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IPJ

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FOREWORD

The Indian Police Journal is (IPJ) is the oldest Police Journal of the country. It is being published since 1954. IPJ is a peer reviewed Journal, listed in the UGC care list, featuring subjects, subjects ranging from Policing, Police Administration and Management, Correctional Administration and Prison Management, Forensics including digital evidence to sharing of good practices and standards among the Police forces among others. Over the years it has evolved as academic journal of the Indian Police providing critical inputs to the stakeholders of policing and internal security. In its own way, the IPJ seeks to contemporize traditional policing wisdom with the requirements of the day.

IPJ publishes original research studies, conceptual articles, theoretical overviews or reviews and provides a platform for theory, research and practice to come together to reflect upon the constantly changing landscape in which police personnel around the country operate. It seeks to encourage policing practitioners, academic researchers and other contributors to submit articles for publication that focus on real world policing issues such as cybercrimes, criminal investigation, crime prevention, human resource development, police reforms, organizational restructuring, human rights, intelligence, corruption, terrorism and counter terrorism, community policing and allied subjects among others.

It is sincerely hoped that the readers will find articles in this issue useful and will continue contributing their valuable suggestions for further raising the standards of the IPJ.

(Balaji Srivastava)
Chief Patron

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EDITORIAL

The Indian Police Journal is a flagship journal on Policing and Correctional Administration, listed in the UGC care list, dealing with subjects ranging from Policing, Police Administration and Management, Correctional Administration and Prison Management, Forensics including digital evidence to sharing of good practices and standards among the Police forces among others. In its own way, the IPJ seeks to contemporize traditional policing wisdom with the requirements of the day.

We have tried our level best to get the finest articles for an informational and educational standpoint from serving and retired police officers, academicians, and various eminent personalities from law enforcement agencies. This issue covers a number of interesting topics as enumerated below:

The article by Dr. Savita Butola, assesses the factors associated with the motivation and integration of women employees, so as improve their work output, morale and improve integration within the pre-dominantly male force.

The article, "Gender Bias and Stereotyping in Police: Social and Psychological Aspects", aims to address the psychological health issues faced by women police personnel due to job and family pressure and discover solutions to curb the issues.

Dr. Nidhi Sinha's article, seeks to identify the problem areas concerning women Police personnel with respect to their personal lives.

Through his article, Dr. Pranav Kumar examines various aspects of the chain of custody and its need for evidence integrity.

Sulochana Gajraj in her article, highlights amendments introduced in the Bharatiya Sakshya Adhiniyam, 2023 and its impact on the admissibility of confessions made by co-accused individuals.

"Promoting Good Practices and Standards"

The article by Navdeep Singh Brar attempts to portray the importance of scientific aid and forensic psychology/Psychological Autopsy technique by using a case study.

“A Survey on Fear of Cybercrime Victimization in India”, tries to understand the fear psychosis in relation to cybercrimes and provides suggestions to curb the same.

In the article, “Need for Victim Participation: Retributive to Restorative Justice”, the authors analyse the role of the International Criminal Court (ICC) and how they can be useful in ensuring victim's participation effectively.

Md. Imran Wahab's article, gives a first-hand experience of the various challenges faced by Police personnel in their jobs and provides suggestions to minimize them.

In his article, M.K. Devarajan stresses on the importance of community policing and way it can be an asset for the development of the nation.

The article, “On the Right Track: Refining Policing in Maharashtra's Railways”, informs one of the efforts of the Railway Police Force (RPF) in safeguarding rail passengers through crime investigation and maintenance of law and order.

In the article, “Health Status and Resilience: A Study on Police Personnel of Arunachal Pradesh during Covid-19”, the authors analyses relationship between health status (physical and mental health) and resilience among the police personnel of Arunachal Pradesh during the Pandemic.

We hope this publication will be useful to all stakeholders who aspire to bolster the functioning of the Police forces. As always, we look forward to your support and suggestions.


(Ruchika Rishi, IG)
Managing Editor

Contents

S. No.	Title of the Article	Page No.
	Women in Police	
1.	Bio Psycho-social Factors Affecting Motivation and Integration of Female Personnel in Border Security Force <i>Dr. Savita Butola</i>	1
2.	Gender Bias and Stereotyping in Police: Social and Psychological Aspects <i>Dr. Dolly Mishra and Poonam Patel</i>	23
3.	Female Police Personnel in Bihar: An Exploration of their Working Conditions <i>Dr. Nidhi Sinha</i>	35
	Investigation	
4.	Chain of Custody for the Integrity of Evidence: A Critical Examination <i>Dr. Pranav Kumar, IPS</i>	44
5.	An Overview of Legal Provisions Regarding Confession, Disclosure, Recovery and Discovery in Police Investigations <i>Sulochana Gajraj, IPS</i>	55
6.	Leverage of Behavioural Evidence and Psychological Autopsy in Equivocal Death Investigation <i>Dr. Navdeep Singh Brar, IPS</i>	62
	Victim-Centric Issues	
7.	A Survey on Fear of Cybercrime Victimization in India <i>Jayesh Kumar and Dr. Swikar Lama</i>	72
8.	Need for Victim Participation: Retributive to Restorative Justice <i>Amit Upadhyay and Abhinav Mehtrotra</i>	82
	Challenges and Improvements in Policing	
9.	Challenges Afflicting Indian Police <i>Md. Imran Wahab, IPS</i>	89
10.	National Police Mission and Community Policing <i>Dr. M.K. Devarajan, IPS</i>	103
	Other Topics	
11.	On the Right Track: Refining Policing in Maharashtra's Railways <i>Dr. Pradnya Saravade, IPS and Riddhi Pawar</i>	111
12.	Health Status and Resilience: A Study on Police Personnel of Arunachal Pradesh during Covid- 19 <i>Jomyir Bagra and Yuma Narah</i>	125
13.	Thirty Seconds Cataclysm : Lessons for the Next Decade <i>Santosh Mehra, IPS</i>	133

Bio Psycho-Social Factors Affecting Motivation and Integration of Female Personnel in Border Security Force



Dr. Savita Butola*

Introduction

Men and women are different, not only anatomically, but also physiologically and psychologically. They have different abilities and needs as well as motivational factors. Motivation is the force acting either on or within a person to initiate behaviour. It affects the individual's enthusiasm, energy, commitment to organisational objectives, work-output and efficiency. It depends on numerous biological, psychological, cultural as well as economic factors. Motivational factors may be intrinsic-arising within a person e.g., passion, enjoyment, self-fulfilment, autonomy and meaning or extrinsic, which lie outside the individual and can be organisational or environmental - e.g., salary, benefits, punishment, recognition etc.

Male and female personnel are motivated by different factors. Underlying reasons are both biological and cultural. Males function better with internal motivation and external rewards; females with social support from peers, friends and families and a safe, secure environment comprising of good living accommodation, clean toilets, childcare options and ability to look after family commitments. Women troops have been shown to be more sensitive to perceptions of rejection by male colleagues, impacting integration and overall mission readiness of the force.

The process of successfully joining or mixing with a different group of people is important for creating a holistically diverse work-force. As two separate social groups, the level of

interaction of women and men varies from country to country and within countries, according to geographical, ethnic and religious factors. Traditionally, security forces have been male and due to recruitment of women being a recent phenomenon, there is a huge need for research about issues related to the performance of female personnel. In Border Security Force (BSF), women were inducted in the medical cadre in 1972, ministerial cadre in 1993, Other Ranks (GD) in 2008 and as Assistant Commandant (DE) in 2016. This research was therefore undertaken to explore the factors affecting the motivation and integration of women in BSF.

Review of literature

Earlier studies show that the motivation to join forces is influenced by job security, organizational policies, subsidized education, challenging opportunities, physical fitness standards, organizational culture, familiarity with forces, public outreach, public perceptions, concerns from family/friends, posting cycle, and work-life balance.

All over the world, a major factor cited as a barrier against the combatization of women is their exposure to sexual harassment and their lower physical capacity which could compromise the fighting efficiency of the force. Almost all NATO countries have significantly lower physical performance requirements for entrance and subsequent tests for females. British, American and Canadian research also shows that serving females face substantially

Author's Introduction:

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higher risks of sexual harassment and sexual violence than male personnel and female civilians. Policies against sexual harassment and a safe environment is conducive to both motivation and integration.

Even in Western countries which have had mixed gender forces for a long time and have better gender parity, the entry of women in forces has met with an inherent resistance and integration still requires concerted effort. Socio-cultural factors in India, where gender-norms are much more strictly enforced, lead to more numerous hurdles for working women. In case of female troops, the traditional male values cherished in security forces make these barriers even more difficult to cross.

Methods and Methodology

Objective: To explore the factors affecting motivation and integration of female personnel in BSF.

Study Design, Recruitment and data collection

A Mixed-methods design using both quantitative and qualitative methods was used since it would give more information compared to quantitative methods alone. This article is Part 1 of two articles that analyses the quantitative data of the study. The qualitative data is presented in Part 2.

'Stratified random sampling' with representation of all ranks was used for the quantitative strand to ensure that the sample represented the whole of the population. Data was collected from available records and questionnaires from serving male and female personnel of all ranks in various field areas, headquarters and training institutes. The interview subjects were selected by stratification by rank and then through randomization and drawing lots. They were invited via letters and phone calls. Letters of

invitation in English and Hindi, explaining the purpose, method of the study and voluntary nature of participation were sent along with consent forms. Written, informed consent is important as armed forces are 'vulnerable' research subjects owing to the strictly hierarchical nature of the organization.

The study tool was a questionnaire (Appendix A) designed on the basis of validated questionnaires used earlier to study integration of women in the US armed forces (Appendix B), approved by the training directorate, BSF. Questions were both multiple choice as well as open ended and designed to get information regarding the infrastructure available, the attitudes, issues faced by working women, awareness of these issues in males, knowledge about policies and the relationship shared with the unit/ colleagues. Piloting of questionnaires was done with 10 subjects. Their suggestions were incorporated before finally sending them out.

Data was collected from personnel of 3 units, one STC and one Composite Hospital each from the Eastern and Western Commands; as well as from Centre for Tactics and Strategic Studies, Centre for Officer's Training, BSF Training Academy, Tekanpur and Force Headquarters-Training and Personnel Directorates.

Data Analysis was performed for quantitative data using Microsoft Excel. The results were interpreted according to one dependent variable-the sex of the respondent.

Results

- A total of 8250 personnel were approached.
- There was a total of 402 respondents-140 females (F) and 262 males (M)
- The majority were Other Ranks - ORs (F-70.9%, M-57.5%) followed by



- Subordinate Officers-SOs (F-16.6%, M-24.2%) and Officers (F-12.6%, M-18.3%)
- Direct entry recruitment: (F-83.8%, M-90.7%)
 - Compassionate appointment: (F-11.5%, M-3.2%)
 - Education :
Upto Class 12th (F-39.2%, M- 49.2%)
Graduation and above (F- 60.8%, M-50.8%)
 - Very few had sports (F-22.5%, M-24.3%) or NCC background (F-13.1%, M-16.5%)
 - Majority of the females belonged to Bihar, West Bengal, Haryana, Rajasthan, Uttarakhand and Odisha.
 - Most males belonged to Uttar Pradesh, Punjab, Haryana, Bihar, Rajasthan, Uttarakhand, Jharkhand and West Bengal.
 - Majority of males were married (80.1%) while females were single (59.4%)
 - Nearly 23% of both sexes had relatives serving in forces, mostly husbands in case of women, followed by brothers and fathers.
 - More females (57.8%) than males (48.1%) said that they joined BSF as armed forces was their first choice.
 - More men (38.6%) than women (28.1%) joined as it was a government job but not their first choice.
 - Reasons for joining given by men: Pay and perks (41.3%), challenging nature of work (19.3%) and just another job (16.1%)
 - Reasons for joining: given by women: to learn the skills (31.1%), pay/ perks (17.2%), to continue a family tradition (17.2%)
 - Were aware of the duties BSF performs, before joining. F-63%, M-47.7%.
 - Joint families considered better for supporting working women. F-74% M-78% males.
 - Control of income: F-89%, M-77.6% said they themselves control it
 - Spouse/in-laws control income. F-1.6%, M- 6.2%
 - Spending own money as they want: F-71.1%, M-55.4 %
 - Becoming more independent as a working woman can worsen relationships with husband and in laws: answered by F-39.2%, M-46.6%
 - Improves relationships. Thought by F- 44.2%, M-34.7%
 - Barracks rated satisfactory/ good. F-77%, M-80.7%
 - Family quarters rated 'satisfactory/good'. F- 81.6% F, M-80.9%
 - Availability of toilets rated 'satisfactory/ good'. F-73.2%, M-6 3%.
 - Cleanliness of toilets found 'satisfactory/ good'. F-79.7%, M-73.1%
 - Availability of dustbins or incinerators for sanitary napkin disposal reported as 'not present or sometimes present'.
 - o In Headquarters: F- 40.9%, M-43.3%
 - o In BOPs: F- 61.8%, M-57.5%
 - o In Training areas: F-58.6%, M-56.2%
 - Women's need for privacy is adequately met. F-74.2%, M- 84.6%



- Basic training found difficult: F-60.4%, M-50.2%
 - Injuries during training reported- F-10.5% females, M-13.3%
 - Training should be together for all ranks. F- 42%, M- 41%
 - Never felt stressed due to work. F-22.7%, M-61.6%
 - Authorised leave is not sufficient to meet the needs of serving women: F-37.6%, M- 19.4%
 - Getting leave when needed is difficult. F-30.1%, M-30.4 %
 - It is helpful for both husband and wife to work in one organisation. F-53%, M- 68.4%
 - It is helpful for the organisation if husband and wife work in the same organisation as they work better if together. F-38%, M-23%
 - Couples should be posted together taking into consideration both the employees' and the organisation's requirement. F-85.8%, M-51.7%
 - Sadness of mood in preceding two weeks. M-48.2%, F-39.8%,
 - Unit morale reported to be high. F- 49.6%, M-68.8%
 - Relationship with unit:
 - Proud of their work, honoured to be a part of their unit: F- 43%, M-59.6%
 - Enjoy their work. F- 44.6%, M-32.9%
 - Indifferent and don't like the work. F-12.4%, M-7.9%
 - Relationships with colleagues:
 - Trust and depend on colleagues F-10.9%, M-37.5%
 - Good communication between them. F-37.8%, M-42.7%
 - Can do their duties well together. F-49.6%, M-16.4%
 - Women should join the forces. F-80.6%, M-44.8%
- More importantly, 128 male respondents did not answer this question.
- Women are treated differently by male colleagues because they are women. F- 45%, M-38%
 - Women are treated differently by the Commanding officer because they are women. F-30.1%, M-47.8%
 - Women got more mentoring, attention, support and better assignments. F-44.7%, M- 84%
 - Awareness regarding policies related to women and childcare for:
 - Maternity leave: F- 61.7%, M-52.8%
 - Childcare leave: F-60.7%, M-53.2%
 - Paternity leave: F-56.7%, M-67.4%
 - Post-abortion leave: F- 40.4%, M-29.8%
 - Breast-feeding breaks: F-30%, M-31.6%
 - Allotment of quarters: F-52.7%, M-38.7%
 - Internal complaints committee: F- 40.9%, M-39.5%
 - Creche facility: F-34.8%, M-32.4%
 - Women are an asset for BSF: F-30%, M-19%



- Women are a liability in BSF: F-15.8%, M-14.7%
- Women should be restricted to support staff as medical or ministerial cadre. F-42.2%, M-44.4%
- Men are willing to accept women in the forces. F-45.1%, M-37.3%
- While assigning units, women should be sent to locations where there is requirement. F-46.3%, M-64.9%
- Gender should not be a consideration when sending to units. F-14%, M-11.3%
- Men are resentful or hostile towards women in BSF. F-50.4%, M-24.7%
- Women in BSF should be recruited according to requirement rather than as a percentage of the total posts. F-82.9%, M-86.5%
- Do you think you would be working in BSF ten years from now. F-43.7%, M-49.4%
- Would you advise other women to join BSF. F-77.5%, M-45.8%
- Would you advise other men to join BSF. F-85.7%, M-76.4%

Discussion

Rank-wise, the maximum participants were ORs, followed by SOs and Officers (Table.1.) Most joined through direct entry, there were more women than men on compassionate appointment. The females were younger (recruited in GD after 2008) and better educated. (Table.2.). The majority were single, while most males were married. (Table.3.). Almost 1/4th subjects had relatives in forces, supporting studies that mention familiarity, knowledge and positive family perception as reasons for joining.

More women were aware of duties performed by BSF before joining. (Table.4.). Most females said

armed forces was their first choice of job as they wanted to learn the skills whereas males said they joined as it was a government job but not their first choice. (Table.5.) 'Younger women wanting to prove themselves' could be a factor as mentioned in an article about women in the Indian army but is at variance with a BSF study that found financial, not national security as women's reason for joining. However, findings can vary depending on study-designs and questions.

More women than men said they controlled their own income and could spend it as they want, probably because they were unmarried. (Table.6.) In BSF, most of the men sent their salary home where the wives took care of the expenses. This finding differs from that of National family Health Survey-4 and 5 which found that less than half of working women controlled their own earnings irrespective of their level of education.

The barracks, residential quarters, availability and cleanliness of toilets in the headquarters-important external motivating factors, were reportedly satisfactory (Table.7.) but the availability of toilets and facilities for menstrual hygiene can be improved at BOPs and training areas. (Tables.8, Table.9.) However, both sexes vary in their perception of the availability and quality of these facilities. Indian society as a whole, does not pay much attention to toilets and people are uncomfortable discussing the topic. In Indian women, 'Toilet avoidance' is a widely prevalent, but unrecognised problem due to absence of safe facilities leading to numerous health issues. Research from USA and Israel also shows that serving women all over the world are more prone to dehydration, urinary tract infection and even stroke due to the primitive hygiene facilities in field areas. Fewer females considered need for privacy being adequately met. (Table.8, Table.9.)



More women than men found basic training difficult. The majority of women believe that there should be different standards of training for females and also for women on compassionate appointment. Almost 40% of both sexes think that training should be separate for all. (Table.10). The reported rate of injuries was slightly more in males, contrary to the fact that women are more prone to musculo-skeletal injuries due to their smaller size, less bone density, different bone geometry and inherent differences in bone resistance to fatigue. However this data is too small to make any inferences. Only 1/3rd respondents thought that females sustain more injuries than males during training which shows that there is a need for more awareness about this fact, especially in training centres.

Almost 3/4th personnel considered joint families better for supporting working women, upholding the traditional belief that joint families are better for childcare in India where the social support systems provided by the government are still inadequate. Almost half the participants (more males than females) think that the independence of working women can negatively affect relationships with husband and in-laws. (Table.11). This is a reflection of the prevailing gender roles in the Indian society and how changes in power dynamics within households can affect relationships. NFHS-5 data found that girls who are better educated, marry later and earn more than their husbands are subjected to more gender-based violence as the men try to reinforce gender-norms. Weitzman also found women educated at least as much as the husband experienced frequent and severe intimate partner violence. This is supported by another study and evidence that if women are able to perform jobs that generally requires stereotypical male masculinity, they receive the 'male backlash' - the discrimination that punishes them for

violating the prescriptions of feminine characteristics.

More women reported feeling stressed due to work, (Table.12.), a finding in consonance with the established facts that women in non-traditional jobs face more occupational stress and also due to the need to balance their caregiving role in the family with force related work. They also suffer from more mental-health issues including depression, Post-Traumatic Stress Disorder and suicide. Suicide rates in US female veterans are almost 250 times than that in female civilians. Military sexual trauma is the commonest cause of PTSD in females. A Medline publication reported that 80% US female soldiers had suffered sexual harassment and 25% experienced sexual assault.

Regarding sanction of leave, the data did not reveal any specific pattern. (Table.13.) The proportion finding it difficult was similar in both sexes. Almost half the males were not able to tell whether the authorised leave was enough to meet the needs of women or regarding challenges faced during menstruation, pregnancy or childcare, highlighting the lack of awareness and communication between the two sexes. Women need more frequent short leave- both for childcare and medical reasons. Even when both parents are working, it is the mother who is expected to take leave or work part-time. Women also have more health-related problems. Globally, motherhood accounts for 58% hospitalizations among active-duty female troops. Even when this is not counted, they are hospitalized at 30% higher rate, use walk-in clinics 50% more, have more crashes, thrice as much migraine and greater difficulty adjusting once back home. Male colleagues need to know these facts so that genuine illness is not considered malingering. Even the Pentagon has acknowledged the lack of awareness at all levels about women's healthcare needs.



Most women think women's discipline is the same or better than men whereas most males think otherwise, showing a difference of perception. Regarding relationship with units and colleagues, less females perceived the unit morale as high, fewer women felt proud to be part of units, enjoyed good communication or trusted colleagues. (Table.14.) Almost 1/3rd of both sexes felt that male colleagues treated women differently but more males thought that commanding officers also treated women differently. (Table.15.) Nearly a third of the women felt they got more support and better assignments (Figure.1.) compared to the overwhelming majority of men who felt that women got more attention and extra positive evaluation of work. (Figure.2)

India has progressive policies for supporting working women but their implementation requires awareness amongst employees. Most participants were aware of Maternity and Childcare leave but not of other policies e.g., post-abortion leave, breast-feeding breaks, creche facility and Internal Complaints Committee. More women than men were aware of all these policies. (Table.16. Figure.3.) However, it is more important to sensitize the males who form the majority of the administrators so that women are not regarded as asking for undue favours or shirking work when they ask for their legal entitlements.

More females think women in BSF are an asset and 41% felt that men resent women, (Table.17.), illustrating views about women in BSF. When asked if women should join the forces, 80.6% of women agreed, 128 of 253 male respondents did not answer, and 55.2% of those who answered said 'no' or 'not sure'. More females thought couples serving together was better for the organisation and considered employee's and organisational needs equally important during transfers, men prioritised the latter (Table.18.)

Almost 3/4th women said they would advise other women as well as men to join BSF but more than half the men would advise males but not females. (Table.19.) The majority of both sexes felt that women should be recruited as per requirement rather than as a percentage of the total. This attitude regarding target-based entry, was also reported in other countries. In a study of Estonian Defence Force, only 14% men and 25% women agreed with this approach.

The study shows that although women are inspired to join, fewer women than men are sure of continuing to serve ten years hence (Table.20) as most married women's career is determined by husband/in-laws. The majority feel they have become more independent after joining. (Table.21). The factors that affect their acceptance after they join- physical standards, social norms, the infrastructure and work-life balance need improvement so that they stay motivated during service too. Studies from other countries also show that gender-specific physical standards and male attitude is a major barrier to women gaining acceptance. A Military Medicine publication mentions 48% female soldiers reporting that this creates inequality. 12% reported bullying and 24% experienced discrimination because of physical standards. In the Indian army, feedback pointed out the low acceptance for women officers where all stakeholders considered them a burdensome problem; not suitable for serving. Soldier's response varied from complete disapproval to casual dismissal of women officers' recruitment. In both Norwegian and American military, men perceive women as a welcome asset in military and support their recruitment but differ in their attitude towards their treatment and grant of opportunities.

The men perceive women as getting preferential treatment, which leads to resentment. The priority given to women for maternity and



childcare leave, with no leave-reserve authorised, means more work for the males. Earlier studies have mentioned a generation-gap in perception about enforcing ways of functioning. Leaders can create resentment between men and women by holding them to different standards or giving assignments or recognition based on gender-which is what this study also highlights.

To prevent this differential treatment and in fairness to all, while keeping the biological limitations of women's physical efficiency in mind, it has been recommended that standards should be task-based and gender-neutral determined by physical requirements of the given role, ensuring that all selected candidates, irrespective of gender, can fulfil the demands for operational effectiveness with minimal injury risk.

Work-life balance is difficult for women troops all over the world, but the deeply entrenched patriarchy in Indian society makes it even more so. The World Economic Forum Report (2014) found that India's gender chore gap is the largest of any country for which data is available. Women in India on average spend 351.9 minutes daily doing housework; compared to 51.8 minutes spent by men. Attrition rates for women are 30% higher than men across all branches of US army. A study from OSCE region cites 'lack of cultural fit and poor treatment' as the reason for women leaving the forces. A Pew Centre survey about women in US army found that they face unique personal and professional challenges-balancing family life with military careers, inadequate women specific health-care, sexual assault/harassment and lack of career advancement- that their male colleagues do not. 62% serving mothers preferred working part-time. The most important reason for leaving prematurely was "the amount of time separated from family". Female troops suffered almost triple

the divorce-rate for male troops in 2008. The military healthcare system also faces difficulty in delivering services during deployment. Besides, women have concerns over privacy, access to feminine-hygiene products and gender-specific prescriptions e.g., contraceptive pills. A UK air-force report found mid-career female officers attrition at double the rate, with family factors being the most important reason. Similar findings about work-life balance, perceived unfairness of weight standards, gender bias, feeling less valued, pregnancy stigma, lack of childcare options, deployment separation and repeated transfers disturbing family life were mentioned in a study by US Coast Guard to identify barriers to female retention.

This study highlights that Integration is not really present at the ground level. Cultural factors have a huge role to play. In India, the two sexes are segregated from childhood, preventing development of healthy relationships. Keeping women separated cuts them off from the common information space which damages the functioning of the team. It prevents information about policies, opportunities and events reaching them and prevents development of social support networks. A recent study on the position of women in police in India also highlights the 'ghettoization' of women that interferes with effective gender- mainstreaming.

Recommendations for improvement

Short term:

- Gender sensitisation of all ranks including senior administration and policy makers.
- Improve infrastructure with special attention to toilets with facilities for menstrual hygiene near duty points.
- Avoid discriminatory labels and language



- Designing and making available uniform and equipment intended for female anatomy (including use during pregnancy)
- Sensitise women to organisational culture and requirements
- Identify posts where women can be stationed to help balance childcare needs- canteen, communication, nursing- assistants, drivers, IT
- Regular meetings with both sexes
- Increase awareness for women-related policies and ensure uniform policy implementation
- Training on issues related to sexual harassment and ICC
- Leadership education to foster inclusive work environments
- Guidance for childcare and work-life balance support systems

Long term:

- Task-based, Gender-neutral standards for recruitment and training
- Training for Behaviour change and improving social skills
- Authorization of leave reserve
- Improved child-care options
- Establish mentoring, social support groups and formal networks for women
- Deployment policies designed to improve work life balance for all personnel
- Transparent, fair transfer process.

Conclusion

The security forces were conceived by and for men. No measure will bring about real motivation and integration of women unless the internal

culture changes. Only recruiting more women is not enough. What is needed is to change structures and practices so that both female and male personnel can thrive and feel motivated.

Keeping female personnel apart is detrimental to mainstreaming. Exposure is said to be the best way to change the mindset about women's capabilities. Social integration is the first step proven to inculcate mutually respectful behaviour, improve trust, understanding and enhance workplace integration. Local culture remains an important factor in all countries with mixed gender forces and changing group values in any society takes time, patience and dedicated effort but with organisational initiatives and leaders within the force showing the way, the process, though arduously slow, is not impossible.

The integration and efficiency of women in mixed-gender forces is affected not only by physical factors but also by women's perception of acceptance by male colleagues and the organizational leadership. Women in the security forces, face greater barriers in acceptance because of the culturally defined gender-roles. There is a need to improve the integration of women with initiatives taken on an organisational basis to build infrastructure, sensitise both men and women to the requirements of the force, sensitizing trainers and administrators at all levels, improving communication and interaction between the sexes; enforcing existing government policies; creating awareness about gender related issues as well as the need for women employees' networks- all of which can all help improve both the motivation and the integration of women employees.

**Table.1. Rank wise distribution of participants.**

Ranks	Officer	Subordinate officer	Other Ranks
Females	12.6%	16.6%	70.9%
Males	18.3%	24.2%	57.5%

Table.2. Mode of entry of participants

Mode of Entry	Direct	Departmental Entry	Compassionate Appointment	Sports Quota
Females	83.8%	1.5%	11.5%	2.3%
Males	90.7%	6%	3.2%	0.1%

Table.3. Demographic Profile

Factors	Females	Males
Home State	Bihar, Bengal, Haryana, Rajasthan, Uttarakhand and Odisha	Uttar Pradesh, Punjab, Haryana, Bihar, Rajasthan, Uttarakhand, Jharkhand and West Bengal.
Education Class 10 th	5.4%	22.2%
Class 12 th	33.8%	27%
Graduate	50%	34.7%
Post-Graduate	10.8%	16.1%
Married	36.7%	80.1%
Single	59.4%	16.3%
Widowed/Divorced	3.9%	1.6%
Sports Background	22.5%	24.3%
NCC Training	13.1%	16.5%
Relatives serving in Forces	23.3% (Mostly husbands, brothers, fathers)	23%

Table.4. Awareness about BSF before joining

Awareness about nature of duties performed by BSF	Females	Males
Well aware	63%	47.7%
Somewhat aware	25.2%	30.5%
Not aware	11.8%	21.8%

**Table.5. Reasons for joining BSF**

Reason For Joining	Females	Males
I wanted to join armed forces. It was my first choice	57.8%	48.1%
It was a government job but not my first choice	28.1%	38.6%
It was the only job available	3.9%	8.3%
I have joined but am preparing for another job	10.2%	5%
If you joined by choice, it was:		
To continue a family tradition	17.2%	11.9%
For the pay and perks	18.9%	41.3%
It was a challenge	17.2%	19.3%
To learn the skills	31.1%	11.5%
It was just another job	15.6%	16.1%

Table.6. Control of Income.

Can you spend your income as you want?	Females	Males
Mostly	71.1%	55.4%
Sometimes	27.3%	37.9%
Never	1.6%	6.7%
Who controls your income?		
You yourself	89%	77.6%

Table.7. Rating of Barracks and Quarters.

How do you rate the barracks in BSF?	Females	Males
Very good	10.3%	7.8%
Good	27.8%	32.3%
Satisfactory	38.9%	40.6%
Poor	17.5%	9.9%
Very Poor	5.6%	9.4%
How do you rate the family quarters in BSF?		
Very Good	4.1%	6.2%
Good	35.7%	36.6 %
Satisfactory	41.8%	38.1%
Poor	16.3%	12.9%
Very Poor	2%	6.2%

**Table.8. Rating of Toilets.**

How do you rate the availability of toilets for women in BSF?	Females	Males
Very Good	5.2%	6.6%
Good	26.8%	25.3%
Satisfactory	41.2%	32%
Poor	19.6%	24.1%
Very Poor	7.2%	12%
How do you rate the cleanliness of toilets for women?		
Very Good	8.2%	4.7%
Good	28.6%	39.4%
Satisfactory	42.9%	29%
Poor	12.2%	16.1%
Very Poor	8.2%	10.9%

Table.9. Need for privacy adequately met and availability of menstrual sanitation

Do you think women’s need for privacy is sufficiently met?			Females		Males	
Strongly agree			20.2%		17%	
Agree			30.6%		35.8%	
Neutral			23.4%		31.8%	
Disagree			17.7%		10.2%	
Strongly Disagree			8.1%		5.1%	
Are dustbins/incinerators available for sanitary napkin disposal in:	Headquarters		BOPs		Training Areas	
	Females	Males	Females	Males	Females	Males
Always available	33.9%	25.3%	19.2%	11.8%	37.4%	20 %
Mostly available	25.2%	31.3 %	19.2%	30.6%	21.2 %	23.8 %
Sometimes available	18.1%	24.9 %	27.3%	34.4%	18.2%	30.8 %
Mostly not available	11.8%	13.7 %	10.1%	16.1%	21.2 %	17.8 %
Never available	11%	4.7 %	24.2%	7%	19.2%	7.6 %


Table.10. Views about training

How did you find the basic training?	Females	Males
Very easy	0.8%	0.4%
Easy	2.4%	4.5%
Neither easy nor Difficult	36.3%	44.9%
Difficult	43.5%	32.5%
Very difficult	16.9%	17.7 %
Did you sustain any injury during basic training	10.5%	13.3%
Do you think training for women should be separate or together with men?		
Together for all	42 %	41 %
Together for Officers and SOs but separate for ORs	12.6%	16.6 %
Separate for all	42%	39.3 %
Together for ORs but separate for Officers and SOs	5.9%	0.4 %

Table.11. Working women and family relationships

For working women, which family type is better	Females	Males
Nuclear Family	25.8%	21.6%
Joint Family	74.2%	78.4%
How do you think becoming independent as a working woman affects relationships with husband or in-laws?	Females	Males
Always worsens relationships	14.2%	16.5%
Can sometimes worsen relationships	25%	30.1%
Neither improves nor worsens relationships	16.7%	18.6%
Sometimes improves relationships	16.7%	13.1%
Always improves relationships	27.5%	21.6%
You along with spouse or in-laws	9.4%	16.2%
Your spouse or in-laws	1.6%	6.2%

**Table.12. Stress due to work**

Do you feel stressed due to your work?	Females	Males
Always	3.1%	2.1%
Most of the time	14.8%	12.8%
Sometimes	59.4%	23.6%
Never	22.7%	61.6 %
In the last two weeks, have you felt sadness of mood, loss of interest in work and surroundings and crying spells?	Females	Males
Very often	5.7 %	5.7%
Sometimes	34.1%	42. 5%
Never	60.2 %	51.5%

Table.13. Views Regarding Leave

Do you think that entitled leave is sufficient to meet the needs of a serving Woman?	Females	Males
Yes	44.8%	30.8%
No	37.6%	19.4%
Can't say	17.6%	49.8%
Is it possible to get leave when it is needed?		
Very easy	4%	3.8%
Easy	16.7 %	29.1%
Neither easy, nor difficult	49.2 %	36.8%
Difficult	22.2%	24.8%
Very difficult	7.9%	5.6%

**Table.14. Relationship with unit and colleagues**

What do you think of the morale of your unit		
High	49.6%	68.8 %
Medium	47.2 %	29%
Low	3.35 %	2.2%
What is your relationship with your unit?		
I am proud of my work and honoured to be a part of my unit	43 %	59.6%
I enjoy my work and like being in this unit	44.6%	32.9%
I am indifferent. I don't like my work and would rather not be part of the work my unit does	12.4%	7.9 %
I intensely dislike my work and don't want to do any of the work the unit does	0	0
What is your relationship with your colleagues in the unit like?		
I can trust them and depend on them	10.9 %	37.5 %
There is good communication between us	37.8%	42.7 %
We can do our duties well together	49.6 %	16.4 %
We can work well together in a crisis	1.7%	1.7%

Table.15. Views on women being treated differently

Do you think women are treated differently by your male colleagues because they are women?	Females	Males
Yes	45%	38%
No	33.3 %	33.8 %
Can't say	21.7 %	28.2 %
Do you think you are treated differently by your Commanding officer because you are a woman?		
Yes	30.1 %	47.8%
No	51.6 %	21.2%
Can't Say	18.3 %	31%

Figure.1. How females think they are treated differently

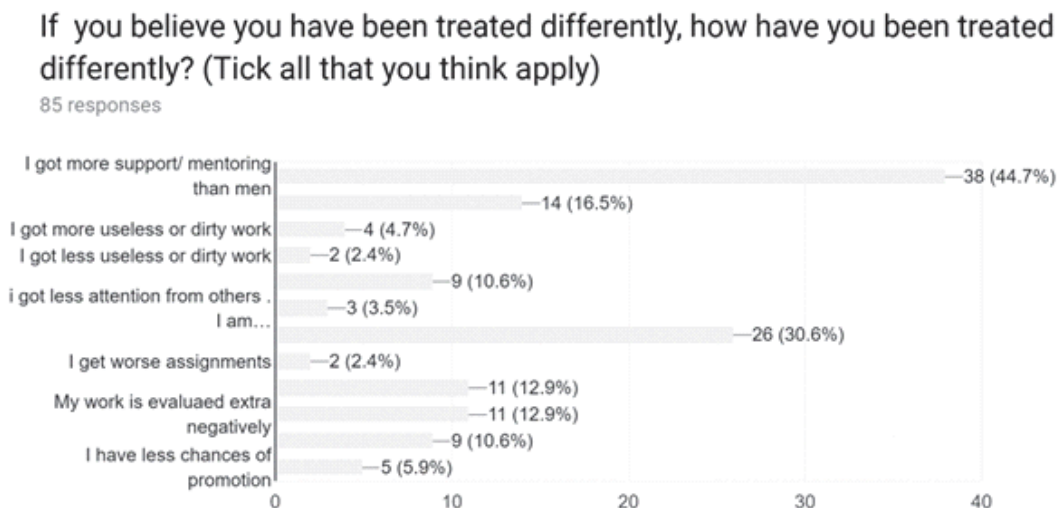
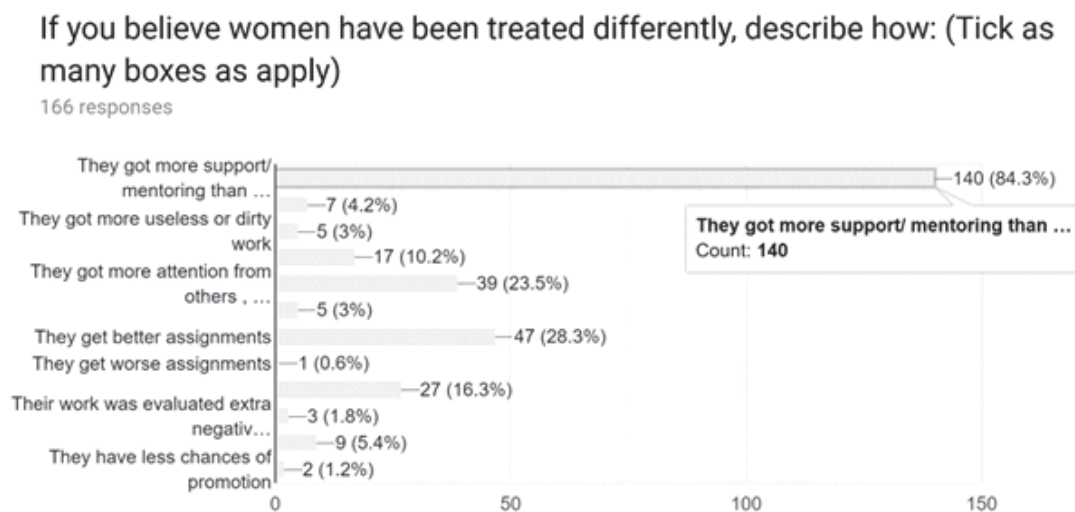


Figure.2. How males think females are treated differently



**Table.16. Awareness of working women related policies**

Are you aware of the rules regarding these in respect of working women:	Females	Males
Maternity leave		
Aware	61.7%	52.8%
Somewhat aware	20.8%	32.3 %
Not Aware	5%	14.8%
Childcare leave		
Aware	60.7%	53.2%,
Somewhat aware	19.1 %	29.8%
Not Aware		17%
Leave after abortion		
Aware	40.4%	29.8 %
Somewhat aware	47.2%	29.3 %
Not Aware	12.4%	41%
Breast feeding breaks		
Aware	30 %	31.6 %
Somewhat aware	13.3 %	31.1 %
Not Aware	56.7%	31.6 %
Women's quota for allotment of quarters		
Aware	52.7%	38.7%
Somewhat aware	19.8%	31.5 %
Not Aware	27.5 %	29.8 %
Internal complaints committee		
Aware	40.9%	39.5 %
Somewhat aware	44.3%	24.3 %
Not Aware	14.8%	36.2 %
Creche facility		
Aware	34.8%	32.4 %
Somewhat aware	10.1%	30.3 %
Not Aware	55.1%	37.2%
Paternity leave		
Aware	56.7%	67.4%
Somewhat aware	20%	21%
Not Aware	23.3%	11.6%

Figure.3. Males' awareness of women related policies.

Are you aware of the rules regarding these in respect of working women?

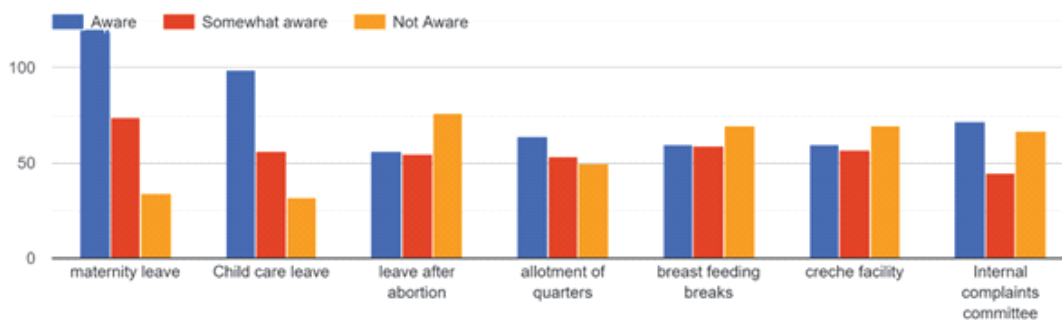


Table.17. Attitude towards women

Do you think women are an asset or a liability in BSF?	Females	Males
Asset	30%	19%
Liability	15.8%	14.7%
Neither asset nor liability	30%	37.1%
Can't say	24.2%	24.9%
Do you think men are resentful or hostile towards women in BSF?		
Strongly agree	9.2%	3.3%
Agree	41.2%	21.4%
Neutral	30.3%	31.3%
Disagree	19.3%	36.3%
Strongly Disagree		7.7%
Do you think women should be restricted to support staff as in medical or ministerial staff		
Strongly agree	11.6%	11.5%
Agree	30.6%	32.9%
Neutral	23.1%	20.1%
Disagree	21.5%	25.2%



Strongly Disagree	13.2%	10.3%
Do you think men are willing to accept women in the forces?		
Strongly agree	2.5%	0.9%
Agree	42.6%	36.4%
Neutral	20.5%	26.8%
Disagree	26.2%	22.9%
Strongly Disagree	8.2%	0.9%
How do you think women should be assigned to units?		
Evenly across all units	23.5%	17.3%
Sent to units together so that there are more of them at one place	16.2%	6.5%
Gender should not be a consideration when sending to units	14%	11.3%
Should be sent to locations where there is requirement	46.3%	64.9%
Are women employees able to get family support for managing children and family on day-to-day basis		
Always	50.4%	41.1%
Sometimes	42.1%	49.8 %
Never	7.4%	9.1 %
Do you think women in BSF should be recruited according to requirement or as a percentage of the total posts?		
As per requirement	82.9%	86.5%
As a percentage of total	17.1%	13.5%
Should women join the Armed Forces?		128 male respondents did not answer this
Yes	80.6%	44.8%
No	13.2%	40%
Can't say	6.2 %	15.2%

**Table.18. Views about couples serving together.**

What do you think of couples serving in BSF?	Females	Males
It is helpful for both husband and wife to work in one organisation	53%	68.4%
It creates problems for the couple	10.1%	9.8%
It is helpful for the couple only if both are posted at same place	46.3 %	47%
It is helpful for the organisation as they work Better	38%	23%
It is not helpful as it creates problems for the organisation	4.1 %	4.3 %
Do you think couples serving in BSF should be posted at the same place keeping in mind the:		
Organisational requirement	4.2%	19.7%
Employee's requirement	10%	23.9%
Both	85.8%	51.7%

Table.19. Views about advising other to join BSF

Would you advise other women to join BSF?	Females	Males
Yes	77.5%	45.8%
No	22.5%	54.2%
Would you advise other men to join BSF?		
Yes	85.7%	76.4%
No	14.3%	23.6%

Table.20. Women's perception of the change in themselves after joining.

