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Editorial

The Indian Police Journal provides a valuable information on issues relating to Crime Prevention, Crime Detection, Police Training, Forensic Science, Information Technology, Cyber Crime etc. The eminent serving and retired officers, experts in the above fields, contribute their experience for the benefit of our readers and investigation agencies. It is our endeavor to make this journal more attractive and useful for personal working in the criminal justice system in the country.

This issue covers articles on various topics. In the article on "Situational Crime Prevention and Crime & Disorder Reduction Partnerships in the U.K." the author Dr. G.S. Bajpai has vividly explained the participation of local authority with the police to combat crime in U.K. The article on "Psychological Stress of Traffic Police Officers, Causal Factors behind the same and their Coping Strategies" written by Dr. Sibnath Dev, is a research study in Kolkata and the authors have made detailed psychological analysis, which will generate interest among the readers. The paper on "Role of Training in changing the attitude of Police Constabulary recruits in Tamilnadu" by Dr. M. Srinivasan is a part of author's Ph.d thesis. In the article "Re-orientation of Legal System in India: A Human Right Prospective", Dr. Nafees Ahmad has lucidly dealt with the concept of Human Rights and different dimensions of this subject which may concern the enforcement agencies in India. "Reported Crime and Actual Crime: a Mismatch", a study among the Lahoulis of Himchal Pradesh article is an abstract of the doctoral study carried at by BPR&D Research fellow Ms. Shilpy Gupta. It is an indepth study into the crime amongst the Himalayan Tribe belonging to the tribal districts of Lahul & Spiti.

25th Asian and Pacific Conference of Correctional Administrators (APCCA) was held on 25 -30 September, 2005 at Seoul. A delegation from India, drawn from various States and Union Governments, attended it. Shri R.C. Arora, Director (R&D), BPR&D has given salient features of this conference along with the recommendations adopted in the conference.

We hope our readers and investigative agencies will find the present issue very informative and useful. We also seek views and suggestions of our esteemed readers, which will help us to improve its contents further.



(P.N. KHURANA)
EDITOR



Abstracts & Key Words

Situational Crime Prevention and Crime & Disorder Reduction Partnerships in the U.K.

G S Bajpai

Key Words :

Crime & Disorder Reduction Partnerships, Situational Crime Preventionm.

Abstract :

Crime reduction partnership in the UK is a programme which combines the efforts of community agencies and law enforcement agencies in their fight against crime. This programme is distinct from the rest in the sense that it places the partnership on a legal footing. The community agencies have a legal obligation to contribute in this pursuit. The present paper makes a critical assessment of the perceived efficacy of situational crime prevention in crime reduction and various aspects of the functioning of these partnerships. The outcome of the paper is

based on the opinions of functionaries working in these partnerships.

Psychological Stress of Traffic Police Officers, Causal Factors behind the same and their Coping Strategies

Dr. Sibnath Deb, Tanusree Chakraborty, Pooja Chatterjee and Dr. Neerajakshi Srivastava

Key Words :

Traffic Police Officer, Stress, Symptoms of Stress, Consequences of Stress, Role Over-Load, Role Ambiguity, Role Conflict, Group And Political Pressures, Responsibility For Persons, Under Participation, Powerlessness, Poor Peer Relations, Intrinsic Impoverishment, Low Status, Strenuous Working Conditions, And Unprofitability.

Abstract :

For smooth regulation of traffic in any big city Traffic Police Officers play a significant role despite

several limitations. The broad objective of the present study was to understand the level of psychological stress among Traffic Police Officers, areas of stress, causal factors behind the same, their coping strategies and other personal problems. A group of 60 Traffic Police Officers was covered in the study and data were collected by using 'Occupational Stress Index' and 'Semi-Structured Questionnaire'. Findings revealed that 55.0% Traffic Police Officers were stressed (50.0% moderately and 5.0% highly stressed). The main areas of stress included role overload (86.6%), responsibility for persons (80.0%), unprofitability (71.6%), strenuous working condition (68.3%), undesirable group and political pressure (61.1%). Exercise was the main coping strategy (48.0%), followed by sharing of problems with colleagues (41.0%), friends (36.0%), becoming optimistic about future (38.0%), smoking more cigarettes (27.0%)

and so on. Finally, the study recommended certain steps for attention of the higher authorities. public co-operation has become negative after training. The results further reveal that there is no significant change in the attitude in respect of purpose of punishment, new concepts in police role, correctional concepts, treatment of victims and freedom of press.

Role of Training in changing the attitude of Police Constabulary recruits in Tamilnadu

Dr. M. Srinivasan

Key Words :

Police Constabulary, Training, Attitude

Abstract :

Whenever an instance of Police misbehavior is reported, there is instantaneous reaction all around, particularly in the press, that Policemen are not being properly trained. There is widespread feeling that precious little training is imparted to Police personnel, especially at lower levels. If the training has to really serve its purpose, there is a need to

constantly check on the validity and utility of programmes. Therefore, the present study was conducted to examine the impact of training programme on the attitude of police recruits. By using Simple Random Sampling procedure a sample of 100 police constabulary recruits were taken for the study from among the recruits undergoing training. A research tool that consisted of 45 items was used. The collected data were analyzed using statistical techniques such as Critical Ratio test, Wilk's Lambda and Rao's V. Of the ten attitude dimensions identified for this study, there is a significant change after training in the areas of attitude such as attitude towards punishment of offenders, persons in police custody, police assessment of the public, sincerity and truthfulness in duty and public co-operation. Out of these five areas of attitude, attitude towards public co-operation has become negative after training. The results further reveal that there is no significant change in the attitude in respect of purpose of punishment, new concepts in police role, correctional

concepts, treatment of victims and freedom of press.

Re-orientation of Legal System in India: A Human Rights Prospective

Dr. Nafees Ahmad

Key Words :

Geo-Political, Socio-Legal and eco-cultural device, age of localization, re-orientation regime for the legal system, desideratum of human rights.

Abstract :

Human rights are transcending all the geo-political, socio-legal and eco-cultural devices and demarcations in an age of localization, regionalization and globalization thereof. The humble human has peregrinated from avionics to genomics while establishing the primacy of human existence with human vision in every walk of life on this beautiful planet and Indian Police Force and Administration of Justice System is not an exception thereto. The Article infra tries to identify the re-orientation regime for the legal system in India wedded to a desideratum of human rights for the posterity.

Crime Conviction Imbalance and the use of Forensic Science Evidence

Dr. J.R.Gaur

Key Words :

Forensic Science, Conviction rate, Evidence, professionalism, Human Rights commission.

Abstract :

Crime is as old as human civilizations in the world, so is the conviction and punishment in one form or the other. After the enactment of laws, the criminal cases were put on trials in the courts of law for establishing guilt or innocence of a person. The guilty persons are convicted by the courts and punished for their committed crimes. The traditional methods of investigation adopted by the police in crime investigations did not prove so fruitful in attaining the required conviction rate. The application of Science and Technology in police work or the application of forensic science led to some increase in the conviction

rate of various crimes but still the conviction rate is not in balance with the crimes committed. The conviction rate for certain offences in the country ranged as low as 14.9% under terrorist and disruptive activities act followed by hurt cases 6.2%, molestation cases 4.8% and inmost other IPC offences 40.6% (Crime in India, 2002). Thus for getting the guilty convicted still more efforts are needed for increasing the conviction rate. Further application of forensic sciences in the investigation of crime and the administration of justice can prove a versatile tool in this direction.

Criminal Justice System In India - Whither Commitment?

Dr. Nikhil Jaiprakash Gupta IPS

Key Words :

Combination, Lacunae, Control instrument, Interdependent and interrelated uniform system, concentrated system, check & balances, mis carriage of judice.

Abstract :

Criminal Justice System (CJS) is the combination of various organs of a government, entrusted with the job of ensuring justice to the people. The functioning and the efficiency of this system is the backbone for the very foundation of any society. Unfortunately, today the criminal justice system as is functioning in India is facing a sort of crisis. It is unable to fulfill the expectations of the society to the fullest extent. The paper argues that lack of commitment of the governmental functionaries such as police, prosecutors, judiciary and jail and non governmental such as witnesses, advocates, and non-governmental organisations concerned with the system to the cause and the effective control instruments to ensure their responsibility for their lapses in performance of the assigned obligation are the primary reasons for the current state of things. The paper discusses various lacunae that are associated with the system that have resulted for lack of commitment and controlling measures. An

attempt is also made to provide solutions to achieve better commitment to cause for the overall benefit of the society.

Reported Crime and Actual Crime: A Mismatch (A Study Among the Lahoulis of Himachal Pradesh)

Shilpy Gupta and Dr. A. K. Kapoor

Key Words :

Reported crime, Actual crime, Himalayan Tribe, Customary Laws, Concept of Crime, Education

Abstract :

Tribal societies differ from all other societies *inter alia* in the fact that individuals are relatively fettered by the customs and taboos. These are called 'Customary Laws'. The prevalence of the praxis of the traditional system of self-governance may be the reason for the perceptible difference between the legal reporting of crime and actual crime. To judge this difference correctly, the most important dimension is to know and understand 'the concept of crime' in any ethnic group. In the present paper, an attempt

has been made to study the crime among a Himalayan Tribe of District Lahoul and Spiti.

Brain Finger Printing: A New Paradigm In Law Enforcement

K.C. Suresh

Key Words :

DNA Brain wave Memory and encoding related multifaceted electroencephalographic response., Probe -Targets and Irrelevants, Information Present and absent- Indian Evidence Act, Expert opinion

Abstract :

Brain Finger Printing test represent a new Paradigm in law enforcement. This technology scientifically detects the record of crime stored in the brain. The brain is always in action with planning, executing and recording the crime, when the crime was executing. Investigation is not science, but it contributes substantially to legal proceedings. This study paper is presented to achieve a 99.9% statistical confidence level in the criminal investigation by using the Brain Finger

Printing Test. When a crime is committed, traces of the event are left at the scene of the crime and elsewhere. The task of the investigator is to collect these traces. The application of this technology in a criminal case involves four phases: investigation, interview, scientific testing and judicial adjudication. The salutary canon "let hundred guilty go unpunished rather than one innocent is punished" creates a situation unhealthy to arrive at a fair disposal of the cases by the Courts. In the criminal Jurisprudence this canon has to give way to "let hundred guilty punished rather than one innocent not punished". To achieve this goal, Brain Finger Printing test is to be adopted through out the Indian Criminal investigation system.

Recent Trends In Handling Crime Scenes

Dr. B.R. Sharma

Key Words :

Crime Scene, Crime Scene Photography, Evidence Imaging, Serial Crimes, Interactive Crimes, Response Time, Videographics, Computer Graphics, Animation, Virtual Reality.

Abstract :

The importance of the crime scene, to provide proof against the culprit, has risen sky high, in recent times. The evidence, available through proper handling of the crime scene, can provide a viable alternative to the traditional dwindling evidence. Consequently there is sea-change in the handling of the scene. The main new trends involve reduction in '**Response Time**', constitution of '**Special need-based Crime Scene Teams**', '**proper Recording**' of the crime scene to keep it alive as it was, '**Exhaustive Documentation**' of the handling of the crime scene and better presentation of the crime scene in the court, for its own appreciation of the image, through taking the 'live scene to the court through videography and animation.

Accidental Firing: Causes and Remedies

N.K. Singh

Key Words :

Firearms, handling, accidental firing, training, stress factor, weapon drill,

injuries disturbed areas, operational activities, defective parts, inspection.

Abstract :

The deteriorating Internal Security scenario is of greatest concern for the Government at the moment. The situation has thus compelled the Armed forces to come out of barracks and engage in the conflict that has been categorized as "Low intensity". The Armed Forces and firearms complement each other therefore inseparable. The Central Reserve Police Force as a leading paramilitary force is deployed to counter such internal disturbances throughout the country and according to its deployment statistics 85% of the force is deployed in Insurgency/ Militancy infested areas. The frequent use of firearms results into mishaps like accidental firing because of many reasons, which at times are beyond the control of the handlers. However some of the prominent reasons attributable are Training, Working environment, Availability of a variety of weaponry, Non-adherence of weapon drill, Stress factor, Poor maintenance of weapon etc. During last four years from

2002-2005 (up to 15-03-05) total 83 cases of accidental firing took place in the force in which 09 force personnel had lost their lives and 46 personnel sustained different kinds of injuries. The careless attitude of handler towards weapon is explicit and solely responsible for such undesirable mishaps. For any armed wing of the Union such incidences are totally undesirable and need immediate introspection and remedial action thereto. Some of the suggested Remedial Measures may be the enhanced role of Training Institutions, Unit, Sub- units, Arms work-shops, etc. If properly implemented and meticulously practiced in letter and spirit, the Forces may move towards more professionalism.

Situational Crime Prevention and Crime & Disorder Reduction Partnerships in the U.K.

*G S Bajpai

There is greater realization in the UK that a sizeable crime in the community is the product of easy opportunities available to the likely offenders. Hence, opportunity based crime reduction is one of the most preferred ways of crime management in the UK. The recent emphasis of the UK crime prevention policies is on effective ways to achieve community safety. The role of all civil agencies and institutions engaged in general welfare of people has been identified in curtailing crime in the community. The Crime & Disorder Reduction Partnerships (CDRPs) are the result of this process. These partnerships in the UK are a combination of police, local authorities and other organisations and businesses that have banded together to develop and implement strategies for tackling crime and disorder on a local level. There are 376 partnerships in England and Wales. The Crime & Disorder Act, 1998 places obligations on local authorities, the police, police authorities, health authorities and probation committees (amongst others) to co-operate in the

Key Words :

Crime & Disorder Reduction Partnerships, Situational Crime Prevention.

Abstract :

Crime reduction partnership in the UK is a programme which combines the efforts of community agencies and law enforcement agencies in their fight against crime. This programme is distinct from the rest in the sense that it places the partnership on a legal footing. The community agencies have a legal obligation to contribute in this pursuit. The present paper makes a critical assessment of the perceived efficacy of situational crime prevention in crime reduction and various aspects of the functioning of these partnerships. The outcome of the paper is based on the opinions of functionaries working in these partnerships.

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development and implementation of a strategy for tackling crime and disorder in their area. These organisations have to consider changed working practices, internal priorities and their relationships both with other agencies and with the wider community.

