

**SUBJECT: SOCIO-ECONOMIC OFFENCES**

**Subject Code: 507(F)**

**Semester- Ninth**

**Unit – I: Hoarding and Profiteering**

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1. Prevention of Corruption Act, 1988
2. Central Vigilance Commission Act, 2003
3. Essential Commodities Act, 1955
4. Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980
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6. Standards of Weight and Measures Act, 1976

## **Unit – I: HOARDING AND PROFITEERING**

### **a. Laws relating to maintenance of essential supplies**

The Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980 was enacted on 12th February, 1980 and enforced on 5th October, 1979. The act aims to prevent un-ethical trade practices which include black-marketing and hoarding of essential commodities, the act lays provisions for punishment against such persons who commit either of these.

The act empowers state government or central government or an officer not below the rank of Joint secretary representing centre or state government in case has a reason to believe that a person is committing an against provisions of the Act shall make an order for detaining such person. Act shall directly apply to such person committing, aiding or abetting an offence under provisions of the Essential Commodities Act, 1955 or any other law dealing with distribution, production or supply of essential commodities; any person who make profits by defeating provisions of the act. The Act also gives similar power of taking action to district magistrates and commissioner of police. An order made by an officer under sub section (2) of section 3 shall be brought into the notice of government along with relevant details; the order shall remain into force for not more than twelve days after making it within which State Government shall approve the order. The State government shall within seven days report to Central Government along with grounds of order where-after detention order under sub section (2) of section 3 shall be carried. No order of detention shall be invalid merely on the ground that detention was carried outside territorial jurisdiction of the government making order.

Section 4 of the Act relates to absconding persons, once a person is found to avoid order of detention or is absconding, the Government or officer shall draft a report in writing to Metropolitan Magistrate or Judicial magistrate first Class who shall order against such person

under section 82, 83, 84 and 85 of Code of Criminal Procedure which shall apply against the person and his property. Provisions of section 4 are also applicable once the authorities have an apprehension of absconding of person against whom orders of detention have been made.

Incase a person is notified to present himself before court of law he shall do so on the date and time specified incase of failure to make an appearance such person shall be punished with imprisonment extending one year and with fine or both. Offences under the act shall be cognizable. Person detained shall be made aware of the ground of detention and shall be given an opportunity of fair representation.

Section 9 of the Act deals with appointment of an advisory board consisting of three persons who is, are qualified or had been Judge of a High Court, along with one another member who is, or has been Judge of High Court. The state government is imposed with a duty to refer the detained person before advisory board along with the representation of grounds of detention, whereafter the advisory board shall look into all aspects of the matter brought in front of it. The advisory board after giving an opportunity to person detained shall draft a report which shall be acted upon by the Government. The report shall either ask the government to revoke detention orders or shall further continue the detention. Maximum period of detention shall be six months from the date of detention. The order of detention may be revoked under provisions of section 21 of the General Clauses Act, 1897 only after confirmation from State or Central Government. Person detained may be temporarily released after imposing necessary conditions on release of such person one such condition may be filing of bond along with sureties. Incase a person breaches conditions of release his bond shall be forfeited. The Act protects all acts and actions taken in good faith under the provisions of the Act.

Thus the Act is an effort to bring into hold of law person who in order to suffice their greed keep essential commodities out of the reach for other people.

### **TOPIC: B- Laws on Maintenance of Standards of Weights And Measures**

The Standard of Weights and Measures Act, 1976 was enacted to establish standards of weights and measures, to regulate inter-state trade or commerce in weights, measures and other goods

which are sold or distributed by weight, measure or number, and to provide for matters connected therewith or incidental thereto. The Act extends to the whole of India.

### **Sale and Distribution of Goods in Packaged Form**

When commodities are sold or distributed in packaged form in the course of inter-State trade or commerce, it is essential that every package must have a:

- i. Plain and conspicuous declaration thereon showing the identity of the commodity in the package,
- ii. The net quantity in terms of the standard units of weights and measures and if in nos., the accurate number therein,
- iii. The unit sale price of the commodity and the sale price of that particular package of that commodity.
- iv. The names of the manufacturer, and also of the packer or distributor, should also be mentioned on the package.

In this regard the Packaged Commodities Rules were framed in 1977. These Rules extend to the whole of India and apply to commodities in the packaged form which are, or are intended or likely to be sold, distributed or delivered or offered or displayed for sale, distribution or delivery or which are stored for sale, or for distribution or delivery in the course of inter-state trade and commerce.

### **Exemptions**

The rules do not apply to:

- i. Packages for the exclusive use of any industry as a raw material, or for the purpose of servicing any industry. Mine or quarry provided:
- ii. Their net contents are more than 5 kg. Or 5 ltrs. And they are not displayed for sale at retail outlets;
- iii. It is not yarn sold to handloom weavers;

- iv. It is not a component, part or material used for servicing any vehicle covered under the Motor Vehicles Act, 1939; and
- v. The package does not contain any commodity sold by number or length and displayed for sale at retail outlet;
- vi. Commodities (excluding any drug or medicine) whose net weight is 20 gms or less or 20 mililitres or less, if sold by weight or measure;
- vii. Any package containing fast food items packed by restaurant / hotel and the like; Drugs covered under the Drugs (price control) order, 1995, Agricultural farm products in packages of above 50 kg.

Further, the Central Government may, on an application being made, permit manufacturer / packer to pack for sale the following types of pre-packed commodities for a reasonable period, relaxing any or all the provisions of these rules:

- i. Introductory packs;
- ii. Innovation packs;
- iii. Trial packs;
- iv. Promotional packs;
- v. Packages on which corrective action is to be taken after a compounding or a court decision or other genuine reasons.

### **Packages For Retail Sale**

- i. Packaged commodities meant for retail sale, distribution or delivery shall contain items only in standard quantities as specified in the Third Schedule to the Rules.
- ii. Every package shall bear thereon or on a label securely affixed thereto, a definite, plain and conspicuous declaration giving the name and address of the manufacturer or where the manufacturer is not the packer, the name and address of the manufacturer and packer, the name and net quantity of the commodity in weight, measure or number, as the case may be, the month and year in which the commodity is manufactured is manufactured or

pre-packed, the retail sale price of the package. Where size of the commodity is relevant, the dimensions thereof shall also be given in the package.