Do you think you have become more independent after working in BSF?	Yes	No	Can't say
	84.1%	10.3%	5.6%

Table.21. Views about continuing in service

Do you think you will be working in BSF ten years from now?		
Yes	43.7%	49.4%
No	16.8%	23%
Can't say	39.5%	27.7%



References

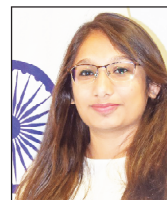
1. Atkins S. (2018). Baseline Study Report-Women in the Armed Forces in the OSCE Region.
2. Baugher A. R and Gazmararian J. A. (2015). "Masculine gender role stress and violence: A literature review and future directions. *Aggression and Violent Behaviour*, 24: 107-112.
3. Baweja H. (2015, February). Women in Indian armed forces: Challenges, triumphs and male response. *Hindustan Times*.
4. Blondin M. (2016). Women in the armed forces: promoting equality, putting an end to gender-based violence
5. Burgess D. and Borgida E. (1999). "Who women are, who women should be: Descriptive and prescriptive gender stereotyping in sex discrimination". *Psychology, Public Policy, and Law*, 5 (3): 665- 692.
6. CNN. Extra problems women face in military careers.
7. Curry K. H., Keller K. M., Schulker D., Weiland S., Kidder K. L. and Lim N. (2019). *Why Do Women Leave the Coast Guard, and What Can Be Done to Encourage Them to Stay?* RAND Corporation.
8. Curry K. H., Keller K. M., Schulker D., Weiland S., Kidder K. L. and Lim N. (2019). *Improving Gender Diversity in the U.S. Coast Guard: Identifying Barriers to Female Retention*. RAND Corporation
9. Epstein Y., Fleischmann C., Yanovich R. and Aspects That Put Women Soldiers at Increased Risk for Overuse Injuries. *J Strength Cond Res*, (29 Suppl): S107-10.
10. Finestone A., Milgrom C., Evans R., (2008). Overuse injuries in female infantry recruits during low-intensity basic training. *Med Sci Sports Exerc*.(11 Suppl):S630-5.
11. Gallagher K. E. and Parrott D. J.(2011). "What accounts for men's hostile attitudes toward women? The influence of hegemonic male role norms and masculine gender role stress". *Violence Against Women* 17 (5): 568-583.
12. German L. (2013). *How a Century of War Changed the Lives of Women*. JSTOR. Pluto Press.
13. Global Competitiveness Report 2014-2015.
14. Greeves J.P. (2015). Physiological Implications, Performance Assessment and Risk Mitigation Strategies of Women in Combat-Centric Occupations. *J Strength Cond Res*, 29 Suppl 11:S94-100.
15. Gustavsen E. (2013).Equal treatment or equal opportunity? Male attitudes towards women in the Norwegian and US armed forces. *Acta Sociologica.*, Nov.56(4), 361-374.
16. Homeland Security Operational Analysis. (2019). RAND Corporation.
17. Indian Council of Medical Research. (2006). Ethical Guidelines for Biomedical Research on Human Participants, Vulnerable Research Population, New Delhi. India, p. 10-11
18. International Labour Organisation. (2018). Women do 4 times more unpaid care work than men in Asia and the Pacific.
19. King E. L. King, DiNitto D. and Salas-Wright C. (2019). Retaining Women Air Force Officers: Work, Family, Career Satisfaction, and Intentions. *Armed Forces & Society*, 46(4), 677-695.
20. Krauss M.R., Garvin N.U., Boivin M.R. and Cowan D.N. (2017). Excess Stress Fractures, Musculoskeletal Injuries, and Health Care Utilization among Unfit and Overweight Female Army Trainees. *Am J Sports Med*, Feb:45 (2):311-316.
21. Marshall A. Panuzio J. and Taft C. (2005). "Intimate partner violence among military



- veterans and active duty servicemen". *Clinical Psychology Review*, 25 (7): 862-876
22. Meade B. J. and Glenn M. K. (2016). "Mission Critical: Getting Vets With PTSD Back to Work"
 23. National Family Health Survey-4, India.
 24. National Family Health Survey-5, India
 25. Panchang S. V., Joshi P. and Kale S.. (2022) Women 'holding it' in urban India: Toilet avoidance as an under-recognized health outcome of sanitation insecurity. *Global Public Health*, 17:4, 587-600
 26. Pollack N. M. (2009). *Predictors of One-Year Attrition in Female Marine Corps*. Oxford University Press.
 27. Press Trust of India. (2019, September). Financial safety not national security reason for women to join BSF: Study. *India Today*.
 28. Ribeiro S.P., LaCroix J.M., De Oliveira F. et al. (2018). The Link between Posttraumatic Stress Disorder and Functionality among United States Military Service Members Psychiatrically Hospitalized Following a Suicide Crisis. *Healthcare (Basel)*, 6(3):95.
 29. Roychowdhury P. (2019, April) What is forcing Indian women to stay at home? *Hindustan Times*.
 30. Srivastava D. (2019). Position of women in police in India: policy gaps and the need for gender mainstreaming. *Jindal Global Law Review* 10, 157-171.
 31. Stanley S. C, Segal M. W. (1988). Military Women in NATO: An Update. *Armed Forces & Society*, 14 (4): 559-585.
 32. Statistics Canada. (2016). Sexual Misconduct in the Canadian Armed Forces.
 33. Thompson M. (2013, January). Women in Combat: Vive a Différence. *Time Magazine*.
 34. Trobaugh E.M. (2018). *Women, Regardless: Understanding Gender Bias in U.S. Military Integration*. National Defence University Press.
 35. Ministry of Defence (2015). British Army: Sexual Harassment Report. United Kingdom
 36. Vaara J.P., Jarmo V. J., Kyröläinen H. and Santtila M. (2016). Perceptions and Attitudes of Female Soldiers Toward Physical Performance and Fitness Standards in Soldiers. *Military Medicine*, 181, 10:1218
 37. Waruszynski B. T., MacEachern K. H., Raby S., Straver M. and Ouellet E. (2022). Desire to serve: Insights from Canadian defence studies on the factors that influence women to pursue a military career. *Journal of Military, Veteran and Family Health*, 8:s1, 75-84,
 38. Wolfe J. (2005). *Gender and Trauma as Predictors of Military Attrition: A Study*. Oxford University Press.

Gender Bias and Stereotyping in Police: Social and Psychological Aspects

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Abstract

The most sought-after topic now-a-days is Women Empowerment. The word defines itself loud and clear. Despite the initiatives taken to empower women in their respective fields, the weight of gender biasness and stereotyping drags the concept downwards. Policing is such an occupation which supports the concept of women empowerment but still has biasness and stereotyping which is deeply rooted in their system. Over the globe and in India, women are mostly compartmentalized to address issues and investigate crimes related to children and women, which is purely based on stereotyping. This practice is basically keeping the women police officials from mainstream policing, addressing major issues and policy making. This statement can be backed by the fact that in India the ratio of women police officials to male police officials is very low, and of women police personnel in decision making level to their male counterparts is even lower. According the Data on Police Organizations Report of 2022, the total number of Gazetted women police personnel are only 1,625 whereas the number of non-Gazetted women police personnel are 212,935. The concept of women empowerment has somehow taken the initiative to increase the intake of women in policing but the institutional reforms doesn't emphasize on gender equality. Women police in India not only struggle with issues of Biasness and Stereotyping but also face Family pressure, Physical struggles, Physiological struggles, Male jokes, lack of sanitation in workplace among others.

This study aims to address the psychological health issues faced by women police personnel due to job and family pressure and discover solutions to curb the issues. The possible reasons for deterioration of psychological health can ultimately be family issues and the coarse environment of the job. The main concern to limit these issues can be found by looking into it more closely. These problems can then be addressed by conducting psychological health welfare programs and by conducting counselling of the suffering person.

Keywords : Gender Bias, Stereotyping, Psychological Health, Women Police Personnel

Author's Introduction:

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Introduction

Biasness and Stereotyping are two components that arise from the concept of Gender Roles, and are the main causes of pushing a certain gender to pursue a particular occupation. Gender Roles follow the principle of having basic behavioural conduct for male and female. They are basically incorporated in a child's mind from early childhood. It happens in a very unnoticeable manner, many-a-times even unintentionally. We unknowingly teach our children to dream a future of a gender specific occupation. In the era of multimedia, the ideas of incorporation of gender specific occupation happen by whatever the child sees on television or on mobiles. The programs we watch have a stereotypical female character portrayed to play the part of a traditional female in the society. The social media and the entertainment industry often represent traditional gender roles in their daily soaps. They basically portray the male as the earning character and female as a non-earning character. Mostly we have seen females in communal (Household) roles and males in Agent (Working) roles. Globally females are more represented in HEED fields (Health care, Elementary Education and Domestic duties) whereas males are more represented in STEM fields (Science, Technology, Engineering and Mathematics) and leadership roles. This creates a stereotypical image of woman in the society. The image of a certain gender is created in the mind of the society that even the growing set of children tend to think their gender might not have the required skill-set to justify the occupation. The Gender Schema Theory, Developmental Intergroup Theory, Social Cognitive Theory and Social Role Theory explain how the role of culture, prejudices, past experiences and social roles within the society shape the mindset of an individual to generalize stereotyping and biasness towards a gender. A variety of trends in gender and policing have been recognized during the previous decade. A lot of national and institutional gender policies and activities have turned away from a mere emphasis on women and towards an examination of how gender norms contribute to gender biases.

Gender stereotypes develop inflexible views about men's and women's duties and such expectations aggravate situations. These biases contribute to the underrepresentation of women in the police force, as well as the perception of policing as patriarchal. This implies that police departments are missing out on key skills that may help them provide more gender-responsive and high-quality policing, as well as a safer society for all. Policing being the most stereotypical job dominated by males makes it biased towards the female gender. A survey by Common Wealth Human Rights Initiative in 2007 states that a lot of women never ponder upon a job opportunity in uniform services due to the rigid and violent image of police portrayed by the media, nature of job and denial from the family. With an image like this, it becomes more difficult for the law enforcement agencies to recruit more women in the system. The thought arises that increasing female population in police might change the scenario but, increasing the number of women in law enforcement is not the only way to achieve the goal. It is about changing the power dynamics that perpetuate stereotyping and gender-based biasness. It is about defending all people's human rights and allowing them to fully participate in public life. Gender perception integration is required of police forces owing to international and local legal obligations, but it is also required to promote proactive policing, a healthier society and a better rule of law. Equality is indeed a global legal responsibility and a requirement for achieving national development goals. Incorporating participatory approaches into police services is critical for protecting workplace rights. This is due to the fact that establishing gender equality eventually prevents violence, preserves all people's rights and discourages the notion of gender biasness and stereotyping.

As discussed above, Gender based biasness and stereotyping are the components of gender roles that arises from the gender perspective. A gender constructivist approach is a way of looking at or studying how gender influences people's potential, societal roles and relationships. This way of



thinking is what enables one to do gender analysis and, as a consequence, to include a gender perspective into any program, policy, or organization recommended in the UN Women, 2019 report. Gender perspective in policing is only talked to display the police's response towards the general public, which is rarely exercised in their own fraternity. The female police officers are often assigned with a stereotyped task i.e., related to Child issues and Women issues or desk work, whereas the male counterparts are assigned with duties related to violent crimes, decision making and leadership roles. These type of assignments limits the police to address many issues as the leadership positions are mostly influenced by male perspectives. A gender perspective highlights the security demands of various groups within the society and aids in the formulation of more relevant and successful police techniques. Incorporating more females in the decision making posts might help in developing and aiding the drawbacks faced by the law enforcements.

Globally and indigenously we still come across the terms "First Women" to achieve a certain authoritative post in policing which is a saddening truth. This should have been achieved a while ago, as women empowerment has been the talk of town for decades now. With the introduction of Community Policing to the system, law enforcement has welcomed women due to their feminine qualities of relationship building, problem solving and communication, the very qualities that excused them from other duties. Studies suggest that women who take up the traditional roles of community policing de-professionalize themselves and rule out their chances of upgradation. In contrary to that, women who adopt the crime-fighter image are negatively called as masculine and unpleasant. Irrespective of their selections they cannot positively participate in the system. Women are still struggling to achieve their rightful place in the many occupations, policing being one of them. The role of police in society makes women representation more crucial owing to the fact that Gender Biasness and Stereotyping exists deep rooted in the system.

The social stigma that women are not capable of coping with violent crimes and are meant for desk jobs draws back the very will they possess. This creates a sense of doubt in the mind of the female that she won't be able to or is not capable of doing the job. D Roopa Moudgil, the first woman IPS of Karnataka stated about her experience to The Indian Express by saying "I trained with men, and then went on to work with them. Throughout my training, I was told that we are officers first, women later. But the moment I entered the field, I was reminded of my gender. It has been witnessed that women personnel are usually made to deal with cases related to women and juveniles, and are treated as community workers rather than law enforcers. The common thought process in the forces is that women are not "man enough" to be a part of the law enforcement system. The survey of SPIR 2018 states that half of the Indians have the mentality that women don't fit in the law enforcement system as they do not possess bodily strength, are not aggressive enough and are not able to work during odd hours. The police work is falsely motioned as being aggressive and requiring bodily strength that are traditionally related to masculinity and military culture. Studies have shown that the police spend a major part of their time in law keeping and public service, yet public considers them as "crime fighters". This title is most valued by the public and the police themselves, keeping the female police officers outside these valued positions as an outcome of social norms that consider women officials as incapable to perform law enforcement duties. One of the reasons for which women police officers are treated differently by the male counterparts can be the belief that female partners will be a hindrance in case a conflict arises.

In accordance to the issues stated, it is observed in many studies that the women police officials have to struggle with the male oriented system of policing in their everyday life. The policing system in India is designed to suit a male i.e., lack of women staff for women personnel in office or residence, lack of women restrooms, uniform designs suited for male physique, foul language etc. Adding to the



struggles in workplace they also have to deal with their family issues, which is prevalently seen in India. These issues increase the stress level and deteriorate the psychological health of the female police official. A study made by Andreanne et.al. (2021) states that women police officials report elevated occupational stress level as compared to male police officials. This indicates that the occupational experience of policing differs greatly for males and females.

These issues of biasness and stereotyping of women police personnel basically add to the increase in stress level and degrades their psychological health. Some of these issues have even led to suicide of the concerned person. Committing suicide is a major side effect of psychological health for a woman. Being in police is not an easy task for both the genders but we Indians have a very unrealistic image of a working woman. This image expects them to be efficient in a male dominated job swallowing all the biasness and stereotypes while being efficient in their responsibilities at home. Living in a hypocrite society, we expect too much out of a woman and don't consider her psychological health as a priority.

In Vedas, women have been represented as "SHAKTI", symbolism of power and strength. Women participated in everything and were considered equal to men. There were no prejudiced jobs for men and women. The Rig Veda also refers to women engaged in warfare. The question arises "How the changing scenario forced women in police to struggle against the biasness and stereotypes?" These two terms don't reveal themselves prominently in a working environment, but do exist in the form of male jokes, foul languages, family pressure, assignment of desk jobs, low ranking posts etc. These causes may seem insignificant to a certain person but play a key role to shape one's personality and confidence level. They have the power to make someone psychologically ill and stressed all the time, which may result in low work performance.

India being a country that specifically believes in traditions and culture, sadly also shares a notion of that women must engage in household chores as a sign of tradition and culture. With increasing employment opportunities and academic exposure, many women started being a part of the economy which led to self-sufficiency and freedom for them. Nevertheless, women are still struggling to fulfil their responsibilities in both household and duty, facing burden two times greater than it should be. Additionally, due to the cultural and communal conditioning of individuals in a society a woman is always seen as inferior to man. Whereas, her job responsibilities many a times forces her to work in difficult places and at odd hours which creates a struggle between her household and professional roles. A lack of Gender Sensitivity within the Indian Police Forces fails to cater the needs of women and address their issues, which further adds to the biasness and stereotypes against them. The changing times have brought visible changes to this notion but still are lagging behind.

History of Women in Indian Police

Women police officers first appeared in India during the reign of Chandragupta Maurya. The Arthashastra of Kautilya, published in 310 B.C., discusses how women functioned as spies during that time period. The first women police recruitment in India took place in Kanpur in 1937-38 to remove the strikers' wives and children. The crisis at Kanpur Textile Industries produced mayhem among the employees, leading to the start of a walkout by the workers and their family members. The family's women and children laid down at the factory's door, preventing eager employees from entering. As a result, the authorities sought the aid of the police to regulate the mass and remove the women and children without inflicting bodily injury to them. Due to the strike's inclusion of women and children, and to avoid such situations in the future, the Kanpur government recruited the first female police officer in India. They were later absorbed in other government agencies since identical conditions did not materialize. The state of Travancore appointed



its first women police constables in 1939, where one was appointed as Women Head Constable and twelve as Special Women Police Constables. Women police officers in India were not given much attention prior to independence. The need for women's services arose primarily after independence, they were hired for the Prime Minister's security and to check female passengers wearing "purdah" during transit from India to Pakistan, resulting in the employment of a large number of female police officers in Delhi and Punjab.

Female eligibility to the police force was questioned by officials between 1960 and 1970. With an increase in female criminals and victims after 1970, the need for female police officers in the system became clear, resulting in the hiring of more female police officers in every state of India.

According to S.K. Ghosh's "Women in Policing", the employment of women police officers in India has gone through three main phases of change. The first phase saw the hiring of women police to seek for female offenders, the second phase involved women police to safeguard females and minors and the third phase discusses equality among male and female police. While we're on the subject of equality, the primary job of Women Police is currently described as dealing with matters involving female and juvenile offenders and victims. Indian history has had a significant impact on today's policing.

Laws and Conventions for Women

Witnessing the impact of women in policing and changing times new acts and conventions have been introduced in the Indian constitution for the betterment of women in the Indian Society. Due to the authority of court orders, the standing of women in law enforcement began to change. Title VII of the Civil Rights Act of 1964, the 1978 Justice Systems Improvement Act, the 1978 Pregnancy Discrimination Act, the 1963 Equal Pay Act, and the Equal Employment Opportunity Commissions all contributed to the progress and reform of law enforcement.

The Introduction of new articles to the Indian Constitution ensures equality for all in terms of position and opportunity. Part III of the Indian Constitution, Articles 14, 15, and 16, give effect to this goal. Clause 3 of Article 15, which recognizes structural inequality denying women equal opportunity, authorizes the State to create specific measures for women and children. India is mandated to ensure equal treatment of women as a guarantor to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and several other conventions and agreements.

Since civilization was formed, women have been through a lot. One of the most traumatizing issues faced by women is sexual harassment. This has been put into the notice of the authorities and the Sexual Harassment of Women at Workplace Act of 2013 has been introduced for them. The Sexual Harassment of Women at Workplace Act requires all employers to form a commission of inquiry for sexual harassment allegations made by its female workers. A study by CSDS shows that almost one-fourth (24%) of the female Police said there was no such committee in their job or jurisdiction. Less than three-quarter of women officers reported the presence of such a committee in 13 of the studied states. Hence, a need to bring awareness about their rights, acts and conventions is much needed as ignorance still persists.

Representation of Women in Police

The representation of women globally has been much underrated as compared to what it should be. One of the reasons being the under-representation of women in the police is that it promotes women empowerment but at the same time is biased towards them. This very fact is known by the family of the women and the women themselves; hence they hesitate to join Police. The Women, Peace and Security Agenda, which consists of nine United Nations Security council resolutions, highlights the necessity of women in peace and security while

also highlighting the need to expand their role in order to achieve equality of opportunity and full involvement. In efforts to promote security and peace, several resolutions of the United Nations Security Council on peacekeeping and international police deployments necessitate the participation of gender viewpoint, asking for additional female police officers to be deployed. This calls for the need for more female representation in authoritative posts to surge ahead. Here is a list of 20 countries with female representation in police in the year 2019.

Rank	Country	% of Women
1	Latvia	37.40
2	Lithuania	36.12
3	Guyana	29.04
4	United Kingdom	28.61
5	Trinidad & Tobago	24.77
6	Serbia	23.22
7	Belgium	21.75
8	Malta	19.29
9	France	19.03
10	Singapore	18.08
11	Croatia	17.62
12	Slovakia	16.98
13	Barbados	16.44
14	Finland	16.29
15	Czech Republic	15.73
16	Poland	15.40
17	Chile	15.12
18	Denmark	14.43
19	Mexico	13.56
20	Slovenia	13.30

Source: M. Natarajan and E. Oliveira (2019) "Women and international criminal justice", in M. Natarajan (ed.) *International and Transnational Crime and Justice*, New York: Cambridge University Press

India, which is seen as a global powerhouse, had only 10.3% of women police personnel in the year 2019. These figures have increased to 12% women representation in police by the end of 2020. The

figures for women gazetted officers are even less i.e., 8.72%, far less than the set goal of 33%. The figures represent the underrated status of women in Indian Police. The reasons for it are not that women are not qualified enough to hold the decision-making posts but the prejudiced judgment of the patriarchal society holding her back. The low representation of women and less enthusiasm of women to join police displays the mindset towards the treatment of women and difficulties faced by women in police forces. Along with negative views from colleagues, women in the police force meet other obstacles on a daily basis that prevent their incorporation into the system. Male officer's hostility against female officers is well documented in many literatures, stating that women in law enforcement have a negative influence on the ethos and acts of policing. Furthermore, research reveals that male officers feel overwhelmed and undervalued as the female officers 'work is equivalent to that of their male colleagues, making it seem like when the prime position of protector is not viewed simply as a "man's work", the manly identity linked with police suffers. It has been noticed that women have been continued to be tokenized and have minor occupational standing as compared to their male colleagues, despite research showing the need of policy change and increasing prospects for female officers. This gives the picture of the society we live in and extend of patriarchy we encourage that leads us to lose confidence in ourselves.

According to Mahajan (1982), there are certain professions where neither the type nor the organization of employment is compatible with women's family obligations. Jobs that demand women to work alongside males, being out of the house for lengthy periods of time and at unusual hours, like those in the police force are breaking down male barriers in the workplace. The shifting of such gender roles results in contradictory roles. Studies show that a large population including male and female believe that women should avoid dealing with high-intensity crimes and cases and instead focus on their families, showing Bihar, West



Bengal, and Karnataka with the highest discrimination against female police officers. This discrimination starts at the police training academies where the emphasis is put on training and bodily strength, meanwhile ignoring the importance of relational skills. Being not able to show these manly qualities required during the training mugs the women from their job-related qualities. Young females join policing on the male terms losing their identities and the constructive resources they bring to policing.

A rank-wise division of female police officers demonstrates that 31% of women and 27% of women in constabulary and inspector level ranks respectively are solely doing in-house jobs. Those involved in "on the field duties" display that disparity between the two rank groups widens, with 46 percent of police-women at inspector level undertaking "on the field duties" compared to just 32 percent at constabulary ranks. Women in top positions tend to be given more "on the field duties" responsibilities than their juniors.

Many-a- times in an effort to be in good terms with their male colleagues, the female officers take some destructive steps that constantly hinder their chance of promotion and recognition in the job. They sometimes try to keep their feminine qualities that restrict them to take upon gender biased duties and they come to terms with the glass ceiling with respect to promotion. Even if they abandon their feminine qualities and accept the mockery, leading to prospects of promotions; that too doesn't allow them the whole occupational incorporation as gender-based bias is a deeply rooted concept in policing.

Problems faced

Women are dramatically underrepresented in police forces globally. The statistics suggest that there were 101.68 males for 100 females in the world in 2019, whereas there were 108.18 males per 100 females in India in 2019. It is ironic that the percentage of women police personnel in India was a mere 12% by the end of 2020 which is nowhere

equivalent to the number of male police personnel in India. The ratio of female police for females in India should at least be nearly equal, which is far from the fact that female police do not even constitute a quarter of female population. According to United Nations data, the proportion of women to women police is far less than the required amount. This somehow contributes to the difficulties faced by women in the field of law enforcement. Some of the difficulties faced towards women's representation in police might be the following:

- In their career, women experience several problems, ranging from outright discrimination to sexual harassment. Many versions of body armor have exhibited sexism that do not fit or protect the bodies of women. Over the course of their career, they face several hurdles and criticism.
- Obstacles they face throughout their employment, such as the "men's club," unpleasant or hostile settings, both direct and indirect harassment, sexism, off-centered physical fitness examinations, double standards and lack of assistance and prospects.
- The Police officers are educated that anything might be a threat. Women can't trust not just the people they're investigating, but also the people who are supposed to have their backs. This is quite dangerous for women.
- When women first enter the police academy, they are subjected to a great deal of trauma. The police academy is where they learn the rules and begin to negotiate their identity.
- The capacity to manage job and family life is the most difficult challenge for women in policing.
- Women have always been told that doing this as a woman will be twice as difficult as compared to a man. They think their skill sets are not going to result in a favorable conclusion. The male co-workers show a load of confidence as the



system is favorable to them, while the women lack the self-confidence to challenge them, later deciding to leave the job.

- Female officers must go through the trouble of demonstrating that they, too, can do what men do. The problem is a lack of accessibility to skills training, which is exacerbated by the often cis-gender networking that occurs at male-centric gatherings.
- The cultural mindset is that women belong at home, taking care of the children and cooking for their counterparts.
- Power is perceived positively for males, but negatively for females. The stereotypical image of a woman in leadership is "sharp, unpleasant, and required to smile more". There is unwillingness to promote women because it is understood that a woman in a headship position will be difficult to get along with.
- Examples from United States and Europe showed that cases involving female officers ended in sexual harassment, gender discrimination in tasks assigned and no promotion for the female police. This states that women have to go through all these issues during their tenure.
- Due to the male oriented trainings, supervisory biases and policies, women face both internal and external disadvantages that keep them out of the high-profile cases.
- Female officers even after spending years in the forces still don't get accepted as an officer, stating that it was easier to deal with the criminals than dealing with their male colleagues.
- Female officers in many places face the problem of absence of separate toilets and absence of Sexual Harassment Committee.

Social Aspects

Socially, woman is expected to stay at home and take care of the household needs. It has been the

culture of not only India but a lot of countries. Policing being an occupation requiring dealing with strangers and issues related to violent crimes, it is not seen appropriate for a woman to deal with all these duties. Policing has long been viewed as a rough, physically demanding, and risky career that should only be undertaken by males. These cultural values and behavioural norms put women in law enforcement at a significant disadvantage, making complete integration challenging and frustrating. The woman is not only discriminated in her department but is also pressurized at her home too. There are very few households those appreciate the participation of females in policing. These households also belong majorly to the gazetted officers. The remaining population of female police at desk jobs and lower ranks face a lot of discrimination and find it hard to climb up the ladder of success. Culturally and traditionally women are seen as delicate and emotional beings. The patriarchal society tries to bind her in the same cuffs. Women are expected to smile and speak politely to everyone, if not they are found hard to deal with. While policing being masculine in nature puts a contrasting idea of the scenario in-front of the society. Irony of the situation is a woman is required to show both masculine and feminine attributes at the same time. Somewhere at social level, women are not treated equally, are mocked and the gender discrimination is highly widespread in the form of physical and verbal maltreatment, resulting in stress and trauma. The inequality in services offered for their male colleagues denies them their working rights. Women were censured and disgraced as a result of the shift in gender norms, and their credibility inside and outside the system was confined. Kiran Bedi, the first female IPS of India forms a good example of discrimination on the basis of gender, as she took voluntary retirement in 2007 because she was outmoded by her male junior for the post of Delhi Police Commissioner.

Gender disparity in our culture places a "dual obligation" on women who work for a living. As a result, irrespective of their job, women bear a substantial portion of home obligations. Scheduled



work days and weekly breaks become quite crucial for employed women in this situation. The number of women who do not get any weekly break remains substantial, at 48%. Approximately 29% of female employees started receiving one day off each week. The major factors responsible given by police-women for staying past duty hours were increased workload, case of emergencies, and a shortage of staff. Furthermore, 18% mentioned emergency obligations as the top reason for working extra. Expectations and issues like household chores, taking care of children, family planning, traumas, etc. chains the women in her boundaries. The society being a hypocrite wants to show their initiatives towards women empowerment but at the same time wants the women to behave according to the prejudiced image of a female. As stated by the then DCP Suman Nalwa who depicts the status of women by three examples which she observed during her career. In one scenario, a woman constable used to wake up at 4 am, do all house chores and travel for 4 hours to reach for work. Then she would sleep at office. The second scenario she described was of another Assistant Sub-Inspector who would come to work daily with contusions on her face as her husband used to beat her on returning home. In the third scenario, the female officer's husband would possess her ATM card with him and only give her Rs 20 as pocket money for travelling daily.

Psychological Aspects

Policing is a very stressful occupation which requires dealing with all the negativity of the society. This increases the strain level in the police irrespective of the gender. However, the stress of dealing with the harmful components of the society along with the criticism, biasness and stereotyping from the colleagues and at home makes it even more difficult to deal with. A study made by Andreanne et. al. (2021) states that women police officials report elevated occupational stress level as compared to their male counterparts. This indicates that the occupational experience of policing differs greatly for males and females. There are a large set of

problems stated above (foul language, discrimination, male jokes, unequal treatment, double standards, lack of support, lack of confidence, etc.) which contribute to elevated stress levels. Morashet al. (1995) focused on occupational stress in the form of minority status and raunchy humour, which results in sexism and a high rate of attrition among female police officers. Morash mentions extrinsic difficulties such as the conflict between work and family duties, which has impacted the growth and work satisfaction processes. The factors listed above not only undermine women's pride, but also make their jobs difficult. A survey also reveals that the work atmosphere isn't at all suitable to female police officers. Approximately 50% of the female police reported not having a weekend off. One in every five of the women officers reported having to work outside of regular hours on a regular basis. This creates an extremely difficult scenario for women, who must bear the combined responsibility of providing care while still working. Feeling insecure at office is another widespread concern among female police officers. This can take two forms. The first is being subjected to harassment and abuse while working with senior personnel. Undertaking duties in a public setting where "anti-social forces" endanger the safety of a lady. A female police officer in Lucknow was sexually abused by her superiors and a video was shared on the internet that quickly went viral, to which the female officer stated "How can I console other victims when I am not protected in my own police department?". "How can I possibly consider guaranteeing justice for other victims when I, myself, have not received justice?" This heavily affects the psychological health of a woman. Many a times, these kind of events lead a woman to take certain actions that are detrimental to her.

Moreover, when employed, women confront sexism, sexual misconduct, and even peer bullying, as they frequently lack the required positive examples or mentorship to help females advance. In reality, the dropout rate of women in police, particularly at the constable level, is the maximum of any government



job in the nation, women leaving the post of IPS is also very common, even though is an elite and prestigious profession. This is clearly linked to the depressing and gloomy environment, peer influence, and gender difficulties. The symbolic position of women in law enforcement agencies creates several challenges and pressures for female officers attempting to incorporate into a cis-gendered field. Recognition of female officers is difficult, and women confront performance demands as a result of their prominent visibility. This leads the woman to either show poor job performance, quit the job, get mentally exhausted, show rude behaviour or even commit suicide.

Conclusion

Women being an integral part of society possess a major influence on the decisions made for it. Likewise, Police being the protector and law keeper of the society should step out of the patriarchal concept and encourage women to actively take part in policing. This can be accomplished by dropping out the biases and stereotypes made towards women. The social norms followed by our country have been tying women from reaching their fullest abilities. According to a study by Puja Konch, on the employment conditions of female police in Andhra Pradesh, female police officers should be given autonomous authority and responsible positions. She emphasises that law enforcement should not simply hire people who are physically strong because women officers can be useful in cases of dowry killings, juvenile offenders, and domestic abuse, which can further enhance societal renovation. The studies state that male police officers see their work as controlling with authority whereas the female police officers perceive it as community service. Though the statement is very agreeable, the family members and colleagues who are supposed to support them have previously perceived norms which make it even more difficult to cope up with the situations that come across them, which lead to a set of psychological issues. These issues further result into either stepping out of the job, poor performance or for people unable

to cope up with it leads to suicide. This can be prevented by simply showing acceptance, cooperation and support towards the women in police as their colleagues and family. Small steps lead to big successes, hence small acts of acceptances will lead to a better position of women in police. Henceforth, women should continue to move towards equality in work place and by moving towards they will continue to take steps towards higher ranks, breaking down stereotypes and safeguarding better opportunities for their female successors.

Suggestions

- There is a need to find a method to go into locations and link women with mentors who can help them succeed in a system that does not wish for them to exist successfully.
- To improve and enforce harassment policies.
- Women did not build the hurdles women face in police, and they may not be able to fix these issues on their own. Allies will be critical to progress. Participation of nominated police chiefs, male equivalents, and politicians as potential partners can help.
- In Policing, masculinity and violence are very cliché. Emphasis toward community policing, stressing relationships and establishing trust, would enhance the reputation of policing to women, accurately portray the goal of policing, and result in a stronger, more effective police force.
- Relevant research should be conducted to narrow down the difficulties faced and what are possible measures that can address it.
- There should be regular conversations regarding the challenges faced by women in policing.
- To conduct research and try to find some solutions for the same.
- To learn from the successful efforts abroad and apply them to our system of policing.



- Constant training should be provided to the female officials without any stereotypes and training on gender sensitization should be conducted on regular basis for both male and female officers.

References

1. Alice H. and Eagly W. W. (2016). *Social Role Theory of Sex Differences*. Wiley Online Library.
2. Amora S. (2019). Gender, Crime and Punishment: Evidence from Women Police Stations in India
3. Beede D. J. (2011). Women in STEM: A Gender Gap to Innovation.
4. Cherry K. (2020). Gender Schema Theory and Roles in Culture.
5. CSDS. (2019). Gender and Police. Status of Policing in India Report 2019, 93-109.
6. David B. M. (2019). *Women in Policing: Breaking Barriers and Blazing a Path*. National Institute of Justice.
7. Deans C. (2019). Gender Inequality: The Struggle Female Police Officers Face in the Masculine Culture of Policing. University of Guelph's: *Undergraduate Feminist Journal*, 43-52.
8. Devi N. (2014). Women in the Rig Vedic age. *International Journal of Yoga - Philosophy, Psychology and Parapsychology*.
9. Eagly A. H. (2000). Social role theory of sex differences and similarities: a current appraisal". The Developmental Social Psychology of Gender, eds T. Eckes and H. M. Trautner (Mahwah, NJ: Erlbaum), 123-174.
10. Gulati P. (2021, March). How the Indian Policing System Supresses Women Police Officers. *Feminism in India*.
11. Jain B. (2020). Number of women cops in states/ UTs up by 16% in a year. *Times of India*.
12. Joshi C. (1999). Hope and despair: Textile workers in Kanpur in 1937-38 and the 1990s. *Sociology, Gender Studies and Cultural Studies*.
13. Joshi S. (1999). Women Policing: A historical background and review of literature. Sardar Vallabhbhai Patel National Police Academy.
14. Kahlenberg S. G. (2010). Progression on Nickelodeon? Gender role stereotypes in toy commercials. *Sex Roles*, 830-847.
15. Kan M. Y. (2011). Gender convergence in domestic work: discerning the effects of interactional and institutional barriers from large-scale data. *Sociology*, 234-251.
16. Katoch P. (2020). Gender Issues in Policing: Perspectives and Perceptions. *The Indian Police Journal*, 46- 51.
17. Koss M. D. (2015). Diversity in contemporary picturebooks: a content analysis. *J. Childrens Literat.*, 32-42.
18. LaMorte W. W. (2019). *The Social Cognitive Theory, Behavioral Change Models*. Boston University School of Public Health.
19. Lauzen M. M. (2008). Constructing gender stereotypes through social roles in prime-time television. *J. Broadcast. Electronic Media*, 52.
20. Lisa D. (2019). Gender and Policing. OSCE Office for Democratic Institutions and Human Rights.
21. Martiny M. O. (2018). Does Exposure to Counter stereotypical Role Models Influence Girl's and Women's Gender Stereotypes and Career Choices? A Review of Social Psychological Research. *Frontiers in Psychology*.
22. Murnen S. K. (2016). Boys act and girls appear: a content analysis of gender stereotypes associated with characters in children's popular culture. *Sex roles*, 78-91.
23. Natarajan M. (2008). Towards Equality: Women Police in India. *Women & Criminal Justice*, 20.
24. Rajeswari V. (2017). The Origin Role of Women Police in India. *Research Gate*.



25. Rebecca S. and Bigler L. S. (2006). A developmental intergroup theory of social stereotypes and prejudice. National Library of Medicine.
26. Reich S. M. (2018). Constructing difference: LEGO set narratives promote stereotypic gender roles and play. *Sex Roles*, 285-298.
27. Rout N. (2016). Role of Women in Ancient India. *Odisha review*.
28. Steyer I. (2014). Gender representations in children's media and their influence. *Campus Wide Inform. Syst.*, 171-180.
29. United Nations. (2019). World Population Prospects 2019. Department of Economic and Social Affairs.
30. Vignesh R. S. S. (2021, August). Women make up only 12% of India's police force. *The Hindu*.

Female Police Personnel in Bihar: An Exploration of their Working Conditions

Dr. Nidhi Sinha*



Abstract

Women play great roles both within their families and in the workplace. However, women often encounter unique challenges in their professional lives. Police duty is one of the most demanding occupations that projects different problems for women personnel. In the state of Bihar, women police personnel constitute over 24 percent of the total police force. As the number of women in this field continues to rise, a variety of issues specific to them have come to light. Thus to have a deeper look into their problems the current paper tries to look into various challenges faced by women police personnel in Bihar. The paper aims to identify different kinds of problems faced by them and to find variations in the nature of these challenges between the two types of police stations. Finally, based on their suggestions, the paper seeks to formulate a strategy for generating recommendations to address the problems faced by them.

Keywords: *Women Police Personnel, Women Police Constables, Workplace Conditions, Working Hours, Work-Life Imbalance, Patrolling, Night Shift.*

Introduction

Women's participation in the workforce has significantly increased over the years, and they have been playing crucial roles in various sectors. In Bihar, women constitute a substantial portion of the police force, with expectations of further growth. In 2013, Bihar, with a 37% reservation for women in its police force, became the first state to provide the highest proportion of reservation to women in police services. Prior to the reservation policy, in 2005 only, 893 women police personnel were present. According to the Data on Police Organisations published by Bureau of Police Research and Development 2022, women accounted for 21.21 percent of police personnel, 10.6 percent are women police officers. Now their proportion has reached

around 24 percent. Indian Justice Report expects that Bihar will surpass 33% representation of women in the police force in the next five years. 40 urban Women Police Station exists in Bihar.

However, women in the police force often face distinct challenges that are specific to their gender. Policing, as a demanding occupation, presents a unique set of obstacles for women personnel. The role of women in law enforcement has evolved significantly over the years. Women police personnel have made substantial contributions towards maintaining law and order in the state. Their role as a counselor at Mahila Thana is remarkable. However, their journey in this profession has been marked by various challenges that affect their working conditions and overall well-

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being. Various problems they face are inadequate toilet facilities, unavailability of creche facilities for young mothers, instances of sexual harassment in the workplace, odd working hours, excessive workloads, work-family imbalance, etc.

Thus to have a deeper look into their problems the current paper tries to look into various challenges faced by women police personnel in Bihar. The study adopts a comparative approach to analyse the working conditions of women police personnel in Women Police Stations and conventional Police Stations in Patna. The research is rooted in a primary survey conducted at the two police stations in Patna. The paper aims to identify different kinds of problems faced by them and to find variations in their nature.

Objectives

- To identify the challenges faced by women police personnel in Bihar
- Comparative study of working conditions of women police personnel in Women Police Stations and conventional Police Stations in Patna

Methodology

The study is based on both primary and secondary data sources. Primary data was collected through surveys. Secondary data was gathered from

various sources, including the Bureau of Police Research and Development, India Justice Report, newspapers, and articles etc.

Purposive non-probability sampling technique is used to select the sample. The questionnaire was administered to a purposive sample of thirty women police personnel ($n = 30$) from different ranks stationed at different districts in Bihar. The study's purpose was explained to them. The study follows a descriptive design, focusing on assessing the work-related concerns, health risks, and stress levels experienced by policewomen in their workplace

To conduct a comparative study between Conventional Police Stations and Women Police Stations, one police station from each category in Patna was selected. Kankarbagh Police Station represents a Conventional Police Station, while Gardanibagh Women Police Station represents Mahila Thana or All Women Police Station. Data was collected through structured interviews, focus group discussions, and surveys to gain a comprehensive understanding of the challenges faced by women in both types of stations.

An open-ended questionnaire using Google Forms was created and distributed to conduct individual survey. Despite widespread distribution, respondents were hesitant to express their thoughts openly. Due to the limited pool of

Table 1: District-wise Distribution of Samples in Bihar

	Police Station		Individual Women Personnel in number
	Conventional P.S.	Women P.S.	
Patna	1	1	19
Other Districts			11
Total	1	1	30

Source: Primary Field Survey, Note: P.S. stands for Police Station



potential respondents and time, a smaller sample size was the only practical option. Thus, this study uses a sample size of 0.15% of the population for data collection. While this small sample size may limit the generalizability of the findings to the broader population, it provides valuable insights within the scope of this study. Moreover, this study contributes to the existing body of knowledge and lays the foundation for potential future research endeavors with more extensive samples, enabling a more comprehensive understanding of the subject matter.

