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The views and opinions expressed in the articles are solely those of the author and do not in any way represent the views of the National Crime Records Bureau, or any other entity of the Government of India.
EDITORIAL

It gives me immense pleasure in bringing out the inaugural issue of NCRB Journal. NCRB was formed in 1986 based on the recommendations of National Police Commission and MHA’s Task Force to work as National Repository of Information on Crime and Criminals including those operating at National & International level so as to assist the investigators in linking crimes to their perpetrators.

To achieve the above objectives NCRB started the process of computerization of crime and criminal records with development of 7 integrated investigation forms in 1991. CCIS was launched in all the districts in the country in 1995 and now CCTNS (launched in 2009) is operational in more than 15,000 police stations and 6,000 higher police offices.

NCRB also pioneered the first Fingerprint Analysis & Criminal Tracking System (FACTS) in the country in 1992. NCRB has also launched number of IT applications like Vahan Samanvay, Talash, Portrait Building Software, Counterfeit Currency Software and mobile apps. like Citizen Complain Registration, View FIR, Find Lat.& Long etc. In this manner NCRB has played a pivotal role in creating an IT environment for the state police organizations.

NCRB also publishes the annual publications on ‘Crime in India’, ‘Accidental Deaths & Suicides in India’, ‘Prison Statistics India’ and ‘Finger Print India’, which serve as primary source of information for research, parliament questions and policy making. NCRB data is widely quoted both nationally and internationally including by higher courts.

Recently, MHA has given additional mandate to NCRB to maintain a National Sex Offender Registry and manage online Cybercrime Portal for cybercrime against women and children.

The NCRB journal aims at providing all the stakeholders (police officers, universities, NGOs, researchers and policy makers) a platform to publish their research as well as have meaningful discussions on various topical subjects, especially the use of Technology for Law Enforcement and analyzing the crime trends across the country.

I thank all the esteemed authors who submitted papers for first issue of NCRB journal. I thank all the distinguished board of referees for their valuable comments. Current issue has two field researches on Crime Survey in Four Major Indian Metro Cities and a recent study on Prison conditions in Central Jail, Nahan, H.P.

I congratulate JSO, Dr. A.K. Shrivastav, who has taken keen interest in giving shape to the journal.

Suggestions for improving the publication are welcome.

(Dr. Ish Kumar)
ABSTRACT

Availability of relevant and timely information is of utmost necessity in conduct of business by Police, particularly in investigation of crime and in tracking and detection of criminals. Police organizations everywhere have been handling large amounts of information and huge volume of records pertaining to crime and criminals. Information Technology (IT) can play a very vital role in improving outcome in the areas of Crime Investigation and Criminals Detection and other functioning of the Police organizations, by facilitating easy recording, retrieval, analysis and sharing of the pile of information. Quick and timely information availability about different facets of Police functions to the right functionaries can bring in a sea change both in crime and criminal handling and related Operations, as well as administrative processes. Creation and maintenance of databases on crime and criminals in digital form for sharing by all the stakeholders in the system is therefore very essential in order to effectively meet the challenges of Crime Control and maintenance of public order. In order to achieve this, all the States/UTs should meet a common minimum threshold in the use of IT, especially for crime and criminals related functions.

This paper illustrates the detailed information and architecture of the project CCTNS, which aims at creating a comprehensive and integrated system for enhancing the efficiency and effective policing at all levels and especially at the Police Station level through adoption of principles of e-Governance, and creation of a nationwide networked infrastructure for evolution of IT-enabled state-of-the-art tracking system for “investigation of crime and detection of criminals” in real time, which is a critical requirement in the context of the present day internal security scenario.

Key Words – CCTNS, Crime, Investigation, NCRB, SCRB, CAS.

Introduction

Crime and Criminal Tracking Network & System (CCTNS) is a Mission Mode Project under the National e-Governance Plan (NeGP) of Government of India. CCTNS aims enhancing the efficiency and effectiveness of policing through creation of a nationwide networking infrastructure for evolution of IT-enabled-state-of-the-art tracking system around ‘Investigation of crime and detection of criminals’. An allocation of Rs. 2000 crores has been made for CCTNS Project. Cabinet Committee on Economic Affairs (CCEA) has approved the project on 19.06.2009 and designated NCRB as implementing agency.
**Vision and Objectives of CCTNS**

The objectives of the Scheme can broadly be listed as follows:

1. Provide the Investigating Officers with tools, technology and information to facilitate investigation of crime and detection of criminals.
2. Facilitate Interaction and sharing of Information among Police Stations, Districts, State/UT headquarters and other Police Agencies.
3. Keep track of the progress of Cases, including in Courts.
4. Reduce manual and redundant Records keeping.
5. Assist senior Police Officers in better monitoring of crime investigation.
6. Make the Police functioning citizen friendly and more transparent by automating the functioning of Police Stations.
7. Improve delivery of citizen-centric services through effective usage of ICT.

**CCTNS Implementation Framework**

States and UTs play a major role in implementation of CCTNS. CCTNS is implemented in alignment with the NeGP principle of “centralized planning and de-centralized implementation”. The role of the Centre (MHA and NCRB) focuses primarily around planning, providing the Core Application Software (CAS), to be configured, customized, enhanced and deployed in States. States drive the implementation at the state level and would continue to own the system after deployment.

The implementation of CCTNS is based on “integrated service delivery” approach rather than that of procurement of hardware and software. The central feature of CCTNS implementation at the State level is the “bundling of services” concept. According to this, each State selects one System Integrator (SI) who is the single point of contact for the State for all the components of CCTNS. These components include the customization of the application and development of additional modules, hardware, communications infrastructure, associated services such as Capacity Building and Handholding, etc.

**Status & Achievements of CCTNS**

At present, 14,450 Police Stations (out of 15,640) & 5,500 higher offices (out of 6891) are connected through CCTNS and sending data to NDC regularly (except Bihar). NDC has 13.5 crores IIF forms database at present. 91% of legacy data of last 10 years has been digitized to CCTNS (Figure 1).

Using CCTNS, uniformity in data (IIF 1-7 and other forms) is achieved across police units in the country and various types of cases i.e. detection of cases & gangs/habitual offenders, matching of unidentified dead bodies & missing person, tracing of stolen vehicles, prompt checking of criminal records for antecedent verification etc. are being solved across the country. Dashboards for senior officers for regular monitoring and quick disposal of cases have also been provided in CCTNS.
35 out of 36 States/UTs have launched their citizen portals for providing various services to citizens like filing of complaints online and seeking antecedent verification of tenants, domestic helps etc. Criminal record check of applicants of Global Entry Program (GEP) of USA is being done by NCRB using CCTNS.

NCRB has developed and shared various Citizen centric (Bouquet of 9 citizen services viz. complaint registration & status check, view FIR, emergency SOS help, locate PS, vahansamanvay etc.) and Police centric (Get Latitude & Longitude of Scene of Crime etc.) Mobile App templates to States/UTs and States have customized the same for ease of accessing various police related services.

Various additional modules (like Criminal Intelligence System, Under Ground/Extremist Organisation Module, Traffic Management System, Passport Integration, Integration with
court etc.) have been developed by states/UTs by customizing Core Application Software of CCTNS as per their specific requirements. For better reach to the citizen, various citizen centric Mobile Apps (like Complaint Registration, Online lodging of FIRs for Motor Vehicle Theft and Property Theft, Track Missing Child/Person, Citizen Help App etc.) are also developed and used by the States.

National Digital Police Portal was launched on 21/08/2017 (Figure 2). It allows search for a criminal/suspect on national database apart from providing various services to citizens like filing of complaints online and seeking antecedent verification of tenants, domestic helps, drivers etc. (https://digitalpolice.gov.in/).

Challenges in Smooth Implementation of CCTNS & Proposed Solutions

Although, the CCTNS is operational across the country but some issues obstruct the optimum utilization of the project at field level viz.

1. **Poor and Unreliable Connectivity**: The last mile connectivity is neither reliable nor sufficient and available bandwidth in most of the police stations is 512 Kbps only and later upgraded to 2 Mbps by MHA in 20/02/2018. Due to these reasons most of the
police stations are experiencing frequent breakdown in connectivity which delays in synching of data to SDC. BSNL was the sole service provider for connectivity. Most of the states have complaint about the poor service provided by BSNL. As a solution, provision for availing BharatNet (NoFN)/ SWAN is proposed for providing robust and last mile connectivity. BharatNet is connecting 2.5 lakhs Gram Panchayat through optical fibre network under Digital India program. It is proposed to provide minimum 4 Mbps bandwidth to all the police stations.

2. **Average Adoption at Field Level:** The present application needs a revamp to improve upon the user experience and adherence to all field conditions and scenarios i.e. ease of filling IIFs, better user interface, accessibility using mobile terminals, quick response from the application, easy search and dynamic query builder & report generators etc. Additionally, non-availability of dedicated technical manpower at District/State level for troubleshooting and managing the technical issues of CCTNS is also an issue. Moreover, there are shortage of staff at Police Station level for data entry. Improper and erroneous entry of information at police stations leads to low quality data and sometimes hinders in generation of appropriate reports and search queries.

As a solution, on the field usage can be improved by providing CCTNS access through Mobile Data Terminal (MDT) which will help filling of IIF 1 to 4 at Scene of Crime and providing the Search facility for verifying questioned Person & Property.

Additionally, Core Application Software (CAS) should be enriched/extended through value added features and modules on desktop & mobile for user friendly adoptability at field level by providing better user interface, ease of filling IIFs, enterprise search & queries (Google type search) and quick response from the application. Latest technologies like Hadoop for management of the huge data is proposed to be used instead of Sybase IQ. Moreover, Mobile Apps for easing data entry and searches are also under development.

3. **Obsolete Hardware/ Software:** CCTNS Hardware deployed in Police Stations, Higher Offices and NDC/SDC/DRC areas per the configuration proposed in the year 2009. Response time and damage of these outdated infrastructures is very high and which adversely affects the usage of the CCTNS. Most of this outdated hardware is not compatible with the latest software required to be deployed in CCTNS application. Hence, the hardware which is presently obsolete required to be refreshed at the earliest.

NCRB is working on proposal for Technology Refresh (Software and Hardware) for all police stations and higher offices & National Data Centre, State Data Centres and Disaster Recovery Centres for better application (software) on better hardware for better response and adoption.

4. **All FIR Registering Agencies not Covered under CCTNS:** Other FIR registering agencies like Excise, Forest, CBI, NCB, ED, NIA etc. are not covered under CCTNS as of now and hence, the purpose of centralized database of crime records is yet to be achieved fully. As a solution, NCRB is proposing that the above agencies should be covered in CCTNS phase II.
5. **Absence of Specialized Solutions:** Specialized Solutions like National Automated Finger Print Identification System (NAFIS), Fingerprint Enrolment Device (FED), Automated Facial Recognition System (AFRS), Mobile Data Terminal (MDT) etc. are yet to be operationalized to achieve the maximum benefits of centralised crime & criminal database in respect to the ease of crime detection, prevention, predictive policing and strategic planning. These specialized solutions were part of first CCEA\(^1\) note 2009 but were later diluted in 2015 to fund activities of ICJS project. Now, these specialized solutions are identified for integration with CCTNS. RFP for NAFIS has been sent to MHA for approval and further NCRB is working on procurement of AFRS.

6. **Absence of Crime Data Analytics and Artificial Intelligence Tools:** CCTNS database is growing very rapidly and as of now, the database has more than 13.5 crores of records approximately. Presently, there are no Crime Data Analytics or Artificial Intelligence tools available in CCTNS for providing detailed analysis of this huge data of crime and criminal. This hinders in utilizing the information in predictive policing & strategic planning for making decision like deployment of forces and alignment of resources. Moreover, there is no geofencing facility available for identifying jurisdiction of police stations in digital map.

As a solution, NCRB has signed a MOU with ADRIN\(^2\) (ISRO) for developing various models like Crime Mapping, Spatial Analytics, News Analysis, Crime/Criminal Analytics, Criminal Network Analysis and Predictive Analytics on CCTNS database which will be shared with States/UTs. Moreover, NCRB is also developing State-of-Art Dashboards for various level of users using IBM Cognos (Business Intelligence Tool) for better monitoring of policing activities across the country.

7. **Sustenance of Project beyond 31st March 2018:** No funds are allotted for the Operations & Maintenance (O&M) and Network connectivity after the project has officially ended by MHA on 31\(^{st}\) March 2018. In the absence of funds for O&M and network connectivity, the project will be adversely affected.

NCRB is working on proposal for provisioning of funds required for Network Management and Operation & Maintenance (O&M) of CCTNS for next 5 years under Phase II of CCTNS.

8. **Other Challenges:** Other challenges faced during the implementation of CCTNS project are described below:

   a) There is no unique identifier for person arrested and un-identified dead bodies in the CCTNS application.

   b) Some States like West Bengal are not sharing complete data with the centre which is leading to incomplete database.

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1. Cabinet Committee on Economic Affairs
2. Advanced Data Processing Research Institute
In order to resolve the issue of unique identifier, NCRB proposes introduction of biometric through NAFIS\(^3\) and AFRS\(^4\). Additionally, limited access of Aadhar to law enforcement agencies should also be provided through suitable amendments of existing Aadhar Acts.

Similarly sharing of crime data between Centre and States should be supported by legal provision by enacting suitable laws.

**New Initiatives**

CCTNS has seen considerable adoption by the Police Personnel across the country and it has served as major unification platform. In order to take the project further, a road map has been envisaged.

1. **CCTNS 2.0 (Phase-II)**\(^5\): A new and updated technical system for better tracking of crime and criminals with the features like Robust Connectivity, Specialized Solutions, Technology Refresh etc. is proposed to implemented. The system will be integrated with other applications like NERS, CCTVs, Beat System and other databases like Fingerprints, Passport, Transport etc.

2. **Crime Multi Agency Centre (C-MAC)**\(^6\): Dissemination of alerts / information on crime and inter-state criminals to States/UTs. This will comprise of

   a) **Sharing Intelligence on Crime and Criminal** among various State and Central police units (on the pattern MAC of Intelligence Bureau).

   b) **Crime Clock**: This representation of crime data shows the relative frequency of how often violent, property and other offenses occurred in a year. The Crime Clock will consist of Crime Registration Counter, Arrested Counter, Charge sheet Counter, Conviction and Acquittal Counter etc.


3. **Creation of National Registries on Modus Operandis/ Crime Types**: NCRB is designated as Nodal agency by MHA and mandated to create and maintain following registries at National level.

   a) **Sex Offenders Registry** for profiling sexual offenders at the national level and share it with the States/UTs on regular basis. The data will be used by the police for verification of antecedents for prospective employers and would form a part of CCTNS/e-Prisons.

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3 National Automated Fingerprint Identification System  
4 Automated Facial Recognition System  
5&6 Recommendation of DGSP/IGsP Conference held in January, 2018  
6 Concept of Multi Agency Centre of Intelligence Bureau of Govt. of India
b) **Economic Offenders Registry** for profiling economic offenders at the national level and share it with the Banks, Financial Institutions and law enforcement agencies. This registry will be developed on same lines as that of Sexual Offenders.

c) **Cyber Crime Reporting Portal** to manage technical and operational functions of the online cybercrime reporting portal and associated work of Cyber Crime Prevention against Women & Children (CCPWC) scheme. The portal will extensively track complaints related to obscene material specially child pornography as central service provider for action taken. Establishment of this portal will provide great relief to citizen in terms of giving a centralized platform for registration of cyber complaints.

**Conclusion**

In spite of facing numerous challenges, CCTNS project has created a backbone for collating and analysing crime & criminal data across the country. More than 14,450 Police Stations & 6,000 higher offices are now connected through CCTNS and synching data to National Data Centre regularly. In last few years, indefatigable efforts have been made by NCRB/MHA for thorough implementation of CCTNS at field level through regular co-ordination/meetings with States/UTs, capacity building and visiting Police Stations across the country. Now, many States are getting benefits in crime investigation from CCTNS and sharing their success stories with NCRB and thus, benefits of CCTNS have been realized by the States/UTs.

Deployment of latest hardware and software will enable the CCTNS application to response faster to Citizen & Police. Futuristic user friendly interface (voice to text facility) and MDT will provide better adoption of the application at field level and hence online filling of General Diaries, IIFs, Case Diaries, Redressal of Citizen’s Complaints etc. will be increased greatly. Introduction of specialized solutions like NAFIS, AFRS will greatly help Investigating Officers to find, match, detect and record the details of an accused/suspect exclusively from/to the national crime database in a matter of seconds. Development of Crime Data Analytics in CCTNS phase II will enable the system to harness the power of information, geospatial technologies and evidence-based intervention models to reduce crime and improve public safety. Applying advanced analytics to various data sets, the application can move law enforcement from reacting to crimes into the realm of predicting what, when and where something is likely to happen and deploying resources accordingly.

CCTNS has the potential to transform the way policing is done. CCTNS once fully implemented will also bolster the path of servicing country’s Citizens.

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7  No. 1261665/MOS(H)/2018
8  Vide MHA order no. 2200605/2018-CIS-II dated 25th June 2018
CCTNS: Challenges and Road Ahead

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8. MHA order no. 1261665/MOS(H)/2018 dated 29th May 2018: Designating NCRB as Nodal Agency to create and maintain National Database of Economic Offenders.
Safety Trends and Reporting of Crime: 
A Household Survey in Four Major Indian Cities

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NEHA SINHA1 
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ABSTRACT

The Safety Trends and Reporting of Crime (SATARC) survey is an attempt to marshal evidence, in a systematic way, about the extent and nature of crime, satisfaction with police, and perceptions of safety. The survey aims to bridge the gap in public data on safety and crime. It has a threefold objective to systematically assess households’ perception of safety and the police, identify behavioural changes adopted by households to keep themselves safe, and estimate the incidence of crime.

Key Words: Crime, victim, safety, survey, police, FIR

Introduction

Law and order is the purest form of a public good and the core responsibility of the State. Sound law and order is essential for good quality of life, and inclusive, market-based economic growth. Currently in India, evidence-based assessment of the state of law and order is limited to official crime records, which only account for registered crimes. This limits the understanding of the true extent of the issue, which is a problem for both citizens as well as the police. Crime victimisation surveys are a way to assess the extent of crime and sense of safety by directly asking people about their experiences as victims, instead of solely relying on official data. Such surveys help bridge the gap between the people and the police, benefitting both. Various countries have benefited from the institutionalisation of victimisation surveys. These surveys supplement the official crime data and support evidence-based policy making for the law and order machinery.

1 Neha Sinha is an Assistant Director at IDFC Institute. Avanti Durani is a Senior Associate at IDFC Institute, a Mumbai based think/do tank. The paper includes findings from IDFC Institute’s SATARC survey. The team at IDFC Institute that conducted the survey included Renuka Sane, former Visiting Fellow; Rithika Kumar, former Associate at IDFC Institute and the authors of this paper. The authors would like to thank Pallavi Bichu for her able research assistance.
Literature Review

The extent of crime in a society has implications for crime prevention and safety. Many countries try to accurately estimate crime in order to target interventions to create a crime-free and safe society. Registration of a crime, by the police, forms the basis of official crime records. In India, official crime records are collected and published by the National Crime Records Bureau (NCRB). The data is based on registered crimes across the country.

Official statistics, however, are not an adequate measure of crime, argue criminologists. According to experts, official crime records under-report the actual extent of crime in a society (Rao, et al. 2016); “in most countries, officially reported crimes are only the tip of the iceberg as many crimes go unreported due to a variety of factors. Crimes such as family violence are hardly reported, for obvious reasons. Even in the case of crimes committed outside the home, offences relating to sexual assault or sexual harassment are also grossly under reported” (Chockalingam 2010). Studies also suggest that official crime numbers are more suppressed when the offence is less serious (Tripurari 2009). The gap between the actual extent of crime and registered crime is termed as the ‘dark figure’ (Biderman et al. 1967), in crime statistics; “scattered studies of victimisation, principally in Europe, suggested that the dark figure might be both very large and highly selective, raising important questions about what could be learned from crime data” (Groves et al. 2008).

Researchers note that issues in crime data may be remedied to an extent through crime victimisation surveys. Crime victimisation surveys are in-person interviews with victims and households in which they are asked about their experiences with crime and other aspects of the criminal justice system, in a particular period. In particular, household crime surveys are able to measure incidence of crime significantly better than official records; “while crime reports from household surveys are substantially correlated with police records, to the degree that they differ the survey data gives a significantly better representation of crime as experienced by the population” (Banerjee et al. 2012).

One of the earliest known examples is the National Crime Victimisation Survey (NCVS) in the US, which came into being during the 1970s, and aimed at providing adaptable data on crimes and victims at a more granular level. The initial survey covered 10,000 households and provided data that was rich enough to warrant the creation of a National Criminal Statistics Center. Eventually, the results from the NCVS program began functioning as a complement to the official Uniform Crime Reports (UCR) released annually by the FBI (National Research Council, 2008). The advent of victim-centric reporting has seen even the United Nations (UN) undertake an International Crime Victim Survey (ICVS), which has been collecting information from over 80 countries since 1989 (UNODC, 2017). Other surveys include the Crime Survey for England and Wales (CSEW) in the UK and the more recent ‘Crime Victimisation Survey’ in Australia.

One of the first crime victimisation surveys conducted in India was in the state of Rajasthan. The survey showed that most victims never report the incidents to the police. According to the study, only 29% of the crime victims surveyed stated that they had visited a police station to report the crime. Among those who attempted to report their crimes,
19% did not succeed in registering the case (Banerjee et al., 2012). The study further stated that “the comparison of crime surveys and official police records reveals a high correlation between the two (at the police station-level, about 0.5), but household crime surveys show substantially higher crime levels and reflect public perceptions of crime levels better than official statistics.” A 2013 study by Janaagraha Centre for Citizenship and Democracy tried to gauge the effects of community policing on safety perceptions in Bangalore. It found that gender played a big role in differing perceptions of police effectiveness and security. Also, “one of the key factors resulting in (a barrier between the police and the public) may have to do with the stark gap in meaningful and intimate communication/interaction between police and citizens”. In 2015, the Commonwealth Human Rights Initiative released a ‘Crime Victimisation and Safety Perception Report,’ which focused on Mumbai and Delhi.

