigation need to be refined. The need of the hour is to replace the traditional methods of extracting information through torture by psycho-scientific ones like DNA test, Brain Mapping, Narco-Analysis, Lie-Detection etc. as have been used in case of Nithari criminals and Arushi-Hemraj murder case.

***Improvement in Service Conditions of Police Persons:*** Job satisfaction has a direct co-relation with the service/working conditions. Thus, the state government is required to pay due attention towards the improvement in the service conditions of the police persons. For instance, like other government departments, their duty hours (8 hour per day) need to be fixed. Each police stations/posts needs to be staffed properly. Every policeman should be given weekly off. They should also be sanctioned leaves as per the Central Government Leaves Rules. To give a better deal to the police persons, they should be given Central Government Scales as far as their pay and allowances are concerned.

***Institutional Arrangements:*** To check the violation of human rights, there is a need to create the following institutional arrangements:

- i) Setting up of Human Rights Protection Cells at Police Stations:

---

<sup>50</sup> Sehgal, B.P Singh, Human Rights in India: Problems and Perspectives (edited), Deep & Deep Publications, New Delhi, 1995, p206-07.

<sup>51</sup> In Prakash Singh ors.vs Union of India and ors.

There is a need to set up Human Rights protection “Cells” in each police station to monitor and register the cases of violation of human rights and educate the people about the human rights.

- ii) *Establishment of Monitoring Cells at Police Headquarters:* There is an immediate need to establish monitoring cells at the police headquarters to keep a constant vigil on the police stations and police posts in the field. In case of violation of human rights these cells are required to respond immediately and effectively.
- iii) *Setting up of District Human Rights Authorities:* There is a need to set up district human rights authorities that will ultimately help the state commissions in carrying out their responsibilities in a smooth way and to have a better focus at the grass roots level. The operational working of these district level authorities shall be coordinated by the respective state commissions. These commissions should make themselves more accessible through internet connectivity.
- iv) *Installation of CCT cameras in police stations/Posts:* To overcome the menace of human rights violations by the police, there is a need to install CCT cameras in each police stations /posts on the pattern of model police stations which are to be connected and coordinated through the central control room at the SP office in each district. Further, these control rooms can be integrated at the office of IG at the range level and DGP at state level.

# **Police Professionalism: Emerging New Challenges in Changing Scenario**



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

**K.N. Gupta<sup>1</sup>**

## **Keywords**

Police, Professionalism, Changed Scenario, New Challenges, Effective Action, Skill Goodwill, Image

## **Abstract**

In common parlance ‘Professionalism’ and ‘Skill’ denote perfection of a person in his particular field-extremely competent in a job, a piece of work produced with competence. Proficiency in every field, whether Government or private is necessary. It embodies normal values, technical knowledge, intellectual as well as professional competence. It is necessary for bringing qualitative changes and implementing social responsibilities in the context of human rights.

## **Introduction**

**A**ccording to Shri John Lobo, Former Director, CBI, “Professionalism in police working is, to my mind, the ability and the skill to formulate measures and techniques to assess and overcome the various causes of stress, to aid decision-making, to ensure quick, effective and purposeful action to deal with a problem, situation or set of circumstances.” The whole ethos of police operations encourages quick responses and action. Psychological stress arises from the nature of police work, irregular hours of duty, long spells of work, routine nature of chores, movement under difficult conditions, frequent absence from home and denial of the healing influence of the family, missed meals and other elements of legitimate comfort and humane living.

---

### **Author Intro:**

I Retired SSP, CBI

A section of the society feels that there is no gainsaying the fact that professionalism in the India Police is at a low ebb. Notions about police being devoid of ethical norms and moral values are widespread. Such notions can be removed only when police are put to the threshold of professionalization. If the police become professionally sound, their image will improve and the relations with the community will also become positive and healthy. Like all professionals, the police should also have exposure to special education commensurate with their job needs and professional demands.

Scientific aids, equipment, automation and the overall use of science and technology in the various areas of police performance will go a long way towards providing police with the status of a profession.

In common parlance ‘Professionalism’ and ‘Skill’ denote perfection of a person in his particular field-extremely competent in a job, a piece of work produced with competence (as per Collins Concise Dictionary). Proficiency in every field, whether Government or private is necessary. It embodies normal values, technical knowledge, intellectual as well as professional competence. It is necessary for bringing qualitative changes and implementing social responsibilities in the context of human rights.

In the present-day context, we are facing new challenges in the society, more so the law enforcement agencies. Preserving human rights is not only a national concern but international as well. As such, professionalism in police is more demanding.

The success of Criminal Justice System much depends upon its professionalism. It consists of four basic units, i.e. (1) Police, (2) Prosecution, (3) Judicial System and (4) Jail Administration/System. Since police is the basic unit, it remains more in touch with the public at grass-root level. Since the police officers have to work efficiently keeping in view the values of human rights, it is more necessary that they should have all qualities of a perfect police officer of high character, zeal, leadership, honesty, well-disciplined with quick decision making ability and due respect for judicial processes. According to Shri Rustamji, the efficiency and professionalism include trustworthiness, freedom and specialization-in fact a blend of all the three. Work efficiency and technical knowledge are a part of it.

The police has to play a dual role of arresting a criminal, investigating a case and handing over the accused to the courts for judicial process.

The result in courts much depend upon the qualitative investigation and police professionalism.

It is commonly believed that people are losing faith in Criminal Justice System particularly the image is going down. There may be number of reasons in failure of Rule of Law but in the changing scenario, it is absolutely necessary to bring about qualitative changes in police structure and functioning.

Mr. Michael Steinman and Charis W. Eskridge have described that “Today’s portrayals of police professionalism have two dimensions : the individual officer as a professional and the Police Department as a professionally managed operation. The Vohra Committee Report and its much published contents of police-criminal-politicians nexus is quite alarming and has been commented upon even by the Apex Court drawing much attention of the Parliament and nation time and again. This also is a big indicator to bring changes in police set-up to remove the blot and to bring out professionalism in its functioning.

Such professionalism is equally important to obtain public support and to maintain police-public relationship of high standard without which police of no country can succeed. It is time to ponder over as to whey there is distrust for India Police; why police officers in India are not being allowed to obtain signed statements in the investigative process but on the other hand police in U.K. (Scotland/Bobby) is so popular that often citizen, including children and women are keen to have photographs with them as an example.

Our society is undergoing fast changes in social, economic, political and cultural spheres with much emphasis on liberalization in economy by the present regime. It has raised a question mark on the powers and functions of plice as enacted in Police Act, 1861. The time has changed so drastically that the Government now feels that all laws of the country need changes since some of them have even become obsolete in the present scenario. Such voices have also been raised by DsGP/ IsGP of the country in the annual conferences being held every year at New Delhi under the auspices of I.B in collaboration with CBI. In the changing context, they have also raised voices for devising ways and means to improve professionalism in police. The police is facing a tough challenge in coping with the changing scenario.

There is also inadequate knowledge of the continuing efforts being

made within the Department to turn the focus inwards and indulge in introspection and research to update police methodology, working skills and techniques, attitudinal behavior, scientific aids and other devices to prepare and strengthen law enforcement agencies to effectively operate in the fast-moving and fast-changing scenario of today. Much of the flak is traceable to the response provided by the supporting machinery on which the police so heavily relies. The response by these quarters is reactive and post fact. The political will to provide the requisite inputs vital for a disciplined body, receive little or no consideration.

Much of the blame laid at the door of the police is due to causes beyond their control. They are not in a position to shape policy. Unless there is a genuine appreciation of the stresses-psychological, emotional, intellectual under which the police function and operate, a distorted and biased picture will continue to emerge.

Today, professionalism has made inroads into every specialized human activity. It grows out of specialization. The increasing involvement of the police in the implementation of social legislation and the social role of the police in relation to society is one area of specialization. The status of professional has been accorded to managers in business and the functionaries in the correctional organization. The training and orientation of policemen at all levels of entry into the Department whether as Constable, Under-Officer or Senior Officer has been institutionalized and widened in scope and content. It is, therefore, no special concession that a policeman is regarded as a professional public servant though it is ironical he is not accorded a status commensurate with his vested authority and functions. In fact, the time has come to give the police profession the formal stature of a Corporate Institution. As this has not been done, a beginning can be made by establishing an Institute of Police Studies in collaboration with our Universities so that the possibility of a fusion of police practice and academic systematization can be explored. It needs no reiteration that the police has to establish enviable image and earn trust and goodwill of the people. In that pursuit, they have to take pragmatic steps to fulfill the people's hope and aspiration in spite of various engagements and bottlenecks. The police has to galvanise and step up their professional efficiency which will neutralise criticism and provide substantial relief to the bewildered populace.

Instead of reacting to criticism, the policemen must dispassionately

analyse and pinpoint where the malady lies so that meaningful steps can be initiated to banish such ills. Relying on experience of the past two decades, one is inclined to believe that erosion in professionalism for many reasons has exposed shortcomings and weakness of the police considerably. It has created a formidable hiatus between the police and the public. In fact, the law-abiding people are dismayed at seeing that the police is unable to rise to an occasion and give them the desired relief. Evidently, wrath of the hapless people gets ventilated in shape of distrust and suspicion culminating in this open criticism of the people. Regrettably, indiscreet conduct of many policemen further alienate the people.

Admittedly, the policemen hardly try to gear up professional flair and bridge the gap between the police and the common men. Their half-hearted efforts to refurbish spotty and lack of indomitable will to safeguard public interest are virtually insurmountable obstacles to neutralize public criticism and wipe out the people agony and ordeals.

In the interest of the community at large, the policemen have to be realistic and display matchless devotion to constantly improving on their professionalism. Route lining duties during the VIP visits can easily be performed by Home Guards, Chowkidars etc. Traffic regulation is possible by enthusiastic volunteers.

Investing Officer must possess adequate elan, analytical mind and initiative. In other words, criminal investigation is a near-monopoly for the policemen to establish their importance and indispensability. Hence, in order to maintain professional distinction, it needs careful greater attention by the policemen.

True, the policemen have to discharge duties under excruciating adversities and pull-backs. Even their commendable performance are not immune from criticism or often go unrecognized. Admittedly, none carries any cudgel for the police. Nevertheless, relying on experience, one is sure that the policemen can easily gain ground to a considerable extent if they try to enhance their professional aptitude with undivided sincerity and devotion. In short, only, a diligent attention to business, a spirit of selfless public service and keenness to develop contact with the common people are going to produce rewarding dividend circumventing many evils. Shri B.P. Saha rightly feels that professionalism averts many ills.

Even in 1978 the National Police Commission had deeply examined the issue and recommended for a new Police Act but the same is yet to be implemented. The role of police is not limited only to conventional crimes but economic crimes, terrorism, communal riots and organized crimes etc. are the fields where the criminals are using all modern and sophisticated weapons and police has to face harder challenges with their limited resources.

The National Police Commission (1977-78) also felt in its Report that there had been decline from last some decades in the responsibilities and expectations of the police and its accountability towards the public, which is prominently due to political interference. The National Police Commission also recommended about formations of State Security Commissions in each State so that increasing political interference in State Police activities could be checked and police can function independently. Only then Rule of Law can be established and police can function properly. The National Police Academy had also conducted a study in 1987 on the request of Ministry of Home Affairs on the image of police in India. It also came to conclusion that political interference, particularly in rural areas affects the functioning of police adversely which lures the police towards unconstitutional activities and it is more serious than corruption. The Indian Society of Criminology in its All India Seminar at Bangalore as well as 28th All India Police Science Congress also came almost to similar conclusion. As such, there is much more need in the present-day context to implement such recommendations of National Police Commission immediately and also to replace the age-old Police Act, 1861. The police should be brought under Schedule '3' in place '7' (2) so that both Central Government as well as State Government may get power to pass Acts concerning the police.

The strategy to infuse professionalism into police can be concentrated on the following measures :-

#### (1) Police Education

Emphasis must be given for exposure to special education, as in other professions, according to job needs and professional demands. There is no separate University for police services as yet. Such as University is the need of the day for conducting various academic courses which may be made compulsory for basic eligibility for recruitment of police personnel at different levels. The modalities of Degrees/Diplomas could be decided.

## (2) Qualitative Recruitment and Induction System

It is high time that routine recruitment methods should be abandoned, replacing the same with well-designed tests and evaluation system to judge the potentiality of a professional policeman. Personality and psychological tests, as in Army should be made compulsory for a professional policeman. The job being of technical and specialized nature, such officers should be nurtured and developed professionally from step to step. The recruitment should be sort of 'selective breeding' conforming to professional recruitments with scientific methods. The professional characteristics in the police personnel will make them proper catalysts to improve upon the existing police-community relations and better efficiency parameters. Objective tests for professional suitability in each ranks will help, judge and evaluate the overall suitability of candidates for real professionals.

## (3) Post-Induction Transformation and Modification

Various tools, techniques and processes of training are essential to convert the qualities for efficient functioning. Training plays an important role in the evolution, modification, transformation and stabilization of skills, attitude and professional standards. During training, sincere and serious attempts should be made to reform the behaviour, attitude and responses of police personnel. This will make them better professionals.

## (4) Post-Transformation or Placement Level

Institutional arrangements should be made to watch and evaluate the execution of the acquired professional standards at the placement level. It should be continuously monitored.

## (5) Post-Placement and After-Care Arrangements

The evolution and development of professionalism is a slow, gradual and continuous process. It should begin much before an individual is inducted into the Organization and must continue till the individual ceases to be its member. The police personnel must be subjected to a close and critical scrutiny and according to the deficiencies observed in the professional standards of various in-service training courses, including individual counseling, should be arranged to allow the professional behaviour. Serious endeavours should also be made to instill new values to provide the police personnel with a reasonable standard to job satisfaction, professional pride and recognition.

#### (6) In-Service Training

The process of learning never stops. New changes and new technologies with new field of knowledge go on emerging from time to time. For instance, knowledge and handling of Computers and other sophisticated telecommunications may not have been important in the old age but in the changing scenario, knowledge and training in such fields is absolutely necessary for police professionals as well. Therefore, in-service training courses from time to time are a must for all police personnel at different levels to make them real professionals as in military services.

#### (7) Police Equipment

Modernization of Police Equipments is highly essential for police professionalism. The effectiveness of the police depends much on the latest types of equipments. It is well known that terrorists, insurgents and other criminals are having AK-47 and other latest equipments, whereas the police has got only outdated equipments. The introduction of Computers to the world of police functioning and scientific advancements and research outcomes in the world of Criminology and Forensic Science can translate the concept of police professionalization into a reality in modern times. Scientific equipment, automation and the overall use of science and technology in the various areas of police performance will go a long way towards providing police with the status of a profession.

#### (8) Replacing The Old Police Act,1861

As already recommended by National Police Commission, it must be done immediately in the changing scenario.

#### (9) Separation of ‘Law Police’ Form ‘Order Police’

There is strong need to separate the ‘Law Police’ from the ‘Order Police’ at all level. The ‘Law Police’ will look after detection of crime and prosecution of the offenders. The ‘Order Police’ will look after prevention of crime and maintenance of order. Since these days police has become maintenance of order-oriented and investigation into crime are being relegated to the background, this separation arrangement has become essential in the changed circumstances. Shri K. Vijaya Rama Rao, the then DCBI had stressed this point in the Annual DsGP/IsGP Conferences in 1995 and 1996, which was supported by a large number of delegates.

#### (10) Anti-Corruption

There is general impression in the public that the police are by and large,

corrupt. Whatever it may be, the corruption cannot be condoned under any circumstances, because it causes damage to justice, and erosion in the police image. It also gives opportunity to aggrieved party for complaints and diverts police officers, to act as non-professional since they close their eyes due to tainted behaviour. The politician-police-criminal nexus, as pointed out by Vohra Committee, also erodes professionalism in police.

#### (11) Legal and Judicial Reforms

In the changing scenario, legal and judicial reforms are a must for improved police effectiveness. They required drastic and fundamental reforms, since investigation is only a part of Criminal Justice System. Presently, lakhs and lakhs of cases are pending for trial in different courts and disposal of cases get dragged for several years and say decades. It all effects police efficiency and professionalism and people start losing faith. The National Police Commission in 1980 recommended, ‘certain basic’ reforms for the effective functioning of police to enable it to promote the dynamic Rule of Law and to render impartial service to the people’.

#### (12) Cultural Revolution of Police

As rightly pleaded by Raja Vijay Karan, IPS (Retd.), there is a strong case for cultural revolution of India’s Police. This will go a long way in improvement of police professionalism. It is not difficult to culturise this service oriented role in a democratic and an open society like the one that exists in India. Police behaviour and attitudes, giving up third degree methods, organizational pride, vigilance and anti-corruption, crime prevention and timely police response and police-community interface are vital factors for new culture. It is responsibility of not only the State but the police leaders, political organizations, media and of the people as well.

For some section of society, it has just become a fashion to brand every police action as arbitrary, ruthless and high-handed. If we take all the policemen of this country today and drown every one of them in the sea and call another police from amongst the best in the world, in a few months, the new police will become just as bad as the old, unless we take steps to remove some of the glaring handicaps in their working conditions and unless we persuade the public to adopt a more positive and helping attitude, and allow the police to enforce the law impartially and firmly, without fear and favour.

**(13) Strict Observance of Code of Conduct**

In the DsGP/IsGP Conference, 1960, a 12-point Code of Conduct was framed which is different than that of U.N.O. Code of Conduct. It has provided background for high efficiency in police personnel, keeping in view the moral standard. It must be emphasized time and again to make a positive attitude to improve effectiveness and professionalism in police. It is a fundamental criteria.

**(14) Implementation of Recommendations of National Police Commission**

A persuasive professional opinion should be generated within the Police Force and a strong public opinion should also be mobilized in favour of implementation of Police Commission recommendations. Police effectiveness can certainly be improved. Ways are there, what is wanting is the Will.

**(15) Brining Prosecution Under DGP/IGP**

The experience has shown that the tendency of decontrolling the prosecution from the police has adversely affected the police professionalism and effectiveness. There is need for greater cooperation between Investigating Officers and Prosecution Officers, which is possible when the prosecution is also under the control of same agency. Section 25 of the Act of 1973 needs amendments as also suggested by National Police Commission. The DsGP/IsGP Conferences have recommended time and again to bring back the prosecution under police control. In fact, after separation, the conviction rate has already gone down.

**(16) Effectiver Functioning of Central Police Board**

It is necessary to follow ‘Personnel Management Police’ to improve effectiveness of police, particularly in transfers and postings. Police appointments in all ranks must be on the basis of ability and efficiency. The Central Police Establishment Board was rendering useful services by giving opinion to Home Ministry about professional efficiency.

The Board has become practically defunct, which needs to be revived for giving better opinion concerning police to the Government.

**(17) Compensation to Victims**

In the Indian context not much attention could be paid for proper compensation to victims of crime, which is a popular concept in foreign countries. Though some attention is now being paid, it requires greater

emphasis to regain faith of public in the Criminal Justice System. Prompt relief to the victims of crime by way of monetary compensation would be a positive step towards making administration of criminal justice in India ‘fair’ and ‘equitable’. If proper attention is paid, it will definitely go a long way in improving the police image and overall professionalism.

#### (18) Better Police-Public Relationship

For improving image of the police, its effectiveness and professionalism, it is essential to maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

#### (19) System of Reward and Punishment

A proper system of reward and punishment must be followed so as to encourage effectiveness and professionalism in police. It is a trusted method from time immemorial and need not be overemphasized.

#### (20) Protection of Human Rights

Human rights are inalienable, sacrosanct and transcendental in nature and have been accepted as fundamental to our national life. The yardstick of judging the efficiency of police in a Democracy is whether the people in general feel and accept the police as protector of their rights, person and property. If we are able to control and guide the police to project their image as the powerful protector of human rights, this will automatically increase the efficiency and professionalism in police.

#### (21) Transparency and Accountability

The concept of transparency and accountability which is being emphasized these days time and again, is highly important for law enforcement agency like the police. If it is followed in its true spirit, it will go a long way in improving police effectiveness and professionalism.

Police in India may not be perfect but they are really performing a commendable job under almost impossible conditions. They are being ‘used’ by some people, ‘abused’ by others and ‘ignored’ by the vast majority of the public. However, if the above-mentioned steps are sincerely taken, there is no reason as to why the faith of public cannot be reaffirmed in the police and Criminal Justice System and also in enhancing the police effectiveness and professionalism.

If the Indian Police want to keep pace with the foreseeable

developments of the twenty-first century, their reform design for bringing about professionalism should be prepared in consonance with principles like democratization, modernization, management orientation and autonomy recognition.

A few basic questions related to Professionalism in Police in our country are :

- (1) Are we able to define Professionalism in Police in operational terms?
- (2) Are we able to identify the internal and external factors having impact on professionalism among policemen?

In order to answer these questions, a research study was conducted by S.V.P. National Police Academy, Hyderabad, with 70 Senior Police Officers either in service or retired which constituted the sample of this study. The conclusions arrived at as a result of content analysis are quite interesting as mentioned below :

#### *Research Questions—1*

How do you define Professionalism in Police in operational terms?