Results and Discussion

Based on the two objectives, the paper is divided into two sections.

Details of Women Police Personnel

The samples selected are distributed all over Bihar with a major share from Patna District. Sampling in Patna was more convenient, resulting in a larger number of samples from this area. While 11 samples from other districts were sent Google Forms. The other districts are Buxar, Kishanganj, Gaya, Munger, Bhojpur, and Bettiah.

Table 2: Distribution of Samples

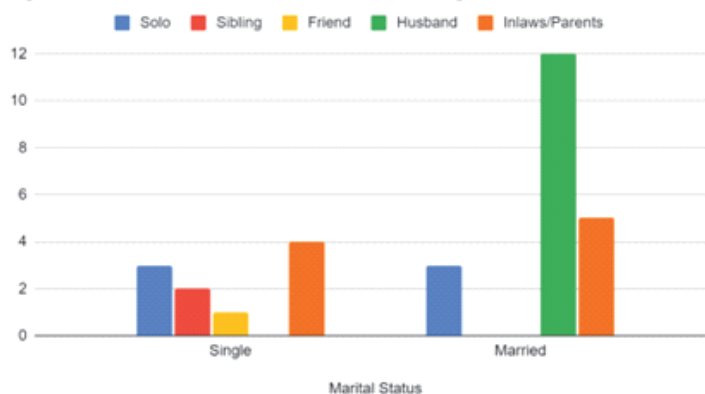
District	Number of Samples	Percentage Sample
Patna	19	63.3
Buxar	3	10.0
Kishanganj	2	6.7
Gaya	2	6.7
Munger	2	6.7
Bhojpur	1	3.3
Bettiah	1	3.3
Total	30	100.0

Source: Primary Field Survey

Despite the rapid growth in their numbers, it seems that they still remain underrepresented in senior positions. Among women police personnel, 14 hold the post of Sub Inspector, while the rest serve as constables. Fifty-three percent have experience in police job between five to ten years and forty percent have experience of less than five years. The average age of the sample is 30 years, with 16 of them stationed at police stations, and the remaining individuals are assigned to various locations, like Police Line, Civil Court, Bank and

other areas. The majority of these women, specifically 20 are married. 61 percent are mothers. Figure 1 indicates that the majority of married women reside with their husbands and children, with one-fourth living with in-laws, while the remaining live alone. Among single women, two-fifths reside with their parents, one-third live independently, one-fifth share housing with friends, and only one is living with friends. One-third of the women police personnel reside in larger families, while the remaining majority live in smaller

Figure 1: Women Police Personnel Living with



Source: Primary Field Survey

*Figures in number

households. Larger families come with increased responsibilities, including tasks like cooking, cleaning, caregiving, and educating children, which are expected to be managed by these women. Many of them admitted of facing criticism and encountering challenges in fulfilling these duties.

Challenges Faced by Women Police Personnel

Working Hours

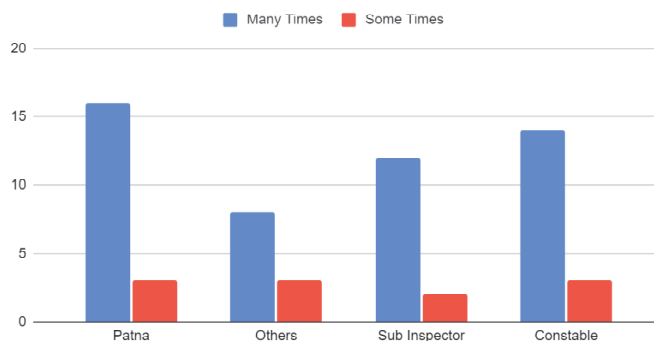
As per Ramashankar (2019), Indian police personnel face significant stress and long working hours. Bihar state police force is among the most overworked in the country, ranked third after Punjab

and Odisha. In Bihar, a typical policeman works an average of 16 hours per day. The survey conducted among women police personnel reveals that, on average, they work for approximately 14 hours daily. Table 3 shows the working hour distribution. Three in ten women police personnel reported working more than 16 hours per day. Consequently, all of them have experienced excessive workload. Half of the women personnel experience frequent episodes of overwork throughout the week. As depicted in Figure 2, it is evident that they encounter more frequent instances of overwork in Patna in comparison to other districts. Notably, women Constable tend to work overtime multiple times a week when compared to Sub Inspector.

Table 3: Working Hour Distribution (Samples in number)

District	Number of Samples	8 hours in a day	9-12 hours a day	13-16 hours a day	More than 16 hours a day
Patna	19	0	7	4	8
Others	11	0	8	2	1
Total	30	0	15	6	9

Figure 2: Working Overtime in a Week of Women Police Personnel



Source: Primary Field Survey
*Figures in number

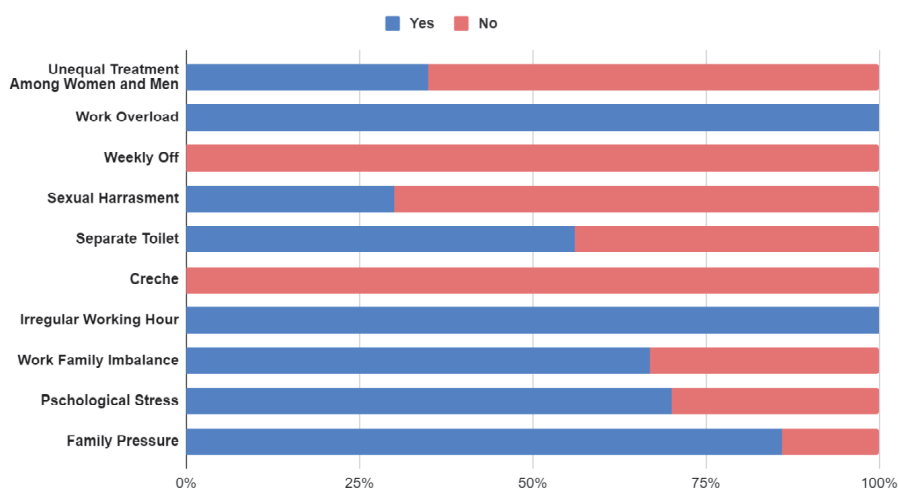
The primary reason for working overtime, as reported by most of the women police personnel, was excessive workload, emergency duty, and inadequate staffing.

Weekly Off-Days, Leaves and Child Care Leave

In our society, there exists a significant gender imbalance in household work distribution. The combination of extended working hours and the burden of domestic responsibilities places an

overwhelming load on women. In such circumstances, having fixed work shifts and a weekly day of rest becomes even more crucial for them. However, it is noteworthy that none of them reported receiving a weekly leave, and applications for leave are not entertained. Interestingly, three-fifths of women police personnel perceive the process of applying for Child Care Leave as relatively easy. In contrast, two-fifths of them find the procedure moderately difficult.

Figure 3: Challenges Faced by Women Police Personnel





Relation with Co-workers and Sexual Harassment

The police culture is recognized for its historical patriarchal tendencies, despite substantial reforms being implemented in the system. Ninety percent of women police personnel admitted to experiencing a supportive work culture. However, thirty-five percent expressed concerns regarding unequal treatment between women and men in the police force. Moreover, despite these changes, around thirty percent reported incidents of sexual harassment.

It's important to note that respondents were not entirely comfortable answering these questions. Nevertheless, they acknowledged that such exploitation had occurred during their earlier postings. Most of them experienced sexual harassment shortly after joining the services. Many individuals are still grappling with uncertainty because they are unsure about what course of action to take. One respondent shared her apprehension about her senior harassing her and expressed fear that if she were to speak out, it would become widely known. She believed that she might become a target for male officials who would subject her to insults. The inner turmoil they experience is deeply distressing. Despite the existence of a sexual harassment committee, they remain apprehensive about being identified and speaking out openly. One respondent acknowledged that a sense of sisterhood among female colleagues, self-confidence, and support from their families played a significant role in helping them surmount these obstacles.

Toilet, Creche, Medical, and Housing Facility

Toilet facilities are a necessity in any workplace. With long working hours, amenities such as separate toilets, sanitary pad dispensers, and dustbins are crucial for women. In the past, many police stations were predominantly male-dominated, but as the number of females in the police force has increased, they are getting posted at these police stations as well. Surprisingly, two-fifths of women police

personnel have expressed concerns about the lack of separate toilets in these places, which currently have shared facilities. Some have reported that these toilets were unhygienic, putting them at risk of various urinary tract infections (UTIs). Additionally, a few were assigned male toilets and resorted to locking them to prevent other males from using them.

In none of the cases, there is a creche facility for young children of new mothers. Young mothers require a separate space to breastfeed their children, but the absence of a creche or dedicated feeding rooms causes them significant psychological stress concerning the nutritional and other needs of their child.

Medical facilities at the workplace are not available to anyone. For treatment during their working hours, women and men police personnel are required to visit nearby government hospitals. Additionally, housing facilities are not provided, although there are barracks available. It's worth noting that not everyone is allotted barracks, and those who do live in them have reported concerns about the living conditions and the size of the barracks.

Night Duty and Patrolling Duty

Night duty and patrolling duties present a myriad of challenges for women police personnel, and these issues extend beyond the workplace, impacting their families and overall well-being.

Firstly, night duty poses a significant challenge for family life. The irregular working hours associated with night shifts often result in women police personnel being unable to devote sufficient time to their families. This issue is further compounded by the psychological stress faced by young mothers who are separated from their children during the night. In fact, a substantial seventy percent of women police personnel have reported experiencing psychological pressure, and a staggering eighty-six percent have expressed feeling family-related pressure due to these demanding work schedules.



Additionally, irregular sleep patterns resulting from night duty can lead to heightened stress levels, further increasing the work-family imbalance. In fact, sixty-seven percent of women police personnel have expressed their concerns about the work-family imbalance caused by these constraints.

Furthermore, the lack of separate toilet facilities and the challenges posed by menstruation during patrolling intensify the difficulties faced by them. Patrolling secluded areas becomes particularly challenging, as finding suitable restroom facilities can be problematic. At times, they are compelled to use public restrooms at petrol stations or hotels, and in more dire circumstances, they may have to resort to open spaces. Such situations, especially when accompanied by male colleagues, can induce feelings of shame and discomfort.

Comparative Analysis of Women Police Stations and Conventional Police Stations in Patna

According to BPR&D (2002), Bihar has a total of 40 Women Police Stations and 1056 Conventional Police Stations. In this section, a comparative analysis between Kankarbagh Conventional Police Station and Gardanibagh Women Police Station is attempted. The primary objective is to shed light on the disparities in the working conditions of Women Police Personnel at these two stations.

Women Police Stations primarily engage in activities such as counseling married women, addressing issues within married couples, handling cases of domestic violence, and dealing with gender-specific offenses. These stations are predominantly staffed by women. In contrast, the Conventional Police Stations are primarily focused on maintaining law and order, and their scope of work is more extensive than that of Women Police Stations.

When these two types of police stations were surveyed, several notable differences emerged. These distinctions highlight variations in the roles, responsibilities, and working environments of Women Police Personnel in the two categories of police stations.

In the Women Police Station, there is a staff of 15 Women Police Personnel and 9 Men Police Personnel, resulting in a gender ratio of 5:3. In contrast, the Conventional Police Station has 9 Women Police Personnel and 50 Men Police Personnel, yielding a gender ratio of 9:50.

It's worth noting that at the Women Police Station, there are over ten dedicated toilet facilities for women, ensuring their convenience and privacy. However, the Conventional Police Station lacks separate toilet facilities for women, necessitating that Women Police Personnel use the barracks for restroom purposes.

Neither of the stations had a creche facility available. While barracks were offered as an accommodation option, both locations saw women personnel preferring to rent houses instead. However, even securing barracks was not a straightforward process, and some individuals who did reside there expressed concerns about space and other related issues. It's worth noting that barracks are not suitable for accommodating large families.

There is a noticeable disparity in work pressure between the two types of police stations. At Conventional Police Stations, Women Police Personnel experience an overwhelming workload. The concept of an eight-hour workday has become a distant reality for them, as they consistently work overtime, often stretching their workday to 16 to 18 hours. In contrast, Women Police Stations adhere to a fixed eight-hour duty schedule, with occasional exceptions when they are required to work beyond regular hours.

Night duty and patrolling duty at Conventional Police Stations can be particularly uncomfortable for Women Police Personnel. The lack of adequate toilet facilities poses a major problem, discouraging them from participating in patrolling duties. Additional factors such as menstruation and family responsibilities compound the challenges they face. Many young mothers expressed their concerns about not having enough time to dedicate



to their children, which makes them feel guilty. Overall, the psychological pressure on Women Police Personnel at Conventional Police Stations is significantly higher compared to those stationed at Women Police Stations.

Conclusion and Suggestions

The increasing representation of women in the police force in Bihar is a positive trend that brings out unique challenges. For building a more inclusive and effective law enforcement body, it is imperative to address these challenges. This paper thus tried to focus on the issues faced by women police personnel and emphasizes the need for policy changes, infrastructure improvements, and support systems to enhance their working conditions and overall well-being. Creating a comfortable and supportive working environment for women police personnel is crucial, and several key suggestions can significantly contribute towards achieving this goal:

- **Support for Working Mothers:** Recognizing the importance of creche facilities or designated feeding rooms is essential. These facilities not only enable working mothers to balance their professional responsibilities with childcare but also foster a more inclusive and supportive work atmosphere.
- **Provision of Separate Toilet Facilities:** Ensuring the availability of separate and hygienic toilet facilities at their workplace is imperative for women's comfort and well-being.
- **Fixed Working Hours:** Implementing fixed working hours can help women police personnel manage their families more effectively and reduce the challenges associated with irregular shifts.
- **Consideration for Transfers:** Providing opportunities for transfers to nearby locations can be beneficial. Assigning personnel to districts aligned with their spouse's

workplace or offering rotational choices can help address family-related concerns.

- **Flexible Leave Policies:** Adopting flexible leave policies that accommodate individual needs can greatly benefit women. This flexibility will enable them to manage their personal and family responsibilities effectively.
- **Improved Housing Conditions:** Enhancing housing conditions for women police personnel can contribute to their overall well-being and job satisfaction.
- **Limiting Patrolling and Night Duty:** Reducing the frequency of patrolling and night duty assignments can alleviate some of the physical and psychological stress associated with these demanding tasks.
- **Provision for obtaining an advanced degree:** According to the respondents perspective, it is recommended that leave for pursuing higher educational qualifications should be granted. Since young constables typically join the force between the ages of eighteen to twenty-one, and their highest educational attainment is often limited to a Higher Secondary Education degree, they are unable to apply for promotions to higher ranks. Providing them with this opportunity would be highly beneficial for all involved parties.

By implementing these suggestions, police organizations can create a more inclusive, supportive, and comfortable working environment that empowers women police personnel to excel in their roles while maintaining a healthy work-life balance.

References

1. Amaral S., Bhalotra S. and Prakash N. (2021). *Gender, Crime and Punishment: Evidence from Women Police Stations in India* (CESifo Working Paper No. 9002). SSRN



2. Bureau of Police Research and Development. (2023). Data on Police Organizations.
3. Desai S. (2016). Give us gender friendly arms, bullet proof jackets, sanitary pad dispensers: Women personnel tell govt. *DNA India*.
4. India Justice Report. (2022).
5. India Justice Report. (2022). National Factsheet.
6. Prakash N. (2017). *Gender Bias in Policing: Evidence from the Indian Police Service*. Indian Statistical Institute.
7. Raj D. (2023, September). Nitish Kumar for Hiring More Women Cops. *The Telegraph*.
8. Ramashankar. (2019, August). At 16 hours a day, Bihar police third most overworked force. *The Times of India*.
9. Sahu, Y. (2023, September). Reservation for Women Policemen. *Jagran*.
10. Status of Policing in India Report 2019, Police Adequacy and Working Conditions. (2019). Common Cause and Lokniti- Centre for the Study Developing Societies (CSDS).

Chain of Custody for the Integrity of Evidence: A Critical Examination



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Abstract

Maintenance of the chain of custody in criminal proceedings is required to establish that the physical evidence being produced before the Court is the same as the one that was taken possession of by the investigating officers during investigation. Chain of custody is essential for the admissibility of any physical evidence in a court of law. Despite its enormous significance, there is limited discourse in India over the chain of custody in criminal jurisprudence and forensic practice. Chain of custody is of particular relevance when a seized object or sample is sent to a forensic science laboratory for expert opinion as all stages of transfer of possession and examination are required to be documented. Constitutional Courts in India have dealt with the question of chain of custody, mainly in the context of NDPS cases and cases involving biological evidence. In light of the increasing utilization of forensic methodologies in criminal investigations, the imperative to uphold a stringent chain of custody has acquired heightened significance, necessitating a more meticulous scrutiny of the issue. This article critically examines various aspects of the chain of custody and its need for evidence integrity. The article provides a critical analysis of different facets of the chain of custody and underscores its necessity for maintaining the integrity of evidence.

Keywords: Chain of custody, physical evidence, forensic science.

Introduction

The integrity of physical evidence is an essential prerequisite for its admissibility in a court of law. Physical or real evidence is considered to be the most objective and reliable evidence in a criminal investigation or trial. Physical evidence is presented in a court of law to prove the occurrence of an offence or to link the victim, accused or witness to the scene of crime. However, before a court can consider a piece of physical evidence for evaluation during a trial, the integrity of the evidence must be proven. Chain of custody reflects the continuity of

possession of an object or a property seized during an investigation (hereinafter "seized object") including its movement from the point of recovery to its transport to the forensic science laboratory (F.S.L.) for examination and eventual production in the court for admission and evaluation as evidence. It primarily aims to protect the evidence by preventing contamination or tampering with the evidence. Thus, various aspects of the chain of custody are of considerable relevance for police officers conducting investigation and forensic examiners handling physical evidence in a laboratory for examination.

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Elements of chain of custody

Chain of custody begins as soon as the investigating officer (I.O.) takes control of the seized object in his possession during the investigation. Following are the key ingredients of the chain of custody of a seized object which should be properly documented during investigation and forensic examination:

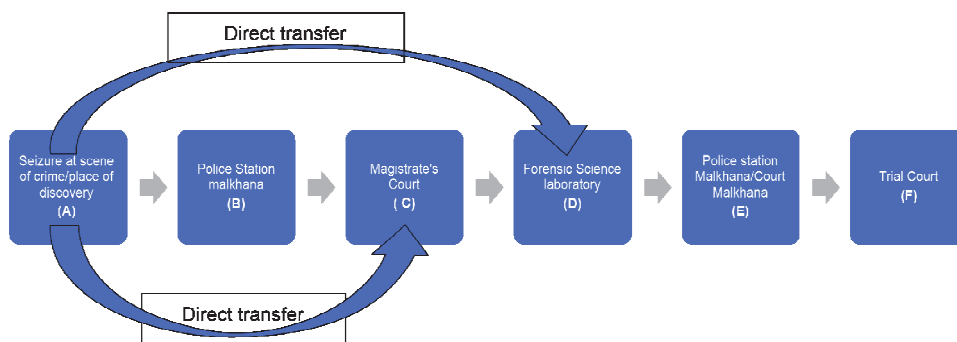
- (i) Description of the evidence
- (ii) Identification details/ unique case identifier (e.g., case number/property number)
- (iii) Place of seizure/collection
- (iv) Place of storage
- (v) Identity of persons having possession of the evidence and purpose thereof
- (vi) Details of handling of the evidence e.g., analysis, sampling, re-packaging.
- (vii) Time and date-related information
- (viii) Particulars of sealing including documentation regarding any removal of seal/re-sealing

From the requirements described above, it can be understood that there are two fundamental elements in the chain of custody:

- (i) **Chronological** i.e., documentation regarding the sequence of movement of seized object in the period between seizure and production before the Court during the trial. It is mandatory to note the date and time along with the signatures of persons involved during each movement/transfer of the seized object.
- (ii) **Logical**, i.e., justification and reasonableness of handling of the seized object by various persons, including custody, control, transport or analysis. Each movement/transfer of seized object shall be done only in the interest of investigation, prosecution and production before the court.

The chain of custody documentation shall satisfy both the above requirements for admissibility of evidence. During the trial, the prosecution has to establish that during the entire period of transit from the point of seizure to the production before the court, duly identified and authorised persons only had custody of the seized object and all steps of transfer of evidence from one person to another were for taken for justified purposes.

Typical movement of a seized object in the course of investigation and trial in India can be represented by following diagram:



The movement pattern varies depending on the practices followed in a police organisation, the type and quantity of objects and the need for forensic/

expert examination. In case of movement of an object from point A (place of seizure) to point F (trial court), possession of objects at all intermediary points as



well as at points A and F is required to be covered by chain of custody. The length of chain is significant since possession of the object outside point A and F are not relevant for evidentiary purposes.

Legal requirements regarding the chain of custody in India

The chain of custody aims to establish the integrity of physical evidence produced during a criminal trial. Thus, maintenance of the chain of custody itself must be proven beyond reasonable doubt (standard of proof in criminal law) before the court evaluates the evidence. The salient provisions concerned with the question of chain of custody in criminal laws in India are briefly discussed below:

Provisions in Code of Criminal Procedure, 1973 (CrPC)

CrPC does not explicitly stipulate the requirements for chain of custody during investigation or trial. During the investigation, police are authorised to seize any material object (e.g., biological evidence, offending weapon, fingerprints) under **section 102 of CrPC** which deals with the general procedure of seizure of property. The section prescribes that every seizure should be forthwith reported to the concerned Magistrate along with the seized property. If the seized property cannot be conveniently transported to the court or securely accommodated, it can be left in the custody of any person under a bond (commonly referred to as *Zimmanama*) which can be called for production before the Court, whenever required. Section 102 CrPC does not mention anything in particular about the chain of custody. Similarly, Section 100 CrPC regarding the procedure of search only mandates signatures of at least two independent witnesses on the seizure list. Sub-section 100 (6) prescribes for providing a copy of the seizure list to the occupant of the closed place from where the seizure is made while sub-section 100 (7) contains the same provisions in case of seizure made from the person concealing any article about his person. Section 51 also provides for giving a receipt to the arrested

person showing the articles taken in possession by the police officer at the time of arrest. **Section 451** of the CrPC, which comes into operation after the production of property during enquiry or trial, does refer to "proper custody" of the property. However, the object of this section is to allow interim custody of the property during the pendency of such enquiry or trial. Further, the term "proper custody" is not defined as such in the section. Clause 105 of the proposed *Bharatiya Nagrik Suraksha (Second) Sanhita Bill, 2023 (BNSS)* introduces mandatory recording of search (including search under clause 185 of BNSS) and seizure by audio-video electronic means. Further, Clause 193 of the BNSS mandates the filing of "sequence of custody" of electronic evidence at the time of filing of report in final form (charge-sheet/closure) after the conclusion of the investigation, which once enacted, would be the first direct reference to the concept of chain of custody in Indian law. However, no such provision has been proposed in the case of ordinary physical evidence.

Section **292** of CrPC deals with the admissibility of reports officers of mint or security/note printing press, officers of Forensic Science Laboratories and examiners of questioned documents even if such officer is not called as a witness. Section 293 of CrPC deals with the manner of reports of certain government scientific experts whose reports may be used as evidence during any inquiry or trial. However, there is no mention of requirement of chain of custody in either of the sections.

Provisions in Indian Evidence Act, 1872 (Evidence Act)

Evidence Act does not explicitly stipulate anything regarding proof of chain of custody of physical evidence. In the Evidence Act, physical evidence itself is not enumerated as a type of evidence in Section 3, which includes only oral and documentary evidence. However, in several cases, this gap has been addressed by statutory interpretations by Constitutional Courts. The provisions regarding the admissibility of evidence



apply to questions of chain of custody whenever raised during the inquiry or trial. As per section 136 of the Evidence Act, the judge decides on the admissibility of evidence, and if one fact is contingent upon a second fact, the judge may ask for proof of the second fact first. Thus, if the chain of custody of evidence is challenged, the judge may ask for evidence to show maintenance of the chain of custody before the evidence is considered. Evidence Act does mention the "proper custody" requirements regarding the production of certain documents as well as electronic documents. As per the explanation to section 90 of the Evidence Act "proper custody" means documents being in their natural place and custody. Further, custody is not considered to be "improper" if it had a legitimate origin or, based on the circumstances of a particular case, an origin which is probable. Analogous provisions have been proposed in the Bharatiya Sakshya (Second) Sanhita Bill, 2023. Additionally, explanation 5 to clause 57 of the proposed bill states, *"where an electronic or digital record is produced from proper custody, such electronic and digital record is primary evidence unless it is disputed."* Apparently the concept of "proper custody" of documents cannot be equated with "chain of custody" of physical evidence which requires stricter proof for evidence integrity. The reliability or credibility of physical evidence is decided after applying judicial mind based on the overall facts and circumstances of the case. This may be contrasted with the position in the United States, where Federal Evidence Rule 901 (and its state adaptations) clearly stipulate the requirements of authentication or identification of an item of evidence as a condition precedent for admissibility, which makes requirement of an unbroken chain of custody implicit.

In practice, courts in India usually do not insist on any formal chain of custody form, as is the case in several Western jurisdictions. Instead, chain of custody is examined both on the basis of documents and statements of witnesses. During the trial station diary/general diary, Malkhana (store room)/Property register, Receipt/dispatch register, road

certificate/challan and acknowledgement receipt of the laboratory are produced by the prosecution in the Court to prove chain of custody. Some FSLs now insist on the preparation of chain of custody form by I.O. in case of biological evidence. If I.O. had maintained the chain of custody form, the same is also sometimes produced in the Court. The chain of custody form prepared in FSLs for tracking of exhibits is also produced in the Court. Witnesses are examined to prove these documents as well as to adduce additional evidence to confirm the maintenance of the chain of custody. A sample seal is also sent to the Court for comparison, while the actual brass seal is required to be produced at the time of trial.

Certain special statutes such as the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), have stipulated specific search and seizure requirements to ensure the authenticity of the seizure. Section 55 of the NDPS Act provides that all articles seized under NDPS shall be under the safe custody of the officer-in-charge of a police station in duly sealed condition till orders of the Magistrate are obtained. If any samples are taken, the same shall also be sealed. Further, section 57 prescribes mandatory intimation to departmental superiors within 48 hours of the seizure.

Judiciary's view

Since the chain of custody is vital for the admissibility of evidence, defence always endeavours to challenge the chain of custody during criminal trials and thereby create doubt over the integrity of evidence. A quick survey of jurisprudence on this subject in India reveals that the Supreme Court and High Courts have delineated the need to maintain the chain of custody in several judgments, and questions on the chain of custody are now being increasingly raised in courts.

A missing link in the chain of custody can result in the inadmissibility of crucial evidence and resultant acquittal. Chain of custody may be treated as broken in case of lack of proper documentation, discrepancy in different documents, lack of proper



seal, inconsistency between statements of witnesses or gaps in the statements over movement of seized object etc. Ordinarily, the chain of custody is presumed to have been maintained if the details of an exhibit on the seizure list are correctly mentioned, the seal is intact, and any opening/handling of the exhibit in a laboratory has been documented. This view is aided by the Explanation "F" to Section 114 of the Evidence Act according to which the Court may presume that common course of business has been followed in a case. Even though it can be argued that the Higher Judiciary in India has generally not insisted on rigorous formal/documentary proof of chain of custody (see Supreme Court rulings in *Mustak @ Kanio Ahmed Shaikh vs. State of Gujarat* and *Shatrughna Baban Meshram vs. State of Maharashtra*), failure to maintain proper chain of custody is emerging as one of the reasons behind acquittal in several cases. In *Malaichamy and anr. vs. State of Tamil Nadu*, the Supreme Court declined to consider the seizure of offending articles which were not kept under seal by the I.O.

In particular, the chain of custody-related issues have been critically examined in connection with NDPS Act cases and cases involving biological evidence in India. Higher scrutiny in NDPS Act cases is imperative since exclusive and conscious possession of contraband is a primary requirement for holding the accused guilty of an offence of possession under the NDPS Act which prescribes stringent penalties. On the other hand, biological evidence (particularly trace evidence like D.N.A.) is highly susceptible to contamination and manipulation. In *Union of India vs. Mohanlal and Ors.*, Supreme Court, *inter-alia*, issued directions to both Central Government and State Governments for dealing with seizure in NDPS Act cases:

- (i) Setting up of storage facilities with vaults having double locking system for the exclusive storage of drugs and conveyances seized under the NDPS Act to prevent theft, pilferage or replacement

- (ii) Designating a nodal officer for each storage facility
- (iii) Taking other steps for compliance to Standing order no. 1/89 issued by Govt. of India under section 52A of the NDPS Act

In *Okafor Chukwuka Ugochukwu and anr. vs. Narcotics Control Bureau* (2020), Delhi High Court while hearing an appeal in an NDPS case pertaining to the seizure of 1.78 kilograms of cocaine, acquitted two foreign nationals due to doubts on the chain of custody. The Court observed that: "...It is well settled that the prosecution is required to establish the complete chain as to the movement of the sample in order to establish that the same had remained intact..."

In *Ashit Biswas vs. State of West Bengal*, Calcutta High Court, while setting aside the conviction of an accused under the NDPS Act, held that the discrepancies in the statement of witnesses regarding the chain of seized articles "*clearly snap the link before the articles seized at the spot and those produced in Court during trial, rendering the prosecution case wholly unreliable.*"

Delhi High Court in *Vinay Kumar vs. State (N.C.T. of Delhi)* held that the concept of chain of custody needs to be established in case of biological evidence. The Court defined "chain of custody" as "*the complete record of biological evidence from the place of its extraction and up to its presentation in the Court and its complete documentation at every stage.*"

In *Prakash Nishad vs. State of Maharashtra*, Supreme Court, while acquitting an accused of rape probably for the first time has elaborately dealt with the concept of chain of custody. The Court, while referring to Guidelines for collection, storage and transportation of Crime Scene DNA samples for Investigating Officers developed by Central Forensic Science Laboratory, Chandigarh, remarked that "*a chain of custody document in other words is a document which should include name or initials of the individual collecting the evidence,*



each person or entity subsequently having custody of it, dated the items were collected or transferred, agency and case number, victim's or suspect's name and the brief description of the item." The judgement indicates growing appreciation of the importance of an unbroken chain of custody by the Courts.

Chain of custody in forensic science laboratories

Maintenance of the chain of custody of seized objects received in an F.S.L. is equally imperative as the object or sample is handled for forensic examination by forensic examiners. FSLs commonly use Laboratory Information Management System to manage the chain of custody. Chain of custody documentation in a laboratory is required to contain the following details:

- (i) Location of the sample in the laboratory
- (ii) The current custodian of the sample
- (iii) Time and date of movements
- (iv) Previous location of sample
- (v) Previous custodian of the sample

Laboratories are required to track the location of the object within the laboratory. Apart from manual records, laboratories having automation can also track the movement through different systems which can be - (i) sample-based (logging each movement of the sample in the system), (ii) location-based (e.g., by using RFID scanners at each step of the transfer of object) or (iii) container-based (sample is moved in a container with a unique identifier). Several proprietary products are also available for this purpose.

National Accreditation Board for Testing and Calibration Laboratories's (NABL) document 113 on "**Specific Criteria for Accreditation of Forensic Science Laboratories**" stipulates the following requirements for chain of custody under the heading of "Evidence Management":

- (i) F.S.L. must have a documented system for evidence control to ensure and document the integrity of physical evidence

- (ii) Chain of custody record (e.g., signature, date, time, description of evidence) must be maintained to record a comprehensive history of each evidence transfer.
- (iii) Unique case identifier shall be given to each individual item of evidence.

Similarly, International Standard Organization (ISO) standard ISO/IEC 17025 - General Requirements for the Competence of Testing and Calibration laboratories prescribes, inter-alia, following two critical guidelines for laboratories under the heading of "Handling of test or calibration items":

- (i) Specifying procedure for the transportation, receipt, handling, protection, storage, retention, disposal or return of test items including provisions for protecting the integrity of items. Adequate precautions should be taken to prevent deterioration, contamination, loss or damage to the item at any stage of examination or storage.
- (ii) Ensuring unambiguous identification of items both physically as well as in records.

Few forensic science/testing laboratories in India have NABL accreditation or ISO certification. However, there is a need to specify minimum standards for F.S.L.s to ensure the integrity of evidence. Notably, the scheme for notifying the Examiner of Electronic Evidence under 79A of Information Technology Act, 2000 (I.T. Act) mandates compliance with ISO/IEC standards for certification.

Malkhana management system suggested by BPR&D and chain of custody

The Malkhana Management System project report prepared by the Bureau of Police Research & Development (BPR&D), Govt. of India covers aspects of chain of custody, safe and secure storage of seized/ gathered evidence and timely disposal as per law. The report broadly suggested the following measures to ensure the integrity of evidence:



- (i) Recording of proper identification details of seized property
- (ii) Use of compactors for storage keeping records, documents and small articles,
- (iii) Creation of a database for indexing of Malkhana articles/ documents,
- (iv) Computer-coded identification of seizure, Automated identification and Data Capture Technologies through the use of (i) bar codes (linear or 2D), (ii) Quick response (QR) code (similar to 2D bar code) or (iii) RFID (Radio-frequency Identification)
- (v) Heightened security for sensitive and valuable items such as double key vaults and use of motion-activated video cameras within the Malkhana as well as within the firearms, narcotics, cash/jewellery vaults, etc.
- (vi) Security of electronic gadgets from magnetic tampering.

Several police organisations have implemented Malkhana Management Systems in different forms. Software programmes such as e-Malkhana are also in use for tracking and recording maintenance of seized properties. The BPR&D project specifically discussed the practices followed in Central Bureau of Investigation (CBI) and Andhra Pradesh Police. It could act as a good model for management of properties seized by police.

Chain of custody in non-criminal matters

Maintenance of chain of custody of a seizure or sample is also a legal requirement for integrity of evidence in non-criminal litigations. Some examples of such proceedings are - (i) Dope testing of athletes, (ii) Quality control testing of food items, and (iii) Environmental sampling for pollution monitoring. The basic principles of chain of custody in these situations remain the same - to ensure that the seized object is handled only by the authorised persons for specified purposes and that each handling is adequately documented. If the chain of

custody is compromised, no credence can be attached to the evidence arising out of an examination of seizure or sample in any legal proceedings.

ISO 22095: 2020 Chain of custody: General terminology and models—prescribes standards on implementing chain of custody in a supply chain, which can be used "*by any organisation operating at any step in a supply chain, as well as by standard setting organisations as a reference point for specific chain of custody standards.*"

Chain of custody of electronic evidence

The acquisition and processing of electronic evidence are also obligated to adhere to the rigorous chain of custody requirements. Section 65B of the Evidence Act contains provisions regarding the admissibility of electronic evidence. In *Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal*, where the validity and scope of the section were in question, a three-judge bench of Supreme Court, inter-alia, suggested for "*framing suitable rules for the retention of data involved in trial of offences, their segregation, rules of chain of custody, stamping and record maintenance, for the entire duration of trials and appeals, and also in regard to preservation of the meta data to avoid corruption.*" As mentioned earlier, the proposed BNSS 2023 bill provides for submitting details of the sequence of custody of electronic custody at the time of filing of report in final form by police to the Court. Technical details of the handling of electronic evidence are beyond the scope of this article. It would suffice to state here that the vulnerability of digital data at all stages of collection and analysis is increasing with advancements in computational technology, hence, a clearly defined chain of custody is required to avoid allegations of mishandling or tampering with digital evidence. A distributed ledger system of Blockchain technology is one such advanced method suggested to create a fool proof chain of custody for electronic evidence. Under the Scheme for Notifying Examiner of Electronic Evidence under section 79A of the I.T. Act, detailed guidelines, including compliance



to ISO/IEC standards, have been provided for laboratory certification.

Ethical aspects

Conscientious handling of evidence is required to prevent tampering. Apart from the legal and professional responsibilities, the issue of maintenance of chain of custody is also an important ethical issue. No amount of documentation per se can prevent tampering or planting of evidence unless sound ethical practices are promoted within investigative agencies and forensic institutions. Procedures dealing with chain of custody should not only ensure the legal necessity of chronological and logical documentation but should also adhere to principles of transparency and fairness. Instances of wilful tampering of evidence, planting of evidence, change of sample etc. are reported from time to time. These instances warrant exemplary legal and departmental action against the erring officials to act as a deterrent. Apart from bolstering the prosecution's case, maintenance of the chain of custody also plays a pivotal role in protecting the rights of the accused. The criminal justice system, which presumes the accused to be innocent till proven guilty, is designed to ensure a fair and impartial trial, and a transparent chain of custody contributes to this objective. Accurate documentation and handling of evidence prevent the possibility of planting, tampering or contamination of the evidence.

Suggested guidelines

Considering the paramount importance of chain of custody for evidence integrity, the following suggestions can be considered by police and forensic examiners for improving the maintenance of chain of custody-

For police officers

- Scene of crime should be secured with rigorous access control and strict need-based entry and exit.
- Seizure proceedings shall be video recorded and recordings shall be preserved till the

conclusion of the trial. If video recording cannot be done, cogent reasons thereof shall be recorded in the case diary. Supreme Court has already issued extensive directions with regard to videography of crime scene and capacity building in that regard in *Shafi Mohammad vs. State of Himachal Pradesh*. Calcutta High Court has recently ordered mandatory videography of all seizures of "commercial quantity" under the NDPS Act. Clause 105 of the proposed BNSS also prescribes audio-visual recording of search and seizure proceedings.

- Seizure should be done in the presence of independent witnesses. Police witnesses can only be mentioned in the seizure list as a last resort. In case of large objects/quantity, due intimation should be given.
- Tamper-evident/tamper-resistant packaging should be done as far as possible. Proper labelling and sealing of seized objects shall be done at the place of seizure itself.
- Use of computer-assisted systems such as bar code/QR code or RFID for tracking the movement of exhibits in police stations Malkhanas/store rooms and FSLs is highly recommended.
- Seized articles should be produced before the concerned Magistrate as soon as possible, preferably within the next 24 hours.
- Entries in chain of custody forms should correspond to entries in the Malkhana register, station diary, correspondence registers and other relevant documents.
- If the seized article has been weighed, measured or valued before the seizure, the statement of the concerned person doing weight measurement or valuation should always be recorded.
- In the case of biological evidence, item (e.g., blood, semen, tissue) type-based specific guidelines should be strictly followed for collecting and preserving evidence.



- Seized objects should be preserved in such a manner so as to allow the provision of re-testing/re-examination. In case of samples drawn for examination, both test and control samples shall be drawn in at least duplicate.
- An exhibit should be opened minimum number of times and once sealed, the seal should be removed only with the permission of the Court under proper documentation.
- Care should be taken in recording the statements of formal witnesses who are likely to be examined over the chain of custody during trial. Statements should correspond to entries in relevant records and be chronologically and logically consistent.
- CCTVs shall be installed in Malkhanas with at least 18 months of storage backup facilities. In Shafi Muhammad (supra), the Supreme Court has already issued guidelines for installing CCTVs in police stations.
- During inspection of Malkhanas by superior police officers, an audit of chain of custody of exhibits should also be conducted to check the integrity of evidence.
- Training of police officers on the importance and methods of chain of custody should be regularly imparted and given due weightage in training courses on investigation.
- Chain of custody forms of police must be mandatorily produced along with any exhibit produced in Court at the time of filing of report in final form (charge-sheet/closure). A simplified model form of chain of custody for police officers is presented in figure 1.

CHAIN OF CUSTODY FORM NO.						
Name of the Police Station:				District:		
Case number:				Seizure list/Panchnama number & date:		
Name of the I.O. (and seizing officer, if different):				Place of seizure:		
Type of evidence (e.g. Physical/biological/documents):		Description of the item:				
Unique ID/Bar Code:				Malkhana/Property Register Reference Number:		
MOVEMENT DETAILS :						
Date/Time	Handed over by (name & rank)	Received by (name & rank)	Purpose of handover	Reference number (e.g. G.D. entry)	Signature of receiver	REMARKS (if any)

Figure1: Model form of chain of custody for police



For FSLs

- FSLs should develop ISO-compliant protocols for handling and examining exhibits. The protocol should include guidelines for evidence collection, packaging, labelling, storage, transportation and transfer of custody of items
- Rigorous documentation of the custody at each stage should be part of the protocol. This documentation should include precise details of the date and time of each transfer, the names and signatures of individuals involved in handling and any other relevant observations.
- Provisions should be kept for repeat examination by preserving a part of the sample without destroying the entire sample, as far as technically feasible.
- FSLs should conduct regular internal audits and quality assurance checks to review the adherence to the chain of custody protocols. This helps identify any deviations or vulnerabilities in the system so that appropriate corrective measures can be taken.
- FSLs should critically review all instances of a break in the chain of custody to identify defaulters.
- Chain of custody forms of FSLs must be mandatorily produced along with any exhibit produced in Court.

Conclusion

Ensuring the integrity of evidence is at the core of the entire investigative process. Hence, the importance of chain of custody cannot be overstated. In the famous O.J. Simpson trial in the U.S. (1994-95), one of the critical arguments raised by the defence pertained to the chain of custody. The defence posited that several police officers had handled blood samples collected from the crime

scene without proper documentation. This lacuna formed one of the grounds for the acquittal of O.J. Simpson as the jury discarded the blood evidence linking Simpson to the crime scene. In a robust criminal justice system, the unbroken chain of custody is a cornerstone in building a credible case. With the increasing application of forensic examination in the investigation of crimes, Indian courtrooms are likely to witness more nuanced arguments over the chain of custody in the coming days. Therefore, the police and the forensic community in India must prepare themselves for higher standards of scrutiny in handling and producing physical evidence. In fact, as a note of caution, compliance with improved chain of custody standards is a must before promoting techniques like trace forensics to avoid a travesty of justice. A proper chain of custody safeguards the scientific and forensic validity of the evidence, providing a solid foundation for the conclusions drawn from its analysis.