DFC Institute conducted a survey of 20,597 households\(^1\) in Mumbai, Delhi, Bengaluru and Chennai on crime incidence, perceptions of safety and satisfaction with the police. The survey titled “Safety Trends and Reporting of Crime” (SATARC) asked respondents whether they had been a victim of certain crimes in the past year (October 2015 to September 2016), their experiences with police, their perceptions of safety and about the behavioural changes they may have adopted to avoid crime. The remaining part of the paper covers the methodology and key findings of the SATARC survey.

Survey Methodology

As noted above, the survey was conducted in four metros namely, Mumbai, Delhi, Bengaluru and Chennai. Each city was divided by its respective police zone\(^2\).

Sample

A minimum of 450 respondents were randomly surveyed in each police zone across the four cities. Assuming a level of confidence at 95% and margin of error at 5%, the sample size for each police zone was estimated as 384 and a buffer was added to take care of possible non-responses. In addition, purposive interviews of victims of any of the seven crimes were also conducted. A booster of 90 interviews per zone were surveyed to ensure sufficient sample size to allow for population-level estimates for crime incidence and experience with police for the surveyed crimes. The total sample size across the four cities was 20,597.

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<tr>
<th>City</th>
<th>Police Zones</th>
<th>Total Sample Size</th>
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<tr>
<td>Mumbai</td>
<td>13</td>
<td>7,910</td>
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<tr>
<td>Delhi</td>
<td>11</td>
<td>6,187</td>
</tr>
<tr>
<td>Bangalore</td>
<td>7</td>
<td>4,067</td>
</tr>
<tr>
<td>Chennai</td>
<td>4</td>
<td>2,433</td>
</tr>
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2 A group of persons normally living together and taking food from a common kitchen is viewed to constitute a household.

3 Police zones are administrative regions for the police within each city.
Sample Selection and Weighting

Sample selection was done using stratified random sampling to achieve the age and gender distribution of each city’s adult population. Quotas for the age-gender distribution was determined using the population data as per the Government of India’s Census Data for 2011. In the absence of zone level population data, the population was assumed to be evenly distributed across all zones within each city.

The survey ensured randomisation at two levels: selection of a household and selection of a respondent within the household. To ensure a geographic spread of the sample within each zone, multiple starting points were chosen and the surveyors conducted 20-25 interviews per starting point. From the chosen starting points, the selection of households was done randomly using the right hand rule, skipping at least 3 households after a surveyed household. The randomly surveyed sample was self-weighted against the age-gender distribution of adult population.

Survey Instrument/Questionnaire

The survey instrument covered the following:

1. Demographic details;
2. Incidence of the following crimes - Theft, Assault, House break-in, Harassment, Criminal Intimidation, Unnatural Death and Missing Person;
3. Details of crime incidence;
4. Reporting of the incident to the police;
5. Opinions about police;

The English questionnaire was carefully translated into three languages, namely, Hindi, Kannada and Tamil, and verified by language experts.

Definition of Crimes

The above mentioned seven crimes were divided into two categories: Personal Crimes (theft, assault, harassment, and criminal intimidation) and Household Crimes (house break-in, unnatural death and missing person). In order to achieve accuracy in responses, questions on personal crimes were asked only if the respondent was a victim. The crimes covered under each category is listed in the Appendix.

The definitions used to describe these crimes were based on the relevant sections of the Indian Penal Code, 1860. Simplified versions of these definitions were conveyed to the respondents. In case an incident was accompanied by multiple crimes, the respondents were asked to select the more serious crime and that took precedence in recording. If a respondent was a victim of the same crime multiple times in the period under survey, he/she was asked to only describe the most recent incident.
Training

Intensive and immersive training sessions were conducted for the field workers and supervisors, before the survey was administered in the field. Experienced interviewers, who had worked previously on social surveys and were familiar with the data collection methods, were selected for the trainings. The field workers were apprised of the purpose of the survey, sensitivity of the subject, and trained on data collection and administration of the survey instrument.

Data Collection

Following the international best practice, before going into field work, we sought an approval from an independent ethic review board to ensure that procedures followed during the survey adequately protected the rights of respondents. Consent of the respondents was also taken at the time of administering each individual survey to make them aware of the social and ethical concerns related to the survey and to ensure that they participated willingly.

The respondents were asked questions on their crime and police experience for the period of October 2015 to September 2016. The survey was conducted simultaneously across the four cities between November 2016 and February 2017. The survey administration for data collection, conducted by Kantar Public, happened over three stages: pilots (administered the survey to select number of households), field work and back-checks.

Key Results from the Survey

The data was analysed using the R Project for Statistical Computing. The analysis highlights some key findings, including the extent of under-reporting of crime, the level of satisfaction while reporting to the police and the state of safety perceptions. The analysis uses the incidence of theft to evaluate the extent and reasons for under-reporting. Theft was chosen for two reasons, presence of a comparable legal definition and a large sample of victims of theft within the randomly surveyed population, allowing for estimations. Key results for under-reporting and safety perceptions is presented at population level, while satisfaction with police is presented at the sample level.

Under Reporting

According to the Survey, 13.87 lakh people were victims of theft in Delhi, of which 6.18 lakh approached the police and only 99,239 filed an FIR. In terms of proportion of population, about 8% of people in Delhi reported being a victim of a theft. The proportions were 4% in Mumbai and 2% each in Chennai and Bengaluru. In Delhi, 45% of theft victims approached the police of which 16% lodged an FIR. The proportions were 32% and 18% in Mumbai, 20% and 41% in Chennai and 18% and 40% in Bengaluru, respectively. These numbers include victims who approached and/or registered a first information report (FIR) by themselves or through a household member. In effect, only 6-8% of victims of theft
lodged an FIR with the police in the four cities. It is this fraction of cases that is reflected in the official records, leaving the remaining 92-94% to go unreported. The gap between crime incidence and registered cases can happen for two reasons: people refrain from approaching the police and/or the police end up registering very few first information reports (FIR) of the number of people who come into a police station.

**Satisfaction with Police**

Of those who registered an FIR, about 52% and 55% of the victims were satisfied with the police response at the time of reporting of crime in Delhi and Mumbai, respectively. These proportions were higher at 82% in Chennai and 70% in Bengaluru. The main reason for satisfaction was attentiveness with which the police dealt with the situation. This was followed by accuracy with which the complaint was registered, promptness in attending to them, and quick and timely action. Dissatisfaction was primarily due to the long wait in registering the FIR, refusal from the police while registering the FIR or the police having dissuaded the victim from registering an FIR.

**Safety Perceptions**

The Survey also asks respondents about their perceptions of safety and behavioural adaptations as a result of these perceptions.

Around 51% of people in Delhi perceive crime to be a serious problem in their area. The corresponding numbers are lower in Bengaluru (21%), Mumbai (16%) and Chennai (5%). In Delhi, only 1% of the population does not worry about a female household member being outside home unaccompanied at any time after evening. In Chennai and Bengaluru, the percentage that doesn’t worry is 8% each. In Mumbai, 13% do not worry about a female member being outside home unaccompanied at any time after evening. Post 9 pm, 87% of people in Delhi start worrying about an unaccompanied female household member, who is outside home. The percentages are 54% in Bengaluru, 48% in Chennai and 30% in Mumbai.

People were worried about male members too. Only 1% of people don’t worry about a male household member being outside home at any time after evening in Delhi. The numbers were 13% in Bengaluru, 12% in Chennai and 20% in Mumbai. As high as 95% of people in Delhi start worrying about an unaccompanied male household member, who may be outside home, by 11 pm. The percentages were 83% in Bengaluru, 84% in Chennai and 60% in Mumbai. The numbers were lower for 9 pm for male members.

As a result of poor perceptions of safety, people tend to adopt behavioural changes to keep themselves safe, such as not leaving the house past a certain time, which is detrimental to both full and equal participation in civic life or the workforce. Adaptive behaviour suppresses crime numbers and is in fact a poor reflection of the safety and security in a city. About 51% of the population in Delhi and Bengaluru avoid walking alone. This percentage is higher in Chennai (60%) but lower in Mumbai (33%). A large percentage of people also tend to keep personal belongings out of sight from others (Delhi 47%, Mumbai 40%, Chennai 39%, Bengaluru 36%).
The importance of crime victimisation surveys cannot be emphasized enough for a developing country. Victimisation surveys are a useful tool to unearth some of the reasons for such gaps in data and perceptions, in order to systematically diagnose the problem and develop solutions. Data from surveys such as SATARC can potentially complement official crime records by evaluating people’s attitude towards the police and courts, assessing the impact of crime on quality of life, identifying crimes that are not reported to the police and recognising those most vulnerable to crime. Data from such surveys can be used by the police in making informed decisions and taking targeted actions.

With data on crime, safety perceptions, experience with the police and opinions on the police available at the city and police zone level, we can evaluate the state of policing, and the police can customise strategies for each problem and location. In order to be effective, however, India will need a victimisation survey, institutionalised within the government and independently conducted on a large scale across states.

Conclusion

The importance of crime victimisation surveys cannot be emphasized enough for a developing country. Victimisation surveys are a useful tool to unearth some of the reasons for such gaps in data and perceptions, in order to systematically diagnose the problem and develop solutions. Data from surveys such as SATARC can potentially complement official crime records by evaluating people’s attitude towards the police and courts, assessing the impact of crime on quality of life, identifying crimes that are not reported to the police and recognising those most vulnerable to crime. Data from such surveys can be used by the police in making informed decisions and taking targeted actions.

With data on crime, safety perceptions, experience with the police and opinions on the police available at the city and police zone level, we can evaluate the state of policing, and the police can customise strategies for each problem and location. In order to be effective, however, India will need a victimisation survey, institutionalised within the government and independently conducted on a large scale across states.

References


Analysis of Prisoners’ Conditions: A Case Study on Modern Central Jail, Nahan

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ABSTRACT
The research explains about the living condition of inmates in Model Central Jail Nahan along with analysis of barrack infrastructure, food quality and sanitation. The study also aims at explaining various facilities provided to the prisoners with special focus on wage earning avenues and educational programmes. It provides an insight into three major crimes encountered during survey i.e. crime related to murder, crime against women and crime under NDPS Act along with the strategies which can be adopted to curb them. It presents the detailed analysis of the problems faced while sending out the prisoners for medical tests and appearance in the courts with an approach to make the process more convenient. Issues in provision of legal aid to the prisoners is another area this study focuses upon. It concludes with showing trends of crime versus various attributes of a prisoner which must be taken care of to reduce the number of cases and also tries to devolve upon possible solutions to the above mentioned issues with regard to the prisoners in jails.

Key Words: Crime, Disease, Jail, Legal aid, Prisoner

1 Introduction
To provide safe, secure, caring and humane environment inside the prison is the mission of the Directorate of Prisons and Correctional Services Himachal Pradesh. This environment can be created inside the jail only by providing the necessary infrastructure, adequate services in terms of food, medical aid, sanitation facilities, legal aid etc. CAG report on social, general and economic sectors for March 31, 2016 pointed out that the state Prisons Department had not offered education and rehabilitation facilities for the bulk of the prisoners where only 6% prisoners out of 1116 in the test checked jails had obtained education qualification while lodged in the jail during 2013-16[1]. This case study attempts to bring forth the existing situation inside the Modern Central Jail Nahan on the above aspects. Model Central Jail Nahan is located in Sirmaur district of Himachal Pradesh. Currently there are 14 jails in
Himachal Pradesh with two Model Central Jails, two District Jail, one Open Air Jail, one Borstal Jail and eight Sub Jails [2]. Department of Prisons is headed by Director General of Prisons who exercises general control and superintendence over all the prisons in the state. Himachal Pradesh accounts for 0.43% of total 419623 prisoners in India with average occupancy rate of 110.7% [3]. Occupancy rate for each type of Jail in Himachal Pradesh is shown below with comparison of average rate of all the Indian State.

2 Methodology

Data of 200 inmates of Model Central Jail Nahan was collected during the survey. Based on initial study a test survey was conducted with ten prisoners and based on their response further relevant changes were made to the finalized questions. Inmates were interviewed individually and the responses were collected through Google Forms filled by the surveyor. Data that was collected during survey is presented below:

1. **Basic Information:** Name, Type of Inmate, Gender, Marital Status, Type of Locality (Rural/Urban).

2. **Crime Profile:** Crime, Term of Sentence, Date since serving, Application status for bail/parole.

3. **Additional Information:** Educational Qualification, Earning status, Number of family members.

4. **Life inside Prison:** Rating of barrack, food, sanitation out of 10, Wage earning and educational program, Preference to learn new skill, Wish to continue learned skill,
addiction to smoking and alcohol, access to mobile phones, drugs or alcohol inside jail and use of Jail Vaarta facility.

5. **Medical Aid**
   a) Diseases before and after coming to prison along with the type.
   b) Status of timely medical test and consultation.
   c) Rating of district police guards attitude while escorting (out of 10).

6. **Legal Aid:** Awareness of Fundamental Rights, Legal literacy classes, amount spent in availing legal aid.

The conditions inside Model Central Jail Nahan were accessed in accordance with the Rights of Prisoners as suggested by All India Committee on Jail Reforms 1980-83 [4]. Python and Excel tools were used for data analysis while data was filtered with the help of SQL. Inputs from Superintendent of Jail, Model Central Jail Nahan and interaction with jail warden, police constables were also included in the research.

3. **Living Condition of Prisoners**

To determine the conditions in which the inmates of Model Central Jail Nahan live, questions relating to barrack infrastructure, food quality, sanitation and communication facilities were included.

3.1 **Barrack Infrastructure**

At present there are four blocks in Model Central Jail Nahan i.e. Block A, B, C and D. Number of inmates living per barrack vary as per the size. Each barrack has well maintained fans and light in adequate quantities. Inmates are responsible for the cleaning of the barrack which they do by turns. Disinfectant and phenyl is provided once in a week for the cleaning. The problem of overcrowding is not very serious as compared to other central jails [5]. “Sometimes when a new prisoner comes there is a problem of accommodation and bedding facilities but is sorted after few days” comments one of the inmates during the survey. Each inmate has his own set of bedding which is being provided by the Jail authorities. Sufficient quantities of blankets are provided during winter season. Every inmate has been given his own set of utensils and bucket. However, problem which prisoners complained during the study was there is no water in taps near the barrack and they have to fetch it from the common source near blocks.

Based on the common parameters prisoners were asked to rate the conditions of the barrack out of 10 and the results are provided below. Thus the results obtained point to the fact that prisoners are satisfied with the conditions of barracks and jail sanitation. This result also contradicts the general perception about living environment of prisoners where barracks without fresh air stink due to sweaing, algae floats in water tanks and no regular service of sewerage and drainage.[4]
3.2 Food

Prisoners are given meals keeping in mind the minimum amount of calories required per day which is 2320-2730 kcal per day for male while 1900-2830 kcal per day for females as prescribed by Model Prison Manual drafted by the Ministry of Home Affairs, New Delhi[4]. There is a canteen facility for the prisoners which has various types of basic products including milk, cookies, pizza, etc. Inmates were asked to rate the quality of food out of 10 and the results obtained are:
3.3 Communication

Prisoners can communicate to their friends and family through phone call, Video call (Jail Vaarta facility) and in person meetings in jail. Phone call is allowed once in a week for 10 minutes. Inmates have to register numbers with the jail authorities to which they wish to make a call. 100% of the prisoners interviewed are regularly using phone call facility. The issue which arises is the number of telephone assigned is one for more than 400 prisoners so there is shortage of telephone lines. Jail Vaarta is an excellent facility provided by the jail authority to communicate with family via video call. During the survey prisoners were asked about the usage of Jail Vaarta facility and the results are:

Despite being such a wonderful initiative only 9.6% of the inmates have used Jail Vaarta. It was found that this was due to unawareness of the existence of facility and no proper assistance from Jail authorities.

3.4 Wage Earning Programmes for Prisoners

Model Central Jail Nahan provides number of avenues for wage earning which are Carpentry Workshop, Tailoring, Weaving, Bakery, Horticulture, Cutting and other allied workshops. There is an excellent provision of bakery which makes cookies, pizza, bread and which are being marketed and sold in Nahan from door to door under the brand name ‘kaara’ (Adopted from kaaravas meaning jail).

Majority of the prisoners enrolled in programs are convicts. There is a provision for each prisoner to serve in the langar (kitchen) once every six months and she/he is paid INR 5000 for the same. Under the motto ‘Har Haath Ko Kaam’ (initiative started by the Director General of Prisons, H.P. and chosen for HP State Innovation Award Scheme for the year 2016-17) through which majority of the convicts have been enrolled in productive

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**Figure 6**

Enrolment in wage earning programmes

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerical</td>
<td>41.88%</td>
</tr>
<tr>
<td>Tailoring</td>
<td>15.38%</td>
</tr>
<tr>
<td>Carpentry</td>
<td>11.96%</td>
</tr>
<tr>
<td>Bakery</td>
<td>11.96%</td>
</tr>
<tr>
<td>Electrician</td>
<td>6.83%</td>
</tr>
<tr>
<td>Others</td>
<td>8.58%</td>
</tr>
<tr>
<td>Not enrolled</td>
<td>3.41%</td>
</tr>
</tbody>
</table>

**Enrolment in wage earning programmes**

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**Figure 7**

Whether prisoners would like to continue with the skills they have learned during their prison tenure?

- Yes: 35%
- No: 35%
- Maybe: 30%
wage earning programmes. There is a very high increase in the wages paid over the last 5 years which is an indicator of increasing involvement in the program. In 2015 wages paid to the inmates amounted to Rs4.85 lakhs which rose in FY 2016-17 to Rs 80 lakhs and in FY 2017-2018 to more than Rs1 Crore. The factory output also saw an increase from less than Rs. 25 lakhs in 2015 to Rs. 2.5 Cr in 2016-17 and Rs 3.28 Cr in 2017-18.

This exponential growth could be possible due to team building, motivation, facilitation, infra creation and expansion, better marketing tools like flagship Pehal stores, two in Shimla, one each in Nahan and Dharamshala and online marketing portal www.kaarabazaar.in. Prison hospital blankets, hospital bedsheets, pillowcases, etc. are on Government EMarket (GeM) portal. A sum of Rs 70 lakh has been paid as wages to these prisoners in the past one year to the inmates. Following results were obtained from the survey which shows that 58.12% convicts were enrolled in the wage earning programmes.

In order to determine how useful this facility would be in rehabilitation of prisoners, they were asked about whether they would like to continue with the skills they have learned during their prison tenure or would opt for something else. Responses recorded are as follow:-

35.3% of the enrolled prisoners wished to continue the skills they had learnt while majority of the inmates gave negative response or either they were confused. This shows that wage earning programmes although beneficial inside the prisons could be more helpful for rehabilitating the prisoners with little modifications and appeal to more number of prisoners. Although most of the prisoners said they would like to continue their previous jobs, many of them proposed to learn skills of electrician, plumber, computer skills, setting up business, painters, etc. Since majority of the inmates are from rural areas, teaching them above traits could be more beneficial under the brand name ‘Kaara’.

### 3.5 Educational Programmes

Prisoners in Model Central Jail Nahan can continue their studies and appear for board exams as well as complete their graduation from various fields from Indira Gandhi National Open University (IGNOU), New Delhi.
22.7% of the surveyed inmates were continuing their studies from IGNOU. More number of inmates must be motivated to enrol in education program as this increases their chance of landing up with a better job and their stay in prisons could be spent constructively.

### 3.6 Socio Economic Condition of Prisoners

Of the total 200 prisoners surveyed 93% were male inmates. Social life and economic conditions of the prisoners were studied with the help of questions based on monthly income, place of residence, educational qualification and family background.

#### Educational Background

More than 50% of the inmates have highest level of qualification only upto 10th whereas 17.6% are illiterate. This proves the fact that level of education is a major factor beyond indulging in criminal activities.

![Educational Qualification (in%)](image)

![Monthly Income before Serving](image)
**Family Background**

76% of the total prisoners surveyed lived in nuclear families whereas the number of family members per prisoner is represented graphically as below. 55% of the inmates have family members per household greater than average number of members per household in Himachal Pradesh [6]. Issue: Lack of family planning which in turn raises the burden on the earning member of family thereby compromising the quality of lifestyle and education which is a strong factor leading to criminal activities.

**Monthly Income**

Majority of the prisoners have monthly income below INR 10000 which is less than per capita income of Himachal Pradesh whereas 9% were unemployed [7]. Of the total inmates surveyed 46.3% were the only earning member of the family which puts a great burden on the family members at times when the earning member is serving in prison. Hence, cases of such under trial prisoners who are the only earning member of their family must be taken up with priority for trials as well as giving special attention to their rehabilitation.

**Addiction**

Results for addiction of inmates to smoking and alcohol are presented below:-

Bidi is available from the Jail canteen to the prisoners but there is no access to drugs and alcohol by any means inside the jail, confirmed 99% of the prisoners during the survey. Frequency of de addiction camps is very less and majority of the inmates claim there have been no such camps since they are serving.

**3.7 Medical Aid**

Disease profile for the surveyed inmates are shown below:

![Disease profile](image-url)
Although it is mandatory to have a Chief Medical Officer for each prison but in Model Central Jail Nahan this post has been lying vacant for a long time. There is no regular doctor in the prison. There are frequent visit of doctors from the nearby hospital whom the inmates can consult. As there are quite a lot number of prisoners with diseases and thus it is not possible for the visiting practitioner to check each and every patient. Thus most of the prisoners have to wait for a long time before their turn comes often aggravating the condition.