Responses : The responses are categorized as under :

- Efficient, honest and impartial performance of duty in accordance with law in spite of political interference.
- Anticipation, planning, proper assessment of situations, self-discipline, proactive thinking, timely action, impartiality, tact, intelligence, close contacts with all subordinates and superiors and keeping abreast of social changes.
- Cultivation of ability and competence, backed by sincere ambition of handling problems related to law and order and prevention and detection of crime.
- Thorough knowledge of law, rules, VIP security, ballistics and Forensic Science doing job with integrity.
- Professional competence based on knowledge, skills, techniques, high esteem, control over subordinates, code of ethics, esprit de corps and building confidence among the public.
- A professional policeman (all ranks) is one who knows his job thoroughly and does it conscientiously.
- Learns the role of a Parliamentary Democracy and total commitment

to the goals and objectives of the Organisation. Professionalism is the hallmark of true leadership in police. A watchful eye on the integrity of his men is a sine qua non of true professional leader. Professionalism in Police encompasses traits of effective cadres blended with professional knowledge and skills.

### *Research Question—2*

What are the important reasons of declining professionalism in our country?

Responses : In order of priority, the following reasons of declining professionalism in police were put forward :-

- For quick promotions and good postings, policemen have contacts with policemen have contacts with politicians and other influential persons. These contacts may lead to dysfunctional work patterns.
  - Political support to the delinquent police officers
  - Politicised transfers in the Department.
  - Decline in values and moral fibre of average policemen because of socio-political and economic reasons.
  - Lack of downward communication in the Department, affecting better supervision and conduct of subordinates.
  - Training is far away from the reality at the field level.
  - Nexus among criminals, politician and police.
  - Multiplicity of police function because of changing socio-economic and political developments.
  - Trade Union tendencies in Police Forces.
  - Yellow journalism and inadequate support from media.
  - Inadequate application of science and modern technology in police work.
  - Ineffective and obsolete Criminal Justice System.
  - Stranglehold of IAS over IPS.
  - Communication gap between people and public.
  - Failure of superior officers to protect dedicated subordinate officers.
- Above-cited reasons pertain to both external and internal factors having bearing on police functioning.

### *Research Question –3*

What are the factors to be controlled for improving Professionalism in Police?

- Corruption in police.
- Extra-legal and immoral methods in detection of crime.
- High Handedness with public.
- Tough and ineffective training with no ground reality flavour.
- Ineffective police-community relationship.
- External influences in police work.
- Communication gap within Police Department
- Violations of human right by police.
- Unethical acts by police.
- Ineffective crime data bank.
- Inadequate transport and communication facilities.
- Strained Police-Judiciary relations.
- Interference in the posting by political bosses.

Above-cited factors are required to be controlled by very conscious training and organisations development strategies. Training in Human Relations and Effective Communication could also serve the purpose.

### *Research Question—4*

To what extent Code of Conduct for police officers has helped in improving Professionalism in Police?

Responses : “Not much” as communicated by the respondents.

Detailed explanations have not been provided by the respondents for enabling to arrive at any valid conclusion regarding the role of Code of Conduct in improving Professionalism in Police.

### *Research Question –5*

Which agencies may be helpful in helping police improve professionalism?

Responses :

- Mass and electronic media for heightening police image.
- Expert help from HRD professionals.
- Links with leading social organizations/group committed to the

general welfare of society.

- Judiciary, Education and Social Welfare Departments helping the weak and underprivileged.
- Support from Government.
- Senior police officers with active support from politicians and IAS Officers.
- Parliament and State Assemblies for making suitable amendments in statutes.
- National Informatics Centre (Computer Application in policing).
- Management Institutes for Training and Research.
- Panchayat Raj Agencies at village level.
- Voluntary organizations.
- Scientific, technological and academic institutions.

Many agencies may be useful for making police more professional. HRD professionals, social organizations, mass and electronic media and computer professionals are amongst the key agencies to be involved. Suitable amendments in statutes by Parliament and State Assemblies giving freedom to police and limiting political interference will also help police improve professionalism.

#### *Research Question—6*

An Action Plan for the improvement of police professionalism?

Responses : Following set of points constituted the Action Plan for improving professionalisms?

- Recommendations of National Police Commission should be implemented in toto.
- Transfers be made not by Ministers but by a Board headed by Judges.
- Corruption and malpractices by subordinate ranks must be taken severe note of by the superiors.
- Entry at a younger age frequent deputation to the government of India, periodic exposure to changing environment, very strict system of rewards and punishments.
- Service Association Office- bearers should visit NPA/BPR&D for briefing on the requirements of a professional service and

monitoring of work needs.

- Raising of police education corps at all India level.
- Positive police philosophy, a healthy police culture, occupational commitment, accountability autonomy, modernization and brotherhood.
- Police science as an academic discipline should be inducted at appropriate levels of education and should be made compulsory for entry to police
- Research on police equipment, arms operational technology, and HRD should be carried out by police Organisation and universities on continuous basis.
- Course on public relations, crises management, HRD collection of intelligence, surveillance and interrogation.
- Intervention by politicians should be disgraced at all costs in police functioning.
- In service refresher training should be made compulsory before promotion of police functionaries.
- Improve police training at all levels and emphasises importance of police code of Conduct in training so that officers come out of the training institutions with a strong moral base.
- For more comprehensive Action plan further research is necessary.

## **Conclusion**

Professionalism should be further encouraged by adopting the managerial approach to policing, so that a high degree of professionalization in the ranks may ipso facto keep the political interference at bay. Integrity protection and professionalization can go a long way to improving the image and acceptability of the police in the society. Once the police become professionally sound, they will become competent, responsive and popular with the masses. With this popularity and acceptabilities gained in the society by being professionally sound and competent, the police will be able to use their professionalism as a key to better police community relations and bring about a perceptible improvement in their efficiency standards and behavioural attitudes.

It may be summed up in the words of Shri B N Mullik : "If the police are good, the people would be good and law-abiding; if the police

are bad and corrupt, the people will be no better.”

## **References**

- Lobo, John—Professionalism and the Police.
- Sarolia, Shankar—Professionalism in India Police.
- Mr. Steinman Michael and Mr. Eskridge Charis W: Police Professionalism.
- Saha, B.P.—Professionalism averts ills.
- Sandhu, Harjit Singh--What ails the Police in India?
- Bhat, N.B.—Legal and Judicial Reforms for Improved Police Effectiveness.
- Karan, Vijay—A case for a Cultural Revolution of India’s Police.
- Trivedi (Dr.) Badri Vishal and Tiwari (Dr.) Rita Mansi—Efficiency of Police in changing scenario—An analytical description.
- Prasad, P.S.V—Perceptions of Top Echelons of Police.

# Delhi's Crawl Towards The Commissioner of Police System



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

J.N. Chatuvedi<sup>1</sup>

## Keywords

Delhi, Commissioner of Police, System, Commission, UPSC, Independence from Magistrate, MHA

## Abstract

Largely drawing on the Khosla Commission report, my note suggested that (a) Since Delhi was the Union Govt's direct charge, its policing should be switched to the Commissioner of Police system and (b) Since the only Police Commission at the Central Govt's level was the one in 1901 by Lord Curzon, one was overdue. Such a national commission, the note added, ought to have been appointed about the same time as the framing of the Constitution. One should be appointed now.

If I remember right, the Delhi Police went, en masse, on strike early in 1966. As always, it ended with the Govt. conceding some demands immediately and for the rest, appointed a commission under a distinguished Jurist and former Chief Justice of the Punjab High Court, G.D. Khosla.

The Commission went about its job in right earnest and produced an excellent report a few months later. One of its major recommendations was the introduction of the Commissioner of Police System in Delhi, like it existed in the country's three metropolises of Bombay, Calcutta and Madras and a few other major cities.

I was then in the C.B.I. as a Supdt. of Police. Some of us young officers tried to persuade the senior IPS officers, also holding positions

---

### Author Intro:

I IPS (Rtd.)

in the Central IPS Association, to go about pressing for the acceptance of that recommendation by the MHA. We vainly hoped that they would be enthusiastic about it. Possibly concerned with their own career advancement, they thought it imprudent to antagonise the IAS bosses. Their apprehensions were not without basis. The MHA ensured that this chapter of the report did not see the light of day and was consigned to the record room. Before reverting to UP in 1968, I managed to obtain a copy of that report.

N.S. Saksena, the last I.P. officer of UP cadre was the Director Vigilance UP. Possibly, he had me posted as a S.P. under him on my return. We had always been in touch with each other since our Delhi days. A few months later, he was transferred to the PTC and in June '69, I was posted as SSP Kanpur (the distt. was one at that time). In Jan '70, as a result of political changes, Charan Singh became the CM. His fondness for N.S.Saksena was known. As expected, the latter was appointed as IGP, UP and on his suggestion, I was promoted as Director Vigilance (in the rank of DIG) on 1st April, 1970. That gave me frequent opportunities of interacting with Charan Singh. I have reason to believe that his fondness for me almost equalled his regard for N.S.Saksena. I feel that I did not disappoint him. My detractors thereafter branded me as Charan Singh's man. I carried that stamp throughout the rest of my service.

Consequently, a year later, with Charan Singh's sworn enemy Kamlapati Tripathi becoming CM, I was posted as DIG Hill Range. About three years later, I was shifted first to Kanpur and in June '75 as DIG Lucknow Range. I joined at Lucknow on 11th June 1975 and a day later, the Allahabad High Court, deciding an election petition, unseated Indira Gandhi as Member Lok Sabha. She retaliated by declaring Emergency on 25th June '75. All those opposed to Indira Gandhi (including Charan Singh) were detained under the MISA. An unfortunate development was that even officers got classified as "we" and "they". I had every reason to act cautiously. Nevertheless, at a meeting of the distt. SSPs of the Range, I advised them to ensure that policemen did not go berserk and, as far as possible, must continue to act legally. SP Hardoi reported the case of two policemen who planted anti emergency leaflets on a truck owner and his driver who refused them a free ride. The SP got a case registered against the constables and had them prosecuted. I suspect, this was noted against me.

I could experience, in not too subtle ways, that my own conduct was under watch. Two instances bear recalling. The first related to what I thought were routine annual transfers of Inspectors and SIs. Within less than 24 hrs of the orders, I was summoned by the Chief Secretary, B.D.Sanwal. Almost panic stricken, he asked me why I had ordered so many transfers of SIs. "The Chief Minister (H.N.Bahuguna)", he told me, "is very upset." The CM felt, "you will torpedo the Emergency." I was taken aback, but mustered courage to explain that those were routine annual transfers as required under Govt. orders. "All Govt. orders don't have to be followed mechanically." It shocked me no end, but my courage did not desert me. I replied "Sir, I am learning for the first time that there are certain orders which need not be obeyed." He asked me to cancel the transfers but I expressed inability to do so, lest motives might be imputed to me. "Sir, I don't see how transfers of SIs could torpedo the Emergency. If you desire, I might explain the position to the CM." He kept insisting that I cancel the transfers. Although, he didn't want me to meet the CM, I sought an appointment, met the CM in the afternoon and explained the position. When I told him that such transfers were taking place all over the State, he called Sanwal on phone and ordered cancellation of all such orders. That made things easy for me. Later, the SSP Lucknow told me that all the hullabaloo was over the transfer of one SI of Lucknow who was particularly close to the DM, himself a CM favourite. He had painted the transfers as a deliberate act, recalling my association with Charan Singh.

The second incident was related to the winter inspection of Unnao distt. As usual, the SP arranged a village defence society function and asked the Block Pramukh to preside over it. A day after I returned to Lucknow, IGP Govind Chandra summoned me and anxiously asked for the details. Although I thought that was a routine, it assumed importance as the block pramukh belonged to the B.K.D., Charan Singh's party. The news of even this non event reached the CM, who asked the IG to enquire about it. I was at pains to explain to the IG that neither the SP nor I knew of the block pramukh's political links. The IG advised me to avoid even such routine practices. For all his caution, Govind Chandra had himself to lose the post merely because he declined to be at the Lucknow airport when Sanjay Gandhi arrived on one of his visits. Such was the suffocating atmosphere in which we were functioning.

It soon became a routine for the Distt. Magistrates and even

junior magistrates to summon Station Officers, arming them with arrest warrants, sometimes even blank ones, for the arrest of whoever was perceived as a "threat" to the Emergency. Unscrupulous officers of the police too used the opportunity to settle personal scores. I was reminded of a quote in Justice Khosla's report that, "according to psychologists, a pat on the back produces a pleasant sensation. Most of us would like to experience it and tailor our priorities accordingly." This is precisely what the magistracy, as well as many police officers had done, trying to out-do each other. The normal chain of command stood totally disrupted. All rules of the game were given a go by.

Despite Bahuguna's display of loyalty, he had to lose the Chief Minister's job for an "unpardonable" indiscretion. A circular from the Chief Secretary to all districts directing that security arrangements during the CM's visits enroute, as well as during public meetings should be of the same scale as for the PM, because "he has been attracting as big crowds as the latter," proved his undoing. Everyone was surprised when, one morning, Bahuguna resigned followed by a spell of President's rule. To make things worse, the Governor was Chenna Reddy, a known boor. Mercifully, the spell was short. In Jan '76, Narayan Dutt Tewari was made the CM. Whatever might be his shortcomings, he had always been polite and considerate towards officers. Yet, the overall climate appeared to replicate Churchill's war time dictat - "Those who are not with us, are against us."

Following their landslide victory in the Lok Sabha elections, the Janata Party govt. assumed office in March '77 and Charan Singh became the Union Home Minister. He asked for N.S.Saksena, who was then DG CRP, to be appointed as Special Secretary in the MHA. The IAS lobby, specially UP officers who were familiar with Saksena's method of working and his nearness to the HM, went about scuttling the move. Possibly they fed Kuldip Nayyar, a respected journalist, with a copy of a circular N.S.Saksena had issued as DG CRP to his officers, some portions of which appeared to support the imposition of Emergency. The circular was flashed on the front page of the Indian Express. The vilification went on for several days. Saksena, close to superannuation, was instead, appointed as a member of the UPSC. Unruffled, N.S.Saksena sent to me a book "Hundred Days of Roosevelt" with a short letter which said, "Opportunities could come unannounced. We should prepare ourselves in advance. Preparations for war have to be made during peace time.

Read this book. It will inspire you. No knowledge goes waste."

All through the dark days of the Emergency, I was deeply stung by the ease with which even senior police officers wilted into helpless witnesses to the remorseless battering the rule of law had been subjected to, with the active collusion of the magistracy, touted as the shield against "police excesses." Instinctively, I fell back on the Khosla Commission's report, for an answer. The need, I concluded, was to replace the Indian Police Act of 1861. With lots of complaints of the Emergency excesses, the occasion appeared ripe.

Soon after being sworn in as HM, Charan Singh visited Lucknow to a tumultuous welcome. As DIG Lucknow Range, I was at the Rly. Station to receive him. Although he saw me after six years, he did not take time to recognise me.

I met Lal Singh Verma, then President of the UP branch of the IPS Association and suggested that a deputation should call on the HM. A couple of other officers were consulted, but Verma wanted me to draft a note and do the talking. Largely drawing on the Khosla Commission report, my note suggested that (a) Since Delhi was the Union Govt's direct charge, its policing should be switched to the Commissioner of Police system and (b) Since the only Police Commission at the Central Govt's level was the one in 1901 by Lord Curzon, one was overdue. Such a national commission, the note added, ought to have been appointed about the same time as the framing of the Constitution. One should be appointed now.

We met Charan Singh and submitted the note. He was not familiar with the Commissioner of Police system. But having learnt scores of stories of how the magistracy misused the police and his known aversion to the IAS, supported by the tales of their boorish behaviour even towards known respectable persons, narrated during election tours, strengthened these views. That made our task easier. I explained the rationale of that system, already in place in three metros and some other cities.

On return to Delhi, he raised the issue in a Union Cabinet meeting. The PM Morarji Desai, with his experience as the CM of Bombay State (Gujarat was created later), did not need convincing. When the Parliament met in May '77, the Govt. announced the twin decisions - switching over to the Commissioner of Police System in Delhi and appointment of a National Police Commission with comprehensive terms of reference.

In the note handed over to the HM, I had also added a quote from the statement of the first home member in the Governor General's Council, Sir Bartle Frere, while introducing the Indian Police Bill (passed as Indian Police Act 1861) that, "ON PRINCIPLE THE POLICE SHOULD BE INDEPENDENT OF THE MAGISTRATE" and his hope that in future it would be possible to do so. I had also briefly explained the circumstances of 1859 in which the Act was passed. The British rulers' main concern was that the kind of organised challenge to their rule of the kind of 1857-58 did not recur. The Act reflected that concern. Later, an aide of the HM told me that his statement in the Parliament was, almost wholly, based on the note that we submitted at Lucknow.

The news of our meeting with the HM travelled, as it was bound to, to the State Secretariat and, almost immediately, to Delhi where B.N. Tandon, a UP cadre IAS officer and known to me since our university days, had managed to take over as Delhi Chief Secretary. Typical of that service's malleability, Tandon had earlier managed to be a Joint Secretary in Mrs. Gandhi's office when she was PM and now, as easily, curried favour with the Janata leaders.

Tandon's close friend, Sreenivasvardhan, was the new Union Home Secretary. It did not take them time to anticipate that the HM might want me at Delhi, specially with N.S. Saksena, a victim of their machinations, no longer available. The internal bickering of the Janata Party, never a cohesive formation despite Jai Prakash Narayan's efforts, provided a favourable field for such an operation. Morarji Desai had no love lost for Charan Singh or even for Jagjiwan Ram or Bahuguna or Chandra Shekhar. He owed his elevation as PM to his standing in the national politics and pronounced opposition to Indira Gandhi. That was an ideal setting for Tandon and the coterie to operate. Morarji's choice of his Secretary fell on V.Shanker, an old I.C.S., now retired who was Sardar Patel's Secretary too. This coterie possibly cultivated him. Thus N.K. Mukherji was the new Cabinet Secretary and D.R. Kohli, Delhi's L.G., apart from Vardhan and B.N. Tandon already mentioned. So, despite Charan Singh's preference, instead of me, my batchmate, M.C. Mishra of the MP cadre, who was with the BSF, was chosen to be the I.G. Delhi.

When Charan Singh expressed his wish to have an IPS officer as his Special Assistant, Vijay Karan, an Andhra cadre officer from the IB, was foisted. Charan Singh's major handicap was his total unfamiliarity

with the ways of Delhi. The coterie, I learnt later, cultivated his two sons-in-law, Dr. J.P.Singh, perhaps a Dy M.S. in the Willingdon Hospital (now Ram Manohar Lohia Hospital) and S.K.Singh, an IPS officer of the Maharashtra cadre. In the meantime, a canard was spread that I had already been promoted as Addl. IG in UP and was not interested in a deputation to the Centre.

I was therefore, surprised when Lal Singh Verma, the new IGP UP congratulated me around the 20th Sept. 1977, that I had been chosen to be the first Police Commissioner of Delhi. The A.I.R. too carried the news in its successive bulletins.

I took over on 1st Oct.'77, as IG Delhi. My joy at being imparted the honour was, however, tinged with embarrassment. Mishra had been a friend and for me to replace him, a mere twelve weeks after he had assumed charge, was bound to leave an impression of manipulation. I called on Charan Singh before assuming charge and shared my embarrassment with him. He expressed a rather dim view of Mishra's ability and qualities of leadership.

My fears were not unfounded. When I met Mishra in the IG's office to assume charge, he was bubbling with anger, expressed in unmentionable expletives for the HM. I have no doubt that all my assurances of innocence too had gone waste.

A coincidence and a little indiscretion on my part, made the task of my detractors simple. The CBI arrested Mrs.Gandhi on the 3rd Oct '77, a mere forty eight hours after I took over. Instead of staying at some guest house or Mess, I chose to stay, rather imprudently, with my cousin who was elected to the Lok Sabha on the Janata Party ticket. He was allotted a flat in South Avenue, a stone's throw from 12, Willingdon Crescent, Mrs. Gandhi's new residence. A canard was spread that the HM was waiting for me to take over before executing "the plan", even though Delhi Police had no role in that.

My first encounter with the Home Secretary and other officers of the MHA took place rather unexpectedly within three days of assuming charge. I attended a meeting in the MHA presided over by the HM and attended by a couple of ministers and senior officers to discuss PM's suggestion for introducing prohibition in the Union Territory of Delhi. As we left the meeting room, HM asked me to discuss the mechanics of bringing about the proposed change in the Police set up with the

Home Secretary. I went with the latter. In the room, apart from the Home Secretary, were Chief Secretary B.N.Tandon and two other senior officers of the MHA. Vardhan pompously asked me to "State my Case". I cut in by reminding him "Sir, it is NOT MY CASE. We are required to discuss only the mechanics of implementing Govt. of India's decision announced in the Parliament five months ago." Then I went on, explaining the rationale behind the Govt's decision. For emphasis, I added the views of late Prime Minister Jawaharlal Nehru and Lal Bahadur Shastri and of Y.B.Chavhan as Chief Minister Bombay state. Vardhan accepted that, "the logic of your case is unassailable." I again interrupted, "Sir, the logic of Govt's decision." Then I asked, should not the govt. run on principles of logic? His cryptic reply was "Not always".