References

1. Al-Khateeb H., Epiphaniou G. and Daly H. (2019). Blockchain for modern digital forensics: *The chain-of-custody as a distributed ledger*. In Blockchain and Clinical Trial (pp. 149-168). Springer Cham.
2. Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal, 2020 SCC OnLine SC 571
3. Ashit Biswas vs. State of West Bengal AIR Online 2019 Cal 753 :: 2020 Cri LJ (NOC) 126
4. Badiye A., Kapoor N. and Menezes R. G. (2021). Chain of custody. StatPearls Publishing.
5. Ballou S. M., Kline M. C., Stolorow M. D., Taylor M., Williams S., Bamberger P. S. and Ostrom B. (2013). *The Biological Evidence preservation handbook: Best Practices for Evidence Handlers*.



6. Dershowitz A. M. (1997). *Reasonable doubts: The criminal justice system and the OJ Simpson case*. Simon and Schuster.
7. Evans M. M. and Stagner P. A. (2003). Maintaining the chain of custody evidence handling in forensic cases. *AORN journal*, 78(4), 563-569
8. Giannelli P. C. (1982). Chain of custody and the handling of real evidence. *Am. Crim. L. Rev.*, 20, 527.
9. Giannelli P. (1996). Forensic Science: Chain of custody. *Criminal Law Bulletin-Boston*, 32, 447-465.
10. HT Correspondent (January, 2018). BMW hit and run case: F.I.R. against F.S.L. doctor for changing blood sample. *Hindustan Times*
11. International Organization for Standardization. ISO 22095:2020. Chain of Custody. General Terminology and Models
12. International Organization for Standardization/International Electrotechnical Committee, Geneva, 2017. General requirements for the competence of testing and calibration laboratories.
13. Kent K., Chevalier S., Grance T. and Dang H. (2006). Guide to integrating forensic techniques into incident. *Tech. Rep.* 800-86
14. Malaichamy and Anr. vs. State of Tamil Nadu. (2019) 17 Supreme Court Cases 568
15. Mustak @ Kanio Ahmed Shaikh vs. State of Gujarat (2020) 7 SCC 237
16. National Accreditation Board for Testing and Calibration Laboratories. Scientific guidelines for accreditation of forensic science laboratories and checklist for assessors.
17. Okafor Chukwuka Ugochukwu and Anr. vs. Narcotics Control Bureau (2020). Indlaw DEL 1064
18. Order dated 22.06.2022 passed by Calcutta High Court in C.R.M. (NDPS) 492 of 2022 with C.R.M. (NDPS) 493 of 2011.
19. Prakash Nishad @ Kewat @ Kewat Zinak Nishad vs. State of Maharashtra 2023 SCC Online SC 666
20. Project Report: Malkhana Management System, Micro Mission-4, National Police Mission 2020-21, Bureau of Police Research and Development.
21. Shafi Mohammad vs. State of Himachal Pradesh [(2018) 5 SCC 311]
22. Shatrughna Baban Meshram vs. State of Maharashtra, 2020 S.C.C. OnLine SC 901
23. Tomlinson J. J., Elliott-Smith W. and Radosta T. (2006). Laboratory information management system chain of custody: reliability and security. *Journal of Automated Methods and Management in Chemistry*.
24. Union of India vs. Mohanlal and anr. (2016) 3 SCC 379
25. Vinay Kumar vs. State (N.C.T. of Delhi) 2012 S.C.C. Online Del 3375

An Overview of Legal Provisions Regarding Confession, Disclosure, Recovery and Discovery in Police Investigations



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Abstract

This article provides an in-depth examination of the legal provisions surrounding confessions, disclosures, recoveries, and discoveries in police investigations. It delves into the historical context of legal frameworks governing evidence in India and discusses the implications of recent legislative developments, particularly THE BHARATIYA SAKSHYA ADHINIYAM, 2023. Key sections of the Indian Evidence Act, such as Section 25, Section 26, and Section 27, are analyzed in detail to understand their application in contemporary investigative practices. Furthermore, this article highlights amendments introduced in the new Act and their impact on the admissibility of confessions made by co-accused individuals.

Keywords : Investigation, THE BHARATIYA SAKSHYA ADHINIYAM, Evidence, Confession, Judiciary, Legal Provisions

Introduction

The process of investigation conducted by law enforcement agencies often raises questions, particularly regarding the admissibility of confessions made by individuals implicated in criminal activities. The introduction of THE BHARATIYA SAKSHYA ADHINIYAM, 2023 has prompted a reexamination of existing legal provisions governing such matters. This article seeks to provide clarity on the subject by analyzing relevant sections of the Indian Evidence Act and exploring the implications of recent legislative changes.

Historical Background

The Indian Evidence Act, 1872, emerged as a response to the need for a comprehensive

framework regulating evidence in courts across British India. Over the years, amendments and interpretations have shaped the application of this Act, particularly concerning confessions made during police investigations. Sections 25, 26, and 27 of the Act play a pivotal role in safeguarding the rights of individuals and ensuring the integrity of judicial proceedings.

Analysis of Legal Provisions

Section 25 of the Indian Evidence Act prohibits the use of confessions made to police officers as evidence in criminal cases. This provision aims to prevent coercion and ensure fairness in investigations. Amendments to this section have reinforced the principle that no confession made to a police officer should be admissible in court.

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Section 26 addresses confessions made while an individual is under police custody and establishes strict criteria for their admissibility. The requirement for confessions to be made in the presence of a magistrate underscores the importance of judicial oversight in safeguarding defendants' rights.

Section 27 provides an exception to the general rule by allowing confessions made to police officers to be admitted as evidence if they lead to the discovery of facts. However, such confessions must be voluntary and free from coercion.

Implications of Recent Legislative Changes

The enactment of THE BHARATIYA SAKSHYA ADHINIYAM, 2023 introduces amendments to existing legal provisions governing confessions in police investigations. Sections 22, 23, and 24 of the new Act mirror Sections 25, 26, and 27 of the Indian Evidence Act, albeit with notable modifications.

A significant milestone in the new Act is the admissibility of confessions made by co-accused individuals. Section 24 of THE BHARATIYA SAKSHYA ADHINIYAM, 2023 allows courts to consider confessions that implicate both the confessor and another accused person, thereby broadening the scope of admissible evidence.

The Investigation carried out by the Investigating Agencies is always debatable, and not only the Judicial Officers but even the reformers always criticize the investigation specifically on the point of the confession made by the person found involved in the commission of the crime. To solve the score, the Government of India introduced a new bill namely THE BHARATIYA SAKSHYA ADHINIYAM, 2023 in the Parliament.

The Indian Evidence Act, 1872 was enacted to address the issue of evidence in courts established by the East India Company and the

then Rulers of the United Kingdom. During this time, courts in India, Pakistan, Bangladesh, Burma, Myanmar, and Sri Lanka were bound to follow the principles laid down by the King or Queen of the United Kingdom or the Privy Council. As a result, there was widespread disorder since rulers had no specific codified law dealing with evidence in courts established by the company or local rulers. To address this issue, 11 acts were passed between 1835 and 1853, but due to discrepancies and lacunae, neither the English Government nor those involved in the judicial system were satisfied. The statute was written in 1868 by a commission headed by Sir Henry Mayne, but it was inappropriate for India. The Evidence Act of India was passed into law and went into effect on September 1st, 1872, following discussion and approval by the Bar Council and High Courts. Prior to this Act, the regulations found in the Evidence Act, sections 25, 26, and 27 were considered guidelines governing police actions as matters of criminal procedure. These guidelines were originally found in sections 148, 149, and 150 of the Criminal Procedure Code, 1973, which were later incorporated into the Evidence Act. This Act is currently applicable to each state in the Union of India.

Evidence is an instrument used by courts and other judicial systems to persuade the court of the case's facts, including documents, witnesses, and confessions. Evidence can be oral or documentary, and without proper evidence, courts would not be able to perform their duties. The Indian Evidence Act provides proper practice and procedure for courts in interpreting legal evidence and giving judgments on points of controversy between parties. It is crucial for the judicial framework in civil and criminal matters. Section 25 was enacted to avoid the practice of manhandling or torture by police officers for the aim of extracting confessions and to ensure that no innocent person is implicated in any manner in a criminal case without any just or proper ground. The provisions contained



in Section 25 were not originally treated strictly as rules of Evidence but were ruled to govern the Police officer's action and as an issue of criminal procedure. Further, amendments were made to Section 25 of the Indian Evidence Act of 1872. Such amendments were important, as they removed the words "by a Police Officer" and replaced them with "in evidence." This language change suggests that the legislatures were aware of the defeat of the rule regarding admission and confession made to police officers by the rule laid down under section 148 of the old CrPC. Section 25 is meant to prevent a statement made by an accused who was under duress to confess to a crime from being used against him as evidence. As per the reading of Section 25, no confession made to a police officer may be utilized against the accused, and if it is understood to apply to all comments made to a police officer, regardless of whether they are voluntary, then there is no obstruction. The prohibitions outlined in Sections 25 and 26 must be interpreted and implemented severely. Under no circumstances may a confession given to a police official be applied against a prisoner as evidence. The right interpretation bans confessions made to a police officer in any situation, or to anyone else, when the confessor is in a position to be affected by a police officer unless the confession is made in the direct existence of a magistrate, in which case the confessor has the chance to speak freely and without fear of the police. As per Section 25 of the Evidence Act, any confession made to a police officer cannot be used against the suspect in a criminal case. This restriction is applicable in any case where the petitioner is charged, however, it does not apply in a case involving Section 488 of the CrPC. It takes into account the person's position at the time the report is sought to be proven, not when they made the report. If the person stands charged with any crime at the time of the statement, the portion of the FIR containing their confession cannot be proved as against them. The confessional part

of the report must be excluded from proof of the guilt of the accused, not the entire report. The test is not the position of the individual at the time of the purported confession, but rather the position of the person at the time the confession is allegedly made.

Section 25 does not contain a warrant and does not permit any alternative interpretation of the section. It doesn't matter whether someone confesses to a police officer when they aren't being charged or detained. Evidence can be introduced into court if the accused individual made an admission to a police officer before his arrest that was not a confession of guilt. A confession made to a police officer while under arrest and facing charges is not admissible. Even if an accused person's remark to a police officer does not constitute a confession, it might nevertheless be used against him if it turns out to be untrue in light of the information that is available. Section 25 requires it to be completely removed from the evidence if it amounts to a confession. According to Section 26 of the Evidence Act, a confession made while an individual is in the protection of a police officer could not be used against them as evidence unless it is made in front of a magistrate in person. This section is drawn from Section 149 of the CrPC., which prohibits the use of any confession or acknowledgment of guilt made by an individual while they are under police protection as evidence against them unless the person does so in front of a magistrate. The purpose of the 26th section is to stop confessions made by accused individuals under coercive pressure from being used against them as evidence. Nonetheless, it is widely acknowledged in India that Section 27 aims to clarify the guidelines in the two sections that come before it. In the immediate presence of a magistrate, a confession given to an individual under police custody is admissible. Confessions that implicate an accused person while they are being held by the police are forbidden by law. Section 26 of the Evidence Act deals only with



confessions made to persons other than police officers, and only when they are made under two specific circumstances: while the accused is being held by a police officer or when they are made in front of a magistrate right away. The words "provided that" were presented in the Section by the Amending Act 8 of 1869. The Full Bench of the Allahabad High Court in *Queen-Empress versus Babu Lal* and the Privy Council in *Pakala Narayanswami versus Emperor* suggests that Section 26 applies to confessions made to any individual while in the custody of the police. However, the statement should be made "in the course of an investigation" and cannot be made in one way. The rule that confessions to a Magistrate by an accused person can only be made in one way is doubtful. The Privy Council strongly opposed confession devices in *Nazir Ahmad v. Emperor*. However, Section 26 applies to certain circumstances, such as in preventive custody or jail for a past offence.

The Evidence Act has three sections, Sections 24, 25, and 26, which bar confessions made in certain circumstances. A confession is an admission made by the accused in a criminal proceeding, and since the person charged under Section 109 is not charged with a crime, their comments are not excluded from consideration. The Section 25 of the Evidence Act of 1872 does not prohibit an accused person's attorney from posing inquiries to substantiate a confession made by another accused person. Nonetheless, a confession that is inadmissible under this clause against the confessor may be accepted in the co-accused's favour. All confessions made to police personnel are covered by Section 25, while Section 26 only applies to confessions made by those who are detained by the police in front of magistrates immediately. Where there is no official evidence of the accused person's guilt, it is unlawful to accept untrustworthy or questionable confessions. There are concerns regarding the distinction between Sections 25 and 26 of the Evidence Act, since the Legislature

did not provide a precise indication that a confession must be made. Confessions made by an accused individual while in police custody could not be applied as evidence against them unless they are made in front of a magistrate, even though they are covered by Section 25 if made to police officials. Confessions made by inmates are subject to this law unless they are done in front of a magistrate. Statements made by individuals while under police custody are generally governed by this regulation, with Section 27 providing an exemption. It is well recognized that Section 25 nullifies the validity of any statement made by an accused individual to a police officer and that any statement made while in police custody cannot be used against the confessor unless it is immediately presented before a magistrate. A confession entered into while in police custody cannot be used to establish guilt unless it is recorded in the presence of a magistrate. The confession should not be treated as voluntary if there is any scope for police influence. The likelihood of the accused being influenced is enough. The law has been laid down by the Sindh Court in a series of decisions culminating in *Haroon v. Emperor*. For there to be custody of the police, the confessor's freedom must be restricted in some way, and the police must either directly or indirectly impose this restriction.

The Act does not define the term "custody." However, common sense makes enough sense. Two things have to be present. Initially, the confessor's freedom requirements were limited in some way. Second, the police should implement this restriction directly or indirectly. It is in this sense that the law has been laid down by the Sindh Court in a series of decisions cited in *Haroon v. Emperor*. It appears that any type of custody is sufficient to qualify as police custody. According to Section 26, as long as the accused is in the existence of the police and unable to leave of his own free choice, there is no need to establish a formal arrest. An accused person is not the same as someone who is "in



custody" or under arrest. In Sections 26 or 27 of the Evidence Act, the term "detention" refers to the police's monitoring or imposition of restrictions on the subject and does not always imply custody following a formal arrest. "Custody" does not always imply being taken into physical custody through an arrest. An individual who was not in jail contacted a police officer looking into a crime and volunteered to provide information, which led to the discovery of a fact that might be used against them in the State of Uttar Pradesh v. Deoman Upadhyaya case. According to Section 27 of the Evidence Act, this individual was presumed to have turned themselves into the police and was in the police officer's possession. The interpretation of "custody" aligns with the spirit and intention of Section 27. For Section 26 of the Evidence Act, "police custody" begins when an accused or suspected person's movements are restricted and they are kept in direct or indirect police surveillance. "Police custody" would be defined under that clause even if the police only had indirect control over the suspect's movements. The Supreme Court noted that acceptance of custody by a person's action or word of mouth is sufficient. Once police custody has commenced, the confessions of the accused before another person will not be admissible. For Section 26 of the Evidence Act, it is now widely accepted that an accused person is not in "police custody" until his movements are limited and he is continuously observed by the police, either directly or indirectly. An accused or suspected person is in police custody if they are not at liberty without clear evidence.

A confession made to an excise officer after arrest, with the help of police sergeants, is considered in police custody. A temporary absence of a police officer does not terminate their custody if they have taken steps to prevent escape. If a prisoner is brought before a Magistrate for confession recording, the police remain outside the room. When an accused is arrested and is in their custody, the accused

remains in custody even if they are temporarily absent. A confession made in judicial lock-up was not excluded by Section 26 as the accused was in magisterial custody. When a police officer apprehends a suspected or accused individual, that person is no longer at liberty and is consequently in custody under sections 26 or 27 unless there is clear and unmistakable proof to the contrary; the idea of free detention or absence of formal arrest is altogether mistaken, sometimes even hypocritical; it is an infringement of the spirit while appearing to conform to the strict letter of the law. A confession made to an excise officer after arrest affected with the help of police sergeants who were present in the house search but not present in the room in which the accused was when he confessed is the confession made in police custody. A confession given by an accused individual while in detention is admissible in evidence, even if a police official was present, as established by the cases Nadir v. Emperor and Queen-Empress v. Taty. In Emperor v. Mallangowda, the accused was in police custody until he was taken to a hospital for treatment. The accused confessed guilt while in the hospital, but the confession was excluded by Section 26, of the Evidence Act. In some cases, in which police officers have detained a person accused of an offence, the argument is that the latter was not in custody because he had not yet been formally arrested. The object of this is considered to be either to prevent the operation of Section 26 of the Evidence Act, to shorten the period between the arrest and the confession subsequently made to a Magistrate, or to postpone the necessity for applying for a remand order. The idea of "free detention" was held to be 'altogether mistaken. It was considered as a violation of its spirit, although it seemed to follow the strict letter of the law.

It has been established that, in the absence of evidence that is both clear and convincing to the contrary, a suspected or accused individual is no longer at liberty and is, consequently, in



custody as defined by Sections 26 and 27 of the Evidence Act as soon as they are in the hands of a police officer. This occurred as soon as the individual was taken into custody. As a result of the fact that village munsifs are not police personnel, a confession that is delivered to them is admissible as per Section 25 of the Evidence Act. According to Section 26 of the Evidence Act, any confession that an accused person makes while being held by the police is not allowed to be presented as evidence. This policy is aimed at preventing mischief and would be defeated if courts ruled that the Section does not apply when the arrest is illegal. The Act covers remarks made by an accused individual while they are in detention in addition to admissions of crimes charged during a trial. If a confession is given to the magistrate directly, it is considered admissible. However, the magistrate must be present if the confession is made to a third party. A prisoner's confession to a Deputy Magistrate was admissible under Section 26. The evidence of a Magistrate during an investigation is not admissible under Section 26. However, It is legally admissible as evidence when a police officer overhears a prisoner's words made in a different room without the prisoner knowing the officer is there or being influenced by him. The policy is a wholesome policy that ensures the admissibility of confessions in criminal cases. The prosecution must prove that a confession relied upon was not a statement made to a police officer, as courts cannot exclude the possibility of crucial questions and answers being attributed to the police officer or how those questions influenced the mind of an accused. Section 24 of the Evidence Act would apply to this. Additionally, the statement given by the police officer and the accused making a discovery statement, leading to the persons concerned would be considered in the police officer's custody. The statement would be inadmissible as it was not made in the immediate existence of a Magistrate. The term "Magistrate" in Section 26 of the

Evidence Act, includes Magistrates of Native States. A confession given to a 1st class magistrate in the Native State of Muli in Kathiawar by a prisoner who was under police custody was deemed to be acceptable as evidence under Section 26 of the Evidence Act. The confession's admissibility is not based on the accused's knowledge of the Magistrate's identity and the confession's making in his presence. Confessions to magistrates are often obtained through undue influence, and to give weight to them, a judicial record should be made of the specific circumstances under which they were received using a Magistrate. This record should show the prisoner's custody and their freedom as free agents. When an accused person makes two incriminating statements, it is essential to compare them and determine which is true. Sending inmates to various magistrates is more offensive than the practice of bringing them before magistrates who lack jurisdiction. A confession made during an inquiry cannot be acceptable unless documented in the manner provided by Section 161, CrPC. Section 91 of the Evidence Act is applicable in this case, and it mandates that a confession be converted to the format of a document and documented in a specific way. This ensures that confessions are recorded accurately and effectively.

In the new Act, namely THE BHARATIYA SAKSHYAADHINIYAM, 2023, Sections 25, 26, and 27 find place as sections 22, 23, and 24. However, sections 22 and 23 have been incorporated as they were in the Act of 1872. Section 24 has an interesting milestone edition regarding the confession of a co-accused, which was inadmissible in the old Act but has been made admissible in the new Act which reads, 'When many people are being tried concurrently for the same crime and a confession made by one of them that affects both him and another of them is proven, the court may consider the confession against both the other person and the confession maker.'

In conclusion, the legal provisions regarding confessions, disclosures, recoveries, and discoveries in police investigations are crucial for upholding the principles of justice and fairness. The analysis presented in this article underscores the importance of robust legal frameworks in safeguarding individual's rights and ensuring the integrity of judicial proceedings.

The introduction of THE BHARATIYA SAKSHYA ADHINIYAM, 2023 represents a significant step towards enhancing transparency and accountability in investigative practices, while also addressing emerging challenges in the legal landscape. Further research and analysis is necessary to assess the practical implications of these legislative changes and their impact on the administration of justice.

Leverage of Behavioral Evidence and Psychological Autopsy in Equivocal Death Investigation



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Abstract

The most overlooked aspect of death investigation is the psychological dimension, which can provide unique leads, correct false assumptions, enhance investigative awareness, and solve cases in surprising ways. In this article/paper, attempt has been made to portray the importance of scientific aid and forensic psychology/ Psychological Autopsy technique through a case study of an equivocal death case of a 11 years old young boy whose death was initially registered as a homicide/murder by local police, however the case was reinvestigated by CBI from all possible angles using forensic evidence and behavioral and psychological history of the deceased with the findings that death is more consistent with suicide than homicide.

Keywords : Psychological Autopsy, Equivocal death, Behavioral evidence, Forensic psychology.

Introduction

An equivocal death is a death in which the cause of death may be known, but the mode of death is unclear (Shneidman 1981). The mode of death is classified by way of the NASH acronym: natural causes, accident, suicide, or homicide. For example, if an individual is found floating in a river, the cause of death may be asphyxiation due to drowning, but the mode of death may be unknown with three possibilities arising: an accidental drowning, a suicide, or homicide. Hence, equivocal death is "Any death where there is uncertainty as to the surrounding circumstances of the death, creating the relatively equal probability of two or more possible manners of death" (Lacks, Westveer, Dibble, & Clemente, p.150, 2008).

The Psychological Autopsy (PA)

To resolve the challenges of equivocal death investigation, a handy tool by the name of Psychological autopsy was designed in 1950s. It is a retrospective construction of a deceased's life, initiated to get a better understanding of his death. It is used to determine the victim's psychological intent, using interviews and examination of documents to reconstruct the behavior, personality, lifestyle, habits and history of the victim prior to death. (Moses, 2012).

History and Definition

The first psychological autopsy was carried out by Gregory Zilboorg's in the investigation of ninety-three consecutive suicides by police officials in

Author's Introduction:

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New York City, during 1934 to 1940. However, it was Edwin S. Shneidman, an American clinical psychologist, who coined the phrase "Psychological Autopsy" to portray the post-death evaluation process.

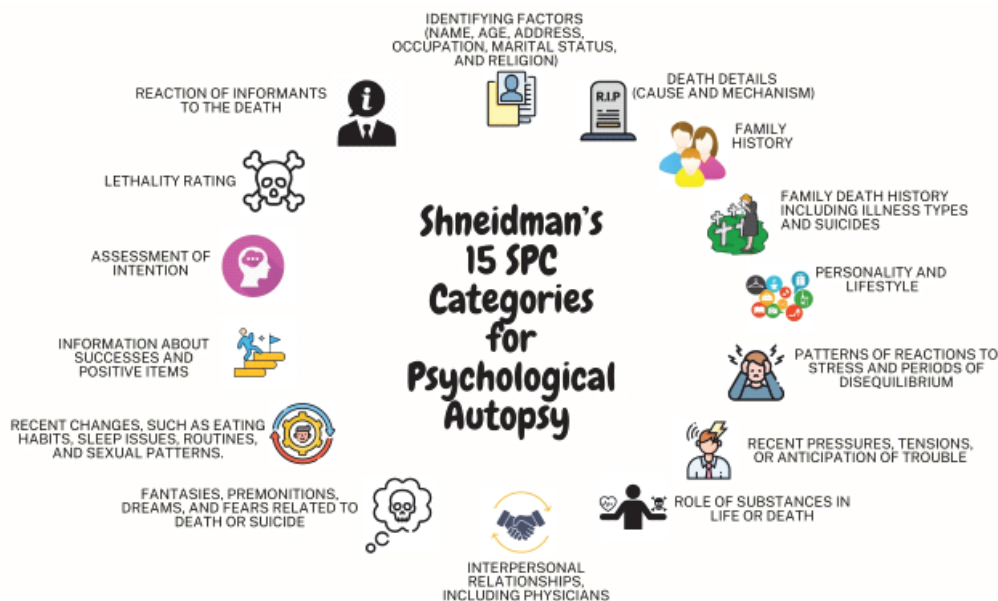
He defined it as: "A behavioral scientific impartial investigation of the psychological (motivational, intentional) aspects of a particular death. It legitimately conducts interviews (with a variety of people who knew the deceased) and examines personal documents (suicidal notes, diaries, and letters) and other materials (including autopsy and police reports) that are relevant to the role in the individual's death"(Sampath et.al 2007).

Types of Psychological Autopsy (PA)

There are two types of Psychological Autopsy: the Suicide Psychological Autopsy (SPA) and the Equivocal Death Psychological Autopsy (EDPA). The SPA is to identify which psycho-social factors have contributed to suicide and is performed when the manner of death is unequivocally a suicide; while EDPA is performed when the manner of death is still not very clear. (Dana S., 2008)

Methodology

The standard guidelines for leading Psychological autopsy are based on Shneidman's 15 SPC Categories for Psychological Autopsy which includes:—



To conduct the psychological autopsy, Forensic Psychologist requires the following authenticated information:—

- Interview with the family members, friends, suspects, witnesses & their statements
- Records (school, military, work, medical, and prescriptions)
- FIR and Investigation report
- Crime Scene Investigation report
- Medico-Legal Opinion (Post mortem report)
- Crime Scene Visit
- Other Forensic inputs available



In the process, the main elements are explained further as stated below:

- **Physical Reactions:** Real life incidents, noticeable behavioral changes, behavior prior to death etc.
- **Physiological Changes:** Medical history, alcohol habits and drug abuse.
- **Psychological Changes:** Fear of failure, arrest, apprehension, psychological history like illusion, hallucination, schizophrenia and motive Assessment
- **Verbal Revelations:** Pre-suicidal revelation, discussions, suicide note, SMS and whatsapp messages etc.
- **Circumstances:** Choice of weapon, time and place of Incident, lethality and familiarity with the mode of killing
- **Other inputs:** Statistical, forensic, crime scene reports and any other details that suggests possible suicide

Application

A psychological autopsy (PA) has been used in several developed countries as an aid of criminal investigation, when there is uncertainty on the mode of death. Further, it is also used in suicide cases to know the cause of suicide and to find out whether there is any contributing factor behind such suicide. The first noticeable case of use of PA in USA was that of Theresa Jackson (Theresa Jackson v. State of Florida 553 So.2d 719 (1989)).

In **Theresa Jackson v. State of Florida**, daughter of the accused committed suicide for which accused was held guilty on basis of the psychological autopsy report. In a psychological autopsy, it was found that the accused and the little girl had an exceptionally turbulent relationship. Even though the accused person was the mother of the person in question, she constrained her little girl into the profession of nude dancing. On that very night, when the victim was engaged with nude dancing for the first time, she returned home and shot herself by pulling the trigger of her mom's .357 Magnum

gun into her mouth. A psychological autopsy held that though the victim had committed suicide, the relationship between the victim and accused was the 'substantial contributing factor' behind the girl's suicide. Accused was held guilty of abetment to suicide.

Indian context

Burari case (2018)—In India, psychological autopsy was successfully used in the ambiguous case of the Burari deaths in Delhi, in which 10 members of a family were found hanging while the body of an elderly family member was found in the adjoining room. It was through the psychological autopsy of the diaries left behind by the family members and interviews of the remaining family members that concluded that the hanging of the whole family was not the result of a mass suicide but due to an accident during a ritual.

The Case Study

The present case study pertains to death of a 11 year old boy, who died due to burning, allegedly by pouring kerosene oil and setting him on fire. The matter was referred to CBI by Constitutional Court.

Sensitivity/challenges of the case:—11 yrs. old boy (Hindu/Jain by religion) living in Muslim majority district of Punjab, died in suspicious circumstances on September 2013 (one month after Muzaffarpur riots) in which the public opinion was swayed towards communal mischief. Law and order situation worsened when the video of deceased boy was uploaded on social media platform under the tagline "Justice for Shaheed 'deceased name' Malerkotla". The hardliner/extremist organizations gave a band call and 42 cities of Punjab were affected. Human Rights Commission also took cognizance of this case. The local police investigation was stuck for obvious reasons i.e. not to earn the displeasure of either of the communities.

Gist of the FIR: The case was registered u/s 302/34 IPC on the complaint of the uncle of the deceased,



alleging that on 30.09.2013, the deceased left his house at about 10.00 AM on cycle to deliver tiffin to his younger brother at his school. At about 10.30 AM, complainant received a call from his brother informing that some unknown persons had set the boy on fire at Bagh Colony, Malerkotla. The family reached the Govt.

Hospital, Malerkotla where the child had been taken in the meanwhile. From there, the family decided to take him to CMC, Hospital Ludhiana, where the child was declared brought dead. It was alleged that 4-5 days back, the deceased boy had a minor altercation with another boy from Muslim community on the issue of thread of kite and in order to take revenge, the said boy with the help of his friends had set the deceased child on fire.

Investigation revealed that the deceased boy, studied at Vidya Mandir School, Malerkotla from 2006 to 2012 (till Class IV) and was shifted to S.S. Jain Model School, Malerkotla in Class VI, taking a jump of one class, i.e. Class V. On 30.09.2013, he was studying in Class-VII at S.S. Jain Model School, Malerkotla and his younger brother was studying in Class II in Vasant Valley School, Malerkotla, a convent school. Deceased was doing reasonably well at an English medium CBSE School but after being shifted to Hindi medium school, his grades started declining. The boy failed in three subjects during the examination held in September 2013 as well, i.e. the month of his death. His overall percentage had dropped down from 82.3% in previous school to 29.7%. It is relevant to mention that on the incident day, a Parent Teacher Meeting (PTM) was scheduled in the deceased boy's school which his mother was planning to attend and the boy had not performed well in his mid-term examinations as disclosed by the school records.

On the Incident day, i.e. 30.09.2013, the deceased

boy got up at 6.00 AM and first went to collect some flowers for puja and then went to the family shop to open the shutters at around 8.00 AM. After about half an hour, he returned home. After visiting a Jain Temple nearby, he went for lighting a lamp on the occasion of *death anniversary of a Jain Guru at another temple situated in the Bagh*. Thereafter, he reached home and at around 10.00 AM, he took the tiffin for his brother from his mother to deliver the same to his school on his bicycle (*it was the first time when he left alone for the school of his younger brother to deliver tiffin*) However, he never reached the school and was found to have been burnt, with tiffin still kept on the spot.

After the incident, a video was shot by the local police Constable on his mobile phone that shows the deceased boy in burnt condition in which he is heard telling his

name and also told that he has been set on fire by 2 Muslims. Then he replies that he does not know them but can identify them, if they are brought before him.

Before the treatment at Civil Hospital, the deceased boy said that one boy elder to him was responsible for the incident. However, on way to Ludhiana, the deceased boy did not disclose anything about the incident to his family. FSL, Mohali confirmed the presence of kerosene oil on the burnt clothes and sand collected from the spot. A report from the Board of Doctors, who conducted the Post Mortem, ruled out the possibility of sexual assault.

Verification of Alibi of the suspects:—(who interacted with deceased boy at toy shop of his father w.r.t kite thread purchase) the two suspects A and B (belonging to Muslim community) stated that on the relevant date and time they were in their respective schools appearing for the September examination which was verified and confirmed by



oral, documentary and expert evidence (handwriting sample matched with their answer sheet written on the incident day).

Forensic opinion from PGIMER, Chandigarh and AIIMS, New Delhi was obtained on the nature of injuries of deceased which opined that homicidal nature of the burn injuries cannot be ruled out.

Eye Witness Account

The only eye witness to the incident Mr. X (*Having medical condition of severe deafness and no meaningful speech, communicating through gestures only*) was not ready to reveal anything as he was agitated by frequent questioning of local police.

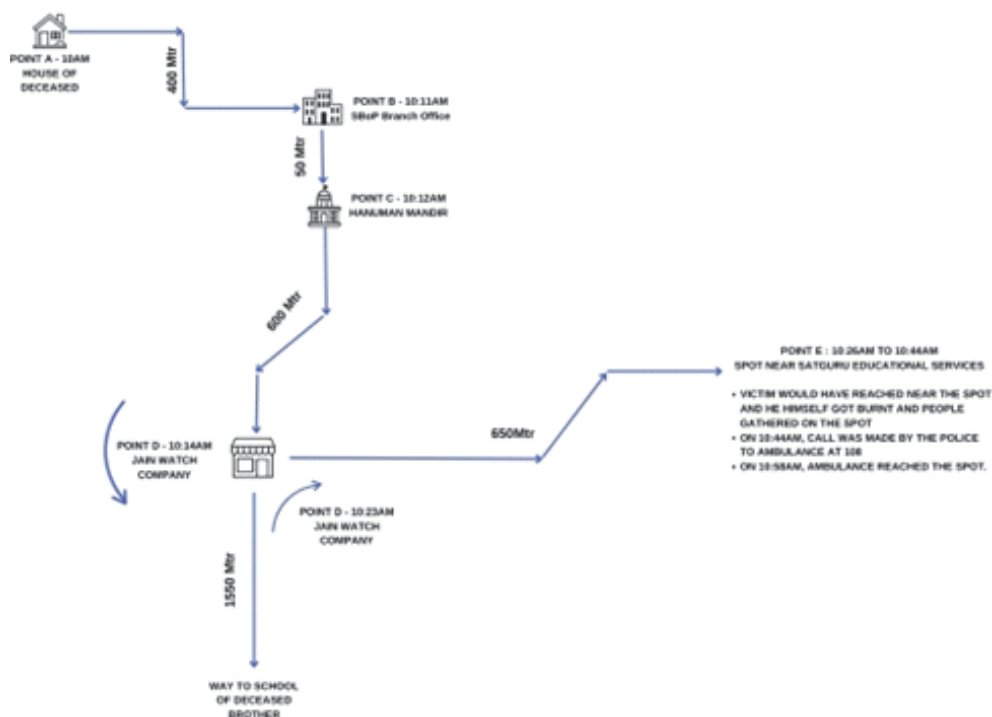
In these circumstances, 3 sign language experts from UT administration were roped in and shown the video recording (in which Khalil is enacting the sequence of events to local police/his sole statement). The CD of the video recording was played before all these 3 experts and Mr. X was also present for any clarifications. The Sign Language Experts have recorded their findings in a memorandum:

"Mr. X was cutting grass on the road side. He saw a boy coming on a bicycle on the road. Then that boy took 2-3 rounds on the road in front of Khalil. Thereafter, that boy entered a semi constructed shop along with his bicycle. That shop was near to the place where Mr. X was cutting grass. There was no one else present on the spot at that time. Then, Mr. X noticed smoke coming out of the shop. Mr. X ran towards the shop to check what has happened. Mr. X saw that the boy was in flames near the wall, holding his hands near his chest. At that time there was no one else inside the shop apart from that boy. The boy then came out of the

shop and fell on the ground in front of the shop. After that many people had gathered there."

Reconstruction of movement of victim on the incident day using the various frames of footage of 3 CCTVs installed in route and record of ambulance control room:

- Deceased boy started from point A (Residence) around 10.00 AM on his bicycle and crossed point B (CCTV at state bank Branch) 400 m apart 10:10 AM.
- Deceased passed from the CCTV at point C (Hanuman Mandir at 10.12 AM) about 50 m from Bank.
- Boy passed from the CCTV at POINT D (Jain Watch Co. at 10:14 PM), which is about 600 m from Hanuman Mandir towards school of his younger brother.
- After about 9 minutes i.e. 10:23 am victim is again spotted on Bicycle (in CCTV camera of point D) and went towards place of occurrence Point E, and a blue coloured substance is seen on this bicycle in polythene.
- Victim must have reached the spot E about 650 m from Point D (Jain Watch Co.) in about 03 minutes.
- Deceased was found burnt on the spot in Bagh Colony.
- One of the passerby informed the police officials on patrol namely and they reached the spot.
- As per record, call was made to Ambulance at 10.44 AM and Ambulance reached the spot at 10.58 AM
- Deceased boy brought to the Civil Hospital, Malerkotla at 11.10 AM.



Sketch Map of Route

Psychological Autopsy Principle & Procedure followed

Retrospective reconstruction of deceased's life was attempted by calling the Subject expert with a view to understand better the thought, attitude, and the motive of the deceased. The idea was to discover the state of mind of the victim preceding to his death which involves the examination of physical, physiological, psychological environment/condition of the deceased and the circumstances prior to the death of the deceased's life in order to determine the mode of death with better accuracy and the victim's role if any in hastening or affecting his own death.

Suicide Assessment Checklist was applied in the analysis of the death of victim child with an objective to find out the mode of death (Murder or Suicide). The possible stress indicators exhibited through physical reactions, physiological changes,

Psychological factors, verbal revelations, circumstances of the incident and other relevant forensic Inputs in detail are compared with the facts of the case under Investigation.

The following were taken into consideration for psychological autopsy study:

- FIR and the Investigation report
- Post Mortem reports of the deceased
- Report of the Film factory Bangalore on CCTV footage.
- Interviews and the statements of the relatives and the friends.
- Crime scene photographs and the video clips of crime scene inspection

The data collected from the above mentioned sources were classified and checked for any congruence in the light of Assessment Checklist.



The data considered are tabulated and the inference was drawn accordingly.

Observation

On the perusal of the data available, the following facts are observed from the perspective of psychological autopsy in respect of the deceased.

- Deteriorating academic performance in the class tests may be the possible motive behind the incident.
- Deceased was anticipating Parent-Teacher meeting and its outcome on the date of the incident.
- Adolescent deceased had no friends and was an introvert.
- Deceased was calm, but quick to get angry, suggests possible mood swings.
- Skipped breakfast and left only with lunch pack for his brother on the date of the incident,
- Often scolded by mother for being poor at studies and playing with the mobile could have been the triggering factor.

- Insisting a day before to go alone to deliver the lunch indicates he created an isolation position himself.
- Had access to Kerosene and was seen carrying it in a bottle before the incident Indicates a preparation on his part.
- Absence of any defensive wound indicates a probable self-inflicted attempt.
- Time analysis shows no further tasks was done in between.
- Khalil's statement (sign statement as interpreted by the experts) indicates the deceased chose that spot after a proper check,
- Match box used was found at the SoC and the cycle was parked inside the shop.
- Place of the incident was secluded by time.

Opinion

On the basis of psychological autopsy of the deceased, the expert opined that this incident is a case of suicide.

Assessment Chart of the Victim is as follows:

S No	Stress Manifestation	Facts observed in the case
1	Physical Reaction	
	Real life situation	Deteriorating academic performance, Poor attendance in school
	Noticeable changes	Insisted to go alone
	Behavior prior to death	Check the spot suitability
2	Physiological changes	
	Medical history	NAD
	Alcohol/drug abuse	NIL
3	Psychological Changes	
	Anticipation of failure/arrest	Anticipation of PTM outcome
	Psychological history/stress	Addicted to play mobile/ computer games, slow to react and introvert
	Motive Assessment	Poor academic performance



S No	Stress Manifestation	Facts observed in the case
4	Verbal Revelation	
	Pre-suicidal behaviour	Skipped breakfast, found carrying kerosene
	Suicide note	NIL
5	Circumstances	
	Choice of weapon	Accessible and known
	Time and place of incident	Secluded place by time
	Lethality	probable
	Familiarity with mode of killing	YES
6	Other inputs	
	Statistical	Probable as per NCRB data
	Scene of crime report	No sign of struggle, nothing was stolen
	Circumstances suggest possible suicide	No defensive wound
	Forensic inputs	NAD

Thus, investigation concluded with the findings that the deceased boy had committed suicide on the fateful day due to his deteriorating academic performance, anticipation of Parent-Teacher meeting, its outcome and frequent scolding by the mother for being poor at studies. The motive, intention, preparation, choice of death date (death anniversary of religious figure) and thought process were fully unravelled in the psychological autopsy. The finding was further corroborated by the reconstruction of sequence of events and the accounts of oral testimony of witnesses.

The findings of CBI investigation were accepted by Hon'ble High Court and accordingly final report was filed in the competent court.

Legal Status and Admissibility of Psychological Autopsy in India

The psychological autopsy satisfies the Daubert standard of admissibility in the court.

What is Daubert Standard?

The "Daubert Standard" provides a systematic

framework for a trial court judge to assess the reliability and relevance of expert witness testimony before it is presented to a jury. Established in the 1993 U.S. Supreme Court case Daubert v. Merrell Dow Pharmaceuticals Inc., 509 U.S. 579 (1993), this standard transformed the landscape of expert testimony by placing the responsibility on trial judges to act as "gatekeepers" of scientific evidence.

The Daubert case introduced a more comprehensive approach that requires judges to scrutinize not only the expert's methodology but also the underlying scientific principles. Judges are required to assess the methodology and reasoning behind an expert's opinions, rather than simply relying on the expert's credentials or reputation.

Under the Daubert Standard, the trial court considers the following factors to determine whether the expert's methodology is valid:

1. Whether the technique or theory in question can be, and has been tested



2. Whether it has been subjected to publication and peer review
3. It's known or potential error rate
4. The existence and maintenance of standards controlling its operation and,
5. Whether it has attracted widespread acceptance within a relevant scientific community.

In India, admissibility of expert evidence is governed by section 45 of Evidence act and subjected to judicial scrutiny under section 293 CRPC. Section 45 IEA allows for an expert to give his testimony/opinion, when the "expert" claims to have special knowledge in the subject matter of enquiry, without which, the Court is unlikely to form a correct judgment. However the opinion of an expert cannot by itself ever be substantial evidence, it can only be corroborative in nature. (*Malay Kumar Ganguly v Dr. Sukumar Mukherjee AIR 2010 SC 1162*).

In the case of *Dharam Deo Yadav v State of Uttar Pradesh*, the Supreme Court emphasizes on the fact that the Indian judiciary needs to move forward with technology, and give way to innovative and scientific methods of evidence analysis. The court also mentions the factors that were laid down in the Daubert case to determine the reliability and relevance of evidence. The dual test established under Daubert- relevance and reliance, even though not explicitly mentioned, is followed in India as well.