There is a pharmacy in the prison which is equipped with adequate type and number of medicines. During the survey it has been observed that prisoners were not satisfied with services of pharmacy. One of the inmates recalled “For every problem with which you approach the pharmacist he just gives you the painkiller”. There have been instances where some inmates were even harassed by the pharmacist.

The major problem faced while providing the medical aid to the prisoners is when they are recommended by the doctors visiting the prison for medical tests in the hospital. This request of the prisoner is conveyed to the jail authorities which in turn forward the application to District police for providing guards to escort the inmates to and from hospital to jail.

**Issue:**

Non availability of guards delays the test

Behaviour of police guards with the inmates

![Figure 16: Rating of District police behaviour](image)

Prisoners were asked to rate the behaviour of police guards escorting them out of 10 and results obtained are as follows:

Most of the prisoners were uncomfortable with the attitude of the district police. It depended from personnel to personnel but very few rated nine or above nine.
Inmates added that police guards were always in a hurry and if there is a queue in hospital for the medical test, most of the time guards take another date from the hospital staff and return the prisoner to the jail without the test.

### 3.8 Legal Aid

There are regular legal aid classes conducted inside the prison. Four legal aid lawyers are associated with Model Central Jail Nahan who have weekly visits. Through this facility inmates can avail the free of cost facility of a lawyer. These lawyers also file application for Jamatalashi. For each case lawyers were being paid INR 500. During the survey prisoners were asked about the awareness of their fundamental rights and the amount of money they have spent on availing legal aid services. The results were as follows:

![Figure 17: Awareness of fundamental rights](image1)

![Figure 18: Amount spent on legal aid](image2)

Despite the regular visit of legal aid authorities only 31.2% of the prisoners were aware of their fundamental rights. Most of the inmates complained of the fact that representatives of legal aid generally pay no attention to the convicted prisoners and were more interested in the Under Trials.

This result obtained revealed a very shocking fact that average spending of the surveyed inmate on legal aid was nearly INR 3,00,000. With 45% spending more than 1 lakh and around 10% above 10 lakh was an evidence of the fact that legal aid provisions provided to prisoners did not achieve its purpose. On the other hand this was trapping the poor inmates in vicious debt cycle thereby aggravating their conditions to even worse. Thus, special attention must be paid to the competency of lawyers provided through legal aid as most of the prisoners had problem with the capability of the government lawyers. Also those who were using the legal aid facilities complained of communication gap with the lawyers. In some cases the lawyers had not been responding for years. Some inmates brought up the fact that generally the lawyers who use to come for legal aid awareness were interested in under trials and hence convicted prisoners were not paid much attention.
3.9 Crime Profile

Of the survey carried out, two thirds of the prisoners are convicted whereas under trials forms 31.8%, which is an exception to the report of Prison Statistics India released by National Crime Records Bureau (NCRB) which states “Two third of the prisoners in Indian Jails are under trials”.

One of the major problem in Indian Prisons are the number of days an under trial has to serve in a prison. There have been cases where an undertrial has served more than the sentence she/he would have served if convicted [8]. 47% of the under trials have been serving more than 1 year which is a sign of concern as these inmates creates the problem of overcrowding and hence their cases must be tried at the earliest.
Only 18% of the inmates who are under trials have used Video Conferencing facility for courts trial. Given the conditions it is necessary to use this facility to its full potential for speedy redressal of justice. Currently video conferencing facility is being used only for extension of judicial remand of the under trials which should be extended to the court trial of the criminal cases also of the under trial prisoners. Of the total inmates surveyed their crime profile is as follows:

Majority of the prisoners were associated with crimes of Murder, Related to women and under NDPS Act. Each of these are analysed below separately.

**Crime Type: Murder, Attempt to Murder, Culpable Homicide**

Total Number of Prisoners: 52

- Murder cases are concentrated in district areas which share border with other states.
- Age group 26-50 are responsible for the most number of cases.
- 67% of the prisoners have studied only upto tenth class.
- 58% of the prisoners have monthly income below INR 10000 whereas 11% are unemployed. Cases are concentrated in the area with monthly income below INR 10000 (58%) which proves the fact that people in the lower income group are more probable to commit the crimes. Very few cases have been encountered with monthly income well above INR 20000.
Crime Type: Rape, Molestation, Stalking and other Crimes Related to Women

- Solan accounts for most number of cases followed by Kullu and Sirmaur.
- 67% of the prisoners are educated up to primary school of which 23% are illiterate which shows a strong relation between education and commitment of crime.
- Majority of the prisoners belong to the Age Group 17-40 years.
- 64% of the crimes are concentrated in rural areas.

Figure 25: Heat map for Crime related to women

Crime Type: Under NDPS Act

Observations

- Of the survey carried out the distribution of cases state wise are shown below where particularly Kullu, Mandi and Una are major contributors to cases in Himachal Pradesh whereas in Punjab, Moga and Ludhiana are the hotspot of NDPS related crimes

<table>
<thead>
<tr>
<th>Monthly income of NDPS prisoners before serving (in INR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25000-50000</td>
</tr>
</tbody>
</table>

Figure 26

Figure 27
• 60% of the prisoners have monthly income below INR 10000 while 10% of inmates were found to be unemployed which shows this type of crime is prevalent among low income generating group.

• Relation between income and number of family members shows that majority of the prisoners have family members in range 5-10 whereas monthly income is below INR 10000 which relates to the fact that there is a lack of concept of family planning. From the data obtained it was found that 13 prisoners live in joint family and 60% of inmates are the only earning member of the family which puts a great burden on an individual. (Figures 26 and 27).

4 Trend between Crime and Prisoners Attributes

• A plot between the level of education and number of prisoners was made, it was observed that crime committed by Under Graduates and above accounts only for 9.75% of the total crimes surveyed. Hence, higher is the level of education, lower is the probability of committing a crime. Trend for Gross Enrolment Ratio of students in Himachal Pradesh shows that number of students opting for Higher Education is decreasing and this can be a matter of concern because as per the predictive model there may be a rise in criminal activities due to this factor.

• There is a strong correlation between monthly income and number of crimes committed by prisoners of that range. Thus people with low income are most probable to commit crimes as compared to that with higher income.

As the per capita Income of Himachal Pradesh is increasing, hence as per the trend line we can expect a fall in number of cases in coming years if the increase in growth rate percolates to lower strata of the society, provided the increase in income is constructively utilized in the growth of the society as a whole.

![Figure 28: Monthly income Vs number of family members](image-url)
Figure 29: (Data Source: NITI Aayog)

Figure 30: (Data Source: NITI Aayog)

Figure 31: (Data Source: Directorate of Economics and Statistics, Himachal Pradesh)
Solutions Proposed

Better utilisation of Jail Vaarta facility:
1. An awareness about Jail Vaarta should be spread collectively amongst prisoners.
2. SMS or email can be sent to the family members about the facility.
3. Proper guidance must be given to the prisoners seeking assistance.

Improving Medical Test Procedure

1. All the results of the medical test must be e-mailed to the jail administration along with the details of the prisoner. This will do away with the man force required and time delay caused in the treatment.
2. As the number of prisoners to be taken out for the medical check-up are frequent, Model Central Jail Nahan can have its own team of guards for escorting the prisoners to the hospitals.
3. Nurse/ health worker can be posted at the hospital who can do the regular basic tests, collect the blood sample of the prisoner and send the samples to nearby hospital for the results which can be emailed to the prison authorities. This will eliminate the provision of availing police guards for the initial stage.

Awareness of Fundamental Rights

1. A printed copy of fundamental rights can be provided to each individual based on the type i.e. Convict or Under Trial.
2. Special session only on Fundamental Rights can be conducted with help of NGOs.
Curbing Heinous Crimes e.g. Bodily Offences, e.g. Murder, Culpable Homicide, etc.

1. Special attention should be given to Sirmaur, Una, Solan and Kangra districts which are hotspots for the crime and deployment of extra police personnel should be done to maintain regular patrolling in these areas. There is also an issue with number of police personnel deployed in the district. It has been observed that districts with lower number of policemen per lakh population have higher number of cases.

2. Education is the most important area which should be stressed upon particularly in these districts. Quality of education should be improved and children should be motivated to take up higher education.

3. Skill training centres and new ITIs must be set up nearby these areas which will increase the chances of youth getting employed and thereby reducing the probability of number of cases.

4. For particularly these type of cases more experienced and competent lawyers must be provided through legal aid so as to reduce the financial burden on the prisoners where average spending is more than 4 lakhs per inmate.

Curbing Women Related Crimes e.g. Rape, Molestation, etc.

1. Provision should be made for surveillance of crime hotspots either technically by using CCTV cameras or increasing the number of police personnel.

2. A regular self-defence training camp can be conducted specifically in rural areas for all the female students.

3. Emergency signalling devices can be made available to the females at subsidized costs whose network will be decentralized within a calibrated area and police station jurisdiction.

Curbing NDPS Act, Excise Act, Forest Act, etc. Related Crimes

1. Awareness about the NDPS Act must be spread at grass root level with help of NGOs so as to make people aware of the consequences and make them familiar with lethality of the crime.

2. As spending on legal aid by prisoners under NDPS Act is very high, special benches dedicated to this crime can be set up to provide speedy redressal to the prisoners.

3. Measures should be taken to spread awareness of family planning.

4. Quality of education should be improved in rural areas and students must be motivated to pursue higher education which can increase their chances of landing up in a better job.

5. Very strict checking mechanism should be developed to counter this crime at borders specifically with more number of personnel in crack team.
Curbing Diseases Faced by Majority of Prisoners

*Dermatological:*

1. Existing patients must be treated first.
2. There must be session on importance of personal hygiene by dermatologists in the prison.
3. Blankets used by the inmates must be dry cleaned on quarterly basis.

*Gastro Intestinal Tract*

1. Prisoners must be engaged in more physical activities so as to transform their sedentary lifestyle.
2. There must be a provision for deworming for the inmates once every six months.
3. More roughage food can be included in the daily menu.

*Mental Disease*

1. Most importantly there must be a dedicated psychiatrist.
2. Inmates with mental disorder should be provided with facility of meeting their family and friends more frequently via Open Jail concept, Parole and Jail Vaarta.
3. It must be ensured that inmates take their medication timely.

In general, one annual check-up for the prisoners should be carried out so as to ensure the healthy environment inside the prison and also rule out the obsolete complaints made by them. Also the number of pharmacist should be increased to reduce the pressure which is currently on a single worker.

*Improving Wage Earning Programs*

1. Prisoners must be assigned to a wage earning program considering the fact whether He/She will continue with that professional skill after being released from prison which can be determined by the nature of work available where an inmate resides.
2. A Memorandum of Understanding can be signed between Model Central Jail Nahan and Government Industrial Training Institute (ITI) to train selected prisoners based on their behaviour in various traits like masonry, carpentry, painting, driving, electric fitting plumbing, etc.

*Conclusion*

This case study on life inside Modern Central Jail Nahan, has covered various aspects of living condition inside the jail. Inmates here live in better conditions as compared to most of the central jails in India in terms of sanitation, food quality and well-designed spacious barracks. Wage earning program inside the prison is very crucial for after prison
life and hence an attempt has been made to fill the lacunae in the process of skill training by a list of solutions proposed in the paper. The two major issues which are availing the medical aid for the prisoners and amount spent by an inmate on legal aid can be countered with planned strategies and solutions which has been proposed. A low educational level and monthly income of the prisoners before serving were found to be the major trait for indulging in criminal activities. A trend has been predicted which explains that lower rate of enrolment of students in higher education is an area of concern and necessary steps must be taken to increase the Gross Enrolment Ratio. Thus the vision of the state government of Himachal Pradesh to provide Safe Custody, Care and Rehabilitation to the inmates can duly be achieved by taking necessary steps as suggested in this paper.

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2. Department of Prisons and Correctional Administration- Himachal Pradesh.
National Database of Sexual Offenders

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ABSTRACT

This National Database of Sexual Offender’s is expected to make a significant impact in social security paradigm of the nation. This Database will contain records of offenders who are arrested and charge sheeted and convicted of sexual offences. The records would be categorized into various Tiers depending upon the gravity of the offences. The database will be maintained at National and State level, there will be provisions of maintenance of history sheet and surveillance, modern ICT tools such as facial recognition and fingerprint identification will be deployed in order to make this database effective. The system will be implemented in Two Phases.

Key Words: Sexual Offenders, CCTNS, Database, Criminal Law

Introduction

Sexual Offences committed against women and children have been there in the country since long, however sudden spurt in such crimes is seen in majority of States/UTs since 2011. According to the data collected by NCRB from States/UTs rape cases have increased from 24206 cases in 2011 to 38947 cases in 2016 and similarly cases of criminal assault to outrage the modesty of women have increased from 42968 cases in 2011 to 84746 cases in 2016 (excluding POCSO cases). A total of 36022 cases were registered in different sections of POCSO (Prevention of Children from Sexual Offences) Act, 2012 in 2016. A new dimension to the sexual offences in the country is the increasing involvement of juveniles in the commission of sexual offences. Sexual offences have a deep psychological impact on victims and their family and hence are one of the most heinous offences imaginable.

“Sexual Offender” and “Sexual Offences” have not been specifically defined under any existing penal law(s). Under the objective of “The Protection of Children from Sexual Offences Act, 2012” it is mentioned that it is an Act to protect the children from offences of sexual assault, sexual harassment and pornography. Hence all the above categories of offences can be taken as “Sexual Offences” and the Person(s) committing these offences are
taken as “Sexual Offenders”. Sexual Offenders are a heterogeneous group which sprawl across gender, religion, caste, age etc. Majority is composed of men. Most importantly there is a probability of recidivism as well.

Briefly, the purpose of project is:
• Tracking sex offenders once released from jail
• Assist law enforcement
• Reduce recidivism
• Notifications allowing public to be alert to protect themselves

International Paradigm

A sex offender registry is a system in various countries including Australia, Canada, New Zealand, the United States, South Africa, the United Kingdom and the Republic of Ireland, designed to allow government authorities to keep track of offenders mainly convicted offenders after they have completed their criminal sentences. In few countries sex offender is required to register himself accompanied by residential address notification or are subject to additional restrictions like being in presence of underage persons (minors), living in proximity to a school or day care center etc. Those on parole or probation may be subjected to restrictions that do not apply to other parolees or probationers. The United States is the only country with a registry that is publicly accessible; all other countries sex offender registries are only accessible to law enforcement agencies.

United States

NSOPW is the only U.S. government (1) Website that links public state, territorial, and tribal sex offender registries from one national search site. Parents, employers, and other concerned residents can utilize the Website’s search tool to identify location information on sex offenders residing, working, and attending school not only in their own neighbourhoods but in other nearby states and communities. In addition, the Website provides visitors with information about sexual abuse and how to protect themselves and loved ones from potential victimization.

Australia

Australia has a central registry, the Australian National Child Offender System (NCOS, formerly ANCOR) (2) which has been operational since 2004. Australia does not have any public notification Systems on National level. The NCOS consists of the Australian National Child Offender Register (ANCOR) and the Managed Person System (MPS). The ANCOR allows authorized police officers to register, case manage and share information about registered persons. It assists police to uphold child protection legislation in their state or territory.

The MPS holds information on alleged offenders who are charged but not convicted, or after an offender’s reporting obligations have been completed.
**United Kingdom**

In the United Kingdom, the Violent and Sex Offender Register (ViSOR) (3) is a database of records of those required to register with the Police under the Sexual Offences Act 2003, those jailed for more than 12 months for violent offences, and unconvict people thought to be at risk of offending. The Register can be accessed by the Police and Prison Service personnel. It is managed by the National Policing Improvement Agency of the Home Office. Offenders must inform the police within three days if there are any changes in their name, address, bank details, passport or other Identification documents.

**Indian Paradigm**

In India seeing the increasing trend of sexual crimes specially against children exhibiting highest level of bestiality and barbarity in commission of crime since 2012 (evidently in cases such as Nirbhaya Rape Case of 2012 and more recently the Kathua Rape Case of 2018), notoriety of the sexual offender behaving with impunity, there have been series of deliberations & outrage across the country which finally culminated into the decision by the Central Cabinet to promulgate Criminal Law Amendment (Ordinance) 2018 (4) in which the punishment for the offence of rape was enhanced and additional sections are added for the sexual offences against Minors. It was also decided by the cabinet to establish a National Database of Sexual Offenders and strengthening of investigation and prosecution and fast tracking of cases.

**Mandate Provided to NCRB**

NCRB vide D.O. No 1/3/2018-Judl Cell-I dated 25/04/2018, enclosing Cabinet Decision Dated 20/04/2018 has been directed to maintain a Sex offenders Database the verbatim mandate is as follows.

> “An important aspect in investigation of rape cases concerns tracking of the accused persons and sharing of information with the concerned agencies in this regard. Maintenance of a national database and the profile of sexual offenders with an efficient mechanism to share the information with the investigating agencies will significantly help in early solving of the cases and arrest of the accused, facilitate inter-agency co-ordination and help keep a watch on the habitual offenders with a view to prevent further incidents. Such data base will also aid the prosecution while dealing with repeat offenders in trial courts. The National Crime Records Bureau (NCRB) will be specifically mandated to maintain the above database and profile at the national level and share it with the States/UTs on regular basis. NCRB data will be used by the police for verification of antecedents for prospective employers and would form a part of CCTNS.”
After the receipt of the above communication, from Union Home Secretary, a meeting of representatives from SCRBx/CIDs of various States/UTs was convened and the modalities were deliberated on 04th May 2018. A similar discussion was also conducted during CCTNS Nodal Officer’s Meeting on 27th April 2018. Relevant inputs were also taken from BPR&D

### Salient Features of Criminal Law Amendment (Ordinance) 2018

- Minimum Punishment for Rape made Ten Years.
- Minimum punishment of twenty years to a person committing rape on a girl aged below 16.
- Minimum Punishment of 20 years rigorous imprisonment and maximum Death penalty/LifeImprisonment for committing rape on a girl aged below 12.
- Fine imposed to meet the medical expenses and rehabilitation of the victim.
- Investigation in rape cases to be completed within two months.
- No Anticipatory bail can be granted to a person accused of rape of girls of age less than sixteen years.
- Appeals in rape cases to be disposed within six months.

### Sex Offenders Database at National Level

#### Records to be Maintained

The national sex offenders database shall contain records (including photographs and fingerprints) related to offenders across India who have been

- Arrested & Charge sheeted for a Sexual Offence and
- Convicted for Sexual Offence

The above categories shall be further subdivided into juvenile offender’s list and adult offender’s list, and there will be a provision to subdivide the list into various other subcategories. Based on flags to be set by District nodal officer. The information shall be stored with respect to each offender for all the cases in which the said offender is arrested or convicted. It will also contain the current status of the offender as updated by the Police Station/District nodal officer.

#### Offences to be covered and Offender’s Classification

Offences which are sexual in nature and committed against women or children are to be incorporated in this database. To begin with in Phase-I we would be covering all cases under Section 376 of IPC (Rape) & cases under section 4 & 6 of POCSO act. Cases under Section 67/67A/67B of IT Act 2000/2008, the offences under selected sections of Indian Penal Code (IPC), Protection of Children from Sexual Offences Act (POCSO), Immoral Traffic Prevention Act (ITP) and SC/ST Prevention of Atrocities Act (PoA) will be covered in this database in Phase-II subsequently; Offenders who have been arrested and charge sheeted in any of the above sections/acts whether convicted or not, will become part of this
database. The following are the detailed acts and sections which shall be incorporated in various phases of the implementation are as follows:

**Tiers**

**Tier-I**

<table>
<thead>
<tr>
<th>Phase-I</th>
<th>Phase-II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 376 of Indian Penal Code (Technical Rape and elopement etc.)</td>
<td>Section 354 including its Subsections (a,b,c,d) &amp; Section 377 of Indian Penal Code</td>
</tr>
</tbody>
</table>

**Tier-II**

<table>
<thead>
<tr>
<th>Phase-I</th>
<th>Phase-II</th>
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</thead>
<tbody>
<tr>
<td>Section 376(i) of Indian Penal Code</td>
<td>Sections 3, 4, 5, 6 and 9 of Immoral Traffic Prevention Act</td>
</tr>
<tr>
<td>Sections 4 and 6 of POCSO Act where age of victim is between 12 to 18 years</td>
<td>Sections 326A, 326B, 366A, 366B, 370, 370A, 372 &amp; 373 of Indian Penal Code</td>
</tr>
<tr>
<td></td>
<td>Sections 8, 10, 12, 14, 17 &amp; 18 of POCSO Act</td>
</tr>
<tr>
<td></td>
<td>Section 3(i)(ix) and Section 3(1) (xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act</td>
</tr>
</tbody>
</table>

**Tier-III**

<table>
<thead>
<tr>
<th>Phase-I</th>
<th>Phase-II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sections 376A, 376(2)[a, b, c, d, e, f, g, m], 376C, 376D, 376E, 376AB, 376DA, 376DB of Indian Penal Code</td>
<td></td>
</tr>
<tr>
<td>Section 4 and Section 6 of POCSO Act where age of victim is less than 12 Years.</td>
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</table>

**Data Retention Policy**

The data for the sexual offenders shall be retained for a period specified in the Tier Definition, the retention policy Tier wise is as follows

<table>
<thead>
<tr>
<th>Tier</th>
<th>Period</th>
<th>Repeat Clause</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier-I</td>
<td>15 years</td>
<td>On repeat offence, 25 Years</td>
</tr>
<tr>
<td>Tier-II</td>
<td>25 years</td>
<td>On repeat offence, for life</td>
</tr>
<tr>
<td>Tier-III</td>
<td>For life</td>
<td></td>
</tr>
</tbody>
</table>
Aggregation of Other Criminal History

Criminal history of an offender regarding those cases which do not fall under purview of this database (non-sexual offences committed by the sexual offender) also will be integrated under this database as well so that investigating agencies can have a holistic view of the offender for better profiling.