Officers of the Delhi Police had, in the meantime got prepared the draft of a bill, broadly based on the Bombay Police Act, but also drawing on the Karnataka Police Act and the Madras Police Act. I introduced two additions viz. the enforcement of sections 107/116 CrPC, 109 and 110 CrPC and the powers of exterrnent.

The MHA agreed to treat that as the basis for all our discussions. K.M.L. Chhabra, a TN cadre IAS officer and Jt. Secy in charge U.T. Delhi was nominated by them to be the nodal point for this purpose. From our side, the initial discussions were joined by two DIGs, but primarily the L.A. Later I decided, it was too crucial a matter to be left to any of them and made that my primary responsibility. Things proceeded smoothly till we reached the stage of deciding about the various enactments which should form part of the all important schedule of laws, the administration of which should be transferred from the DM to the Commissioner. On that would depend whether the DM should still have a finger in the pie. After prolonged deliberations, the MHA gave in, except the enactments relating to the licensing of (1) Places of entertainment, (2) Hotels etc., (3) Eating places and (4) Registration of printing presses. A stage was reached when I had to tell the MHA " I am not here to foist on the Delhi Police a toothless wonder- an imbecile commissioner." Since the MHA were not willing to yield, I insisted that the matter should be referred to the HM. Charan Singh, by then laid up with a cardiac problem, was convalescing at the neighbouring Surajkund resort. We went to him. Chhabra joined me in my car. On the way, he saw wisdom and agreed to include the first three Acts in the Schedule but stuck to the MHA's ground on the Press and Registration of Books Act. Home Secretary

Vardhan travelled separately. When the HM asked him about the issue, his only argument was that Registration hardly has any law and order angle. Then HM turned to me. I explained that the DM deals with many types of registrations. The only reason we insisted on the transfer of the law relating to printing presses and the material printed there was because the press could be used for subverting the rule of law by bringing out subversive literature. Presses

could release material which could inflame communal and sectarian feelings, as well as, subvert the economy by printing counterfeit currency. The HM took less than a minute to decide the issue in my favour.

With the draft of the bill ready, the next stage, strewn with thorns, was to get the OK of the Delhi Metropolitan Council - the equivalent of a state legislature. Its large majority of members were erstwhile Jan Sangh loyalists, almost hostile to Charan Singh. We had been informed that apart from their own opposition to the introduction of the new system, the bureaucracy too had sharpened their hostility. It would have been naive to expect support from Congress members. Delhi Police officers' enthusiasm was too lukewarm to counter the challenge. When I received the call to appear before the Council's Select Committee, there were only two others who had volunteered to support the case - one was Dr. Bharadwaj, a member of the Council and the other A.R. Wig, the editor of the Hindustan Times' eveninger, 'The Evening News'. The Council's OK was not mandatory but its opposition was bound to be played up by the detractors. When I mentioned this to N.S. Saksena, he assured me "your knowledge will be your 'Amogh Astra'."

When I appeared before the committee, Mir Mushtaq Ahmad, also the Council's Chairman, was presiding. Almost all the members were ignorant about the system. They had been fed on the canard that they would be exposing Delhi to uncontrolled Police Raj. I began by introducing the members to an elementary truth that the system had been in place in the three metros of the country for over a century. In England, the system had been established in 1829 and the one in place in our metros was virtually a replica of that. I asked the members to visit the metros and experience for themselves the distinctly high standard of policing and the overall popular approval of their style of functioning. Maharashtra, Gujarat, Karnataka and Kerala had in fact extended the system to several of their other cities. I quoted to them the high praise Y.B.Chavhan, then CM of Bombay, expressed for the I.P.S. officers

already running the police administration of the state. After quoting the statement of Sir Bartle Frere, that on principle the Police should be independent of the magistracy, I said they were already answerable to Courts for all their actions. Then I told the members what turned out to be the trump card.

I said, "For the time being, let us assume that the police are villains, which need control to prevent their excesses. Therefore, I shall talk only of the so-called angels, who are supposed to protect the people of India. I began with the President of the Republic. The oath administered to the holder of the highest constitutional position says, 'I shall PRESERVE, PROTECT AND DEFEND THE CONSTITUTION AND THE LAWS'. An umbrella's worth is known only during a downpour. You all know, how this umbrella - the "protector and defender" - sheepishly folded up at the sight of Mrs. Gandhi's Personal Assistant and signed on the dotted line declaring Emergency on the night of 25th June '75. Then I cited the role of the Parliament which surrendered equally meekly to Mrs. Gandhi's dictates; the Supreme Court, which except for Justice Khanna's valiant opposition, declared

that during the Emergency, we, citizens of the world's largest democracy, could even be deprived of our right to life; the Press, which except for the "Indian Express" justified the Emergency and as Advani said, "She asked them to bow, they crawled"; and two senior Ministers, one of whom had since joined the new government, who eulogised the Emergency as the dawn of a new era. And then I recalled how the bureaucracy danced to the sound of the piper's pipe. I had with me a note which a section of the I.A.S. in UP, disgusted with the role of many of their colleagues, had circulated to its members. It noted how policemen were issued blank warrants of arrest under the MISA by various Distt. Magistrates, who are supposed to be the shield against real or imagined police excesses. I quoted to them what Niren De, then Attorney General, openly admitted, that he "used to shake in his pants", and the pathetic admission of Kishan Chand (Delhi's L.G. during the Emergency years) before the Shah Commission - "Sir, those days, (Navin) Chawla was the Governor and I was mere LIEUTENANT". Chawla was his Special Assistant.

At the end of it, I added for emphasis, "Hon'ble members, all the angels, the People's protectors and defenders, had failed them, when they needed their shield. Now try us, the villains, and you will experience the difference."

The Chairman then turned to me and queried, "Mr. Chaturvedi, in all those states where the Commissioner of Police is in place, there is a Cabinet and a Minister to whom the police are answerable. But here, you are not answerable to us and are under the LG." I promptly replied, "If I had the power, I would place Delhi at par with other states, because I believe that even an inefficient democratic rule is better than the best bureaucratic rule." Surprised, the Chairman asked "Can we quote you?" I said "most certainly, now and always."

At the end of the deliberations, a large majority of the Committee members came out of the meeting to compliment me and to assure me that the Metropolitan Council would overwhelmingly endorse the Bill. And they did.

In the meantime, the internal problems of the Janata Party reached a boil, culminating in Charan Singh's exit from the govt. In the interim, the P.M. assisted by two Ministers of State, looked after MHA. Our periodical enquiries from the Home Secretary's office only resulted in vague assurances. Some time in April '78, the PM expressed a desire to review the law and order in Delhi with me and the four DIGs. That was a high level meeting with the L.G., the Delhi Executive Councillors, MPs and senior officers of the MHA attending. Suddenly, he turned to the Home Secretary Vardhan and asked, "What is happening to the Commissioner?" Fond of munching 'Pan Masala', Vardhan replied somewhat casually, "Ho raha hai". The PM flared up - "Ho raha hai? What do you mean? We promised the Parliament one year back." Realising the seriousness, Vardhan added sheepishly, "Sir we will bring the bill in the Monsoon Session of the Parliament. "No question", the PM retorted. "My problem is the incompetence around me. Issue an ordinance. Do it by 30th June. We will go to the Parliament later."

Shaken, the MHA worked overtime to meet the deadline. The Delhi Police Bill as the Delhi Police Ordinance 1978 was taken to Calcutta on the 29th June, where the President was on tour. It was signed and notified on the 30th June 1978. It must have been the first time since Independence that an administrative change of such import was brought about through an ordinance.

Delhi Police officers led by DIG CID and Security G.S. Mander, converged on my office to celebrate the occasion with sweets and flowers.

# **Trials Involving Celebrities**

## **Media Trials, Reverse Discrimination And Need For Balanced Approach**



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

**Dr. Mahesh Thakar<sup>1</sup>**

### **Keywords**

Trial, Celebrities, Media Trials, Discrimination, Reverse Discrimination, Balanced Approach, TRP

### **Abstract**

Everyday in the country or even in a State, thousands of crimes take place. It necessarily involves an accused, known or unknown. If the name of person is not popularly known, generally the offence is looked at from the point of view of its ingredients or modus operandi but if the person is well-known in his field then the news spreads like fire. It is usually alleged, even by the celebrities that media has vested interest against them in spreading some masala news and increase their Television Rating Point (TRP).

### **Introduction**

**E**quality before law and equal protection of law is the fundamental right and also a guiding principle for the judiciary to be followed. With the spread of internet and media, no event involving a person enjoying wider reputation remains uncovered. A small incident also may within seconds be getting telecast over the entire nation or beyond. If the person involved is unknown, then such developments may go unnoticed. On the other hand, if the person has wide reputation, popularly called

---

#### **Author Intro:**

I Advocate, Law Researcher, LL.M, Ph.D, FCS, CAIIB

“celebrity status”, there is a greater tendency on part of the viewers and readers to show curiosity and media also will like to repeatedly play the same clipping again.

Along with such status either assumed by or actually enjoyed by the person involved, the viewers in the society get divided. When such person is allegedly involved in any criminal offence or other act of violation of law, it becomes a hot favourite subject and role of investigating agencies including judicial system comes under close public observation.

## **Some Recent Incidents**

During last few years, this phenomenon has grown considerably and persons from diversified fields have been in the negative limelight. To start with the media itself, the editor of Tehalka and his arrest, prosecution in Goa was much debated. Motives were attributed to the prosecution. The bail application ultimately was granted by Hon'ble Supreme Court. Media itself was divided on issue.

An industrialist and a news channel (Shri Navin Jindal, Zee News) were entangled in similar situation. The industrialist alleged that the news channel was blackmailing him and he filed complaint on the basis of which the senior level personnel of news channel were arrested. Later, a swing came when they were granted bail and the industrialist is subjected to criminal prosecution in the Coalgate scam, now even chargesheeted.

Yet another incident happened involving Chief Minister of Tamilnadu in the disproportionate assets case. She was convicted by a special court in Bangalore and awarded 4 years imprisonment. Continuous media coverage of the matter took place. Few persons committed/attempted to commit suicide. Later the Karnataka High Court gave her cleanchit acquittal and she is again sworn in as Chief Minister.

Film industry is not far behind. One of the leading actors has been recently convicted by a Sessions Court in Bombay for death of a person in accident by car allegedly driven by the actor. The trial went on for 13 years. There were many swings including a person coming as defense witness and stating that he was driving the vehicle, not the actor. The Court disbelieved such witness and relying on medical evidence and circumstantial evidence, convicted the actor. Within hours

he was released on bail on the technical ground that certified copy of the judgment was not made available. The same actor is also facing criminal trial in another court at Rajasthan. Section of media criticized the “superspeeding” in granting bail when thousands of undertrials await bail.

The world of cricket also was in storm recently for the alleged incidents of match fixing. BCCI, the controlling body believed that their action cannot be brought within judicial review. Discarding that version, the supremo of BCCI had been subjected to a directive that he cannot contest election. This was a classic case of “conflict of interest” and piercing the corporate veil.

In past, police top cop with successful track record Shri KPS Gill also had to undergo this. In that case the complainant also was a high profile person, i.e. a woman IAS officer.

All the above cases have been tried at High Court/Supreme Court at some stage or other.

## **Conflicting Approaches**

Indian society traditionally is known for hero-worshipping. The word “hero” should not be confined to films only but leading personalities in diversified fields. Such persons by virtue of their status, might and contacts exercise such influence that the wrongs done by them, even if coming within the purview of crime either get hushed up or they remain virtually scot-free. Movies also emphasize this aspect with dialogues like ... “don ko pakadna mushkil hi nahin, namumkin hai”.

Awareness, education and interactions have created action groups in the society who have little tolerance for such dominance which vitiates the very concept and foundation of the rule of law and equality before law. Hence, more and more persons when they themselves are victims, or otherwise raise voice. At times they support someone else who is the victim to raise the voice. Media coverage of such incidents spreads the issue beyond the geographical location.

The proclaimed prerogative of the police whether or not to file an FIR against some person in their records has in recent years, because of emphatic Supreme Court judgments been converted into their duty, i.e. they have to take the FIR. In urban areas and metro areas, the awareness

is more conspicuous. It is relatively getting momentum in semi-urban and rural areas. Should investigation precede FIR or follow it remains unanswered with required clarity and consistency.

### **Are there Really any Advantages for Celebrities?**

Everyday in the country or even in a State, thousands of crimes take place. It necessarily involves an accused, known or unknown. If the name of person is not popularly known, generally the offence is looked at from the point of view of its ingredients or modus operandi but if the person is well-known in his field then the news spreads like fire. It is usually alleged, even by the celebrities that media has vested interest against them in spreading some masala news and increase their Television Rating Point (TRP).

The duty of law-enforcing machinery including police is to look at the offence, its ingredients, evidence, *prima facie* involvement and then it should be insignificant who or how mighty the individual involved is. The peculiar nexus between various influential groups such as politicians, bureaucrats, police, administration, at times fails to manifest the uniform, firm at times strict, and objective approach expected of a fair administration. The resultant effect is that at the investigation stage itself, the so-called celebrity either is kept out of the orbit of the offence or someone else gets implicated or the investigation gets misdirected. Some people call it the advantage available to the celebrities which is not available to common man. That itself is offence under Chapter XI of IPC relating to Offences against Administration of Justice.

The other side of the coin also cannot be totally ignored. The society comprises of various pressure groups and their growing influence. Thus moment the name of a high profile person gets reflected in the matter, the authorities and administration have to operate with caution and at times, such groups together with media virtually convert it into “media trial”. Imaginary event map is prepared and constantly shown on TV channels to give an impression that the given individual actually has perpetrated the crime and at times even confess it. Shankaracharya of Kanchimath had to face it and later judicially acquitted.

In such situations, the celebrity at times contends that they become victim of status attributed to them because of the vicious campaign against

them. When the law is equal for everyone and there is no definition or recognition of the so-called celebrity or high profile persons, they should also be entitled to have the treatment, rather the beneficial treatment available to an ordinary person such as bail pending trial, etc. Simply because the person happens to be in this class, one cannot make an indexing of the offence and proceed with a presumption that unless he himself proves to be innocent, he should be presumed to be guilty. The cardinal principle of innocence of accused should apply to him as well.

In recent past, we have seen situations where constant media hype succeeded in arrest of few high profile individuals. Later when they challenged the prosecution, Hon'ble Supreme Court/High Court quashed the proceedings as without substance and they were discharged. The loss of reputation, adverse criticism, mental agony such persons and their family members suffer cannot be ignored altogether.

### **Over Advocating - Whether Always Advantageous?**

Justice and access to judicial remedies is the right of every citizen. In real life situation, for court trials, advocates have to be engaged. Generally a belief and hype prevails that the celebrities can engage the best legal brains as they can afford to pay the hefty fees. At times, more than one high profile lawyers appear for such persons.

Every accused/litigant has an inherent right to engage and put up his case by advocate of his choice. The actual difficulty arises when the time available for preparing the matter with required depth for the other side, say prosecution, may be lacking because there may be several cases for prosecution listed. To an extent, special prosecutor for the case improves the situation.

Presence of high profile advocates always may not benefit the person engaging them because at times, the strategies adopted may prove counter-productive and destroy the consistency of the defence. Exactly this happened in the recent accident case involving a film celebrity wherein after almost 13 years in Sessions Court, for the first time defense was taken that someone else was driving the vehicle and the cause of death also was not the injury due to collision of car. While the usual contention that defense cannot be compelled to open its mouth and reveal their defense till such time their stage comes, it remains to be

seen when the appellate courts will consider this case whether this is an all-time good contention and can a defense in form of “bush from the blue” be taken. Matter is now in appeal before Hon’ble Bombay High Court which is admitted and sentence is stayed.

### **Whether trials are unreasonably delayed in such cases?**

One impression prevails that delay in trial always operates to the benefit of the accused. The supporting reason is that in criminal trials, onus entirely lies on the prosecution to establish the guilt of accused and till such time, it is done, the accused is presumed to be innocent. The key witnesses in the case either become hostile or may even not survive. The chain of revisions, appeals, quash petitions, shifting of record from one court to another also takes away considerable time and prolongs the matter. The accused remains on bail and may succeed in weakening the prosecution evidence.

In January 1975, the-then Railway Minister L.N. Misra was killed in bomb blast. Accused were arrested. The trial and appeal took 4 decades to conclude. Here the victim was high profile person.

In Mumbai film star’s road accident case also, the trial was delayed for almost 13 years. During this period, a prime witness who was himself a public servant (bodyguard provided by Govt. to the celebrity filmstar) died. In this case, after the accident, two more petitions went upto Supreme Court and the Supreme Court expressed its view. New Section 304 was later added against the film star and that substantially increased the quantum of punishment.

Sooner or later, Indian judicial system will have to workout a broad indicative time map of how the matters and trials will be proceeded. There has to be some upper limit with an inbuilt provision for contingency that arises.

### **Police Morals and Motivations**

Whenever people with high position are involved, attempt to undo the crime starts at the stage of investigation itself. Hence, the investigating agencies who withstand all influences including media criticisms and impartially bring out the facts do a credible job for the society. They are

the real champions for the crusade of “rule of law”. Their role becomes over once charge-sheet is filed. Of course they are important prosecution witnesses. The evidence collected by them needs to be appreciated in overall perspective and discarding the otherwise palatable prosecution theory by pinpointing at only a isolated lacunae in the prosecution version, may demotivate the honest and courageous ground level officers. Need is felt and voiced that rather than solely concentrating on the intention or innocence of the accused, the impact of the act on the moral of police force who at times risk their life and career also deserves to be given due appreciation. The influential people succeed in managing their transfer at the investigation stage and even falsely implicate them in fabricated cases.

### **Legitimate Expectancy of the complainants/ victims and the Society also cannot be altogether ignored**

Democracy governed by written constitution in India envisages through Preamble itself that ‘The people of India have solemnly resolved to secure to all its citizens justice and equality of status and opportunity.’ The case involving a celebrity filmstar, though convicted, succeeded in getting the sentence stayed and remained on bail caused controversy even among legal fraternity, perhaps due to the speed at which the matter was dealt with for bail purposes. Giving part credit to the team work of the lawyers, the precedent created by interfering with the impugned order, even without a certified copy thereof being produced before the Appellate Court, may be difficult to follow. Unusual priority given to a particular litigant’s matter or a lawyer’s matter may be tested even from the angle of equality, the basic essence of constitution. ‘If you have money you can compete with time’ was the view expressed by an eminent respected advocate who fearlessly contested for the prosecution of the Mumbai Bomb Blast case successfully and also the 26/11 case.<sup>1</sup> Another disturbing fact is that there are 2.54 lac<sup>2</sup> undertrials who have failed to get bail in a day and out of 3.81 lac prisoners across the country there are only 1.27 lacs (one third) are the convicts. The merits of individual case of the celebrities may be fully justified but only those

---

1 Shri Ujjwal Nikam was quoted by Sandesh, Gujarati Daily, 9.5.2015, translated

2 The Times of India, 9.5.2015

cases getting priority or preference seems to be unconvincing in context of the constitutional mandate. 99.99% advocates appearing in Supreme Court, High Court or even Sessions courts will confirm that no appeal can be filed and taken up for effective hearing and interim relief can be prayed, without certified copy and matter will not even be registered.<sup>3</sup> The contents of the impugned order cannot be presumed from the oral statement of council or some unauthenticated extract of the impugned order being narrated.

### **Reverse Discrimination also equally violates Constitution**

The term ‘reverse discrimination’ is used in context of hastily implicating or prosecuting a person merely because he happens to be a prominent person, or say, a celebrity. At times human jealousy, sense of revenge, bias, blackmailing through malicious prosecutions motivates persons to initiate such proceedings and get some publicity for him/her and adverse publicity for the other side. Even if the person ultimately emerges innocent, the time and other resources to be deployed deprives him of his normal work schedules and this gives an unfair advantage to his competitors in the respective profession, be it politics or business. Pressure groups at times resort to demonstrations, media hype and beyond to implicate such persons for no right reasons. Here the prominence of the person acts negative for him and balance has to be struck between fairness and the law.

### **Disproportionate Coverage of Celebrity’s trial, in a way Deprives Society of other Important News**

Whenever news involving celebrity take the form of media hype, other important developments affecting the nation get less/no coverage. The entire second week of May 2015 TV Channels virtually had no other news except the Bombay case involving celebrity film star. The print media was relatively balanced. Few of the important developments went unnoticed. The prominent among them was the Indo-Bangladesh land swap treaty under which a pending issue since formation of Bangladesh

---

3 Rule 8 read with Rule 38 of The Gujarat High Court Rules.

on border dispute will get resolved. This affects crores of people in India. Another one was the important amendment to Negotiable Instruments Act introduced in the Parliament under which the jurisdiction will be restricted only to the place where payee deposited the cheque. This affects lacs of persons and crores of rupees involved in cheque bouncing cases. The disproportionate magnified publicity given to one event undermines the basic media duty of fair and balanced reporting without bias, keeping in view the interest of larger section of public in respect of the news ignored.