Crime & Disorder partnerships: Multi-Agency approach:

The Crime and Disorder Act 1998 requires that the local agencies work in partnership for crime reduction. The partnership concept is the outcome of initiatives that have been taken over the years on the part of UK government. Following are some major stages that have been identified (<http://www.crimereduction.co.uk>) in the development of the present shape of the partnerships.

- ◆ Home Office Circular 8/1984 laid down the principle that crime prevention should be a significant and integral goal of local and national public policy. It stressed the need for a co-ordinated approach and joint strategies involving partnership.
- ◆ The Morgan Report (Safer Communities: the Local Delivery of Crime Prevention through the Partnership Approach” Home Office Standing Conference on Crime Prevention, August 1991) introduced the concept of ‘community safety’ and emphasised that crime reduction should be ‘holistic’ covering both situational and social approaches. It should be noted that crime reduction was a peripheral issue

for major agencies and a core activity of none of them and advocated the development of multi-agency crime prevention co-ordinated by local authorities. The Morgan Report identified six elements crucial to multi-agency crime reduction work: structure, leadership, information, identity, durability and resources.

- ◆ Safer Cities was launched in March 1988 by the Home Office as its contribution to the Action for Cities Programme. A local steering committee with representatives from local government, police, probation, voluntary bodies and commerce was established in each project area. The steering committee’s terms of reference were:
 - ♣ to act as a focus for a local multi-agency crime prevention partnership;
 - ♣ to set priorities for the project and oversee the implementation of community safety measures;
 - ♣ to facilitate contact and co-operation between local agencies and interests.

It will be too early to say that the partnership arrangements have got sustained and all is well with them. The partnerships are of new origin and they have so far not traveled very far. CRDPs do have an inbuilt system of evaluation. The Audit Commission evaluates the performance of partnerships. Besides, CRDPs have been subjected to several

other evaluations carried out by individual experts and agencies. Incidentally, the Audit Commission's research report on *Community Safety Partnerships* (2002) has been released recently. The initial remarks in the Report said.: '*Local partnerships have not made an obvious impact on community safety between 1999 and 2000. The Government and regulators need to work with the partner agencies to maximize their impact and to make neighborhoods safe for local people.*' (Audit Commission, 2002).

Crime Reduction and Situational Crime Prevention:

Crime Reduction is an official mission in the UK. Several strategies are used to reduce crime in the community. Currently, the emphasis of the Home Office is on 'Crime reduction'. A sum of to the tune of £450 million is being spent on these programmes. Multi agency partnership and situational crime prevention (SCP) are the key approaches in crime reduction. SCP applies highly specific techniques in the opportunity reduction for any offending behaviour. Range of such technological and managerial initiatives have shown encouraging results in the UK. SCP incorporates: increasing the effort needed to commit the crime, increasing the risks associated with the crime, reducing the rewards of crime, and removing excuses or creating embarrassment.

Methodology:

Against this backdrop, the present study aims at addressing the issue of situational crime prevention as may be perceived by the partnerships officials in terms of its efficacy and significance. In the second part of this section, an attempt has also been made to assess the issues and problems in the partnerships that may be experienced by the officials.

In order to achieve the objectives cited above, CRDPs officials attending a Home Office Seminar on Violent Crime, organized by the Crime Reduction Centre, York at Manchester (December 11th, 2003) were contacted by the Researcher. The total number of officials in the Seminar was 52. However, the data collection could be materialized from 46 respondents only. A specially designed Questionnaire was circulated. Many of them have completed the questionnaire on the spot and a few of them preferred to send it by post later. Apart from this, a separate session of discussion with the respondents was also held.

Observations:

The data collected from 46 respondents have been tabulated and presented in the following paragraphs. Many Tables showing the distribution of data have been omitted for want of space and their description has been given in the text form.

Table : 1 Respondents' Awareness about Situational crime prevention (N= 46)

	Yes	No	Can't Say
Frequency	45	01	00
Percentage	97.8	2.1	00

Table 1 shows that majority (97.8%) of the officials were aware of the situational crime prevention methods.

Situational Crime Prevention and Crime & Disorder Reduction Partnerships in the U.K.

SCP is based on the 'opportunity factor'. The idea was to know as to how many subscribe the notion of opportunity as a player in the crime event. A sizable (65.2 percent) respondents (Table-2) were affirmative to the fact that 'opportunity makes the thief.

An attempt was also made to know from the respondents about the extent of crime resulting from the availability of opportunities. Table- 3 shows that 58.7 percent respondents felt 76% or above crime resulted from opportunities.

Another 26 percent though found it up to 51 % to 75%. In other words most officials subscribed to the above said notion.

The officials have been practicing several SCP measure in the field. The idea was to know the relative efficacy of such measures. Most officials conveyed that the application of measures vary according to the type of crime and one measure may be effective at one time or location and it may not work in other case or the location. The distribution of responses is indicated in Table -4.

Table : 2 Opinions on whether' opportunity makes the thief' (N=46)

	Yes	No	Can't Say
Frequency	30	14	02
Percentage	65.2	30.4	4.3

Table 1 shows that majority (97.8%) of the officials were aware of the situational crime prevention methods.

Table : 3 Opinions on Extent of Crime Resulting from Opportunity (N=46)

	Less than 25%	26% -50%	51 % -75%	76% and above
Frequency	01	06	12	27
Percentage	2.1	13	26	58.7

Table : 4 Opinions on Most effective Situational crime prevention measure (N= 46)

Category	Frequency	Percentage
Target hardening	29	63
Removing Vulnerable target	16	34.8
Removing means for crime commission	18	39.1
Improving visibility	12	26.08
Controlling access	30	65.21

There is always a debate about the efficacy of SCP measures in different types of crime. The respondents (Table-6) in the present study depicted their varied opinions about this issue. While most of them had little doubts about the effectiveness of SCP in case of theft (89.1%) and burglary (84.8%) followed by even street crimes and personal crimes. But they found it lesser effective in cases like domestic violence, sex crimes and vandalism.

Since the SCP does not claim to affect the root causes of crimes, many believe that it may not be able to make any long-term impact on crime rates. The respondents (Table 7) on these issues were divided less significantly as 58.7% thought so while a sizable were not of this notion.

In the UK, the CCTV, as a major SCP tool, is in extensive use to deter potential criminal. The officials were divided (Table 8) almost equally about the fact as to whether the offenders shift to other locations due to CCTV usage.

Table : 5 Crimes where the Situational crime prevention (SCP) may be effective (N=46)

	Frequency	Percentage
Theft	41	89.1
Burglary	39	84.8
Vandalism	19	41.3
Robberies	28	60.8
Street crimes	29	63.0
Domestic violence	06	13.0
Sex Crimes	09	19.5

Table : 6 Opinions on whether SCP makes long term impact o crime (N=46)

	Yes	No	Can't Say
Frequency	19	27	00
Percentage	41.3	58.7	00

Table : 7 Opinions on whether the offenders shift to lesser-secured areas if they find CCTV or other type of Surveillance in some areas. (N=46)

	Yes	No	Can't Say
Frequency	21	19	06
Percentage	45.7	41.3	13

Table 9 is about the utility of hot spot approach in SCP. Majority of officials (69.5 %) found it effective.

There is a debate about the effects of applications of SCP measures. Criticism about SCP mainly stems from the 'displacement' that presumably occurs in the process. The details regarding the typology of displacement used in Table 10 has already been discussed in the preceding pages. The respondents were mainly asked about their reaction to such displacement in terms of its effects on crime prevention capacity of SCP measures.

There are the ethical aspects of SCP too. The popular thinking is that too much of technology based prevention affects the human freedom. Most

respondents (84.8%) on the matter whether the technological surveillance causes a 'fortress society' were affirmative (Table 10).

SCP is largely implemented by the Crime & Disorders Reduction partnerships (CDRP). This section is devoted to study the state of affairs pertaining to the various aspects of working of the partnerships and related matters.

At the outset, an attempt was made to know the respondents' rating and assessment about the quality of performance of CDRPs. It was satisfying to note that (Table 11) majority of respondents (78.3%) rated the CDRPs as 'Very good' or 'Good'.

Table : 8 Opinions on whether 'hot spots' approach was effective in crime prevention. (N=46)

	Yes	No	Can't Say
Frequency	32	09	05
Percentage	69.5	19.5	10.8

Table : 9 Opinions on whether the crime prevention remains successful in cases of following.

Categories	Frequency	Percentage
Geographical displacement	12	26
Temporal displacement	13	28.2
Target displacement	12	28.2
Tactical displacement	10	21.7
Crime type displacement	04	8.7

Table : 10 Opinions on whether the technological surveillance causing a 'fortress society' (N=46)

	Yes	No	Can't Say
Frequency	39	04	03
Percentage	84.8	8.6	6.5

The CDRPs are highly specific and targeted. Table 12 shows that most officials (69.6%) had a feeling that the CDRPs have contributed effectively in reducing crime in the Community.

The partnerships need improvements in many areas of structure and performance. The opinions of officials on this issue are delineated in Table 13. The funding and administration are the key areas emerged in this study requiring immediate attention.

Looking Ahead:

The model of combining civil agencies with police to reduce crime in the community is unique in itself, as probably for the first time, anywhere in the world, this kind of structure has been given a statutory base. The idea is worth emulating in case of community policing in India. Infact, community policing in India could not be institutionalized, as it does not have a legal base and mandate. It is high time that the debate on bringing civil agencies under legal obligation for

Table : 11 Rating of Crime and disorders reduction partnerships (N=46)

	Frequency	Percentage
Very Good	19	41.3
Good	17	37.0
Average	07	15.2
Poor	02	4.3
Very Poor	01	2.1

Table : 12 Rating on whether a Multi agency partnership is a viable strategy for crime reduction. (N=46)

	Yes	No	Can't Say
Frequency	32	14	00
Percentage	69.6	30.4	00

Table : 13 Areas in need of improvement in partnerships (N=46)

	Frequency	Percentage
Administration	21	45.6
Implementation	17	36.9
Job distribution	12	26.0
Reward distribution	18	39.1
Evaluation	17	36.9
Funding	39	84.7

crime reduction should be initiated in India

Note: The present study was a part of the research conducted by the author under the Commonwealth Academic Staff fellowship at the Department of Criminology, University of Leicester (2003-04).

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It is the habit of every aggressor nation to claim that it is acting on the defensive.

—**Jawaharlal Nehru**

Psychological Stress of Traffic Police Officers, Causal Factors behind the same and their Coping Strategies

*Dr. Sibnath Deb, Tanusree Chakraborty, Pooja Chatterjee and Dr. Neerajakshi Srivastava

Introduction

The type of job that Traffic Police Officers have to do has invariably stress as its concomitant factor. The duty of the officers are such that it takes away most of his hard day's time in controlling a group of constables under him and being mobile on vehicles for taking care of the cases that fall under his areas of jurisdiction. The amount of pollution he is exposed to, the weather conditions and long duty hours is definitely put him to high amount of occupational stress. The stress response of the body is somewhat like an airplane readying for take-off. Virtually all systems e.g., the heart and blood vessels, the immune system, the lungs, the digestive system, the sensory organs, and brain are modified to meet the perceived danger. People can experience either external or internal stressors. External stressors include adverse physical conditions such as pain, hot or cold temperatures or stressful psychological environments such as poor working conditions or abusive

Key Words :

Traffic Police Officer, Stress, Symptoms of Stress, Consequences of Stress, Role Over-Load, Role Ambiguity, Role Conflict, Group And Political Pressures, Responsibility For Persons, Under Participation, Powerlessness, Poor Peer Relations, Intrinsic Impoverishment, Low Status, Strenuous Working Conditions, And Unprofitability.

Abstract :

For smooth regulation of traffic in any big city Traffic Police Officers play a significant role despite several limitations. The broad objective of the present study was to understand the level of psychological stress among Traffic Police Officers, areas of stress, causal factors behind the same, their coping strategies and other personal problems. A group of 60 Traffic Police Officers was covered in the study and data were collected by using 'Occupational Stress Index' and 'Semi-Structured Questionnaire'. Findings revealed that 55.0% Traffic Police Officers were stressed (50.0% moderately and 5.0% highly stressed). The main areas of stress included role overload (86.6%), responsibility for persons (80.0%), unprofitability (71.6%), strenuous working condition (68.3%), undesirable group and political pressure (61.1%). Exercise was the main coping strategy (48.0%), followed by sharing of problems with colleagues (41.0%), friends (36.0%), becoming optimistic about future (38.0%), smoking more cigarettes (27.0%) and so on. Finally, the study recommended certain steps for attention of the higher authorities. public co-operation has become negative after training. The results further reveal that there is no significant change in the attitude in respect of purpose of punishment, new concepts in police role, correctional concepts, treatment of victims and freedom of press.

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relationships. Humans, like animals, can experience external stressors. Internal stressors can also be physical like infections, inflammation or psychological. An example of an internal psychological stressor is intense worry about a harmful event that may or may not occur. As far as anyone can tell, internal psychological stressors are rare or absent in most animals except humans. Stress-related conditions that are most likely to produce negative physical effects include:

- An accumulation of persistent stressful situations, particularly those that person cannot easily control. For example, high-pressured work and an unhappy relationship.
- Persistent stress following a severe acute response to a traumatic event such as an automobile accident.
- An inefficient or insufficient relaxation response.
- Acute stress in people with serious illness such as heart disease.

Job-related stress is particularly likely to become chronic because it is such a large part of daily life. And, stress in turn reduces a worker's effectiveness by impairing concentration, causing sleeplessness, and increasing the risk for illness, back problems, accidents, and lost time. Work stress can also lead to harassment or even violence while on the job.