History Sheet and Surveillance

The primary goal of this database is to provide tracking and monitoring of the offenders. In order to better achieve this goal State Police will be requested to keep “History sheets” at Police Station Level on the pattern of rowdy sheet for Tier-II and Tier-III sexual offenders as well. The said history sheet shall be updated from time to time upon changes in status of the offender.

Surveillance shall be required upon the Tier-II and Tier-III offenders, it will be requested to introduce a provision for the Tier-II and Tier-III offenders to mandatorily mark attendance at the Local Police Station on monthly basis & Police Station Staff to check offender at home periodically. Databases can also be used manage alerts in case any offender is missing.

Web Portal and Search and Query Module

The Web portal would be created to provide a primary user interface and role based access to various users of the system. It would serve and primary dissemination point and would have a provision to expose a segment of information to public as well if required.

The Search and Query module would be having provisions to generate reports on various available criteria and to search the registry on the basis of certain predefined parameters there would be an option of searching/matching of the data at state level, national level, or selected state level so that the search and query facility may be adequately utilized

State Level Databases

There should be a provision for each state to have their own Sex Offenders Database which should ride upon the CCTNS Database, such a registry would enable better tracking of the offenders and MHA may issue a guideline that in addition to National Sex Offender Database, there should be State Level Sex Offender Databases as well. Such State Level registry would be centrally maintained at NCRB server wherein each State shall have virtual partitions in central server.

Implementation Stages and Details

Initially it is envisaged that the data regarding the convicted sexual offenders will be captured from the databases of ePrison system. However, a RFP is already published for selection of an Implementation agency for State of the Art development of the National Database of Sexual offenders.
In the implementation phase-II the primary data source for the system will be CCTNS, and the data models of CCTNS shall be enriched to enable the extraction for requisite information from the National Data Center of CCTNS, there would also be an integration with ePrison and eCourts systems to enable near real time status tracking of an offender. It is also proposed to have a built in automated facial recognition system and to integrate this system with National Automated Fingerprints Identification System (NAFIS), once these integrations are completed, offenders would be identified using comprehensive multi-modal biometrics to enable enhanced tracking.

**Conclusion**

This National Database of Sexual Offender’s is expected to make a significant impact in social security paradigm of the nation. The idea is that the deviant behavior progresses throughout a defined escalation matrix. As soon as a deviant is identified and tracked by the system, associated tracking, history sheeting and regular follow up by police will prevent such deviant from escalating their criminal activities, slowly with sensitization of the society it would be made mandatory for getting a certificate from Sexual Offender’s Registry for employment at sensitive workplaces such as Schools, Colleges, Public Transport, Parks, Restaurants etc.

**References**

Analysis of the Judicial and Legislative Approach on Acid Attack Victims in India

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ABSTRACT

The present research paper aims to shed light on the immensely traumatic experience of an acid attack victim—right from the difficulty in getting medical aid, to obtaining adequate compensation to getting justice. In spite of the fact that these victims are victims of one of the most gruesome forms of assault, the Government and Judiciary has remained largely apathetic to their plight. However, in recent times, there has been a marked change in both the legislative and judicial approach. The paper seeks to focus on this shift, highlighting both the negative and positive aspects involved. In Laxmi v. Union of India (2014), the Supreme Court of India, taking notice of the plight of acid attack victims as well as the easy availability of acid in the markets, laid down the guidelines for the regulation of acid. For the first time, the Court also raised the issue of compensation for victims and a minimum amount was set by the Supreme Court to be given to the victims by the State. The present paper also analyses the contribution of the 226th Law Commission report (2008) and the J.S. Verma Committee Report (2013), in amendments to the Criminal Law in India in awarding a strict punishment to the perpetrators of this crime.

Key Words: Acid attack, Assault, Court, Punishment, Victim

Introduction

In recent times ‘Acid attacks’ in India have garnered widespread media coverage, shedding light on this gruesome and horrific act of causing grievous hurt to a person, often with the sole intention of causing disfigurement to the physical appearance of a person, and most often to the face. In spite of the recent increase in such cases, acid throwing has been used as a vicious form of assault for a long time. With a few exceptions, this form of violence is usually inflicted upon women, mostly young women, from unrequited lovers unable to handle the rejection or even by family members to retaliate in family feuds. The intent behind such attacks is a rather twisted one that it is not to kill the victim but rather force them to live a life of pain, shame and in hiding. This intent has not been taken into account by the courts during the sentencing of perpetrators of this crime. A brief overview of acid attack cases show a common cause of occurrence, the perpetrators after being rejected or rebuked by the victims decide to ‘teach the victim a lesson’ by ruining their beauty, which is often considered the source of a woman’s self-esteem. Acid attacks, much
Analysis of the Judicial and Legislative Approach on Acid Attack Victims in India

like other gender based crimes in India, have an underlying patriarchal tone to it, which refuses to accept a woman’s right over herself.

The Acid used here is mostly sulphuric acid or hydrochloric acid, which in contact with human skin causes immense pain and completely burns the skin right up to the third layer, damaging the blood vessels, nerves and the tissues (also known as third degree burns), and causes permanent disfigurement by melting facial features, which often results in shutting of nostrils or in worse cases causing permanent or partial blindness. In order to treat such burns, multiple plastic surgeries are required which is very expensive (costing lakhs per surgery). One of them is the graft surgery in which skin from a non-burnt area is cut and attached to the burnt-area. In spite of the lengthy and expensive nature of surgeries, the damages caused by acid attacks are irreversible, and the physical appearance of the victim looks nothing like it used to before the attack. Ironically, while acid is hazardous, it is sold commonly over the counter for cleaning purposes for as little as 20-50 Rupees. Pursuant to an order of the supreme court in the landmark case of Laxmi v. Union of India, the Union of India in an affidavit which is reproduced in the order, estimated the total number (provisional) of acid attack cases in the year 2014 to be around 309, with Uttar Pradesh reporting the highest number of cases with 185, followed by Madhya Pradesh at 53, Gujarat with 11 and Nct Delhi with 27 reported cases. However, like any other gender related crime, the true number can be estimated to be much more as certain cases go unreported due to shame faced by the victim’s family or threats by the accused persons. India has over the years seen an increase in the number of such attacks, which along with high instances of sexual assault upon a woman, dowry deaths, and female infanticide, is making it one of the worst countries for a woman to be born into.

The Much-needed Change in Criminal Law

Previously Indian criminal law did not recognize acid attacks as a separate offense and they were usually classified under Section .320 of the Indian Penal Code (“IPC”) as ‘grievous hurt’, with punishment for grievous hurt under s.325 IPC. However, S.325 IPC is classified as a bailable and compoundable offence (which means that the accused and the victim could mutually settle, making acid attack in particular a private conflict and not a crime against the society, which it truly is) further the punishment meted out to the accused could only go as far as 7 years of imprisonment. Section 326 IPC which prescribes punishment for voluntarily causing grievous hurt by dangerous weapons or means, was also applied in certain, more serious acid attack cases which have a stricter sentence of life imprisonment or imprisonment up to 10 years. However, S.326 IPC wasn’t particular to acid attacks alone, and in most cases where S.326 IPC was applied the accused would often get a sentence lesser than 10 years unless the acid attack caused the death of the victim. Secondly S.326 IPC was applied in cases where the grievous hurt caused was likely to cause death to a person and additionally, S.326 IPC did not cover attempt to throw acid,
which left the accused with plenty of loop holes to get away with a lighter sentence. Take, for example, the case of Shesnath v. State of Chhattisgarh\(^3\) in which the accused person threw acid on two persons, which caused the death of one of them and caused severe burn injuries on the face, chest, and neck of the other. The Additional Session Judge, however, sentenced the accused to only two years of rigorous imprisonment under S.324 IPC (voluntarily causing hurt by dangerous weapons or means) and four years of rigorous imprisonment under S.304 IPC (culpable homicide not amounting to murder). In another case\(^4\), the husband unhappy with his wife leaving the matrimonial house, poured acid on her in her sleep causing her permanent disfigurement and loss of one eye. The Delhi High Court convicted the accused under S.307 IPC (attempt to murder) but only sentenced him to 7 years of rigorous imprisonment. The punishments for acid attacks were not always disproportionate, in some cases where the victim died or was maimed beyond recognition, the court was not hesitant to award death sentence or life imprisonment.\(^5\) In some cases S.302 and S.307 IPC were also attracted (murder and attempt to murder), however, the question of ‘intention to kill’ of the accused comes into play with such cases, complicating it further. Due to these factors, there was no uniformity in dealing with acid attack cases, with punishments ranging from as little as few months to death sentences. It was rare for courts to identify the psychological, social and economic effects it has on the victim for his/her entire life and even rarer to award compensation comparable to the extensive medical procedures undergone by the victim. The fines levied were mostly minimal, in accordance with the criminal provisions involved and there was no mandate to award any compensation to the victim of such an act.

In the year 2005, a 15-year-old girl named Laxmi Agarwal was constantly being harassed by a 32-year-old man, whose advances Laxmi had repeatedly rejected. Unable to handle this rejection, the man poured sulphuric acid on Laxmi causing immense pain and melting of her skin, which disfigured her face beyond recognition. Laxmi required multiple surgeries, which were both very painful and expensive. Laxmi, by way of this unforeseen tragedy, became a harbinger of hope for other acid attack victims. In the year 2006, Laxmi filed a PIL in the Supreme Court demanding changes in the criminal justice system against acid attacks and to provide adequate compensation to the victims. Laxmi’s case helped bring some major changes, in the way that it nudged the government to formulate better laws against acid violence and more importantly to formulate a rehabilitation scheme for the victims of acid attacks. An important reason behind acid attacks was the easy availability of acid, hence the Supreme Court directed all the states and union territories to formulate proper laws to regulate the sale of acid and other corrosive substances as are under the Poisons Act, 1919 and envisioned The Poisons Possession and Sale Rules, 2013 to check the inhibited sale and purchase of acid. The Supreme Court laid down the following guidelines to control the availability of acid.\(^6\)

\(^4\) Devanand v. The State, 1987 1 Crimes 314.
Over the counter, the sale of acid is completely prohibited unless the seller maintains a log/register recording the sale of acid which will contain the details of the person(s) to whom acid(s) is/are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold.

All sellers shall sell acid only after the buyer has shown:
• A photo ID issued by the Government which also has the address of the person.
• Specifies the reason/purpose for procuring acid.
• All stocks of acid must be declared by the seller with the concerned Sub-Divisional Magistrate (SDM) within 15 days.
• No acid shall be sold to any person who is below 18 years of age.
• In case of undeclared stock of acid, it will be open to the concerned SDM to confiscate the stock and suitably impose fine on such seller up to 50,000/-
• The concerned SDM may impose fine up to 50,000/- on any person who commits a breach of any of the above directions.
• The educational institutions, research laboratories, hospitals, Government Departments and the departments of Public Sector Undertakings, who are required to keep and store acid, shall follow the following guidelines:
  • A register of usage of acid shall be maintained and the same shall be filed with the concerned SDM.
  • A person shall be made accountable for possession and safe keeping of acid in their premises.
  • The acid shall be stored under the supervision of this person and there shall be compulsory checking of the students/personnel leaving the laboratories/place of storage where acid is used.

Additionally, the Supreme Court expressed dissatisfaction at the paltry amount offered to the victims in accordance with the Victim Compensation scheme of each state (in addition to being significantly less in some states, it was also different in each state). It directed that each victim should at least receive 3 lakh rupees as after-care and rehabilitation cost, with one lakh rupees provided within 15 days of the occurrence of the attack and the rest within 2 months of the attack. Further, the Supreme Court stated that full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims. It was directed that no hospital/clinic should refuse treatment citing lack of specialized facilities, and first-aid must be administered to the victim and once condition stabilizes the victim must be shifted to a specialized facility for further treatment. Action must be taken against hospital or clinics refusing to treat the victims of acid attacks as is provided for under S. 357C of CrPC.

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7 Supra note at 6.
8 Supra note at 1.
During the pendency of the PIL, the 226th Law Commission report\(^9\) was also submitted to the Supreme Court to add acid attack as a specific offense and to create a uniform law for compensation. The report emphasized upon having specific sections for acid violence in the IPC, with a provision that provides for the fine to be levied on the accused that shall be given to the victim. Secondly, the report pressed for a system in place, which would provide assistance to acid attack victims by providing medical and psychological care, and would directly deal with handing out compensation to the victims. The most noteworthy achievement of the report, along with Justice J.S. Verma committee report\(^10\), was to push the government for separate provisions in the IPC for acid attack, which lead to the insertion of S. 326A, S.326B and S. 166A of the IPC and S. 357B, S. 357C and S. 154(1) of the CrPC. S.326A IPC states:

Whoever causes permanent or partial damage or deformity to, or burns or maim or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine; Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim; Provided further that any fine imposed under this section shall be paid to the victim.

**Section 326B provides that—**

Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

**Explanations**

For the purposes of section 326A and this section, “acid” includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.

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\(^9\) Report submitted to the Hon’ble Supreme Court of India for its consideration in the pending proceedings filed by one Laxmi in W.P. (Crl.) No. 129 of 2006 on “The Inclusion of Acid Attacks as Specific Offences in the Indian Penal Code and a law for Compensation for Victims of Crime”, July 2008.

S.326A and S.326B substantively provide punishment for both acid-throwing and any attempt to throw acid. These sections have prescribed minimum punishment; hence in no circumstances can an accused person get away with a lighter sentence. S.326 A does not distinguish punishment to be awarded according to the percentage of burns or extent of injury, which is a strong deterrent for persons resorting to acid violence. Furthermore, these sections do not leave it to the discretion of the police to specify sections in the FIR leading to inconsistency in dealing with perpetrators of this crime. Both sections cover both throwing and administering acid to a person/victim. S.326B provides for the definition of acid, in order to cover all forms of corrosive substances that cause/have the potential to cause bodily injury. S.166A IPC directs compulsory registration of FIR in cases of acid attack (among other crimes), failure to which the public servant in charge can get sentenced to rigorous imprisonment for a term not less than 6 months, up to 2 years in addition to a fine.

S.357B CrPC provides that the compensation provided to the victims under the Victim Compensation Scheme (as provided under S. 357 CrPC) would be in addition to the fine paid by the accused to the victim under S. 326A IPC. S. 357C CrPC directs that all hospitals, private or public, run by any person/local bodies/government shall provide medical-aid or treatment to the victims of acid attack (among others) free of cost and shall immediately inform the police of such incident. This section is backed by S.166B IPC which states that any person in charge of the hospital contravenes the section 357C CrPC would be sentenced to imprisonment which may extend to one year or with fine or both.

The new inserted sections in the IPC and CrPC effectively deal with firstly, prescribing strict and uniform punishment for throwing acid or any attempt to it, and any complaint related to such act is compulsory by law to be recorded, ensuring that the FIR is registered in a timely manner and not affected by the discretion of the police officer or during trial by the presiding judge. Secondly, it provides for a minimum compensation to the victim, in addition to a fine to be paid by the accused, along with free medical aid and treatment. Imposing imprisonment upon persons in charge of hospitals that deny admitting victims of acid attack further strengthens this provision. However, providing compensation to victims still largely depends upon the Victims Compensation Scheme as provided in S. 357A CrPC which is to be formulated by each state. According to Laxmi’s judgment, each victim of an acid attack has to receive a minimum compensation of Rs. 3 Lacs. Prior to this, the compensation provided by the states was mostly inadequate, and in some cases distinguished as per percentage of burns received by the victim, with some states like Mizoram, West Bengal, Jharkhand not even having a compensation provision for acid attack victims. Some of the worst states in terms of compensation were:

Goa- Loss of any limb or part of the body resulting in 80 per cent disability to be compensated with up to Rs. 50,000, loss of any limb or part of the body resulting in less than 80 per cent and more than 40 per cent disability to be provided upto Rs.25,000 and less than 40 per cent to be provided up to Rs. 10,000. In case of severe mental agony to caused to women and child due to acid attacks, up to Rs. 10 Lacs.11

11 Schedule to the Goa Victim Compensation Scheme, 2012.
Jammu and Kashmir- Rs. 20,000.\(^{12}\)

Odisha- Rs. 1,00,000 for earning members and Rs. 50,000 for not earning members only when disability is more than 80 per cent.\(^{13}\)

The schemes in place earlier were a clear mockery of the victims of this horrific attack. Not only was compensation dependent on the percentage of disability but also bizarrely on other conditions like whether the victim was earning or non-earning. In most of the scheme, the compensation provided was the maximum limit and the amount was usually decided by the DSLA based on the nature of the injury, medical care needed or whether the injury has caused loss of income or dignity. Hence compensation received was largely subjective, mostly in the hands of the DSLA. Most of the schemes carried a provision, which stated that in case a victim has received compensation by way of Government/state insurance (even private insurance in the case of Goa), ex gratia payment, any fine (including fine paid by the accused to the victim) or payment received under any law or scheme it shall be treated as compensation under this scheme.

Laxmi’s judgment sought to bring at par the amount of compensation granted to the victims by prescribing a minimum amount, as the Supreme Court observed that the compensation granted was grossly inadequate. It directed all the States to carry necessary amendments in their Victim Compensation Scheme to bring the minimum amount of compensation to victims of acid attacks at Rs.3 Lacs. Barring few states, most have amended their schemes to bring the maximum compensation to Rs. 3 Lacs (as opposed to a minimum of Rs. 3 Lacs as set in Laxmi’s judgment).

In addition to that most states still, continue to award compensation based on percentage of disability and are ridden with other criteria. Take for example the State of M.P. (having one of the highest numbers of acid attacks in the year 2014). M.P. Crime Victim Compensation scheme provides compensation up to Rs. 3 Lacs if disfigurement is more than 40 per cent. If disfiguration is less than 40 per cent then up to 1.5. Lacs is to be awarded for which 50,000 is to be paid within 15 days. MP Crime Victim Compensation scheme states that if the annual income of the victim exceeds 5 lakhs then the compensation would be 50 per cent only the allotted compensation only.\(^{14}\) It also states that the compensation received by the victim from the state in relation to the crime in question, namely insurance, ex gratia or any other payment under any state run schemes shall be considered as a part of the compensation amount under the scheme and if the eligible compensation exceeds the payments received by the victim, the balance amount shall be made out from the fund. In case of minors the compensation should be kept in a fixed deposit till the attainment of majority (thereby totally defeating the idea of timely medical care and rehabilitation). The state of Maharashtra too has amended its scheme to provide Rs. 3 Lacs, however, it comes with an odd condition, which bars employees of all central or state government, boards, corporations, public undertakings and income tax payees.\(^{15}\)

13 Schedule to the Odisha Victim Compensation Scheme, 2012.
14 Schedule to the Madhya Pradesh Crime Victim Compensation Scheme, 2015.
15 Clause 4(h) to the Maharashtra Victim Compensation Scheme, 2014.
A few states have formulated schemes that are truly praiseworthy as they are not only adequate in terms of compensation but also go beyond the Supreme Court’s orders to provide overall rehabilitation of the victims. The state of Haryana has notified a new scheme, ‘Relief and Rehabilitation of Women Acid Victims’, which provides for compensation within 15 days from when a prima facie case of acid attack is made out. Additionally, it seeks to conduct a home study of the victim to effectively assess any additional need that may arise to the victim and proves 100 per cent free medical facilities to all victims from any Government or Government approved hospital. It also notifies from time to time, shelter homes which can provide complete rehabilitation to victims who need the support. It provides for a compensation of Rs. 3 Lacs for attacks involving defacement, loss of limb or body part or plastic surgery. For attacks not involving any of it, the compensation provided would be Rs. 50,000. In the case of death by acid attack a lump sum of Rs. 5 Lacs shall be provided to the legal heir of the victim. The monthly financial assistance of Rs. 8,000/- to acid victims who will come in the definition of disability under Section 2(i) of the Persons with Disabilities (Equal Opportunities Protection of Rights of Full Participation) Act, 1995 is also provided for by the Social Justice & Empowerment Department, Haryana. Further, the scheme provides for preference to acid attack victims in allotment of Fair price shops by the Food and Supply Department, Haryana. The Delhi Victim Compensation Scheme, 2015 is the only state providing the highest compensation to the victims of acid attack. In the case of disfigurement of face or injury less than 50 per cent the compensation provided is between Rs. 3 Lacs to Rs. 5 Lacs in case the injury is more than 50 per cent compensation provided is Rs. 5 Lacs to Rs. 7 Lacs. The scheme, however, does not provide the compensation directly and it’s given in the form of fixed deposit with fixed conditions for withdrawal. Further, it has a provision that in the case during the trial the court directs the accused to pay compensation to the victim under S. 357 CrPC the victim has to refund either that amount of the amount received by the state, whichever is lesser. This provision is completely in contravention to S.357 B, which states that any compensation received under S.357A would be in addition to the fine paid by the accused to the victim under S.326A IPC.