### **Self Introspection & Self Restraint : Needed for all Concerned**

No person is above the law and law does not discriminate between persons on the basis of his standing, status, following contacts or reputation. Asserting otherwise or attempting to undo this settled position results in the situation leading to heart burning. It can be avoided by the following:

- (i) The persons claiming to be/described as celebrities and their followers have to develop respect for law and fellow citizens. They should ‘lead by example’ rather than ‘live and hide behind the smoke screen of the so called celebrity status.’ Misleading the public authorities or resorting to perjury sets a bad example.
- (ii) The public servants, investigative agencies, legal fraternity, judicial system while according to them all ‘fair treatment’ needs to refrain from crossing Laxman Rekha that converts it into ‘favorable treatment’.

The investigating officers should also be directed to report to their higher authorities the details of persons who tried to influence them by way of phone calls personally or otherwise. If at the stage of investigation, any person who as such has no direct connection, gives a TV or media interview about innocence or guilt of the person under investigation, he himself be also covered under investigation and make to disclose the source of information on basis of which he makes such statement. This will reduce the euphoria of persons who jump for TV interviews to defend anyone and create political capital for them.

- (iii) The concept ‘anything karega for the (celebrity) client’ at times

while bringing temporary boost in reputation of the individual advocate may result in long term adverse effect for the profession's overall reputation. An advocate is an officer of the court and with that privilege, responsibility must follow in its wake. His primary allegiance is to the court and it is no part of the professional duties of an advocate to act merely as a mouthpiece of his client. A member of the bar should use best efforts to restrain and prevent his client from resorting to any unfair or sharp practice.<sup>4</sup> In the recent case of Mumbai film star, a person after 13 years came forward to divert the case by stating that he committed the offence. An advocate appearing for the prosecution has to conduct the prosecution in a way that it does not lead to conviction of the innocent. Suppression of material facts capable of establishing the innocence of the accused shall be scrupulously avoided.<sup>5</sup> Advocate shall not be a party to fomenting litigation.

- (iv) Media plays major role in moulding the perceptions of the people. Hence there should be responsibilities as well. A disproportionate, exaggerated and repeated telecast of an event has the effect of brainwashing the viewers. At times there may be a calculated move to influence a judicial proceeding one way or the other. While respecting the right of the people to know and of the media to report, the hidden intentions should not be allowed to dominate the report. The other side of facts also should be reported with equal proportionate coverage. Media also should be under a duty to disclose the source in respect of the sensitive news affecting investigation.
- (v) Backlog and pendency of cases (3.7 crores approximate) is often highlighted by top brass of judiciary. Accepting that as a ground reality, care needs to be taken to avoid giving preference to a particular individual's subsequently filed case when on the last day before vacation, several other matters were listed and pending. One can ask his own judicial conscience 'When I was an advocate before I became the judge, did any judge before whom I appeared, entertain my appeal or application without certified copies of the

---

<sup>4</sup> AIR 1979 NOC 96.

<sup>5</sup> Rule 16 and Rule 18 of Standards of Professional conduct and etiquette framed by Bar Council of India under sec. 49(1)(c) of Advocates Act.

impugned order?'. If it was not so, then what are the special reasons to create a precedent? When the rules themselves required producing certified copy even for registration, how can the whole process be short circuited? While judiciary does not go by public perceptions, it should not deviate as well from the healthy perception created by it that its own rules are binding to them. Even discretion can be exercised in a judicial manner and an undue priority in name of discretion may send wrong message to millions of litigants who are awaiting justice since years and generations.

- (vi) Public at large also has to be educated that if masses and mobs turned to the courts, the decision making process cannot be influenced. The difficult situations which the judiciary also has to face arise when the law enforcing authorities have limitations to maintain law and order in such circumstances. The recent case of dead body of a Swami in Haryana declared dead by the team of doctors also could not be cremated on misconceptions of mobs that he is in 'samadhi' and will one day revive. This is really unfortunate.
- (vii) If rule of law survives then sanctity of law remains. The democracy needs this and equality and fairness are the pillars for it. Distorting and bending rules too often to suit the individual in deviation of the rules normally followed, precedents get created which the system itself is not in a position to follow and it may ultimately shake the trust of the subjects in the system and one wishes it not to happen. It may result in death knell of democracy. Without democracy no one survives including the judicial system and the discretion which creates deviation from normal to justify a stand taken in an individual case.
- (viii) Recently it has become a fashion for some persons described by media as eminent persons to file petition before the President to recommend reprieve for terror convicts. In July 2015, about 40 such persons including MPs, senior lawyers, retired judges, artists, journalists joined hands to undo the decisions of Supreme Court and the President. The verdict and the action did not change.

## **Conclusion**

Now the Hon'ble Supreme Court judge who conducted the hearing throughout the night has received a threat of killing and the police

described it to be a serious one. One can urge and appeal the eminents that they should now come forward with louder voice condemning the threat to the judge who in difficult circumstances was discharging his public duties without fear or favour, ill will or affection. If this trend of appeasement of persons perpetrating terrorism by “eminents” continues, God forbids, an unfortunate day may come when even Hon’ble President before and after deciding Mercy petition may have to face such threats. The said eminents can strike the balance by issuing a stronger statement against such threats to judges and other public servants.

# The Study of Mobile & Whatsapp: Usage and Trends



Varun Kapoor, IPS<sup>1</sup>

The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

## Keywords

Mobile, WhatsApp, Usage, Students, Indore City, Behavioural Change

## Abstract

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 devise to access the digital or cyber or virtual world is the hand held mobile devise. The access point has gone from a desktop computer to a laptop computer, then to a tablet and now to a mobile phone

## Introduction

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.

---

### Author Intro:

I ADGP, Narcotics & PRTS, Indore (M.P.)

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 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 devise to access the digital or cyber or virtual world is the hand held mobile devise. 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 Crore<sup>1</sup> 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 Crores<sup>2</sup> by the year 2019. By the end of 2017, India will have 31.4 Crore<sup>3</sup> 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. Furthermore, it is estimated that only 6% of mobile users are above the age of 50 and this figure dips even further with only 1% of total mobile data users being above the age of 50<sup>4</sup>. 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

---

1 Wikipedia

2 Statista – The Statistics Portal

3 IAMAI & KPMG study

4 Telenor report

for – the leading usage is for the fastest growing App in the world “WhatsApp”. Today WhatsApp is used by over 100 Crore<sup>5</sup> users in the world. India has over 7 crore users of WhatsApp. WhatsApp remains the hot favorite messaging App of 98% Indian Android users<sup>6</sup>.

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 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 a sample 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.

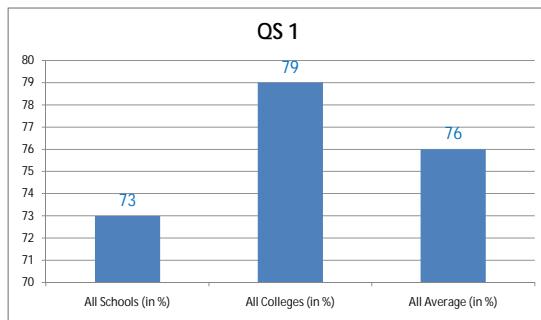
## **Analysis of the findings**

---

<sup>5</sup> WhatsApp official figures

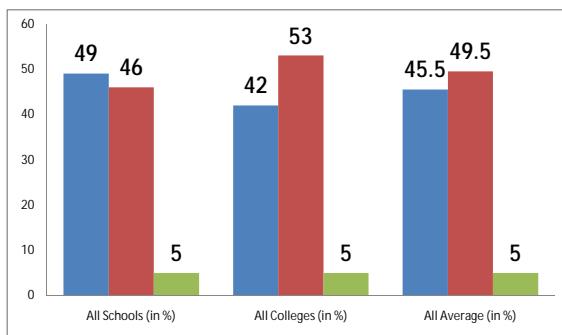
<sup>6</sup> Erickson Study report 2015 – Smart Phone Apps Usage Behavior

### 1. Do you have a smart phone?



This question brings out the fact that  $\frac{3}{4}$  th 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 posses 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?

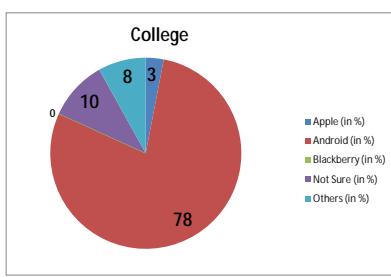
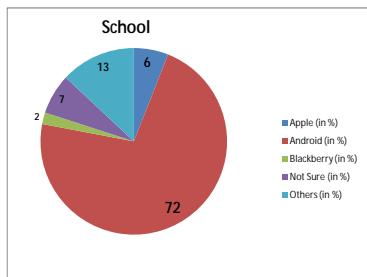


● 1 SIM ● 2 SIM ● > 2 SIM

This question clearly reveals a very startling fact – that almost  $\frac{1}{2}$  of all college and high school students posses two SIM cards – that means two

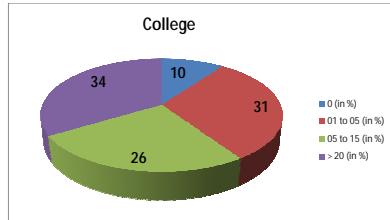
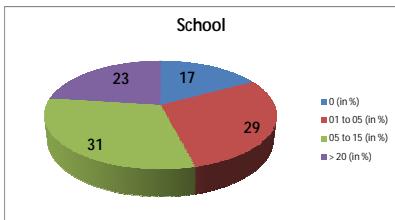
mobiles. In fact in college students the number of students having more two or more mobiles is much more than the students having one mobile (58% vs. 42%). This finding is in consonance with the world figures. The world population is 700 Crores and the number of mobile subscribers the world over is 700 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%).

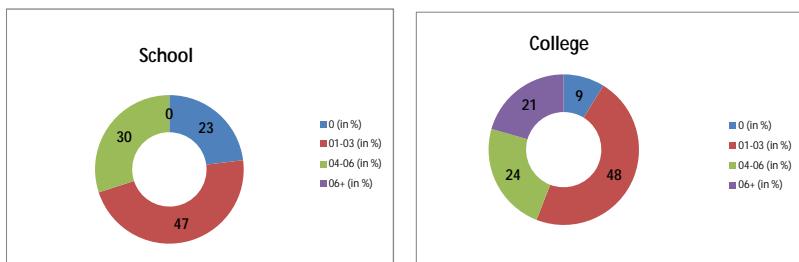
### *4. How many Apps do you have on your digital device (mobile, laptop, tab)?*



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?*

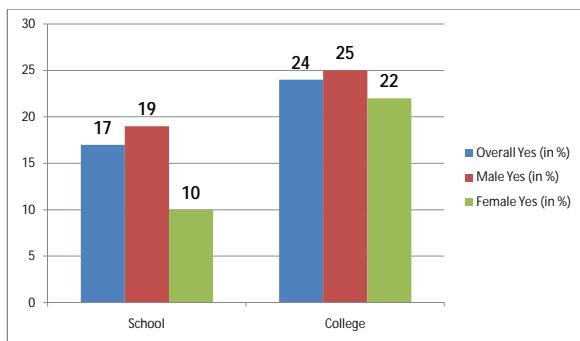


Analysis of this question shows that maximum number (almost half) of School and College students use an average of 1 to 3 Apps in a day. In school students this figure is 47% and for College students this goes marginally up to 48%. However a striking feature of the result is that whereas no School student 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.

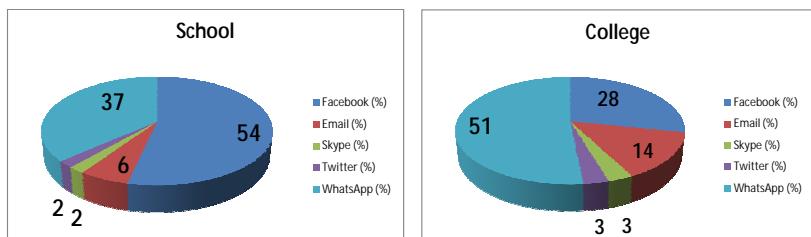
##### *6. Do you ever pay for these Apps?*

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.

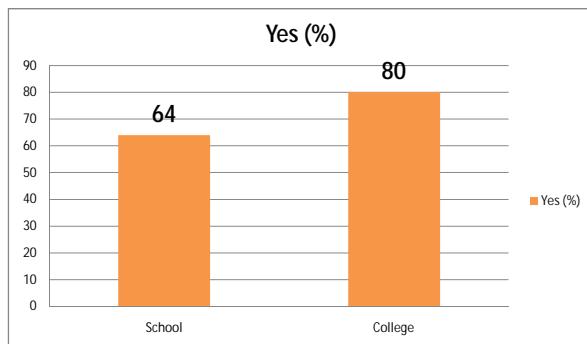
#### *7. Which virtual medium do you use for communication?*



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 WhatsApp amongst school students is surprising as the minimum age of a user for WhatsApp is pegged at 16+ years. Thus only standard 11th and 12th students can legally use WhatsApp. 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.

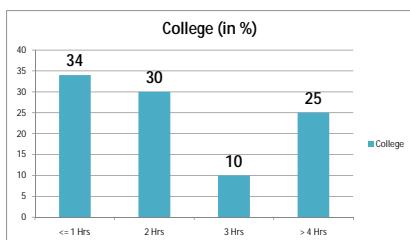
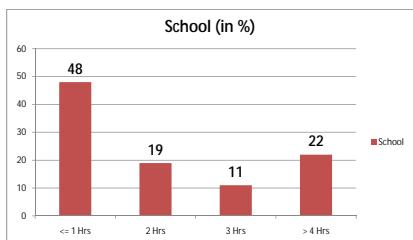
#### 8. Do you use WhatsApp?



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!

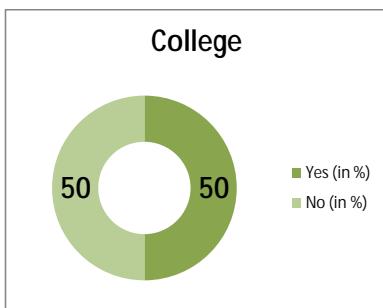
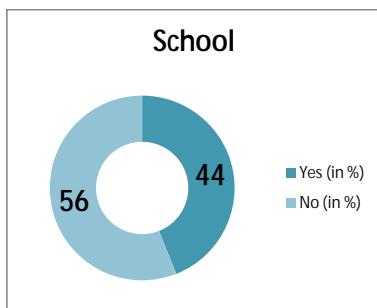
#### 9. How many hours do you use WhatsApp in a day?

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



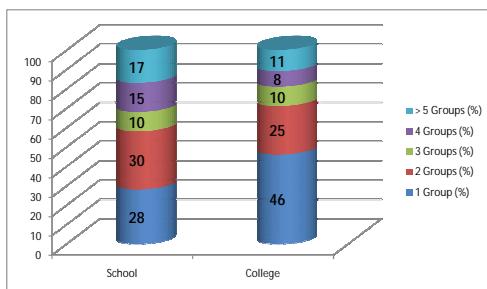
more than 4 hours a day. Considering an average individual has around 12 hours of productive hours in a day – using a third of this time in only doing WhatsApp is an unusually high proportion of time spent on only “one” activity of the virtual world. This again emphasizes the need for heightened cyber 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?*



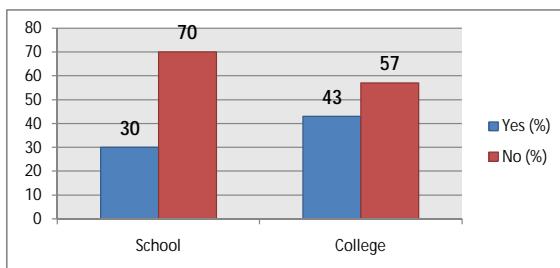
This question clearly brings out the fact that nearly half of all school and college students are Admins of Groups that they run on WhatsApp. The figure for Colleges is slightly higher as compared to schools (50% vs 44%). This will also show an increasing trend as the time goes by. Detailed analysis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



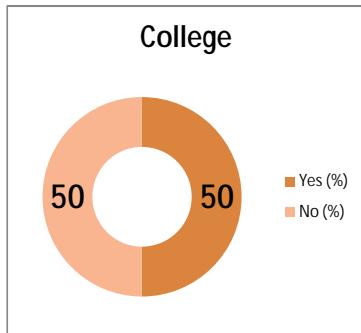
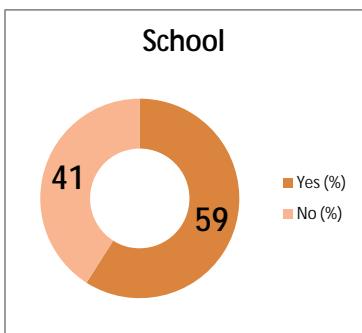
According to this finding it appears that school students are more enthusiastic as far as being Group Admin is concerned. Maybe it is a new fad and as a result they want to experiment more and more and become Admins of greater number of groups as compared to college students, who have settled down to 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?



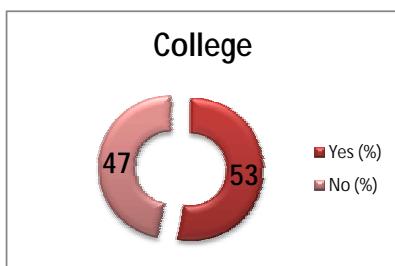
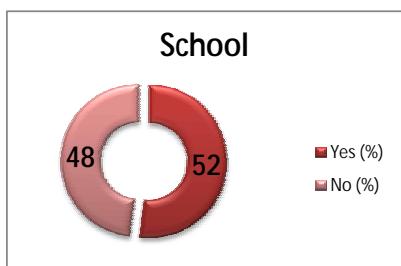
The propensity to become members of groups where the student does not know all the other members or even the Admin – steadily increases as we move from school to college students. In fact it nearly becomes one and a half times (from 30% to 43%). This is a highly dangerous and alarming trend. It displays 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 maybe 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.

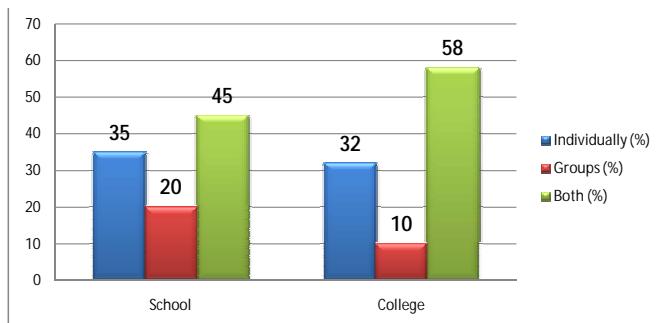
*14. Do you think before forwarding such "Prank" or "Hoax" posts?*



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

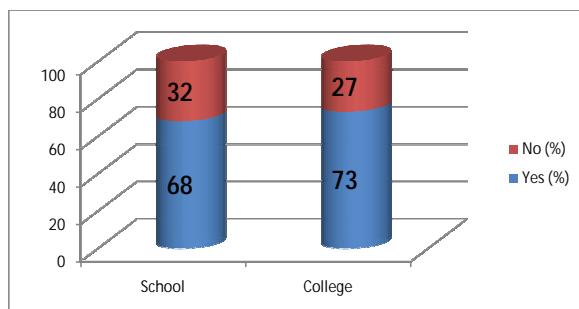
definitely avoidable – if students understand the falsity of such posts and avoid transmitting them further. The only gainer in forwarding of such worthless material is probably the service provider – as they get more use time by the client.

*15. Do you chat individually or in groups in WhatsApp?*



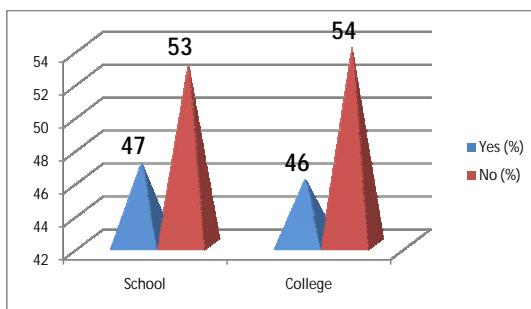
This again brings out a similarity in pattern of chat types amongst school and college students. It can be said in general all students using the virtual space prefer to use a combination of group and individual chat. Whereas individual chat figures are nearly same for school and college students (32%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



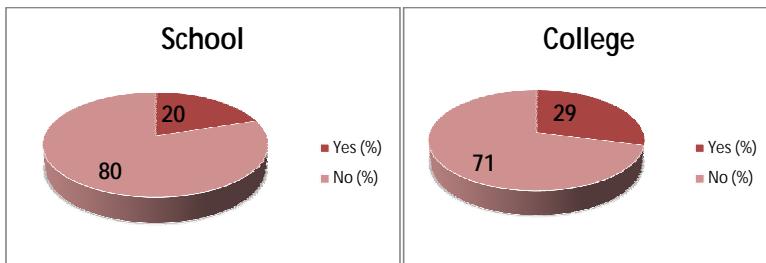
It shows that students of schools and colleges are sharing photos to a very large extent on WhatsApp. The content of such photo sharing is very important. It should not be something which is obscene, pornographic and otherwise harmful to the impressionable minds of students. Thus proper guidance and 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.