- iii. Besides, every package shall bear conspicuously the name and address of the manufacturer; where the manufacturer is not the packer, the package shall bear the name and address of the manufacturer and the packer; and where the commodity is manufactured outside India but is packed in India, the package shall also contain the name and complete address of the packer in India.
- iv. Certain commodities have been exempted from the printing of the declaration of sale price. These are -uncanned package of vegetables, fruits, fish or meat.
- v. With effect from 1.1.1996, in case of soft drinks, ready to serve fruit beverages, or the like, the retail sale price shall be printed either on the crown cap, or on the bottle or on both.
- vi. The Rules specify the size of letter, etc. of the principal display panel on packages so that the details provided thereon can be easily examined by the customer.
- vii. Any manufacturer or packer of Vanaspati, ghee and butter oil, shall declare the net quantity by weight with its equivalent in volume or vice versa w.e.f. 1.7.1995.

## **WHOLESALE PACKAGES**

Every wholesale package shall bear thereon a legible, definite, plain and conspicuous declaration giving the name of the manufacturer or of the packer, the identity of the commodity contained in the package and the total number of retail packages contained in that wholesale package or the net quantity in terms of the standard units of weight, measure or number of the commodity

## **Packages For Export**

Every package for export shall have conspicuous declaration that it is intended for export and the name and address of the manufacturer or packer, provided the importer has no objection to such indications.

In addition, the identity of the commodity contained and its net weight, measure or number shall also be declared on the package.

Where an export package contains two or more individually packaged or labeled pieces of the same or different commodities, the number and description of such individual packages and the net weight, measure or number of commodities in each, shall also be clearly displayed.

Every country and an export package shall not be sold in India unless the manufacturer or packer has repacked or re-labeled the commodity for domestic sale.

### **Packed Commodities Imported into India**

All pre-packed commodities imported into India shall carry:

1. Name and address of the importer,
2. Generic or common name of the commodity packed,
3. Net quantity in terms of standard unit of weight and measure without applying standard sizes prescribed under Third Schedule,
4. Month and year of packing in which the commodity is manufactured or packed or imported, and retail sale price.
5. Importer shall be responsible for making these mandatory declarations in either of the following manners:
  - i. printed on a label securely affixed to the package; or
  - ii. made on an additional wrapper and imported package may be kept inside the additional wrapper; or
  - iii. printed on the package itself; or
  - iv. made on a card or tape affixed firmly to the package or container and bearing the required information.

### **Price Tags and Stickers**

- i. No manufacturer, packer, wholesales or retail detailer shall sell any packaged commodity at a price exceeding its retail sale price.



- ii. Where any tax payable in relation to a packaged commodity is revised, it shall not be sold at a price exceeding the revised retail sale price, communicated by the manufacturer or packer.
- iii. The manufacturer or packer shall communicate by at least two advertisements in the newspaper, such price revision- whether increase or decrease of any pre-packed commodity.
- iv. The revised retail price shall be charged in relation to packages which were pre-packed in the month in which such tax has been revised or fresh tax has been imposed or in a month following thereto.
- v. Where the revised prices are lower than the price marked on the package, the commodity shall be sold at the revised price irrespective of the month of packing.
- vi. The retail sale price of any packed commodity indicated on the package or a label affixed thereto, shall not be obliterated, smuggled or altered by any person.
- vii. No additional label should be stuck on a package even with manufacturer's logo or trademark. However, affixing of a price sticker to indicate a retail sale price less than the MRP declared by the manufacturer is not a violation of the Rules, provided that the declaration made by the manufacturer is not obliterated.

The manufacturer or packer shall not alter the price on a wrapper once printed and used for packaging.

1	Use of non-standard weights or measures, or numeration.	Imprisonment upto 6 months, or fine upto Rs. 1000/- or both. For second or subsequent offence, imprisonment upto 2 years and also fine.
2	Quotation, etc in non-standard weights and measures	Fine upto Rs. 2000/-. For the second or subsequent offence, imprisonment for a term upto 3-years and also fine.
3	Sale, etc of un-verified weights and measures	Fine upto Rs. 10,000/-. For the second or subsequent offence imprisonment upto 7 years and also fine.



4	Sale etc. of packaged goods not conforming to provisions of Sec. 39	Fine upto Rs. 5000/- . For second or subsequent offence imprisonment upto 5 years and also fine.
5	Contravention of any other provision of the Act	5 Fine upto Rs. 2000/-

## UNIT – II: ADULTRATION

### TOPIC: A-Prevention of Food Adulteration

The Ministry of Health and Family Welfare is responsible for ensuring safe food to the consumers. Keeping this in view, a legislation called "Prevention of Food Adulteration Act, 1954" was enacted. The objective envisaged in this legislation was to ensure pure and wholesome food to the consumers and also to prevent fraud or deception. The Act has been amended thrice in 1964, 1976 and in 1986 with the objective of plugging the loopholes and making the punishments more stringent and empowering Consumers and Voluntary Organisations to play a more effective role in its implementation.

The subject of the Prevention of Food Adulteration is in the concurrent list of the constitution. However, in general, the enforcement of the Act is done by the State/U.T Governments. The Central Government primarily plays an advisory role in its implementation besides carrying out various statutory functions/duties assigned to it under the various provisions of the Act.

The laws regulating the quality of food have been in force in the country since 1899. Until 1954, several States formulated their own food laws. But there was a considerable variance in the rules and specifications of the food, which interfered with inter-provincial trade. The Central Advisory Board appointed by the Government of India in 1937 and the Food Adulteration Committee appointed in 1943, reviewed the subject of Food Adulteration and recommended for Central legislation. The Constitution of India provided the powers to Central Government for making such legislation as the subjects of Food and Drugs Adulteration are included in the concurrent list. The Government of India, therefore, enacted a Central Legislation called the Prevention of

Food adulteration Act (PFA) in the year 1954 which came into effect from 15 June, 1955. The Act repealed all laws, existing at that time in States concerning food adulteration.