For an expert evidence to be admissible, the expert first has to be examined as a witness in the court. This kind of cross examination can prove whether the evidence that is being presented, is relevant and reliable or not. There is definitely a general acceptance of scientific evidence and expert's opinion in Indian Courts. Even though no standard has laid, but many courts have opined that in case of any doubt, the guidelines in the Daubert standard can be adhered to. (*Dr. Kantak MP, Ghodkirekar, Perni SG., "Utility of Daubert guidelines in India" Journal of Indian Academy of Forensic Medicine. 2004*)

There are instances when the court directed investigating agencies for conducting the psychological autopsy where mode of death was ambiguous.

(*Kasarkode, Kasi QM Abdulla*).

Conclusion

The Psychological Autopsy has become an important part of the evaluation of manner of death in difficult forensic cases. It outlines how behavioral evidence can often provide the necessary components and "missing pieces" to complement physical evidence as an essential tool for incident reconstruction.

If the circumstances surrounding a death are equivocal, psychological consultants can compile information retrospectively about a deceased person's mental state and possible motive to assist with unravelling ambiguity about the manner of death.

From the Research studies conducted in India and abroad, it is found that behavioral approach and Psychological Autopsy technique can be of great help in the investigation of Equivocal death.

References

1. Ebert B. W. (1987). Guide to conducting a psychological autopsy. *Professional Psychology: Research and Practice*, 18(1), 52-56
2. Kumar P.S., et.al. (2007). Psychological Autopsy: The psychological assessment of an equivocal death. *Sri Ramachandra Journal of Medicine*, Vol: 1. Issue 2
3. Lacks R. D., Westveer A. E., Dibble A. and Clemente J. (2008). Equivocal death investigation: Case study analyses. *Victims & Offenders*, 3(2-3), 150-164
4. La Fon, D. S. (2008). The *psychological autopsy*. In B. E. Turvey (Ed.), *Criminal profiling: An introduction to behavioral evidence analysis* (3rd ed., pp. 419-429). Elsevier Academic Press.



5. Moses J.G. (2012). *Psychological Autopsy: An Avenue to Equivocal Death Investigation*.
6. Proceedings of 22nd All India Forensic Science Conference, Srinagar.
7. Punjab and Haryana High Court order dated 29.11.2014 in CrI. Misc. No. M-22205 of 2014 - Transfer of investigation of FIR No. 139 dated 30.9.2013 u/s 302/34 IPC of PS Malerkotla to CBI
8. Ramsland K. (2018). *The psychology of death investigations: Behavioral analysis for psychological autopsy and criminal profiling*. CRC Press.
9. Schneidman E. S. (1981). The psychological autopsy. *Suicide and Life-Threatening Behavior*, 11(4), 325-340.

A Survey on Fear of Cybercrime Victimization in India

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Abstract

In today's technological era, the risk of cybercrimes often lingers on everyone. Often this risk causes fear amongst cyber users and affects their behaviour in the cyber world or virtual world. The frequency of cyber stalking and hacking is increasing day by day. It creates huge fear in public just because we are connected with the internet or the cyber world for completing any task.

This study has used a survey to find out the trend of fear amongst cyber users, the reasons behind this fear and the consequences of the fear. The respondents were asked about their demographic details, their experiences of victimization, their knowledge/aptitude of computers, the frequency and usage of the internet, their behavioural responses, and frequency of the previous victimization if any, or secondary victimization.

Numerous studies regarding fear of cybercrime victimization have been conducted in other countries but very few studies have been conducted in India. This study tries to make a foray into this area which is important and bears consequences to most people.

Keywords : *Victimization, cyber-crimes, internet, fear*

Introduction

Cyber-crimes are increasing day by day and becoming a big issue for all generations. Even people who are educated and cyber friendly are also becoming victims of cyber-crimes. The link between crime and fear of crime isn't immediately apparent. If crime is high, fear of crime is likely to be high as well; conversely, if crime is low, fear of crime is likely to follow suit. However, history has proven that crime and fear of crime seldom go hand in hand

(Rader N, 2017). "Cybercrime victimization has become a crucial research subfield in recent years" (Wagen and Pieters 2020).

Individuals who have never been a victim of crime or observed a crime but are nonetheless afraid of becoming a victim of crime in the future are not rare. Individual fear dynamics are simulated in combination with changes in crime distribution, yielding findings that show fear is sensitive to crime distribution and that high levels of crime

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concentration have a phase transition. (Curiel & Bishop, 2018)

The younger generation is usually sensitive and possesses visible curiosity about something new. Cyber-crime is a kind of intellectual crime and those users who are accessing the internet for their study and entertainment purposes are the easiest targets. Computer crime or cyber-crime is a type of crime committed via the use of the Internet or computers.

According to Joseph Johnson's analysis of financial cybercrime losses around the globe, India ranks fourth among the countries most affected by such crimes. On August 30, 2019, the Ministry of Home Affairs made the National Cyber Crime Reporting Portal live so that individuals would have a single online location to report cybercrime. Over 3.17 million incidents were reported in a period of 18 months, according to the Ministry of Home Affairs. (Nair, 2021)

There is an urgent need to create a framework that can safeguard people from injustices in today's technologically advanced society, where the internet is considered as a research and information-sharing instrument. An increase in internet usage inevitably leads to an increase in cybercrime. Cyber Law is used to handle any situation involving online or computer-related criminal activity. So, there is recourse available in the form of cyber law. (Nair, 2021)

We must all keep in mind that the advantages of emerging technologies have given us a common tradition in cyberspace. It is our duty to maintain a trouble-free cyberspace. To stop crimes in cyberspace, the government passed cyber laws. Cyber law describes legal problems that result from using the internet. Cyber law is significant because it touches on every facet of online issues. The Information Technology Act of 2000 and the IPC both address cybercrime. In 2008, the IT Act underwent a revision. The Copyrights Act and the Consumer Protection Act are two additional laws that address cyberspace security in addition to the IT Act and the IPC. (Devayane, 2022)

Review of Literature

The Internet paves the path for collecting identification tokens and identifying information, as well as expanding the scope of identity theft (Lynne D. Roberts, 2008). Males, for example, are more likely to be victims of crime, while females have a greater fear of crime. (Yu, S. 2014)

In Norton Reveals LaBrie, J. 2010 said "We accept cybercrime because of a 'learned helplessness'". Vulnerabilities may be detected and attacks can be automated using hacking tools. Vulnerability scanners, remote administration applications, port scanners, sniffers, and password crackers are only a few examples. (Furnell, 2002)

Poor social standing and low confidence were found to have a high interaction effect with previous victimization experiences when it came to fear of cybercrime. Prior online fraud victimization experiences likely to increase fear of cybercrime more than other groups (Virtanen, 2017). Cybercrime is a simple example of "new wine in ancient bottles," as he puts it. (Grabosky, 2001)

In India today, millions of internet users regularly visit the internet for work, play, socializing, and education. Unfortunately, less awareness leads to more victimization, and online victimization is no different. In India, knowledge of cyber victimization has largely been limited to a few enlightening and practical suggestions on how to protect one's computer and personal data from identity fraud, blackmailers, and other threats. (Halder & Jaishankar, 2010)

Although the internet is a very potent tool and a useful communication channel, it is still susceptible to attack. Governments, businesses, and people are all negatively impacted by cyber-attacks daily. We don't have a well-coordinated strategy for protecting Indian interests against cyber threats, which is one of the many factors contributing to our ongoing vulnerability. That neither the public nor the private sector can find a permanent solution

their own has become painfully obvious. To safeguard the national interest of our nation in terms of cyber security, there must be a collaborative effort. (Dar & Lone, 2020)

Cybercrime and online victimization have long been a source of great concern in India, but little knowledge exists on the subject. A peculiar combination of attack types, shifting victimization trends, ignorance of direct Indian laws addressing cybercrimes, as well as the rights of victims of cyber-attacks, all greatly influence the way in which the situation of cyber-victimization is approached. (Urvashi, 2021)

According to NCRB data, the number of cybercrimes in India increased by 63.48% between 2018 and 2019 (27248 cases to 44548 cases), and by 12.32% in 2020. (44548 cases to 50035 cases). (Kaur & Saini, 2022)

According to NCRB 2020 data, there has been a sharp increase (over 400%) in cybercrimes against children reported under the Information Technology Act in comparison to the previous year. A total of 164 cases of cybercrimes against children were reported in 2019, compared to 117 cases in 2018, 79 cases in 2017, and 164 cases in 2019. "Even though the number of cyber-crime cases committed against children in 2020 remain small, its rise from 2019 is alarming." Parenthetical (2021)

The majority of victims of cybercrimes, as it has come to be known, have been women who have been taken advantage of by technological whims. India is one of the few nations that have passed the IT Act 2000 to address cybercrime-related issues in order to safeguard women from being exploited by rapacious predators and to give them support so that they can fight back against all wrongdoings. Violence as physical harm, as opposed to interference with bodily integrity and personal autonomy, as defined by the other sections of the IT Act and IPC, is an exception under Section 66E of the IT Act and Sections 354C and 354D of the Criminal Laws Amendment Act of 2013. The taking

and electronic transmission of pictures of someone's private areas without that person's consent is covered by Section 66E. (Bhangla & Tuli, 2021)

Research Methodology

Descriptive research design was adopted for this research. Sampling was done through voluntary sampling method. Questionnaire (both scales and open-ended) were made and uploaded on Google forms for doing data collection. Total samples collected for the research were 100. Data analysis was done by the help of Excel.

Research Objectives

- To assess the level of fear of cyber-crime victimization amongst respondents.
- To find out the relation between prior victimization and fear of cyber-crime victimization.
- To find out the relation between self-assessment of cyber or IT knowledge and fear of cyber-crime victimization.
- To explore the consequences of fear of cyber-crime on their behavior in the cyber world.

Basic Assumptions

- The level of fear of crime will be different for different kinds of cyber-crime (for eg. cyber stalking) amongst different genders.
- The level of fear of crime will be co-related to the knowledge in cyber crime
- Those who have been victims of cyber-crimes will be more worried about becoming victims again.
- Those who have heard/witnessed cyber-crimes will be more worried about becoming victims of cyber-crime.



Data Analysis

Table:-1. Demography Related Question?

Q. 1. Gender	Male	69%
	Female	31%
Q. 2. Area of Living	Urban	77%
	Rural	24%
Q. 3. Occupation	Students	56%
	Private Jobs/ Own Work	19%
	Govt. Jobs	12%
	Unemployed	13%
Q. 4. Annual Income	Below 3 Lakh	14%
	3-5 Lakh	43%
	5-8 Lakh	36%
	8- Above	07%
Q. 5. Educational Level	12th & Below	09%
	Graduate	34%
	PG and Above	43%
	Technical Education	14%
Q. 6. Age	Below 20	05%
	20-25	63%
	25-30	26%
	30-35	3%
	35 Above	3%

Table:-2. Yes/ No Type Questions

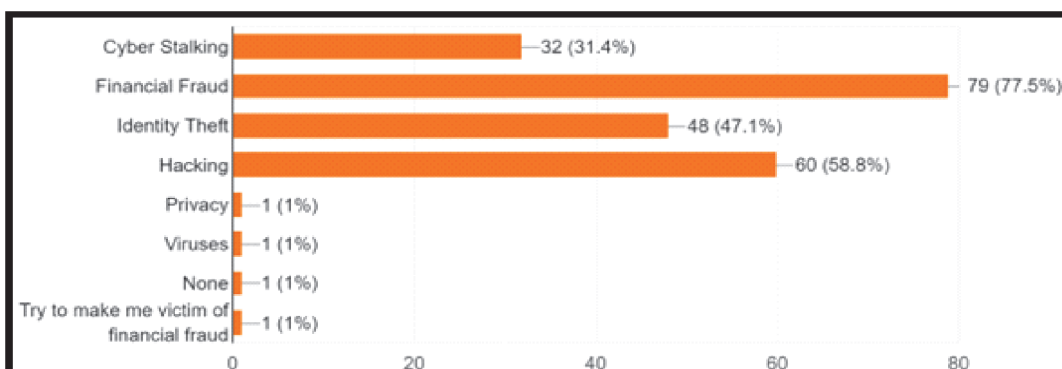
Question	Yes	No
Q.1. Have you ever been a victim of cybercrime?	77.70%	22.30%
Q.2. Have you witnessed someone become a victim of cyber-crime.	63.55%	36.45%
Q.3. Have you ever yourself committed a cyber-crime?	94.10%	06.90%
If yes then what kind of cybercrime? The crimes which were mentioned by most of the respondents were: Hacking, Cyber bullying, Cyber stalking, Arp attack(address resolving protocol poisoning),		

Q.4. Do you use credit or debit card for online transaction?	88.20%	11.80%
if no then why? Some of the responses which were mentioned by the respondents were: "Using cash is more comfortable" "I use UPI," " I don't feel secure," "I am choosing internet banking "		
Q.5. Do you use net banking for online transaction?	80.40%	19.60%
If no then why? Some of the responses which were mentioned by the respondents were: "People are not using net banking because they ddon't find it safer" " No frequent use needed till now, bank is nearby" "No such need had come yet, not familiar much."		
Q.6. Compared to other crimes (physical crimes), do you feel more at risk of becoming a victim of cyber-crimes?	69.60%	30.40%

Table:-3 How worried are you about

	Extremely Worried	Somewhat Worried	Bit Worried	Not Worried at All
Q.1. Being a victim of cyber-crime?	35.6%	38.6%	22.8%	03%
Q.2 Being a victim of Social Media	27.5%	38.2%	22.5%	11.8%

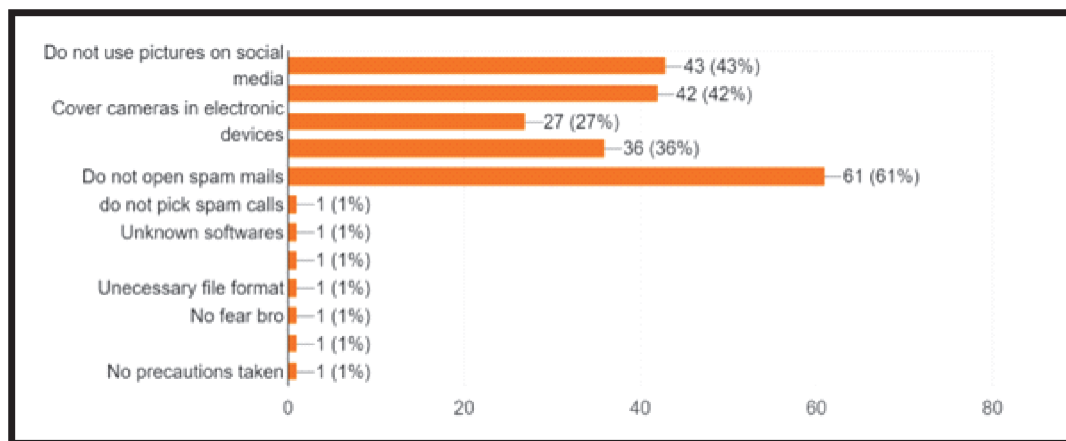
**Q.1. What kind of cyber-crimes are you afraid of becoming a victim? (Can choose more than one option)
(Multi-check box question)**



Almost 77.5% of the respondents were afraid of becoming a victim of financial frauds, 58.8% of the respondents were afraid of becoming a victim of hacking, 47.1% were afraid of becoming a victim of identity theft and 31.4% of the respondents were afraid of becoming a victim of cyber stalking.

Since the present government encourages the digitalisation of our nation with the slogan "Digital India", but the fear of becoming a victim of financial frauds may discourage many people to avoid using online transactions.

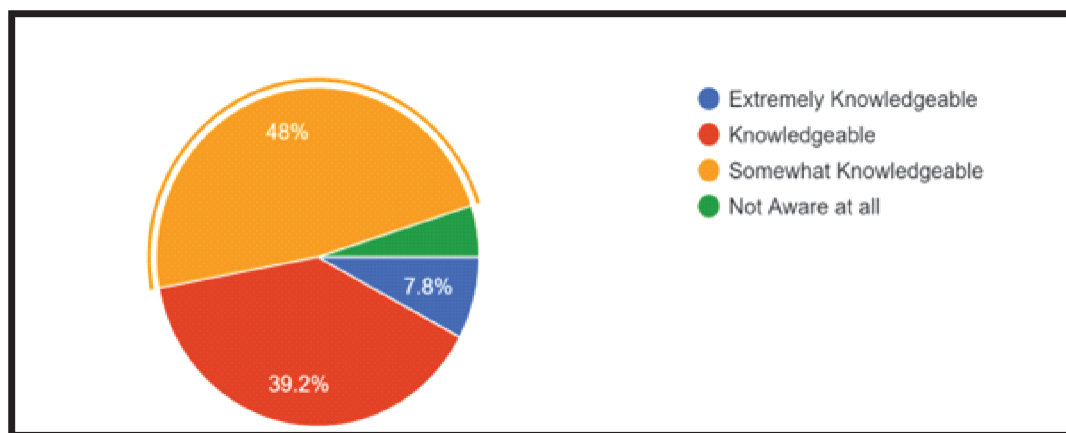
Q.2.What is the effect of your fear of cybercrimes?



The fear of crime influences their actions and behaviour in the cyber world. 61% of the respondents do not open spam mails, 36%

respondents cover the cameras in their electronic devices and 43% of the respondents do not upload their pictures in social media.

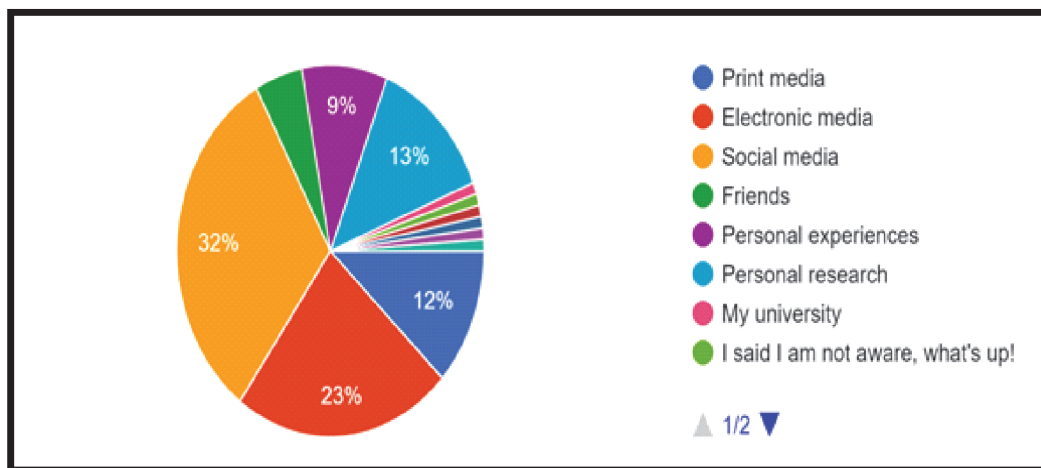
Q.3. How much aware or knowledgeable are you about cyber and information security?



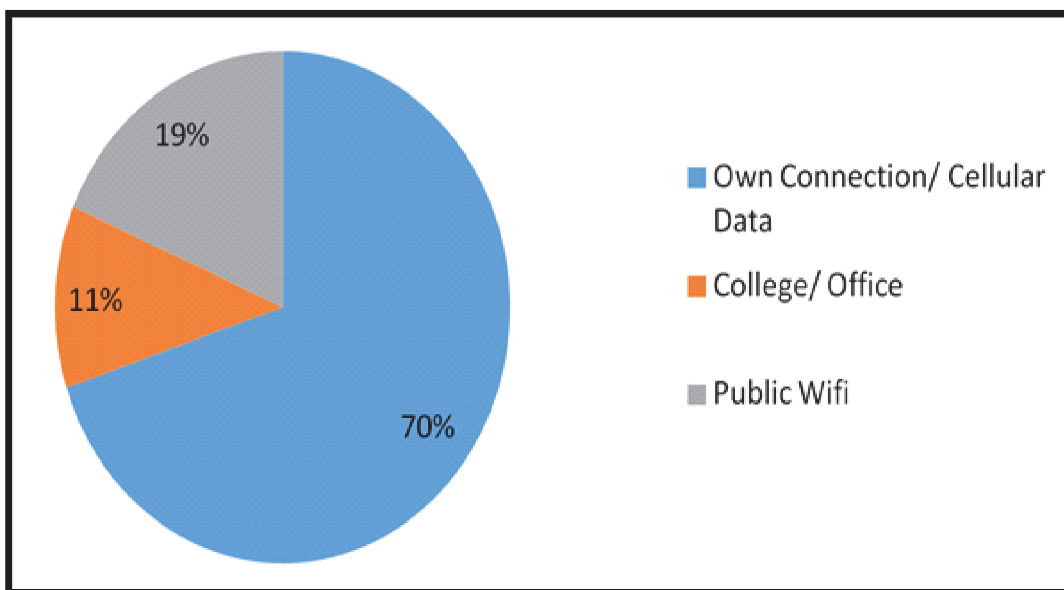
Majority (48%) of the respondents stated that they had limited knowledge about cyber-crimes and information security, whereas only 7.8% of the respondents stated that they are extremely knowledgeable about cyber-crimes and information

security. The majority (48%) and also 5% of the respondents who are not aware at all could be vulnerable to cyber-crimes. Hence the need of hour is to make more people knowledgeable and aware about cyber-crimes and IT security.

Q.4. From where you are getting aware about cybercrimes?



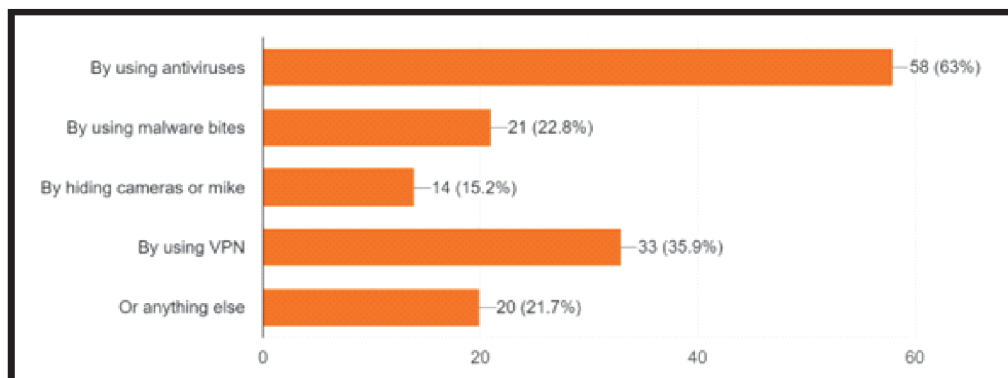
Q.5. Where do you mostly access internet from?



32% of the respondents stated that they became aware about cyber-crimes through social media and

23% respondents stated that they became aware through electronic media.

Q.6. How do you make yourself secure from becoming victim of cybercrimes?



Majority of the respondents(63%) were using anti-viruses to keep themselves secure from becoming victims of cyber-crimes which is a good thing but a significant percentage(37%) still do not use anti-viruses.

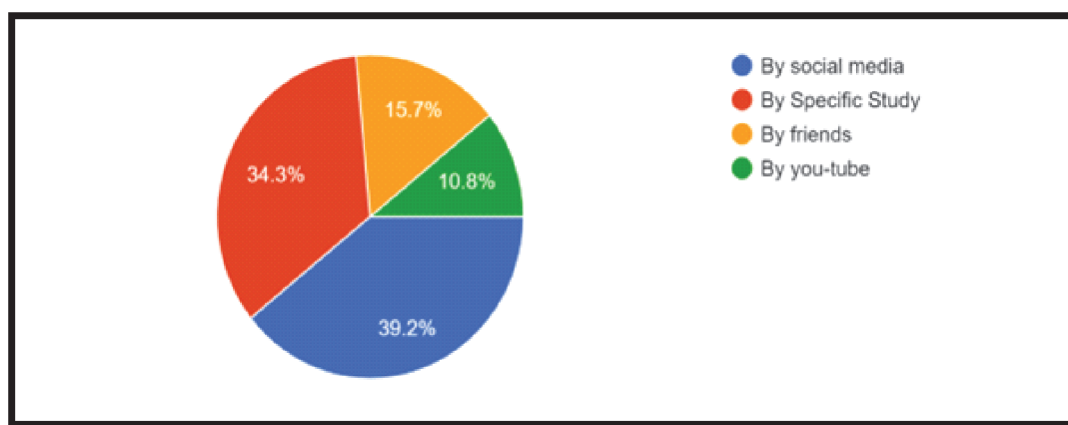
Q.6.1. If anything else then! What?

The respondents gave these answers to this question:

They keep themselves secure through self-care, by using safe online banking, by using Https whole browsing public websites, by Avoiding hyperlinks, by not disclosing personal information like user ID

or password to anyone , by using offline technology, by becoming aware of fraud calls and phishing attacks, by staying away from strange sites and being aware of spam emails and other things, by avoiding mostly unwanted sites in social media, by using online banking at only secure websites, by not opening spam emails, by not replying to lottery emails, by not opening phishing emails, by sharing pictures on social media with privacy settings, by keep on changing passwords/PIN, by not using net banking., by putting security settings in my photos and posts in face-book or other sites, and by keeping id and password confidential.

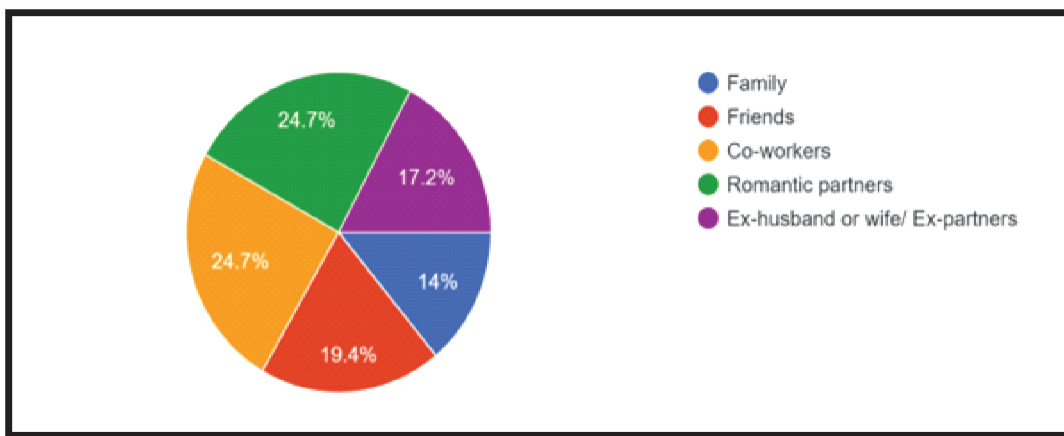
Q.7. From where you learned to be secure from cybercrimes?



Majority of the respondents (39.2%) of the respondents learnt various ways to keep

themselves secure from cyber-crimes, through social media.

Q.8. Whom do you think is most likely to target you as a victim of cyber-crime?



24.7% of the respondents felt that romantic partners were most likely to target them as victims of cyber-crimes. Such fear could lead to distrust and also affect relationships. 24.7% of the respondents felt that co-workers were most likely targeting them as victims. This could be due to the intense/cut-throat competition or rivalry in the professional arena in today's world. 19.4% of the respondents felt that friends were most likely to make them targets. 17.2% felt that ex-partners were most likely to make them targets of cyber-crimes which could be attributed to hatred or revenge.

Discussion

- There is no significant difference in the level of fear of crime between those who have been victimized in the past and those who have never been victimized. This may be due to the fact that unlike other traditional crimes, cyber-crimes do not evoke the same kind of trauma like traditional or violent crimes. This needs to be explored further.
- There is no significant difference in the level of fear of cyber-crimes between males and females. The difference may be found in some types of crimes like cyber stalking, photo morphing and other sexual crimes. This also needs to be explored.

- There is no significant co-relation between level of fear of cyber-crime and self-assessed knowledge of cyber-crime,

Suggestions

- People should be given training in combating cyber-crimes.
- More research is needed to address how victimization experience may impact fear of cyber-crimes.
- Commercial websites should ensure consumer safety by showcasing the mechanisms in place to protect online shoppers from scams.
- Use of https websites for secured services.
- Awareness programs should be availed.

References

1. Abdulai M. (2016). *Determinants of Fear of Cybercrime Victimization: a study of Credit/ Debit card Fraud among students of the University of Saskatchewan* (dissertation).
2. Bhangla A. and Tuli J. (2021) *A Study on Cyber Crime and its Legal Framework in India*, 4 (2) IJLMH, 493 - 504
3. Dar S. and Lone N. (2020, December). Cyber Crime in India. *Sambodhi*, 43(04), 118-130.



4. Devayane B. (2022, June). A Study on Fear of Cybercrime Victimization in E- Commerce. *International journal of innovative research in technology*, 9(1), 1101-1107.
5. Furnell S. (2002). Cybercrime: *Vandalizing the information society*. Amazon.
6. Grabosky P. 2001. Virtual Criminality: Old Wine in New Bottles? *Social and Legal Studies*, 10(2):243-249.
7. Hutchings A. and Hayes H. (2009). Routine Activity Theory and Phishing Victimization: Who Gets Caught in the 'Net'? *Current Issues in Criminal Justice*, 20(3):433-451.
8. Halder D. and Jaishankar K. (2010). Cyber Victimization in India: A Baseline Survey Report (2010). *SSRN Electronic Journal*.
9. Kaur M. and Saini M. (2022, July 4). Indian government initiatives on cyber bullying: A case study on cyber bullying in Indian higher education institutions. *PubMed Central (PMC)*.
10. LaBrie J. (2010, September 8). *The emotional impact of Cybercrime*. Help Net Security.
11. Nair A. (2021, May 22). *Cyber crime: Need for Cyber Laws in India*. Lawstreet.co.
12. PTI. (2021, November). Over 400% rise in cyber crime cases committed against children in 2020: NCRB data. *The Economic Times*.
13. Prieto Curiel R. and Bishop S. R. (2018, April 17). *Fear of crime: The impact of different distributions of victimisation*. Nature News.
14. Radda S. I. and Ndubueze P. N. (2013). Fear of On-line Victimization among Undergraduate Students: A Comparative Study of Two Selected Urban Universities. *African Journal of Criminology and Justice Studies: AJCJS*, 7, 35-46.
15. Rader N. (2017, March 29). *Fear of crime*. Oxford Research Encyclopedia of Criminology.
16. Roberts L. D., Indermaur D. and Spiranovic C. (2013). Fear of Cyber-Identity Theft and Related Fraudulent Activity. *Psychiatry, Psychology and Law*, 20(3), 315-328.
17. Shabnam N. (2016). Underlying Causes of Cyber-Criminality and Victimization: An Empirical Study on Students. *Social Sciences*, 5(1), 1.
18. Urvashi A. (2021, June 25). *Cyber Crimes and Victimization of Women in India with Special Reference to Cyber Obscenity*.
19. Virtanen S. M. (2017, May 16). *Fear of cybercrime in Europe: Examining the effects of victimization and vulnerabilities*. Taylor & Francis.
20. Van der Wagen W. and Pieters W. (2020). The hybrid victim: re-conceptualizing high-tech cyber victimization through actor-network theory. *Eur J Criminol* 17(4):480-497.
21. Yu S. (2014). Fear of Cyber Crime among College Students in the United States: An Exploratory Study. *4 International Journal of Cyber Criminology*, 8(1), 36-46.

Need for Victim Participation: Retributive to Restorative Justice

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Abhinav Mehrotra**



Abstract

India has an adversarial model of justice dispensation where crimes are deemed to be against the state, implying that any attack on the rights of victims is an act against the state. The significance attached to victim rights in this context has been recognized by the United Nations through its Declaration on Basic Principles of Justice to Victims and Abuse of Power. In India, the major shift came in this regard through the Criminal Procedure Code (Amendment) Act, 2008 where victim's right to appeal, compensation, and the appointment of an advocate were recognized. However, the issue remains inadequately addressed due to the lack of active involvement of the victims in the criminal proceedings and the need to ensure adequate reparations to the victims.

In this article, the authors argue for seeking guidance from the working of the International Criminal Court (hereinafter ICC) established in 2002 under the Rome Statute on July 17, 1998. Although India is not a party to the statute, the composition of the court vis-a-vis the victim assumes significance as it places victims at the core of justice dispensation. Under the Rome Statute, the role of victims has been elaborately explained by not only giving them the right to participate in the proceedings, but also putting in place a Victims and Witness Unit, Trust Fund for Victims, and Office of Public Counsel for Victims. The article analyses the role played by the separate organs of the ICC and to analyse whether such mechanisms can be realised in the municipal context and how they can be useful in ensuring victim's participation effectively.

Keywords : *Victims, Participation, Reparation, Retribution, ICC, CrPC, and Rome Statute*

Introduction

Being an adversarial system of criminal justice, the responsibility to produce evidence is placed on the party that seeks to establish guilt with the judge acting as counsel for both the parties which means the burden of proof lies on the prosecution i.e., indirectly on the victim as the

state represents the victims. In simple terms, a victim is defined under Section 2 (a) of the Criminal Procedure Code, 1973 as a person who suffers any loss or injury because of a crime and includes his or her guardian or legal heir, but the focus remains on the direct or proximate result of the loss or injury.

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It is the responsibility of the courts to preserve the sanctity of justice, but it is the responsibility of the state to support the victims as they are mainly affected by the crime and the consequent legal proceedings. Criminal law scholars have increasingly turned their focus to the cause of the victim which has typically been ignored for much of the past century. In a survey of most of the textbooks on criminal procedure code in the USA, it was found that the text does not mention the victims in their indexes, often mentioning just one paragraph on the involvement of the victim in the criminal proceedings essentially reducing the justice delivery mechanism to the prosecutors and the accused³. Despite the rights of victims being at stake, the direct participation of the victim has been found wanting in the criminal justice system in India as well. In this light, the victim may be defined as a person who has lost property in his or her conflict and is reduced to the standing of a mere witness or informant for prosecution⁴.

According to the *Concise Oxford English Dictionary*, to "participate" means to be involved, to take part. Victim participation can be interpreted broadly to include any involvement by the victim in criminal proceedings in the form of interaction, witness testimony, or a complainant and *amicus curiae*. Victim participation can be interpreted more narrowly to cover the victim's direct and autonomous intervention often through legal representation but not always necessarily⁵. In western criminal justice systems, victims and perpetrators are separated to some extent as the trial is focused more on protecting the interests of the society than the injured party, in a justice mechanism where the state is essentially having a monopoly on justice administration, leading

to shifting from peace and harmony oriented restorative approach to more punishment centric retributive approach to justice⁶.

It is in this context that the Justice Malimath Committee was formed and submitted its report on the Adversarial system in April 2003 that emphasises on reforming the criminal justice system and the lack of legal rights and protection for victims⁷. In a similar vein, it suggested reforms along the lines of allowing the victims to participate in cases involving serious crimes and to be given adequate compensation. In addition, the committee recommends that states should provide an advocate of the victim's choice to plead his or her behalf and the cost be borne by the State if the victim cannot afford the same. The report even takes into consideration situations that if a victim is dead, then it suggests that the legal representative shall have the right to implead himself or herself as a party in case of serious offenses and for the survivors of victims of rape, or domestic abuse, there shall be mandatory therapy and counselling to cope with the trauma. Lastly, the report draws attention to a significant issue of putting in place a victim compensation fund under victim compensation law and assets confiscated through organised crimes being used through this fund. As a result, the suggestions put forth in the report were given effect through the Criminal Procedure Code Amendment Act, 2008 by inserting the clause for victim compensation under section 357A as well as adding a proviso to section 372 that gave the victim the right to appeal.

Going forward, there is a need to understand the relevant international instruments governing the victim's rights as well as the working of the ICC

³Erin Ann O'Hara, 'Victim Participation in the Criminal Process' [2005] 13 JL & Pol'y 229.

⁴Leo Zaibert, 'The Ideal Victim' [2008] 28 Pace L Rev 885.

⁵Mariana Pena, 'Victim Participation in International Criminal Proceedings'[2019] Max Planck Encyclopedia of International Law.

⁶Piere Sullo, 'Restorative Justice' [2016] Max Planck Encyclopedia of International Law.

⁷Latha, S., Thilagaraj, R. 'Restorative Justice in India' [2013] 8 *Asian Criminology* 309.

vis-a-vis the victims and how it is possible to put in place a similar system in the municipal context ensuring restorative justice for victims and not merely retributive justice as is the position in case of India.

THE UNITED NATIONS DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER

Historically, the victims have been recognized under the International Human Rights Law. Since the 1940s, the victims have been entitled to participate under the international human rights mechanisms such as the Commission on Human Rights which is now called the Human Rights Council. The individual petitions from the victims have also been considered under these mechanisms. In 1985, the Seventh United Nations Congress adopted the 'Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power' through the General Assembly Resolution 40/43⁸. Part A of this declaration is titled 'Relating to Victims of Crime', and it sets out specific provisions on access to justice and fair treatment, restitution, compensation, and social assistance. Whereas Part B relates to 'Victims of Abuse of Power' which calls upon member states to grant civil and administrative relief to victims of abuse of power. In adopting it, the General Assembly noted that it was: *'Cognizant that millions of people throughout the world suffer harm because of crime and the abuse of power and that the rights of these victims have not been adequately recognized'*.

What needs to be understood is that this Declaration attempts to instigate a new penal and sentencing philosophy that places the emphasis not on punishment and retaliation but on reparation, mediation, and conciliation. This philosophy translates into ceasing to regard the offense against the state but be viewed as an

offense against the individual victim, not as a violation of an abstract entity but as a violation of the rights of the victim. Other provisions under the declaration relate to the material, medical, psychological, and social assistance that should be provided to victims and at the same time, further provisions pertain to restitution and compensating the victims.

This declaration goes beyond the victim's rights and recommends the training of criminal justice personnel to sensitize them to the needs and plight of their clients. It advocates for specialized training for those who will be called upon to deal with special categories or specific types of clients. The rationale for all these recommendations and philosophies is to allow the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected⁹.

THE INTERNATIONAL CRIMINAL COURT (ICC)

The UN 'Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power' paved the way for a more comprehensive set of guidelines dealing with the right to remedy and reparation of victims by two renowned human rights experts of that time named Hugo van Boven and M. Cherif Bassiouni. According to these guidelines, the state is under a duty to prosecute those responsible for violating human rights; provide remedy and reparation to victims and ensure that the truth is known to the victims. They derive the legitimacy for all these duties from Article 1 of the Geneva Conventions which bestows responsibility to respect and ensure respect. This signifies that victim participation in the prosecution against those responsible for violating the human rights of others is of paramount significance.

⁸ L. L. Lamborn, 'The United Nations Declaration on Victims: Incorporating Abuse of Power' [1987] 19(1) Rutgers Law Journal 59.

⁹ Juan-Pablo Perez-Leon-Acevedo, 'Victims and appeals at the International Criminal Court (ICC): evaluation under international human rights standards' [2021] The International Journal of Human Rights.



With this aim in mind, 120 states signed the Rome Statute of the ICC at the headquarters of the Food and Agriculture Organization of the United Nations in Rome on 17th July 1998¹⁰. The ICC traces its roots from an innovative proposal by Gustav Monnier who was one of the founders of the Red Cross movement and had initiated the draft statute for an international criminal court with an aim to prosecute those who violate the Geneva Convention of 1864 and other humanitarian norms, but such a proposal did not go well at that time.

In the aftermath of World War II, the international law Commission (hereinafter the ILC) was mandated to draft the statute of an International Criminal Court based on Article VI of the Genocide Convention. Additionally, the ILC was also entrusted with the task to prepare the 'Code of Crimes Against Peace and Security of Mankind'¹¹. Interestingly, the drafting of both the draft statute of ICC and the draft code of crime went on simultaneously. Coming to the institutional structure, within the ICC there exists three institutions whose purpose is to secure the rights and interests of the victim which are the Trust Fund for Victims; The Victims and Witnesses Unit, and the Office of Public Counsel for Victims

It is the Victims and Witnesses Unit that seeks to provide protective measures; counselling and other necessary assistance for the victims and witnesses who appear before the Court and such protection are also extended to those who are related to such victims and witnesses. To illustrate, whenever a crime takes place, the section of people who are most harmed are the children due to their vulnerability. As a result,

one of the most credible pieces of evidence is the one given by children during the proceeding of the trial which has also been the case with the ICC.

To ensure the safety of child witnesses and victims, the Rome Statute provides various provisions that protect the interests of children. This responsibility is discharged by the Victims and Witnesses Unit¹² whose role has been explained in detail under the ICC Statute. Some of such functions are to recommend to other organs of the Court to adopt protection measures and to encourage the member states to do so; assist the child victims through physical and psychological assistance; to emphasize the significance of maintaining the confidentiality of the child victim's correspondence by the investigators of the Court and by all the NGOs and intergovernmental organizations and to cooperate with states. The Unit also has the duty to advise and assist such victims in testifying before the Court¹³.

One of the foremost cases where prosecution was made in case of child victims was the case involving Thomas Lubanga, who was the president of a rebel group called the Union of Congolese Patriots in the northeast Democratic Republic of Congo. He was prosecuted for war crimes and using children under the age of fifteen as soldiers in the hostilities that took place between 2002 and 2003¹⁴.

In furtherance of the need to ensure the safety of the children, the prosecutor has also been assigned a special role under the ICC statute. The Prosecutor is mandated to issue guidelines to all personnel to treat the children in a manner that ensures their safety throughout the

¹⁰ M Arsanjani, 'The Rome Statute of the International Criminal Court' [1999] 93(1) American Journal of International Law 22.

¹¹ Alexandre Skander Galand, 'UN Security Council Referrals to the International Criminal Court'[2019] Brill.

¹² Carsten Stahn and Goran Sluiter, 'The Emerging Practice of the International Criminal Court' [2009] Brill.

¹³ S. Garkawe, 'Victims and the International Criminal Court: Three major issues'[2003]3 (4) *International Criminal Law Review*, 345.

¹⁴ Olympia Bekou, 'Prosecutor v Thomas Lubanga Dyilo—Decision on the Confirmation of Charges'[2008] 8(2) *Human Rights Law Review* 343.

prosecution process, keeping in mind their emotional and psychological well-being in a manner that ensures their safety throughout the prosecution process. For example, in a situation where the children receive threats, the prosecutor shall in accordance with Article 58 of the Rome Statute ensure that the accused in such case has been placed under detention. Another example is Article 68(2) of the Rome Statute which puts emphasis on taking up cases involving sexual or gender violence and under Article 54 (1)(b) of the Rome Statute, the Office of the Prosecutor has a duty to investigate gender-based crimes and consider the specific needs of victims of gender-based crimes which include rape, sexual violence, and sexual slavery.