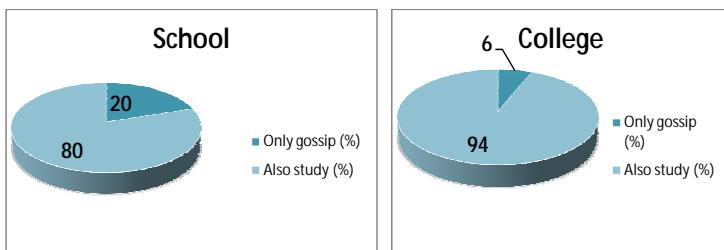
*18. Have you ever posted or seen any obscene content on WhatsApp?*



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 not 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 environs to a college setting.

## Major Findings

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

- Overwhelming number of school and college students possess smart phones. This number is almost  $\frac{3}{4}$  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 devices 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 missing – ask any student what security measure he/she takes while using WhatsApp and the answers 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 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?

## **Conclusion**

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.

# **Ethics in Governance**

## **– Reforms in Vigilance**

## **Administration and Anti**

## **Corruption Measure**



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

**Parvez Hayat, IPS**

### **Keywords**

Governance, Ethics, Reform, Vigilance, Administrator, Anti-Corruption Measures, Administrative Reforms Commission

### **Abstract**

Ethics is a set of standards that society places on itself and which helps guide behaviour, choices and actions. However, standards do not, by themselves, ensure ethical behaviour, that requires a robust culture of integrity. The crux of ethical behaviour does not lie in bold words and expressions enshrined as standards, but in their adoption in action, in sanctions against their violations, in putting in place competent disciplinary bodies to investigate allegations of violations and impose sanctions quickly and in promoting a culture of integrity.

### **Introduction**

**G**overnance: ". Governance has larger connotations and it covers large no of issues, however, a major concern and challenge in the present society has been how to contain the menace of corruption and what measures to be taken at global level and also in India as to how to strengthen the existing framework and work environment to ensure enthusing ethical practices in governance and modern reforms in vigilance and anti corruption laws. UNDP (1997) refers to governance

---

#### **Author Intro:**

I ADG, BPR&D, MHA

as the exercise of political, economic and administrative authority to manage a nation's affairs. It is a complete mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests and mediate their differences. Typically governance stands for leadership-the manner in which , use or misuse of power is intended to promote social and economic development , or to persue agendas that articulate such goals.

OECD has defined as --“governance denotes the use of political authority and exercise of control in a society in relation to the management of its resources for social and economic development. This broad definition encompasses the role of public authorities in establishig the environment in which economic operators function and in determining the distribution of benefits as well as the relationship between the ruler and the ruled (OECD 2003)

The word Ethics is derived from Greek word “Ethos” which slandered or ideals that should prevail. Ethics is a set of standards that society places on itself and which helps guide behaviour, choices and actions. However, standards do not, by themselves, ensure ethical behaviour, that requires a robust culture of integrity. The crux of ethical behaviour does not lie in bold words and expressions enshrined as standards, but in their adoption in action, in sanctions against their violations, in putting in place competent disciplinary bodies to investigate allegations of violations and impose sanctions quickly and in promoting a culture of integrity.

Questions of ethics, or the ‘right way to run a business’, are inherent in all aspects of corporate governance and in every board decision and action. Ethical choices are relevant within the core business strategies that boards pursue and the way that they direct the business as a whole to achieve them.

- A Code of Ethics, and
- Good Corporate Governance

**Corporate Governance** is the set of processes, customs, policies, laws, and institutions affecting the way a corporation (or company) is directed, administered or controlled. It also includes the relationships among the many stakeholders involved and the goals for which the corporation is governed. The principal stakeholders are the shareholders, management and the board of directors. Other stakeholders include employees, customers, creditors, suppliers, regulators and the community at large.

There has been renewed interest in the corporate governance practices of modern corporations, particularly in relation to accountability, since the high-profile collapses of a number of large corporations during 2001–2009, most of which involved accounting frauds; and then again after the financial crisis in 2008. Corporate scandals of various forms have maintained public and political interest in the regulation of corporate governance. Examples of Corporate failures, like, Enron and MCI Inc. (formerly WorldCom) in the U.S besides, SIEMENS in Germany, HIH Insurance, One.Tel in Australia, and Parmalat in Italy.

In the Indian context, the need for corporate governance has been highlighted because of the scams occurring frequently since the emergence of the concept of liberalization from 1991. We had the Harshad Mehta scam, Ketan Parekh scam, UTI scam, Vanishing company scam, Bhansali scam, Satyam scam and 2G Scam, Coalgate Scam and so on. In the Indian corporate scene, there is need to induct global standards so that at least while the scope for scams may still exist, it can be at least reduced to the minimum.

However, two major scams detailed below not only shook the whole corporate world, they certainly threw a strong message so as to contain such incidences in the future by strictly adhering to & upholding the basic tenets of corporate ethics and governance. The Enron scandal, revealed in October 2001, eventually led to the bankruptcy of the Enron Corporation, an American energy company based in Houston, Texas, and the de facto dissolution of Arthur Andersen, which was one of the five largest audit and accountancy partnerships in the world. In addition to being the largest bankruptcy reorganization in American history at that time, Enron was attributed as the biggest audit failure.

**Enron** was formed in 1985 by Kenneth Lay after merging Houston Natural Gas and InterNorth. Several years later, when Jeffrey Skilling was hired, he developed a staff of executives that, by the use of accounting loopholes, special purpose entities, and poor financial reporting, were able to hide billions of dollars in debt from failed deals and projects. Chief Financial Officer Andrew Fastow and other executives not only misled Enron's board of directors and audit committee on high-risk accounting practices, but also pressured Andersen to ignore the issues.

December 2, 2001, Enron filed for bankruptcy.

## **Satyam Scam**

The Satyam Computer Services scandal is a corporate scandal that worked in India in 2009 where chairman Ramalinga Raju confessed that the company's accounts had been falsified. The Global corporate community was shocked and scandalized when the chairman of Satyam Ramalinga Raju resigned on 7 January 2009 and confessed that he had manipulated the accounts by US\$1.47-Billion. In February 2009, CBI took over the investigation and filed three charge sheets (on 7 April 2009, 24 November 2009 and 7 January 2010), which were later clubbed into one. On 10 April 2015, Ramalinga Raju was convicted with 10 other members.

Price water house coppers was their Auditor when scam came to light, SEBI the regulator, fined the Auditor PWC \$6 millions. The scam was hatched precisely by CEO Ramalinga Raju, CFO PWC and one more auditor forged in account book. CBI arrested CEO Ramalingam Raju and 2 other associates. It shook market confidence.

Later on, two more scams like 2 G scam which was successfully red flagged by CVC and investigated by CBI based on CAG reports and so the Coalgate scam which Supreme Court is still monitoring, the CBI investigation duly supervised by CVC, even the then PM Sh Man Mohan Singh too was interrogated for his role as the then Coal Minister. Though, his role has not been established so far by top investigative agency, Supreme Court did cancel many coal blocs allotted irregularly by Committee, headed by then coal Secretary who is still in jail.

As a consequence of the scandal, new regulations and legislation were enacted to expand the accuracy of financial reporting for public companies.

Accordingly, a Public Procurement Bill has also been formulated and is pending in the Parliament. Further, with a view of bringing more accountability, certain amendments have been proposed in Prevention of Corruption Act 1988 which is also pending for the passage in the Parliament. A sound integrity framework is key for ensuring efficient delivery of services to the public, promoting a level playing field for business and, ultimately, reinforcing trust in government.

In Indian perspective, several steps have been taken from time to time to enhance accountability, responsibility, transparency & integrity in public

administration. Not only this, Vigilance, as a tool to fight corruption, has immensely added to values and enhanced confidence in governance. More to say, rather an effective Vigilance administration is one of the most viable accountability mechanism to bring in transparency, accountability, integrity and equity which are all basic tenets of business ethics in governance.

### **Administrative Reforms Commission recommendations:**

The Second Administrative Reforms Commission, 2005 suggested measures to achieve a proactive, responsive, accountable, sustainable and efficient administration for the country at all levels of the government through the 15 reports submitted by it to the Govt. The Government constituted a Group of Ministers (GoM) to consider the recommendations of the Second ARC and to review the pace of implementation of the recommendations as well as to provide guidance to the concerned Ministries/Departments in implementation. But some of the suggestion pertaining to Anti Corruption Laws have not been incorporated in proposed Amendments Bill in PC ACT 2013.

### **Reforms in Vigilance Administration**

**Constitution of CVC, its role in combating corruption, Vigilance angle and Vigilance administration:** Central Vigilance Commission (CVC) is an apex Indian governmental body created in 1964 on the recommendation of Santhanam Committee to address the malaise of corrupt practices in Government and PSUs. It has the status of an autonomous body, free of control from any executive authority, charged with monitoring all vigilance activity under the Central Government of India, advising various authorities in central Government organizations in planning, executing, reviewing and reforming their vigilance work.

The Chief Vigilance Officers are extended hands of the CVC to implement the guidelines of government and CVC to ensure transparency, accountability, equity and integrity in functioning of government departmental organisation and Central Govt. Ethical practices can be only which are (I) Preventive and (II) Punitive.

There is no adversarial relation between Vigilance and Management,

without Vigilance, Management is weakened response. Vigilance ultimately is about accountability, about equity in decision making and transparency thereof.

We have to move from punitive to preventive vigilance and to pro-active, predictive and above all participative vigilance. Each and every citizen of the country must contribute towards building a TEAM India against corruption where T stands for ‘Technology’ and ‘Transparency’, E for ‘Efficiency’ and ‘Empowerment,’ A for ‘Audit Trail’ and ‘Accountability’ and M for ‘Metrics Measurement’ and ‘Mutual Cooperation’. "Vig-Eye", envisaged by CVC, is a user-friendly platform for citizens to complain against corrupt officials through SMS, which is aimed at participative vigilance and would be able to reach 50 million people in the country. VIGEYE refers to a person who is a public spirited citizen, a volunteer and one who comes forward to help the CVC by reporting corruption and fighting it. VIGEYE volunteers can file complaints and grievances relating to corruption with supporting evidence to CVC. VIGEYE facilitates real-time submission of complaints in confidence. Oral and documentary evidence or explanations can be recorded on mobile media and attached in the form of photo, audio record, video record, notes etc. Complaints along with supporting media /data can be uploaded via mobile /GPRS or Wi-Fi networks and CVC will further take appropriate action on such complaints.

**Leveraging of Technology** – Ethical practices entail taking punitive actions , how many people, employees we will teach and inculcate ethics, how many persons we will punish, send them jail? the functioning of the government and its organisations can address the challenges of corruption to a large extent. The adoption of technology initiatives can mitigate various factors which lead to corruption like lack of transparency, cumbersome procedures and delays in decision making. By re-engineering government processes, limiting discretion and enhancing accountability, departments / organisations can effectively bring about transparency and efficiency in the service delivery system which affects ordinary citizen the most. By using information technology, the process can become faster and to that extent, the scope of corruption can be reduced.

A major initiative was taken by the **Central Vigilance Commission towards improving Vigilance administration by leveraging technology** vide circular dated 22nd November, 2006 through which

it has been emphasized that the compliance be made by all government departments/ organizations /agencies over which commission has jurisdiction with regard to providing of complete information on their websites regarding the laws, rules and procedures governing the issue of licenses, permissions, clearances, etc. and also adhere to good governance through e-governance by implementing **e-payments, e-billing, e-procurement and reverse auction, e-auction, up loading of contract documents as well as award details, vendor registration for tracking of their bill status & online Inspection Management System.**

**Performance Metrics:** Performance Metric is an effective tool to determine an organization's behaviour and performance. Performance metrics measure an organization's activities and performance. It supports a range of stakeholder's needs from customers, shareholders to employees. Developing performance metrics usually follows a process of:

- Establishing critical processes/customer requirements
- Identifying specific, quantifiable outputs of work Establishing targets against which results can be scored

Metrics are commonly used to judge performance of individual personnel, complete systems or individual applications.

Performance metrics are most useful when analyzed as a group. Therefore, an important next step is to develop a matrix of measurements that, taken together, will provide management with insight into how a particular area of the business is performing in relation to strategic goals.

### **Shunlu Committee Report on CWG SCAM: Red flagging grey areas of corruption**

The V K Shunlu Committee, which was appointed to probe allegations of corruption charges in the conduct of Commonwealth Games, and to look into alleged misappropriation of funds, irregularities, weaknesses in management and wrongdoing, along with its recommendations also harped upon the various aspects pertaining to unethical behaviour of various officers and goverment agencies leading to mismanagement & large scale corruption.

There are several grey areas of corruption in the working of organisations like gifts and hospitality. The “red flags” in the grey areas

of corruption should never be ignored and the rumours of improper payments or other "red flags" that raise suspicions of illegal or improper activity should also be looked into.

**Legislations regarding corruption and Role of Anti Corruption Agencies like CBI, CAG etc.** : There are a number of corruption-related bills pending with Indian Parliament. These bills include the Judicial Standards and Accountability Bill 2010, the Whistle Blowers Protection Bill 2011, the Prevention of Bribery of Foreign Public Officials and Officials of Public International Organisations Bill 2011, and the Public Procurement Bill 2012.

The Prevention of Corruption Act (PCA), 1988 is largely the only law in India relating to the prevention of corruption and matters connected therewith. It was primarily aimed at prohibiting government agencies and public sector businesses from accepting a bribe in any form as well as to thwart any such motive.

In order to have an effective and exhaustive framework to combat corruption, a bill was introduced in the Rajya Sabha in August 2013 to amend the existing Prevention of Corruption Act, 1988. This Prevention of Corruption Act (Amendment) Bill, 2013, seeks to fill gaps in the statute and bring it in line with current international legislations such as the UK Bribery Act. While the added and revised provisions will come into effect only after the Parliament gives its nod (to the changes in the Amendment Bill); the Cabinet on 9 January 2014 provided its post-facto approval to introduce the amendments.

### **Key changes suggested in the proposed Amendment Bill**

The Amendment Bill enlarges the scope of the legislation to include the offense of passive bribery, its various aspects including solicitation and acceptance of bribe through intermediaries (private persons). It intends to prosecute the bribe givers in the offence of consensual bribery. The bill also proposes to provide punishment for the offence relating to bribe given to a public servant by a commercial organization and forfeiture of property of a corrupt public servant.

### **Inclusion of private bribery**

Looking back at most of the major incidents (involving corruption)

in the past, they have stemmed from corporations either being the bribe-giver or having facilitated the same. However, the PCA does not contain any legal provisions that address private bribery i.e. bribes paid by corporations or individuals. To prevent bribery on the supply-side (i.e. paying a bribe) and to give the law more teeth to tackle corporates indulging in corrupt practices, the amendment proposes that corporations and their key managers be brought directly under the legal ambit of PCA.

Until now, a corporation or a private individual would find himself liable under PCA only when a public servant is directly/indirectly bribed (including by use of personal influence) and the corporation/personnel abets the commission of this offence. The Bill, for the first time, introduces a direct offence defined as follows: "any commercial organization, which in order to obtain or retain business or a business advantage gives, or promises to give, any financial, or other, advantage to a public servant would be liable to pay a fine".

The term commercial organization here includes all forms of enterprise in India as well as those incorporated outside India but engaged in business in India. The Bill also provides that when a commercial organization is in contravention with the PCA, the key personnel running the organization at that time will also be guilty of the offence and liable to a minimum imprisonment of three years, extendable to seven years, as well as a fine. The only defense for company's here is potentially to be able to show that the company has adequate measures in place to prevent such misconduct and, as such, the person bribing is a rogue employee.

### **Attachment of property**

The Prevention of Corruption Act, at present, does not specifically provide for the seizure of bribe or assets purchased through proceeds from bribery. The bill now empowers the investigating agencies to attach (or confiscate) such property during an ongoing trial, which can then be "forfeited" to the government if the final judgment from a court is one of conviction.

### **Habitual bribe takers**

The provisions of the PCA, covering criminal misconduct by a public

servant will undergo several changes after the Bill is passed. Whilst the notion of criminalizing habitual acts of accepting bribes are proposed to be omitted - owing to sufficient strengthening of others provisions that are expected to achieve the desired results - the bill does include reference to repeat offenders wherein, if proved, the offender may be imprisoned for no less than three years and as many as 10 years and may also be fined. In the provision relating to possession of disproportionate assets by a public servant that cannot be accounted for using the 'known sources of income', the term 'known source' will be replaced by 'lawful source'. However, it will be interesting to see how investigating agencies differentiate between lawful-income and bribe in the presence of additional legal sources of income. Determination of the income source would also have an important role in the newly added 'attachment of property' provision mentioned above.

### **Protection of whistleblowers**

Section 24 of the existing Act provides that a statement made by a bribe-giver during proceedings against a public servant (whistleblowing), will prevent the bribe-giver from prosecution. In majority of the cases in the past, the bribe-giver has gone scot free by taking resort to this provision thereby making it increasingly difficult to tackle consensual bribery. In a bold attempt, the Bill proposes omission of the whistleblower protection provision.

### **Passive bribery**

The definition of bribe is likely to see a change with this Bill and will cover all aspects of passive bribery, including the solicitation and acceptance of bribe through intermediaries and also acts of public servants acting outside their competence.

### **Prosecution sanction**

Among other revisions, the Bill allows prosecution of a public servant under PCA only if the complaint has been filed in a competent court and the sanction to prosecute is granted by the competent authority. The Amendment Bill also makes it mandatory for the competent authority

to decide on granting prosecution sanction within three months of a complaint. The period can be extended by another month after consulting the Attorney General or the Advocate General.

### **Jan Lokpal and the PCA**

The PCA, even after the amendment, is expected to suffer from a few pragmatic difficulties. As mentioned above, prosecution requires prior governmental sanction, which is seldom forthcoming and plagued with procedural barriers and red-tapism. This has resulted in abysmally low prosecution rates in the past. The Jan Lokpal Bill can tackle these shortcomings by acting as a backstopper to the impediments in implementation of the PCA.

Lokpal at the central level and a Lokayukta at the state level will have the power and independence to investigate and prosecute cases of corruption, allowing individuals to directly approach the Lokpal's office with grievances. It can also help accelerate the investigation procedure as well as the resolution of offences of corruption allegedly committed by government officials without the need for approval from any higher authority.

The Right to Information Act (RTI Act) has also played a pivotal role in the fight against corruption in India. The RTI Act stipulates that citizens have the right to access government documents within 30 days from the filing of the request.

### **Anti-Corruption Agencies**

**Office of the Ombudsman:** The Lokpal and Lokayuktas Act, 2014 will, among other things, allow the creation of a corruption ombudsman with the power to prosecute all civil servants and politicians. According to Global Integrity 2011, the Central Vigilance Commission is the ombudsman body for the central government.

**Office of the Comptroller & Auditor General (CAG):** The CAG of India is the supreme audit authority in the country. Accountant Generals (AGs) offices can be found in all state headquarters (AGs are independent of state governments and are accountable only to the CAG). Public expenses management reportedly suffers from poor monitoring,

poor targeting, and corrupt practices. The Public Procurement Bill 2012 gives CAG power to audit the accounts of public-private partnership (PPP) projects, which is seen as the government's effort to improve compliance between the UNCAC (United Nations Convention against Corruption) and domestic laws in India.

**Supreme Court:** The Supreme Court enjoys the highest degree of recognition in India. The judges have displayed unprecedented activism in response to public interest litigation over official corruption, environmental issues and other matters. This expanded role has received considerable public support. The Supreme Court has been taking corruption seriously in recent years, both in general and political domains.

**Central Information Commission (CIC):** The CIC delivers decisions instructing the government, courts, universities, police, development NGOs and ministries on how to share information of public interest. State information commissions have also been opened, thus giving practical shape to the Right to Information Act, 2005 (RTI Act). DOPT vide its OM dated 16 June, 2014 has declared that the CVOs of various Ministries/Departments of the Govt. of India are the 'Designated Authority' to receive written complaints or disclosure on any allegation of corruption or misuse of office by or under any Central Act, Govt. companies, Societies or Local Authorities owned or controlled by the Central Govt. and falling under the jurisdiction of that Ministry or the Department. Such complaints should be treated as disclosure under PIDPI resolution.

**Right to public services legislation :** Right to Public Services legislation, which has been enacted in 19 states of India, guarantees time bound delivery of services for various public services rendered by the Government to citizens and provides mechanism for punishing the errant public servant who is deficient in providing the service stipulated under the statute. Right to Service legislation is meant to reduce corruption among the government officials and to increase transparency and public accountability.