**Shift in the Judicial Approach**

The criminal amendment has ushered significant change in the judicial approach towards acid attacks and victims. The court is now well aware of the aftermath of these attacks and the intensive medical care the victim has to go through. In more and more cases courts have expressed dissatisfaction at the quantum of punishment and the compensation being too low. Laxmi’s judgment, even though a landmark decision in terms of bringing about relief for the victims, wasn’t properly implemented, and another PIL by the NGO Parivartan Kendra and others was filed in the Supreme Court. The facts leading up to the PIL were that two dalit girls in Bihar were attacked with acid in their sleep as the elder sister was constantly harassed by the accused persons to have sexual relations with them that she

did not pay heed to. One night the accused persons climbed to the roof, where the girls were sleeping and held the elder sisters legs and face and poured acid on her, which also resulted in the burning of the younger sister’s arm. It was the plight of the sisters, that after admitting them to the hospital the doctor only arrived by the next morning, they claim that for a month they were not treated properly and due care was not provided as they belonged to a lower caste, until they finally got shifted to Safdurjung Hospital in New Delhi. They also claimed that so far the government has only given them Rs. 2.42 Lacs for the treatment of both even though more than Rs. 5 Lacs has been spent on their treatment. The Supreme Court reprimanded the state and observed that:

We have come across many instances of acid attacks across the country. These attacks have been rampant for the simple reason that there has been no proper implementation of the Regulations or control for the supply and distribution of acid. There have been many cases where the victims of acid attack are made to sit at home owing to their difficulty to work. These instances unveil that the State has failed to check the distribution of acid falling into the wrong hands even after giving many directions by this Court in this regard. Henceforth, a stringent action be taken against those erring persons supplying acid without proper authorization and also the concerned authorities be made responsible for failure to keep a check on the distribution of the acid.

Further commenting on the plight of the victims the court observed,

The likeliness of the victim getting a job which involves physical exertion of energy is very low, the social stigma and the pain that she has to go through for not being accepted by the society cannot be neglected. Furthermore, the general reaction of loathing which she would have to encounter and the humiliation that she would have to face throughout her life cannot be compensated in terms of money, as a result of the physical injury, the victim will not be able to lead a normal life and cannot dream of marriage prospects. Since her skin is fragile due to the acid attack she would have to take care of it for the rest of her life. Therefore, the after care and rehabilitation cost that has to be incurred will have huge financial implications on her and her family.

The court finally observed that Laxmi’s judgement is proper however it needs better implementation and also the compensation mentioned therein cannot serve as a straitjacket formula and could be enhanced by the courts depending on the severity of the case and also that such enhancement would make the state to implement the guidelines properly as the state will try to comply with it in its true spirit so that the crime of acid attack can be prevented in future. Finally, the court clarified that Laxmi’s judgment did not prescribe a maximum limit for compensation or put any condition on the compensation based on the degree of injuries which a victim has suffered due to acid attack. In the light of these
observations, the court granted compensations of Rs. 10 Lacs to the elder sisters and Rs. 3 Lacs to the younger sister.

In Renu Sharma v. GNCT of Delhi and Ors.\(^ {17}\), the petitioner was a victim of an acid attack that leads to her losing her eyesight. She approached the Delhi High Court to grant her a compensation of Rs. 50 Lacs, to reimburse her medical expenses and provide her or her family member with a government job of not less than Grade II officer level. The court observed that the Delhi Victims Compensation Scheme that provides for a maximum compensation of Rs. 7 lacs, is arbitrary and unreasonable and if a victim has spent more than that on their treatment the state cannot refuse to spend more than the ceiling limit. The court, in this case, consulted the petitioner to suggest a government hospital where she would prefer to be treated in the future, and after learning that passed an order to provide a free medical facility in that hospital to the petitioner, the expenses of which shall be borne by the state. Further, the court directed the state to provide a job to the petitioner on compassionate grounds, and to reimburse medical expenses previous incurred by her notwithstanding the ceiling limit prescribed in the scheme. In another case\(^ {18}\), acid was forcefully administered to the petitioner by her boyfriend’s family causing internal and external injuries to her. The petitioner in light of Laxmi’s judgment approached the High Court of Calcutta against the failure of the state to provide her any compensation. It was her case that after the attack on her she had approached the Chief Secretary of the State of West Bengal for compensation, however no action was taken by them for more than 7 months. The State took the plea that the West Bengal Victim Compensation Scheme was in the process of being amended according to the guidelines issued in Laxmi and hence no compensation should be granted till the scheme is notified. Further, for compensation to be provided the victim must be referred by the Legal Service Authority or a Court of compensation and therefore the petitioner by approaching the State government directly could not obtain compensation. The court rejecting the arguments by the state held that referrals aren’t always necessary to obtain compensation and once the state receives the knowledge of such an act compensation must be paid to the victim. Relying upon Laxmi’s judgment the court held that since the Supreme Court has already directed payment of Rs. 3 Lacs to the victims of compensation, the same shall be paid to the victim. In another case pertaining to Haryana,\(^ {19}\) the court directed payment of Rs. 6 Lacs as compensation to the victim (maximum limit is Rs. 3 Lacs in Haryana) along with free medical aid, the monthly assistance of Rs. 8,000 and allotment of fair price shop.

A Tragedy Worsened by Delay

A very important factor which has been ignored in landmark judgments about acid attacks is the huge delay in disposing of cases. Rehabilitation and compensation too was delayed in most cases, which lead to the Supreme Court directing the payment of Rs. 1

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19 Anju v. State of Haryana, 2016 (2) RCR (Criminal) 794.
Lac to the victims within 15 days and the rest (Rs. 2 Lacs) within 2 months. However, the courts have been silent in issuing any guidelines to help the speedy disposal of the pending cases. A brief look at the decided cases shows a dismal result in terms of time taken to decide these cases. Even though Indian court has always been encumbered with a huge backlog of cases, it is even more arduous for acid attack victims to attend court hearings for years and to undergo exhausting cross examination in their physical condition and along with getting their treatment and surgeries done. Prior to Laxmi’s judgment, the only way of getting compensation was by way of the fine imposed upon the accused, and for this, the victim would have to wait for the length of the trial to get her compensation. Additionally, in acid attack cases, the burden of proof is on the victim to prove that the act was committed by the accused person. Take for example the case of Joseph Rodriguez v. State of Karnataka\textsuperscript{20}, here the accused not being able to handle the rejection at the hands of the victim poured acid on her in April 1999, as a result of which the victim had to undergo 35 surgeries and lost her vision permanently. The trial was concluded in six years, where the accused managed to get away with an imprisonment of 5 years along with a fine of Rs. 3 Lacs under S.326 and S.201 of IPC even though the victim had by then lost her eye sight and most of her facial features due to the attack and had struggled to finance her surgeries. An appeal was then filed by the state for enhancement of the sentence under S.307 IPC, which took another year to be decided where finally the accused was sentenced to life imprisonment along with an additional fine of Rs.2 Lacs to be also paid to the victim (This was one of the first cases to award a practical compensation). In another case,\textsuperscript{21} the accused was a colleague of the victim and was envious of the success of the victim as a dancer in a hotel in Delhi. The victim had refused the accused’s demands of leaving her job, and to seek revenge acid was poured on the victim in December 2004, leading to the disfiguration of the victim’s face and permanent blindness. The trial concluded in 6 years where the accused and her accomplice were only held guilty under S.326 and S.120B IPC and were sentenced to 5 years rigorous imprisonment and a fine of Rs. 1 Lac each, thereafter they were granted bail. An appeal was filed for enhancement of punishment, which was finally decided after another 6 years enhancing the sentence to both accused to ten years. In another case of rejection by the victim, the accused poured acid on her and it took 17 years for the court to finally convict the accused.\textsuperscript{22} Extensively long trials like these are depleting of the victim’s energy and the resources, especially since the victim is already suffering from extreme physical discomfort.

\textsuperscript{21} Simran and Ors. v. State of Delhi and Ors., Crl. A. 179, 461/2011 and 1393/2012, decided on 27.05.2016.
Case Study of Bangladesh

An example can be taken from the neighboring country of Bangladesh that has significantly curbed the occurrence of acid attacks. Bangladesh has been riddled with this form of violence and in the wake of this it passed two specific legislations back in 2002 being, Acid Offence Control Act, 2002 and Acid Control Act, 2002. The Acid Offence Control Act much like S.326A and S.326B IPC prescribes punishment for throwing acid with death sentence or life imprisonment if the attacks cause loss of sight, hearing, disfiguration of act, breast or sexual organs with a fine of up to one lac taka,23 disfiguration of any other organ or limb can attract an imprisonment of minimum 7 years up to 14 years and a fine up to 50 thousand taka. Any attempt to throw acid is punishable with an imprisonment of 3-7 years with a fine of up to 50 thousand Takas,24 aiding or abetting throwing acid too has been dealt with strictly by awarding the same punishment as of committing the act itself.25 In case of death by acid attack the accused it punished with the death sentence.26 The act has set a time of 30 days for the police to complete investigation with an extension of 15 days if required.27 Further Acid Crime Tribunals have been set up in each district that deal with specifically acid attacks and these tribunals are required to decide each matter within 90 days from the receipt and the matter is heard on every working day till the hearing is complete.28 Similarly, the Acid Control Act, 2002 is in place to regulate and control the supply of acid and has instituted a National Acid Control Council under the Home Ministry which formulates policies with regard to sale, purchase, import, trade, misuse of acid, along with providing treatment, rehabilitation and compensation to the victims and spreading awareness about acid violence and a district committee has been set up for the implementation of the policies formulated.29 Accordingly, only license holders can produce, purchase, import, trade or sell and the licensing authority for import of acid is issued by the central government and licenses for other purposes in issued by the deputy commissioner.30 A license is not renewed or issued if that person has been convicted of any offence under this act with an imprisonment of any term or with a fine more than 50 thousand taka and five years have not lapsed since the sentence got over or since the fine was obtained, the license is also not issued or renewed if the license has previously been cancelled due to breach under this act.31 Any unlicensed activity relating to acid is met with an imprisonment sentence of minimum 3 to maximum 10 years and a fine of 50,000 Bangladeshi takas.32 License holders are also required to keep an informational log of the

23 Section 5, Acid Offence Control Act, 2002.
24 Section 6, Acid Offence Control Act, 2002.
25 Section 7, Acid Offence Control Act, 2002.
26 Section 4, Acid Offence Control Act, 2002.
27 Section 11, Acid Offence Control Act, 2002.
28 Section 16, Acid Offence Control Act, 2002.
29 Section 4, Acid Control Act, 2002.
30 Section 8, Acid Control Act, 2002.
31 Section 16(2), Acid Control Act, 2002.
32 Section 17, Acid Control Act, 2002.
33 Section 36, Acid Control Act, 2002.
use of acid in their possession. Any breach of the terms of the license is punished with one to 5 years imprisonment and a fine of 10 thousand Taka or both.\textsuperscript{34} Possession of any machineries or substance used in producing acid will be a punishable with a minimum 3 years up to 15 years in prison along with a fine.\textsuperscript{35} As a result of this significant drop in acid violence has been witnessed, the number of acid attacks reported was 494 in the year 2002 and as of 2015, the number of reported incidents have come down to 59.\textsuperscript{36}

The Way Forward

The Government has taken positive measures to combat acid attacks by introducing specific provisions in the Indian Penal Code and has revamped its Compensation schemes in order to ensure rehabilitation of the victims. Recently, the Right of Persons with Disabilities Act, 2016 was enacted which includes acid attack victims under the list of persons with disabilities for securing a reservation in employment, education and other opportunities. However, there is a long way to go to eliminate this menace completely from the society. Certain steps similar to the following can be added to the existing set of laws and schemes to control and prevent instances of acid attacks.

Complete priority should be given to regulating the supply of acid, and the Supreme Court directions should be implemented strictly. Inspections must be conducted under the supervision of the sub-divisional magistrate within their jurisdiction to ensure that the sellers are following necessary guidelines at the time of selling the acid and are not in possession of an undeclared stock of acid. A pure and concentrated form of acid, which is commonly used for cleaning purposes, must be banned for commercial purposes and substituted with milder, less concentrated products. A ban on acid sold commonly over the counter for commercial purposes will, to a large extent curb the incidences of such attacks as it would cut off the easiest source of obtaining acid. Acid, which is used for medical and industrial purposes, must be stored separately and strictly monitored to ensure non-theft by employees or outsiders. The Supreme Court guidelines or any other guidelines formulated must be incorporated into the existing Poison Act, 1919 or to a new acid specific act to ensure better and stricter implementation with punishments for violation. States with a higher number of reported acid attacks must take additional steps especially with procurement and regulation of acid and stricter fines/punishment for illegal possession of acid.

In case an acid attack is reported the police officer in charge must report the matter to the SDM and an inquiry must be conducted to investigate the procurement of the acid used, and strict action must be taken against the provider of the acid if it is found that the acid was obtained in violation of the guidelines. The state governments should come up with detailed policies and schemes for acid attack victims which includes free medical aid.

\textsuperscript{34} Section 39, Acid Control Act, 2002.

\textsuperscript{35} Section 37, Acid Control Act, 2002.

including cost of surgery, hospitalization, bedding, medicines etc; a reasonable one-time compensation given based on the severity of injury, financial status, loss of income, loss of education opportunity, home and care needs; monthly remuneration; psychological counseling and rehabilitation; preferences in Government jobs. In addition to this victim of acid attack must be granted a disability certificate to help them in availing job and education opportunities with ease. Victims who suffer severe injuries like permanent blindness, loss of limb, loss of hearing should be provided with special help and care.

Cases pertaining to acid attacks must be tried in fast track courts and disposed of within a set timeline and no adjournments and delays must be allowed in such cases. The pendency of the trial should not hamper the compensation to be received by them. Victims of acid attacks must be granted free legal aid to engage a lawyer of their choice. A presumption clause must be added to the Indian Evidence Act, 1872 which will allow courts to presume that any person who throws or administers acid, did so with the intention and knowledge that such an attack will likely cause hurt as mentioned in S.326A IPC. Such an addition will shift the burden of proof to the accused instead of the victim, as it is natural that the victim of such a gruesome attack would not implicate the wrong person and exonerate the real accused person.

The National Commission of Women or similar bodies at the state and district levels should be proactive and encourage all women to report, anonymously or otherwise, incidences of harassment, stalking, threats to throw acid and they should tackle these complaints seriously. In numerous cases, the victims were threatened with an acid attack before the actual act was committed and hence a proactive approach can help prevent at least a few attacks.

Emphasis should be laid on helping the victim transition back into the society. This can be done by providing regular counseling to the victims, and formulating specific schemes of employment for them. A panel can be created within the National Commission of Women or National Human Rights Commission consisting of victims among other members who can evaluate the needs of existing victims and suggest further measures to curb this menace.

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ABSTRACT

Narco Analysis poses several questions at the intersection of law, medicine and ethics. It is steadily being mainstreamed into investigations, court hearings, and laboratories in India. This research paper examines Supreme Court case laws dealing with the constitutional validity of Narco Analysis Test, its evidentiary value, fundamental rights of the subject and determine whether it is violative of Human Rights. It aims at finding ways to end the existing debate by analysing International conventions and present law on Torture in India.

Key Words: Narco Analysis, CAT, Torture, Testimonial Compulsion, State Interest

“It is time that we recognize the right to silence during a trial is not really a right, but a privilege and although every accused has a right to be presumed innocent till he is proved guilty, in terrorist related and other grave crimes, the accused has an obligation to assist the discovery of truth.”

-Sri. Fali Nariman

Introduction

The term Narco Analysis is derived from the Greek word ‘narkç’ (Anaesthesia or “torpor”) and is used to describe a diagnostic and psychotherapeutic technique that uses psychotropic drugs, particularly barbiturates, to induce a stupor in which mental elements with strong associated affects come to the surface, where they can be exploited by the therapist. The term was coined by Horseley. Formal law and modern jurisprudence include certain liberal principles, in theory, that a person is innocent until proven guilty; that a suspect or an under trial cannot be physically or mentally pressured in any way to extract information; that a witness or a suspect has the right not to incriminate oneself and that a witness has a right to remain silent. Narco analysis violates all these principles.

In India, reality has always been different from theory. Narco analysis is rarely used for therapeutic purposes today. The reliability of the practice has been questioned by leading psychiatric and forensic experts. Dr. P. Chandra Sekharan, the highly
regarded former Director of the Forensic Sciences Department of Tamil Nadu, has characterised the practice as an unscientific, third degree method of investigation.\textsuperscript{1} Time and again arguments are raised whether it amounts to \textit{testimonial compulsion} in judiciary and \textit{violation of human rights, individual liberty} \& \textit{freedom}. It is widely accepted that the correct dose of the so called ‘truth serum’ depends on the physical condition, mental attitude and will power of the subject on whom the narco analysis is to be conducted. It is also known that if the subject has used/abused intoxicants and other Narcotics, a degree of “cross tolerance” could occur. In the absence of adequate research that indicates the exact dose for different subjects, dosage may put the subject in a coma or may even cause death. How then can this procedure be called humane?

**Narco Analysis and the Supreme Court of India**

While the dubious practice on injecting drugs such as scopolamine, sodium amytal and sodium pentothal has been practised and discarded by a number of countries over the last century, it has been prevalent in India for only half a decade. Narco analysis technique has not only revolutionized the causes of crime investigation but also has led various courts to redefine the very scope of the constitutional provisions vest under \textbf{Article 20(3), 10 to 17} and \textbf{21}. The 2005 amendments made to section 53\textsuperscript{2} of Cr.P.C was positive and proactive towards the recognition of the importance of scientific tests which include Narco analysis and Brain mapping Article from others.\textsuperscript{3} In India, it was first used in 2002 in the Godhra carnage case. It was also in the news after the famous Arun Bhatt kidnapping case in Gujarat wherein the accused had appeared before NHRC and the Supreme Court against undergoing Narco Analysis. It was again in the news in the Telgi stamp paper scam when Abdul Karim Telgi was taken to the test in December 2003. Though in the case of Telgi, immense amount of information was yielded, but doubts were raised about its value as evidence. It was ruled that subjecting an accused to certain tests \textit{does not violate the fundamental right against self-incrimination}. \textit{Statements made under narco analysis are not admissible in evidence. However, recoveries resulting from such drugged interviews are admissible as corroborative evidence}. This is arguably a roundabout way of subverting the right to silence acquiring the information on where to find the weapon from the subject when, in his right senses, he would not turn witness against himself.

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\textsuperscript{1} Sriram Lakshman, \textit{We need to talk about narcoanalysis}, THE HINDU, (May 02, 2007 00:00) http://www.thehindu.com/todays-paper/tp-opinion/We-need-to-talk-about-narcoanalysis/article14757765.ece.
\textsuperscript{2} S.53 Expl. (a). “examination” shall include the examination of blood, blood stains, semen, swabs in case of sexual offences, sputum and sweat, hair samples and finger nail clippings by including the use of modern and scientific techniques DNA profiling and such other tests which the registered medical practitioner thinks necessary in a particular case.
\textsuperscript{3} Previously, the drafting committee on “\textit{National Criminal Justice System Policy}” headed by \textbf{Prof. N.R. Madhavan} recommended various measures to be taken up by the Govt. for effective management of not only traditional Forensic Science requirements but also to overall Science and technology needs of Criminal Justice System to raise the levels of capability and sophistication.
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Narco Analysis was again in the limelight in the context of infamous Nithari village (Noida) serial killings. The revelations made during the test have also been found to be of very useful in solving sensational cases of Mumbai serial train blasts and blasts at Delhi. They led to the discovery of incriminating information favouring probative truth and consequently recoveries were made u/s 27 of Indian Evidence Act, 1872. The most popular of these cases has been Narco analysis of Abu Salem in which he reportedly revealed many missing links of various crimes he has been involved in. Arushi Murder Case in May 2008, Malegaon Bomb Blast Case, Jessica Lal and Best Bakery investigations where witnesses turned hostile, or rape cases where issues of consent were debated are other examples.

In case of State Bombay v. Kathikalu Oghud, S.C. held that it must be shown that the accused was compelled to make statement likely to be incriminative of himself. Thus where the accused makes a confession without any inducement, threat or promise, Article. 20(3) does not apply.

The Bombay H.C., in a significant verdict of Ramchandra Reddy and Others v State of Maharashtra, upheld the legality of the use of P300 or Brain Mapping and Narco analysis. The court also said that evidence procured under the effect of Narco analysis is also admissible. However, defence lawyers and human rights activists viewed that Narco analysis test was a very primitive form of investigation and third degree treatment, and there were legal lapses in interrogation with the aid of drugs.

In Dinesh Dalmia v. State, the Chennai HC held that subjecting an accused to Narco analysis is not tantamount to testimony by compulsion. The court said about the accused: “He may be taken to the laboratory for such tests against his will, but the revelation during such tests is quite voluntary.”

Finally, in Selvi v. State of Karnataka, the Supreme Court rejected the High Court’s reliance on the supposed utility, reliability and validity of Narco analysis and other tests as methods of criminal investigation. First, the Court found that forcing a subject to undergo Narco analysis, brain mapping, or polygraph tests itself amounted to the requisite compulsion, regardless of the lack of physical harm done to administer the test or the nature of the answers given during the tests. Secondly, the Court found that since the answers given during the administration of the test are not consciously and voluntarily given, and since an individual does not have the ability to decide whether or not to answer a given question, the results from all three tests amount to the requisite compelled testimony to violate Article. 20(3). The Supreme Court found that Narco analysis violated individual’s right to privacy and amounted to cruel, inhuman or degrading treatment. Article. 21 protects the right to life and personal liberty, which has been broadly interpreted to include various substantive due process protections, including the right to privacy and the right to be free from torture

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5 Crl. WP No. 1924 of 2003
6 (2007)8 SCC 770
7 AIR 2010 SC 1974
and cruel, inhuman, or degrading treatment. However, any information or material that is subsequently discovered with the help of voluntary administered test results can be admitted, in accordance with S.27 I.E.A. The Supreme Court left open the possibility for abuse of such tests when it provided a narrow exception, almost as an after-thought, namely, that information indirectly garnered from a voluntary administered test i.e. discovered with the help of information obtained from such a test can be admitted as evidence. The power of the police to coerce suspects and witnesses into voluntarily doing or not doing certain things is well known. It is highly probable that the same techniques will be applied to get suspects or witnesses to agree to Narco Analysis and other tests, resulting in a mockery of the essence of the Supreme Court’s judgment.