In India, a three-tier system is in vogue for ensuring food quality and food safety. They are:

- Government of India;
- State/UT Governments;
- Local Bodies.

The Prevention of Food Adulteration Act is a Central legislation. Rules and Standards framed under the Act are uniformly applicable throughout the country. Besides, framing of rules and standards, the following activities are undertaken by the Ministry of Health and Family Welfare.

- Keeping close liaison with State/local bodies for uniform implementation of food laws.
- Monitoring of activities of the States by collecting periodical reports on working of food laws, getting the reports of food poisoning cases and visiting the States from time to time.
- Arranging periodical training programme for Senior Officer/Inspector/Analysts.
- Creating consumer awareness about the programme by holding exhibitions/seminars/training programmes and publishing pamphlet'.
- Approving labels of Infant Milk Substitute and Infant food, so as to safeguard the health of infants.
- Coordinating with international bodies like ISO/FAO/WHO and Codex.
- Carrying out survey-cum-monitoring activities on food contaminants like colours.
- Giving administrative/financial/technical support to four Central Food Laboratories situated in Kolkata, Ghaziabad, Mysore and Pune and providing technical guidance to the food laboratories set up by the States/Local Bodies.
- Holding activities connected with National Monitoring Agency vested with powers to decide policy issues on food irradiation.
- Formulation of Manual on food analysis method.

The Ministry of Health and Family Welfare is designated as the National Codex Contact Point in India to examine and formulate India's views on the agenda for the various meeting of Codex Alimentarius Commission, a joint venture of FAO/WHO dealing with International Food Standards and its subsidiary committees. The Ministry of Health and Family Welfare constituted a National Codex Committee (NCC) and an Assistant Director General (PFA) has been working as Liaison Officer for NCC. The NCC has further constituted 24 Shadow Committees corresponding to various Codex commodities committees for preparation and finalization of India's stand.

India has been regularly attending the various sessions of the Codex Alimentarius Commission and various Codex Commodity Committees to put forward her views and defend these views.

## **TOPIC: B - Control of Spurious Drugs**

Globally, every country is the victim of substandard or spurious drugs, which result in life threatening issues, financial loss of consumer and manufacturer and loss in trust on health system. The aim of this enumerative review was to probe the extent on poor quality drugs with their consequences on public health and the preventive measures taken by the Indian pharmaceutical regulatory system. Government and non-government studies, literature and news were gathered from journals and authentic websites. All data from 2000 to 2013 were compiled and interpreted to reveal the real story of poor quality drugs in India. For minimizing spurious/falsely-labelled/falsified/counterfeit drugs or not of standard quality drugs, there is urgent requirement of more stringent regulation and legal action against the problem. However, India has taken some preventive steps in the country to fight against the poor quality drugs for protecting and promoting the public health.

With a population of more than 1.24 billion, right to health is a fundamental right in India and has been recognized in the national constitution and statutory laws as well as in international laws. Globally, about 2 billion people, one third of the global population lack access to essential medicines. As medicine are life saving entities and thus are more essential for the treatment, while they account for 20-60% of care cost and 50-90% of this cost is being paid by the patient, particularly in low and middle income countries. India is a developing country where more than 40% of the population survives on less than US \$1 a day and if a patient needs medicines he has to pay more than half of this. There are some schemes by Indian Government for distribution of free generic medicines for certain categories of patients. However, people accept, prefer and buy counterfeit or substandard products over genuine or branded products due their cheap price, easy accessibility and availability in the market. Consumer does not know about the manufacturer or the quality of the product and many time they are unaware of expired, degraded or substandard products which ultimately results in failure of the treatment and with antibiotics this lead to antimicrobial resistance. Substandard product arises correspondingly due to lack of expertise, unfair manufacturing practices or insubstantial infrastructure; whereas counterfeit is the product of black marketer. The problem of poor quality is already very serious and steadily growing and is likely to cause much more damage in the near future. As such poor quality drug does not bear

any universal definition as it may vary from country to country. In general poor quality drug are the spurious/false-labeled/falsified/counterfeit (SFFC) drugs that can cause treatment failure or even death. Accordingly, International medical products anticounterfeiting taskforce (IMPACT) of World Health Organization (WHO) defines SFFC medicines as “medicines which are deliberately and fraudulently mislabelled with respect to identity and/or source, and also which may include products with correct ingredients or with the wrong ingredients, without active ingredients, with insufficient or too much active ingredient, or with fake packaging”. In India, as per Drug and Cosmetic (D and C) act, 1940, under section 17, 17A and 17B poor quality drug comprises of misbranded, spurious and adulterated drugs, respectively. With the 2008 amendment of D and C act, Indian drug regulatory authority that is Central Drugs Standard Control Organization (CDSCO) has categorised not of standard quality (NSQ) products in three categories A, B and C that is helpful in categorising the products during quality evaluation. Category A incorporates spurious and adulterated drug products; which conceal the real identity of the product or formulation and be similar to some well-known brand. These products may or may not contain active ingredients and generally manufactured by unlicensed antisocial people or sometimes by licensed manufacturers. Products that consist of adulterant/substituted product or incorporate some filth material are known as adulterated drugs. Category B include grossly substandard drugs in which product fails the disintegration or dissolution test and where active ingredient assay get below 70% and 5% of permitted limit for thermo labile and thermos table product, respectively for tablets or capsules. In case of parenteral preparation, failing sterility, pyrogen/end toxin test or inappropriate toxicity, and fungus presence in any liquid preparation hold such products in this substandard category. Category C involved products with minor defects like emulsion cracking, change in formulation colour, small variation in net content, and sedimentation in clear liquid preparation, failing of weight variation test, spot or discoloration on product, uneven coating, and presence of foreign matter and labeling errors.