India is also a signatory to the **United Nations Convention against Corruption (UNCAC)** since 2005 (ratified 2011). The Convention covers a wide range of acts of corruption and also proposes certain preventive policies. It defines links between corruption and other forms

of crimes includes economic crimes and laundering of proceeds of crimes, organised crime. It also makes no distinction like UK Bribery Act 2010 between an individual, private or Public Entities. It also talks about bribery or offer of bribery directly or indirectly by Foreign Public officials and officials of Public international organisations. It makes provision of freezing of proceeds of crimes assets and confiscation like in UK Bribery Act, 2010, though PC Act Amendment Bill 2013 has not addressed this so far. UNCAC clauses also make future provision by legislation by different participating governments for bringing private sector bribery into the ambit of public crimes which is very likely to be taken up by Government.

**The Lokpal and Lokayuktas Act, 2013** which came into force from 16 January, 2014, seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries in India. Lokyauktas though passed has yet not been implemented, it defines role of CVC and CVOs once a complaint is received by Lokayukta if they are of high public officials/highly public authorities, it can order investigation directly to CBI or refer to CVC for enquiry. CVC may be given a smaller role in regard to investigation of complaints against group C and D employees once it becomes operational;and clear rules are framed. Moreover, relation between Lokayuktas, CVC, CBI will be defined. It is obvious that if a complaint is filed against Joint Secretary and above level of high officials and against Board Level PSUs Officials like Directors, CMDs, only Lokayukta can order for investigation by CBI, whereas in respect of other group A officers and middle level or lower grade employees, CVC will be supposedly a final authority to enquire and recommend actions. If CVC, on order of Lokayukta, make an enquiry against a Joint Secretary to Govt of India and above as well as Board level PSUs Directors, CMDs, CVC will refer the outcome to Lokayukta for taking action.

**Whistle Blowers Protection Act, 2011**, which provides a mechanism to investigate alleged corruption and misuse of power by public servants and also protect anyone who exposes alleged wrongdoing in government bodies, projects and offices, has received the assent of the President of India on 9 May, 2014, and (as of 02 August) is pending for notification by the Central Government.

**The FIU under the Ministry of Finance** is the central,

national agency responsible for collecting, processing, analyzing and disseminating information relating to suspect financial transactions to enforcement agencies and foreign FIUs. It has been assigned the task of receiving cash/suspicious transaction reports, analyse them and, as appropriate, disseminate valuable financial information to intelligence/enforcement agencies and regulatory authorities with regard to private entities.

Analysis of **The Prevention of Money Laundering Act, 2002** provides that the properties of corrupt public servants shall be confiscated. However, the Government is considering incorporating provisions for confiscation or forfeiture of the property of corrupt public servant in the Prevention of Corruption Act, 1988 to make it more self-contained and comprehensive.

**The Department of Personnel & Training (DOPT)** – The nodal Ministry dealing with anti-corruption issues has formed a committee which in consultation with ASSOCHAM, FICCI, SEBI, PSU CVOs etc. and all the stakeholders to bring a culture of transparency and integrity, particularly in private sector to ensure confidence among the people/common man.

A committee headed by the **Chairman of Central Board of Direct Taxes (CBDT)**, has been constituted to examine ways to strengthen laws to curb generation of black money in India, its illegal transfer abroad and its recovery.

**The Companies Act, 2013** contains certain provisions to regulate frauds by corporations, including increased penalties for frauds, giving more powers to Serious Fraud Investigation Office under Ministry Of Corporate Affairs,besides giving mandatory responsibility of auditors to reveal frauds, and increased responsibilities of independent directors. The Companies Act, 2013 also provides for mandatory vigil mechanism which allows directors and employees to report concerns and whistleblower protection mechanism for every listed company and any other companies which accepts deposits from public or has taken loans of more than 50 crore rupees from banks and financial institutions. This intended to avoid accounting scandals such as the Satyam scandal which have plagued India. It replaces The Companies Act, 1956 which was proven outmoded in terms of handling 21st century problems.

The Companies Act also envisages following types of audits –

Statutory Audits and Internal audits. The statutory audits are generally tax audits and Company audits.

These audits help in keeping the functioning of the company transparent and in pointing out any lapses in the company viz a viz giving corrective suggestions.

**Integrity Pact and appointment of IEMs :** With the initiative of Transparency International, the CVC has been emphasising, keeping in line with the concept of good governance, to implement integrity pact in all the Govt. PSUs with the provision of Independent External Monitors who technically work as arbitrators appointed by CVC who could look into the grievances of both the parties i.e. the Employers and the Vendors. It is a concrete step to curb corruption arising out of unethical practises by both the parties i.e. the employer as well as contractor or either.

**Role of Independent Directors in a company:** One of the sections of the Companies Act, 2013 is section 149 which also deals with the appointment and qualification of IDs on the board of the Company and their importance in good corporate governance in the Company.. There is a "growing importance" of their role and responsibility. The Act, 2013 makes the role of Independent Directors very different from that of executive directors. An Independent Directors is vested with a variety of roles, duties and liabilities for good corporate governance. He helps a company to protect the interest of minority shareholders and ensure that the board does not favour any particular set of shareholders or stakeholders.

The role they play in a company broadly includes improving corporate credibility, governance standards, and the risk management of the company. The purpose behind introducing the concept of Independent Directors is to take unbiased decisions and to check various decisions taken by the management and majority stakeholders. An Independent Directors brings accountability and credibility to the board process.

In 2013, India ranked ninety-fourth out of 176 countries in Transparency International's Corruption Perception Index, alongside Mongolia and Colombia and below neighbours like China and Sri Lanka.

## **Conclusion**

There was a misunderstanding of what vigilance is supposed to be, without

vigilance, management is a weakened response. Vigilance is something that you mean about accountability and about equity in perceptions and about transparency in your perceptions. All these three elements also indicate what a good manager should display. So there cannot be any differentiating views in the roles of vigilance and managerial functions in governance

Technology today has given us a way by which we can bring about a very quick and transformative change or we can say it is difficult to change human beings, if you want to enforce vigilance and anticorruption laws merely through enforcement of punitive measures then two things will happen, it will be a very painful and slow process. Secondly it will have a very marginal impact. How many people can you prosecute? How many people can you charge sheet? And how many people can you send to jail? Their numbers will be limited even with the most efficient management. So one has to find ways of bringing about that change and in India today we hope to get ahead as economic powers, but if we look at the rankings of India as a society which is considered dishonest, we have one of the most negative records. Our records will be comparable with the worst performing economies and that also reflects on our ranking in the ease of doing business, which is very important for doing business. So you can't both grow fast and live with a society with a system which is not transparent and clean.

As a citizen it is our responsibility and it cannot be the responsibility of the government alone, it cannot be the responsibility of the organization alone. Thus, it has to be individual responsibility. The reform or the beginning of a clean system must begin with us as an individual and only then it can permeate to the organization in which we are working, the society in which we work or the systems to which we belong to. Thus coming back to the point that technology has a huge role in changing human beings, because changing human beings means changing the society as changing the system through persuasion is a very long process we can't afford that but technology makes it neutral, it brings about a kind of personal encounter that is much easier to have transparency, accountability and equity.

Thus, it is a necessary step for many areas of the government functionality to take up e-commerce, e-governance or e-procurement and e-processing. Therefore, in the Indian society adaptation of such technology must remain a key priority. Thus, we should reduce the

requirement of qualitative and cumbersome processes to be fulfilled in our systems for carrying out the tasks. So there needs to be a general overall change in the framework in order to improve our decision making. The key elements for a systems improvement are transparency, equity, and price discovery as well as competition. These functions should be performed with responsibility and accountability to the people and with the flexibility of application. Thus, the proper use of vigilance is a way of ensuring efficient performance at all levels of managerial functionality in Government. Vigilance is not to be feared but to be harnessed to enhance the performance of any system, and must work as an inherent continuous process. Preventive vigilance with the help of technology should take place of punitive vigilance.

As is well said that war cannot be fought only by the Generals, fighting corruption is too important an activity to be left only to anti-corruption agencies and Govt. Institutions. Therefore, this fight of corruption has to be taken to the people, civil society, masses and every individual.

**Open Government Partnership** is another way forward to curb corruption and bring about probity and equity in public life to ensure citizen centric approach to service delivery mechanism. This can happen only by involving all the members of civil society and the citizens in fighting this social menace and by bringing in self transformation in each and every individual of the society.

## References

- Second Administrative Reforms Commission Report- 2007-persmin.gov.in
- Articles and Seminar Reports on Central Vigilance Commission Website
- Ethical Issues in Business & Corporate Governance – A case study of NTPC – Ramagundam by Hareesh Rebello, Vijender Ragidi – Published in International journal of Marketing, Financial Services and Market Research
- A Study Conducted for the Business and Organizational Ethics Partnership by Nathan E. Hurst, Markkula Center for Applied Ethics, Santa Clara University.

- Articles on Ethics, Governance and Corruption on Wikipedia
- A Review of Ethical Aspects of Corporate Governance Regulation and Guidance in EU, by Julia Casson – ibe (Institute of Business Ethics)
- Articles on website of OECD (Organization for Economic Co-operation and Development)
- CVC Circulars & Manuals-cvc.gov.in
- Articles in Newspapers & Business magazines
- High Level Committee report on Commonwealth games by Sh. V.K. Shunghu
- The Prevention of Corruption Act, 1988 and Prevention of Corruption Act (Amendment) Bill, 2013
- The Companies Act, 1956 & The Companies Act, 2013
- United Nations Convention Against Corruption, September 2004, printed in Vienna, Austria.
- Santhanam Committee Report 1964.
- Combating Corruption Lesson Out of India- By Shri Krishna K Tummala

# **Case Study of a Quadruple murder of a Senior Railway Official and his Family Members**



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

**Dr. G.V. Jagadamba<sup>1</sup>**

## **Keywords**

Case Study, Murder, Quadruple, Conspiracy, Confession, Scientific Investigation, DNA Typing

## **Abstract**

Since its introduction, in a few years, DNA typing has become part of the routine case work in crime investigating laboratories. DNA typing has become an essential and basic investigative tool in the law enforcement community. The technology has progressed at a rapid rate and in only a few years has surmounted numerous legal challenges to become the vital evidence of resolving violent crimes and sex offences. DNA evidence is impartial, in implicating the guilty and exonerating the innocent.

The laboratory techniques now followed for DNA profiling by most forensic science laboratories, including APFSL are the PCR based STR testing of the non-coding sequences of DNA. Being highly polymorphic and thus unique, these STRs provide a very high probability of establishing the identity of an individual.

The presentation illustrates a sensational case study in which the application of the emerging technology of DNA Fingerprinting is significant in the criminal justice system.

Law and Science are parallel if not opposite to each other. If they both are interdependent, the outcome of cases will be scientifically justifiable. The present study is of such an interesting case which illustrates every

---

## **Author Intro:**

1 Assistant Director, APFSL, Hyderabad

item of the crime and every item of the successful investigation by all the wings of Police Department.

## **Murder case of SC Rly & his family**

**I**t is a case of multiple murders of four members of the same family committed by their bungalow peon in a cold blooded and cruel manner along with his associates inside the quarters on the same day. Late in the night they were shifted into the car, took to a lonely place and were burnt along with the car.

The first deceased (D1) Sri Baldev Raj Seth (B.R. Seth) was working as Chief Engineer, South Central Railway, Secunderabad. The deceased no.2 (D2) is his wife, Mrs. Prabha Seth while D3&D4 - Ms. Kanika and master Rishab are their daughter and son respectively. The main Accused Mr. Chandra Bhushan Upadhyay is a native of Bihar State, working as their office peon and residing in the servant quarters of the bungalow.

The ACP Cyberabad took up the investigation of the case. The scientific investigations followed, evidences adduced and finally, in the court of law, the punishments were pronounced.

### **Facts of the case**

A report came to the Makajgiri police that a Maruti Alto car was found in flames on the road from SP Nagar to Uppariguda in the wee hours.

### **Clues**

1. The servant of Mr. B.R. Seth - Chandra Bhushan Upadhyay gave contradictory statements.
2. Small portions of his hair were found burnt for which he could not give proper explanation.
3. There were struggle marks, violent cuts on his hands and neck; and
4. There was other circumstantial evidence at the Bungalow of the Chief Engineer.
5. Number of blood marks were found on the walls in various places in the entire Bungalow. Floors were completely washed with phenyl and acid. Still the floor was sticky.

6. Blood stained clothes, curtains and stones were seen at the main Bungalow and in the bathroom.

## **Police Investigation and Interrogation**

Thorough interrogation of the suspect, Chandra Bhushan Upadhyay, who could not give proper explanation to several pertinent questions, revealed that there were others along with him in perpetration of the crime.

- That he hailed from a place called Sompur, Chapara district, Bihar state and that he has been working as an office peon in S.C. Railway attached to the Bungalow of the deceased B.R. Seth for 7 years.
- That he was residing in the servant quarters of the Bungalow with his wife.
- That there were four accomplices who were close relatives of Chandra Bhushan Upadhyay.
- That Mrs. Prabha Seth (wife of Mr. B.R. Seth) was strictly taking duties from Chandra Bhushan.
- That Chandra Bhushan was an arrogant person and that he had revolted against Mrs. Seth a number of times.
- That he developed ill-feelings towards Mrs. Seth and her family members.

Finally when he was scolded by the lady for his dirty appearance because of his hair being not cut, the servant's grudge got aggravated towards her.

## **Conspiracy**

It is revealed that Chandra Bhushan conspired with his brother-in-law and a friend of him to end the life of Mrs. Seth. As the single murder would throw the suspicion on him by one and all, he wanted to end the entire family.

## **Confession**

The thorough interrogation by the Police brought out the confession from Chandra Bhushan Upadhyay that he along with others murdered

the four of B.R. Seth's family, including Mr. Seth.

## **Recovery**

1. The weapon (firearm) was seized at the instance of the accused.
2. Bloodstained knife seized from accused 1
3. Bloodstained knife seized from accused 4
4. Blood stains from different places at the residence of the chief Engineer and from the bathroom and kitchen of the accused.
5. Burnt pants containing blood stains seized at the instance of accused.

## **Scientific Investigations-Material Evidences-Laboratory Analysis-details**

During the course of scientific investigations, the muscle tissue samples collected from the four deceased persons by the Professor of Forensic Medicine, Gandhi Hospital were submitted in the FS laboratory for conducting DNA tests for their identification. The blood samples from the relatives of the deceased were collected at AP FSL, HYD. for comparison purpose.

The blood stains from different places at the residence of the chief engineer and from the servant quarter (the accused) though all were washed, were collected by the Clues team and I.O. and forwarded to the laboratory for DNA analysis. The accused was also required for DNA tests to identify certain blood stains.

*The procedures adapted for conducting DNA tests are as given below in brief:*

### **Step 1: Extraction of DNA from Samples**

- Isolation of DNA from these biological samples is done by SDS-proteinase K digestion and phenol-chloroform extraction (organic extraction.)

### **Step 2: Quality Check by Mini Gel Electrophoresis:**

- The purity of DNA is checked by immersion Mini Gel Electrophoresis - by comparing sample DNA with DNA of known molecular weight

(standard sample).

### **Step 3: Quantification by U V Spectrophotometer:**

- The quantity of DNA isolated is determined by the UV spectrophotometer by taking the absorbance at 260 and 280 nm; and the ratio is calculated.
- The DNA sample thus extracted is further diluted (in nanograms) to suit for PCR and STR analysis.

### **Step 4: P C R (Polymerase Chain Reaction):**

#### **Amplification of DNA samples by using fluorescent labeled primers.**

- The process, which faithfully replicates a defined segment of DNA millions of times, is dependent on the enzyme taq polymerase. An essential feature of this particular enzyme is that it can survive high temperatures and still can keep working.
- The PCR amplified product is subjected to STR analysis.

### **STEP 5: S T R (SHORT TANDEM REPEAT) Analysis**

Short Tandem Repeat (STR) loci have hyper variable sequence of approximately 3-7bp repeats. These STR loci are numerous in the human genome and highly polymorph in length and sequence of repetitive elements. Analysis of 10-15 such loci provides an individual specific DNA pattern.

- STR analysis is done using ABI 310 AUTOMATED DNA Genetic Analyzer to which Gene Scan analysis software is attached.
- The capillary Electrophoresis unit - ABI Prism 310 - Genetic Analyzer - detects fluorescently labeled fragments with a laser as they run past a predetermined point.
- For Gene Scan analysis 5' end of the forward primer is labelled and performed the PCR reaction in 28 cycles. PE supplied Amp F/STR profiler plus kit is used for amplification of DNA (PCR). The gender identification could be done by amelogenin locus. STRs which show high polymorphism and have the same amplification conditions are selected. Alleles for overlapping Loci are distinguished by labeling locus - specific primers with different colour dyes.
- The results(DNA PROFILES) are represented as Electrophoregrams-

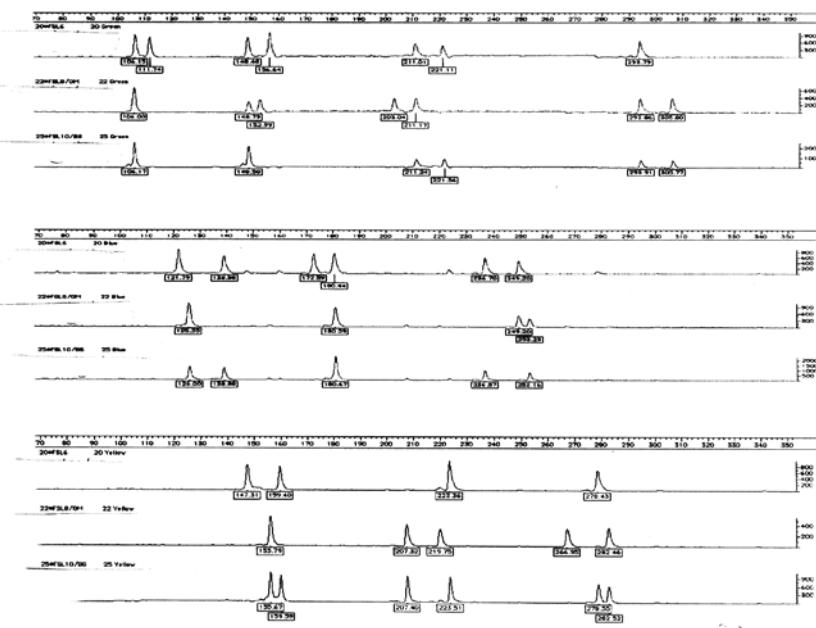
in which the peaks of different alleles at different loci are located.

- The results are interpreted by the comparison of alleles present in the control samples.
- Each electrophoregram has an allelic ladder, which can be obtained commercially by the combination of different STR loci, which acts as a standard for the comparative study.
- The microsatellite - STR analysis is validated by TWGDA (Technical Working Group on DNA Analysis) and approved by ASCLD (American Society for Crime Laboratory Director).

## **Conclusions of Scientific Investigation**

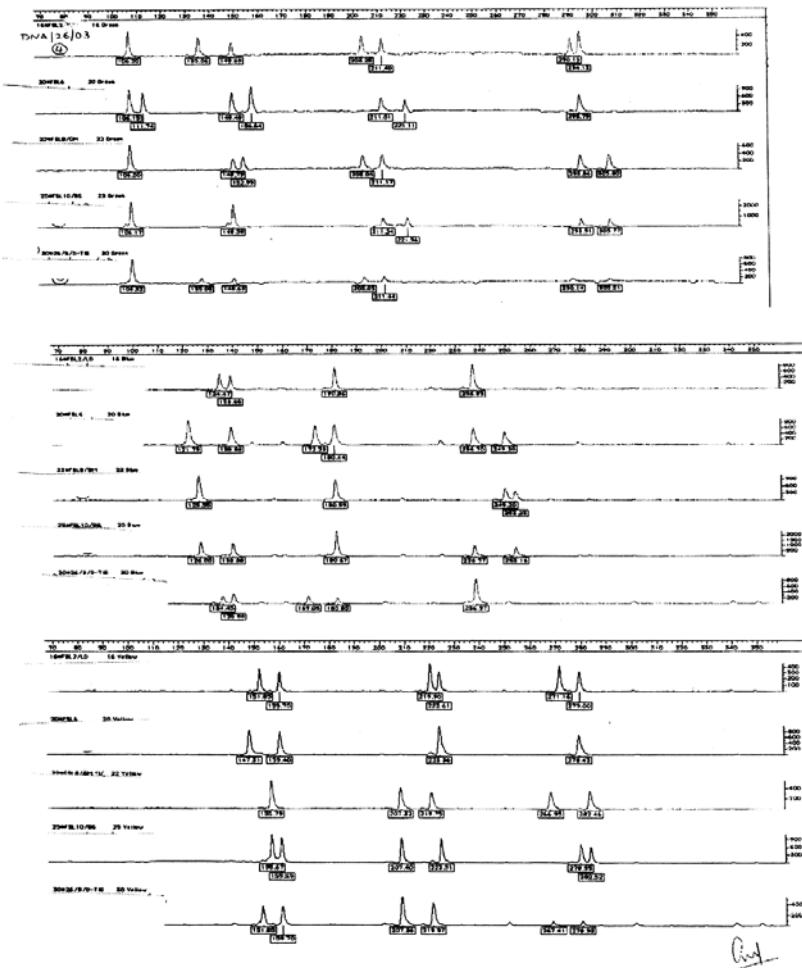
The DNA profile prepared out of the biological tissue recovered from the dickey of the car and some blood stains from the residence were comparable with those of the parents of Mrs. Prabha Seth (wife of B.R. Seth) and also with that of the live daughter Ms. Meenal Seth, thereby concluding that the charred body in the dickey of the car was of Mrs. Prabha Seth.