NATIONALIZING INTERNATIONAL CRIMINAL LAW

Considering the above discussion, the need of the hour is to enforce the international criminal law based on the support and initiative of actors other than the ICC i.e., the states in general and India in particular even though it is not a member state under the Rome Statute¹⁵. The reason for that is to see active involvement of the victims in the adjudication process and the fact that the jurisdiction of ICC is based on the principle of complementarity that means the ICC is designed to function as an institution that is secondary and complementary to national jurisdiction. Thus, the national jurisdiction has primacy which means it is the state's responsibility to implement such a process and to learn from the good practices of the ICC, the government of India needs to put in place a system based on diverse perspectives that are more acceptable to local populations and more effective in accomplishing its ultimate goals.

The scholars and law practitioners in the 1960's started advocating against the dispute

resolution mechanisms exclusively based on retributive justice as they argued the need to resolve the disputes by directly involving all the parties including the victims a forward push to the movement in favour of restorative justice. Restorative justice focuses on rebuilding relations by focussing on repairing the harm caused by the crime, encouraging reconciliation between the victim and the perpetrator, and reintegrating the perpetrator of the crime into the society of the offender while retributive justice mainly focuses on law-breaking, perpetrator, and on the punishment. Restorative justice perceives the harm to the victim of the crime more broadly and focuses on reparations for the victims of the crime simultaneously contributing to the reduction of the load on the criminal justice system by providing measures to reintegrate offenders into society. The restorative justice approach to international crimes has led to the ICC granting victims of crime within the jurisdiction of the ICC broader participation in the proceedings and wider opportunities to claim reparations. Such approaches have been very helpful in post-conflict societies especially when formal justice delivery mechanisms may be flawed, and accessibility can be a concern. In such cases, the restorative approach to justice may provide some interesting insights than the traditional retributive justice mechanisms¹⁶.

In this context, the goal that needs to be emphasized is to ensure restorative justice for victims that reflects a balanced justice system where equal justice to victims is ensured and that is a non-stigmatizing, economically viable and socially practicable, fair, and just process. The concept of restorative justice¹⁷ is helpful in the manner that assists the courts to address the causes and effects of crime, as well as its unintended consequences to the parties. What

¹⁵ Valerie V.Suhr, *Rainbow Jurisdiction at the International Criminal Court: Protection of Sexual and Gender Minorities Under the Rome Statute* (Springer, 2022)

¹⁶ Pietro Sullo, 'Restorative Justice'[2016] Max Planck Encyclopedia of International Law.

¹⁷ R. Thilagaraj and Jianhong Liu, 'Restorative Justice in India: Traditional Practice and Contemporary Applications'[2017]



needs to be highlighted is that there exist four characteristics of Restorative justice including repair, restoration, reconciliation, and reintegration of the victims into their shared environments and communities. According to the concept of Restorative justice, the criminal and anti-social acts need to be viewed from a holistic perspective considering the families, workplaces, schools, and communities and then considering the definition of the criminal act and how fairness and justice can be restored in that context by putting the victims of crime, who have been neglected in the criminal justice system to be now considered central in the participatory process. It brings together the offender, the victim, and the community with a focus on building a safer future for all that enables the victims of crime to share their stories and avoid the non-recurrence of the crimes.

At the international level, there exist various models of Restorative Justice in different parts of the world even though they are not parties to the Rome Statute. To illustrate, Victim-Offender Reconciliation Programs in the US and Canada, Victim Mediation Programs in England and Australia, and Family or Community Group Conferencing in New Zealand. Coming back to India, under Alternative Dispute Resolution mechanisms, several programs can be found that signify restorative values and practices can be found among Alternative Dispute Resolution mechanisms such as Arbitration, Mediation, Lok Adalat, and Nyaya Panchayats. The need for such mechanisms is further substantiated from the judgments of the Supreme Court of India that pronounced a landmark decision in 'Salem Advocate Bar Association, Tamil Nadu v. Union of India'¹⁸, where it held that reference to mediation, conciliation, and arbitration is mandatory for court matters. Similarly, in the case of State of Gujarat vs. Raghavbhai Vashrambhai

and Ors¹⁹ it was opined: "In a realm of victimology the decision is one of the aspects towards fulfilling the design and desideratum and restorative justice to the victims of crime... In 2007, in the case of Anupam Sharma Vs. NCT of Delhi and Anr²⁰, 2007, the Delhi High Court observed that: "Restorative justice may be used as a synonym for mediation. The object and nature of restorative justice aim at restoring the interest of the victim".

Overall, there is a need to inculcate systems resembling the ICC where the concerns of the victim are at the forefront because the adversarial structure has failed to recognize victim-oriented processes or indeed the role of a victim in the court process and the progress made in the spheres of victimology throughout other jurisdictions is yet to reach many parts of the criminal justice practices in India.

CONCLUSION

The victims must be given prominence in the criminal justice system and the analysis above emphasises the limits of retributive justice in addressing the needs of the victim involved in criminal proceedings. International institutions such as the United Nations and ICC have increasingly given attention to the cause of the victim in criminal trials and made the judicial mechanisms more participatory and victim-friendly focusing on not only the breach of law but also the harm caused to the victim. The international instruments have also emphasised the need to adopt the restorative approach to justice to complement and supplement the gaps existing in the retributive approach to justice particularly in the case of ICC which has adopted a more victim-friendly, participatory, and restorative approach to justice than ICTR and ICTY respectively. There is a need to restructure the judicial system in India along the same lines

¹⁸ Writ Petition (civil) 496 of 2002

¹⁹ (2003) 1 GLR 205.

²⁰ 146 (2008) DLT 497



reorienting the system to provide for a more victim-centric approach and restorative justice to ensure that the machinery of the state does not fail to ensure the rights of the victim.

The judicial system should be made more humane and responsible to protect the rights of the poor victims who are otherwise weak and vulnerable to protect themselves. All institutions including the courts and the state should play a key role in adopting this approach in order to protect and preserve the interests of the victims as well as of society.

Challenges Afflicting Indian Police

Md. Imran Wahab, IPS*



Abstract

Police personnel, dedicated to upholding law and order, confront a myriad of challenges that not only impact their well-being but also compromise their efficacy in safeguarding society. From meager salaries and arduous working hours to limited avenues for career progression, these obstacles cast a shadow over the force's resilience. This meticulous study underscores the pressing issues of inadequate infrastructure - ranging from barracks to family housing - alongside shortage of manpower, vehicles, fuel, and essential training opportunities. Furthermore, it sheds light on the critical need for annual medical checkup and mental health services for subordinate police personnel and the absence of contingency funds for the police stations. Public opinion, gender discrimination, and deficient posting policies also emerge as critical concerns. Advocating a holistic approach, the study emphasizes the imperative for enhanced working conditions, equitable remuneration, strategic transfer policies, advanced training, and policies fostering infrastructural development. Despite substantial investments from both the Central and State Governments in police modernization, revelations of unutilized funds, such as the Rs. 1,074 crores allocated to Nagaland during 2021-22, underscore potential inefficiencies. The expenditure on the State Police forces rose to Rs. 1,67,489.15 crores in 2021-22 from Rs. 1,53,766.19 crore in 2020-21. While strides have been made in bolstering police infrastructure, lingering challenges persist, as discerned through my firsthand experiences spanning over three decades across diverse regions of West Bengal, Uttar Pradesh, Rajasthan, Bihar, Assam, and Tripura.

Keywords: Police personnel, Challenges, Gender Discrimination, Shortage of manpower, Infrastructure, Modernization Grant, Indian Police.

Introduction

Ensuring the well-being and effectiveness of police personnel is crucial amid numerous challenges. Extended periods away from loved ones, especially in dangerous or remote locations, pose personal and emotional

challenges for officers. Such taxing duties expose them to the risk of both mental and physical health hazards. Addressing these challenges is paramount to maintaining optimal performance. Substandard working conditions, overcrowded barracks, and inadequate family housing facilities contribute to health risks and

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demoralization. Limited facilities hinder relaxation after tiring shifts, leading to fatigue and low job satisfaction. Managing a good work-life balance is difficult, affecting how much time police personnel have with their families. To protect their physical and psychological health, a comprehensive approach is required. This includes improving living conditions, enhancing infrastructure, and creating gender-friendly working environments for policewomen. By prioritizing the health of both mind and body, we can ensure the effectiveness and resilience of our law enforcement machinery.

Challenges

The main challenges afflicting police personnel in discharge of their duties may be categorized as given below:

1) Lack of Mental Health Services

Police being an inherently high-stress occupation, exposes police personnel to violence, trauma, and personal harm. Responding to crime scenes and emergencies can lead to mental health issues, including Post Traumatic Stress Disorder. A shift towards prioritizing the emotional and mental well-being of law enforcement is essential. Promoting resilience training and stress management techniques, while creating confidential mental health programs can encourage a culture of support. Psychologically, officers have high rates of depression and suicidal ideation (Milner et al. 2013; Violanti et al. 2016). Behaviorally, average consumption of alcohol tends to be high (Chopko et al. 2013), while marital problems such as divorce and domestic violence are also very common (Blumenstein et al. 2012; Burke 209). Moreover, inadequate preparation to deal with an encounter can give rise to disproportionately high levels of police force (McCarty et al. 1999), which will mean more lawsuits that the department and their lawyers have got on their plate (Schwartz 2011, 2016).

2) Shortage of Manpower

The effectiveness of police stations is compromised by a shortage of manpower at lower ranks, attributed to budget constraints and recruitment challenges. This scarcity not only results in prolonged response times, endangering public safety, but also contributes to officer burnout and diminished morale. Community policing initiatives suffer, impeding engagement and trust-building with residents and hindering crime prevention efforts. Insufficient staffing levels further hamper investigations, causing backlogs and diminishing the likelihood of solving crimes. Addressing this issue through increased recruitment, training, and resource allocation is crucial to uphold law enforcement integrity and ensure effective community service. According to a report by in 'India Today', shortage of manpower in the Delhi Police has impacted the investigation of crimes. More than half of the mobile patrol vans do not have gunmen, the communications system used by the force is 20 years out of date, the counter-terrorism unit does not have adequate weapons, ammunition and body armor and SWAT teams are operating with reduced effectiveness. Levitt (2004) presented evidence that increasing the number of law enforcement officials results in a reduction in crime rates. Additionally, Marvell and Moody (1994) corroborated this notion, stating that each additional police officer is associated with 24 fewer crimes.

3) Poor Forensic Facilities

Non-availability of modern forensic facilities and updated equipment constitutes a major barrier for proper evidence collection and analysis in India. The use of old forensic instruments incapacitates the process of utilizing critical methods that are appropriate in accurately establishing evidence at the scene. This is a weak area in the country and it endangers investigation quality as well as reliability of evidence presented in court. It is important to



ensure that the state-of-the-art forensic facilities are available along with investment in equipping law enforcement agencies with modern technology so that investigating officers can achieve scientifically robust evidence retrieval methods for processing crime scenes. No Central Forensic Science Laboratory has been set up in the country after establishment of 7 CFSLS in cities like Pune, Bhopal, Guwahati, Delhi, Kolkata, Hyderabad and Chandigarh several decades ago. There are 32 State Forensic Science Laboratories throughout the country plagued by poor infrastructure, shortage of manpower having lakhs of pending FSL reports resulting in delay in investigation of cases. The number of FSLs has not increased in proportion to the increase in number of population and number of cases registered at police units. Forensic reports in respect of thousands of cases are pending throughout the country if we include the viscera reports pending vis-à-vis unnatural death cases (Source: Website of Directorate of Forensic Science Services, Ministry of Home Affairs, Government of India, 2023).

4) Low Salaries and Benefits

Low salaries and limited benefits for subordinate police personnel pose significant challenges, impacting their financial well-being and job satisfaction. Addressing this issue requires salary revisions, improved benefits, and competitive packages. According to a report in Al Jazeera on New York City Police Department, good policing hinges on good police pay and bad pay contributes to worsening police-community relations. Law enforcement advocates say history shows that paying officers poorly can lead to more of them attempting to boost their incomes with bribes, or competing with criminals for dirty money. Jay Giacalone, a criminology professor at John Jay College of Criminal Justice and a former NYPD officer observed that good pay is crucial to keeping officers honest.

5) Political Interference

The autonomy and impartiality of police in India is under threat from external interference from politicians. If political figures exert pressure on law enforcement, it can result in meddling with decision-making, case prioritization, and the distortion of results. This not only weakens the principle of fair law enforcement, but it also erodes the notion of independent police forces. The politicization of police not only compromises the rule of law but also decreases the public's faith in the justice system, as citizens may feel that there is an absence of accountability and objectivity. To protect the autonomy of police from political interference is essential for preserving the integrity of the criminal justice system and providing equal treatment under the law. According to Julio Ribeiro, former Police Commissioner of Mumbai and former DGP of Gujarat and Punjab, entrusting operational independence to police leaders does not imply carte blanche. A police force has to be accountable but to the law and the law alone. The job of the elected politicians is to monitor performance and conduct of each and every member of the force and hold its chief to account.

6) Scarcity of Vehicles and Fuel

The shortage of police vehicles and fuel at the police stations hinders law enforcement agencies' effective functioning. This scarcity affects police mobility, visibility, and ability to deter crime, impacting community safety. Additionally, it increases maintenance costs and reduces vehicle lifespan, affecting investigations and evidence transport. As per a Times of India report, in Kerala the police cut down the vehicle operations in each police station area due to shortage of fuel. There are reports that this has even hit investigation of several cases. Further, mobility of Chennai city police personnel has been severely hampered by shortage of vehicles and some Inspector-level officers have to manage with condemned vehicle that is hardly road-worthy. According to city officials, Chennai



has a shortage of 600 vehicles, out of 4,100 sanctioned vehicles that include two-wheelers.

7) Long Working Hours

Long and irregular work hours are a hallmark of police duty, causing physical and mental exhaustion. This on-call nature leads to extended shifts, disrupted sleep, and heightened stress levels. Addressing these challenges involves implementing clear shift schedules, offering mental health support, and creating a supportive work environment to safeguard the physical and mental well-being of all police personnel. According to a report by Bryan Vila, long work hours and shift work threaten police officer health, safety, and performance. A study, 'National Requirement of Manpower for 8-hour Shift in Police Stations', carried out by Bureau of Police Research and Development (BPRD) and Administrative Staff College of India (ASCI) has found that 90% of police officers work for more than eight hours a day and 73% don't get a weekly off even once a month and are called for emergency duties from their rare off days as well.

8) Public Perception and Hostility

Police personnel frequently face public scrutiny, which can escalate to overt hostility and criticism, particularly fueled by incidents of insensitivity, misconduct, excessive force, or corruption allegations. This negative perception adds stress to their demanding roles, as policemen fear misinterpretation and unfair labeling based on the actions of a few. Addressing these challenges requires ongoing efforts to build trust and transparency through community engagement, accountability mechanisms, and measures to prevent misconduct, fostering more positive interactions between police personnel and the communities they serve. How police officers perceive the media, civilians, and crime can have a huge impact on their morale and policing style (Bradford and Quinton, 2014, Pickett and Ryon, 2017, Skolnick, 2011). Barriers, misunder-

standings, mistrust, and negative attitudes toward police can lead to a lack of cooperation and compliance with rules (Wolfe et al., 2020).

9) Corruption

Corrupt practices within the police force in India pose a considerable issue, as they can significantly impede the investigative process and corrode public trust in law enforcement. Bribery and collusion are two such examples that have the potential to undermine the impartiality and dependability of law enforcement activities. This not only obstructs the progress of justice, but it also creates a sense of mistrust among the public, thus discouraging individuals from participating in collaboration with the police. As public trust continues to erode, this hinders the collective effort needed for effective crime-fighting, leading to a damaging effect on the legitimacy and credibility of the criminal justice system. In order to restore public faith and guarantee the integrity of investigative procedures, it is essential to tackle corruption within the police force. When examining police corruption from a legal standpoint, it becomes apparent that it occurs when law enforcement personnel deliberately violate regulations in order to gain personal financial and tangible benefits (Punch, 2009, p. 18).

10) Poor Barracks and Housing Units

Inadequate accommodation for subordinate police personnel impacts their quality of life and job satisfaction. They have to sometimes live in squalid conditions in barracks that are severely overcrowded and run down. Many of them suffer physical pain, loss of privacy and general decline in their daily lives. More investments are necessary to enhance the living conditions of police personnel. According to a report in Times of India, Mumbai Police claims to have 26,000 housing units for a workforce of 42,000. Police personnel reside in around 19,000 and the rest are being repaired. So acute is the crisis that more than half the workforce has to find their



own means of accommodation, which is often in distant suburbs due to their inability to pay high rent. Even among the ones with official quarters, barely 35% are satisfied. Former DGP Pravin Dixit said that old structures are “unfit for human life” due to poor maintenance. This is despite the fact that the expenditure on police housing corporations in India increased from Rs. 4,825.03 crores in the financial year 2020-21 to Rs. 6,740 crores in 2021-22 (Source: BPRD).

11) Cultural Sensitivity

A lack of appreciation for the cultural context in which a crime takes place in India can have significant repercussions, potentially leading to misconstruing and prejudice. Ignoring the cultural components can cause investigators to misconceive motivations, conducts, or social interactions, influencing the accuracy and fairness of their assessments. Cultural unawareness may also bring about inclination, influencing how cases are arranged or people are dealt with, possibly damaging the objectivity of investigations. It is essential to have culturally competent training and an intricate comprehension of assorted social contexts to guarantee that law enforcement departments handle cases with sensitivity and cultural acuity, ultimately facilitating just and reasonable outcomes in the criminal justice system. According to a report by Carey Rhodes in ‘Apex Officer’, cultural sensitivity and bias training is essential for police officers to perform their duties effectively and ethically in a multicultural society. It is important to prevent racial, gender, or other stereotyping in law enforcement to ensure community trust (Di Nota & Huhta, 2019).

12) Stagnant Sanctioned Strength

A persistent challenge in law enforcement is not only the gap between sanctioned and actual strength of police personnel but also the stagnant sanctioned strength. Annual reassessments are crucial for alignment, but the sanctioned strength rarely adjusts, resulting in

a recurring manpower shortfall. This discrepancy hampers the ability to meet evolving demands, compromising police effectiveness. The inertia in adapting sanctioned strength perpetuates a systemic gap, hindering optimal operation and timely response to emerging challenges in law enforcement agencies. Though as per BPRD report, the sanctioned strength of State Police Forces has increased marginally from 26.31 lakh in 2020 to 26.89 lakh in 2021, it is presumed that this increase might be due to the creation of new units instead of augmentation of sanctioned strength of the existing units.

13) Police per lakh Population Ratio (PPR)

Public safety hinges largely on the per lakh population police ratio in a particular locality, a key indicator of law enforcement capabilities. Crime prevention efficacy, emergency response times, and overall security infrastructure are all directly impacted by this metric. Adequate police staffing augments public trust alongside their crime-detection and prevention roles. For strategic resource allocation and to maintain a responsive law enforcement system, it is crucial to monitor and optimize the ratio of law enforcement to citizens. A low ratio risks overburdening the police force compromising its ability to handle new security challenges. On the other hand, a high ratio of law enforcement could be favorable but costly. Therefore, it is important to ensure the ratio aligns with the changing demands of the population.

The Police per lakh of population ratio (PPR) against the total sanctioned police strength (Civil+ DAR+ Special Armed+ IRB) which improved from 193.95 in 2020 to 196.23 in 2021, signifies an increment in the number of police personnel to the size of populace. This data further shows major regional variations, whereby A&N Islands (1,266.33) followed by Nagaland, Manipur, Ladakh, Sikkim and Andhra Pradesh

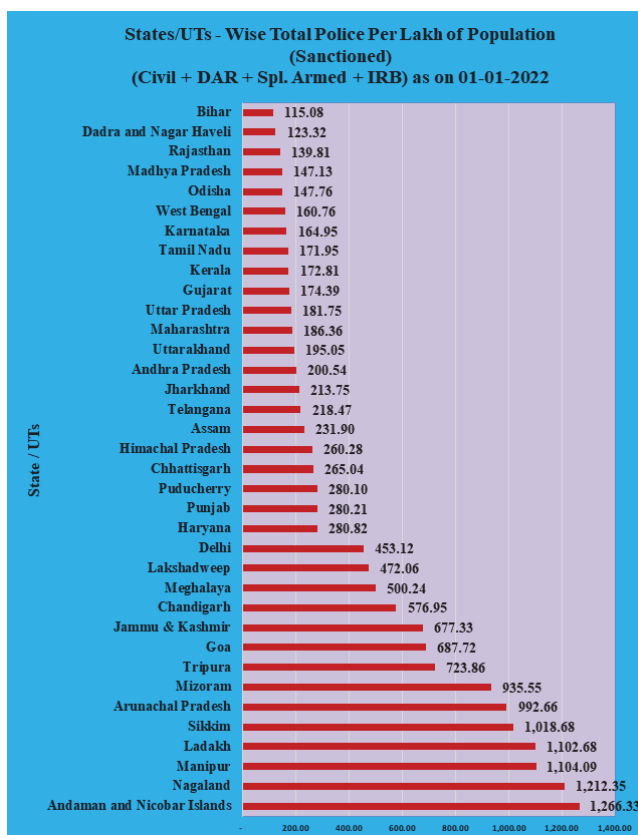


recorded the highest PPR. Thus, we can assume that in these states there is an increased concentration of police forces relative to other areas.

Failing to increase the number of police personnel in proportion to population growth can have profound implications for law enforcement effectiveness. As the demand for police services rises with population expansion, stagnant or slower growth in the number of police personnel can lead to stretched resources and manpower shortages. This results in longer response times, reduced police presence, and challenges in thorough investigations, compromising public safety. Overworked and understaffed forces experience lower morale,

increased stress, and burnout, negatively impacting job satisfaction and service quality. This may hinder community policing efforts, erode public trust, and exacerbate crime rates. To better confront the difficulties at hand, it is essential that authorities allot sufficient funds and enlarge law enforcement staff with consideration to burgeoning populations, so as to provide swift and capable aid to local demands and preserve civil order. The Police per lakh of population ration (PPR) in Bihar, Dadra and Nagar Haveli, Rajasthan, Madhya Pradesh, Odisha, West Bengal, Karnataka, Tamil Nadu, Kerala, Gujarat and Uttar Pradesh necessitate specific regard if policing is to be done with efficacy.

Graph –1 (Source: Data on Police Organizations as on 01.01.2022, BPRD, New Delhi)





14) Inadequate Training

Many police personnel lack access to comprehensive training and necessary resources, hindering their ability to address modern law enforcement challenges. Issues like economic offences, crypto crime, artificial intelligence and cybercrime require specialized knowledge not covered in basic training, resulting in difficulties in understanding and responding effectively. Garicano and Heaton's (2010) research emphasizes the value of strategic investments in personnel. They found that certain investments, such as the utilization of specialized units and the selection of educated personnel, can be linked to greater crime reductions in particular situations. Training programs can help instill in officers, a heightened awareness of the cultural and practical dimensions inherent in their professional responsibilities. There is a need to improve training and incorporate new social issues and threats into the curriculum (Wolfe et al., 2020). An amount of Rs. 1,652.88 crore was spent on police training at the all-India level in the year 2021-22, out of the total police expenditure of Rs. 1,67,489.15 crores during the same year. The maximum expenditure on training, i.e. Rs. 210.77 crores, was made by the Bihar Police.

15) Limited Career Growth Opportunities

Limited career growth prospects for subordinate police personnel can de-motivate them, impacting job satisfaction and hindering professional development. To address this, law enforcement agencies can implement transparent promotion systems, offer additional training opportunities, and create an environment conducive to career growth. A promotion system that cannot be implemented properly will have a negative impact on personnel performance (Razak et al, 2018). A promotion system that is perceived by staff to be inefficient will make employees less committed to the organization, less satisfied with their work, and less willing to contribute to the organization (Saharuddin & Sulaiman, 2016).

16) Workplace Safety Concerns

Police personnel, including women, face safety concerns during their duties, especially in high-risk situations or public protests. This exposes them to physical harm and confrontations. Women officers may experience additional safety issues due to gender-based violence or discrimination. These concerns not only risk their physical well-being but also impact their psychological health, leading to trauma. To address this, law enforcement must prioritize safety with proper training, equipment, and support services. Clear guidelines for managing high-risk situations are essential to minimize risks. Promoting a safety culture and providing comprehensive resources can enhance officers' effectiveness and resilience in the face of safety challenges. A study in Bangalore city, India, found that the prevalence of respiratory morbidity, eye symptoms, and ear problems were 51.2%, 61.6%, and 47.5%, respectively among the traffic police personnel [Mishra PK, J Purushothama, 2019].

17) Absence of Contingency Fund

Failure to allocate a budget within the contingency head specifically earmarked for incidental police station expenses could have dire consequences on the efficiency and ethics of a police force. These funds are intended for unexpected and other costs that may occur during law enforcement activities. The lack of such funding leaves a gap in available funds, which may slow down the response to emergency situations. Appropriate funds for incidental expenses should be ensured to have a credible and effective police force and reduce the possibility of corruption. When considering organizational structures, if a police force fails to promote adequate pay, career development, and professionalism, then systemic corruption can occur (Wood, 1997).

18) Poor Quality of Food in Mess

Poor quality of food in police mess facilities and the lack of food availability during duty hours in remote areas can negatively impact the physical



and mental well-being of police personnel and cause dissatisfaction among them. Therefore, to mitigate such challenges, law enforcement agencies should provide nutritionally adequate food for their staff throughout duty hours, promoting their general health, spirits and efficiency which promotes maintenance of law and order. According to a report by Times of India, a cop posted at Firozabad Police Lines, who complained of poor-quality food at mess was transferred 600 Km away to Ghazipur district in Uttar Pradesh.

19) Large area of one Police Station

The extensive coverage of a single police station can hinder effectiveness, leading to challenges such as delayed emergency responses, stretched resources, and difficulties in maintaining a visible police presence. Limited resources and manpower make it challenging to conduct thorough patrols, engage with the community, and ensure quality investigations.

Communication and coordination among officers covering vast territories may be compromised, leading to inefficiencies in law enforcement efforts. To enhance effectiveness, subdividing large areas into smaller precincts or increasing resource allocation may be necessary to ensure prompt and efficient services across the jurisdiction. Morales-Mosquera (2019) exploits police station openings in Columbia to show that, due to their crime deterring effects, citizens indeed value having local police stations.

20) Poor Office Condition, Infrastructure and Resources

The subordinate police personnel work from offices buildings without having the basic facilities required for proper functioning of the office. Many police stations particularly in the rural areas have ramshackle buildings with no separate room for keeping seized properties, non-availability of generator in case of power cuts, poor office infrastructure, some having no internet connectivity, telephone and computers,

insufficient office furniture, no arrangement of beds or cots forcing police personnel to arrange their bedding on the floor, drinking water problem and poor barracks and housing facilities. Investment in developing infrastructural improvement particularly in rural areas will go a long way in ameliorating the conditions of police personnel posted there. Many positions within a police agency can place undue stress on an officer, equipment issues, issues with other officers or civilian employees, quality of supervision, shift work, and their identity within the department (Maguen et al., 2009).

21) Lack of Annual Health Checkup

The absence of annual health check-ups for subordinate police personnel can significantly impact their well-being and job performance. Regular check-ups are crucial in detecting and addressing potential health issues early, ensuring fitness for duty, and preventing the escalation of problems. Physiologically, police officers show an increased incidence of cardiovascular disease and hypertension (Wirth et al., 2017) along with exacerbated spinal problems (Maguire et al., 2020). Various barriers deter police officers from accessing mental health services (Burke 2019; Fox et al. 2012; Price 2017; Haugen et al. 2017). These barriers include fear of termination, fear of judgment from colleagues or superiors, the pervasive stigma associated with help-seeking with weakness (Haugen et al. 2017; Karaffa and Tochov 2013), and feeling ostracized (Stuart 2017).

22) Life without Family and Posting in far flung areas

Extended periods away from family due to posting in far flung areas, in the absence of judicious posting policies, pose a significant and often underestimated challenge for police personnel. The separation can lead to their psychological and emotional stress, causing feelings of isolation and loneliness during challenging assignments. In order to tackle these problems, police agencies should offer support networks and counseling facilities



for police personnel as well as family members. A study by Mikkelsen and Burke (2004) supports this very notion within police officers. Negative events outside of work, such as “work-family conflict,” also identify poor mental health. Furthermore, once a positive environment has been fostered in the law enforcement agency it can actually help with those negative items from personal life that get pulled into an individual’s work sphere (Maguen et al., 2009). The Supreme Court direction in the Prakash Singh Judgment that posting of officers will be done by a Police Establishment Board (PEB) is not being followed in letter and spirit in many states with members of the PEB just being spectators in these matters and are compelled to put their signatures on transfer orders already decided earlier.

23) Problems of Lady Police Personnel

Lady police personnel in India face persistent challenges including gender discrimination despite their vital roles in investigations, community engagement, and maintaining order. While their representation has increased to 11.75% of the national law enforcement workforce, gender balance remains elusive. Societal norms, biases, and systemic obstacles hinder their growth, promotion, and recognition. The absence of women in important police positions like DGP, Zonal ADG/IGP, Range IG/DIG, CP, SP, SDPO, OC/SHO reflects gender-based discrimination. Skewed posting policies, absence of gender friendly amenities at the workplace, lack of housing facilities, and marginalization compound the difficulties faced by policewomen. Reforms should focus on genuine integration, ensuring equal opportunities and postings free from gender assumptions. Urgent attention is needed for challenges like inadequate numbers, unsuitable barracks, poor working conditions, distant postings, skewed promotion policies, and discrimination in treatment and transfer. The absence of separate washroom facilities for women police personnel at the workplace at many places impacts their comfort, safety, and job satisfaction. To address these

issues, law enforcement agencies should invest in creating safe and gender-sensitive facilities, including separate cloakroom and washrooms or bio-toilets, to uphold the dignity and comfort of women police personnel and foster a more inclusive and supportive work environment. Adequate housing, a women-friendly environment, and workplace provisions are crucial, emphasizing the need for significant roles and effective reforms in policing. Addressing these issues requires a comprehensive plan, increased investment, and a women-friendly training curriculum. Making gender equality as an institutional value of police force can revolutionize the entire process of recruitment, promotion and retirement that would be non-discriminatory in nature

National Police Strength

The data shows that although civil police, district armed reserve and state armed police strength was substantial at 18,14,675, 3,11,163, and 3,95,474 respectively; the actual strength falls significantly short at 14,17,547, 2,28,514, and 3,13,534 as on 01.01.2022. Such a gap between sanctioned strength and actual strength suggests problems related to recruitment, retention, or allocation of resources, which may in turn undermine a capability of the police nationwide. It is important to address this disparity to improve law enforcement and respond effectively to the differing security needs of distinct communities.

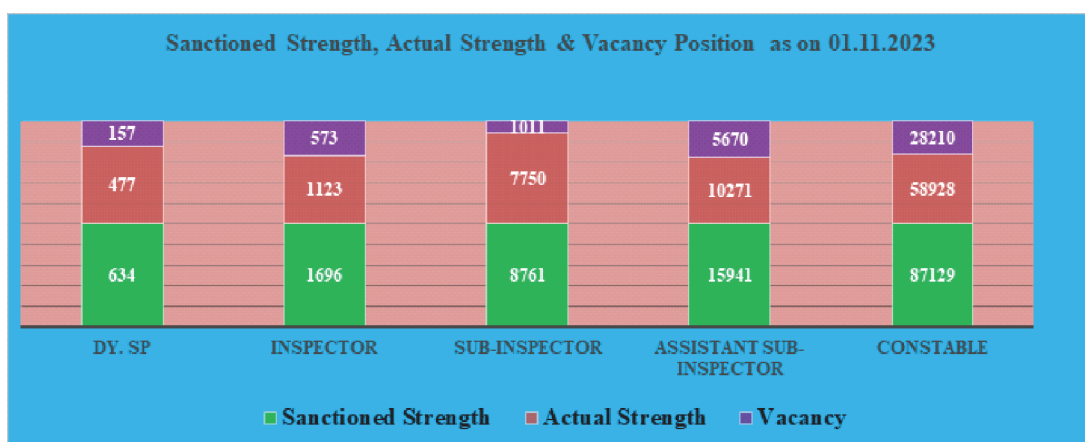
In terms of civil police strength, Uttar Pradesh holds the top rank in India with a total of 3,23, 830 personnel, followed closely by West Bengal and Maharashtra. However, Lakshadweep stands out with only 321 civil police officers. Moving on to the District Armed Reserve Police, Maharashtra proves to be the frontrunner with a powerful count of 1,37, 918 personnel, while Uttar Pradesh and West Bengal follow suit. Strikingly, Dadra and Nagar Haveli, Daman and Diu, Ladakh and Lakshadweep have not recorded any District Armed Reserve Police presence. When it comes to State Armed Police, Maharashtra is in the lead with a total of 16,186 men. Uttar Pradesh and West

Bengal are also neck-to-neck trying to keep up behind it. One finding is that highly populated states such as Uttar Pradesh, Maharashtra and West Bengal have more policemen, whereas small populated ones like Arunachal Pradesh, Chhattisgarh and Goa stand less regarding numbers of the force. The District Armed Reserve versus State Armed Police dependency presents notable fluctuations according to the analysis, with

Bihar and Odisha preferring the former and Madhya Pradesh and Maharashtra emphasizing on state armed police. Such divergence among regions suggests a range of law enforcement techniques and preferences impacted by local circumstances. In an article it was found that the shortage of management personnel is not only affecting officer wellbeing but also compromising public service

West Bengal Scenario

Graph – 2



(Source: West Bengal Police Directorate, Bhawani Bhawan, Kolkata)

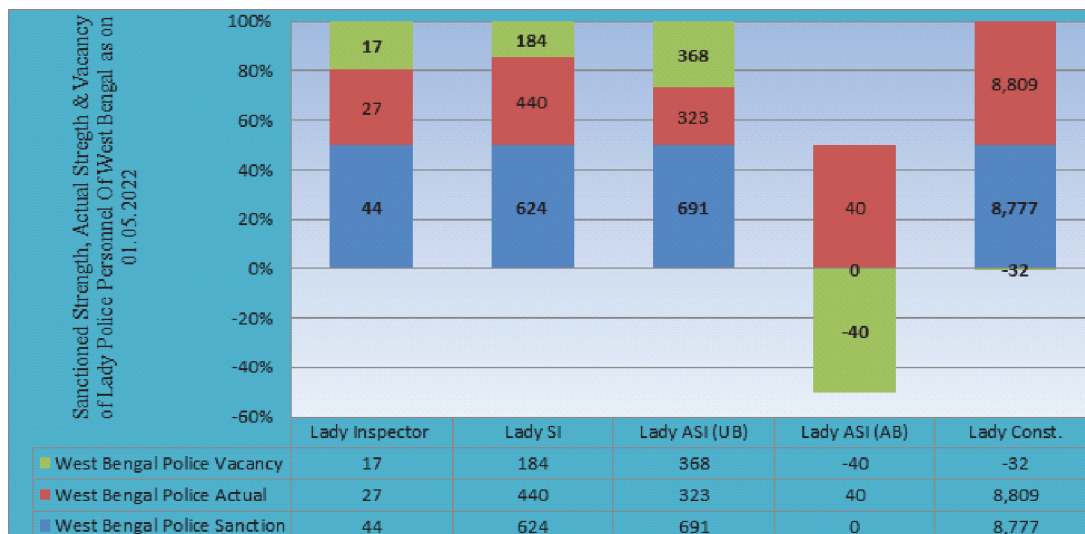
According to records as of November 1, 2023, the law enforcement agency is facing a daunting challenge in achieving its sanctioned strength at different ranks. This data clearly points up a big difference between the sanctioned strength and actual strength, leaving many vacancies throughout the organization. Within the ranks, Deputy Superintendents (Dy. SP) are meant to have a sanctioned strength of 634 but an actual strength of only 477 leaving them short by 157 officers. A similar trend is also seen in Inspectors, Sub-Inspectors and Assistant Sub-Inspectors (vacancies of 573, 1011; and 5,670 respectively). The biggest gap can be found at the Constable rank, where a sanctioned strength of 87,129 differs wildly from an actual figure of only 58,928 creating a vacancy of 28,210.

These vacancies make the law enforcement agency's performance and its ability to maintain public safety a serious concern. There is a shortage of personnel at all levels, which could hamper the agency's ability to keep up with law enforcement needs. This may reduce overall security in the community as well. These are the staffing gaps that need to be filled by priority in order for the organization to do its job well.

In other words, the gap between sanctioned and actual strength is quite wide and there are numerous vacancies. The urgency of this matter calls for strategic planning in recruiting and retaining personnel within the law enforcement agency.

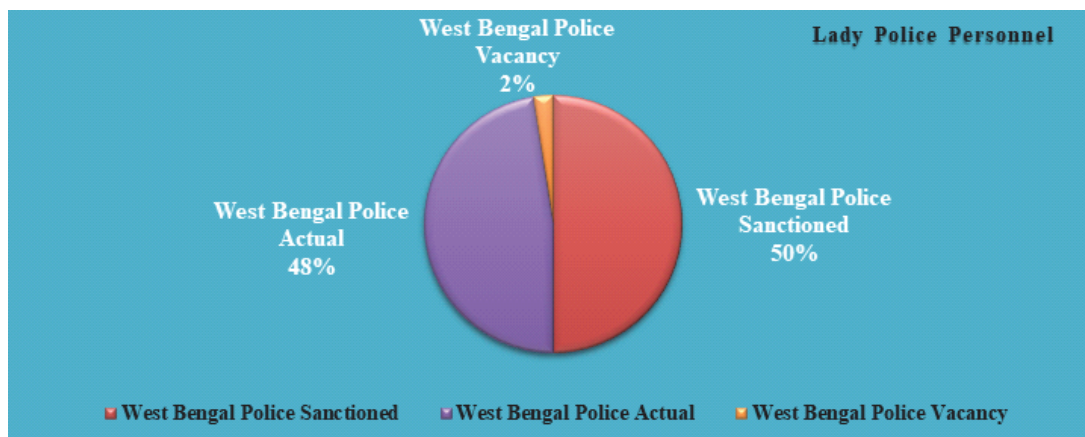


Graph-3



(Source: West Bengal Police Directorate, Bhawani Bhawan, Kolkata)

Graph-4



(Source: West Bengal Police Directorate, Bhawani Bhawan, Kolkata)

As on May 1st, 2022, in the West Bengal Police Department, Lady Inspectors saw a decrease in numbers, with a sanctioned capacity of 44 but only 27 officers actively serving. On the other hand, Lady Sub-Inspectors faced a more

significant shortfall, with a sanctioned capacity of 624 and only 440 officers serving, resulting in a lack of 184 personnel. In the Lady Assistant Sub-Inspector category, the Unarmed Branch is facing a major gap. Even though there are 691



authorized positions, only 323 have been filled, leaving behind a considerable vacancy of 368. Interestingly, the Armed Branch appears to have 40 more Lady ASIs than the authorized number, creating an unusual situation. Additionally, Lady Constables have gone beyond the authorized number by 32, with a current total of 8,809 compared to the authorized 8,777. Bridging gaps in lady police personnel strength is crucial to maintain law and order. Currently, the actual strength of female officers falls short by 497 when compared to the sanctioned strength of 10,136. Targeted recruitment efforts and resource allocation strategies must be implemented to address specific rank needs and ensure a more balanced and effective distribution of personnel in the West Bengal Police. Achieving this will enhance the overall functionality and responsiveness of the police force in meeting operational requirements.

In West Bengal during the financial year 2021-22, the expenditure on police was Rs. 11, 69.75 crore from the allocated police budget of Rs. 11,950.28 crore out of the total state budget of Rs. 3,08,727.00 crore. However, there is no mention of utilization of the Police Modernization Budget of Rs. 526.50 crore and Police Training Budget of Rs. 3.55 crore. During the financial year 2020-21, only Rs. 89.03 crore were expended out of the total Modernization Budget of Rs. 210.34 crore. The expenditure on police housing corporations in West Bengal decreased from Rs. 176.73 crore in the financial year 2020-21 to Rs. 175.87 crore in 2021-22.

The number of districts in West Bengal having a population of 91,276,115 is 23, whereas states having comparatively less population than West Bengal have a greater number of districts resulting in a lower degree of supervision by the senior police officers in the state e.g. Telangana (Population: 35,003,674, District: 33), Tamil Nadu (Population: 72,147,030, District: 38), Rajasthan (Population: 68,548,437, District: 55), Odisha (Population: 41,974,218, District: 30),

Madhya Pradesh (Population: 72,626,809, District: 55), Karnataka (Population: 61,095,297, District: 31), Jharkhand (Population: 32,988,134, District: 24), Gujarat (Population: 60,439,692, District: 33), Chhattisgarh (Population: 25,545,198, District: 33), Assam (Population: 31,205,576, District: 35), Arunachal Pradesh (Population: 1,383,727, District: 26) and Andhra Pradesh (Population: 49,577,103, District: 26). In West Bengal, the division of districts reportedly has traditionally been opposed by the district level political leaders who did not like dilution of their authority over the district.

Allocation & Utilization of Modernization Grants by the Central & State Governments for Police Forces across different States and Union Territories

Grants allocated by the MHA to modernize state police forces are intended to enhance their capacity, efficiency, and effectiveness in delivering police services by upgrading infrastructure. These grants aim to address emerging challenges in internal security. The scheme aims at enhancing the police infrastructure through the construction of secure and people-friendly Police Stations, Police Outposts, and Police Housing. It also includes improvements in Mobility, Modern Weaponry, Computerization, Communication Equipment, and Modern Traffic Control Equipment.

In the financial year 2021-2022, the allocation and utilization of Modernization Grants by the Central and State Governments for police forces across different states and Union Territories varied significantly. The total Modernization Grant amounted to Rs. 1,647.82 crore from the Central Government and Rs. 313.46 crore from the State Governments, summing up to Rs. 1,961.28 crore. However, the combined expenditure by state police was Rs. 259.17 crore, indicating a notable difference between the allocated funds and the actual utilization. Some states, like Andhra Pradesh, Goa, Gujarat, and



Telangana, managed to fully utilize the allocated funds, while others, such as Kerala and Jharkhand, exhibited overutilization and underutilization, respectively. Additionally, the significant amount of Rs. 1,074.00 crore allocated to Nagaland remained unutilized, highlighting potential challenges or inefficiencies in the utilization process.