The attitude that work is a duty and an obligation began with the early pioneers who settled this land. They

believed that success and survival could be achieved only through cooperation, determination and hard labor. Gradually work as means of improving society was replaced by work as a means of enhancing own status and standard of living. With the birth of 'me' generation work has become yet another source of stress. As job stress becomes such a routine part of our daily lives, relieving stress through changes in work habits, work environment and work relations must be a key element in our overall stress management. Among the intense stressors at work are the following:

- Having no participation in decisions that affect one's responsibilities
- Unrelenting and unreasonable demands for performance
- Lack of effective communication and conflict-resolution methods among workers and employers
- Lack of job security
- Long duty hours
- Excessive time spent away from home and family
- Office politics and conflicts between workers
- Wages not commensurate with levels of responsibility

Traffic Police Officers play a very significant role for maintaining law and order in the society despite all the shortcomings and limitations in the Police Department especially in regard to the infrastructural facilities, manpower and periodic training. Traffic Police Officers are supposed to implement all the traffic related laws for which they work round the clock and/or

without any leave/break, which cause tremendous mental pressure and physical exertion on them. As a result, sometimes a few of them may have violent outbursts and/or take leave without any prior notice. They are at high risk of being exposed to psychologically straining situations and potentially psycho traumatic experiences.

A number of studies were carried out in different parts of the world for understanding the level of stress among Police Personnel. Green (2004) carried out a study among Police Officers with a view to ascertaining whether the Police Officers have severe post-traumatic stress than PTSD in civilians. No significant differences were found, although there was a tendency for higher use of alcohol and to try not to think about the trauma. Police Officers had more experiences of reliving the trauma or acting as if the trauma were recurring but, again, not to a significant degree. Yang (2004) found statistically significant difference in occupational stress and strain between doctors, Police Officers and teachers was statistically significant ($P < 0.01$), and the score of the police-officers was higher than that of the doctors and teachers ($P < 0.05$), but the personal resources of Police Officers were lower than those of the doctors and teachers ($P < 0.05$). Further analysis of all items of personal strain revealed that the scores of vocational strain, psychological strain, physical strain, but not of interpersonal strain, were significantly higher in police Officers than in doctors and teachers ($P < 0.05$). Violanti (2004) explored suicide ideation in Police Officers and possible correlates associated with such ideation focusing on

psychologically traumatic police work experiences, the development of posttraumatic stress (PTSD) in officers, and the inordinate use of alcohol associated with this condition. Results suggest that certain traumatic police work exposures increase the risk of high-level PTSD symptoms, which subsequently increase the risk of high alcohol use and suicide ideation. The combined impact of PTSD and increased alcohol use led to a ten-fold increase risk for suicide ideation. Violanti and Gehrke (2004) concluded that increased frequency and type of traumas, especially those occurring to other co-workers and those associated with gender, might eventually lead to a secondary process of emotional compassion fatigue. Deschamps et al., (2003) found that Police from minority groups such as ageing subjects or police officers have been reported to experience greater stress. This population is adversely affected by lack of available manpower and long working hours. In fact sources of stress in the police population are found both in the weariness of the job and private life planning. Levenson and Dwyer (2003) reported that peer support component of law enforcement and other emergency services agencies has contributed to an increase in professional mental health referrals and a decrease in on-the-job suicides, sick days and poor work performance. Furthermore, peer participation in debriefings following a traumatic event, and peer support during a crisis facilitates the process of psychological closure and mourning and enables emergency services workers to cope more effectively with tragedy so

they can continue to perform their jobs efficiently and with satisfaction.

Pole et al., (2003) emphasized the importance of contextual threat and suggest that laboratory measures of startle improve upon self-reported exaggerated startle alone in indexing PTSD symptom severity in urban police officers. Collins and Gibbs (2003) confirm previous findings of organizational culture and workload as the key issues in officer stress. Given that the degree of symptomatology appears to be worsening, management action is required. Further research is indicated within the police population into a possible increased susceptibility in female officers. Literature review indicates that no such study was carried out among the West Bengal Police Officers with a view to understand their level of stress.

Recently a study was carried out among West Bengal Police Officers and found that 54.0% West Bengal Police Officers are stressed (42.0% moderately while 12.0% highly). Further analysis of data revealed that the main areas of stress included un-profitability (32.0%), role overload (74.0%), role conflict (50.0%), powerlessness (28.0%), role ambiguity (36.0%), unreasonable group and political pressure (58.0%), intrinsic impoverishment (32.0%) and under participation (60.0%) (Deb et al., 2005). In another recent study carried out among the Traffic Constables of Kolkata city, it was found that 79.4% Traffic Constables were stressed (76.4% moderately and 2.9% highly) because of a number of factors like long duty hours, inadequate leave and salaries, political pressure etc. The coping strategies

adopted by them included spending more time at home, watching TV, being optimistic about future, exercise etc. (Deb et al., 2005).

Given the above study findings especially the study which were carried out among the West Bengal Police Officers and Traffic Constables, the necessity was felt to see the nature of job-related stress of Traffic Police Officers with a view to giving a over all picture to the higher authorities in the Police Department for taking need-based measures.

Objective:

The broad objective of the study was to understand the level of psychological stress among Traffics Police Officers, areas of stress, causal factors behind the same, their coping strategies and other problems faced by them with a view to suggesting need-based measures.

Methodology

Sample and Sampling: A group of 60 Senior Traffic Police Officers from Kolkata Police was covered in the study from 11 Traffic Guards in Kolkata following stratified random sampling technique.

Study Tool: '*Occupational Stress Index*' developed by Dr. A.K. Srivastava and Dr. A.P. Singh (1995) and a '*Semi-Structured Questionnaire*' were used for achieving the objective of the present study. This '*Occupational Stress Index*' scale aims at measuring the extent of stress, which the employees perceive arising from various constituent and conditions of their job. The stress researchers have developed the scales

which the stress arising exclusively from job roles. The semi-structured questionnaire was used to gather qualitative data on issues like causal factors, coping strategies and allied problems faced by them.

The '*Occupational Stress Index*' scale consists of 46 items, each to be rated on the five-point scale. Out of 46 items 28 are 'true-keyed' and rest 18 are 'false-keyed'. The items relate to all relevant components of job life which cause stress in some way or the other, such as, role over-load, role ambiguity, role conflict, group and political pressures, responsibility for persons, under participation, powerlessness, poor peer relations, intrinsic impoverishment, low status, strenuous working conditions, and Unprofitability.

Data Collection: For data collection permission was obtained from the Commissioner of Police, Kolkata and then a tentative time schedule was developed in consultation with the Deputy Commissioner of Police (Traffic) for data collection. Data were collected from the said group of Traffic Police Officers following the time schedule and the research team received full cooperation from the Traffic Police Officers. All the Traffic Police Officers provided quantitative data while 56 provided qualitative data. The study was carried out in April – June 2004.

Interpretation of Results

Data collected from 60 Traffic Police Officers using a standardized psychological scale entitled '*Occupational Stress Index*' and a semi-structured questionnaire have been processed, analyzed and presented in the following section.

Analysis of the overall score as obtained from the study shows a mean score of 145.3 on a scale of 46 - 230; and a standard deviation of 20.0. Findings revealed that 55.0% (33/60) of the Traffic Police Officers were stressed out of which 50.0% were moderately stressed and 5.0% were highly stressed (Figure 1).

Further effort was made to analyze the data domain-wise. Domain-wise nature of stress among the Traffic Police Officers has been presented in Table 2.

Analyzing the data inserted in Table 2, it has been observed that the Traffic Police Officers were found to be highly stressed particularly in the domains like role overload (86.6%), responsibility for persons (80%), unprofitability (71.6%), strenuous working condition (68.3%), undesirable group and political pressure (61.1%). The other areas of stress included powerlessness (43.3%), under participation (38.3%), poor peer relations (31.7%), role ambiguity (30%) and so on (Figure 2).

Table 1 : The Distribution Of Central Tendency Measures And Deviation Among The Group Of Kolkata Traffic Police Officers (N=60)

Overall Score Range	Mean	Median	Standard Deviation	Mid Value	Moderately Stressed	Highly Stressed
46- 230	145.3	142.5	20.0	138	50.0%	5.0%

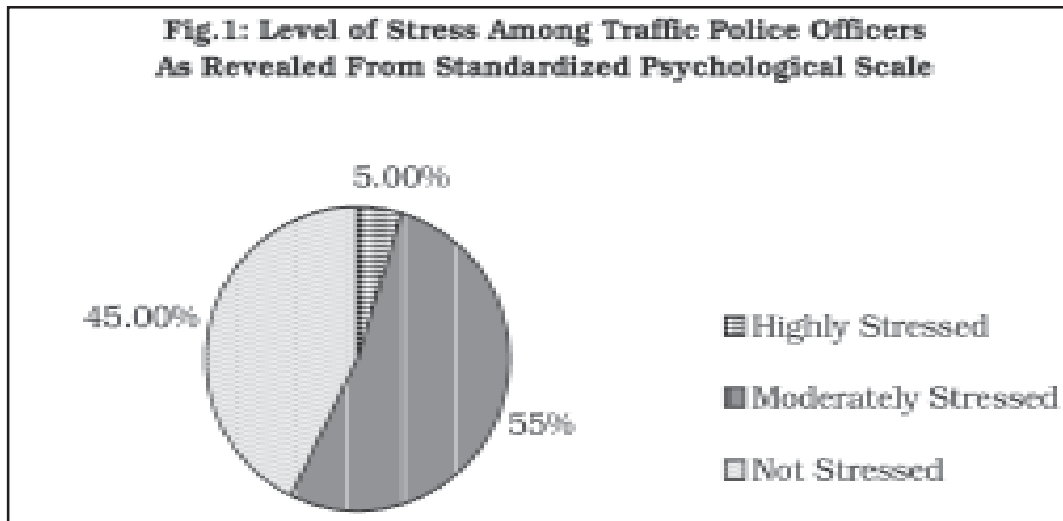
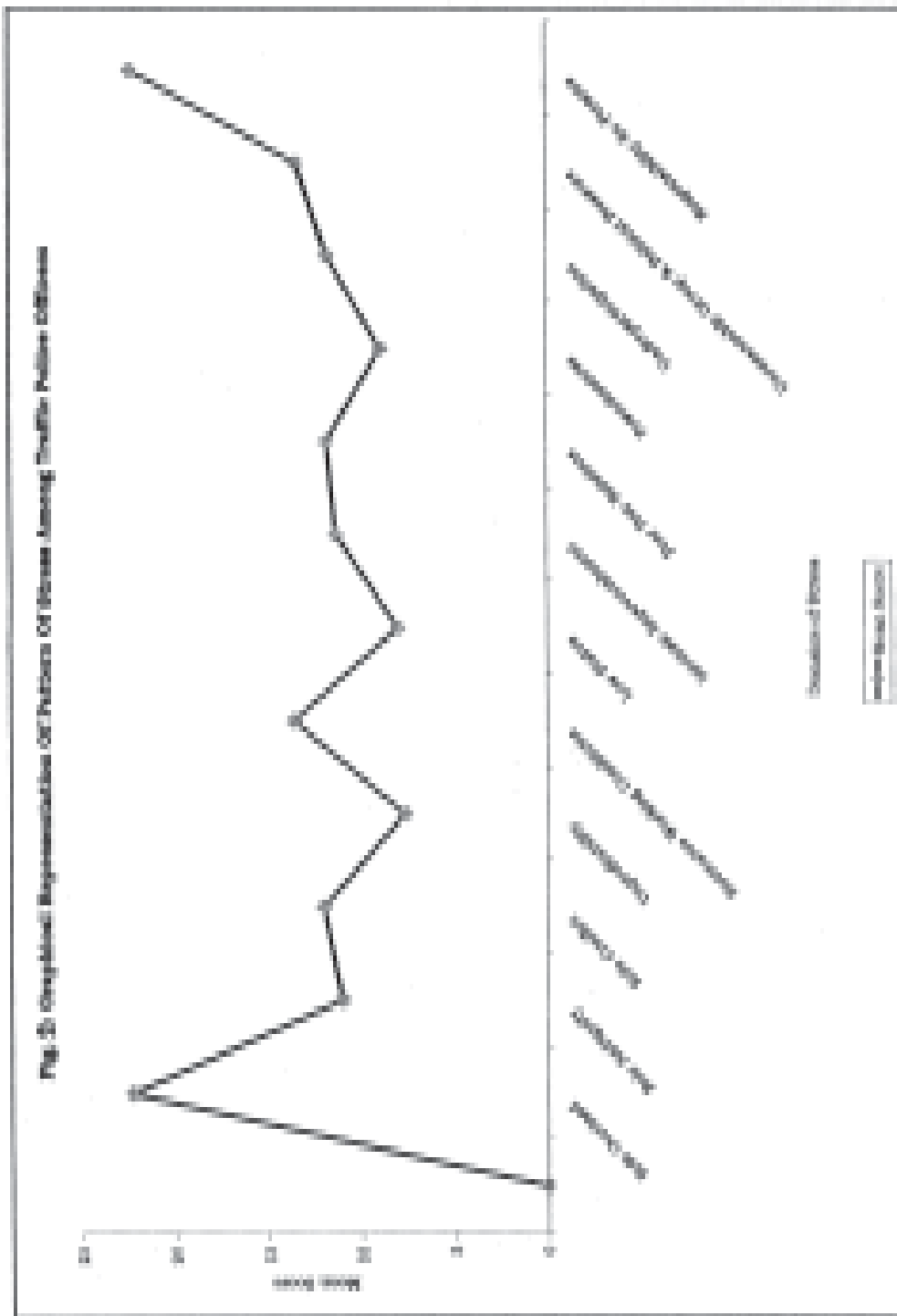
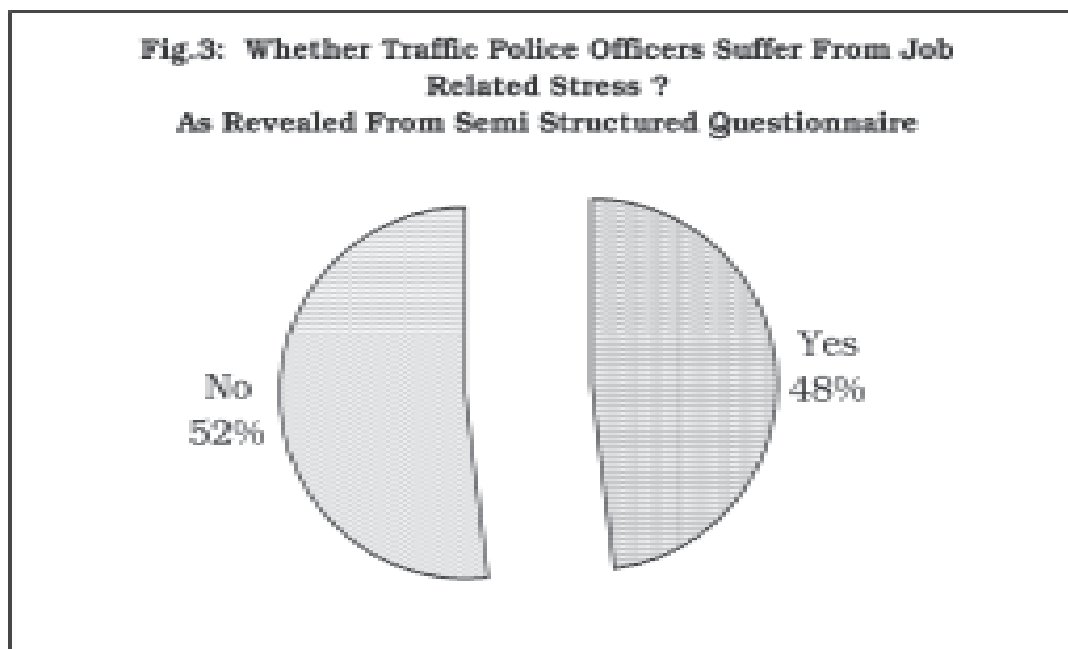