### **SFFC drugs: A Pandemic Threat**

Poor quality drug or substandard product encounters a major stringent issue for the global health system and it cannot be ignored. In most streamlined regions of the globe like Japan, Canada, Australia, New Zealand, the United States of America and most of the European Union, hardly

1% of the market value products are counterfeit, developing countries like Africa, Latin America and many parts of Asia may markedly be the seller and producer of SFFC medicines. Russia, China, India, Brazil, Mexico, Pakistan, Southeast Asian and Middle Eastern countries are considered as the chief operators in distribution and manufacturing of counterfeit drugs. A decade ago, it was examined by WHO that 10% of the global medicines were counterfeit. However, contrary to its previous communicated data WHO-IMPACT pointed out that data was not much authentic. It means no absolute extent is reported. Now, it is questionable that what are the causes and influences of this problem. In turn, one reason is poverty and other is ignorance and these could contribute to the demand for counterfeit and substandard drugs. Moreover, ignorance of poor quality, unregistered medicines, lenient penalties, inadequate enforcement of laws are some of the significant causes which provoke the situation.

Day by day, public trust in health system may deteriorate as the consumption of substandard drugs by patients increase due to availability and lack of detection of SFFC or NSQ medicine in the market. Consumption of SFFC medicines can be responsible for failure of treatment or even death. Unbelievably, 0.20 to 0.30 million people die every year in China just because of counterfeit and substandard drug product. No such data is available in India, yet many patients are dying every year. According to a report revealed by International Policy Network, globally 0.70 million deaths were reported for malaria and tuberculosis because of counterfeit drugs. This data reveals the loop holes in the regulatory system and the cautions for avoiding the poor quality medicines.

In this evaluative review, an attempt has been made to know the correct extent of the SFFC or NSQ drugs in India and to make awareness among the public, medical practitioners and pharmacists. Data was acquired from governmental and non-governmental studies, literature, news, journals and authentic web sites. All the data was compared and interpreted to reveal the real story of poor quality drugs in India.

### **SFFC or NSQ drugs in India:**

India is the largest manufacturer of generic drugs and probably 12-25% of the medicines supplied globally are contaminated, substandard and counterfeit. Being the world's largest

manufacturers of active pharmaceutical ingredients and finished products, it is likely that India along with China could be the major contributors to spurious medications as per Patrick Lukulay, vice president of US Pharmacopoeial Convention's global health programs. In a report, it has been declared by the European Commission that 75% of the global cases of SFFC medicines originate from India. Indian Government officials initiated an investigation to scrutinize the drugs product which are supplying by India to Nigeria when India was accused along with other 29 Asian countries as the main originator of counterfeit drugs. On one side, India extensively interacts with the African countries in providing quality medicine at affordable prices, while on other side predictive blames were imposed on India and China for exporting the fake or substandard quality of antimalarial, antibiotics and contraceptives drug product to Uganda and Tanzania. In turn, India and China is denying for such blames. At present, Indian drug regulatory authority has taken various steps against the causes and they have put all their efforts to improve the drug regulation in the country.

India is considered as the main originator and distributor of SFFC drugs. However, no authentic evidences exist against the country according the data provided by the government and non government agencies of India. Many researchers have investigated only individual drugs or narrow range of drug preparations and formulations. Currently, no large randomized studies of drugs quality have been done in India.

In the year 2000, it has been stated that around 35.0, 23.1 and 13.3% global sales of counterfeit medicines come from India, Nigeria and Pakistan, respectively and counterfeiting includes all therapeutic classes of drug and mainly antibiotics. A decade ago, Indian government officials estimated that 9% of the drug products were of substandard quality. Although according to Indian press media, 30-40% of the total marketed drugs are considered as spurious, but this data is without any scientific confirmation. Under laboratory analysis in a survey accomplished in 2007 by South East Asia Region Pharmaceutical (SEARPharm) Forum, a group of Pharmaceutical Associations of International Pharmaceutical Federation (FIP) and WHO, 10 743 samples were collected from 234 retail outlets. About 3.1% were estimated as spurious and 0.3% were out of pharmacopoeial standard. In 2007, 294 fixed drug combinations (FDCs) products were unlawfully available in the market since these were not approved by the Drugs Controller



General of India (DCGI). In 2008, out of 1 83 020 chemist shops, 8418 chemist licenses were suspended or cancelled by the State Drugs Control Organizations on behalf of their trade with spurious drugs. According to CDSCO, estimation of the data during 2003-2008 indicates 6.3-7.5% of the samples were of substandard quality and 0.16-0.35% were encountered as spurious. In 2009, CDSCO reported that in 1995-96, 10.64 and 0.30% tested samples out of 32 770 were substandard and spurious, respectively, while in 2007-2008, 6.42 and 0.16% tested sample out of 42 354 were substandard and spurious, respectively. It was good achievement by the drug authority.

Nevertheless, in 2009, 24 136 samples of 62 brands of drugs product were collected in a nationwide survey to find those products which are covertly manufactured and thus to explore the extent of spurious drug in India. Samples were drawn from over 100 pharmacy outlets from various regions of India, which were belong to nine therapeutic categories of 30 manufacturers. Survey affirmed that only 11 products (0.046%) were spurious. Supplementary information revealed by the State Drugs Control Departments declared 1146 (4.75%) products were of substandard quality. These kinds of inspections and surveys by the government officials are some driving steps for the public safety. However, stringent actions are yet to be taken for the betterment of public health. Overlaying the effects of inferior manufacturing standards, deterioration with inactive or toxic fillers, relabeling of time expired drugs and degradation during storage are closely associated with drug quality, which must be checked regularly by fast and efficient techniques.

Manufacturing of spurious and substandard quality drug products is a fraudulent activity and their availability in the market is the life threatening issue for the public health. In 2008, a pilot study performed in two major cities of India, Delhi and Chennai to explore the extent of substandard and counterfeit drugs available in market, under which it was estimated that 12 and 5% samples from Delhi and Chennai, respectively, were of substandard quality. In 2007-08 maximum instances were from Maharashtra and in 2008-09 Kerala was the leading manufacturer of the spurious and substandard drugs. In 2007 four deaths were reported in Maharashtra related to spurious drugs. While more serious results came in news when it was reported that 300 infant



died in 2012 in Kashmir because of ceftriaxone substandard quality product which was used to treat pneumonia.