It is also reported that the States of Andhra Pradesh, Goa, Gujarat and Meghalaya received no Modernization Grant from Central Government during the financial year 2021-2022.

No Modernization Grant from the State Government was reported to have been received by Nagaland in the financial year 2021-2022.

States viz. Bihar, Jharkhand, Mizoram, Sikkim, Tamil Nadu, Uttarakhand and Union Territories like A & N Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu, Delhi, Ladakh, Lakshadweep and Puducherry did not receive any Modernization Grant either from the Central Government or the State Government during the financial year 2021-2022.

The data further underscores the importance of effective financial management and oversight in ensuring that allocated funds for police modernization are efficiently utilized. States with partial or unutilized funds may need to evaluate their spending mechanisms to address gaps and enhance the overall effectiveness of the modernization initiatives. A transparent and accountable approach to fund utilization is crucial to strengthen law enforcement capabilities and maintain public safety across the diverse regions of the country.

Conclusion

In the relentless pursuit of a modernized police force, both Central and State Governments have invested significantly. The expenditure on State Police Forces has increased to Rs. 1,67,489.15 crore in the year 2021-22 from Rs. 1,53,766.19 crore in the year 2020-21. The expenditure on

CAPF increased from Rs. 81,061.19 crore (allotted budget - Rs. 81,219.14 crore) in 2020-21 to Rs. 89,571.33 crore (allotted budget - Rs. 90,475.33 crore) in 2021-22. The total Modernization Grant amounted to Rs. 1,647.82 crore from the Central Government and Rs. 313.46 crore from the State Governments, summing up to Rs. 1,961.28 crore during the financial year 2021-22. However, the combined expenditure by state police was only Rs. 259.17 crore (13.21%), indicating a notable difference between the allocated funds and the actual utilization. Yet addressing the challenges faced by our police demands a more comprehensive strategy and increased investment in rural police stations. Elevating working conditions through enhanced infrastructure, equipped offices, and secure environments is paramount. Fair compensation alleviates financial stress, fostering job satisfaction and ethical conduct. Advanced training in AI, cybercrime, crypto crime and mental health builds officers resilience. Gender equality and diversity initiatives create an inclusive atmosphere. A judicious posting policy, furnished police station buildings, proper barrack and housing facilities, coupled with career enhancement plans and safety measures, are essential, ensuring our police fulfill their mandate of safeguarding citizens and upholding justice with unwavering fairness.

References

1. Adnans A. A. (2023). Effect of Promotion on Personnel Performance in Simalungun Police Jurisdiction. *Quest Journals*, University of North Sumatera
2. Alonzo J. (2018). Police Work Environment and Stress
3. Blesse S. and Diegmann A. (2022). The location-based effect of police stations on crime: Evidence from station closures *Journal of Public Economics*.
4. Brown J. and Campbell E. A. (1991). Less than equal. *Policing*, 7, 324–333



5. Burke R. (1999). Are families a career liability? *Women in Management Review*, 14(5), 159–163
6. Davis T.A. (2005). *Gender inequality in law enforcement and men's attitudes and perceptions toward women working in law enforcement*. University of Texas at Arlington
7. Dizard W. (2015, November). Good policing hinges on good police pay, reformers say. *Al Jazeera*.
8. Drishti IAS. (2023, October 3). Empowering women in Indian.
9. Data on Police Organizations as of January 01, 2022, BPRD, Ministry of Home Affairs, Government of India.
10. Interaction with Police Personnel of West Bengal, Uttar Pradesh, Rajasthan, Bihar, Assam and Tripura from 1993-2023
11. Jahan I. (2023). Occupational Health Hazards among Traffic Police in South Asian Countries: Protocol for a Scoping Review. *Journal of Medical Internet Research Publication*.
12. Kundu S. (2021, March). Let's ensure a central role for women in the police. *The Tribune*.
13. Ministry of Home Affairs, Government of India. (2021, March 24). Rajya Sabha Unstarred Question No. 3266.
14. Neitzel L. (2023, June). Staff shortages are having a negative impact on policing, but technology can help. *Police I*
15. Nix J. and Pickett J.T. (2017). Third-person perceptions, hostile media effects, and policing: Developing a theoretical framework for evaluating the Ferguson effect. *Journal of Criminal Justice*, 51
16. Ott M.E. (1987) Male to Female Ratio Effects at Work: Female Police Officers and Male Nurses. *Psychology of Women Quarterly*, Vol. 13, pp. 41–57.
17. Padilla K. E. (2023). A Descriptive Study of Police Officer Access to Mental Health Services. *J Police Crim Psychol*.
18. Patil R. R. and M Bagavandas. (2020). Gender Discrimination as Determinants of Stress in Police Profession. *J Forensic Sci & Criminal Inves*, 13(3), 555863.
19. Sabat S.N. and Mishra S. (2010). Role of women in the management of police organization: a paradigm shift. *Int. J. Learning and Change*, Vol. 4, No. 4, pp.365–377
20. Singh D. (2022). *The Causes of Police Corruption and Prevention Work in Conflict-Affected States*. Department of Humanities and Social Sciences, Teesside University, Middlesbrough, UK.
21. Shrivastava R. (2022, September). Delhi Police grapples with manpower shortage, lack of facilities, terror, cybercrimes: CAG report. *India Today*.
22. University of San Diego. (n.d.). Women in Law Enforcement.
23. UN Women. (2012). Gender-Sensitive Police Reform in Post-Conflict Societies. Second edition.
24. Vila B. (2006). The Impact of Long Work Hours on Police Officers and the Communities They Serve, *National Journal of Medicine*.

National Police Mission and Community Policing

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Introduction

In this paper, I do not intend to quote any definition of ‘Community Policing’ as there are nearly as many definitions of it as its practitioners. Community policing refers both to a philosophy as well as strategies to implement that philosophy. Community policing comprises of many approaches including (a) the police reaching out to the community through institutional or informal mechanisms, (b) it ascertaining the problems and needs of the community and trying to resolve them, (c) it promoting active involvement of the community in different areas of police work, (d) police partnering with the community to deal with security, law and order, crime related and other major or minor problems, and (e) police coming to the rescue and assistance of people or communities in distress situations, particularly after natural and manmade disasters. Ultimately, Community policing is the democratization of police work by the police becoming accountable to their real masters, thus bringing about more transparency in its work, resulting in the improvement of mutual trust among both the police and the public.

National Police Mission

The intention to set up the National Police Mission, to develop a new vision for the police, was announced by the then Prime Minister, Dr. Manmohan Singh in the DGPs & IGPs Conference on October 6, 2005. However, it started functioning only from August, 2008 with six Micro-Missions dealing with different subjects of importance to police performance. Later on, two more Micro-Missions were added (the last two in the following

list). The list of the Micro-Missions and the subjects they deal with are as follows:

- MM-1: Human Resources Development
- MM-2: Community Policing
- MM-3: Communication & Technology
- MM-4: Infrastructure
- MM-5: New Processes (Process Engineering)
- MM-6: Proactive Policing & Visualizing Future Challenges
- MM-7: Gender Crimes and Gender Related Issues
- MM-8: Perception Management

Work done by the MM-2 – Community Policing

Initially, MM-2 studied all community policing programs implemented in India and abroad and compiled a report. In February, 2009, it submitted two project reports – (i) Police-Community Partnership (an Overarching Community Policing Model) and (ii) Community Counselling Centers.

Project Soft Skills Training Project for Police Personnel was prepared and submitted in June, 2009 as per the directions of the then Union Home Minister, Sh P. Chidambaram. The first presentation of NPM Projects before the Union Home Minister was done on July 10, 2009 and the above three projects were among the five NPM projects to be presented. Rs 93.23 crores was allotted to MHA by the Planning Commission during the 12th Five Year Plan for the implementation of the Pilot Projects of NPM and out of this, BPR&D proposed Rs. 57.72 crores for community policing projects. However,

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this money was not utilized by the MHA. Out of the 60 NPM project reports approved by the BPR&D, 20 are of MM-2. Another 5 reports are under process/preparation/concept stage.

Bouquet of Community Policing Projects – 2011

I was invited to present a paper on the work done by MM-2 in the 41st All India Police Science Congress held at Dehradun on June 21, 2011. I presented a paper titled 'A Bouquet of Community Policing Projects' containing the following 17 completed/planned community policing projects:

1. Police Community Partnership Program (an Overarching Community Policing Model)
2. Community Counselling Centers
3. Soft Skills Training Program for Police Personnel
4. Community Outreach Program
5. Community Policing for Naxal Affected and other Low Intensity Conflict Areas
6. Alternate Dispute Resolution with Community Participation
7. Reformation & Rehabilitation of Professional Criminals
8. Citizen Facilitation Centers
9. Community Involvement in Disaster Management
10. Community Policing for Slums
11. Community Policing for Senior Citizens
12. Community Policing for Women
13. Community Policing for Youth
14. Community Policing for Juveniles
15. Student Police Cadet Program
16. Community Policing for Mentally & Physically Challenged Persons

17. Community Policing to Tackle the Drug Menace

Out of the above, 15 projects have been completed by MM-2 and circulated to all the States/UTs and published by BPR&D in the six Compendiums of NPM Reports it has brought out. The work on project 'Community Policing to Tackle the Drug Menace' has not been taken up so far and the BPR&D rejected the proposal to make a project on 'Community Policing for Mentally & Physically Challenged Persons'. In addition to the abovementioned 15 projects, MM-2 has completed the following additional projects.

Additional Projects Completed

1. New Sub-Beat System
2. Strengthening of Beat System
3. Community Police Resource Center – an Update
4. Traffic Sentinel Scheme
5. Use of Use of Community Policing Mechanism to Mitigate Radicalization and Evolving Effective Mechanism for De-radicalization.
6. Women Friendly Police Stations

Projects under Process

Currently the following five projects MM-2 are under various stages of development:

1. Community Policing for Naxal-Affected Areas – an Update (under peer review)
2. Community Policing for Border Areas (being drafted)
3. Sensitizing the Community about Cyber Crimes & other Organized Frauds (concept stage)
4. Community Policing to Solve the Problems of Migrant Labour (concept stage)



5. Community Policing to Improve the Perceptions about the Police (MM-2/MM-8 : concept stage)

It is not necessary to go into the details of the completed projects of MM-2 as they are available on the BPR&D website. However, here I would like to mention brief details of the following three projects for various reasons:

Overarching Model of Community Policing

Our first project – ‘Police Community Partnership Program (an Overarching Community Policing Model)’ was conceived as the core project for community policing. It is meant to be the basic project that the implementing authorities should consider implementing so that a base is created for the implementation of other projects that are meant for specific purposes or groups of people. Its first intervention is implementation of an effective beat system without which the implementation of other initiatives will be difficult. We have given in detail the modalities of having a separate beat system for the urban and another for the rural areas, laid down a roadmap for empowering and motivating the beat officers and also full details of the duties of the beat officers and contents of the beat book. Superimposed over this structure, we have recommended an institutionalized consultative mechanism at the beat and police station levels – called the Community Liaison Groups. Side by side, to encourage voluntarism, we have recommended having a group of *Police Mitras* (Friends of Police) to assist the police in various tasks for which they have volunteered. We hope that, in times to come, at least this basic model will be implemented all over the country.

Beat System

Apart from the Overarching Model of Community Policing, which has a very detailed write up on beat system, two other project reports of MM-2 deal with beat policing exclusively – New Sub-Beat System prepared on the basis of a beat system implemented in district Belagavi (Karnataka) and Strengthening of Beat System, prepared on the

directions of the Union Home Minister who wanted the use of technology to strengthen policing of the beat. The latter project report was circulated by BPR&D to all States/UTs in 2021. On May 12, 2023, BPR&D organized a ‘National Workshop on e-Beat System/Beat Mobile App’ to sensitize the States/UTs and also to take stock of the use of technology in beat management. Several States/UTs were already using Mobile Apps for Beat Policing – perhaps App used by Chandigarh Police has the best features. We had recommended that BPR&D should develop a Model Mobile Beat App incorporating the best features of all Apps currently in use. As per the information made available during the workshop, the number of e-Beats in various States/UTs are: Karnataka-17,848, Kerala-3,851, Jharkhand-387, Andhra Pradesh-146, Dadra and Nagar Haveli, Daman and Diu-53, Himachal Pradesh-33, Gujarat-32, and Chhattisgarh-2. In many States, the implementation of community policing succeeded in transferring ‘Beat System’ from files to the field – earlier it was existing only in the police station records, but now more and more States/UTs are seriously implementing it in field policing.

Student Police Cadet Programme

Students and educational institutions have always been a priority area for outreach programs by the police forces both in India and abroad. However, Kerala Police holds the distinction for designing and implementing a unique and very well designed program for the students called the Student Police Cadet Program (SPC). SPC program was conceived and implemented by Kerala Police in 2009. Now it is running in 998 schools in Kerala. 86,500 cadets are currently undergoing training and around 3 lakhs have already been trained. The most important objective of SPC is to develop discipline and civic sense and inculcate a proper value system among the cadets. The then Union Home Minister, Sh. Rajnath Singh, who visited Thiruvananthapuram on January 28, 2016, to inaugurate a National Conference on Community Policing, organized by the Kerala Police, visited a



school in the city and interacted with the SPC cadets. He was so impressed by the program that on the spot he announced to the media that the program will be rolled out nationally, and in a function held at Gurugram on July 21, 2018, he kicked off the program nationally. Now it is running in all the States except Andhra Pradesh, in 11,212 schools out of 12,422 selected, with 8,71,319 SPC cadets. Rajasthan had started implementing the program in 2012. It was running in 927 State Government Schools and 77 *Kendriya Vidhyalayas* in 2022-23 with 43, 686 cadets. Both in Kerala and other states, SPC program is currently run only in government schools.

Some Home Grown Community Policing Projects

Community policing as a concept emerged only in the 1980s, though some elements of the strategy were operational in India as well as abroad even before that. Many of the community policing programmes listed above had their origin in developed countries and our police officers copied them, often adapting them to the local needs. However, the following are some programs that had their origin in India and most of them have got prestigious international awards:

Student Police Cadet Program – It was conceived and implemented first by P. Vijyan, Kochi Police Commissioner, in 2005, but was ignored initially by the rest of Kerala Police. However, in 2009, faced with some serious disciplinary problems in government schools, it was institutionalized and implemented in phases in government schools across the state with the involvement of other departments concerned.

Friends of Police – It was conceived and implemented by Prateep Philip, SP, Ramanad district (TN) in 1993, and was extended to the whole of the state in 1994. The program involves selection of young volunteers from among the youth after verification of their antecedents, and after giving them a brief training, using them for the various tasks for which they volunteered. Some other states have now started adopting this practice.

Community Policing for Disturbed Areas – *Police Me-kosam* (Police for You) – an anti-Naxal program implemented by Mahesh Bhagawat, SP, Adilabad district (AP) in 2001-04 and '*Prahar*' – an anti-militant program implemented by Kuldhar Saikia, DIG, Western Range, Assam in Kokrajar district in 2001 are two very important programs to deal with problems of the local community in disturbed areas, resolving them, often with the help of the other government departments concerned, and weaning the local population away from the trouble makers ideologies. It was based on these two programs that MM-2 prepared its project report on 'Community Policing for Naxal Affected Areas' which was approved by MHA and circulated to Collectors and Superintendents of Police of 106 SRE districts vide MHA, Naxal Management Division's letter No. 18015/31/2013-NM-IV dated 6th January, 2014. For the implementation of the suggestions contained in the above report, the letter authorized the use of SRE funds from Rs. 10 lakh per district earmarked for community policing and Rs. 5 lakh per district for media and publicity. A follow up report of the above project has been circulated to a few experts for peer review and we hope to finalize this report by the end of October, 2024.

Reformation and Rehabilitation of Professional Criminals – it was initially implemented by J. K. Tripathi, Commissioner of Police, Trichy (TN) in 1999-2001 who was able to decriminalize a village whose residents were engaged in producing and selling illicit liquor. Later, Rajasthan Police had a major success when they succeeded in decriminalizing members of a de-notified tribe (DNT) living in 21 hamlets of district Jhalawar. There were lesser successes in various districts of Rajasthan where smaller groups of DNTs were decriminalized, and in one district, the target was individual criminals. The police took lead in resettling the reformed criminals in legal means of livelihood with the help of the district administration and the local community organizations during this program implemented in 2005-2008.



Some Frequently Discussed Issues about Community Policing

- a) **Requirement of additional funds:** Implementation of community policing will involve some expenditure. However, if the police officers wait to get funds from the governments, most likely, they are bound to be disappointed. Very few governments will be willing to sanction funds for community policing, but the community leaders and community organizations collaborating in the implementation will be able to mobilise whatever little funds are required. However, experience in various states shows that, if the implementation is successful, governments generally come forward to finance them.
- b) **Requirements of additional manpower:** Whatever has been said about funds in the above paragraph applies to manpower also. Additional manpower will help the police to implement community policing more easily and effectively, but they should not make it a pre-condition to start the implementation. State governments will be much more willing to sanction additional manpower once they see the positive outcomes.
- c) **Selection of projects for implementation:** While a top down approach may bring about many desirable results, bottoms up approach will bring about even better results. Before deciding what are the programs to be implemented, police should first do consultations with the other collaborating government departments/civil society organizations, if any, should hold consultations with the local community leaders, ascertain their problems and select suitable programs for implementation with their consent. Overarching Model of Community Policing, or some of the interventions

contained in it, could be good starting point, if the community and the collaborating agencies agree. Too many programs should not be started at one go, it is better to implement one or two most important programs and once the implementation stabilizes, select more programs for implementation.

- d) **The preliminary steps to be taken:** Before one starts implementing community policing programs, it is necessary to do three things. The implementing officer should familiarize herself/himself with the problems of the target area/population, and the interventions suitable to solve the problem, s/he should implement the beat system in all seriousness and empower the beat officers; and finally, 'sell' the idea to her/his staff by briefing/counseling them and motivating them to improve their behaviour and cooperate in the implementation.
- e) **Sustaining/institutionalizing the implemented projects:** The bane of community policing is the '*predecessor-successor syndrome*' – the successor officer discontinuing the good initiatives started by her/his predecessor' – that makes sustaining and institutionalizing of the programs difficult. Only strict supervision by the senior police officers/government to make the successor officers accountable can mitigate this problem. Further, if there is a high degree of involvement of community and community organizations achieved by the predecessor officer, it can act against the whimsical actions of successor officers.
- f) **Need for a law to implement community policing:** This is a subject discussed very often. There have been scores of very successful community policing initiatives implemented in our country without any supporting legal provisions and there are



cases where it is legally incumbent on the police to implement community policing, but nothing significant actually takes place on the ground. While an enabling legal provisions in the Police Acts of the states or a separate law for community policing is desirable, it is no guarantee that these would be implemented; actually it is the attitude of the officers concerned that matters more than any legal provision. This can only be brought about by legal provisions, combined with strong accountability and training for attitudinal changes.

- g) **Need for government's permission to implement community policing:** While there is absolutely no need for government's permission to implement community policing – it is entirely within the powers of a field police officer, whether it is an SHO, SP, CP, or DGP to implement them – government support, particularly that of the political leadership, will certainly have several benefits. The manner in which Kerala Police implemented its prestigious community policing programs by taking the cooperation of not only the political leadership of the ruling party, but that of the opposition parties as well, has helped in quick institutionalization of their community policing programs in addition to getting government funding and additional staff.
- h) **Role of the senior police officers:** Senior police officers should mentor community policing programs and encourage their juniors to implement them, personally participate in important events, mobilise resources for the same from the government or other sources, conduct studies/audit (including social audit) of the programs and guide course correction based on their outcomes,

spread awareness about the successful programs implemented and take steps for their state-wide implementation and recognize and reward good performers.

Community Policing & Police Image

Community policing is the most effective and cheapest strategy to improve the trust in police among the public and to improve police image. Empirical studies have repeatedly found that most police personnel agree that regular interaction with the public is important, but very few make efforts to establish contact; and also that the public likes the police to educate them about matters concerning their safety and security and inform them about how to get police help in various matters in which they may have to deal with the police. A survey done by the MIT during the height of community policing in Rajasthan revealed that more than 70% respondents rated the work and behaviour of the police as excellent or very good.

Generally after major disasters, when the police, apart from managing the aftermath of the disasters, go out of the way to help the people in distress, the image of the police gets a quantum jump. After the terror attacks by the LeT at several locations in Mumbai in November, 2008, members of the public were seen appreciating the role of the police in various ways – like offering bouquets to police personnel on duty and many civil society organizations making appeals to the public to do so.

However, the best appreciation of the police happened during the all-India lockdown in March-April, 2020, necessitated by Covid-19. Even before, Indian Air Force showered petals on prominent hospitals on May 2, to appreciate the role played by the medical fraternity in fighting the pandemic, newspapers have been publishing photographs of people in several places showering petals on police contingents enforcing the lockdown. The following findings of a series of surveys conducted by C-Voter (2020) from 23rd -30th April, 2020, revealed a massive jump in terms of trust in the police

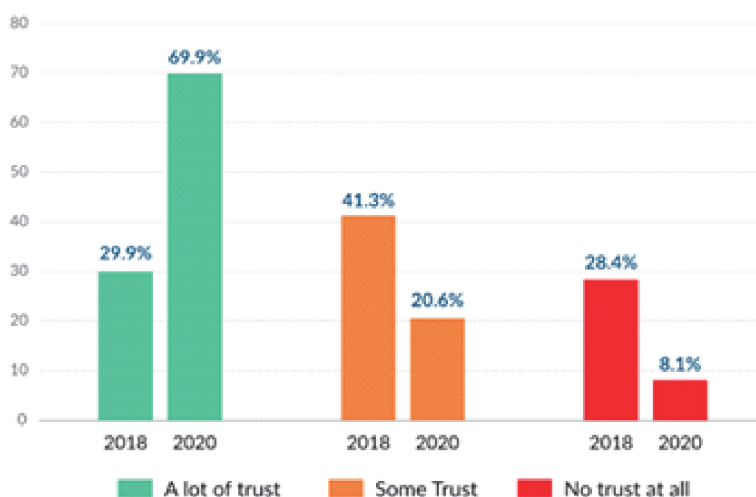


Rank of Police amongst all 18 institutions asked in the survey



Q

How much do you trust the following institutions?
Do you have; a lot of trust, some trust or
no trust at all in Police?



Source : COVID 19 Poll: Massive jump in trust in police forces across India — Polstrat — May 3rd, 2020

Some experts have attributed the low spread of Covid-19 virus during the initial months to effective implementation of lockdown – the police deserve credit for that. The massive improvement of trust in police across different segments of the society is quite surprising when we consider some of the

things that police were forced to do during the time of the survey. Across the country, they were engaged for several weeks in enforcing the most severe lockdown, with curfew like conditions or harsh restrictions, prosecuting violators and impounding their vehicles and interfering in almost



everything which the public did outside their homes – actions that generally make the police very unpopular. The overworked and sleepless police personnel were bound to lose their cool soon, and naturally there were excesses including a few alleged deaths due to police brutality. But even the overcritical media ignored these by and large except the torture and killing of a father and his son, allegedly arrested for lockdown violation by police station Sathankulam in Tuticorin on June 19, 2020. This indulgent attitude of the media was because our police personnel, including the personnel of CAPFs, went above and beyond the call of their legal responsibilities and stepped forward to offer a variety of services to the needy, often risking their own health, safety and life. The most important soft skill any police personnel needs i.e. empathy, was on abundant display during this period.

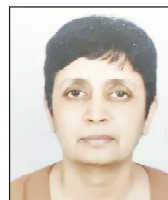
Conclusion

Several police officers are fond of cribbing about several disadvantages they face in their day-to-day working. To such officers, I would recommend the Chinese proverb – ‘Better to light a candle than to curse the darkness’. Police personnel are generally creatures of habit and they keep doing the same things, hoping for and not getting any better result. I would draw their attention to what Albert Einstein had to say about such a habit – “The definition of insanity is doing the same thing over and over and expecting better results”. Finally, I would like to draw the attention of the officers who doubt the utility of community policing programs to what Victor Hugo said – ‘Nobody can stop an idea whose time has come’. While presenting his maiden budget on July 24, 1990, which kick-started the liberalization and globalization of the Indian economy, the then Finance Minister Dr. Manmohan Singh started the budget speech with the above quote. The results of the measures unleashed by that budget is before us – from an economy that was stagnating with an abysmal ‘Hindu Rate of Growth’, we are now perhaps the economy having highest growth rate.

Hence, if we get out of our comfort zone, and start doing things differently, we will have better results. Government of India has realized the utility of community policing, that is why it is encouraging CAPFs working in disturbed areas to undertake civic action measures and provide them funds for that.

On the Right Track: Refining Policing in Maharashtra's Railways

Dr. Pradnya Saravade, IPS*
Ms. Riddhi Pawar**



The railway police jurisdiction in the state of Maharashtra is spread over one Commissionerate- the Mumbai Railway Commissionerate and 3 police districts of Nagpur, Pune and Chhatrapati Sambhaji Nagar (erstwhile Aurangabad). While the Railway Police Force (RPF), appointed by the Central Government, protects all railway properties, the Government Railway Police (GRP) which is a unit of the Maharashtra Police, looks after passenger safety through crime investigation and maintenance of law and order. Maximum reported crimes (approx. 90%) in Maharashtra are robbery or thefts of smart devices or baggage whereas the other (approx. 10%) includes serious incidents like homicide, suicide, accidental deaths, injuries and molestations amongst others.

Inception of Mission Trusted Policing Program

In mid-January, a lady complainant's narration about her woes of getting her complaint registered at a Railway Police Station (RPS) triggered the formulation of a supervised set of to-dos for police

stations, under the program, Mission Trusted Policing.

The issue of harassment faced by complainants at the police stations and resistance to filing FIR/ time delays in filing FIRs is universal across the country. Beyond this, each police unit has its own niche concerns within the overall 'state of the security' environment. For the Railway police, this niche is in the areas of crimes against women, abduction of children, lost and wandering children, accidental injuries and deaths on tracks/railway platforms and the threat of terror by use of explosives.

Dr. Pradnya Saravade (IPS), Director General of Police, (Railway Police) Maharashtra decided to address these issues in a focussed, incentivised, and supervised way under the Mission Trusted Policing program. The following targets were given to RPS, under each of which verifiable data was collected every month from the districts/ Commissionerate and analysed for service deficits/ good performance of RPSs.

Targets under the Mission Trusted Policing program

	TARGETS	MONITORING
1.	Timely FIR registration - within 2 hours of complainant arrival at RPS.	Through RPS CCTV footage of the time when complainant entered the police station and the CCNTS timing of the FIR.
2.	Quick action on crimes against women passengers.	Time taken from the incident to the apprehension of accused.

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**Maharashtra Chief Minister Fellow 2023



3.	Quick actions after report of a kidnapped child.	This is broken down into 5 steps which police needed to do within one hour of receiving report of a kidnapped child
4.	Identifying and protecting unaccompanied and lost children.	The monthly reported numbers of such children.
5.	Saving passengers from accidents on tracks or saving persons attempting suicide on the railway tracks, by acts of police bravery.	Based on GD entries and where necessary, examination of the passenger/person.
6.	Identifying unaccompanied suspicious baggage on platforms.	Number of Bomb Detection and Disposal Squads (BDDS) checks for suspicious objects undertaken in a unit after such reports.

The limitation in the program was that there has not much work done on Railway crimes - in particular to property crime which involves the passengers - who are the victim of such crimes and since railway crimes are mostly unique as the location and timing of crime might not be certain in many cases - it makes crimes in railway hard to study, consequently harder to use predictive policing measures. After deliberations, the targets

were crafted with the specific requirements of railway policing in mind, and can be tailored to the unique conditions and challenges of individual units within a state's policing system.

Program Data and its Analysis

In railway policing, FIRs come to the jurisdictional RPS from various sources. It can be registered in the running train with the Train Ticket Examiner (TTE), or at passenger's destination RPS or even at

Sources of FIRs across the GRP in Maharashtra

	Mumbai		Pune		Nagpur		Chhatrapati Sambhaji Nagar	
	FIRs in person	other channels	FIRs in person	other channels	FIRs in person	other channels	FIRs in person	other channels
February 2023	95.7%	4.3%	36%	64%	37%	63%	42%	58%
March 2023	93.4%	6.6%	39%	61%	41%	59%	46.5%	53.5%
April 2023	94.4%	5.6%	35%	65%	33%	67%	62%	38%
May 2023	95.3%	4.7%	48%	52%	40%	60%	52.1%	57.9%
June 2023	94.9%	5.1%	40%	60%	47%	53%	51.7%	48.3%
July 2023	94.7%	5.3%	27%	73%	45%	55%	46.8%	53.2%
August 2023	93.8%	6.2%	25%	75%	42%	58%	42.7%	57.3%
September 2023	94.3%	5.7%	33%	67%	48%	52%	40.8%	59.2%
October 2023	95.7%	4.3%	35%	65%	39%	61%	42.7%	57.3%
AVERAGE	94.7%	5.3%	35.3%	64.7%	41.3%	58.7%	47.5%	53.6%



the passenger's place of residence RPS. Therefore, data as per the following table was obtained. These transferred FIRs are found to arrive in our RPSs from across India, usually after a long delay.

This table shows that almost 95% of FIRs in Mumbai Railway Commissionerate are by complainants themselves, coming to the concerned Mumbai RPS. Whereas in the Railway police districts of Pune, Chhatrapati Sambhaji Nagar and Nagpur, more than 50% of the FIRs are transferred to these district RPSs from outside i.e., from other channels. Since systems for quick transfer of these FIRs are not available, this impacts the detection of crime very significantly as the criminals, co-passengers who are witnesses, bogie TTE and attendants etc. disperse across India very quickly enroute throughout the journey and at destination of the affected train. In Mumbai, however, since the bulk of FIRs are given personally to the

relevant RPS by the victims, the Target 1 data in Mumbai Railway Commissionerate can give substantial results to the victim's satisfaction if monitored for improvements. Therefore, the data of Mumbai Railway Commissionerate is being analysed for the outcomes for the purpose of this paper.

Target specific Data Analyses

Each of the six targets under the Mission Trusted Policing were incentivised with allocation of marks for monthly performance to make police stations compete to perform better. An aggregation of scores across these targets serve as a barometer to gauge the operational efficacy of individual police stations as well as the entire police district. The marking system and data under each target for Mumbai Railway Commissionerate is as follows:

TARGET 1

Timely FIR registration - within 2 hours of complainant arrival at the police station.

Table 1.1: Marking system of Target 1.

a.	Registering the FIR within half hour.	15 points
b.	Registering the FIR within one hour.	13 points
c.	Registering the FIR within one to two hours.	10 points
d.	Registering the FIR beyond two hours.	0 point

Table 1.2: Average time taken by 17 RPSs of Mumbai Railway Commissionerate under Target 1.

MUMBAI REGION	Feb 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept 2023	Oct 2023
FIRs registered in person	1224	1212	1181	1178	1179	1220	1321	1306	1234
Average time of FIR registration	57 mins	1 hr. 44 mins	1 hr. 30 mins	1 hr. 34 mins	1 hr. 19 mins	1 hr. 15 mins	1 hr. 39 mins	1 hr. 21 mins	1 hr. 30 mins



Lowest average time	34 mins (Wad ala RPS)	21 mins (Wad ala RPS)	19 mins (Wad ala RPS)	42 mins (Palg har RPS)	50 mins (MCT RPS)	56 mins (MCT RPS)	56 mins (Wad ala RPS)	41 mins (Palg ala RPS)	50 mins (Vashi RPS)
Highest average time	1 hr. 59 mins (Karj at RPS)	1 hr. 13 mins (MCT RPS)	1 hr. 29 mins (MCT RPS)	1 hr. 9 mins (Wad ala RPS)	1 hr. 9 mins (Wad ala RPS)	1 hr. 52 mins (Boriv ali RPS)	1 hr. 50 mins (Kaly an RPS)	1 hr. 16 mins (Kaly an RPS)	1 hr. 58 mins (Kaly an RPS)

Table 1.2 shows that very little average time was being reported in all the months for registration of FIR in the 17 RPSs of Mumbai Railway Commissionerate. Reviews of the working of the program were conducted in April and May 2023 with Commissioner of Police, Railway (CP), and two Deputy Commissioners of Police (DCPs). It was informally reported during the reviews that many police stations were reporting the time taken to type out the FIRs, and not the time that the complainant spent in the police station to obtain the FIR. Therefore, the data received on this objective from February 2023 to May 2023 was not reliable. From June 2023, registers for record keeping on police station CCTV timings of complainant entering the police station & CCTNS timing of FIR registration, have been mandated in all RPSs as per Annexure A. The same was also mandated to be randomly cross checked by the Assistant Commissioners of Police (ACPs) and the DCPs visiting the RPSs each month. It was, however, seen that even after introducing the registers, the average timing under this objective, for the Commissionerate, in the subsequent five months continued to remain under two hours.

The benefits of the objective under this Target were visible through the following:

- This approach ensured focusing the RPS's efforts and monitoring the timely registration of FIRs within a two-hour timeframe after the victim reached the RPS.

- Supervisors from ACPs to CP could evaluate monthly performances of each RPS and pinpoint those RPSs which showed poor performance and also obtain details of the causes of the poor performance. This improved the overall daily functioning of the RPSs.
- Additionally, it was found that some police stations were themselves proactively developing their own standardized data points for simple complaints like thefts. These standardized data points like incorporating place of offence, number of accused, description of accused, etc. in the FIR ensured that these FIRs were not missing on any important ingredient of the crime for the purpose of completing the FIR registration process within 2 hours.

TARGET 2

Quick action on crimes against women passengers.

It was sensed that focusing the railway police efforts on the crime of molestation during train travel would help foster a feeling of safety for women passengers.

The benefits of the objective under this Target were visible through the following:

- This strategy has encouraged focus and prompt police response on incidents that

**Table 2.1: Marking system of Target 2.**

a.	Having caught the offender red-handed.	15 points
b.	Having caught the offender within one hour.	10 points
c.	Having caught the offender within one to twelve hours	5 points

Table 2.2: Average monthly scores of the Mumbai Railway Commissionerate under Target 2.

MUMBAI REGION	Feb 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept 2023	Oct 2023
No. of cases under bodily crimes against women	8	12	8	4	15	9	4	6	9
Marks allotted	75	90	90	55	150	70	40	75	105

threaten the safety of women in trains and platforms.

- ii. Police station supervisors are effectively monitoring the investigation of these cases for quick detection and are working with RPSs to identify high-risk railway spaces to implement preventative measures.

TARGET 3

Quick actions after report of kidnapped or missing child.

Implementing a points-based action system for immediate policing responses can be effective in preventing the delays in the child recovery process.

Table 3.1: Marking system of Target 3.

Action taken within an hour of receiving complainant:

a.	Checking CCTV footage.	5 points
b.	Tracing mobile phone of the child.	5 points
c.	Attempting search with help of complainants, parents, or relatives.	5 points
d.	Attempting tracing via WhatsApp groups and/or police wireless.	3 points
e.	Finding the child.	Upto 15 points

**Table 3.2: Average monthly scores of the Mumbai Railway Commissionerate under Target 3.**

MUMBAI REGION	Feb 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept 2023	Oct 2023
No. of cases	3	3	5	7	1	5	4	5	2
Marks allotted	68	71	121	186	0	99	62	77	31

The benefits of the objective under this Target were visible through the following:

- This Target has guaranteed that specific protocols are followed within an hour of a kidnapping case being reported at the RPS.
- Adhering to the guidelines outlined under this target has led to a satisfactory rate of case resolutions.

TARGET 4**Identifying and protecting unaccompanied and lost children.**

Children separated from their guardians during train travel may become victims of crime. A soft side of railway policing is to identify and protect such children for their safety.

Table 4.1: Marking system of Target 4.

a.	Taking custody of unaccompanied and lost children or rescuing children from suspicious persons.	15 points for every secured child.
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Table 4.2: Average monthly scores of the Mumbai Railway Commissionerate under Target 4.

MUMBAI REGION	Feb 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept 2023	Oct 2023
No. of cases	329	229	186	173	201	216	202	123	99
Marks allotted	4935	3435	2790	2595	3015	3240	3030	1845	1485

The benefits of the objective under this Target were visible through the following:

- By giving this as a goal to perform on, the protection of children was given due importance and recognition in the hierarchy of police station duties.

TARGET 5**Saving passengers from accidents/ saving persons attempting suicide on the railway tracks, by acts of police bravery.**

Many acts of bravery by police officials, which play a significant role in preventing suicides and accidents on railway tracks, often go

Table 5.1: Marking system of Target 5.

a.	Brave acts of the police officials in preventing accidents / suicides.	10 points for every act.
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**Table 5.2: Average monthly scores of the Mumbai Railway Commissionerate under Target 5.**

MUMBAI REGION	Feb 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept 2023	Oct 2023
No. of incidents	14	7	6	5	3	1	4	2	4
Marks allotted	140	70	60	50	30	10	40	20	40

unrecognized. This target is designed with a view to acknowledge these courageous deeds and motivate, encourage and recognise the selfless acts of these police personnel.

TARGET 6

Patrol police personnel alertly identifying unaccompanied suspicious baggage on platforms.

Staying vigilant and observant at railway stations is crucial for maintaining public order within the railway premises. This Target aims to encourage

the RPSs to detect potential terror issues early and act to prevent incidents before they occur.

A review of this Target in May 2023 indicated lack of the required follow-up to such suspicious detections through checking by the Bomb Detection and Disposal Squad (BDDS). The register prescribed in May 2023 for this objective required such follow-up. However, as seen from table 6, there are no such incidents reported on this objective since June 2023.

Table 6.1: Marking system of Target 6.

a.	Detecting abandoned baggage or suspicious luggage on platform.	10 points for every incident.
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Table 6.2: Average monthly scores of the Mumbai Railway Commissionerate under Target 6.

MUMBAI REGION	Feb 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept 2023	Oct 2023
No. of cases	10	7	10	3	0	0	0	0	0
Marks allotted	100	70	100	30	0	0	0	0	0

PERFORMANCE AUDIT OF THE MISSION

TRUSTED POLICING PROGRAM

All initiatives face hurdles, whether it is resistance to change by stakeholders or genuine obstacles in implementing new practices. To identify these barriers, it was necessary to conduct a performance audit of the program.

Checkpoints for Audit

1. Check the maintenance of six Registers of the Targets of the program at each RPS as per directions in the order bearing reference no. क्र. पोमसं/लोह/आर-6/परिपत्रक/2023-1858 dated 22.05.2023.
2. Denote difficulties faced by the police stations, if any, in the implementation of the program, by speaking with the RPS staff.



3. Denote any observed wrong reporting by any RPS of any part of the monthly data of the program by random cross-checks of the Register data.
4. Obtain feedback from the FIR complainants regarding the satisfaction level of their experience at first contact with the police station.

Audit exercise undertaken

1. All 17 RPSs of Mumbai Railway were visited by the independent auditor (2nd author of this paper), between August and September 2023, for checking 1, 2 and 3 of checkpoints mentioned above.
2. A QR Code based scannable feedback form was introduced at all Mumbai RPSs from September 10, 2023, and the complainant feedback was analyzed from the submitted forms.
3. 10% of the complainants who had submitted their feedback on QR Code were contacted by the independent auditor on their given contact numbers and authenticity verification of the feedback was done.

Audit findings under Audit checkpoints

1. **As per the mandate, all RPSs had meticulously maintained 6 registers: one under each target as per Annexure A from June 2023 i.e., post the official direction dated 22.05.2023.**
 - a. It was found that the registers were updated daily as was seen from the included data of the days of the auditor's visit.
 - b. Under Target 1, all RPSs updated the columns of FIR number, CCTV timestamp

(arrival of the complainant) and CCTNS time (FIR registration time).

- c. Similarly, the ACPs and DCPs had supervised the data as seen from their signatures in the last column of the register during their bi-weekly visits. Except, in the case of Andheri RPS, this column was found to not have any supervisor's signature from June 2023 to August 2023.
- d. The remaining 5 registers were seen to have duly recorded the occurrence of cases/ events under the respective targets as prescribed under Annexure A.
- e. It was verified that all 17 RPSs had installed and updated their monthly average scores on the public display board of the targets of Mission Trusted Policing in the Station House. It was observed by the auditor during the visits, that many complainants visiting the RPS curiously read these boards.

2. Following difficulties were highlighted at the RPSs:

- a. It was observed that generally the RSPs functioned from extremely meagre space which led to crowding of members of the public and complainants visiting the RPS.
- b. A few of the RPS's were in dilapidated condition.
- c. Some of the RPSs which experienced high crime rates, were functioning with insufficient manpower which had a negative effect on the ability of the RPS to cater to the needs of the complainants/ railway passengers.
- d. There were large number of problems in the working with Crime and Criminal



Tracking Network Systems (CCTNS) which included poor connectivity, shortage of computers, absence of internet connectivity in some of the RPS's, difficulty to transmit registered FIRs to another RPS within Maharashtra etc.

3. Minor variations in the timings of Target 1 as recorded by the RPS were found in the audit exercise conducted between August to September 2023. In Targets 2 to 6, no wrong recordings were found.

Entries made under the Target 1 Register were randomly cross-checked with the CCTV footage maintained at the Station House to verify the timestamps of the arrival of the complainant and FIR registration on CCTNS. It was observed that random

checks of the two timings showed that usually the RPS were recording the CCTV timings of arrival truthfully within the range of a few minutes and FIR registration timing was seen to be recorded accurately. However, in Kurla RPS it was found that the Station House was in two parts i.e., one waiting area for complainants and second having the station diary and FIR registration function. During heavy footfall times of the day, the complainants were seen in the waiting area's CCTV footage for upto half an hour to 1 hour before they could be taken in to hear and record their complaints.

Overall across Mumbai Railway Commissionerate, FIRs are being filed within the 2 hour limit prescribed under Target 1 and the time stamps are largely matching.

For example:

Table 7: Random cross-verification of entries recorded under Target 1.