Table 2 : Domain wise Distribution Of Central Tendency Measures And Deviation Among The Kolkata Traffic Police Officers (N=60)

Sl. No.	Domains of Stress	Mean	Median	Standard Deviation	Above Mid Point i.e., stressed	%
1.	Role overload Score Range: 6-30	22.3	23.0	3.1	52	86.6
2.	Role Conflict Score Range: 4-20	12.01	12.0	3.0	25	41.7
3.	Role Ambiguity Score Range: 4-20	11.01	11.0	3.32	18	30.0
4.	Low Status Score Range: 3-15	8.0	8.0	2.2	17	28.3
5.	Un profitability Score Range: 2-10	7.65	8.0	1.7	43	71.6
6.	Strenuous Working Conditions Score Range: 4-20	13.6	14.0	3.03	41	68.3
7.	Intrinsic Impoverishment Score Range: 4-20	11.3	11.0	3.1	16	26.7
8.	Poor Peer Relations Score Range: 4-20	11.8	12.0	2.2	19	31.7
9.	Powerlessness Score Range: 3-15	8.90	9.0	2.2	26	43.3
10.	Under participation Score Range: 4-20	11.73	11.0	2.1	23	38.3
11.	Unreasonable Group and Political Pressure Score Range: 4-20	13.4	14.0	3.2	37	61.6
12.	Responsibility for Persons Score Range: 3-15	22.3	23.0	3.1	48	80.0





Further, in order to cross check the information of psychological stress of Traffic Police Officers collected through a standardized psychological scale, one direct question was asked to all the police officers. In this case 56 Traffic Police Officers responded to the semi-structured questionnaire out of 60. Out of 56, 48.0% stated that they suffer from job related stress while through standardized psychological scale it was found to be 55.0%. It confirmed the problem of job-related stress of Traffic Police Officers following two methods of data collection with little variation (Table 3).

The main cause of stress as perceived by the Traffic Police Officers was inadequate rest and inadequate leave (48.0%), followed by abstaining from social functions (45.0%), unable to give time to family (34.0%), excessive job/time pressure (32.0%), unhealthy work atmosphere (30.0%), political pressure/interferences and lack of communication with the family (27.0%), excessive number of vehicles on the road (21.0%). In addition, a large number of them also referred to other causes like non-cooperation from the public and problem at home (20.0%), lack of coordination among colleagues (18.0%),

Table 3: Job Related Stress As Perceived By Kolkata Traffic Police Officers (N=56) (Fig.3)

Whether Suffer From Job Related Stress?	Frequency	Percentage
Yes	27	48.0
No	29	52.0

Base: All Traffic Police Officers

Table 4: Main Causes Of Stress As Perceived By Kolkata Traffic Police Officers (N=56) (Multiple Response)

Main Causes Of Stress	Frequency	Percentage	Rank
â Inadequate rest	27	48.0	1
â Lack of communication with family	15	27.0	6
â No leave/holiday	27	48.0	1
â Excessive job/time pressure	18	32.0	4
â Political pressure/interferences	15	27.0	6
â Abstaining from social occasions	25	45.0	2
â Unable to give time to family	19	34.0	3
â Hot weather	11	20.0	8
â Excessive number of vehicles on the road	12	21.0	7
â Non-cooperation from public	11	20.0	8
â Lack of coordination among colleagues	10	18.0	9
â Seeing too many accidents on the road	5	9.0	11
â Problems at home	11	20.0	8
â Pressure from higher authorities	2	4.0	13
â Unhealthy work atmosphere	17	30.0	5
â Fear of punishment from superiors	1	2.0	14
â Pollution – air and sound	10	18.0	9
â Stereotype work	6	11.0	10
â Lack of independence	5	9.0	11
â Various tensions	2	4.0	13
â Others like keeping road clear for VIP's, red tapeism	3	5.0	12

Base: All Traffic Police Officers

(40.3%), stereotype work (11.0%) and so on (Table 4).

The present study also probed into the coping strategies of Traffic Police Officers for job related stress as stated by them. Exercising was the main coping strategy used by the traffic police officers. The study reveals that Traffic Police Officers adopt one or more coping strategies from the following: sharing problems with colleagues (41.0%), becoming optimistic about future (38.0%), sharing problems with friends (36.0%) and family members (32.0%), spending more time with the family

members and friends (30.0%) and smoking more cigarette (27.0%) (Table 5).

For improving the traffic control system in Kolkata city, it is important to ascertain what sorts of problems Traffic Police Officers face while discharging their responsibilities. Findings revealed that anxiety due to tense situation (62.5%) was one of the main problems followed by lack of manpower (41.1%), political pressure/interferences (42.8%), non-cooperation from the public (30.36%), pressure for discharging duties (32.14%), offensive language from public (25.0%), non-cooperation from higher

Table 5 Coping Strategies Of Stress As Reported By Kolkata Traffic Police Officers (N=56) (Multiple Response)

Coping Strategies Of Stress	Frequency	Percentage	Rank
Share problems with colleagues	23	41.0	2
Become workaholic	12	21.0	8
Share problems with family members	18	32.0	5
Share problems with friends	20	36.0	4
Accept the reality	5	9.0	9
View TV and/or listen music	21	38.0	3
Do exercise	27	48.0	1
Become optimistic about future	21	38.0	3
Spend more time with family	17	30.0	6
Smoke more cigarettes	15	27.0	7
Pray to god and/or devote more time in religious activities	18	32.0	5

Base: All Traffic Police Officers

Table 6: Main Problems Faced While Discharging Assigned Responsibilities Efficiently (N=56)

Main Problems Faced	Frequency	Percentage	Rank
Lack of manpower	23	41.1	5
Political pressure/interferences	24	42.9	4
Lack of discipline among subordinates	27	48.2	2
Non-cooperation from public	17	30.4	7
Pressure for discharging duties	18	32.1	6
Offensive language from public	14	25.0	9
Non-cooperation from higher authorities	10	17.9	10
Unlawful public	17	30.7	7
Lack of infrastructure	15	26.8	8
Unnecessary case pressure	25	44.6	3
Anxiety due to tense situation	35	62.5	1

Base: All Traffic Police Officers

authorities (17.9%), lack of infrastructure (26.8%) and unnecessary case pressure (44.6%) (Table 6).

Finally the Traffic Police Officers offered some solutions of their problems like reduction of duty hours (39.3%),

recruitment of more staff (35.7%), proper interaction among all categories of staff (28.6%) and removal of internal policies, delegation of authority and educating public through media about traffic rules (30.4%). About 28.6% and less stated that

strict enforcement of discipline in the department, use of Euro II vehicles, and educating public through media about traffic rules were the other measures for solution of problems of constables (Table 7).

In order to find out whether Traffic Police Officers are de-motivated to join their duties owing to job-related stress or not, one indirect question was asked i.e., Do you like to go to office? Although an over whelming number of them stated that they are very much keen to go to office while 10.7% openly stated that they do not like to go to office (Table 8). The issue requires attention of the

administrators of Police Department (Traffic). It is quite likely that some of the Traffic Police Officers who are not eager to go to office stated the same out of a fear of disclosure of information, which might be harmful for their career.

Job environment is an important in any working situation. If the environment is friendly office staff wish to work hard. Hence the issue of interpersonal relationship within the Traffic Department was probed. Study revealed that more than half of them feel that interpersonal relationship among the colleagues is friendly.

Table 7: Perceived Solutions of Problems Faced by The Kolkata Traffic Police Officers (N=56)

Perceived Solutions Of Problems	Frequency	Percentage	Rank
â Reduction of duty hours	22	39.3	1
â Recruitment of more staff	20	35.7	2
â Delegation of authority	17	30.4	3
â Salary hike	5	8.9	6
â Proper interaction among ranks	16	28.6	4
â Removal of interval policies	17	30.4	3
â Enforcement of discipline	16	28.6	4
â Use of Euro II vehicles	10	17.9	5
â Educating public through media about traffic rules	17	30.4	3

Base: All Traffic Police Officers

Table 8: Eagerness To Go To Office (N=56)

Eagerness To Go To Office	Frequency	Percentage
â Very much	39	69.6
â Not so eager	11	19.6
â Do not feel like going to office	2	3.6
â Do not feel like going to office at all	4	7.1

Base: All Traffic Police Officers

As interpersonal relationship in case of more than half of the colleagues was friendly, in case of personal problems they were found to be supportive and cooperative to each other.

Sometimes personal and/or family problems affect the efficiency and/or become a cause of stress in the job situation. Therefore, in the present study an effort was also made to understand whether Traffic Police

Officers have any problems in the family. More than half (73.2%) stated that they do not have any problems in the family (Table 11).

In case of any problem, they mostly share the same with their close family members (57.1%), followed by friends other than colleagues (26.8%), colleagues (25.0%) and a small percentage (3.6%) do not share their problems with anybody.

Table 9: Relationships Among The Colleagues (N=56)

Relationship	Frequency	Percentage
â Very friendly	20	35.7
â Friendly	30	53.6
â Not so friendly	4	7.1
â Discordant	2	3.6

Base: All Traffic Police Officers

Table 10: Cooperation And Support From The Colleagues In Case Of Any Personal Problems (N=56)

Receive Cooperation And Support	Frequency	Percentage
â Always	19	33.9
â Sometimes	28	50.0
â Occasionally	7	12.5
â Not at all	2	3.6

Base: All Traffic Police Officers

Table 11: Any Problem In The Family (N=56)

Any Problem In The Family	Frequency	Percentage
â Yes	15	26.8
â No	41	73.2

Base: All Traffic Police Officers

Table 12: Preference For Sharing Family/Personal Problem As Reported (N=56)

Preference	Frequency	Percentage
â Friends, other than colleagues	15	26.8
â Colleagues	14	25.0
â Close family members	32	57.1
â Do not share with anybody	5	8.9
â Others	2	3.6

Base: All Traffic Police Officers

Discussion, Conclusion and Recommendations

In order to achieve the broad objective of the present study a group of 60 Traffic Police Officers were covered. Findings revealed that 50.0% of them are moderately stressed and only 5.0% are highly stressed. Thus it may be stated that more than half of the Traffic Police Officers falls under the stressed category giving sufficient indication to the higher authorities to take proper need-based measures to ensure better working environment which is good for sound mental and physical health and in turn which will improve the efficiency of the Officers in discharging their duties more efficiently. Findings of a previous study carried out among the West Bengal Police Officers corroborate with the findings of present study (Deb et al., 2005). Among West Bengal Police Officers 54.0% were found to be stressed (42.0 moderately while 12.0% highly). However, compared to nature of job-related stress of West Bengal Police Officers and Kolkata Traffic Police Officers, Kolkata Traffic constables were found to be more affected by job-related stress. Among them four-fifth i.e., 79.4% were found to be stressed (76.4% moderately and 2.9% highly) (Deb et al., 2005).

However, domain-wise analysis of stressor factors revealed that 48.0% of the Traffic Police Officers had a feeling that they get inadequate rest due to excessive work pressure and heavy duty hours. This, in turn, make them spend much lesser time with their family members (34.0%) which is a cause of constant friction between them and their

family thus resulting in severe mental pressure on them. Hence, it is suggested that duty hours should be reduced to some extent.

The Traffic Police Officers who are stressed due to role overload (86.6%), role conflict (41.7%) and powerlessness (43.3%) had a feeling that they have to do a lot of work in the job. Even they do not get the chance to perform their duties to their level of satisfaction, owing to excessive workload; they are sometimes required to dispose off their work hurriedly. The work pressure and demands are so high that this group of police personnel can rarely meet with their need for family matters and personal problems. They have to carry their job home owing to tremendous work pressure. Sometimes they are required to perform jobs, which are supposed to be done by others. Thus the concerned groups of Kolkata Traffic Police Officers are under excessive workload doubled with the difficulty of role conflict. The amount of stress among these men is thus high. Findings of previous study of Collins and Gibbs (2003) also emphasized on reducing workload.

Unreasonable pressure from group to perform more and demands from political institutions sometimes presses upon the individual resulting in job stress (61.6%). In fact, this is unavoidable in Indian social set-ups since politicians are the main decision makers in every aspects of social structure. There are some occasions when the Traffic Police Officers get into some kind of unhealthy climate due to the work atmosphere and pressure from the top officials.

There are other factors also which contribute to improper mental health. One of them being strenuous working conditions (68.3%). This is a major cause of stress, which even at times can bring the job productivity to a low level. The factors that further contribute to this are hot weather especially during the summer season (20.0%) and air and sound pollution (18.0%). Here it can be said that in order to increase the individual level of productivity the working conditions should be given proper due importance.

Exercise was the main coping strategy used by most of the Traffic Police Officers, followed by sharing problems with colleagues, friends and family members, becoming optimistic about future, spending more time with the family members and smoking more cigarettes.

Reduction of duty hours and thereby recruitment of more staff and creating an environment in the department for proper interaction among all categories of staff are the prime steps offered by the Traffic Police Officers for reducing their job-related stress. This part, delegation of authority and educating public through media about traffic rules and strict enforcement of discipline in the department has also been offered by them.