No absolute and entire data is reported for substandard and spurious drugs after 2010 by CDSCO, non government organizations or any individual research. For last 3 years, Government has noticed several cases of spurious and substandard drugs importation. In 2009, at Chennai sea port, CDSCO officials caught 3 cases of unregistered bulk drugs originating from China. Cases related to the substandard quality drug product importation in India showed 35, 35, 34 cases for 3 consecutive years 2009-2010, 2010-2011 and 2011-2012, respectively. On a surprise inspection by the CDSCO officials, 85 sales outlets out of 130 were trafficking with the banned drugs in Delhi and Bhiwandi city. It is highly recommended to investigate individually every drug product that is available in the domestic market

### **UNIT – III: CORRUPTION**

#### **TOPIC: A- Practice and Dimensions of corruption**

Last year “Lokpal”, Anti-Corruption, Civil Society has been buzz word among media, social networking and youth, owing to humungous nature of corruption scandals like 2G, Common Wealth, Antrix Devas Deal etc that have surfaced. Corruption exists in every system in India, right from obtaining birth certificate to death certificate. It takes heavy toll on our economic progress, and it is a complex phenomenon which has to be addressed from different angles. Corruption is just a symptom of larger complex co morbidity which is caused by many factors including inefficiencies, lack of governance, weak institutions etc. So fight against corruption should include addressing flaws along with going behind corrupt individuals.

#### **Social and Economic Inequality**

India is country of 1 billion populations, even after 60 years of Independence; the economic and social Inequality still exists. We still host 41% of world poor and most number of malnutrition children in World. There is still discrimination based on caste, religion and gender. So how does inequality give rise to corruption? As inequality increases, one strata (may be base on caste/economic/religion) of people gain prominence over other in political, social, economic,

media and judicial system. They will try to influence policy decisions by bribing top government officials favoring them. This makes goods and services like education, health available for poor scare, and to overcome that, they will involve in petty corruption things. This is what we see, daily in our activities like small officers (like clerks, attendees etc) in government officers demanding bribe to provide services. This 20 years of economic reforms is leading us to crony capitalism, this can be corroborated by recent 2G/Coal scams, where big industrialists manipulated laws, causing huge loss to exchequer leaving benefits to only one section of society. So let us try to reduce economic inequality, so that temptation to bribe people and give bribe is been reduced.

### **Democracy and People**

Close to 150 MP's who were elected to Parliament have serious corruption charges. People who face serious corruption charges still win elections with huge margin. We need to ask our self, Do people who elect those leaders are not responsible for corruption? Corruption was never a major election issue because people tend to have short memory and we completely ignorant about its impact on our economic progress. In a democratic country like India, where high inequality exists People are getting attracted to sell their votes for free schemes. It has become a ritual to give freebies (indirect corruption) like Laptops, grinders, fans, TVs, cell phones etc as part of Election manifesto without providing basic requirements like schools, drinking water, electricity and roads. Mindless freebies will not only increase fiscal deficit but makes people lazy and shortsighted impacting there voting pattern. We can say ours is largest democracy, but still way behind participative democracy. The Panchayat Raj system is very weak to encourage active grass root level participation of people. Educated people don't show interest in voting. Also it is wrong to assume Democracy is not about just voting and elections. True democracy is achieved when people are aware of Government policies, its impact and provide continuous feedback to politicians in policy decision. NGO's can educate people on how to choose candidates during elections. Recently Election commission has taken bold steps to stem money flow during elections. It can be empowered to check malpractices, augment power implement Election code to weed out corrupt practices.

## **Natural Resources and Corruption**

India is blessed with significant Natural resources. And research strongly supports that it tends to increase Corruption. Most of the big corruption cases, directly or indirectly involve Natural Resources. The recent scams in illegal mining in Karnataka and Goa, allocation of Coal fields, distribution of 2G spectrum etc corroborate this point. The income that is generated through natural resources is not being invested back in Human Capital that is the reason in spite of having abundant mineral resources; states like Bihar, Chattisgarh, Oddisha perform poorly in Human Development Indexes. The whole process of Natural Resource allocation has to be re-looked and fault lines has to be corrected to ensure, it is fair and transparent.

## **Sisyphus Syndrome**

India ranks 166 out of 183 in starting a business by a private entity as per World Bank report. The project approval process of Government is mired with complex rules and bureaucracy hassles. We don't have timeliness fixed for clearing projects and approval goes back and forth between various Government departments. This not only overruns the cost of project leading economic wastage but also fosters corruption to bribe administrative officials who are involved in decision process. And finally an investor/entrepreneur had to bribe officials to expedite his approval process. To overcome this fault line in our system, we need to ensure that simplification of rules/regulations and ensure more transparency.

## **Educational System**

We have acute shortage of good quality of Universities and Colleges. But demand overwhelms the supply. This wedge between demand and supply, has given rise to private sector exploiting people through donations and capitation fees. Being a lucrative business Colleges/Schools get approvals and recognition through corrupt means (Medical Council of India scam, and Tandon commission recommendation of de-reorganization of 44 deemed universities). Students who go through this process will imbibe shortcuts to make money in future instead of believing in hard work and meritocracy, to recover educational costs spent. Moral Science, Social Service, RTI

and Ethics don't find place in our curriculum. Career success should not mean making money but professional satisfaction. Good Education system can spearhead fight against corruption.