Notably, in Sharda v. Dharam Pal, the Supreme Court took a very positive view regarding the importance as well as admissibility of DNA evidence in matrimonial cases. In this case, the Supreme Court held that a Matrimonial court has the power to order a person to undergo medical test and this would not amount to violation of Article 21 of the Constitution. In case of refusal to undergo test, the court would be entitled to draw an adverse inference against him.

Narco Analysis-A Violation of Human Right

Narco analysis is nothing but a form of torture

There are arguments mounted by state to uphold the test viz. formulation of S.25 I E A is with an objective to combat custodial violence for extraction of knowledge and Narco analysis can be seen as a useful tool to combat the problem of custodial violence. Contradictorily, when compared with the U.N. definition of Torture, the test of Narco Analysis satisfies all the characteristics. The U.N. definition of Torture has four components. The first component says that Torture produces physical/mental suffering and is a degrading treatment. The second one says that it is always intentionally inflicted. The third component says that it is inflicted for certain purposes such as getting information, confession, etc. And the fourth component says that it is inflicted by an official actor or an actor acting on behalf of an official. The use of the truth serum is considered as a torture in the international regime. The definition clearly implies that the tests performed for

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8 2003(6) Bom.C.R. 396
9 Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment defines ‘Torture’ as: “For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”. The UN Convention against torture was adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984, and made entry into force 26 June 1987, in accordance with Article 27 (1) status of ratifications.
obtaining information from suspects, amounts to severe mental suffering or coercion, hence, leading to torture. It has been evidently stated by the UN Committee against Torture that an authorised mode of application of moderate physical pressure breaches the convention against torture.

Amnesty International declares the administration of Sodium Pentathol or any other truth serum for procuring information as amounting to torture on the grounds that it is cruel, inhuman and a degraded treatment. Hence, this process should be prohibited. Such a process also outlaws the international standards of interrogation.

The use of evidence obtained under duress has been prohibited by the Human Rights Committee:

“the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment. . . . . . the law should require that evidence provided by . . . . . any . . . . form of compulsion is wholly unacceptable.”

Use of drugs has been documented as a form of torture in a number of countries, including Chile and the former Soviet Union. It has also been noted that under US case laws confessions made under the influence of truth serums are also not “voluntary” and are consequently inadmissible as evidence. India has still not ratified The UN Convention Against Torture (CAT)\(^9\), though it has signed the same. Torture is not expressly prohibited under the Indian Constitution. The only implied protection is under Article 21 of the Indian Constitution. Article 21 includes within its purview the issue of Narco analysis as by invading the body and the mind, the test constitutes invasion of privacy.

**The Prevention of Torture Bill, 2010** was prepared as an enabling legislation to ratify it but it lapsed with dissolution of 15th Lok Sabha in terms of Article 107(5) of the Constitution. However, a proposal to suitably amend S.330\(^11\) and S.331\(^12\) of Indian Penal Code, 1960, is currently under examination. Key issues in the draft bill were:

“The definition of ‘Torture’ (a) is inconsistent with the definition of ‘Torture’ in the Convention against Torture, (b) requires the intention of the accused to be proved, (c) does not include mental pain or suffering, and (d) does not include some acts which may constitute torture. The Bill dilutes existing laws by imposing a time limit of six months and requiring prior government sanction for trying those accused of torture.”\(^13\)

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\(^9\) India signed Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: on October 14, 1997, however, so far has not ratified it. India has expressed its reservations against few provisions of the convention such as Inquiry by the CAT (Article 20); State complaints (Article 21) and Individual complaints (Article 22).

\(^11\) S.330: Voluntarily causing hurt to extort confession, or to compel restoration of property

\(^12\) S. 331: Voluntarily causing grievous hurt to extort confession, or to compel restoration of property


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It is well established that the Right to Silence has been granted to the accused by virtue of the pronouncement in the case of *Nandini Sathpathy vs P.L. Dani*\textsuperscript{14}. No one can forcibly extract statements from the accused, who has the right to keep silent during the course of interrogation. By the administration of these tests, forcible intrusion into one’s mind is being restored to, thereby nullifying the validity and legitimacy of the Right to Silence. The petitioner claimed that she had a right of silence by virtue of Article 20(3) of the Constitution and S.161 (2) Cr.P.C. The Apex Court upheld her pleas.

Moreover, the tests like Narco analysis are not considered very reliable. Studies done by various medical associations in the U.S. adhere to the view that ‘truth serums’ do not induce truthful statements and subjects in such a condition of trance may give false or misleading answers. In *M.P. Sharma v. Satish Chandra*,\textsuperscript{15} the Apex Court observed that since the words used in Article 20(3) were “to be a witness” and not “to appear as a witness”, the protection is extended to compelled evidence obtained outside the Courtroom. The same point was reiterated in Kathi Kalu Oghad’s case\textsuperscript{16}. The Division Bench also observed that the tests involve “minimal bodily harm” which is also not correct because laxity in administration of drug can be fatal. Notably, in Nuremberg Trial when Rudolph Hess, the most notorious war criminal, ever claimed that he was suffering from amnesia the prosecutor did not perform Narco Analysis test on him for the possibility of the test to be fatal.\textsuperscript{17}

**Dangerous Side Effects**

It is believed that sodium pentothal, if administered improperly, could lead to coma and even death. The possible life threatening side effects of Pentothal include harmful effects on blood circulation and breathing, apnoea (stopping of airflow during sleep) and anaphylaxis (a rapidly progressing, life threatening allergic reaction of the immune system). Its effects on the central nervous system “may lead to retrograde amnesia, emergence delirium, besides many other side effects”. Consent implies informed consent. Doubts have been constantly raised as to the procedure of investigations and that the subjects are aware of these dangers when their consent is being secured.

**Suggestions and Conclusion**

State has a responsibility towards public safety. Justice dispensation and prevention of crime does qualify as compelling state interest. Poly graph test plays a vital role in realization of this state interest. But what needs to be weighed is to what extent in the garb of state responsibility individual rights can be done away with. The principle

\textsuperscript{14} AIR 1978 SC 1025  
\textsuperscript{15} AIR 1954 SC 300  
\textsuperscript{16} Supra n. 3  
of the Indian legal system is based on the fact that until proven guilty, a person is innocent and we cannot convict an innocent even if we need to surrender hundred criminals. We need to accept the fact that where most of the crimes are taking shape in the mind of a person, Narco analysis is apt mechanism. An argument that is deployed in support of Narco analysis is that the procedure is video graphed and audio taped, so that no coercion is used. But if such tapes are made public before the judgement, are we not psychologically harassing and punishing the accused before the court has actually convicted them? Is this also not torture? Are doctors getting the accused person’s informed consent before the Narco analysis procedure, to the possibility of the videotapes being illegally shown in public? If such consent is not obtained are doctors justified, legally or ethically, in participating in such acts? Who should be blamed if the results of such tests are used to pressure the judiciary or if the court acquits the accused because the evidence is not acceptable? Absence of a concrete law in this sphere gives rise to many a human rights issues. The absence of a national policy in criminal justice administration in this regard, is felt to be a serious drawback.

It appears that the Narco analysis beast has acquired a life of its own. It is increasingly knocking at the doors of courts and finding ready acceptance as a device to get at the truth during police investigations, though its scientific basis and values are under strong challenge. In such a dilemma, we need to create a mechanism so as to preserve the individual right and the state interest. Firstly, following the NHRC (National Human Rights Commission) guidelines to subject a person to the test should be strictly implemented. Then rather making the test results as opinion evidence, we need to make them substantial evidence and establish its probative value, depending on the sophistication of the scientific discipline concerned.

The Evidence Act needs to be amended for the same. Further the ‘Torture argument’ cannot be extended beyond proportions, else S.132 IEA, and S.161(2) Cr.P.C. will also

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19 S. 132. Witness not excused from answering on ground that answer will criminate. — A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend directly or indirectly to criminate, such witness, or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind:—Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

20 S.161. Examination of witnesses by police - (1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case. (2) Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture. (3) The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records.
come under the ambit of being self-incriminatory and hence Torture. The Parliament should come up with such a law which seeks fine balance between compelling state interest and personal rights such as privacy. Public safety is vital but it can’t be denied that the process of polygraph test to get any type of information though not self-incriminatory forcibly interferes with subject’s mental processes.

It must be realized that it is prerogative of the person to allow to be put to polygraph test or not and it should not be left to the discretion of police. Unless it is allowed by law it must be seen as illegal and unconstitutional as inspite of various advantages of the test, uncertain and unclear procedures give room to prejudices and lots of injustices. Governments should train the investigating agencies in a better way so that they can enhance their investigating skills. Intelligence systems must be made more sound and efficient. Scientific technique of investigation should not be permitted to the extent they are violative of human rights and constitute torture. Other scientific technique such as DNA profiling or DNA sampling should be used, and further improvement in these techniques must be made so as to suffice the investigation rules and guidelines laid down by the National Human Rights Commission (NHRC) must be strictly followed while using any scientific technique in narco-analysis.

References

Plea Bargaining: An Urge for Sustainability in Modern Criminal Justice

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‘Hate the SIN not the sinner’

ABSTRACT

The plea bargaining agreement becomes a new trend in 18th Century; whereas from 1880 to 1910, nearly 10% of defendants changed their not guilty pleas to guilty for the sake of lesser charges. However, the concept got the eyes from the famous case of James Earl Ray, where he pleaded guilty for the assassination of Martin Luther King Jr. to avoid strong execution sentence, although he got an imprisonment of 99 years for the same but plea bargaining became an option for the offenders. The concept even though not knew for India but had strong criticism and tough roads to get in concrete form. Even after so much struggle people are not taking or not able to take at most use of it, with lot many reasons, this paper is going to highlight the present past of plea bargaining and even an attempt is made to provide a comparative analysis with US to see how optimum and maximum use of plea bargaining can be use for the betterment of the criminal justice system.

Key Words: Plea Bargaining, Plea Bargaining in USA, Rights of Accused, Criminal Justice System, Nolo Contendere

1. Plea Bargaining: The Concept

In the contemporary era the concept of Plea Bargaining was originated from the USA. The rule of pleading guilty was derived from the principle of ’Nolo Contendere’ which means ‘I do wish to contend’ which leads to the notion that the accused wants to accept his acquisition in first instance. The legality of plea bargaining was further challenged in the year 1971 when in the leading case of Santobello v. New York the defendant put up allegations on prosecutor for breaching the agreement of plea bargaining by recommending a harsh punishment to accused, other than what they specified in the terms of the plea bargain. In this case, the Supreme Court of US gave decision in favor of defendant with the words ‘that in order for a plea bargain to be legally valid, both the prosecutor and the defendant must comply with the terms of the agreement’. Warren Burger, the Chief Justice of Supreme Court of United States in the case of Santobello v. New York held that “Plea bargaining is an essential component of the administration of justice, properly administered, it is to be encouraged so that it leads to prompt and largely final disposition of most criminal cases”.

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However, there is no clear and concrete definition of Plea Bargaining but according to Black’s Law Dictionary, it is “The process whereby the accused and the prosecutor in criminal case work out a mutually satisfactory disposition of the case submitted to the Court approval. It usually involves the accused pleading guilty to a lesser offence or to some of the courts of a multi-count indictment in return for a lighter than that possible for the graver charge.”

Plea Bargaining is considered as important part of the judicial process of the U.S. and should not be dismissed. All plea bargains must now be approved by a Judge in order for them to be considered legally binding. In some countries like Wales, England and Australia, the concept of Plea Bargaining is allowed only to that extent where the prosecutors and defense can mutually agree that the defendant will plead to some charges and the prosecutor shall drop the remaining charges. The European countries are also slowly legitimizing the concept of plea bargaining, though the Scandinavian countries largely maintain prohibition against the practice. More than 90% of the criminal cases in America settled through the process of plea bargain.

Plea bargaining reduces the pendency of the cases in the system by diverting to large number of cases for alternative settlement without trial under supervision of Court to ensure fairness in the dispute resolution process. This practice is prevalent in various countries such as the United States of America, England, Wales and Australia. In the U.S., plea bargaining is popular and largely accepted by the citizens, whereas it is used only in a restricted sense in the some other countries. However, in India, 2.4 crore cases are still pending before courts and the number of Judges are very less. According to National Judicial Data Grid Report 2016, currently, there are 16,438 judges in lower courts, 621 Judges in High Courts and 29 Judges in Supreme Court. It means approximately 1 Judge over 2000 cases. It is very difficult to decide these cases by trial proceedings. According to the National Crime Records bureau report ‘Prison Statistics India’ 2015 total number of under-trial prisoner is 2,82,076 it is 67.2% of total number of Inmates which is 4,19,623. In the same line 3599 under trial prisoners were in jails for more than 5 years at the end of year 2015.

2. Plea Bargaining: Indian Context

The plea bargain is not a new concept to India but it is just a modified concept which we taken from the US. There are many Incidents in Hindu religious Scripture in which concept of plea bargain was recorded. Plea Bargaining is agreement between prosecution and defense. In which defendant agrees to plead guilty instead of facing trial and in response to it prosecution agrees to dismiss either certain charges or make lesser sentence. There is need of alternative process to resolve the disputes between the parties. To reduce the burden of civil courts the alternative process like negotiation, arbitration etc. is available there but in criminal cases there is no alternative process is available. The concept of Plea bargain can be taken as Partial Alternative to criminal process.
3. Historical Progress of Plea Bargaining

3.1 Vedic Period

In the era of Ramayana when Shugreev had committed a crime, he had confessed his guilty before King Bali. He was expelled from community, which was lesser punishment due to his confession. It is best example of plea bargaining. The next incident was Lord Rama broken the Bow of lord Shiva. He confessed his guilty in front of lord Parashuram. Parashuram ordered him to make Prayaschit of their offence. Vikramaditya, king of Ujjaini was one best Judge in history. He killed someone unintentionally thereafter he confessed his guilty. He got punishment to serve as worker to family of deceased for particular period. It was another instance of plea bargain.

3.2 Post Vedic Period

Plea bargain is also very famous during the period of Buddha and Mahaveer because they believe that if accused accept their guilty and have shame on their act this is largest punishment to him. In many cases, the kings of two different Empire were resolved their dispute through mutual settlement in which they either transfer some villages to other or make them as relative through marriages. One very popular incidents of plea bargain is recorded in post Vedic era. At the time of Maurya Dynasty Acharya chankya was Prime Minister of Chandra Gupta Maurya. The Mahamatya Amatya Rakshas wants to take revenge from Chandra Gupta and Chankya for killing of Ghananand. He makes attempt several times to kill Chandra Gupta. When Chankyagot the news that the family of Amatya Rakshas is living in house asspy. He ordered to spy to handover them to king and king will exempted him from punishment. Chankya also gives a chance to Amatya to confess their guilty and join them for making strong Maghadh. Amatya Rakshas confess their guilty and Chankya appointed them as Prime Minister of Maghadh.

3.3 Modern Period

The modern period is further divided into panchayat system, British period and Constitutional era.

3.3.1 Panchayat Systems

Panchayat system was one of the oldest systems to resolve dispute at village level in India. In ancient period the dispute between inhabitant of village resolved by the bench of five judges who was individually known as ‘Panch’ and collectively known as ‘Panch Parmeswar’. These Judges are appointed by the parties to resolve disputes mutually. The panchayats decision is based on plea bargaining concept such as if any accused accept their guilty he will get lesser punishment. In ancient period the rape cases were also settled by the panchayat like either marriage to girl or face expulsion from society. But after introduction of British Judicial system in India in 18th century people preferred it over amicable settlement by Panchayats. After Independence, Mahatma Gandhi was in favor to decentralization and
focus on establishment of Panchayat raj Institutions for overall development which includes easy access of justice.

### 3.3.2 British Period

During British rule in India, there was no concept of plea bargaining in India. The British legal system concentrates only on punishment to culprit. They have no soft corner toward person who commits crime. In 1860 when Indian Penal Code was formed by the Lord Macaulay, there was no concept to reduce punishment of culprit. But after independence, in 1973 Code of Criminal Procedure was enacted by Parliament. Section 320 of Code of Criminal Procedure makes certain offences compounding. In these offences parties can make compromise with the leave of court.

### 3.3.3 Constitutional Era: Concept of Nyaya Panchayat

In Panchayat raj Act, 1947 there is provision of establishment of Nyaya Panchayats between 2 or 3 Village according to population. Each village panchayat under a Nyaya panchayat system shall send their elected member in to the Nyaya Panchayat. It is headed by the Sarpanch. It is an institution to resolve dispute at village level in India. They have given very less civil and minor criminal jurisdiction. The purpose to establish this Institution is to resolve the dispute amicably on the basis of negotiation.

Section 52 of Panchayat Raj Act 1947 talks about Offences cognizable by Nyaya Panchayats - these are as follows: [(1) The following offences as well as abetments of and attempts to commit such offences, if committed with the jurisdiction of a Nyaya Panchayat shall be cognizable by such Nyaya Panchayat]:


b. Offences under sections 24 and 26 of the Cattle Trespass Act, 1871.

c. Offences under Section 3, 4, 7 and 13 of the Public Grambling Act, 1867.

The preamble of Indian Constitution talks about social, economic and political justice. Whereas the Article 39A of Constitution states that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity and shall in particular provide free legal aid by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. As per Preamble of Constitution social justice includes ‘legal justice’ which means that the system of administration of justice must provide a cheap, expeditious and effective justice for all sections of the society irrespective of their social, financial and economic position.

In the case Hussainara Khatoon & others v. Home Secretary, State of Bihar, Supreme Court held that speedy trial is indispensable to criminal justice system. Delay in trial violates the fundamental right and it is also a kind of denial of justice.
3.3.3.1 Discussion on Constitutional Validity of Plea Bargaining

Crime is considered as an act against whole society that’s why the state becomes party in criminal cases. In criminals cases no one can compromise because it will hamper the aim and soul of criminal justice. However, there are certain provisions provided in law in which parties can make compromise such provisions are Section 206(1) and Section 206(3) of Code of Criminal Procedure 1973 whereas Section 320 of Code of Criminal Procedure talks about Compoundable offences.

The first deliberation leads to the Article 14 Constitution of India, which provides that every person have the right to access the law equally. However, plea bargaining create discrimination on the basis of financial capacity of the accused, for instance the offender who is financially sound may prefer plea bargain instead to go for regular trial to reduce his charges and to pay monetary compensation to the victim. So it violates the equality of amongst equals i.e. accused. Furthermore, there is a strong violation of Article 20(3) which is Self-incriminating statement, It means self-incriminatory statement by accused of offence is not allowed until and unless it is given by accused voluntarily without any coercion. Whereas in plea bargain, the judge before trial proceeding gave an option to the accused that ‘whether he wants to plead guilty’ that could lead to the confession of guilt. Here we talks about only external force but not internal coercion.

3.3.4 Introduction of Plea Bargaining in India

The concept of Plea Bargaining was introduced in India by keeping in mind that-

- Under trial Prisoners have certain fundamental rights
- States has DPSP to promote legal and social justice
- The large number of backlog criminal cases in India

Justice M.P Thakkar, chairman in 142nd report in 1991, suggested to government to implementation of plea bargaining in India. He suggested about concessional treatment for offenders who on their own initiative choose to plead guilty without any bargaining. Again in 1996, Justice K.J Reddy, chairman of 14th Law Commission of India recommended to introduce the concept of ‘plea bargaining’ as an alternative method to deal with large number of backlog criminal cases and to reduce the delay in disposing criminal cases. This recommendation is supported by the Justice B.P. Jeevan Reddy, in 177th Law commission report 2001.

NDA government in 2002 appointed a committee to suggest reform in criminal justice system. The committee was headed by the Justice V.S. Malimath. The committee gives certain suggestions to reduce the growing number of criminal cases. In the report of Malimath Committee recommended that ‘a system of plea bargaining should be introduced in the Indian Criminal Justice System to facilitate the earlier disposal of criminal cases and to reduce the burden of the courts’. To strengthen its case, the Malimath Committee also pointed out the success of plea bargaining system in the USA.
On the recommendation of Malimath committee, the criminal Law (Amendment) Bill, 2005 was introduced in parliament. After a long debate on the floor over Plea bargaining the amendment is accepted as it is. Concept of plea bargaining is added in chapter XXIA in Code of Criminal Procedure, 1973. This chapter contained 12 Sections from 265 A to 265L. Plea Bargaining has changed the picture of Criminal Justice System of India.

After incorporation of plea bargaining in Criminal Procedure Code, Honorable High Court of Gujarat in case State of Gujarat v. Natwar Harchanji Thakor held that “we are tempted to mention here that law should be stable but not standstill. The very objective of law is to provide easy, cheap and expeditious justice easy by resolution of disputes, including the trial of criminal cases and considering the present realistic profile of pendency and delay in disposal in the administration of law and justice, fundamental reforms are inevitable.”

4 Procedure to Plea Bargaining in India

In India the process of plea bargain start with application to court for pleading guilty voluntarily.

Application to Court (by defendant) and notice to the prosecution

Compromise/ Negotiation stage (In Camera

Final submission of settlement agreement to Judge

Final Judgment by the Court

5 Critical Analysis

For the purpose of the critical examination of Plea Bargaining it is pertinent to see the concept with respect to compounding offences, however to analyze about the defects there is a strong need to compare the notion of plea bargaining of India and US.