Recommendations:

On the basis of the findings of the present study, the following steps have been recommended for immediate attention of higher authorities of Kolkata Police (Traffic):

1. Duty hour and/or job pressure should be reduced to some extent

since this is one of the main causes of stress for Traffic Police Officers as perceived by 86.6%.

2. In case of any mistake and/or serious problem blame should not be put on any single person rather the situation should be handled jointly. The study revealed that responsibility for persons is one of the prime causative factors of stress as perceived by 80.0% Officers.
3. Guard-wise more and more rewards for all the categories of Traffic Police Officers in the form of memento should be introduced to increase their self-worth and level of motivation since more than 70.0% officers feel that their job is not rewarding.
4. Some recreational and/or group activities should be introduced and practiced religiously in all the traffic guards to release the job related stress of the Traffic Personnel. About 69.0% of the Traffic Police Officers reported that their job is strenuous.
5. Providing a platform for the Traffic Police Officers of all levels to share their problems with the higher authorities frankly and openly will be one of the outlets of releasing job-related stress.
6. Higher authorities of the Traffic Department should take the initiative to initiate dialogue with different television channels in creating awareness of traffic controlling system among general public.

7. Involvement of representative Traffic Police Officers in decision-making process of the Department.
8. Adequate staff at all levels in the Traffic Department should be recruited.
9. A common fund should be generated for extending support to any staff during severe health and other family problems.

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Role of Training in changing the attitude of Police Constabulary recruits in Tamilnadu

* Dr. M. Srinivasan

Introduction

The Criminal Justice System and its law enforcement component is primarily a system of people. The bulk of a Police Department's budget is devoted to the salaries and benefits of its personnel; the quality of service delivery depends on the type of personnel involved; and even the public's reception or rejection of that service reflects the degree of professionalization achieved by the agency. Literally, the entire success or failure of the law enforcement agency to serve its jurisdiction may very well depend on the care and emphasis it places on the recruitment, selection, and training of its personnel (Kuykendall and Usinger, 1979). More importantly, the efficiency of any organization depends directly on how well its members are trained. Recruits always need training before they can take up their work, while in-service policemen require training both to keep them equal to the demands of their present job and to equip them for different jobs and positions of higher responsibility in future. According to Mathur (1987) "

Key Words :

Police Constabulary, Training, Attitude

Abstract :

Whenever an instance of Police misbehavior is reported, there is instantaneous reaction all around, particularly in the press, that Policemen are not being properly trained. There is widespread feeling that precious little training is imparted to Police personnel, especially at lower levels. If the training has to really serve its purpose, there is a need to constantly check on the validity and utility of programmes. Therefore, the present study was conducted to examine the impact of training programme on the attitude of police recruits. By using Simple Random Sampling procedure a sample of 100 police constabulary recruits were taken for the study from among the recruits undergoing training. A research tool that consisted of 45 items was used. The collected data were analyzed using statistical techniques such as Critical Ratio test, Wilk's Lambda and Rao's V. Of the ten attitude dimensions identified for this study, there is a significant change after training in the areas of attitude such as attitude towards punishment of offenders, persons in police custody, police assessment of the public, sincerity and truthfulness in duty and public co-operation. Out of these five areas of attitude, attitude towards public co-operation has become negative after training. The results further reveal that there is no significant change in the attitude in respect of purpose of punishment, new concepts in police role, correctional concepts, treatment of victims and freedom of press.

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training basically is an exercise of a reciprocal process of teaching and learning which aims at converting a human being into a 'human resource' in an organization and converting man into manpower by adding the required 'power' to the 'man' for the purpose of accomplishment of the assigned tasks. Training is admittedly an investment in organizational development and basically relates to and is part of the human resource development". The Committee on Police Training (1973) has emphasized the importance of training of personnel in Police force and it commented that: " training should not only change the particular individual who is being trained but also those who come in contact with him. The attitudes of those who have gone through a training process should undergo a change so that when they go back to the field their behaviour will have an impact on the behaviour of others. Training will thus, act as a catalytic agent, the total impact of which, in course of time, will affect the entire organization. Training effects will have to be sustained to help achieve this desirable objective" (Government of India, 1973).

Whenever an instance of Police misbehavior is reported, there is instantaneous reaction all around, particularly in the press, that Policemen are not being properly trained. There is widespread feeling that precious little training is imparted to Police personnel, especially at lower levels. Serious students of Police administration and some Police leaders themselves honestly

believe that present training methods in the Police do not place the right emphasis on the essentials of Police routine. There is basically a reluctance to shed traditional practices and introduce innovations, which are called for in the changed environment (Raghavan, 1989). If the training has to really serve its purpose, there is a need to constantly check on the validity and utility of programmes. There are several methods available for evaluating a training programme. One of the popular methods available is the "measurement" of the group at the end of training. This method is not effective. Flippo (1980) advocates, a post-post research programme that seeks to measure training impact through a study of trainees six months or a year after the completion of the programme. But this method is a little difficult process because the researcher has to wait atleast for one year to complete the task. Hence, in the present study the researcher has adopted a possible method for the evaluation of training programme i.e. the evaluation of the trainees both prior to and after training. The main purpose of such an evaluation was to examine the impact of the training programme on the attitude of police recruits.

2. An overview of literature

Meadows (1985) conducted a study to determine the, " Role perceptions of Police Recruits". Following a pre test-post test design, questionnaires were administered to recruits during the first training week and readministered to the

recruits during the last week of training. The study was undertaken to determine if recruits favoured strict law enforcement and crime-attack roles upon leaving the academy. The results indicated that recruit perceptions were less crime-attack oriented, T_2 (after training) than T_1 (before training). It was concluded that academy training in this study influenced a police recruit's role perception. Maghan (1988) conducted a study on "Evaluation of New York City Police Department Recruits' attitudes, perception and impression of the police officer's role when training began and when it was completed, and the study indicated that the training period significantly altered the attitudes and perception of the recruits. Besides, a large number of studies were conducted on the role of training in relation to attitudinal change of Police officers and the influence of demographic factors on attitude etc. (Bull and Hornscastle (1986), Edwards (1986), Pope and Pope (1986), Breci (1989), Belknap (1990), Fabrizio (1990), Ellis (1991), Fielding and Fielding (1991), Blount et al. (1992), Monjarjet and Gorgeon (1993), Stadling et al. (1993)).

The various studies mentioned above on Police training and attitude embraces a wide spectrum of issues such as attitude towards human rights awareness, gender discrimination, etc. The studies also identified role expectations and occupational identity affecting the attitudes of police recruits. Attitudes towards family violence, civil

rights issues, crime and punishment have also been analyzed. Police perceptions of their training have provided an insight into the effect it has on the recruits and also provides a pathway for its eventual betterment. Hence, it is established that training does play the role of changing the attitude of recruits. It has also been established from the review of the above literature that in India rarely any study has been conducted on effectiveness of a training given to Police Personnel. This is particularly true as far as constabulary training is concerned. The present study is expected to fill this gap in the existing literature on Police training in India.

3. Scope of the Present Paper

The author of this paper conducted a study to evaluate the impact of training on the attitude and the knowledge of the Police constabulary recruits in the State of Tamil Nadu. The paper includes only, differences in different areas of attitude before and after training. The areas of attitude include attitude towards punishment of offenders, persons in police custody, police assessment of the public, sincerity & truthfulness in duty, purpose of punishment, public co-operation, new concepts in police work, correctional concepts, treatment of victims and freedom of press.

4. Objective of the study

To find out whether there are any significant differences in the attitude of police constabulary recruits before and after training.

5. Methodology

a. Sampling procedure and Sample

Simple Random Sampling procedure was adopted to choose the sample from the Universe of the study i.e. from those undergoing training in the Police Recruit School, Coimbatore (total number of recruits = 525) and Police Recruit School, Avadi (total number of recruits= 500). The total number of sample taken for the purpose of present study from those two centres was 100.

b. Research tool

A research tool that was constructed by the researcher consisting of **three parts** was used for purpose of study. Of these three parts, Part-III of the tool was used to measure the attitude of the police recruits. It consisted of forty-five items. It included items relating to variables like attitude towards criminals, victims, witnesses, men in custody, complainants at the police station, youth & students, women & children, labour, infirm & destitute, traffic violators and attitude towards press. Items for each dimension of the attitude were generated based on the curriculum of training. After generating items related to attitude the researcher discussed with experts in the field of police, criminologists, psychologists and psychometricians and their opinions were sought regarding the intelligibility and applicability of the items included in the tool. After obtaining experts' opinion and suggestion a pilot study was conducted.

c. Pilot Study

For the pilot study a sample size of 30 was taken from one of the police recruit schools mentioned in the universe of the

study. The purpose of pilot study was to find out the reliability and validity of the research tool and also to test the comprehension of the tool by the respondents.

d. Reliability of the tool

Cronbach's alpha is a generalization of a coefficient introduced by Kuder and Richardson in 1939 to estimate the reliability of scales (Carmines and Zeller 1979). The reliability value also expresses the internal consistency of the tool. Moreover, Factor Analysis was done to determine the validity of the items and they were found to be valid.

e. Main Study

The main study was conducted by using the research tool constructed for the purpose in two different phases, namely one at the entry point (Pre-Training Assessment) and the other, at the exit point (Post-Training Assessment). Data were collected from the recruits immediately after the commencement of the training programme, i.e. in the first week. The main purpose of collecting data at the entry point was to assess the knowledge and attitude of Police Constabulary recruits at the time. A sample size of 100 was taken for this purpose. The obtained data were analysed by using Factor Analysis. Factor analytic method was used to identify the potential and relevant items which measured the particular factors (dimensions) related to attitude and also to eliminate the items which may not have high loading. Following the procedure of Principal Component Analysis, 10 factors were extracted as areas of attitude from Part-III of the tool.

f. Collection and Analysis of data

By using the research tool constructed for the purpose, data was collected in two different phases, namely, one at the entry point and the other at the exit point. The data collected were processed using the Statistical Package for Social Sciences (SPSS). Critical Ratio test was employed to find out the significant differences between mean scores of the recruits before and after training. Wilk's Lambda and Rao's V method were used to check whether the factors had the capacity to differentiate between the groups namely, recruits before training and recruits after training.

6. Results and Discussion

Parametric tests like Critical Ratio test was employed to find out the

significant differences in attitude after the completion of training programme. Further, Discriminant Function Analysis was applied to the obtained ten attitude factors. Each factor indicates one area of attitude. The purpose was to see whether the factors had the capacity to differentiate between the recruits before training and recruits after training. Wilk's Lambda and Rao's V (1952) were used as the step-wise method for selecting the best set of discriminating variables.

The attitudes of the recruits were compared on all the 10 areas of attitude both before and after training. Critical ratio test was applied to test the significance of mean difference between before and after training (Table 1). It is evident from Table 1 that the recruits (before and after training) differ on 5

TABLE - 1
Mean, Standard Deviation and C.R. Values of different areas of Attitude both before and after training

S.No. of the Factor	Areas of Attitude	Before (N=100)		After (N=100)		C.R. Value	Sig. Level
		Mean	S.D.	Mean	S.D.		
I.	Punishment of Offenders	30.16	7.71	33.18	6.49	3.00	.01
II.	Persons in Police Custody	22.59	5.61	24.51	5.12	2.64	.01
III.	Police Assessment of the Public	14.76	3.51	16.78	3.24	4.21	.01
IV.	Sincerity & Truthfulness in Duty	11.68	2.84	13.11	2.71	3.64	.01
V.	Purpose of Punishment	7.69	1.57	7.88	1.89	.77	NS
VI.	Public Co-operation	19.28	1.04	18.47	1.66	4.12	.01
VII.	New Concepts in Police work	13.86	1.78	13.61	1.89	.95	NS
VIII.	Correctional Concepts	15.57	2.64	15.90	2.29	.94	NS
IX.	Treatment of Victims.	16.16	2.81	15.68	2.65	1.24	NS
X.	Freedom of Press.	4.59	.80	4.38	1.05	1.59	NS

areas of attitude. Recruits after training were significantly lower on Factor VI 'Public Co-operation' (Factor VI at $P < 0.1$ level) and significantly higher on factors – 'Punishment of offenders' (at $P < 0.1$ level), 'Persons in Police custody' (at $P < 0.1$ level), 'Police assessment of the public' (at $P < 0.1$ level) and 'Sincerity and truthfulness in duty' (at $P < 0.1$ level).

Table – 2 shows the results of Discriminant Function Analysis. It indicates that, out of ten attitude factors taken in the study, only five factors were included in the analysis, out of which only three factors were found to be significantly discriminating between the groups, namely, before training and after training. Hence, five factors I, II, V, VII and IX, which did not seem to discriminate significantly, were not included in the discriminant function. It can be seen that the entry of the given factors, i.e. III, IV, VI, VIII and X produced a significant change in Rao's V (.08 level) resulting in an increase in

Rao's V by 2.96. Further, addition of variables resulted in an insignificant change and was thereby eliminated.

It is evident from the results that only three factors could discriminate significantly between the two groups when all the factors were entered into stepwise method. These factors are 'Police assessment of the Public' (factor III at .00 level), 'Sincerity and truthfulness in duty' (factor IV at .01 level) and 'Public Co-operation' (factor VI at .00 level). Other factors were presumably not important from the point of view of discrimination between two groups.

The size of the eigen value is related to the discriminating power of the function. The larger the eigen value, the greater the discrimination. Since there were only two groups, one function was derived and the discriminating power of that function was 0.236. The canonical correlation coefficient of 0.437 shown sets of scores, that is discriminant

TABLE – 2

Wilk's Lambda, Rao's V and significant level of Discriminant Function Analysis Between two groups (Group – I Before Training and Group – II After Training) (N = 100 each)

S.No. of the Factor	Name of the Attitude Factors entered in the analysis	Wilk's Lambda	Sig.	Rao's V	Sig.	Change in Rao's V	Sig. Level
III.	Police Assessment of the Public	.917	.001	17.80	.000	17.80	.000
IV.	Sincerity and Truthfulness in Duty	.827	.001	41.19	.000	5.83	.015
VI.	Public Co-operation	.848	.001	35.36	.000	17.56	.000
VIII.	Correctional Concepts	.808	.001	46.82	.000	2.66	.102
X.	Freedom of Press.	.817	.001	44.16	.000	2.96	.085

Eigen value = .236
 Percentage of Variance = 100
 Canonical correlation = .437

function on dependent variable (i.e. attitude of recruits). This correlation shown that the discriminant function discriminated between the two groups quite effectively only on three factors mentioned above.