**DNA Profile-I**



The DNA profile prepared from the biological material from one of the three charred bodies recovered from the body of the car could be comparable with DNA profile of Mrs. Seth - thereby identifying her biological daughter Miss. Kanika Seth (D3).

### DNA Profile-II

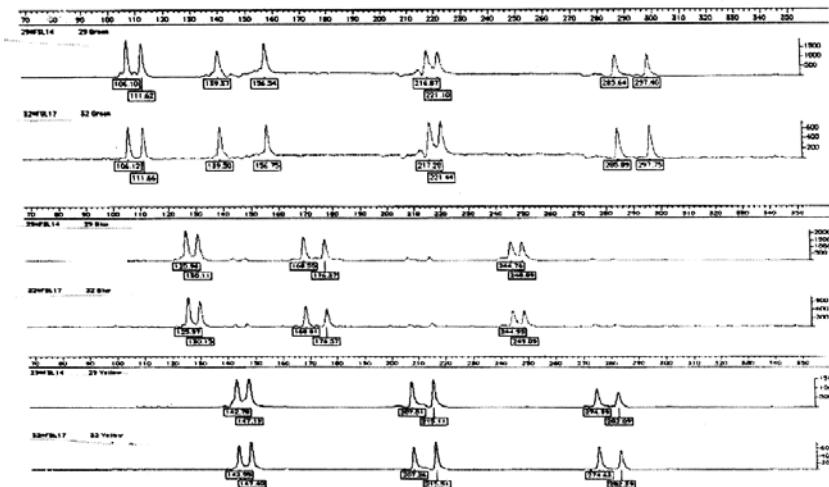


Likewise, with DNA profiles prepared from the biological materials collected from the car were all compared with the DNA profiles prepared from the reference blood samples collected from the brother of Mr. Seth,

the live daughter of Mr. Seth and the living parents of Mrs. Seth thereby identifying the charred remains were those of the Mr. Seth, Mrs. Seth, Miss. Kanika and master Rishab.

In addition to these, the DNA profiles prepared from the blood samples collected from the suspect (the servant) and from the injuries on the suspect's body (certified by the Medical Doctor) could be comparable with the DNA profiles prepared from the blood stains collected from the walls of the bungalow, the bathroom, from the clothes recovered, and bloodstained wall scrapings from the kitchen of the accused, thereby establishing the direct involvement and participation of the accused in the crime.

### DNA Profile-III



Thus, two crucial pieces of evidence in this murder case (viz. identification of the victims and establishment of the crime) came from DNA fingerprinting, something which would not have otherwise been possible.

### No Escape

The murders committed, clues obtained, investigations done, material evidences recovered, motives known, crime reconstructed, confessions

obtained and the culprits nabbed. The scientific tests were conducted, analyses made and evidences and inferences of DNA tests were recorded and properly documented.

### **Case at the trial stage**

The prosecution's case was established with the evidences of 61 witnesses in all, and the evidence of the Forensic Science Laboratory in which the DNA Analysis-Report was pivotal upon which the entire case was dependant.

Naturally the accused, having a right to be defended was represented by a learned counsel. The defense counsel tried to establish that the DNA test was not the only proof and he claimed that there were number of procedural lacunae in the conduct of the test. All his professional queries were convincingly responded and hence, the facts could be established beyond any doubt.

- Relations established
- Profiles comparable
- Identities confirmed
- Direct involvement of accused proved
- Cross examinations faced
- And then finally the justice could be done in the court of law mainly because of DNA test.

### **Result**

The prime accused A1 was sentenced to death by the lower court. It was compounded to imprisonment for life, and the accomplices were sentenced to jail by the Hon'ble High Court for different terms depending on the degree of their participation in the crime.

But none could escape from the punishment. Conviction was complete and justice was done.

Thus prime accused (A1) tried his best to escape from the clutches of law by trying all the available methods - but could not escape as the DNA test done on the very little unburnt biological material, collected from the charred bodies of the innocent victims of Seth's family, and more importantly, his own blood stains available at the crime scene proved decisively his direct involvement in committing the crime.

# Death for killer of Seth family

Life term for three others; court pronounces verdict in multiple murder case

Staff Reporter

**HYDERABAD:** It's death sentence for Chandrabhushan Upadhyay, the main killer of the Seth family, while his three associates have been given life term by a local court here on Wednesday.

It took nearly four years and painstaking examination of 42 witnesses and hundreds of exhibits for the Ranga Reddy District Court to award the stringent punishments for those responsible for the grisly multiple killing and the gruesome way in which bodies of the railway officer's family were burnt in their car in Malkajgiri.

The sentence was awarded by Fifth Additional District and Sessions Judge (Full Additional Charge) R. Gopalakrishna Murthy in a packed court as the convicted persons watched silently. Munna Kumar, Moni Singh and Maheshwar were given life terms



**CARRIER OF BODIES:** The bodies of four members of Seth family were stuffed into this car which was set on fire near Uppariguda railway track. The charred remains were noticed

- A FILE PHOTO

while Upadhyay's sister Anju Chouby was given a three-year term.

The police said Upadhyay, for whom avenging the humiliation was the motive for the killings, remained totally nonchalant as the judgement was delivered. "We'll move the High Court. I am not

guilty," he was stated to have murmured as the judge pronounced the death sentence.

Senior railway officer Baldev Raj Seth (57), his wife Prabha, 50, daughter Kannika (11) and son Rishabh (7) were killed one by one in their bungalow in Mettuguda.

Their bodies

were later stuffed in their car, which was driven to Malkajgiri and set on fire by the foursome. Seth's elder daughter Mrinal escaped as she was away in Delhi.

## Bodies burnt

The interesting point of prosecution conducted by S. Vijay Prashant was that none of the witnesses turned hostile. The court had also examined 137 documents and 111 objects. Upadhyay from Bihar was living with the Seth family in Mettuguda. With the help of his associates, he killed Rishabh and Prabha by slitting their throats during daytime and later killed Kannika in a similar fashion. She had just returned from school. Seth, who came home in the night, was shot dead at a close range.

Related reports on Page 3

# First-ever death penalty awarded in history of RR district courts

Concerted efforts of the police, prosecutors and the forensic experts, says ex-additional public prosecutor

Staff Reporter

**HYDERABAD:** The death sentence of Chandrabhushan Upadhyay for killing railway top official B.R. Seth and three members of his family came as a surprise to the police.

This is stated to be the first-ever such verdict in the 25-year-long history of Bangalore district courts.

Concerted efforts of the police, prosecutors and the forensic experts helped arrive at the verdict, says ex-additional public prosecutor S. Vijay Prashant.

## Brutal murder

The brutal manner in which the treated pea-soup Upadhyay slit the throats of Rishabh, 7, Kannika, 11, and Prabha, 50, and that of B.R. Seth made it fit the case for awarding death penalty, he submitted.

Upadhyay's confidante whom he wanted to take vengeance of the humiliation by Mrs. Seth made the murders appear even more horrific.

From reconstruction of the crime scene to presentation of forensic evidence, the entire process modelled like a well-oiled machine, says S. Vijay Prashant, who argued the case before the court on Wednesday.

## Witnesses firm

Unlike other serial killers, Upadhyay's associates visted from their original statements while deposing before the court.

"He was a buyer at a petrolium bunk in Tarnaka. Abdul Rehman, a shopkeeper, informed him about the killing," he said.

The killers while taking the bodies to Mettuguda shop, where they had to buy 5 kg of brass, he said.

## Rehearsed

The landlord Godhuk Boi,

whose house the main killer's brother-in-law had租住, said that he had seen all the statements relating to the case and Upadhyay, who had come to him with some money to run from court to other places, too played a vital role in successful prosecution of the case.

## Key role

Malkajgiri police station constable Someshwar, who single-handedly wrote down all the statements relating to the case and Maithili, who had been a witness in the criminal trial, also gave crucial information to the police.

## Rehearsed

Upadhyay, who had been to the court earlier, had rehearsed the entire sequence of events with his associates, says S. Vijay Prashant.

## Witnesses firm

Upadhyay, who had been to the court earlier, had rehearsed the entire sequence of events with his associates, says S. Vijay Prashant.

"The police, prosecutors and the forensic experts worked in a team to arrive at the verdict," he said.

## Witnesses firm

Upadhyay, who had been to the court earlier, had rehearsed the entire sequence of events with his associates, says S. Vijay Prashant.

## MURDERS MOST FOUl

■ Horse in Bahadur temple: Mr. Upadhyay, who had been to the court earlier, had rehearsed the entire sequence of events with his associates, says S. Vijay Prashant.

## Witnesses firm

Upadhyay, who had been to the court earlier, had rehearsed the entire sequence of events with his associates, says S. Vijay Prashant.

## Witnesses firm

Upadhyay, who had been to the court earlier, had rehearsed the entire sequence of events with his associates, says S. Vijay Prashant.



**TEAM WORK:** Prosecutors E. Suresh, S. Vijay Prashant and A. Abhishek (seated) who argued B.R. Seth murder case.

## High Court has to ratify

Staff Reporter

death sentence was confirmed and to file an application to the apex court.

Only the Maharashtra govt can file a writ petition. The govt was summoned and a notice was issued to the court. The court will hear the matter on July 10.



■ The present death sentence can be ratified by the High Court.

■ The last execution in the state was that of Bernadine D'Souza in 1997.

■ In 1997, Chodagam Rao and Thamburathai came to the gallows in the Chikkadpally jail after being sentenced to death.

■ Previously only Andhra Pradesh, Bihar and Jharkhand had carried out death sentences in the State.



## Philosophy

We have come a long way to know and identify the most primitive and perhaps hence the most dependable evidence. In a world which is round, the END always is the beginning.

Hence, to know DNA is to know the very beginning (or the end) of the evidence of creation itself—dependable, decisive and final.

## Acknowledgement

*The author wished to thankfully acknowledge the encouragement given by Sri O.N.Murthy, the Director, A.PFSL, Hyderabad in the preparation & presentation of this paper. Thanks are also due to the staff of DNA lab, APFSL and of the DNA lab, CCMB, Hyderabad.*

## References

- Moretti TR, Baumstart AL, Defenbaugh DA, Keya KM, Smerick JB, Budowle B; Validation of short tandem repeats (STRs) for forensic usage, performance testing of fluorescent multiplex STR

- systems and analysis of authentic and simulated forensic samples; J. Forensic Science, 2001 4:647-60.
2. Moretti TR, Baumstart AL, Defenbaugh DA, Keys KM, Brown AL, Budowle B; Validation of STR typing by capillary electrophoresis; J. Forensic Science, 2001; 46:661-76.
  3. Hanna Andreesson and Marie Allen; Rapid quantification and sex determination of forensic evidence materials; J. Forensic, Nov, 2003; 48:1280-87.
  4. DNA fingerprinting: An Introduction by Lorne. T. Kirby.
  5. PCR Technology by Erlich.
  6. Forensic DNA technology by Mark A. Farley & James J. Harrington.
  7. Hand book of Forensic Sciences Vol.III Richard Saferstein
  8. Introduction to Forensic Sciences Second Edition William G Eckert.
  9. Nucleic acid Principles and Bioapplications. Charles A. Dangler.
  10. DNA Fingerprinting by Burker T.
  11. DNA Profiling & DNA Fingerprinting by Jorg. T. Epplen.
  12. Principles of Genome Analysis by S.B. Primrose.
  13. Keith Inman and Rudin., (1997)' An Introduction to Forensic DNA Analysis' CRC Press.
  14. DNAAnalysis SOP, verson 2.1, June 2002. CBI Forensic Laboratory.

# **Application of Centrographic Technique, Pattern of Property Crimes in Chennai City: A GIS based Approach**



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

**Dr. S.Sivasankar<sup>1</sup> Dr. A. Sivamurthy<sup>2</sup>**

## **Keywords**

GIS Spatial Analysis, Spatial Statistics, Centrographics Techniques, Spatial Mean Center, Standard Deviation Ellipses, Environmental Opportunity.

## **Abstract**

Geographical Information System (GIS) for crime analysis is a cutting edge application used by law enforcement agencies to support crime analysis activities that are being explored with the goal of expanding and enhancing the theoretical and practical knowledge base in the prevention of crime, so that, the analytic potential of GIS in crime analysis really begin to manifest itself. By the use of calculated centers of mass, it is possible to say whether the locus of criminal activity is shifting in a city. It is also possible to tell whether patrol cars should be placed to minimize the response time in answering calls about crimes. It always had been of great concern for researchers in the field of Environmental Criminology. The spatial mean center point can be used as relative measure to compare spatial distributions between different crime types or against the same crime type for different periods of time. The authors intent to provide an illustrative context for the focus of the paper mean center points are used to compare spatial distributions of different types of property crimes in same period of time in Chennai city. This study is relevant in the present crimes in same period of time in Chennai city. This study is relevant in the present scenario because there is no significant study on

---

### **Author Intro:**

- 1 GIS specialist, First Indian Corporation, Mangalore.
- 2 Former Head & Professor, Department of Criminology and Criminal Justice, University of Madras

pattern of property crime and mean centers and standard deviational ellipse in a GIS angle and this study intends to fill up the void in the series of studies on crime with a GIS perspective.

## **Introduction**

The incidence of crime is subject to extreme variations as crime itself has a strong spatial component. Thus identification of the geographical component in crime is a necessary pre-requisite for making judgment as to how far the social state of the city departs from the just ideal. As the city develops, typical patterns of differentiation become associated with particular type of population and certain systematic relationship between geographical space and social space appear (Timms, 1971). The spatial patterning of crime is mainly the outcome of processes in society. To understand such processes, it is necessary to study the pattern first. In other words, the study of location must be starting point in tacking the problems of understanding crime.

By the use of calculated centers of mass, it is possible to say whether the locus of criminal activity is shifting in a city. It is also possible to tell where patrol cars should be placed to minimize the response time in answering calls about crimes. Finally, the center of mass can be used to help unravel some of the visual complexities of multi-component maps. If several crime distributions are dissimilar. If the centers are clustered, then the distributions may be similar. (Brantingham/Brantingham, 1984)

Mean centre sometimes called a center of gravity the sense in that it represents the point in a distribution where all other points are balanced if they existed on a plane and the mean center was a fulcrum (Ebdon, 1988; Burt and Barbar, 1996).

The spatial mean is a univariate measure of the central tendency of a point pattern (Taylor, 1977). The mean center point can be used as a relative measure to compare spatial distributions between different crime types of against the same crime type for different periods of time. Here mean center points are used to compare spatial distributions of different types of property crimes in same period of time. The Standard Deviation Ellipses calculates the standard deviation of the x-coordinates and y-coordinates from the mean centre to define the axis of the ellipse. This ellipse shows if the distribution of crime incidences is elongated, which indicates a particular orientation.

## Previous studies

In most of the previous crime mapping studies, very few writers made a study on mean centers and Standard Deviation Ellipses of crime points. (Ceccato et al, 2002) investigated changes in spatial patterns of residential burglaries in the city of Stockholm, Sweden. The finding of the study suggest that the spatial pattern of urban crime in the city have remained stable over the past decade, with only minor shifts in the geographical patterns of crime and their association with underlying socio-economic conditions of the neighborhoods.

As far as India is concerned, a pioneering effort was made by Sivamurthy (1989). He examines the mean centre of distribution of house burglaries in Madras city. He tries to locate the mean centre of distribution and to measure the dispersion around the mean centre. The result shows that the mean centre of house burglaries in Madras city is located at Thousand Lights. Within a neighborhood in Madras that is within the standard distance circle - Perambur (north), Amijikarai (west), Alwarpet (south) and Chepauk (east) are found. Sixty six per cent of the incidence of house burglaries occurs within radius of 4.10 km from mean centre. The pattern of house burglaries in Madras city does not follow a normal distribution. The area of offence is situated close to the areas of high environmental opportunity.

## Objectives

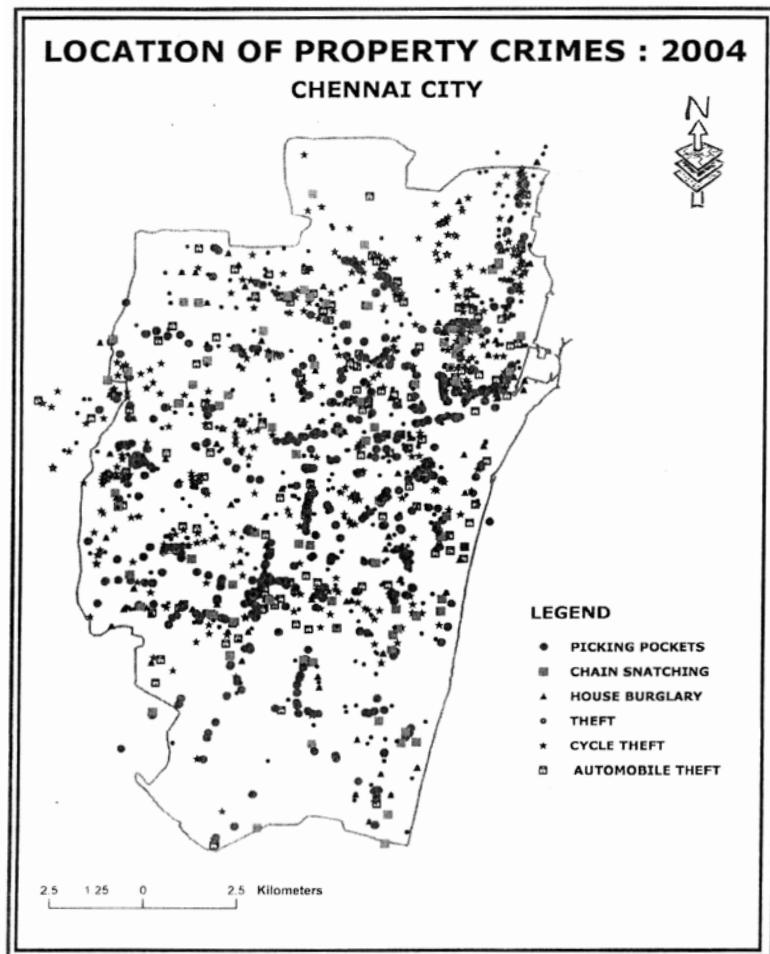
The spatial distributions or dispersion of property crimes may not be equal for all types of property crimes, even in same crime it may varies in different period of time. The study is aimed at understanding the spatial dispersion and spatial shift of property crimes in Chennai city.

## Data and Methodology

This study relies on the secondary data obtained from the state CRB (Crime Record Bureau)Chennai. The police station wise crime data pertaining to incidences of Theft, House burglary, Pocket picking, Cycle theft, Automobile theft and Chain Snatching for the year 2004 have been collected from CRB for all 80 police stations in Chennai city. As per the CRB (Crime Record Bureau); Chennai city has recorded approximately

6,602 located crime incidences during the years of 2003 and 2004.

The locational data of property crimes were entered using ArcGIS 9.2 (Figure 1). Then X,Y Coordinates were generated for property crimes (Theft, House burglary, Pocket picking, Cycle theft, Automobile theft and Chain Snatching). Using these X, Y, coordinates subsequently these crime points were exported to stat3 (spatial statistic software) to analyze the Mean centers and Standard Deviation Ellipse areas. The Final output maps were prepared in the ArcGIS layout.



**Figure 1**

The formula for the spatial mean center is:

$$(\bar{x}, \bar{y}) = \left( \frac{\sum f_i x_i}{\sum f_i}, \frac{\sum f_i y_i}{\sum f_i} \right)$$

The formula is described, where  $\bar{x}$  and  $\bar{y}$  are the coordinate of the spatial mean,  $x_i$  and  $y_i$  are the x coordinates and y coordinates for each point, and there are a total of n point. If the x-y coordinates of the point features are included in the attribute table together with other attributes, then using simple database or statistical operations supported by most GIS, the spatial mean can easily be calculated.