### **Can existing Investigative and Judiciary systems work**

Computer and Auditor General CAG is a constitutional body whose role is to audit government expenditure. In spite of being an independent organization its impact on corruption has been tangential. Firstly CAG has no authority to call Government officers/department for clarification, it can just mention a paragraph in its report of lapses occurred. Secondly they don't have authority to sanction. Everything has to go through Public Accounts Committee (PAC). The response of Government officials/Departments has been poor on clarifications and remedial steps sought. PAC had failed in apprising Parliament and Government in audit reports. Central Vigilance Commission CVC was setup to check corruption in Central Government organizations. Upon receiving complaints CVC can direct vigilance officers or CBI to take up investigation. It has neither investigative powers, nor its reports are obligatory to Government departments. This severely defeats the objective of setting up CVC. Central Bureau of Investigation

CBI is country's major Investigative agency. We have some of the best officers working for it. It has severe shortage of manpower and autonomy. As of 2010 December 21% of posts are vacant, which includes 52% law officers, 65% technical officers, and 21% executive. Close to 10,000 cases of CBI are pending in court out of which 23% are pending for more than 10 years. It needs to take permission from Government to prosecute any officer above Joint Secretary, which generally involves time consuming process reducing steam in investigation. It is severely manipulated by Government to cater its political needs. Making CBI more independent can be right way forward. Judicial Justice delayed is equivalent to Justice Denied. With delay in getting justice, the ordinary public has lost hope in Judiciary, so instead of fighting any injustice, we tend to believe corrupt practices are better than going through than following legal rules. With current estimate, it is said that It will take over 350 years to clear pending cases. India ranks lowest among world in number of judges per million populations, with each judge on average handling close to 4000 cases. The best legal brains in Supreme Court are wasted on unnecessary cases like Bail petitions to politicians. We have to Supreme Court only for constitutionally and

very high profile cases. Judicial reforms are long pending, unless these reforms are implemented, we keep on piling up cases and cases with no solutions.

### **Role of Media**

Media forms fifth pillar of our Democracy. It forms significant role in shaping up people thoughts and minds by educating on day to day issues in Country in an unbiased manner. People's memory is very short on corruption, media can play active role in keeping the issues alive. It should encourage Investigative Journalism, Sting operations, Opinion polls and Public Debates in unearthing corrupt practices. This puts pressure on Government to ensure transparency in its operations.

### **Conclusion**

There is no one panacea to solve corruption, it has to be addressed at all levels from social, economic inequality, empowering people, and strengthening existing democratic and investigative institutions. We cannot eliminate corruption; but only reduce the corruption by fixing bugs in existing systems.

### **TOPIC: B- Anti Corruption Laws**

Corruption laws in India Public servants in India can be penalized for corruption under the Indian Penal Code, 1860 and the Prevention of Corruption Act, 1988. The Benami Transactions (Prohibition) Act, 1988 prohibits benami transactions. The Prevention of Money Laundering Act, 2002 penalises public servants for the offence of money laundering. India is also a signatory (not ratified) to the UN Convention against Corruption since 2005. The Convention covers a wide range of acts of corruption and also proposes certain preventive policies. Key Features of the Acts related to corruption Indian Penal Code, 1860:

- i. The IPC defines "public servant" as a government employee, officers in the military, navy or air force; police, judges, officers of Court of Justice, and any local authority established by a central or state Act.

- ii. Section 169 pertains to a public servant unlawfully buying or bidding for property. The public servant shall be punished with imprisonment of upto two years or with fine or both. If the property is purchased, it shall be confiscated.
- iii. Section 409 pertains to criminal breach of trust by a public servant. The public servant shall be punished with life imprisonment or with imprisonment of upto 10 years and a fine. The Prevention of Corruption Act, 1988
- iv. In addition to the categories included in the IPC, the definition of “public servant” includes office bearers of cooperative societies receiving financial aid from the government, employees of universities, Public Service Commission and banks.
- v. If a public servant takes gratification other than his legal remuneration in respect of an official act or to influence public servants is liable to minimum punishment of six months and maximum punishment of five years and fine. The Act also penalizes a public servant for taking gratification to influence the public by illegal means and for exercising his personal influence with a public servant.
- vi. If a public servant accepts a valuable thing without paying for it or paying inadequately from a person with whom he is involved in a business transaction in his official capacity, he shall be penalized with minimum punishment of six months and maximum punishment of five years and fine. It is necessary to obtain prior sanction from the central or state government in order to prosecute a public servant.

#### The Benami Transactions (Prohibition) Act, 1988

The Act prohibits any benami transaction (purchase of property in false name of another person who does not pay for the property) except when a person purchases property in his wife's or unmarried daughter's name.

- i. Any person who enters into a benami transaction shall be punishable with imprisonment of upto three years and/or a fine.
- ii. All properties that are held to be benami can be acquired by a prescribed authority and no money shall be paid for such acquisition.

#### The Prevention of Money Laundering Act, 2002



- i. The Act states that an offence of money laundering has been committed if a person is a party to any process connected with the proceeds of crime and projects such proceeds as untainted property. "Proceeds of crime" means any property obtained by a person as a result of criminal activity related to certain offences listed in the schedule to the Act. A person can be charged with the offence of money laundering only if he has been charged with committing a scheduled offence.
- ii. The penalty for committing the offence of money laundering is rigorous imprisonment for three to seven years and a fine of upto Rs 5 lakh. If a person is convicted of an offence under the Narcotics Drugs and Psychotropic Substances Act, 1985 the term of imprisonment can extend upto 10 years.
- iii. The Adjudicating Authority, appointed by the central government, shall decide whether any of the property attached or seized is involved in money laundering. An Appellate Tribunal shall hear appeals against the orders of the Adjudicating Authority and any other authority under the Act.
- iv. Every banking company, financial institution and intermediary shall maintain a record of all transactions of a specified nature and value, and verify and maintain records of all its customers, and furnish such information to the specified authorities.

*Process followed to investigate and prosecute corrupt public servants*

- i. The three main authorities involved in inquiring, investigating and prosecuting corruption cases are the Central Vigilance Commission (CVC), the Central Bureau of Investigation (CBI) and the state Anti-Corruption Bureau (ACB). Cases related to money laundering by public servants are investigated and prosecuted by the Directorate of Enforcement and the Financial Intelligence Unit, which are under the Ministry of Finance.
- ii. The CBI and state ACBs investigate cases related to corruption under the Prevention of Corruption Act, 1988 and the Indian Penal Code, 1860. The CBI's jurisdiction is the central government and Union Territories while the state ACBs investigates cases within the states. States can refer cases to the CBI.