The results reveal that there is a significant change in the attitude of Police recruits in the areas such as attitude towards punishment of offenders, persons in police custody, police assessment of the public, sincerity and truthfulness in duty and public co-operation. Of these five areas of attitude, attitude towards public co-operation has become negative after training. This is evident from Table 1. Any public service or public venture can be successful in achieving its objectives only if there is adequate co-operation from those for whom it is meant. Police cannot function without people's co-operation in maintaining order or prevention/detection of offence. Similarly, treatment to women complainants / witnesses without dignity or respect would not only antagonize them but also those who hear about such maltreatment. Also, failure or even delay in general will produce distrust about the efficiency, integrity or both on the part of the Police. It is quite a matter for grave concern that attitudinal change in a positive manner regarding public co-operation in Police functioning is not reflected at the end of the training. If the people treat Police as aliens it is one thing, but if the Police themselves treat people as aliens it is a matter for serious concern. Ram Singh (1991) comments that there has been a little perceptible change in Police functioning after Independence to correct its anti-public

image (India). He further states that no serious effort was made to equip Police ranks for their new role in a democratic society. Instead they were left to their own fate, undermanned, without adequate resources and ill-trained to meet the challenges of new situations.

There is no significant change in the attitude in respect of purpose of punishment, new concepts in Police work, correctional concepts, treatment of victims and freedom of press. In these areas, it is desirable or even necessary that there must be a positive change in their attitude.

According to Butler (1986), the purpose of training is to establish, maintain or improve the quality of interface between citizens and Police officers. Therefore, it is implicit in this notion that socially acceptable standards do not occur "naturally". Therefore, they have to be established or improved, and further more, when established, these standards of behaviour have to be reinforced to prevent degeneration. Thus, training has to intervene at the point of initial recruit training and at various stages in a Constable's career to set and maintain standards.

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Re-orientation of Legal System in India: A Human Rights Prospective

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Introduction

Majesty of democracy should be the supreme satisfaction of every Indian which remains *ad avizandum* in the contemporary convulsion directed at the denial of dignity and justice. The people must find an ideal of democratic justice upon a trinity of equality with equity, liberty with liberalism and fraternity with felicity backed by the ultimate control of government. But, unfortunately, it still remains a distant dream, a far cry and a sound of silence too. This perennial pursuit for justice based on a confluence must be translated into reality by the present dispensation at the centre at the first opportunity otherwise democracy will be in disarray, dignity will be deformed and justice will be jettisoned. The quixotic quest worldwide for the efficacious accomplishment and realistic realization of the philosophy of personhood of an individual and the concept of indivisibility of individuality has been perennial pursuit since the inception of humble human ascendance on this colorful planet. This endeavour has been of every legal system, which claims its adherence to equality, liberty, fraternity, justice, rule of law and human rights under a desiderata of democratic

Key Words :

Geo-Political, Socio-Legal and eco-cultural device, age of localization, re-orientation regime for the legal system, desideratum of human rights.

Abstract :

Human rights are transcending all the geo-political, socio-legal and eco-cultural devices and demarcations in an age of localization, regionalization and globalization thereof. The humble human has peregrinated from avionics to genomics while establishing the primacy of human existence with human vision in every walk of life on this beautiful planet and Indian Police Force and Administration of Justice System is not an exception thereto. The Article infra tries to identify the re-orientation regime for the legal system in India wedded to a desideratum of human rights for the posterity.

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governance and thus, Indian legal system is not an exception thereto. But such a universal utopia appears a distant dream hitherto in India.

The fundamental aim of every legal system is to provide justice, facilitate justice and propagate justice through just laws destined to be interpreted by a just judiciary. The existing legal system in India a heritage from British imperialism is complex, costly and dilatory. Its basic malady is the absence of healthy, social, cultural, moral and traditional values of Indian MODUS - VIVENDI resulting in unhealthy practice and corruption. Beside on Westinister model, it has not been found conducive and suitable for Indian traditions, genius and requirements. Since Indian legal system affects the political, administrative, social, commercial, ethical, moral and daily life of the people, it is not amazing that India now ranks seventh most corrupt country in the world.

In the years after independence we have had at least three major scams per year, nearly 150 of them all, and they would have enriched about 500 persons. How did they manage to escape the long arms of the law? Police investigations linger on for years, frequent adjournments sought and granted in the courts on one pretext or the other, appeal after appeal and backlog of cases are some of reasons of this delayed and callous justice system.

It is, primarily, the quest for justice that has always impugned the dispensations and establishments which created a broly of governance wedded to caste, colour, creed, race, religion and sex. The struggle against unjust laws and

the urge for justice either for oneself, society or the nations has always led to the realization that human solidarity where human dignity is cherished and honoured, alone can harbinger the untrodden path of further progression and progression and development.

2. What is Human Right: Concept and Understanding

The universality of human rights is founded on the understanding that if all humans are equal, then the rights that they hold as a result of being human are the same regardless of the culture into which the individual happens to be born. The human rights are those rights which are available to humans by virtue of their being the members of the human family. Though, universality does not amount to uniformity but nature of problem is human in the form of denial and deprivation, refusal and repinement, destruction and displacement, torture and tormentation, riots and racism, and caste and classification INTER-ALIA broly of crimes against humanity.

When in the last third of the 20th century, people speak of "human rights", "the rights of man" or "Ies droits de Phomme", they really mean these rights drawing their formulation from the last decades of the 18th century and the American and French Revolutions. But the idea of the inalienable rights of the human being is much older and in fact, was known to poets, philosophers and politicians in antiquity and in the Middle ages.

One of the earliest and most eloquent expressions of this thought by Sophocles

in his play “Antigone” composed about 442BC says to king Creon:

But all your strength is weakness itself against the immortal unrecorded laws of God.

She invokes the higher law, the law of nature, the natural rights of man. Throughout the centuries there has been a close connection and interdependence between the idea of ‘natural law’ and the idea of the ‘natural rights of man. The ideas may be found in the works of the Stoic, both Greek and Romans and in the teaching of early Christianity, St. Thomas Aquinas and medieval English scholar of the law. They are encountered in the writings of Spanish theologian lawyers of the 16th century and in the 17th century in the works of the Dutch Hugo Grotus- founder of modern international law and of John Milton and John Locke, ideological architects of the English revolution of that century. Moreover, every divine dispensation and discourse has talked of a trajectory of rights and duties which must be made available to the ordinary citizenry.

3. The Law Enforcement Agencies: Role & Rejuvenation

It is a well-established fact that a nation’s character, commitments and obligations are reflected in its laws and their administration and implementation in order to achieve a perfect and ideal civil society. The law enforcement agencies play a central role in devising and achieving such society. As peace-keepers for the society, police, courts and correction centers - make an impact on the daily lives of the people. Therefore, it is a cardinal principle of

justice jurisprudence that justice must be administered in consonance with philosophy of rule of law and must not be swayed by fear or favour. The police is a major component of the entire machinery of criminal administration of justice. But, unfortunately, common man has a very obtuse and ostensible perception regarding police force based on his experiences and accostments.

The police—are the anvil on which society beats out the problems of political and social justice, of extremism, violence and non-conformity generally¹. Very few people even consider the police as human beings with some of the virtues, failures and talents common to all². The policemen are soldiers who act alone: soldiers are policemen who act in unions³. The Police force needs not exceptionally high standards of education, but very great integrity and strength of character, combined with the wisdom which comes to some -though not all men when they have had a wide and varied experience of human nature⁴. Police work is seventy per cent common sense. That’s what makes a policeman, common sense and an ability to make a quick decision⁵. But this desiderata of value systems crumbling down with slope speed. The police today represents “the coercive power of the state apparatus devoid of any sense of justice. In fact, in a civil society, it is the fundamental function of the government to provide security as well as the sense of security to its citizens based on “rule of law”. Police force and courts of law are the two sides of the same coin. They are *Sine Qua Non* of a complete legal system.

The entire police organization can not be outrightly dubbed as corrupt,

callous and careless. There is no dearth of honest, dedicated and worthy professional in the police ranks who are discharging their arduous task in hostile and strenuous conditions and facing political pulls and pressures right from the process of detection & detention, interrogation & investigation to the prosecution and conviction. Rather, it can be put forward with a sense of responsibility that it is the political class of the country which did not arrest the irreversible fall in the police forces even it has accelerated the pace of politicization of criminals and the same has created a situation where an ordinary common man finds himself at the receiving end.

4. Civil Liberties & Legal System: Dimensions

We hold these truths to be self evident; that all man are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness⁶. But it still remains to be accomplished at the (lawn of New World Human Order owing to the faulty and time consuming judicial criminal and administration. Moreover, pursuit of happiness and liberty cannot be visited without an amount of justice and freedom. Freedom is an indivisible word. If we want to enjoy it, and fight for it, must be prepared to extend it to everyone, whether they are rich or poor, whether they agree with us or not, no matter what their race, or the colour of their skin⁷. Such is the concept of civil liberties. Can we achieve this human

agenda for common man under the existing Indian legal system? The instant and spontaneous response is pessimism.

This could only be achieved through inculcating a sense of justice and sensitization of law courts and law enforcing machinery regarding rule of law, respect for civil liberties and democracy. Brendan Behan⁸ aptly pointed out his sense of dejection about justice as “when I came back to Oublin, I was court martialled in my absence and sentenced to death in my absence, so I said they could shoot me in my absence.” It is a manifestation of coercive methodology of the justice system of the state.

The grateful factor for mistrust in the area of criminal law is not so much the frequent failure of prosecutions in the courts “but the more frequent failure to register the cases or to prosecute them in the court —Our current police procedure and forensic methodology are somewhat outdated. There is a need for a science oriented investigation by the police and a desirability of revision of the rules of evidence so as to render admissible technological materials⁹. Though, the IT Act 2000 is a step in this direction but still a lot more is required to be done in the substantive as well as procedural criminal law of the country. A catena of cases and an array of reports on custodial violence and custodial deaths and disappearances are testimony to illegal, brutal, barbaric and diabolical violence against persons in custody. The impertinent behaviour and unbecoming conduct of the police is the order of the day. Article 21 of the Constitution of

India which itself has become a mini charter of human freedoms and guarantees due to the judicial creativity and interpretation. Under the canopy of this article, so many rights have found shelter, growth and nourishment. But the expression "procedure established by law" in Article 21 has judicially¹⁰ been construed as meaning a procedure which is reasonable, fair and just. Moreover, the right to live under Article 21 does not mean mere animal existence but it includes within its ambit the right to live with human dignity.

Declaring that the right to life blessed with the "finer graces and gratitude of human civilization," the Supreme Court in *P. Nalla Thampi v. Union of India*¹¹ virtually rendered this fundamental right a repository of various human rights as under:

1. The right to live with human dignity.¹²
2. The right to healthy environment.¹³
3. The right to free education upto 14 years of age.¹⁴
4. The right to health.¹⁵
5. The right to Shelter.¹⁶
6. The right to livelihood.¹⁷
7. The right to privacy.¹⁸
8. The right to fair trial.¹⁹
9. The right to speedy trial.²⁰
10. The right to free legal aid.²¹
11. The right not to be driven out of a state.²²
12. The right to not to be poor and right to peaceful sleep have recently been recognized by the

apex judicial establishment of country. But at this stage the question arises "to what extent our law enforcement agencies have been sincere to honour and implement this judicially created human right dicta? What happened to earlier decisions of the Supreme Court wherein guidelines and directions regarding human rights of prisoners, arrestees and children were issued? Not a single directive is being implemented .what to talk of rights and freedom. There is no concept of institutionalization of accountability and transparency. Law enforcement officials are shirking their lawful duties with impunity and undermining the very concept of rule of law.

5. Law and Common Law: An Interface

The good of the people is the chief law²³. The law must be related to the changing standards of life, not yielding to every shifting impulse of the popular will but having regard to fundamental assessments of human values and the purposes of society²⁴. But laws grind the poor, and rich men rule the law²⁵. Most laws are, and all laws ought to be, stronger than the strongest individual²⁶. Similarly, various legislations were - enacted in India after independence which have blessed Indian citizens with the democracy of judicial remedies but that has become the gram mer of anarchy due to the non-realization of the objectives enshrined in the parent legal

and socio-economic document i.e. Constitution of India. The famous 14th report of the Law Commission (Chaired by M.C. Setalvad) said:

“—equality is the basis of all modern systems of jurisprudence and administration of justice —In so far as a person is unable to obtain access to a court of law for having his wrongs redressed or for defending himself against a criminal charge, justice becomes unequal and laws which are meant for his protection have no meaning and to that extent fail in their purpose.”

The Statutory justice in reverse, especially when human rights are victimized by law” red in tooth and claw”, is unconocionable, even if blessed by the Supreme Court as narrowly constitutional²⁷. Already the track record of India respect for human rights, nationally and internationally is dubious, notwithstanding the double speak of ministers cover-up of minions and claptrap of clagues²⁸. TADA, POTA, and its companion enactments, are an indelible stain and incurable wound on our CORPUS JURIS and debunk India’s innocence vis- a-vis human rights transgressions.

Again, present dispensation at helm of affairs is suffering from TADA syndrome. The Union Cabinet approved²⁹ the promulgation of the "Prevention of Terrorism Ordinance, 2001" based on the lapsed Terrorists and Disruptive Activities (Prevention) Act (TADA) .Which today known as POTA. The inefficacy of the TADA was exposed by the fact that despite 52,268 arrested the conviction rate never exceeded 0.89 percent. Apparently to show concern for

civil rights, a review committee sought to be constituted but the same consists of the executive officers and the police under POTA, 2002, whereas international human rights standards requires supervision of the detention by judicial body. The more serious objection is to section 25 further makes confession before a police officer admissible in trial This amounts to denial of human rights and equality. It is a well-established fact section 25(2) (3) of the POTA, 2002 which allows the identity and address of witnesses to be kept secret. This denies the accused to right of a proper cross-examination which is the very foundation of a fair trial in our system. Moreover and beyond any reasonable doubt that whatever powers are available with police are mostly abused for personal gain or extraneous reasons.