The formula for the standard deviational ellipse is:

$$\tan \theta = \frac{(\Sigma x'_i)^2 - (\Sigma y'_i)^2}{2 \Sigma x'_i \Sigma y'_i} + \sqrt{\frac{[(\Sigma x'_i)^2 - (\Sigma y'_i)^2]^2 + 4(\Sigma x'_i \Sigma y'_i)^2}{2 \Sigma x'_i \Sigma y'_i}}$$

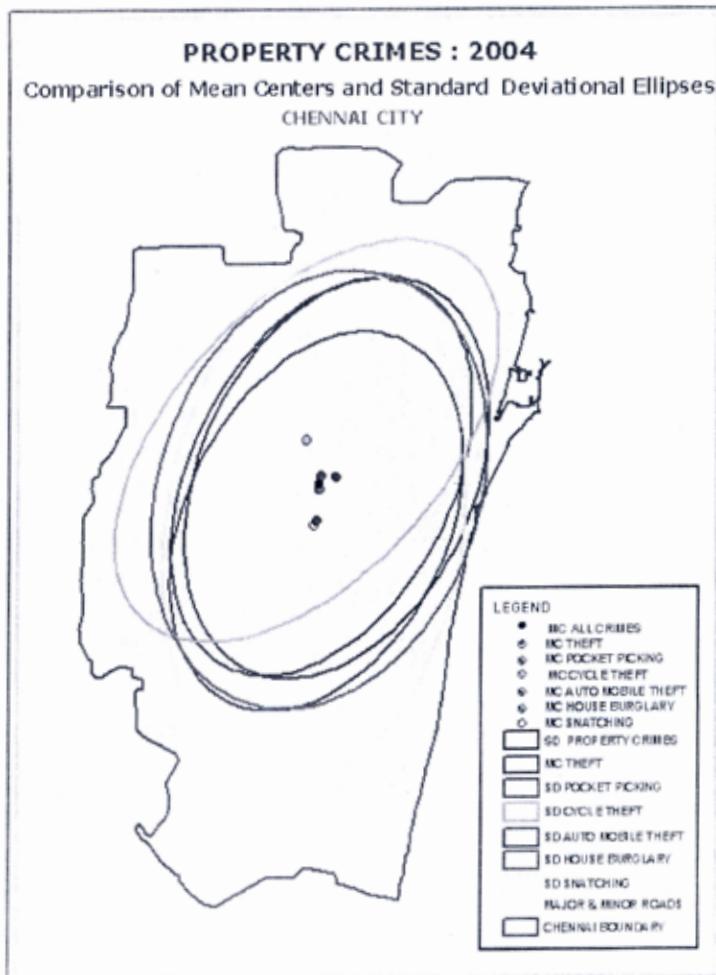
The derivation of standard deviational ellipse, which can be regarded as an extension of standard distance, is entirely based on the x-y coordinates of the set of locations. The ellipse can reflect the orientation of a set of locations around the spatial mean. The derivation of the ellipse is slightly more complicated than the standard distance, but is still applicable in the GIS environment. The three major steps are: transforming the locations to center at the spatial mean (deriving the x's and y's); deriving the angle of rotation based upon the transformed coordinates; calculating the deviations of locations along the rotated x and y axes. Results from these three steps are used to create the standard deviational ellipse.

## **Result and discussions**

As mentioned earlier that the mean center point can be used as a relative measure to compare spatial distributions between different crime types. Figure 2 reveals that mean center for property crimes in 2004 are located almost at the center of Chennai city. The theft mean center located further north of five other crime subsets and its position in Kellys road. The mean center for snatching and pocket picking is located in Nungambakkam, these two centre are south of all other subsets. Auto

theft and House burglary mean centers locations are in Spur Tank Road. Theft's mean center is located at Egmore high road and it is east of all other crime subsets.

The mean centers result shows that in Chennai city there is significant shift in the spatial distribution of crime types in the year of 2004. The mean centers are widely dispersed in both the years and it shows distributions of property offences are dissimilar.



**Figure 2**

## Standard Deviational Ellipses: Results

Figure 2 shows that standard deviation ellipsis for the six crime types in the years of 2004. The subtle differences between the ellipses help to describe the relative differences in dispersion and alignment of the crime type patterns. The all crimes (includes six subsets) Standard Deviational Ellipses can be used as a control to compare against crime type subsets.

Figure 2 reveals that cycle theft ellipse is (some level) isolated from the other crime subsets and its position is north of all crimes, it's reflecting in mean center. The orientation of cycle theft ellipse is north - east and west and area of ellipse is 75.13sq km. Snatching ellipse being farther south of all crimes reflects its mean center. Its north, south orientation also helps to describe the general direction toward which Snatching crimes have a tendency to be patterned. Its area of ellipse is 88.90 sq km. The position of pocket picking ellipse is south of all crimes and area of ellipse 60.05 Sq km. Its orientation is north-east, south-west. automobile theft and house-burglary crimes ellipses are similar in orientations and positions but slight variations are also found.

## Conclusion

The analysis shows that the level of dispersion pattern and orientation is not same for all crime types, the results clearly indicate that there is dissimilar dispersion and orientation found in occurrences of all types property crimes. The area inside the ellipse is the primary patrol zone; the remaining area is defined as secondary patrol zones. This can help police departments in better allocation of resources and such identifications may help the police for law enforcement planning. Sometimes, the mean center works as a statistical forecasting. This location also could act as a central meeting point for coordinating surveillance activities (may be offender residence) surrounding these property offences.

## References

- Brantingham, P.J. and Brantingham, P.L., (1981), Environmental Criminology, Sage Publication Inc.
- Brantingham, P.J. and Brantingham, P.L., (1984), Patterns in crime, Macmillan, Publishing Company, New York.

- Bowers et al "Measuring of Geographic displacement of Benefit Effect of crime prevention Activity" Journal of quantitative criminology, Vol 19, No.3, September 2003, PP No. 275-300
- Ceccato Vania, Haining Robert, and Paola Signoretta. 2002. "Exploring Offence Statistics in Stockholm City Using Spatial Analysis Tools." Annals of the Association of American Geographers, 92 (1): 29-51.
- John E. Eck, Spencer Chainey, James G. Cameron, Michael Leitner, and Ronald E. Wilson (2005) Mapping Crime: understanding Hot Spots, National Institute of Justice Publication.
- Ebdon D 1998 Statistics in Geography, New York, Basil Blackwell Ltd
- Timms, D (1971) The Urban Mosaic London: Cambridge University press.
- Sivamurthy, "Pattern of House - Burglary: The Application of Centro graphic Technique", Indian Journal of Criminology, Vol 17, NO: 1, January 1989, Page No: 53-57.
- Taylor, P.J. (1977). Quantitative Methods in Geography: An Introduction to Spatial Analysis. Boston, MA: Houghton Mifflin Company.
- Jaishankar, K., (2004), Hot Spots of Property Crimes in Chennai City, The Indian Police Journal, Jan-Mar, Vol LI No.1, 107-116.
- <http://www.gisloung.com>
- <http://www.tnpolice.com>
- Mitchell, Andy. The ESRI Guide to GIS Analysis, Volume 2. ESRI Press, 2005.

# **Utilisation of forensic services by the Investigating Officers in the UT of Puducherry**



The Indian Police Journal  
©BPRD, MHA  
BPRD Publication  
[www.bprd.gov.in](http://www.bprd.gov.in)

**J Jeremiah<sup>1</sup>, B Shanmukham<sup>2</sup>**

## **Keywords**

Forensic Science in Puducherry, Utilisation of Forensic Science, Forensic Science Utilisation by Investigating Officers.

## **Abstract**

Even though, forensic science has grown exponentially in the past four decades, its utilisation in the Indian scenario is always a matter of debate. In many cases, forensic services have been low on budget and hence, poorly organized. On the other hand, under-utilisation of forensic services has been a serious matter of concern.

In the UT of Puducherry, a newly established Regional Forensic Science Laboratory (RFSL) has been in existence for a year. It is attached with a District Mobile Forensic Unit (DMFU) which has been operational for more than 2 years. Statistical numbers of the cases which used scientific aids to investigate crimes, when compared to the original number of crimes reflect the extent of utilisation of forensic services by the investigating officers. This empirical study ventures to identify the extent of utilization, its effects on criminal investigation system and recommendations for better utilisation.

---

## **Author Intro:**

- 1 Analyst, Forensic Science Laboratory, Puducherry – 607 403.
- 2 OSD / Director, Forensic Science Laboratory, Puducherry – 607 403.  
Email: [fslab.pon@gov.in](mailto:fslab.pon@gov.in)

## **Forensic Services in Puducherry**

**A** Regional Forensic Science Laboratory (RFSL) has been operational from May 2015. It is under the control of the Home Department, Government of Puducherry. It presently has two divisions namely Biology and Serology. Other divisions are soon to be set up. Presently, samples related to blood, semen, other biological fluids, hair, fiber etc. are analysed in the Biology Division. The Serology Division performs blood grouping on blood, semen and other body fluids.

In addition to the RFSL, a District Mobile Forensic Unit (DMFU) is operational from May, 2014. The DMFU visits the Scene of Crime (SOC) to assist the investigating officers to identify, choose, collect, pack and transport scientific clues in the SOC. In addition, the DMFU staff also perform spot tests to help the investigating officers to choose the useful clues. The DMFU does not limit itself to Biology and Serology divisions only, but attends to other crimes as well.

The Union Territory of Puducherry comprises of 4 coastal regions viz. Puducherry, Karaikal, Mahe and Yanam. The jurisdiction of Puducherry is scattered over three different states in the country – Puducherry and Karaikal are embedded in Tamil Nadu, Mahe in the west coast of Kerala and Yanam is in Andhra Pradesh.[1] The RFSL and DMFU extend services throughout all the regions of Puducherry including main land Puducherry, Karaikal, Mahe and Yanam.

Other than Biology and Serology, samples related to toxicology are sent to the Public Health Laboratory, situated in Puducherry, which has been existent even before the setting up of the RFSL.

All the other samples, including samples related to physical sciences, DNA, explosives etc. are sent to Central Forensic Science Laboratory (CFSL), Hyderabad.

## **Scope of the Study**

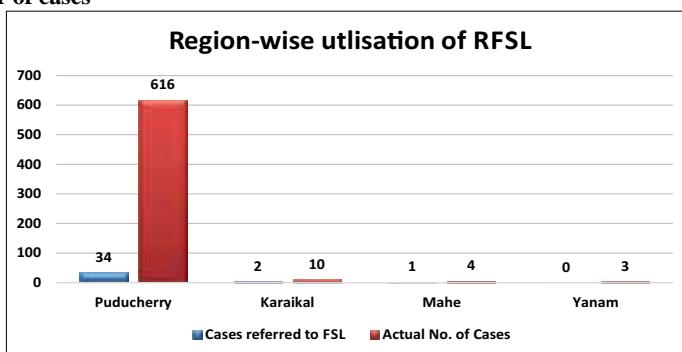
The data with regard to the RFSL was collected at the end of its one year of existence. During this period of one year, data was also collected from the Crime Records Bureau, Puducherry for comparison.[2] Only cases registered under murder, attempt to murder, culpable homicide, rape, hurt, POCSO Act and custodial death have been taken into account as the Biology & Serology divisions of the RFSL serves only to these

crimes at present

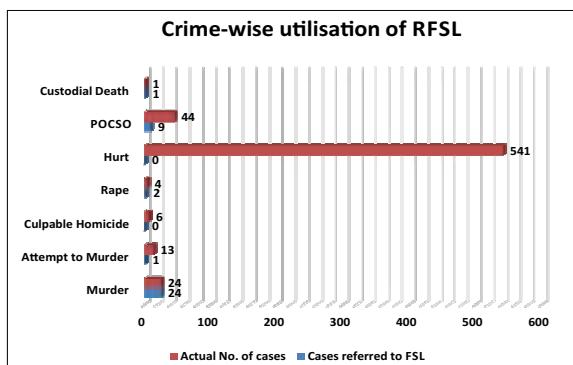
The data with regard to the DMFU was collected during the last two years and compared with data from the Crime Records Bureau, Puducherry during the same period.[2] Cases registered under murder, attempt to murder, culpable homicide, rape, hurt, suicide, theft, explosives, arson and Road Traffic Accidents have been taken into account.

### *Findings (RFSL)*

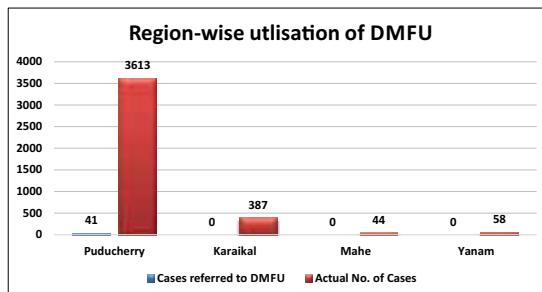
1. Region-wise distribution of cases received in the RFSL, Puducherry compared to actual crime statistics.
2. Crime-wise distribution of cases received in the RFSL compared to actual number of cases



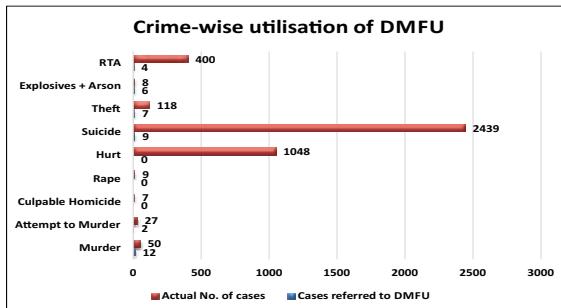
### *FINDINGS (DMFU)*



1. Region-wise distribution of cases received in the DMFU, Puducherry compared to actual crime statistics.
2. Crime-wise distribution of cases received in the DMFU compared to actual number of cases



## Calculations



## *Findings (RFSL)*

**Percentage of cases which used RFSL services (37 cases of 633 cases)  
= 5.85%**

1. Region-wise utilisation of the RFSL

S No	Region	Percentage of Utilisation
1	Puducherry	5.52%
2	Karaikal	20.00%
3	Mahe	25.00%
4	Yanam	0.00%

## 2. Crime-wise utilisation of the RFSL

S No	Crime	Percentage of Utilisation
1	Murder	100.00%
2	Attempt to Murder	7.70%
3	Culpable Homicide	0.00%
4	Rape	50.00%
5	Hurt	0.00%
6	POCSO	20.46%
7	Custodial Death	100.00%

### *Findings (DMFU)*

**Percentage of cases which used DMFU services (41cases of 4102 cases) = 0.99%**

#### 1. Region-wise utilisation of the DMFU

S No	Region	Percentage of Utilisation
1	Puducherry	1.14%
2	Karaikal	0.00%
3	Mahe	0.00%
4	Yanam	0.00%

#### 2. Crime-wise utilisation of the DMFU

S No	Crime	Percentage of Utilisation
1	Murder	24.00%
2	Attempt to Murder	7.41%
3	Culpable Homicide	0.00%
4	Rape	0.00%
5	Hurt	0.00%
6	Suicide	0.37%
7	Theft	5.93%
8	Explosives + Arson	75.00%
9	RTA	1.00%

**Total utilisation in percentage (RFSL - 5.85% & DMFU – 0.99%) = 3.42%**

## **Discussion**

The Justice Malimath Commission in its report “State of the art Forensic Science for better Criminal Justice” back in 1999, has documented that in only less than 5% of registered crime cases, Forensic Science is used during criminal investigation.<sup>[3]</sup> This empirical study also identifies that the numbers have not improved. The UT of Puducherry being a small area, can clearly perform better. As the forensic science setup is relatively new to the UT, if early steps are taken to bring about efficient usage of forensic services, it can be a role model for other states to follow.

Dr. T.R. Baggi, retired Director, CFSL, Hyderabad in an article published in The Hindu stated that “*Forensic Science’ is an ornamental and cosmetic utility of the investigating agencies... It is showcased and remembered only when major or sensational crimes occur to satisfy the inquisitive and demanding media and the citizens.*”<sup>[4]</sup> The statement holds good with regard to the extent of utilisation of forensic services in the UT of Puducherry. Out of the four regions of Puducherry, three have not at all utilized the services of the DMFU. Crimes like, attempt to murder and hurt have not adequately utilized the services of the RFSL as well.

The major hurdle in achieving better utilisation of forensic services by the investigating officers lies in the poor co-ordination between forensic science services and police personnel. Even though the conviction rate in the UT of Puducherry is 90% and is placed second in the entire country as per ‘Crime in India 2013’, published by the National Crime Records Bureau,<sup>[5]</sup> there is always the need to improve in a small area like Puducherry. The next major requirement that needs to be addressed is the need for laws to make use of forensic services mandatory in crimes of specific nature.

## **Recommendations**

### **1. Need for better Police-Forensic Scientist relationship**

A good rapport between police officers and forensic personnel can help remove the neglect of forensic use in the UT of Puducherry. Regular training of the police personnel in topics of forensic relevance need to be imparted. Police Training Institutes need to have a minimum of 50 hours

of forensic training a year. Workshops to provide practical hands-on experience in collection and packing scientific clues may be conducted on a yearly basis. New recruits must undergo extensive forensic training as part of their orientation programme. Forensic experts may be included in the teaching roll of the Police Training Institutes so that there is a regular upgradation of forensic knowledge and a warm relationship between the two sides.

## *2. Emphasis on correcting the Crime-Conviction imbalance*

Even though the conviction rate in the UT of Puducherry is above most of the states and is ranked as the second best conviction rate,<sup>[5]</sup> when the small nature of the jurisdictional area is taken into consideration, there is always scope for improvement. The role of forensic services is more useful in obtaining a conviction in criminal cases than to actually identify the offender. After all, the basic guiding principle of forensic science is the Locard's principle of exchange which states that whenever two objects are in contact with each other, there is an exchange of material. Forensic science can fix this exchange of material and can identify the source of the exchange and thereby help the investigating officers in proving the crime, the modus operandi and the sequence of events before and after the crime. There must be a constant emphasis on improving the conviction rate which can in turn urge the investigating officers to use forensic services during their investigation.

## *3. Legal Amendments*

Forensic reports and evidences are accepted in the court of law under Section 293 Cr.P.C or Section 45 of the Indian Evidence Act. But, the age old Cr.P.C and Evidence Act do not provide for mandatory collection, preservation and examination of scientific clues. This has led to delicate situations where the entire judicial procedure is dependent on testimony of eye witnesses which has been very disturbing. Even though scientific examination is a foolproof and clinching tool, there is no provision in our criminal justice system to ensure that adequate forensic science has to be used in the investigation.<sup>[6]</sup>

If that is the case with regard to the Forensic Science Laboratories, the Mobile Forensic units too lack necessary guidelines or laws to ensure mandatory use of scientific experts in the scene of crime.<sup>[7]</sup> Many court

judgments have criticized investigating officers for failure to gather required scientific evidence. Sometimes, they have been penalized for planting evidence to implicate innocents.<sup>[6]</sup> A scientific expert, heading the DMFU can be utilized to efficiently identify, collect and pack scientific clues of relevance. Their presence in the SOC can further strengthen the nature of results obtained from the FSL's. Legal amendments are needed such that the report of the DMFU must also be taken into account during the judicial process.<sup>[7]</sup>

Therefore, there's an urgent need for legal amendments to include the use of forensic science as a major part of criminal investigation.

## **References**

1. Puducherry Police Official Website, <http://police.puducherry.gov.in>
2. Crime Records Bureau, Puducherry Police, Official Website, <http://police.puducherry.gov.in/Crime%20Statistics/Puducherry%20Crime%20Statistic%20Main.html>
3. Dr. T R Baggi, *Why is Forensic Science stunted and static in India?* The Hindu, Open Page, Published on September 11, 2011.
4. Justice V S Malimath, *State of the art Forensic Science for better Criminal Justice*, National Human Rights Commission, New Delhi, July 2010, Page 4.
5. NCRB, *Crime in India 2013 Statistics*, National Crime Records Bureau, MHA, New Delhi
6. Justice V S Malimath, *State of the art Forensic Science for better Criminal Justice*, National Human Rights Commission, New Delhi, July 2010, Page 39-42.
7. Bhu Shanmukham, *The role of the forensic scientist in the field without necessary laws*, CBI Bulletin, January 2001, Page 18.

## **Important Message**

**Forthcoming Issues of The Indian Police Journal will be  
dispatched by E-mail as well. Kindly send your E-mail ID  
to editoripj@bprd.nic.in or editoripj@yahoo.co.in.**

**Editor**

# The Indian Police Journal

Vol. 63 • No. 2-3 • April-September, 2016

## Note for Contributors

The Indian Police Journal (IPJ) is the oldest police journal of the country. It is being published since 1954. It is the flagship Journal of Bureau of Police Research and Development (BPRD), MHA, which is published every quarter of the year. It has circulation of 4500 and through web it is circulated to Interpol countries and other parts of the world. IPJ is a peer reviewed journal featuring various matters and subjects relating to policing, internal security and allied subjects. Over the years it has evolved as academic journal of the Indian Police providing critical inputs to the stakeholders of policing and internal security.

### **How to submit Article/Paper**

The paper/article on crime, criminology, general policing, internal security, forensic science, forensic medicine, police organization, law and order, cyber crime, organized crime, white collar crime, crime against women, gender policing, juvenile delinquency, human resource development, police reforms, organizational restructuring, performance appraisal and service delivery, social defence, police family, police housing, police training, human rights, intelligence, corruption, terrorism and counter terrorism, community policing and allied subjects can be submitted.

The paper/article with keywords and abstract should be between 2000-4000 words. The paper/article should be original and has not been published in any journal. A brief detail about author should be also submitted. The paper can be submitted through email:[editoripj@bprd.nic.in](mailto:editoripj@bprd.nic.in)/[editoripj@yahoo.co.in](mailto:editoripj@yahoo.co.in).

The paper/article can be submitted via post with hard copy in duplicate and a CD on following address: **The Editor, The Indian Police journal, BPRD, MHA**, Block No. 11, 3/4 Floor, CGO Complex, Lodhi Road, New Delhi-11003. Tel: 011-24362402