5.1 Comparison between Plea Bargain Concept and Compounding Offences Concept

According to Section 320 of Code of Criminal Procedure 1973 when there is compromise between both parties, then Court has to dispose the case as per the terms of compromise. Court has no role in compromise and judgment will be according to compromise agreement. This compromise leads acquittal of accused. Whereas in plea bargaining no settlement leads to acquittal of accused and the court have power to make variation in final report submitted judge. This is major drawback to plea bargaining.
After incorporation of system of plea bargaining in Code of Criminal Procedure 1973 very less number of cases has been resolved by the plea bargaining. According to Hindustan Times\textsuperscript{xxxix} Report 2015, over 4,000 cases of murder, robbery and crimes against women were disposed of by courts last year after plea bargaining pacts between parties in violation of law passed by Parliament a decade ago. According to the NCRB\textsuperscript{xl}, Courts disposed 27 cases of murder, 55 of attempt to murder, 40 of rape and 27 of robbery by plea bargaining. In addition, plea bargaining was used to dispose of 3,584 cases of crimes against women. These included about 2,200 cases of cruelty by husband and his relatives and 1,045 of assault with intent to outrage the modesty of women.

Retired Delhi High Court judge S.N. Dhan\textsuperscript{xli}ra was surprised at the NCRB finding. “We all know that plea bargaining is applicable only for offences which attract punishment for seven years or less. In all other cases, there can’t be any plea bargain,” Justice Dhan\textsuperscript{xli}ra told Hindustan Times, wondering if it was a case of wrong reporting by the NCRB. An NCRB official said there was no question of an error at the bureau’s level\textsuperscript{xlii}.

In India, very few peoples are aware about plea bargaining and its consequences. Their pleader always suggests them to go for trial because of his monitory benefit.

Justice A.P Shah, Chairman of 20\textsuperscript{th} law Commission, in his 245\textsuperscript{th} law report said that the plea bargain is very good system for legal system of India but has not really picked up in India. The conviction in plea bargaining is a major problem because in Indian society the conviction of a person is stigma to his character. He also suggested that there should be some categories of offences in which there should be no conviction at all.

5.2 Comparative Analysis of Plea Bargaining in USA and India

The plea bargaining have been adopted by India after its successfulness in the US. More or less our concept of plea bargaining is similar to American plea bargaining concept but there are some differences between these concepts such are as follows-

5.2.1 Process of Application

Doctrine of Plea bargaining in America is applicable in all kinds of crime. There is no exemption for non-application of plea bargaining in the US. Plea Bargaining is possible in very serious offences. Whereas, in India there are many exemption of plea bargaining such as

- The offence in which the maximum sentence is above 7 years.
- The offence which has been committed against a woman or a child below 14 years of age.
- Where the accused has been previously convicted for the same offence.
- Offence which affects the socio-economic condition of the country.

Crime is against whole society, if we give the chance to habitual offender for plea bargaining. He will misuse it. There should be some exemption for serious offences which India Have incorporated in the law.
5.2.2 Involvement of Court

In the US, plea bargaining is considered as settlement agreement between parties. The court has no role in the settlement proceeding as well as in result of agreement. All terms and conditions, fines and Punishments decided through settlement. Court only executes that agreement. But in India Judge is also part of plea bargaining. Judges play an important role in settlement. At the beginning of proceeding Judge verifies that whether case falls under exemption or not. At the time final stage court give their decision which is binding on parties but court shall take report of settlement in to consideration.

5.2.3 Quantum of Punishment

In the US punishment and compensation amount is decided by parties by their mutual agreement without any involvement of Judges but in India, charge bargaining, sentence bargaining and compensation amount is mutually decided by the parties but the Court has full power increase or decrease the punishment.

5.2.4 Initiation of plea bargaining

In the US proposal for plea bargaining may be raised by any party of the offence; however in India the proposal for plea bargaining would be raised by the accused himself and there is no involvement of prosecution in the application.

5.2.5 Failure of plea bargaining

In US the Agreement of plea bargaining is considered as ‘Business Agreement’. So failure of settlement is considered as breach of agreement. It has adverse effect on the party who breached ‘Business agreement’. Whereas in India, according to Section 265K of Code of Criminal Procedure 1973, the facts stated by Accused shall not be used in any other purpose in any other proceeding. It means if the settlement has not taken place it has not adverse effect on parties.

6 Conclusion & Suggestions

The purpose of introduction of plea bargaining in to the Indian Criminal Justice System was to provide cheap, expeditious and effective justice to the parties. Plea Bargaining is an effective system as followed in USA; however it has some loopholes which should be remove with immediate effect. There are 5 main beneficiaries of plea bargaining. They are as follow-

**Accused**- Accused is the main beneficiary because on pleading guilty he will get benefit in terms of removal of certain charges or reduction of sentence.

**Prosecution**- Prosecution/victim is also getting benefits from the settlement through plea bargaining. He is getting monitory benefits in compensation as well as his expenses to judicial proceeding are curtailed.

**State**- State is also a beneficiary in plea bargain proceeding. State is responsible to take
care of the prisoners. According to Prisoner Statistics Report 2015 the average annual expenditure on per inmates is 31631.7 rupees during 2015-16. So by plea bargaining this expenditure will reduce.

**Police**- Police has duty to investigate in the matter, prepare charge sheet and submit before court. In many instances due to over burden police has not filed charge sheets. By the plea bargain the burden of police will be reduced.

**Judiciary**- We know that there are 2.4 crore cases are pending before judiciary. Plea bargaining is way by which we can easily reduce the number of backlog cases. The main purpose of introduction of this system is to reduce the burden of Judiciary.

It is reality that the system of plea bargaining has not achieved the object in its true compession however it can revise and still can reach its utmost purpose. According to Prisoners statistics Report 2015 the number of under-trial prisoners decreased by 0.3% in 2015 (22,82,076) over 2014 (2,82,879). This is a data after 10 years of introduction of plea bargaining. There are many reasons behind failure of plea bargaining these are as follows-

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<th>Option of Conviction</th>
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<tr>
<td>Less Petty offences</td>
<td>Up to 06 Months punishment</td>
<td>No conviction</td>
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<tr>
<td>Less Serious Offences</td>
<td>From 06 months to 03</td>
<td>01-06 months conviction</td>
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<td>Serious offence</td>
<td>From 3 years punishment to 7 years punishment</td>
<td>Conviction for ¼ of maximum punishment</td>
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<td>More Serious Offences</td>
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We have already a concept compoundable offence in which only compensation is given there has not imprisonment to accused. Whereas in plea bargaining sentence and compensation both are included.

The Accused are unaware from the system of plea bargaining. They do not know the benefits of plea bargaining. Advocates are misleading their clients about plea bargaining only for their economic benefits. Haven discussed about the concept of plea bargaining, presently concentrate on the suggestion part of this concept:-

The suggestion leads to the recommendation given by A.P. Shah, that there should be some categories in which there should no conviction at all. We should divide the offences in to different categories such as:-
There should be Special session for plea bargaining like Lok Adalat sessions, in which retired judge will play role of observer.

The offences in which punishment is up to 5 years and which are compoundable offence too, those cases should firstly go for settlement to mediation cells, if they are not resolved in mediation cell then it can further move for regular trial.

There should be proper dissemination of benefits of plea bargaining to under-trial prisoners in jails through discussions, seminars, workshops and talks by the retired judges or jail officers.

Plea Bargaining was introduced with one purpose i.e. ‘let the guilty should accept and be punished’. So take the at most benefit of this concept and improve the Indian Criminal Justice System.

i Plea bargaining is an agreement between parties of the offence in which accused plead his guilty whereas the prosecution reduced certain charges in exchange of compensation.

ii A Nolo contendere plea is also referred to as of No contest. In criminal trials entering a plea of Nolo contendere is plea in which the person charged with criminal offence neither admits nor disputes the charges brought against them.


iv Warren Earl Burger J. was 15th chief Justice of USA. He has delivered in the U.S. Supreme Court delivered numerous conservative decisions under him; it also delivered some liberal decisions on abortion, capital punishment, religious establishment, and school desegregation during his tenure.

v Supra note 3.


vii E courts services (19 April 2016, 7.00PM), www.ecourts.gov.in/ecourts_Home.

viii National Judicial Data Grid (11 October 2016, 11.00 AM), available at: www.Njdg.ecourts.gov.in

ix National Crime Record bureau (1 April 2017, 11 AM), available at: www.Ncrb.nic.in

x Shugreev was younger brother of Bali, King of Kiskindha.

xi Elder son Dhasratha, King of Ayodhya.

xii Disciple of lord shiva and 6thavtar of lord Vishnu

xiii Vikramaditya was King of Ujjaini, he was one of the best Judge in their era.

xiv Also known as Siddharthta. He was the Founder of Buddhism.

xv Known as Vardhamana. He was 24th and last Tirthankara of Jain religion.

xvi Chandra Gupta Maurya was the King of Magadha. He became king by the help of Chanakya.

xvii He was Prime Minister of King Ghananand. Later he became Prime Minister of King Chandra Gupta Maurya.

xviii Ghananand was king of Magadha who is succeeded by Chandra Gupta.

xix It is Institution to resolve the problems of village or local area such as petty offences, development of Village.

xx The committee of 5 Judges who are resolving the disputes between two parties.

xxi Indian Penal Code , 1860, Act No. 45 of 1860 ( 6 October 1860).

xxii Macaulay was Secretary of the Board of Control, also a 1st law member of Governor-General’s Council.


xxiv Id.

xxv Nyaya Panchayat is collection of many Gram Panchayat. Main task of Nyaya Panchayat is to resolve the Petty dispute between Individuals as well as Villages.

Plea Bargaining: An Urge for Sustainability in Modern Criminal Justice

xxix Hussainara Khatoon & others v. Home Secretary, State of Bihar, 1979 AIR 1369.
xxx Equality before Law: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
xxxi Article 20(3¬) which is Self-incriminating statement'; No person accused of any offence shall be compelled to be a witness against himself’.
xxxi Justice M.P Thakkar was chairman of 12th law commission from 1988 to 1991.
xxxii Justice B.P Jeevan Reddy was chairman of 14th law commission from 1995 to 1997
xxxiv V.S Malimath was an Indian Jurist, who served as Chief Justice of Kerala High Court and also served as Chairman of criminal reform Committee.
xxxvi supra note 23.
xxxviii supra note 23.
xxxix Hindustan Times is an Indian English-language daily newspaper founded in 1924 with roots in the Indian independence movement of the period (“Hindustan” being a historical name for India). The newspaper is owned by Rajya Sabha M.P. Shobhana Bhartia. It is the flagship publication of HT Media. Hindustan Times is one of the largest newspapers in India, by circulation. According to the Audit Bureau of Circulations, it has a circulation of 1.16 million copies as of November 2015.  
xl National Crime Record Bureau is authority who is responsible for collection and dissemination of crime record data, available at: www.ncrb.nic.in.
xli He was chief Justice of Delhi High Court 2011.
xlii Aloe Tikku, Crime records show widespread abuse of plea bargain law, Hindustan Times, 24 November 2015.
xliv Id.
xlv Lok Adalat is special arrangement by court in which large number of cases resolved through conciliation. A sitting or retired judicial officer along with two other members (usually a lawyer and a social worker) presides over the Lok Adalats. Lok Adalat accepts the cases pending in the regular courts within their jurisdiction which could be settled by conciliation and compromise.
Ransomware

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Introduction

Ransomware attacks are growing day by day. Cyber criminals use this weapon like a money making machine. The Ransomware had targeted many Universities, hospitals, businesses, healthcare and organizations, banking sector and even police departments. Hackers demand the payment in Bitcoin (BTC) because of the decentralized nature of bitcoin and not easily traceable by law enforcement agencies. According to security researchers ransomware will be one of the fastest-growing attacks in cybercrime. Ransomware is more stealthy, with some recent variants completing their dirty work without making a single call to the Internet.

The name “ransomware” refers to a type of malware that is designed to infect machines, encrypt as many files as possible and hold the decryption key for ransom until the victim submits the required payment. While documented complaints of modern ransomware date back to 2005, the malware has recently gained a new popularity. In 2016 alone, there were nearly 407,000 attempted ransomware infections and over $325 million extorted from victims; those numbers are only expected to grow during 2017.

Ransomware has become a preferred means of extortion by opportunistic attackers for two key reasons. First, many organizations fail to practice good hygiene when it comes to backup and recovery. Backups may be few and far between, meaning that once data on endpoints and servers is encrypted and held for ransom, organizations are forced to choose between losing important data forever or forking over Bitcoin to – hopefully – get their data back. Second, many organizations rely on traditional anti-virus solutions, which are often not effective in blocking ransomware. These solutions work by maintaining an inventory of known malware and blocking future executions of that malware. Because ransomware files slightly morph with each new version, and new versions are created by the minute, traditional anti-virus solutions have little realistic chance of preventing an infection.

The Path of Encryption

There is a typical workflow that the majority of ransomware followed once it began executing. One interesting observation was that even though the various ransomware families
had similar workflows, different families had different “triggers,” or actions that prompted the ransomware to execute. Some families began executing immediately, some waited for an Internet connection, some waited for the mouse pointer to move and others waited for a Microsoft Office application to run. Once the ransomware was triggered to execute, 90 percent of the samples analyzed first attempted to communicate back to an attacker-managed key server, which held the unique public key used to encrypt files on the machine. In 20 percent of all cases, if the connection could not be established, the ransomware would fail. Yet, a full 70 percent of ransomware samples were able to execute using a default public key, even if a unique key could not be retrieved from the key server. Notably, this approach can be less effective for the attacker, as a victim can potentially use a single default decryption key that has already been purchased to decrypt all files that were encrypted using the same key. The remaining 10 percent of samples included the unique public key within the ransomware file itself, thus eliminating the need for an outside connection. Based on this observation, the research team noted that if organizations could limit the ransomware’s ability to establish an outside connection, organizations could typically either prevent the ransomware from executing or force the attackers to use a default key, thus minimizing the financial impact of the attack.
The ransomware began to scan the infected machines to locate specific files types. The ransomware samples searched for several file types and extensions, including the following:

- Microsoft Office files: .doc, .docx, .xls, .xlsx, .ppt, .pptx
- Adobe files: .pdf, .ai, .psd, .indd, .ps, .eps
- Image files: .jpeg, .png, .gif, .bmp, .tiff, .pcx, .emf, .rle, .dib
- Code files: .c, .h, .cpp, .py, .vb

Upon locating the files, the ransomware began the encryption process. Some families of ransomware methodically scanned for files, directory by directory, and encrypted them immediately upon discovery. In these cases, the entire encryption-to-notification process took just seconds to minutes. Others operated more stealthily to evade detection. Samples within these families first generated a list of all files to encrypt, and then randomly began the encryption process to stay under the radar of endpoint threat detection solutions.

While the ransomware was busy encrypting files, it simultaneously also tried to maximize the number of impacted machines. To do this, the ransomware searched the infected machine for connected drives, endpoints and servers and spread as much as possible to maximize the number of systems held for ransom. This was typically done in two ways. First, most of the ransomware samples were able to locate shared drives and network drives accessible from infected endpoints. If the user account had access to these drives, so did the ransomware. Second, the ransomware samples often scanned for connected machines and attempted to reuse user credentials to access these machines. If the login was successful, the ransomware was able to spread, thus increasing the total number of infected machines and driving up the recovery cost for the victim.

Once the encryption process was complete and the ransomware had begun its attempt to spread through the network, users were presented with a ransom notice similar to that in Figure 4. To receive the key needed to decrypt the impacted files, users were required to submit payment – the ransom – to the attackers. Payment was typically demanded in Bitcoin, and for Bitcoin novices, some attackers went so far as to set up “help desks” to help victims purchase Bitcoin and complete the funds transfer.

Top 10 Ransomware of Year 2016

1. Locky- Researchers detected the first sample of Locky in February 2016. Shortly thereafter, it made a name for itself when it infected the computer systems at Hollywood Presbyterian Medical Center in southern California. Officials chose to temporarily shut down the hospital’s IT system while they worked to remove the ransomware, a decision which caused several departments to close and patients to be diverted elsewhere. But without working data backups, the executives at Hollywood Presbyterian ultimately decided to pay the ransom of 40 Bitcoin (70,000 USD).
In the months that followed, Locky went through at least seven different iterations: “.zepto,” “.odin,” “.shit,” “.thor,” “.aesir,” “.zzzz,” and “.osiris.” It also leveraged unique distribution channels like SVG images in Facebook Messenger and fake Flash Player update websites. [1]

2. **TeslaCrypt** - After months of tracking TeslaCrypt across spam campaigns and exploit kit attacks, security researchers at the Slovakian IT security firm ESET learned its developers intended to abandon the ransomware. The researchers contacted the developers and requested the master decryption key. In response, TeslaCrypt’s authors published the key, which ESET used to make a free decryption utility. Victims of the ransomware can now use this tool to regain access to their files.[2]

3. **HDDCryptor** - HDDCryptor is a nasty family of ransomware. It’s capable of enumerating existing mounted drives and encrypting all files as well as finding and accessing previously connected drives and disconnected network paths. In addition, the crypto-malware uses disk-level encryption to encrypt and overwrite an infected computer’s Master Boot Record (MBR) with a new bootloader, which causes a ransom message to display instead of the login screen upon boot up. Researchers first detected HDDCryptor in September 2016. Two months later, the ransomware made headlines when it infected 2,000 systems at the San Francisco Municipal Transport Agency (SFMTA), or “Muni,” and demanded 100 Bitcoins (approximately 70,000 USD) in ransom. Fortunately, the attack did not affect SFMTA’s rail and bus service, and the public agency said it would use its working backups to restore access to its systems.[3]

4. **CryLocker** - Most ransomware samples come with a standard ransom note that they display to all their victims. Not CryLocker. This malware locks a victim out of their computer and demands they pay 45 USD in 24 hours. To heap on the pressure, CryLocker customizes its ransom note with the user’s name, birthday, location, IP address, system details, Skype account details, Facebook account details, LinkedIn account details, and other data it harvests from the infected computer. The ransomware then threatens to publish all that information online unless the victim pays up.

5. **Cerber** - Researchers first detected Cerber in early spring 2016. Though new to the malware scene, early versions of the ransomware quickly proved they weren’t messing around. Each variant targeted network shares, the decryptor for many of those samples came with compatibility for 12 different languages, and some samples even “spoke” the ransom note using VBScript. It’s therefore no wonder Cerber’s author ultimately created an affiliate system for their creation that spanned across the globe. This ransomware-as-a-service (RaaS) platform helped contribute to Cerber’s total activity, so much so that its current yield is enough to net the ransomware author nearly one million dollars on an annual basis independent of their own attack campaigns.

6. **Petya and Mischa** - On 25 July 2016, the ransomware-as-a-service (RaaS) platform for Petya and Mischa officially launched. Each successful infection begins with a dropper activating on an infected computer. That dropper either installs Petya or Mischa. If it obtains administrative privileges, it loads up Petya, as that ransomware family needs
admin rights to replace the Master Boot Record and encrypt the Master File Table. If the RaaS package fails to achieve those rights, it instead loads up Mischa, a more traditional ransomware that encrypts users’ data at the file level. Either way, affiliates get to keep a share of the ransomware’s profits. Their percentage depends on how much money they collect from victims.

7. **Chimera**- Chimera first made headlines in November 2015. It distinguished itself from other ransomware by two main characteristics: its use of the peer-to-peer messaging service BitMessage to generate a code key for its encryption process and an invitation for victims to join its affiliate program. Things went sour for Chimera after a few months of infecting unsuspecting users. In late July 2016, the developers of Petya/Mischa tweeted out a link to a data dump of 3500 decryption keys for Chimera. That incident, which represents one of the first documented rivalries between two ransomware groups, helped many (but not all) victims of Chimera decrypt their files for free.

8. **Jigsaw**- In April 2016, security researchers released a decryption key for a ransomware called Jigsaw. Their utility couldn’t have come sooner. Jigsaw is a particularly sadistic form of ransomware that gives victims only 24 hours to pay the ransom fee of 150 USD. If they fail to meet that deadline, Jigsaw begins deleting files every hour and increases the number of files for deletion every time. Any funny business, including shutting down the computer, causes Jigsaw to delete 1,000 of the victim’s files. The ransomware carries out this scheme for 72 hours, at which point it deletes every remaining file that comes with one of its 240 targeted file extensions.

9. **SamSam**- Researchers at Cisco Talos identified SamSam as one of the first instances of a cryptoworm. Unlike traditional ransomware, which spread primarily via phishing scams and exploit kit attacks, cryptoworms are believed to be the next generation of crypto-malware in that they mimic a computer worm’s userless distribution methods. SamSam exhibited this level of self-propagation in a March 2016 campaign when its developers partnered it with JexBoss, a tool for scanning and exploiting vulnerable JBoss application servers. That pairing allowed SamSam to scan for a weak server, establish an initial network foothold, and move laterally to other vulnerable machines while encrypting data along the way.

10. **CryptoWall**- CryptoWall didn’t partake in any groundbreaking campaigns in 2016. But it did one thing that was significant: it survived. Researchers first detected CryptoWall back on 19 June 2014. The fact that it’s still going more than two and a half years later is a testament to CryptoWall’s sophisticated design and the persistence of ransomware as a threat.

**Ransomware Remediation Strategies**

The first step to mitigating a ransomware threat is to implement a comprehensive cybersecurity. There are some following steps can be taken to prevent from ransomware threat.
• Do not click on any link that contains some malicious app.
• Do not try to open any download attachment from an unknown email.
• Keep your Backup data on multiple devices.
• Use some good antivirus and update it regularly.
• Do not click on any greedy Advertisement on websites.
• Awareness and information security training among users should be first and foremost.
• Patch your operation system vulnerabilities and application versions to reduce the attack surface.
• Download the apps from trusted place like google play store and ios store.
• Turn off the Unknown sources option of the device.
• Install a good firewall and IDS/IPS in your company.

Summary

In conclusion ransomware attacks, has proved that their impact can be devastating to small business owners and organization. Ransomware is not only threats to small business and organization it has an impact on people as well. In its public service request to anyone who’s suffered a ransomware infection to never pay ransoms because it helps criminals refine their attacks and snare even more victims. Even paying a ransom does not guarantee the victim will regain access to their data; in fact, some individuals or organizations are never provided with decryption keys after paying a ransom. So, it is recommended that small business owners and organization must prevent and defended attacks from ransomware by using different layers of security measures such as Antivirus, Firewall, IDS & IPS according to their need and requirement.