Terrorism cannot be wiped out by state terrorism and it is a truism not open to debate and discourse. Prof Brice Dickson wrote of the inefficacy of anti-terrorist laws in Northern Ireland:

“-Untill more convincing arguments are put forward as to why ordinary criminal law can not be more fully deployed in the fight against terrorism, the Government’s claim that it is dealing with Northern Ireland’s civil unrest by adhering to the rule of law will continue to ring somewhat hollow.”(SIC)

Unbridled powers to the police, draconian laws, and a collapsed judicial system can hardly be the recipe for containing terrorism. In fact, it is common man whose human rights and freedoms are transgressed by the state machinery at one hand and bears the burnt of terrorists on the other hand.

Thus, such a situation could add fuel to the flames by further increasing the alienation of the people.

6. Towards Reformulation of Indian Legal and Judicial System

“It is by the goodness of God that in our country we have these three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practice either of them³⁰”, said one eminent personality of U.S.A. and it equally be contextualised in India. There is an urgent need of Indianising our existing legal MAGNUM-OPUS which we have inherited from our colonial masters and that does not reflect the moods and moorings of our pluralism, ethics and ethos of our cultural relativism and compassion and compiteness of our secularism.

British Raj has enacted laws with a different mission and message. Every legislation of their times smacks of their imperial designs and devices which are no longer in the larger interest of the country and its inhabitants. Owing to this dichotomy, there are more than two crore cases pending in the subordinate courts, of 32 lacs in the High courts and almost 20,000 in Supreme Court. Several recommendations and suggestions were made by various bodies and buddies like Law Commission, Administrative Reform Commission, eminent jurists, social scientists, academicians and legal luminaries regarding how to reduce the increasing backlog of arrears in the courts.

The Rankin Committee³¹ stated that:

“We can suggest improvements, but we are convinced that where the arrears are unmanageable, improvement in methods are only polliate” and added “Improvement in methods alone can not be expected in such circumstances to produce a satisfactory result even in a decade— The prospect is gloomy.”

A number of other committees were constituted to clear the backlog of arrear of cases like a HC Arrears Committee in 1949 (Chaired by Justice S.R. Das), A Committee, Chaired by Justice Hidayatullah & Shah in 1969, A committee under Justice K.N. Manchoo in 1950. Moreover, successive law Commission’ report particularly 27th, 41st, 54th, and 77th have recommended the urgent need for reducing and arresting delay at various stages of the trial, both in civil and criminal cases. All the aforementioned high profile Committees and Commissions have bypassed the basic element of corruption causing delays, which is inherent in the existing colonial legal and judicial system which is also exorbitantly expensive and lavishly by labyrinthine.

“Politicians, bureaucrats, businessmen, NGOs and Criminals are the key players involved in the corrupt practices. Corruption has become the biggest menace to rule of law³² No judge can be successfully corrupt without the active cooperation of a lawyer³³. Therefore, there should be a change over from the Indian to the Anglo-Indian or the English legal and Judicial system as it did not prove advantageous to this country. Rather we find ourselves now in enormous legal and judicial mess, the attendant corruption, delays and high

costs making it worse. To quote Sir Henry Durand from his article: "The state of society and of civilization which pervades the many millions of India calls for a simple, cheap, expeditious administration of justice. Ours is neither cheap nor expeditious. Indeed, it has become so complicated system that the people never presumed to understand it, whilst the pleaders and the subordinate ministerial officers are perfectly adopts at making profitable use of intricacies—The English Law System was the greatest curse that could be inflicted on India".(SIC)

7. Conclusion

Hence, human rights ought, indeed, be in the hands of all human beings of all places in derogation of distinction, discrimination and divagation thereto. In other words, human rights must transcend all places, people and palaces, human rights must be omnipresent, omnipotent and omniscience and the same must be bestowed upon the humanity with material, mental and moral wherewithal. There may, of course, be allotropy in formulation owing to drafting diction or legal labyrinth, but the substantive rights and fundamental freedoms must be same, and similar. The ubiquity, unanimity and universality of human rights are the uniqueness thereof and same be galvanized, glorified and glided by the posterity.

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I have learned through bitter experience the one supreme lesson: to conserve my anger, as heat conserved is transmitted into energy, even so our controlled anger can be transmitted into a power that can move the world.

—*Mahatma Gandhi*

Crime Conviction Imbalance and the use of Forensic Science Evidence

* Dr. J.R.Gaur

Introduction

Struggle for existence is the law of nature for every living being on the planet earth. Before the onset of civilization "Might is Right" was the rule for existence in the society. Some norms, customs, do's and don'ts governed the society to keep peace and harmony. The norms of behaviour were laid down in the society and the offenders were punished in one form or the other by the group leaders in tribes, clans, geographical and territorial groups at different places in the world. The prevalent customs and established norms of behaviour gave birth to the present day laws and led to the setting up of various courts for proving innocence or guilt of the suspected person(s). The trial of crime cases in the courts of law was mainly based upon oral evidence of the eyewitnesses, which has gradually lost its value in the contemporary society due to non-observance of ethical codes of conduct and decreasing moral values of the human beings. The eyewitnesses could moreover be won by threats, pressures or by offering material and monetary gains. They were disbelieved and declared as a hostile witness at times. The practice of eyewitnesses was

Key Words :

Forensic Science, Conviction rate, Evidence, professionalism, Human Rights commission.

Abstract :

Crime is as old as human civilizations in the world, so is the conviction and punishment in one form or the other. After the enactment of laws, the criminal cases were put on trials in the courts of law for establishing guilt or innocence of a person. The guilty persons are convicted by the courts and punished for their committed crimes. The traditional methods of investigation adopted by the police in crime investigations did not prove so fruitful in attaining the required conviction rate. The application of Science and Technology in police work or the application of forensic science led to some increase in the conviction rate of various crimes but still the conviction rate is not in balance with the crimes committed. The conviction rate for certain offences in the country ranged as low as 14.9% under terrorist and disruptive activities act followed by hurt cases 6.2%, molestation cases 4.8% and inmost other IPC offences 40.6% (Crime in India, 2002). Thus for getting the guilty convicted still more efforts are needed for increasing the conviction rate. Further application of forensic sciences in the investigation of crime and the administration of justice can prove a versatile tool in this direction.

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also misused by the police, in some parts of the world in the form of “stock witnesses”. The criminals formed nexus with the influential people in the society with whose help they could escape unnoticed from their misdeeds or could help for acquittals in various cases. It has also been a matter of common observations in the past that inspite of best forensic evidence available and presented had not helped in the decisions of various criminal cases. This can be attributed to non-utilization of forensic science evidence in a way, it was required for the purpose. We need to take following steps for the identification, evaluation, and use of forensic science evidence.

1. Forensic Awareness to the public

Public should be made aware of the importance of forensic evidence and its impartiality in the dissemination of justice. Visits of school and college students to forensic science institutions can be of great utility for sending a message about the importance of forensic science to the society. Radio programmes on various aspects of forensic sciences should be broadcasted from AIR in local languages, which is spoken by majority of people in a particular area. Similarly, television programmes in vernacular languages can be arranged for the education of the public. Publication of pamphlets in regional languages, alongwith photographs and then circulation

at the panchyat level can contribute a lot in making public aware of the importance of Forensic Sciences. It may be mentioned that while visiting some scenes of crime in the recent past in rural area, it was encouraging to note that the public has preserved scenes of crime till the arrival of Police and the experts, indicating that the message of forensic science is reaching to the village level. The villagers have rather insisted that scenes be got examined from forensic experts. This really showed the public faith in forensic sciences, which should be repaid by all forensic scientists by making sincere efforts for the use of science in the dissemination of justice to the society.

2. Forensic Education / Training to Investigating Officers.

The investigating agencies should train their officers to have a scientific attitude in the investigation of crime cases. They should apply scientific methods in the investigation of crime and in verifying the oral statements and the circumstances of the case. In this direction kits and materials should be made available to the investigating officers in every State upto police post level and the scenes of crime should be visited by a team consisting of investigating officer, forensic scientist and a public prosecutor.

There should be scientific witnessing at the time of lifting, preservation and packing of the scientific evidence from the scene of crime and the appropriate procedure for the purpose should be followed. The report of the forensic science laboratory should be made mandatory for attachment with the challan of the case, Manhas and Gaur, (1995).

There is no systematic method of training in forensic sciences for public prosecutors and the different lawyers in India. A few days exposure to public prosecutors in forensic science laboratory is not sufficient. There should be a compulsory paper on forensic sciences for the law graduates in their syllabus in various universities, Bami, H.L., (1995). The periodical compulsory participation of public prosecutors in orientation to forensic science courses is another measure, which can be undertaken by NICFS, central and State Forensic Science Laboratories in various courses so as to make them aware of the advancements in forensic sciences. The presiding officers in the courts are the evaluators of forensic evidences, for reaching at conclusions and for drawing inferences from the scientific reports. In the absence of forensic knowledge, forensic reports remain to be scientific jugglery for these officers. Hence, for better appreciation of forensic

evidence, the lawyers, public prosecutors and the judges need to have sufficient knowledge of forensic science and its advancements.

3. Forensic training for the Scientists

Foundation course /induction training (not less than 3 months) should be mandatory for every basic scientist at the time of entry/selection in a forensic science laboratory, so as to convert him as a forensic scientist from a basic scientist. Such training should be followed by specialized trainings in respective disciplines in which the forensic scientist has to work, at least for six month theory and 3 months practical attachment. This training is essential in view of his work of specialize nature. Similarly, training on court procedures for the presentation of evidence should invariably be given before the scientist goes to the court for evidence. Orientation courses within the country and abroad for junior as well as senior level scientists are highly essential for inculcating professionalism in Forensic Sciences.

4. Ethics and Professionalism

No profession flourishes until its members follow moral and ethical codes of conduct in letter and spirit. As per responsibilities of forensic scientist in the crime investigation and administration of justice and in general to the society he should be competent

enough to do justice to his job and should work with dedication and sincerity in the arena of his professional discipline Bami, H.L. (1995), Bhatiya, R.Y.P. (1995) and Sharma, B.R. (1992).

5. **Updating of Forensic Science Laboratories**

The matter has already been studied by a Core Group constituted by Hon'ble NHRC on Forensic Sciences and the necessities already stand listed and circulated in the NHRC report of 1999. The said report is required to be implemented for various Central and State Forensic Science Laboratories. It is not out of place to mention here that it is the moral responsibility of forensic Scientists to send their reports to the concerned corners in minimum possible time without any delay, this will only be possible if the forensic science laboratories are not staff starved, rather they get ample scientific staff commensurate with the workload of the examination of various cases in different divisions. The manpower in the Forensic Science Laboratories, if made commensurate with the workload of cases, there is no doubt that the reports shall reach the required ends within the stipulated minimum time. The cases shall not be delayed or acquitted for want of reports and it will also facilitate detailed analysis.

6. **Necessary collection of physical evidence from the scene of crime and the utilization of Forensic tools and technology.**

It has become an important need in the contemporary society to collect such physical evidence in crime cases which could be appreciated by the investigator, prosecutor and the Hon'ble court. Such evidences, which do not tell lies and are irrefutable. Initially such most reliable evidence was discovered in the form of footprints, fingerprints, biological stains and other marks, which on further exploration led to the establishment of various specialties of forensic sciences in different; forensic science institutions. Today, from fingerprints we have reached to the level of DNA profiling, which is most-reliable scientific evidence in proving the guilt or innocence of a person. Not only this, forensic evidence can connect a person with the scene of crime, weapon of offence, victim of crime and vice-versa. If the person is innocent his linkage cannot be established. The recent Forensic Methods of interrogation like polygraph, Narco-analysis and Brain wave finger Printing if used can help in the protection of Human Rights and can identify a criminal.

Traditional Methods of Crime investigation and the conviction rate:

The traditional methods of the investigation of crime have several limitations in the effective investigation of crime and speedy disposal of the cases in the courts due to following reasons:

The methods are based upon eyewitnesses and informers, whose evidence is not reliable due to multiple reasons.

The traditional methods of interrogation involving physical torture are not liked by the present day literate society and need to be discarded as recommended by Human Rights Commissions.

Lengthy trials in the courts of law lead to loss of evidence, as no literate eyewitness wants to waste his precious time in frequent visits for years together to the courts. This is also leading to non-availability of such witnesses.

The modus-operandis of crime has become scientific and complex, hence traditional methods of investigation fail to investigate complex cases.

There are several other reasons for the failure of traditional methods of investigation of crime now a days. Thus we can't expect to increase conviction rate for crime conviction balance on the basis of these methods.

Forensic Science in increasing the conviction rate

It is well known that a forensic scientist is neither the witness of prosecution nor of the defence, but a witness of the court. His prime duty is to

bring truth or the facts before the court during trial on the basis of scientific evidence through his reports. He has to work impartially in search of truth hence, forensic evidence can lead to conviction as well as acquittal in various crime cases. Thus, a forensic scientist is not concerned about the conviction or acquittal of a crime case, but to present facts for the dissemination of justice. But, it cannot be denied that the use of infallible forensic evidence can certainly increase the conviction rate.

Discussion

The question of the application of more forensic science for better criminal justice has been debated in the world since the middle of the twentieth century and in India since last three decades. In India we need to provide a network of forensic facilities upto the grass root level by establishing more Regional Laboratories and Mobile Forensic units. The evidentiary value of Forensic Science evidence has also been a subject matter of discussions since long. To make a few mentions, Sahlin, N.E.,(1984) presented evidence in criminal evaluating and combining evidence in criminal cases and gave his evidentiary value model indicating that if such evidence doesn't prove a hypothesis completely it gives a probability against or in support.

Miller and Soggnaes (1984) presented their version on combating sensationalism in the Forensic Science in inter disciplinary perspective and suggested for a public education programme. Miller (1984) also demonstrated the value of Forensic expert testimony, the importance of

pretrial preparation, physical appearance, establishing expert qualification, forensic science research, videotape and visual aids in courts, overcoming stage fright, answering hypothetical questions and handling cross-examinations. Hence, Forensic Science can help in keeping crime and conviction in balance only if forensic scientists work with the utmost sense of responsibility and professionalism and police uses the forensic evidence in the investigation process.