MUMBAI REGION		Entries recorded in the register under Target 1	Entries verified after checking CCTV footage	Deviation recorded
CSMT RPS	Time of arrival of complainant	15:00	14:48	12 mins
	Time of FIR on CCTNS	16:33	16:33	-
Mumbai Central RPS	Time of arrival of complainant	17:45	17:53	-8 mins
	Time of FIR on CCTNS	18:55	18:55	-
Kurla RPS	Time of arrival of complainant	13:12	12:42	30 mins
	Time of FIR on CCTNS	14:07	14:07	-



4. **Scannable QR codes were made available in the station house of the 17 RPSs in the Mumbai Railway Commissionerate, comprising of a digital questionnaire, available in English, Hindi, and Marathi, from September 10, 2023.**

Feedback of Mission Trusted Policing from complainants

The QR code had the following questions:

- (1) Did you feel reassured after the police interaction?
- (2) How long did the FIR registration process take?
- (3) How helpful were the police in resolving your grievance?

- (4) How was the complaint/ FIR registration experience?

- (5) Comments/ suggestions (if any).

Initially some scepticism was felt about obtaining the feedback through QR Codes, since theft or robbery of smartphone was the single most significant crime within the railway system. The concern was whether victims of such thefts would have the means to provide feedback?

However, during the rollout of the feedback mechanism, a promising trend emerged. 41.6% of the FIR complainants, despite their circumstances of smartphone thefts, managed to provide feedback either using devices of those accompanying them or leveraging the tablets readily available in the police station's welcome area (Swagat Kaksha).

Table 8: Number of responses received through QR code feedback in Mumbai Railway Commissionerate.

MUMBAI REGION	Months	Total no. of FIRs registered	Total no. of Feedback received
PERIOD 1	10 September 2023 to 10 October 2023	1327	644
PERIOD 2	11 October 2023 to 10 November 2023	1245	427
	TOTAL	2572	1071

Table 9: Data collected through QR code feedback forms in the Mumbai Railway Commissionerate.

Q. No	Questions	Excellent (8 & above)		Average (5 & above)		Poor (below 5)	
		Period 1	Period 2	Period 1	Period 2	Period 1	Period 2
1	Did you feel reassured after the police interaction?	83.00%	84%	6.10%	8.9%	10.80%	6.9%



2	How long did the FIR registration process take?	(Less than 2 hr)		–		(More than 2 hr)	
		91.6%	91.10%			8.30%	8.90%
3	How helpful were the police in resolving your grievance?	86.70%	84.50%	7%	10.80%	6.20%	4.50%
4	How was the complaint/ FIR registration experience?	87%	83.60%	8%	10.80%	5%	5.50%

The above data in Table 9 clearly shows that approx. 85% of the feedback received reflects upon the excellent performance of the Mumbai Railway Commissionerate under the Mission Trusted Policing program in both months under audit.

Authenticity testing for QR code feedback

In order to be assured that the feedbacks were from genuine complainants, random follow-up calls were made to 10% of the total responders (i.e. 107 complainants) to cross-verify the authenticity of the feedback submitted. The following observations were highlighted:

Table 10: Feedback authentication of responses received over period 1 & 2.

Periods	Total Feedback responses received	Feedback responses verified. (10% of column 1)	Matched responses	Differed responses
	Column 1	Column 2	(Out of column 2)	(Out of column 2)
Period 1	644	64	59	5
Period 2	427	43	41	2
TOTAL	1071	107	100	7

Since 93.45% of the responses matched the feedback responses submitted by the complainants during the data authentication process, it was felt that the data received through QR Code was authentic.

Out of the 7 responses which had differed from the responses submitted, 4 had not understood the feedback marking system, i.e., mistakenly considering '1' to be the highest rating, despite clear indications. In 2 cases, the complainants had

given high ratings fearing that the police staff will not resolve their complainant in case of low ratings. There was also one instance where 2 contrasting feedback had been submitted by the same complainant. While the first feedback was positive with no comments, the subsequent feedback was negative. It was disclosed in the comments sections that the earlier positive feedback was submitted by the police personnel on the complainant's behalf.



CONCLUSION

The issue of harassment faced by complainants at the police stations in India, over resistance to filing FIR and time delays in filing FIRs is universal across the country. This study was conducted to address the issues in a focussed, incentivised, and supervised way under the Mission Trusted Policing program.

The Mission Trusted policing program had begun with the intention to make the FIR registration experience less stressful for victims who came to the police station for redressal. Accordingly, the outcome details expected from the police stations, for each goal of the program were indicated. These targets were crafted with the specific requirements of railway policing in mind and can be tailored to the unique conditions and challenges of individual units within a state's policing system.

One of the realisations on the basis of the study is that mere directions - written or oral - by the police leadership does not easily translate into real desired outcomes - unless there is identification of critical supervision which need to be monitored stringently through random checks. Thus, Registers for the verifiable data points were mandated to be maintained at the police stations for each of the goals.

Through monitoring of critical points, like CCTV and CCTNS timings, or cross checks like Bomb

Disposal team check, it was realised that the police stations did perform well and gave the desired results on the goals. Formats for points not to be missed, were prepared at some police stations for petty theft complaints so that the FIR could be filed quickly and required details like place of offence, amount/items stolen, number and appearance of the thieves, etc. were not missed out.

The manpower of RPSs also clearly need a review viz-a-viz passenger traffic in railways through the jurisdiction of the relevant RPSs. Such enhancements of manpower and infrastructure have the potential to also prevent railway crimes along with improving victim satisfaction with police response.

Overall, it was seen that with the objectives set for the RPS's and ensuring the random checks by supervisory officers on the critical checkpoints are all productive towards better public satisfaction of police station services. Most importantly, none of this requires any policy approval from governments but are totally within the abilities of the police departments to ideate and implement.

Hence, the study on the resistance to filing FIR and time delays in filing FIRs is an endeavour to instigate steps for prevention/avoidance on harassment faced by complainants at the police stations in India.

Annexure A

Formats for Register maintained under the Mission Trusted Policing program.

(as per order bearing reference no. क्र. पोमसं/लोह/आर-6/परिपत्रक/2023-1354 dated 22.05.2023.)

TARGET 1

Timely FIR registration - within 2 hours of complainant arrival at the police station.

Case No.	Crime occurred		Timestamp of complainant arrival at Police station (as per CCTV)	Crime registered (as per CCTNS)		Time taken to register the complaint from the complainant arriving at the police station	Signature of supervisor (SDPO/Addl. SP) (ACP/DCP)
	Date	Time		Date	Time		



TARGET 2

Quick action on crimes against women passengers.

Case No.	Crime occurred		Crime registered		Having caught the accused red-handed		Arrest of accused	
	Date	Time	Date	Time	Yes	No	Date	Time

TARGET 3

Quick actions after report of kidnapped child.

Case No.	Crime occurred.		Crime registered.		Complainant's name, address, and mobile number.	Having checked the CCTVs.		Whether mobile number has been sent for tracing? If yes,		Whether search was attempted with help of complainants parents, or relatives?		Whether tracing attempted on WhatsApp groups and/or police wireless?	
	Date	Time	Date	Time		Yes	No	Date	Time	Yes	No	Yes	No

TARGET 4

Identifying and protecting unaccompanied and lost children.

Case No.	Police Station on daily diary entry No. and date	Imp. Details of the child such as name, age, gender, address, orphan (Yes/No) etc.	Time, date, and place where the child was found	In case of successfully tracing parents and surrendering custody of the child, daily diary no., date and time.	Whether medical examination of the child is conducted? Action taken in case of suspicious findings	Details of the police officer/ constable who found the child	Details of the person in whose custody the child was found. ICJS/ CCTNS details in case of suspicious persons	Presenting the child before the Child Welfare Committee		Details of placement of the child as per directions of the Committee
								Time	Date	

**TARGET 5**

Saving passengers from accidents / saving persons attempting suicide on the railway tracks, by acts of police bravery.

Incident No.	Police station daily entry no. date and time	Date, time, place and summary of incident	Name and rank of officer/ constable performing courageous deeds	CCTV footage video clip photo of incident, details if recorded	Actions undertaken to publish the courageous deed of the officer/ constable.	Details of reward given by superior officers to officer/ constable performing

TARGET 6

Patrol police personnel alertly identifying unaccompanied suspicious baggage on platforms.

Case No.	Police station daily diary entry no. and date.	Date, time, place, details of the unaccompanied/ suspicious baggage, panchanama details, if performed.	Name and rank of the officer/ constable identifying such unaccompanied/ suspicious baggage	Date and time of inspection of unaccompanied/ suspicious baggage by Bomb detection and Disposal squads

Health Status and Resilience: A Study on Police Personnel

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Abstract

The present study was carried out to analyse the relationship between health status (physical and mental health) and resilience among the police personnel of Arunachal Pradesh during the ongoing pandemic. Resilience is the capacity of an individual or organization to efficiently plan and apply positive adaptive behaviours matched to the immediate situation while undergoing minimal stress. With the compounding adversity of Covid-19 and the pivotal role of frontline warriors witnessed across the globe, the current study aimed to investigate the relationship of health status with the resilience of the police personnel of the state, given the additional challenges imposed in the region. The sample comprised 155 tribal police personnel randomly selected from 5 police stations of the Capital Complex of Arunachal Pradesh. Sample was collected in the month of September 2020. PGI Health questionnaire was used to assess the physical and mental health of the participants. Brief Resilience Scale (BRS) was used to assess the resilience capacity. Data were analysed by using Descriptive statistics and Pearson product-moment correlation coefficient was calculated to investigate interrelationship among the variables. The results of the study indicated a significant positive relationship between health status and resilience capacity. Detailed results and implications of the study have also been discussed in the paper.

Keywords: *Physical health, mental health, resilience, police personnel, Covid-19 pandemic.*

Introduction

The capacity to respond effectively to adversity, trauma, tragedy, threats or even high levels of stress is known as resilience. Resilience is the ability to cope with any pressure or strains of life, including stress and trauma from unforeseen crises and catastrophes, in a constructive way. Consistent with the bridge analogy, stress

indicates that the bridge is under pressure, strain indicates that the bridge is swaying but not collapsing, crisis indicates that the bridge is collapsing, and resiliency on the other hand, indicates that the bridge is bending in response to the stress but can absorb it without damage. It is linked to better mental health, longer life and higher levels of happiness. A lack of resilience, on the other hand, suggests that one

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may struggle to cope with stress in difficult conditions. Furthermore, chronic stress has a detrimental impact on health, like a weakening of the immune system, high blood pressure, stroke or heart attack, inflammation in the circulatory system, depression, insomnia, anxiety, heartburn, indigestion, etc. In addition, studies reveal that high levels of social support increase the likelihood of resilience by 40–60% before and during adversity in comparison to individuals with low levels of support¹.

As much as resilience implies “bouncing back” from adversity, it may also signify major personal progress. Being resilient does not guarantee that a person will not face challenges or suffering. Those who have had significant difficulties or tragedy in their lives are likely to endure emotional discomfort and tension. In reality, emotional anguish is likely to accompany the journey towards resilience. The link between stress, anxiety, and depressive symptoms was mediated by resilience. In both the industrialised and developing world, mental health is a big concern. The majority of people are either directly or indirectly impacted by psychiatric disorders, with a lifetime risk of more than 25% for any psychiatric condition.

The World Health Organisation defined health as “state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity” and further clarified that health is a resource for daily life, not a goal in itself. The term “health” refers to a positive idea that emphasises both physical capabilities and social and personal resources. Mental health is described by the American Psychological Association (APA) as a state of mind marked by emotional well-being, good behavioural adjustments, relative independence from anxiety and disabling symptoms, and the ability to form positive relationships and cope with everyday demands and challenges.

India reported the first incidence of Coronavirus illness on January 30, 2020. Since then, the government has urged and further mandated wearing masks, urging physical separation, isolating positive cases, closing all the public gathering places such as theatres, restricting public transportation and vehicle movements, and quarantining high-risk persons as significant COVID-19 prevention efforts. Police, along with medical workers, were among the first responders to the COVID-19 tragedy and are sometimes referred to as corona warriors.

Police officers were dispatched to monitor checkpoints, keep an eye on hotspots, and ensure complete lockdown and confinement to control the spread of viruses. Furthermore, police officers performed a variety of unusual tasks, such as raising social awareness, debunking fake news, inspecting people in isolation or quarantine on a daily basis, aiding the health department in tracing activities, assisting migrant workers in their search for accommodation, as well as aiding the underprivileged in gaining access to medical and other critical services. Unusual tasks, difficult working circumstances, the uncertainty of the police role and eventual burnout might be highlighted as causes of work stress for Indian police personnel. Worries over infecting family members can also cause mental distress. As a result, police officers are more likely to develop psychological issues such as emotional disturbances, burnout, psychological discomfort, sleeping difficulties, depression, anxiety, drug abuse, and post-traumatic stress disorder. It is also notable that the police weren't prepared for a pandemic situation in time, therefore making them more likely to be exposed to the indirect effects of the ongoing pandemic, especially during the initial phases of pre-vaccine development. Recognising and comprehending a person's psychological makeup can help them achieve better health outcomes. Listening to and comprehending the



patient's narratives is one of the best methods to attain these positive results, since it increases the likelihood of concordance between the practitioner and the patient. Many social and professional elements, including any form of unavoidable adversity, have an impact on post-disaster mental health, wherein effective social assistance has been demonstrated to improve psychological resilience either during or after a crisis, with scientific evidence that further proves that well-supported employees have a better mental impact and are thus more likely to perform well at work.

Significance of the study

A person with excellent resilience exacerbates and avoids disease, promotes good health, facilitates and speeds healing, and allows for a productive life and a sense of well-being even if they suffer from chronic sickness. Experts in resilience think that everybody can improve their resilience and, therefore, contribute to the advancement of health as well as ease, speed, and assist healing if they are unwell. One of the keys to understanding health and preventing illness may be looking at how the external social domain interacts with the internal psychological domain. The ongoing pandemic has undoubtedly had an impact on India's law enforcement operations. As a result, it is critical to pay attention to the psychological well-being of police officers, who play a consistently crucial role as front-line workers, particularly during emergencies. More research is required to gain a deeper and relatively comprehensive understanding of resilience, which includes developing an integrative and interdisciplinary framework for cultivating resilience, understanding resilience from a life-span perspective, and developing scalable and collaborative solutions. Although previous research has greatly improved our understanding of the conceptualization,

predicting factors, processes, and consequences of resilience from a variety of disciplines and levels is essential.

Methodology

The study's objective is to analyse the relationship between health status (physical and mental health) and resilience among the police personnel of Arunachal Pradesh during the ongoing pandemic.

Research design: The present study was designed as a correlational study that explored the relationship between health status (physical and mental health) and resilience among the police personnel of Arunachal Pradesh during the ongoing pandemic.

Statistics used: The raw data were analysed by using descriptive statistics and further treated with the Pearson product-moment correlation method.

Objective

- To assess the level of resilience among police personnel of Arunachal Pradesh
- To assess the level of physical and mental health status among police personnel of Arunachal Pradesh
- To assess the relationship between Resilience and Health status police personnel of Arunachal Pradesh

Sample

The current study was carried out among 180 randomly selected tribal police personnel from 5 police stations in the Capital Complex of Arunachal Pradesh, ranging in age from 18 to 60 years, out of which 25 were excluded for being outliers. The sample consisted of police officers of all ranks with a gender distribution of both males and females.

Table 1: Demographic details of the sample

Variables	Categories			
Age	18-30	31-40	41-50	51-60
	80 (51.61%)	30 (19.35%)	22 (14.19%)	23 (14.84%)
Gender	Male		Female	
	105 (67.74%)		50 (32.26%)	
Qualification	12 Pass	Graduation		Post-Graduation
	67 (43.23%)	79 (50.97%)		9 (4.5%)
Marital Status	Unmarried 42 (27.10%)		Married 113 (72.90%)	
Area	Rural 132 (85.16%)		Urban 23 (14.84%)	

Inclusion criteria

- Police Personnel
- Native of Arunachal Pradesh
- All socioeconomic status
- Both rural and urban

Tools

- **PGI Health QuestionnaireN1:** The PGI Health Questionnaire N1 (PGI H.Q.-N-1-VWP) was used to assess the general health concerns. This test is valuable not just in clinical activities, such as screening and measuring treatment progress, but also in clinical psychiatric research. It is a brief, uncomplicated test with a low item difficulty value that can be utilised with illiterate and uneducated people. The 38 statements were divided into Part-A and Part-B consisting of items ranging from serial number 1 to 16 and 17 to 38 respectively measuring the physical and mental health. The items of all sub-dimensions were rated on the following 3-point Likert type scale for Part A: Always (2), Sometimes (1) and Never (0). The rating for Part B goes as the following: True (2), Somewhat True (1) and Untrue (0). The minimum and maximum possible scores for Part A: 00 to 32; Part B: 00 to 44 and for full questionnaire: 00 to 76, with higher scores indicate that a person was more likely to

acquire psychiatric problems. The raw scores were then converted into z-scores and interpreted accordingly for physical, psychological and total health. A range of z-score of +2.01 and above is considered as grade G which means an Extremely Poor Level of Health. Similarly, it goes as: +1.26 to +2.00 (F, Very Poor Health); +0.51 to +1.25 (E, Poor Health); -0.50 to +0.50 (D, Average/Moderate Health); -1.25 to -0.51 (C, Good Health); -2.00 to -1.26 (B, Very Good Health) and -2.01 and below (A, Extremely Good Health)

- **Brief Resilience Scale (BRS):** It is a six item questionnaire to assess resilience as the ability to bounce back or recover from stress and the scale may also provide unique and crucial information regarding a person's dealing with health-related stressors. All items were answered using 5-point Likert scale ranging from Strongly agree (1) to strongly disagree (5). Items 2, 4, and 6 are reverse items. With the total score of 30, higher the score, one will be interpreted as high in resilience.



Result and Discussions

The current study was conducted to explore the relationship between health status (physical and mental health) and resilience among the police personals of Arunachal Pradesh during the ongoing pandemic. Data was collected from a sample of 155 tribal police personnel randomly

selected from 5 police stations of the Capital Complex of Arunachal Pradesh by administering two standardized psychological tests. The obtained raw data were treated with descriptive statistics and coefficient of correlation was calculated. The results obtained are displayed in the tables below.

Table 2: Showing Mean, Standard Deviation & Mode values on Physical health status, Psychological health status and Resilience variable.

Variables	Mean	Standard deviation	Interpretation
Physical health status	9.3	4.75	Average Health
Mental health status	14.06	7.47	Average health
Overall health combined	23.23	11.01	Average Health
Resilience	19.64	2.979894	Average level of Resilience

The result in the Table 2 shows that the mean values and standard deviation of the police personnel on Physical health status, mental health status, overall health status and resilience. The

result shows as per the norm of the scale that most of the police personnel falls under average/moderate range on physical health, mental health, their overall health and the resilience.

Table 3: Showing coefficient of correlation between Health status and Resilience variable

Variables	Physical health status	Mental health status	Overall health status
Resilience	0.055	0.209**	0.161*

****significant at both .05 and .01 level.**

*** significant only at .05 level**

Table 4: Showing coefficient of correlation between Mental health status and Physical health status variable

Variables	Physical health status
Mental health status	0.602**

****significant at both .05 and .01 level**

The results in table 3 show the coefficient of correlation values between Health status (Physical & mental) and Resilience variables. The correlation value of the 'physical health status' with 'resilience' is found to be **0.055** which indicates a positive correlation but it was found to be not

significant at any level of significance. This might indicate that physical health and resilience do affect each other but not to a noticeable level.

The correlation value of the 'Mental health status' with 'resilience' is found to be **0.197**. The value is

significant at both levels, which indicates a significant positive correlation. This can be interpreted that there is a positive relationship between a person's mental health and their resilience capacity. It means that higher is the mental well-being of an individual, higher is their ability to recover or bounce back from any adversity and vice-versa. It also suggests that if a person is highly distressed and has low mental health then they will also have difficulty in coping up with any stressful situation.

The correlation value of the 'Mental health status' with 'resilience' is found to be **0.161**. The value is significant only at .05 levels, which indicates an average and significant positive correlation. This can be interpreted that there is a positive relationship between a person's health (both physical and mental health) and their resilience capacity. It means that a health status of an individual somewhat affects their resilience capacity.

Table 4 shows the coefficient of correlation values between mental health status and physical health status. The coefficient value of the mental health status and physical health status was found to be **0.602**, which indicates a significant positive correlation. Based on the statistics, we may deduce that mental and physical health has a strong positive relationship. The findings of earlier studies back up this conclusion that there are strong direct and indirect cross-effects in both mental and physical health. The result of the present study explores how the health status of an individual, especially their mental health, can influence their resilience capacity and how that resilience capacity affects an individual's overall health, especially their mental health. This result is supported by the previous research findings in which it was found that there is a significant reciprocal association between resilience and mental health status, with resilience predicting mental health status over a period of one year and vice versa, and that mental health influences resilience. Other research has also revealed that resilience is negatively associated

with anxiety and depression. Although there are previous researches stating the influence of resilience on physical health, the present study does not have enough evidence to prove the statement.

Conclusion

The present study shows a high positive correlation between the mental and physical health of police personnel in Arunachal Pradesh. There is also a significant reciprocal relationship between resilience and mental health status that was analysed in the current study.

In the current scenario, where there is a high chance of mental burnout, emotional disturbances, psychological discomfort, sleep difficulties etc. due to the pandemic and other factors related to it, police officers who have pre-existing psychiatric conditions may experience a deterioration of their symptoms or the emergence of new ones, such as anxiety or depression. An increase in mental health issues can also lead to physical health problems. Referrals to psychiatric and psychological care for serious psychological symptoms should be encouraged as soon as possible as an early intervention measure. An emphasis can be placed on the creation and evaluation of workplace treatments aimed at assisting administrative and managing officers in fostering psychological resilience in their employees to aid in a holistic aspect of well-being. Successful interventions could help traumatised personnel build resilience and lower their risk of long-term mental health problems.

References

1. American Psychological Association. (2020). Building your resilience. Washington, DC.
2. American Psychological Association. (2023). Stress effects on the body. Washington, DC.
3. Anyan F. and Hjemdal O. (2016). Adolescent stress and symptoms of anxiety and



- depression: resilience explains and differentiates the relationships. *Journal of Affective Disorder*, 203, 213–220.
4. Boss P. (2002). *Family stress management* (2nd ed.). Thousand Oaks, CA: SAGE.
 5. Brooks S. K., Rubin G. J. and Greenberg N. (2019). Traumatic stress within disaster-exposed occupations: overview of the literature and suggestions for the management of traumatic stress in the workplace. *British medical bulletin*, 129(1), 25-34.
 6. Diener E. and Seligman M. E. (2002). Very happy people. *Psychological Science*, 13(1), 81-84.
 7. Diener E. and Chan M. Y. (2011). Happy people live longer: Subjective well being contributes to health and longevity. *Applied Psychology: Health and Well Being*, 3(1), 1-43.
 8. Diener E., Pressma, S. D., Hunter J. nd Delgadillo-Chase D. (2017). If, why, and when subjective well-being influences health, and future needed research. *Applied Psychology: Health and Well-Being*, 9, 133-167.
 9. Frank J., Lambert E. G and Qureshi H. (2017). Examining police officer work stress using the job demands–resources model. *Journal of Contemporary Criminal Justice*, 33(4), 348-367.
 10. Keyes C. L. M. (2002). The mental health continuum: From languishing to flourishing in life. *Journal of Health and Social Behavior*, 43(2), 207-222.
 11. Khadse P. A., Gowda G. S., Ganjekar S., Desai G. and Murthy P. (2020). Mental Health Impact of COVID-19 on Police Personnel in India. *Indian Journal of Psychological Medicine*, 42(6), 580-582.
 12. Laitinen T., Hartikainen J., Niskanen L., Geelen G. and Lansimies E. (1999). Sympathovagal balance is major determinant of short-term blood pressure variability in healthy subjects. *American Journal of Physiology-Heart and Circulatory Physiology*, 276(4), H1245-H1252.
 13. Muller R., Ward P.R., Winefield A., Tsourtos G. and Lawn S. (2009). The importance of resilience to primary care practitioners: an interactive psycho-social model. *Australasian Medical Journal*, 2(1), 1-15.
 14. Netuveli G., Wiggins R. D., Montgomery S. M., Hildon Z. and Blane D. (2008). Mental health and resilience at older ages: bouncing back after adversity in the British Household Panel Survey. *Journal of Epidemiology & Community Health*, 62(11), 987-991.
 15. Ohrnberger J., Fichera E. and Sutton M. (2017). The relationship between physical and mental health: A mediation analysis. *Social science & medicine*, 195, 42-49.
 16. Poole J. C., Dobson K. S. and Pusch D. (2017). Childhood adversity and adult depression: The protective role of psychological resilience. *Child abuse & neglect*, 64, 89-100.
 17. Segerstrom S. C. and Miller G. E. (2004). Psychological stress and the human immune system: a meta-analytic study of 30 years of inquiry. *Psychol Bull*, 130(4), 601-30.
 18. Singh S. and Kar S. K. (2015). Sources of occupational stress in the police personnel of North India: An exploratory study. *Indian journal of occupational and environmental medicine*, 19(1), 56-60.
 19. Smith B. W., Dalen J., Wiggins K., Tooley E., Christopher P. and Bernard J. (2008). The brief resilience scale: assessing the ability to bounce back. *International journal of behavioral medicine*, 15(3), 194-200.



20. Stogner J., Miller B. L. and McLean K. (2020). Police stress, mental health, and resiliency during the COVID-19 pandemic. *American journal of criminal justice*, 45(4), 718-730.
21. Verma S. K., Wig N. N. and Pershad D. (2008). PGI Health Questionnaire N - 1 (PGIHQN-1). National Psychological Corporation, Agra.
22. WHO. (1986). The Ottawa charter for health promotion.
23. WHO. (2001). The World Health Report. Mental Health: New understanding; new hope. Geneva.
24. Wu Y., Sang Z. Q., Zhang X. C. and Margraf J. (2020). The relationship between resilience and mental health in Chinese college students: a longitudinal cross-lagged analysis. *Frontiers in psychology*, 11, 108.

Thirty Seconds Cataclysm: Lessons for the Next Decade

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"Life is a bleak place. Sometimes one has to learn how to shoot first"

— Teherah Mafi

It took less than thirty odd seconds and 18 rounds of bullets, to bring the so far unimpeachable and impregnable reputation of UP Govt., assiduously built over seven years of hard work, under heavy political artillery fire. What stunned the nation the most was the rank unprofessionalism and failure to act in a timely and effective manner, by the posse of policemen, surrounding the two gangsters. Little do these foot soldiers realize that their foolhardy acts of omission and commission badly shook the aura of invincibility surrounding the mighty and majestic UP Govt.

This paper seeks to highlight the lapses on the part of policemen and give some eminently doable suggestions.

In order to understand it, some Constitutional context and perspective on *State Protection* is needed. Protecting the lives of its people is perhaps the most important & fundamentally sovereign function of the State. Hobbes averred that since life is '*solitary, poor, nasty, brutish and short*', the people trade curtailment of their freedoms for guaranteed protection of their lives by the State. Since, the State becomes the sole Guarantor for protecting the lives of its people, it also gets the sole right to reduce coercion and violence, subject to certain Constitutional and legal checks and balances.

To ensure protection of the lives and liberties of its people, each nation State develops its own institutions, systems, laws and processes. The Criminal Justice System, mainly comprised of the LE agencies, prosecution wing, prisons and Judiciary, plays the most crucial role for the protection of lives of the people.

For '*specialized protection*', particularly proximate security, nations have differing institutions, systems, laws, SOPs etc. depending on their history, circumstances and security scenario etc. For example, the Swedish PM didn't have a single body guard or a PSO, when he was shot dead in Feb 1986 outside a movie theatre. On the contrary, given its past history of terrorism, widespread criminality, assassinations and targeted killings, India has an elaborate system of '*State Protection*'.

India of the eighties and nineties witnessed several assassinations, including those of two Prime Ministers (one serving) and Chief Minister of a state. Since then, proximate security has seen tremendous improvement in the professional capabilities of law enforcement agencies in terms of technology, systems, procedures, and psychological orientation. They provide near full proof security to host of '*VIPs*', depending on what is called '*Threat Perception Reports*'. While the highly specialised SPG provides security cover for serving former PMs (up to five years) and their family members, NSG

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Black Cat Commandos give Z plus security cover to a host of VIPs, which includes several Cabinet rank Ministers, CMs etc. Most CAPFs, particularly CRPF & CISF and even state Police Forces of states like Tamil Nadu, AP etc, have raised their highly specialised 'VIP Protection Units' or 'Special Security Groups'; which provide security to CMs, high ranking Govt functionaries and even some major business houses and their CEOs like Ambanis and Adanis.

What went wrong?

It is important to dwell upon the theoretical moorings of Proximate Security, assess the ground level situation across the country, do a brief recap of the incidents and analyse their causes, before prescribing nostrums. Watching the stunning spectacle of a weapon suddenly conjuring itself out of the blue on my TV screen, and spewing a bullet on the temple of Atiq Ahmed, over the heads of oblivious & unsuspecting policemen, my thoughts raced back to mid-90s when I attended a course on Proximate Security. Bellowing over the sound and fury of bullets flying across in the firing range of a Police Academy, our Ustaad thundered:

"Saheb, Apne Ankhe or kaan Hamesha khule rakhiye. Kyonki Halki see bhi harkat ya aawaz kisi hadse ka agaaz ho Sakti Hai" (Keep one's eyes and ears always open and alert. Even the slightest movement or a sound can be a sign of an impending calamity).

The Ustaad reminds one of fundamental principles of Proximate Protection:

- (a) The most important weapon that a PSO (Personal Security Officer) or a gunman or an escort personnel carries is not the pistol in his holster, but **the eyes and the ears** on his head.
 - (b) Practice, practice and practice **hand-eye coordination for quick reflexive action**, for the difference between life and death may be merely a few mili seconds.
 - (c) The importance of Quick Reaction: It takes one 0.4 seconds to read this sentence. Even longer to understand it. Time and motion studies indicate that 'reaction time' available to Virendra Sehwaag against an express delivery from Shoaib Akhtar or to Federer against a fast first serve from Novak would be just around 0.3 seconds. In crux situations, this can be dangerous, if not fatal. Cricket lovers can never forget the collapse of Ewan Chatfield in 1975 or death of batsman Phillip Hughes in 2014, both to searing bouncers on the batting crease. It was all because of 'Quick Reaction Time', or lack of it. 'Speed defeats reactions' is how fast bowler John Snow summed it up in "**Letting Rip**", Simon Wilde's book on fast bowling.
- A Study in the University of Birmingham by British scientists, led by Dr Andrew Welchman concluded- "Oner brain takes around **200 mili seconds** to respond to what one's opponent is doing, but it could mean the difference between life and death". This is how Clint Eastwood and Charles Bronson survived & won' in the Wild West movies- because of their ability to whip out their weapons and shoot at their adversaries in a flash. Whoever shoots first, wins, and survives.
- (d) In sports, one may lose one's wicket or a point, if one's reaction time is not good. But, policing is brutally unsparing. Here, one loses lives and even worse, states and their organizations lose their image. As we all know, it happened in UP, that too on prime time television.
 - (e) To be fair to UP police, "*Reaction Time*" lapses are not uncommon and the last one year has seen many unfortunate



incidents in the realm of ‘*Proximate Security*’, in India and even abroad. To begin with, Shinzo Abe, the former Prime Minister of Japan was shot dead in July 2022, while addressing a roadside meeting by a man at close range with a local firearm. Back home, on 5th January 2023, none other than the Hon’ble Prime Minister of India. Shri Narendra Modi was trapped on a flyover in Punjab for almost half an hour. There were scores of vehicles in the close proximity of the Prime Minister which would have been a nightmare scenario for SPG, especially in the light of Pulwama attack by a VBIED, a few years before. While SPG handled the situation very well, this was one of the biggest lapses on part of a State police, in recent times. Before the dust and din of this event has settled down, it was Odisha, a state, which is generally known for its peace and quietude, which was in the news for all the wrong reasons. On 29th January, 2023 the Health Minister of Odisha, Shri Naba Kishore Das, was shot dead by an ASI, who was ironically part of his security detail. Preliminary investigations revealed that this ASI had made as many as five attempts in the previous two months to kill the Minister.

- (f) Furthermore, incidents of under trial prisoners being shot down by the rival gangs or escaping, while being produced in the courts, despite heavy police presence are not uncommon. On September 2021, dreaded don Jitendra Gogi, who, like Atiq Ahmad was under **State protection**, i.e. accompanied by an Armed escort of Delhi Police, was shot dead in broad daylight in Rohini Court in Delhi by two rival gangsters, who came dressed as **lawyers**. In retaliatory fire, the Delhi Police managed to kill

them as well. However, the State failed in its fundamental duty of protecting the life of an individual, who was in its protective custody. Just a fortnight ago, there was a shootout in a court in Jamshedpur in which the targeted person miraculously survived. However, the assailants simply walked away, despite heavy police presence in the Court premises. A year ago, a hard core gangster Mohit Badani escaped from police custody while being produced in Karkardooma court in the nation capital Delhi. Way back in September 1999, a young and dynamic SP rank IPS officer Shri Umesh Chandra was shot dead in broad daylight, along with his gunman and driver. The moment his vehicle stopped at a traffic junction, armed Naxalites sprang from both sides of the vehicle and shot them dead. It was all over in a few seconds.

- (g) Hence, these killings of notorious gangsters Atiq Ahmed and his brother Ashraf and prior to it, the murder of Umesh Pal, who was also under the protective umbrella of the State in the form of two gunmen, who also died with him are only part of a continual saga of lapses in Proximate security, as indicated above. They only serve to remind police leadership that ‘Proximate Security’ needs drastic revamp, across the states as well as the nation.
- (h) **Costs & Consequences:** The Govt. of UP has promptly instituted a Judicial Commission to look into all aspects of the double murder of notorious gangsters Atiq and Ashraf, and to submit its report within two months. However, it is not only the reputation of the Govt and UP Police which are at stake. Such events impose huge costs in terms of governance and economy,



though they are neither adequately researched nor documented in India.

- (i) Immediately after the twin murders of gangsters Atiq Ahmad & Ashraf, almost the entire police force of UP was on the roads to enforce either Curfew or 144 CrPC, maintain Law & Order, prevent communal trouble and escalatory and retaliatory spiral by the followers of Atiq Ahmad. The opportunity costs / impact of this deployment on routine policing are enormous. The entire Station House Management suffers. Routine registration of criminal cases, their investigation and filing of charge sheets & criminal trials in courts, settlement of routine / petty disputes at PS levels, village visits, beats & patrols, surveillance over property offenders etc. take a backseat. The shutdown of markets due to curfew etc. and also Internet have substantial economic costs.
- (j) The harsh reality is that due to failure of a few junior level policemen to respond with alacrity and purpose, when the situation so demanded, the '*Brand Image*' of UP Govt. got besmirched.
- (k) Governance, economy and brand image: The world's most valued brands are Amazon, Apple and Google, with valuation of around USD 300 Bn, i.e. Rs. 30,000 crores. Brand Image assessment and its zealous protection, are common and sacrosanct in corporate sector. Of late, governmental entities are also increasingly becoming conscious of brand image as it has far reaching consequences. A state which ranks higher in terms of L&O order scenario, investor friendly policies and Ease of Doing business etc. attracts more investment, including FDI, which

improves its economy, employment, GSDP etc.

How do we do an objective assessment of economic costs to brand Image of UP, in the light of these instances of killings? While there are far more scientific methods to evaluate the same, let us try some rough back of the envelope method. If UP was a corporate entity, its Brand value would be many times more, than that of the erstwhile FANG companies (Facebook, Amazon, Netflix and Google) This can also be inferred from the simple fact that in the Global Investors Conference held in March 2023 in Lucknow, MoUs worth Rs 33 lakhcrores were signed. In the light of the adverse publicity that UP Govt. has got due to these recent killings, even if a modest three percent of these MoUs get annulled, the investment goes down by Rs.1,000,000,000,000 (one lakh crore), which is in no way an inconsequential amount.

Hence, it makes eminent sense for the mandarins in the Govts., both at the Central and State levels to take cognizance of costs and consequences of poor policing.

What needs to be done?

The name of the game is what I call '**Ambience Appreciation & Quick Reaction Time (AA & QRT)**'. If one watches closely and repeatedly, particularly in slow motion, the video clips of killings of underworld don Jitendra Gogi in Rohini court in 2021, of witness Umesh Pal(a witness in the killing of Bahujan Samaj Party MLA Raju Pal) and his two gunmen, and of mafia dons Atiq Ahmad and Ashraf, one can clearly decipher a common thread running through them. It is the failure of the policemen to quickly assess the situations and take prompt preemptive action. The cops were neither alert nor alive to the situations.

"Policewallon ke Aankh or kaan khule nahin the, as the Ustaad above would have pointed out. In Umesh Pal case, the policeman is looking 'down' and casually opening the front left door of the



car, initially oblivious of the shots being fired and grenade being lobbed at the protectee. By the time, he realizes what is happening, it is too late. He paid with his life as well. In Atiq Ahmad and Ashraf's case, the policemen appear so relaxed, as if they are on an early morning stroll. They were blissfully unaware of when the killers approached them, when they came so perilously close, when they whipped out and cocked their weapons and when they took aim and shot at the victims. Both AA and QRT were abysmally lacking.

Such police failures at the field level, cause major embarrassment to the Government and badly impact Government's image. If police leadership fails to learn its lessons and take urgent remedial measures, history will continue to repeat itself. The following needs to be done on war footing basis:

- **Capacity Building:** The SPG, NSG and SSGs are little elitist islands of excellence who, due to their limited numbers, provide security to a chosen few. Their training and equipment are comparable to the best in the world and they get 50 percent additional allowances which keep them highly motivated. However, it is the police personnel of District Armed Reserve or Special Police Battalions in states, who are generally entrusted with the heavy duty task of either providing security to protectees like Umesh Pal or escorting convicts / undertrials like Atiq Ahmad to courts / hospitals etc. on almost daily basis. They are poorly trained, ill equipped and low on morale due to poor work conditions. Naturally, in crux situations which demand real-time or live assessment of a fast evolving situation and quick-silver responses, they are found wanting.

Hence, it would be prudent and money well spent if each state raises a Unit of about 250 police personnel, on the lines of NSG

for State protectees of different hues and colour, ranging from a notorious gangster like Atiq to a targeted witness like Umesh Pal.

- **SOPs regarding Access Control and Frisking:** In a famous instance bordering on hilarity, a Security officer rejected the persistence of a local politician who wanted entry into a VIP's residence, citing his close proximity to the latter, by saying: 'Even the balls are very close. But, they are not allowed in'. May his tribe increase! However, despite being cognisant of several instances like Sivarasan and Dhanu in Rajiv Gandhi's assassination and Al Qaeda suicide bombers for Afghan leader Ahmad Shah Massoud, lower and middle level policemen are reluctant to enforce frisking and access control protocols on journalists, lawyers, local politicians and AIS officers etc. occasionally with disastrous consequences, as seen from above. Insistence on strict adherence to security protocols is an absolute must. However, this is possible only if the above mentioned categories of people don't flaunt their "Don't you know who I am" status and cooperate with the policemen.
- **Research & Analysis Wing:** "Those who fail to learn from history are condemned to repeat it". While a certain Intelligence agency religiously brings out an excellent "Security Digest" on a periodic basis, which gets circulated to all CAPFs and state police Forces, it mostly covers issues related to national and VVIP security. Hence, there is a need to have a proper "Analysis & Review Wing", in each state PHQ, which takes cognizance of 'the bread and butter' issues of routine policing, prepare case studies and circulate them for absorption in different police formations.



- **Intelligence:** It sounds clichéd but intelligence continues to be lifeline for successful police functioning. It deserves greater focus and importance, particularly in North Indian states.
- **Leveraging Technology:** Despite giant strides made, both in implementation of CCTNS and ICJS (Interoperable Criminal Justice System), it is not understood why undertrials/ prisoners etc. are still being physically brought to courts for bail/ routine hearings etc. It is high time that the Judiciary and Executive put their heads together and issue some SOPs in this regard. It will save tremendous human and financial resources, apart from minimising possibilities of killings in transit.
- **Legislative Advocacy & Organisational Support:** Contrary to the popular perception of Indian policemen being trigger happy, it is increasingly seen that even when faced with life and death situations, they are reluctant to open fire. The default mode of most policemen in critical situations is to flee, or to look the other way or respond in slo-mo. Rightly or wrongly, his mind is wired towards 'Risk Avoidance'. This is exactly what was on display on TV screens in Atiq Ahmad case. Even after the initial gaffe, the policemen could have somewhat retrieved the situation and saved, perhaps at least one life, by opening fire on the criminals. A window of opportunity, though very narrow, was perhaps available to them. But, it didn't happen. Why?

This is because opening of fire by a policeman is fraught with serious consequences for his career, family and reputation. The Law ordains that a policeman can open fire, ONLY in self defence. Across the country and over decades, it has translated into the belief that a policeman should fire only AFTER he has been fired upon. Unlike the protection afforded to personnel of Armed Forces under AFSPA, in every such case, a policeman has to face, at least a long winding Magisterial Enquiry and sometimes a judicial one. He is invariably suspended or mostly kept without a posting. Very often, he has to face the ignominy of having a case of murder registered against him and investigated into. Till the completion of enquiry/ investigation of the criminal case, and his eventual exoneration, if at all, he cannot be promoted. He is treated as a pariah by all, including his department. He is mostly left to fend for himself. The whole world, including the media, the human right institutions and the bleeding heart liberals are ranged against him. This takes an enormous physical, mental and financial toll of a policeman. Hence, there is an urgent need to amend some laws and SOPs, develop an institutional mechanism by which genuine and bonafide errors in judgement by a policeman do not result in his persecution/ victimisation. In absence of the same, most policemen will perhaps, prefer to play safe, at the cost of the nation and society.

The above episodes, though tragic and unfortunate, offer a great opportunity to the Governments and IPS leadership to enhance professionalism and accountability in policing. The options are limited but very obvious. Spend some money and strengthen institutional frameworks, or be prepared for another fiasco, in the future.

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