References

Mobile App Templates for CCTNS

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Introduction

The Crime and Criminal Tracking Networks and Systems (CCTNS) is a mission mode project of Ministry of Home Affairs (MHA) and it is being implemented by National Crime Records Bureau (NCRB). CCTNS aims at integrating all the data and records of Crime into a Core Application Software (CAS), which is presently spreading across 29 states and 7 union territories of India. Citizen Services Portal under the CCTNS project has been developed and is being launched by the States/UTs. To further bring the citizens closer to the police, CCTNS Citizen Portal is providing services like complaint registration, search registered complaint status, citizen tip etc. through web portal.

With the advent of mobile technologies and accessibility to internet over smart phones, has enormously increased. Police and Public are no exception to this revolution. CCTNS Citizen Services (CCS) on mobile is an iPhone and Android app that lets general public easily and quickly connect with police on a number of topics and also receive alert notifications straight to their device. NCRB has developed few mobile apps templates on Android and iOS platform which are being shared with States/UTs for further customization and release in public domain. The App includes most important citizen services such as complaint registration, search status, SOS, missing person search, emergency contact, and district police station contact detail and nearby police station on Google map.

Complaint Registration

It is an important feature of citizen portal. Firstly, user have to login thereafter registration feature will available to user. Complaint registration will contain different forms and parameters i.e. 1. Place of Occurrence. 2. Nature of complaint 3. Name of Police station/Office complaint assigned to 4. Name of Complainant 5. Address etc. Once the complaint is received at a Police Station a Police Officer is assigned for making preliminary enquiry and based on his report further action is initiated. The complainant can verify the status of the complaint using Status Search module.

SOS – Stay Safe!

SOS is a powerful personal safety service that empowers you against acts of violence, and helps summon aid in case of an emergency. SOS – Stay Safe! is useful in a wide range of possible dangerous scenarios like being stalked on the way home, attempted physical
or sexual assault, domestic violence, road accidents or medical emergencies. SOS – Stay Safe! Automatically sends an emergency message to friends and family along with your location.

**Emergency Contact**

In the midst of an emergency situation, this tool will provide emergency contact numbers to contact local emergency services for assistance like Police, Fire Brigade, Ambulance, Women Helpline, Missing Children and Women Helpline etc. This feature will be integrated in upcoming version of apps.

**Police Contact Detail**

This feature will list contact detail of police stations in the list. User can directly contact SHO (Station house officer) in case any law & order related issue. This feature will be integrated in upcoming version of app.

**Vahan Samanvay**

A link will be given in citizen services to connect with Vahan Samanvay App, which is an online motor vehicle coordination system. This application help public, RTOs, Insurance agencies and public in verifying the status of a motor vehicle (Stolen/Recovered) before purchase, re-registration, and claim settlement etc. This app is available in Google Play Store with more than 20,000 downloads.

**Locate Police Station on Google Map**

User can search nearby police station from his/her current location on-the-fly to reach police station immediately. It will show police station details and route to approach just in time.
View FIR

This app is developed to implement the compliance of the Supreme Court of India order which directs that copy of the FIR should be available to public within 24 hours of registration except those categorized as ‘sensitive’ by the concerned department. This app can be used to download and view the copy of an FIR using a mobile device. The View FIR Mobile App is available in Android/Java, Android/Microsoft, iOS/Java and iOS/Microsoft versions. Both these Apps are compatible with CAS application and runs on CCTNS database.

Citizen Services Mobile App consisting of the above services was launched by Director, Intelligence Bureau during the 33rd Inception Day celebrations of the Bureau on 11th March 2018. Security Audit of the App has been conducted by a CERT-In empanelled vendor and a certificate has been issued.

Get Latitude and Longitude App

The App can be used to get the GPS coordinates of the current location using a mobile phone. The user can view the current location on map and GPS coordinates of any other location like Police Station, scene of crime etc. can also be found.

Necessary technical guidance is being provided to Assam, Chandigarh, Chhattisgarh, Jharkhand, Puducherry, Rajasthan, etc. for smooth and faster deployment of these mobile Apps in these States/UTs.

Future Developments

The Bureau is presently working on development of a Mobile App on Person and Property Search on NDC/SDC data. This app will be beneficial for Police personnel making searches anywhere and anytime on the CCTNS data at State or National level. The Bureau will also be releasing Mobile Apps on Checklist for IOs, Dashboard for IOs/SHOs and Senior Officers and facilitating filling of IIFs through mediums like Tablets/Mobiles, soon.
Fingerprints of the Dead

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Introduction

Why do we require fingerprints of the dead or the dead body print? This is the first question which comes to everybody, as neither the dead person has to put his impression anywhere for access to an establishment (i.e. office) or to operate his bank account etc. In certain situations like in case of major natural or other disaster, we need to identify the deceased, especially those, with mutilation of face of decapitated bodies etc. Like in June 2013, cloudbursts in Uttarakhand caused devastating floods and landslides, becoming the country’s worst natural disaster since the 2004 tsunami, leading to mass fatalities. CFPB also identified a dead body print sent to the Bureau, after the disaster. Similarly finger prints have been playing major role in dead identifications since long time in the history. But recording or taking of fingerprints of a cadaver require special skills and sometimes special tools or equipment. The procedure of taking impressions from a dead body may be different from the process we adopt for recording prints of a live person. The process and the equipment used depend mainly upon condition of the body and the time lapsed after death. We have summarized the methods of taking fingerprints from the dead body.

Equipment and Tools Required

Finger Straighteners: When the joints of the finger are rigid and unbendable, investigators must use finger straighteners to help unclasp the digits.

Horizontal Ink Rollers: are easier to use on the fingers of the dead than the standard vertical ones.

Fingerprinting Spoons and Fingerprint Card Strips: Investigators use printing spoons and fingerprint card strips to print the ridges impressions of the dead. The set is used for ease of use and better print quality from the fingers of a dead body.

Single Digit, Pre-inked Pads are more convenient than the standard pads normally used where investigators roll ink on to a large hand size pad.
Taking Fingerprints at Various Stages after Death

1. **Recent Death and when Rigor Mortis has not set in (1-8 hours):** The top phalange of the finger may be cleaned thoroughly with liquid soap or alcohol and dried, inking may be done using pre-inked pad or hand held pre-inked roller and be recorded in usual manner on standard card or paper sheet, as that of a living person.

1. **Rigor mortis Stage (08-24 hours):** Hands may be submerged in sufficiently hot water (i.e. 60’ Celsius or so) for 10-15minutes, to regain flexibility in the stiff fingers joints of the hand. The ink can be applied as explained previously; papers strips with 1.5 x 1.5 square inch blocks tucked in finger print spoon may be used to record ridge impressions.

1. **Decomposition Stage:** (24 hours onwards): In case of body recovered from water (drowning) the skin on the bulb of fingers gets shriveled, the condition responds to plastic restoration. Chemical used for plastic restoration is explained in detail in the next section.
Onset and duration of various stages of rigor mortis may vary as per temperature/topographical conditions.

Use of Reagent or Chemicals for Recording of Fingerprints

1. **Dried Fingers:** The dried fingers are soaked in 1-3% solution of KOH (Potassium Hydroxide) /NaOH (Sodium Hydroxide), to swell the tissue to desired volume.

2. **Soaked Fingers (drowning cases):**
   a. Isopropyl alcohol is applied to the hands, which are then blotted dry with paper or cloth towels. This process should be repeated until the desired results are achieved.
   b. Another technique involves using a hair dryer to dry the skin by setting the hair dryer on low heat and blow drying the hands.
   c. The final method, called the **flame technique**, involves the use of a **butane grill lighter** to dry the skin. The flame is moved back and forth across the friction skin for a few seconds, taking care to dry but not to char the skin. The same results can be accomplished by **rolling a finger over a hot light bulb** instead of using an open flame. The recorded impression is then affixed to the back of an **acetate fingerprint card**. This type of clear plastic card can be produced by photocopying a standard fingerprint card onto transparency film.

**Tissue Builder for Shrunken Skin**

Inject a tissue building solution into the fingertips that allow the fingertips to become “rounded.” The tissue building injection is used when fingertips are wrinkled due to excessive humidity, mummification, or the hand being in water for a long period of time. Since the wrinkling will cause the fingers to lose definition and impression, using the tissue building injection will cause the definition to be restored.

Remove the skin from the fingertips and allow the skin to air dry. You can also use hardening solution to harden the skin, since decomposition can cause the flesh and skin to become flabby, soft, and fragile. After the skin is hardened or completely dried, place the skin over the examiner’s gloved fingers and use the normal fingerprinting procedure. **Tissue Builder (Glutaraldehyde)** is for use only on dead persons whose finger bulbs are shriveled and sunken. This tissue builder fills out the epidermal skin so that suitable impressions of the digits may be made. Inject the tissue builder under the skin of each finger using the special hypodermic syringe. After injection and upon contact with moisture, the solution forms a solid fibrous mass, and it seals the opening made by the hypodermic needle.

**AccuTrans** is a relatively new **polyvinylsiloxaine casting agent** specifically designed for the recovery of latent fingerprints and other forensic evidence. Both products have also been used as a way of recording friction ridge impressions from the living and the
dead. The casting technique works exceptionally well on desiccated remains containing wrinkles in the friction skin. This technique can be used after the fingers have been rehydrated or at a disaster scene when rehydration is not an option and fingerprints need to be recovered from remains without delay.

**Advanced Stage of Decomposition**

The fragments of epidermal skin are kept in formaldehyde solution (CH₂O), for preservation and harden of the skin tissue. Formaldehyde solution an aqueous solution containing not less than 37 per cent formaldehyde; used as a disinfectant and as a preservative and fixative for pathologic specimens.

**Conclusion**

The process of taking or recording finger prints from a cadaver or a dead body may sound easy and quick, but even with the available equipment or tools, special training or skills are needed by the operator or expert involved in the process. An expert excellent in comparison of fingerprints may not always be equally competent in recording of finger prints from the cadaver, training on use of tools involved, acumen and skills are some of the pre-requisites for recording quality finger prints from a dead body.
NCRB ACTIVITIES AND ACHIEVEMENTS

MeitY Digital India Awards 2016

NCRB has been conferred with ‘Digital India Awards 2016’ by Ministry of Electronics & Information Technology (MeitY), Government of India in open data championship category with Silver on 9th December, 2016 for updation of more than 3,000 datasets on Open Government Data (OGD) Platform India in open source format.

FICCI Smart Policing Award 2018

National Crime Records Bureau has been conferred with Special Jury Award for its flagship system “Vahan Samanvay”.

Shri Surendra Panwar, Jt. Director, NCRB, receiving Digital India Award 2016 in open data championship from Sh. Ravishankar Prasad, Union Minister for Law and Justice & Information Technology.

Shri Sanjay Mathur, Jt. Director, NCRB, receiving FICCI Smart Policing Award 2018 from Sh. Vijay Goel, Minister of State for Statistics and Programme Implementation.
The Union Home Minister Shri Rajnath Singh launched the Digital Police Portal on 21-08-2017 at National Data Centre, Shastri Park, New Delhi. The Digital Police Portal works on Crime and Criminal Tracking Network & Systems (CCTNS) database. It will not only help police sleuths track the criminals fast, but also help the victims seek redress online verification for tenants, service etc. The portal will provide investigators the complete record history of any criminal from anywhere across the country.
Home Minister Releases Crime in India 2016

Home Minister, Shri Rajnath Singh released the ‘Crime in India – 2016’ published by the National Crime Records Bureau on 30-11-2017 in a function held at New Delhi. The Crime in India is most authentic and referred publication of NCRB.

Inauguration of NCRB Complex

National Crime Records Bureau (NCRB) shifted to its own office complex at National Highway-8, Mahipalpur, New Delhi. The Bureau now has spacious & world class campus with all amenities and hostel facility for trainees. The campus was inaugurated by Union Minister of Home Affairs, Sh. Rajnath Singh on 08-09-2017.
Conference of Directors of Fingerprint Bureaux

The 19th Conference of Directors of Fingerprint Bureaux in India was held at Dr. Marri Channa Reddy Institute, Hyderabad on 21st & 22nd June 2018. The conference was inaugurated by Shri Hansraj Gangaram Ahir, Minister of State for Home Affairs on 21st June 2018. The conference of Directors of Fingerprint bureaux is convened every year to discuss and deliberate the challenging issues faced by fingerprint fraternity.

Shri Hansraj Gangaram Ahir, Minister of State for Home Affairs released the Compendium of Fingerprint Equipments

Shri Naini Narshima Reddy, Home Minister, Telangana, addressing the valedictory function.
NCRB Designated as Implementing Agency in MoU Signed between India and U.K. on Exchange of Criminal Records

A Memorandum of Understanding (MoU) has been signed between the Ministry of Home Affairs, India and the Home Office of the United Kingdom, on 27-04-2018 regarding Co-operation and the Exchange of Information and criminal records for the purposes of Combating International Criminality and Tracking Serious Organised Crime. National Crime Records Bureau has been designated as implementing Agency on behalf of Ministry of Home Affairs for the negotiation of information sharing agreements.

Memorandum of Understanding
Between
The Ministry of Home Affairs of the Republic of India
and
The Home Office of the United Kingdom of Great Britain and Northern Ireland
Regarding Co-operation and the Exchange of Information for the Purposes of Combating International Criminality and Tackling Serious Organised Crime

The Ministry of Home Affairs of the Republic of India and The Home Office of the United Kingdom of Great Britain and Northern Ireland, hereinafter referred to as "the Participants":

Paragraph 4
Implementing Agencies

4.1 The Participants approve the use of this Memorandum of Understanding to facilitate further arrangements and cooperation by the following designated authorities, who, with the consent of the Participants, may be responsible for the negotiation of the information sharing agreements referred to in paragraph 3:

a. for the Government of India:

b. for the Government of the United Kingdom:
   i) The Home Office.

Signed in duplicate in the English and Hindi languages in London on 17th April, 2018 both texts having equal validity. In case of any divergence of interpretation of the text of the Memorandum of Understanding, the English text will prevail.

For the Ministry of Home Affairs of the Republic of India
H.E. Y.K. Sinha
High Commissioner of India
To the United Kingdom

For the Home Office of the United Kingdom of Great Britain and Northern Ireland
Sir Dominic Asquith
British High Commissioner to the Republic of India
NCRB to Maintain Sex Offenders Registry

Consequent upon promulgation of Criminal Law (Amendment) Ordinance, 2018, by the Government of India, National Crime Records Bureau has been mandated to maintain the National database and profile of the sexual offender with an efficient mechanism to share the information with the investigating agencies. NCRB data will be used by police for verification of antecedents for the prospective employer and would form a part of the CCTNS.

Rajiv Gauba, IAS

Home Secretary
Government of India
North Block, New Delhi.

D.O. No. 1/3/2018-Judl Cell-I
25th April, 2018

As you are aware, the Criminal Law (Amendment) Ordinance, 2018 has been promulgated on 21st April, 2018 to provide for effective deterrence against offences of rape and instilling a sense of security among women, especially young girls in the country. A copy of the said Ordinance is enclosed.

2. An important aspect in investigation of rape cases concerns tracking of the accused person and sharing of information with the concerned agencies, for which maintenance of a national database and the profile of the sexual offender with an efficient mechanism to share the information with the investigating agencies is necessary. Such a database would help in prompt arrest of the accused, in expeditious investigation, apart from facilitating inter-agency coordination and watch over the habitual offender. Such a database also aids the prosecution while dealing with the repeat offenders in courts.

3. The Cabinet, in its meeting held on 21st April, 2018, has approved that National Crime Records Bureau (NCRB) be specifically mandated to maintain the above database and profiles at the national level and share it with the States/UTs on regular basis. NCRB data will be used by the police for verification of antecedents for the prospective employer and would form a part of the CCTNS. A copy of the Cabinet Note and the decision of the Cabinet are enclosed for reference.

...contd. p/2...

4. You are, therefore, requested to kindly take immediate action in this regard and intimate the position to us.

Yours sincerely,

(Rajiv Gauba)

Dr. Ish Kumar,
Director,
National Crime Records Bureau (NCRB),
Mahipalpur,
New Delhi
NCRB a Nodal Agency for Online Cybercrime Reporting Portal

National Crime Records Bureau has been designated as Central nodal agency under Cyber Crime Prevention against Women & Children (CCPWC) scheme. The NCRB has been mandated to manage technical and operational functions of the online cybercrime reporting portal and associated work of Cybercrime Prevention against Women & children scheme under the administrative control of the Cyber & Information Security (CIS) Division of Ministry of Home Affairs.

Fax/Speed Post
Immediate

No. 22006/05/2018-CIS-II
Government of India
Ministry of Home Affairs
CIS Division: CIS-II Section
192-A, North Block, New Delhi
Dated: 25th June, 2018

ORDER

Subject: Designating National Crime Records Bureau (NCRB) as Central nodal agency under Cyber Crime Prevention against Women & Children (CCPWC) scheme - regarding.

Approval of the Competent Authority is hereby conveyed designating National Crime Records Bureau (NCRB) as the Central nodal agency to manage technical and operational functions of the online cybercrime reporting portal and associated work of Cybercrime Prevention against Women & Children (CCPWC) scheme under the supervision and administrative control of the Cyber & Information Security (CIS) Division, Ministry of Home Affairs.

2. All the necessary assistance and support, including budget, manpower, equipment and training in this connection will be provided to the NCRB by this Ministry as per the provisions of CCPWC scheme.

3. NCRB shall designate a Nodal Officer to interact with CIS Division, MHA regarding the duties/work that needs to be carried out by the NCRB as the Central nodal agency under CCPWC scheme. Details of the Nodal Officer in MHA are as under:

Sh. S.K. Dhalla, Director (CIS-II), MHA
Room no. 17-A, North Block, New Delhi
Tel: 011-23093486

4. NCRB is required to take immediate steps to put in place institutional arrangements for ensuring the smooth launch and operation of the online cybercrime reporting portal and taking up other associated work under CCPWC scheme in consultation with CIS Division, MHA for complying with the directions of the Hon’ble Supreme Court in this behalf.

(Rajesh Ranjan)
Under Secretary to the Govt. of India
Tel no. 011-23093649
e-mail: rajesh.ranjan@gov.in

To,
The Director,
National Crime Records Bureau,
NH-8, Mahipalpur, New Delhi
NCRB De-merged from BPR&D

NCRB was merged with BPR&D vide MHA Police Division O.M. No. 23011/181/2017-PT, dated 04-08-17. NCRB is now again de-merged from BPR&D vide O.M. No. 23011/181/2017-PT, dated 04-06-2018.

OFFICE MEMORANDUM

Sub: Merger of National Crime Records Bureau (NCRB) with Bureau of Police Research & Development (BPR&D) - regarding.

The undersigned is directed to refer to this Ministry’s OM of even No. dated 4th August, 2017 on the subject and to inform that it has been decided to keep the said merger order in abeyance till further orders.

2. Further, CS Division is requested to refer the matter regarding merger of NCRB with BPR&D to Shri Madhukar Gupta Committee for examination and advice.

3. This issues with the approval of the Competent Authority.

(Anjan Sarkar)
Under Secretary (Police Training)
Tel. No. 011-2309 2061
Extn. 243

To,

1. Director General, BPR&D,
NH-8, Near SSB Building,
Mahipalpur, New Delhi-110 037

2. Director, NCRB
East Block-VII, R K Puram,
New Delhi 110 066

Copy for information to:-
1. JS (CS), MHA, NDCC-II Building, New Delhi
2. JS (IS-I), MHA, North Block
3. Ad. II Section, MHA
4. DGs of all CAPFs
5. DG, NDRF
6. Director, SVP NPA
7. Director, NEPA
8. All Sections of P-I Division, MHA
Note for Contributors

The NCRB Journal is intended to encourage practitioners, academics, and aspiring writers to submit their original and previously unpublished work in English /Hindi for publication. Articles ranging from short vignettes to fully-developed articles written in a reader-friendly style on topics but not limited to Police Science, Law, Scientific Investigation, Criminology, Forensic Science, Finger Print Science, Biometric Science, Contemporary Legal issues, Cyber crime, Cyber terrorism, Cyber security, Socio-economic crime, Prisons, and Analytical study may be sent. The submission of any solid research or practical methodology that would speak to the needs of those in the police service is also solicited. The journal will also encourage articles of serious nature supported by references and articles written by an academic pair with a police officer to write an academic article.

The manuscript should be typed in 12 point, double space with at least 1 inch margin in MS-Word. The manuscript normally should not exceed 5,000 words, however, lengthy articles may also be considered for publication on the discretion of editorial board. In articles of scientific nature and research, the manuscript should include an abstract of approximately 150 words and 4-5 keywords. All photos and illustrations should be of high quality, with good contrast and sharpness. Electronic images are required and must be saved as separate files in JPG, PNG or TIF format, with 300 dpi or higher resolution and a minimum of four inches wide. Bar charts, diagrams, and sketches, etc., should be drawn accurately and clearly. If a chart has supporting data, supply it in Excel format. A caption should accompany each graphic and should accurately describe what is represented in the graphic. For manuscript in Hindi, please use Unicode font (Mangal). The Manuscripts are subject to both review and editing. All manuscripts accepted for publication shall be property of NCRB Journal. No article or part of it shall be reproduced or used by author without permission. Please provide a brief biographical sketch for each author, describing their training and expertise in the subject area. Include the correct name, title, affiliation, and contact information including a phone number and email address.

The article may be sent through e-mail (journal@ncrb.nic.in) or post to, Editor, NCRB Journal, National Crime Records Bureau, N.H.-8, Mahipalpur, New Delhi-110037.
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