- iii. The CVC is a statutory body that supervises corruption cases in government departments. The CBI is under its supervision. The CVC can refer cases either to the Central Vigilance Officer (CVO) in each department or to the CBI. The CVC or the CVO recommends the action to be taken against a public servant but the decision to take any disciplinary action against a civil servant rests on the department authority.
- iv. Prosecution can be initiated by an investigating agency only after it has the prior sanction of the central or state government. Government appointed prosecutors undertake the prosecution proceeding in the courts.
- v. All cases under the Prevention of Corruption Act, 1988 are tried by Special Judges who are appointed by the central or state government.

## **UNIT – IV: INVESTIGATION AND PROSECUTION**

### **TOPIC: A- Central Vigilance Commission (CVC)**

Central Vigilance Commission (CVC) is an apex Indian governmental body created in 1964 to address governmental corruption. It has the status of an autonomous body, free of control from any executive authority, charged with monitoring all vigilance activity under the Central Government of India, advising various authorities in central Government organizations in planning, executing, reviewing and reforming their vigilance work.

It was set up by the Government of India in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam Committee, to advise and guide Central Government agencies in the field of vigilance. Nittoor Srinivasa Rau, was selected as the first Chief Vigilance Commissioner of India.

The Annual Report of the CVC not only gives the details of the work done by it but also brings out the system failures which leads to corruption in various Departments/Organisations, system improvements, various preventive measures and cases in which the Commission's advises were ignored etc.

The Commission shall consist of:

- A Central Vigilance Commissioner - Chairperson;
- Not more than two Vigilance Commissioners - Members;

The current Central Vigilance Commissioner is Mr. K.V. Chowdary, and among the two Vigilance Commissioners, one is Mr. Rajiv and the other is Shri T.M. Bhasin.

## ROLE

The CVC is not an investigating agency.

The only investigation carried out by the CVC is that of examining Civil Works of the Government which is done through the Chief Technical Officer.

Corruption investigations against government officials can proceed only after the government permits them. The CVC publishes a list of cases where permissions are pending, some of which may be more than a year old.

The Ordinance of 1998 conferred statutory status to the CVC and the powers to exercise superintendence over functioning of the Delhi Special Police Establishment, and also to review the progress of the investigations pertaining to alleged offences under the Prevention of Corruption Act, 1988 conducted by them. In 1998 the Government introduced the CVC Bill in the Lok Sabha in order to replace the Ordinance, though it was not successful. The Bill was re-introduced in 1999 and remained with the Parliament till September 2003, when it became an Act after being duly passed in both the Houses of Parliament. The CVC has also been publishing a list of corrupt government officials against which it has recommended punitive action.

## Appointment

The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President after obtaining the recommendation of a Committee consisting of:

- The Prime Minister of India (Chairperson)
- The Minister of Home Affairs
- The Leader of the second largest party in the Lok Sabha or majority group leader in parliament.

## Removal

The Central Vigilance Commissioner or any Vigilance Commissioner can be removed from his office only by order of the President on the ground of proved misbehavior or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought to be removed. The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Central Vigilance Commissioner or any Vigilance Commissioner in respect of whom a reference has been made to the Supreme Court until the

President has passed orders on receipt of the report of the Supreme Court on such reference. The President may, by order, remove from office the Central Vigilance Commissioner or any Vigilance Commissioner if the Central Vigilance Commissioner or such Vigilance Commissioner, as the case may be:

- is adjudged an insolvent; or
- has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
- engages during his term of office in any paid employment outside the duties of his office; or
- is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.

### **Organization**

The CVC is headed by a Central Vigilance Commissioner who is assisted by two Vigilance Commissioners.

The Central Vigilance Commission has its own Secretariat, Chief Technical Examiners' Wing (CTE) and a wing of Commissioners for Departmental Inquiries (CDI).

As on 21 March 2012, CVC has a staff strength of 257 against sanctioned strength of 299 (including the post of CVC and 2 VCs)<sup>[1]</sup>

### **Secretariat**

The Secretariat consists of a Secretary of the rank of Additional Secretary to the Govt of India, one officer of the rank of Joint Secretary to the Govt of India, ten officers of the rank of Director/Deputy Secretary, four Under Secretaries and office staff.

### **Chief Technical Examiners' Wing (CTE)**

The Chief Technical Examiner's Organisation constitutes the technical wing of the Central Vigilance Commission and has two Engineers of the rank of Chief Engineers (designated as Chief Technical Examiners) with supporting engineering staff. Following are the main functions of this organisation:

- Technical audit of construction works of Governmental organisations from a vigilance angle
- Investigating specific cases of complaints relating to construction works

- Assisting the CBI in their investigations involving technical matters and for evaluation of properties in Delhi and
- Assisting the Commission and Chief Vigilance Officers in vigilance cases involving technical matters.

### **Commissioners for Departmental Inquiries (CDI)**

There are fourteen posts of Commissioners for Departmental Inquiries (CDI) in the Commission, 11 in the rank of Director and 03 in the rank of Deputy Secretary. The CDIs function as Inquiry Officers to conduct inquiries in departmental proceedings initiated against public servants.

### **The Directorate General of Vigilance**

The Directorate General of Vigilance, Income Tax is the apex body under the Central Board of Direct Taxes for the vigilance matters. The Directorate General interfaces with the Central Vigilance Commission, the Central Bureau of Investigation, field formations of CBDT who are also having their Vigilance wings and others in all the matters relating to Vigilance, preliminary investigation of complaints, obtaining CVC/CVO's first stage advice, wherever required, assistance to Ministry in issuance of charge sheets, monitoring the charge sheet issued by the Disciplinary authorities in the field, monitoring of progress in inquiry proceedings, processing of enquiry reports, obtaining CVC/CVO's second stage advice, wherever required and communication thereof to Disciplinary authorities and monitoring compliance/implementation of the advice.

### **TOPIC: B – Central Bureau of Investigation**

What is known today as the CBI was originally set up as the Special Police Establishment (SPE) in 1941 to investigate cases of bribery and corruption involving the employees of the War and Supply Department of the Government of India during the Second World War.