Analysis of the Forgoing presentation reveals that Forensic Science can contribute in increasing the rate of convictions as desired by police, for keeping crime and conviction in balance in the contemporary society, if the above said measures are adopted for implementation. The quality and undelayed reports from the forensic scientists shall certainly fulfil the aspirations of the society from the forensic professionals.

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Criminal Justice System In India - Whither Commitment?

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Introduction

Every government, whatever is its form, must uphold the law and maintain order in the society which it governs. These are the basic functions, which any government ought to perform. This is essentially done through what is called as "Criminal Justice System". (CJS) The system as the very term suggests consists of all the functionaries who are concerned with the basic function of the state i.e. maintenance of law and order. As per the Oxford's Dictionary the term system means, "Set of connected things or parts", "Set of organs in body with common structure of function." The various functionaries involved in the process of maintenance of law and order are governmental functionaries such as Police, prosecution, Judiciary and Prison and non-governmental organisations. All these functionaries though function independently, are interdependent and interrelated as one unit when the issue is seen in its totality. The issue is to achieve the goal of the system, which is to ensure justice, punishment to the criminal and compensation to innocent involved in the process.

Today, it is increasingly felt that the Criminal Justice System in India is

Key Words :

Combination, Lacunae, Control instrument, Interdependent and interrelated, uniform system, concentrated system, check & balances, mis carriage of justice.

Abstract :

Criminal Justice System (CJS) is the combination of various organs of a government, entrusted with the job of ensuring justice to the people. The functioning and the efficiency of this system is the backbone for the very foundation of any society. Unfortunately, today the criminal justice system as is functioning in India is facing a sort of crisis. It is unable to fulfill the expectations of the society to the fullest extent. The paper argues that lack of commitment of the governmental functionaries such as police, prosecutors, judiciary and jail and non governmental such as witnesses, advocates, and non-governmental organisations concerned with the system to the cause and the effective control instruments to ensure their responsibility for their lapses in performance of the assigned obligation are the primary reasons for the current state of things. The paper discusses various lacunae that are associated with the system that have resulted for lack of commitment and controlling measures. An attempt is also made to provide solutions to achieve better commitment to cause for the overall benefit of the society.

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probably not fulfilling the expectations of the common man to the fullest functionalities and an in-effective control mechanism to ensure responsible performance which are vital for the effective functioning of the system, are the reason behind this. The present paper highlights the importance and need of the commitment to the cause and control over various functionaries of the Criminal Justice system and the mode of achieving the same.

Historical Perspective

— CJS during Moghul Period

During Moghul rule in India (1526-1858 A.D.) the Criminal Justice system, was not very much established. The system of inflicting punishment to a convict sometimes depended on the grounds other than the actual crime committed and the punishment prescribed for the same in any law. It could be termed as a 'fluid' system and the rulers probably had little inclination and time to establish any institutionalized system because of the very state of polity existing then.

— CJS during British Period

British, after they took over from the Moguls, in 1858 A.D. did do a lot to evolve what can be termed as Criminal justice system. The origin of the legal system had its origin in the establishment of Supreme court under the Regulating act of 1773. Codification of the laws began with enactment of Indian Penal Code in 1860, which defined offences and laid down punishment for each offence. The Indian Evidence Act was enacted in the year 1872 prescribing the process and determining the admissibility and non

admissibility of material in evidence and the Criminal Procedure Code, 1882 (Cr. P.C.) which was later replaced by the Criminal Procedure Code in 1898. The Cr. P.C. describes the procedures and methods to be followed by the Police, the prosecutors and the judiciary in the Criminal Justice System.

Under the British rule India was divided into a large number of administrative units called districts. Unlike the Moghuls authoritarian one man rule the British evolved a regular and uniform system of administration composed of hierarchy of authorities, with powers and functions clearly defined and demarcated. A coherent administrative pattern emerged in a unique institution namely the "Collector" by the Supreme Council, which combined the office of the revenue administration, Civil Judge and Magistrate. The Collector had the control over police prison and prosecution.

The police administration in the district during British period made it almost certain that crime would lead to conviction and lawlessness firmly suppressed. In the protection of life and property of the people there was no compromise. Not only investigation of cases but also their prosecution in the court of law received personal attention of the Superintendent of Police (SP). He was supposed to watch the progress of trials through the daily under trial case reports, which he received from police court offices, monthly meetings with the District Magistrate (DM) who exercised judicial powers and controlled the magistrates trying cases and undertook

personal inspections of police court offices. He held discussions with the district session judge (DJ) periodically. The DM, SP and the District Judge (DJ) made up a trio whose one and only aim was to see that the preservation of public order was within their charge.

The above vivid account is sufficient to understand the kind of Criminal Justice System working during the British period. It can be very well seen that there existed a unity of purpose during British time. This system, however, gave more value to "order" than to "law" with its own flaws. The basic principle of rule of law that criminal justice system shall observe i.e. "due process of law" suffered under this concentrated system, where the different governmental functionaries were subordinated to a single person sacrificing the cardinal principle of "Check and balances" on the exercise of arbitrary power of one agency of government over another to prevent miscarriage of justice.

— *CJS in Independent India*

With India attaining independence and adopting a constitution of its own, the CJS underwent a sea change. The constitution makers entrusted the government with responsibility to separate judiciary from the executive (Article 50 of the Constitution of India) and the process of separation started with the amendment made in 1956 in the Criminal Procedure Code 1898. The judicial powers were taken away from the DM. He no longer remained in charge of the Judiciary, which started functioning in total independence. The second major change that followed was

that the Police was also brought away from Judiciary (DM). Although the Collector still continues to be primarily responsible for maintaining law and order in the district but the kind of authority it could exercise on police during British period no longer continued. Next was the prosecution. Prosecution was also separated from the direct control of the collector. Finally the prison also no longer is controlled by the Collector but started functioning in a relatively independent manner.

— *CJS in India Today*

We saw that from the lawlessness during Mogul rule to a well-knit system during British, the CJS, after independence of India again got separated with each one of its units functioning more or less independently. Today, what we understand by CJS is somewhat fractured and a centrifugal system with all the segments of the system forcing away from each other leaving its very focal point. The CJS today is plagued with many problems.

A brief account of some of the problems facing CJS today is as below:

- 1) Practically there is very little commitment for avowed goal of the CJS. This has also resulted in lack of co-ordination among the various functionaries of the CJS. Every unit, under its own organizational culture and subcultures, is working in its own way. At a very few places little co-ordination is seen amongst the authorities manning the system.
- 2) It is not an exaggeration to say that the CJS has no longer remained a system with interrelated and

interdependent units functioning for the common purpose. Rather it is now a "Set of processes" where individual units function in isolation within their respective watertight compartments and are only superficially linked outside their sub systems. Investigation, Prosecution, and Prison all have become 'process' in themselves. It is because their functionaries are lacking commitment to the objective of the system.

- 3) There is little meaningful communication between various units of the system. Communication if any, takes place in a routine manner outside the sub systems of different units.
- 4) Process of fixation of responsibility is one of the casualties in the current CJS. Every failure of the system creates hardships for the common man but when it comes to fixation of responsibilities, because of lack of commitment nothing is done.
- 5) In the existing CJS there is not inherent mechanism of self-correction. Ideally every system is expected to have the ability to correct itself with changing times as per the needs. There is practically no in built process/mechanism of correcting distortions in the CJS.

Fallouts

As a result of the various discrepancies that have crippled in, a number of fallout can be seen and observed.

- 1) The most important fallout of the system is the ever-decreasing conviction rate in India. Efficiency of a CJS in any state is primarily judged on the basis of the conviction rate, as it is the ultimate result of the combined efforts of the system. In India, the conviction rate is far from satisfactory and is a serious matter from the overall maintenance of Law and Order in the society.
- 2) As a result of poor co-operation between the Police, the prosecution and the Judiciary, the number of cases panning trial has been increasing at a tremendous rate. Cases numbering few. lakh are estimated to be pending in various courts in the country. A direct result of this is corresponding increase in the number of under trial prisoners in the jails and subsequent problems associated with it.
- 3) It is well known that in states where the CJS was unable to deliver goods, the unauthorized groups like private army's, militant organizations, underworld gangs etc. have taken over the task of grievance removal at their level. Many states in India are a glaring example of the above fact.
- 4) Lack of commitment and decreasing co-ordination and co-operation among various functionaries of the system result in failure not only on part of the

police to deliver justice to the victim but also by the judiciary. This many a times forces the police to resort to third degree methods on the suspects. In its enthusiasm to provide fast relief, policemen are slowly falling pray to shortcut methods.

- 5) The increasing corruption in the system also merits attention. As a result of lack of commitment and effective control over functionaries, it is now much easier to find the 'Weak link'. The corruption in the various levels of the system is a direct result of the different units working in isolation and the complete lack of accountability on the part of the functionaries.
- 6) At places, it is not uncommon to see 'Clashes of ego' between various heads of the units, mainly the SP and the DM and the resultant loss to the CJS.
- 7) Due to lack of joint effort on part of different functionaries, the prisons have no longer remained the centers for reformation of the criminals. Rather at times, crime breeds from prisons, as is the experience in number of cases.
- 8) Increasing lawlessness and the decreasing fear of the law in the Indian society are the result of failure of the CJS to punish the criminals. The fear of punishment as deterrence of committing a crime has evaporated, as the general impression is that nothing serious can happen in the existing

system to a lawbreaker. The CJS in India has failed to establish certainty of punishment for crime.

- 9) The lack of commitment shown by the witness and advocates, particularly defence counsels, to the goal of system has totally vitiated the system. Their co-operation is vital for the just operation of the system.
- 10) The governmental functionaries have not realized the importance of the non governmental organizations for the operation of the CJS. Not seeking their co-operation has resulted in denial of their assistance in solving the problems concerning the operation of CJS cropping up in practices.
- 11) The result of the whole chaos is that the people are losing faith in the CJS and this attitude is dangerous for any civilized society.

Need and Mode of coordination

All the above illustrate the growing dis functionality of the CJS in India and the resultant effects it is having on the individuals in the society. Most of the problems associated with the CJS today are a direct result of the absence of commitment of the functionaries to the goal of the system and decreasing coordination among various organs of the system. The system can achieve glory and deliver results if the commitment to the system is ensured which will result in co-ordination and co-operation among system's individual functionaries.

It is not desired and possible to go back to the old system that existed during British period for variety of reasons. Firstly, the law has changes so much since then that it is not possible to restore all the powers to the DM. After the fragmentation of the working in the Criminal procedure code in 1973, it is difficult to attain the coordination so easily. Secondly, concentration of powers with any one agency has all the potential of its being misused. The CJS during British period was not meant to achieve co-ordination among the functionaries but to define subordination. Thus what is required is to evolve and adopt certain steps and measures which can ensure desired commitment and co-ordination within the agencies.

Possible Solutions:-

Following course of action may act as a starting point in this regard.

- 1) It is required to take strict action against the persons connected with the system for their failure to perform their role according to the requirements of law. It must be ensured that derailment, deliberate or due negligence or ignorance must result in punishment. The existing laws in this respect be implemented with vigor and fresh look at some of the old laws be taken with a view to plug up, the deficiencies, which give rise to scope for lack or commitment. The control mechanism be evolved to ensure responsibility for lapses in performance of the role not only by the governmental functionaries

but also the non governmental functionaries such as witnesses and advocated vitiating the process of justice. The changes should be such as to clearly spell out the responsibility or each agency so that there remains no ambiguity for any agency to shirk its share of work.

- 2) Police need to understand that all its efforts of investigation are futile if it does not enjoy co-operation and co-ordination with the prosecution. And equally well the vice versa. Thus both need to work in close association with each other. In some states the head of the prosecution wing happens to be a police officer. This has produced some good results and can be tried in other states.
- 3) Another minor but sometimes very important issue is that of 'ego' between the various officers like DM and SP. It is suggested that the officers should learn to differentiate between the issues involving 'principles' and issues involving 'ego'. If this is done, a better coordination can be achieved. This is a problem of psychological nature, which can be tackled only by proper training that will develop healthy attitude.
- 4) It is suggested that all those associated with the CJS need to bring a change in the paradigm and the way of thinking. Instead of considering themselves having different goals, the goal of 'System' should be the agenda.

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- 5) Another important way for increasing the efficiency of the CJS is effective utilization of the Civil Society organizations. In India these organizations are called as "Non Governmental Organizations" (NGO"s). Unfortunately in most of the cases every functionary in the CJS considers the NGO's as anti establishment and a nuisance creating agency. But in some of the western countries these "Extra governmental organizations" have been playing important role in helping the CJS. Some famous programmes like "Witness assistance Programmes" where important witnesses in a case are provided all kind of help by such organizations, have been very helpful in the successful working of the system. In India certain programmes on similar lines must be started which again shall require all the agencies to come together. Secondly, the shift from 'Non governmental' to 'Extra governmental' in letter and spirit shall be an added advantage to the system.
- 6) Finally it is required to go in for adaptation of practices of 'Good governance' that shall help in effective coordination between various functionaries of the CJS. Some practices like Video conferencing in jails have proved to be useful in solving many

problems at the Police Jail level. Similar practices need to be evolved and adopted by providing linkage in the system.

Summing Up

Effective, efficient and just Criminal Justice system of a nation is the backbone of its very foundation. An effective system not only delivers justice but also delivers it in time. Unfortunately, the CJS in India is not proving up to the mark as far as expectations of the common man who is to have faith in the system and must feel secure. The primary and foremost reason for this is lack of commitment of the functionaries responsible for operation of CJS, which results in lack of co-ordination among various segments of the CJS. But this is only a temporary phase in the evolution of the system. As soon as the various segments of the system start understanding each other's problems and difficulties and decides to cooperate and coordinate with each other the system shall start functioning with all its efficiency. The various segments must realize that they are all dependent upon each other. It is not at all a total independence but interdependence with commitment to the goal of the system that will help achieves the objectives of the system. With all sorts of constraints/ limitation plaguing every agency, efforts are needed for betterment of Criminal Justice System as every agency is ultimately working for the people only.