Even after the war was over, the need to continue the agency to investigate corruption charges involving government servants was felt. The Delhi Special Police Establishment Act was passed in 1946 to give the organisation a statutory base. Its jurisdiction was extended to cover cases of corruption involving employees of all departments of the Government of India.

The role of the SPE was gradually extended and by 1963, it was authorised to investigate offences under 97 Sections of the Indian Penal Code, offences under the Prevention of Corruption Act and 16 other Central Acts.

**Presently, the CBI Consists of the Following Divisions :**

- (i) Anti-Corruption Division
- (ii) Economic Offences Division
- (iii) Special Crimes Division
- (iv) Legal Division
- (v) Coordination Division
- (vi) Administration Division
- (vii) Policy and Organisation Division
- (viii) Technical Division
  
- (ix) Central Forensic Science Laboratory

The legal powers of investigation of the CBI are derived from the Delhi Special Police Establishment Act, 1946 (DPSE Act).

The organisation can investigate only such offences as are notified by the central government under Section 3 of the DPSE Act. The powers, duties, privileges and liabilities of the members of the organisation are the same as those of the police officers of the union territories in relation to the notified offences.

While exercising such powers, members of the CBI of and above the rank of Sub- Inspectors are deemed to be officers in charge of the police station.

The Central Government is authorised to extend the powers and jurisdiction of the members of CBI to any area, including railway areas, for the investigation of offences notified under Section 3 of the District Special Police Establishment Act, subject to the consent of the government of the concerned state.

Even though the CBI has been in existence for so long, it is still governed by the old Delhi Special Police Establishment Act of 1946 section 4 (1) of this Act vests the superintendence over the organisation in the Central Government. An important development in this regard occurred in December, 1997 when the Supreme Court delivered its judgement in Writ Petitions (Criminal) Nos. 340-343 of 1993, commonly known as the Havala Case.

The Court directed that the responsibility of exercising superintendence over the CBI should be entrusted to the Central Vigilance Commission (CVC) and that the CVC should be given a statutory status. The judgement of the apex court is yet to be implemented. The CVC Bill has not yet been passed.

### **The Single Directive**

The term 'Single Directive' is commonly associated with the role and functioning of the CBI. The Single Directive was a set of executive instructions issued by the Central Government, prohibiting the CBI from undertaking any inquiry or investigation against any officer of the rank of Joint Secretary and above in the Central Government including those in the public sector undertakings and nationalised banks without the prior sanction of the head of the department.

The Supreme Court's judgment in the Havela Case had declared the single directive null and void. The Court found it unacceptable in law on two grounds. It required a police agency to seek permission from the executive to initiate investigation into a criminal offence.

### **Intelligence bureau (IB)**

Amongst the existing intelligence agencies, the IB is probably the oldest in the world. It was established as the Central Special Branch by an order of the Secretary of State for India in London on December 23, 1887.

Following the recommendations of the 1902-03 Indian Police Commission, the organisation was renamed as the Central Criminal Intelligence Department. Gradually, the security tasks of the organisation started overshadowing its responsibilities in respect of criminal work.

The word 'criminal' was therefore dropped from its name in 1918 and its present nomenclature (IB) was adopted in 1920.

The IB's role is vast and extensive covering a broad range of issues and has to deal with many problems, like terrorism, subversion and insurgency on the one hand and espionage and attempts to undermine the democratic fabric of the country by external agencies on the other.

Its main task is to collect intelligence about the subversive and terrorist activities of people and organisations, disseminate such information in time to the concerned authorities and adopt strategies to counter threats to internal security of the country and its institutions

### **TOPIC: C- Criminal Investigation Department**

The **Crime Investigation Department (CID)** is the investigation and intelligence wing of the Indian State Police.

#### **Formation and Organization**

The CID was created by the British Government in 1902, based on the recommendations of the Police Commission. In 1929, the CID was split into Special Branch, CID and the Crime Branch CID (CB-CID).

#### **CID branches**

The CID has several branches which work from state to state. These branches include:<sup>[4]</sup>

- CB- CID
- Anti-Human Trafficking & Missing Persons Cell
- Anti-Narcotics Cell
- Finger Print Bureau
- CID
- Anti-Terrorism wing

#### **Crime Branch CID**

CB-CID is a special wing in the CID headed by the Additional Director General of Police (ADGP) and assisted by the Inspector General of Police (IGP). This branch investigates serious crimes including riots, forgery, counterfeiting and cases entrusted to CB-CID by the state government or the High Court.

### **TOPIC: D- OTHER ORGANIZATIONS**



The incidence of crime in India is increasing alarmingly with a disastrous spatial distribution of population due to mismanagement and an overwhelmingly ubiquitous new technology. The profile of the criminal has undergone a sea change from the earlier stereotypes, requiring a new paradigm to comprehend and manage the emerging scenario. Today's criminal could well be your suave, smooth talking colleague or neighbour, someone who is relatively well off and well educated. The criminal mind is no more matching the orthodox definition of an economically deprived background but one that seeks to compete, outsmart and short-change the society that he or she lives in.

Recently, an internal survey conducted by a leading retail chain found that the largest section of loss due to theft was of women's clothing and women's innerwear. This by natural extension points to women as the emerging segment for pilferage in the organized retail sector.

There is a fair chance that most of the women stealing come from reasonably well-to-do families but their craving for excitement from pilferage is what drives many to the crime. Several Hollywood celebrities are known to be compulsive kleptomaniacs. But this is a relatively mild crime when compared to the number of child rape and molestation that is being reported from all parts of India and include urban, semi-urban and rural areas. Violent crime is on the increase.

Emerging trends in cyber crimes include hacking, phishing and cyber stalking with social media as the new playground for the criminal mind to let itself loose.

With these emerging trends in crime, it is time for India to revamp and reform how crime is reported, investigated and followed through with scientific evidence, which can ensure successful prosecution of the criminal.

The Indian system of policing and criminal investigation is still stuck in the old ways of information gathering and beating out a confession from the suspects. The police force is completely untrained on modern methods of criminal investigation and is not primed to gather scientific evidence to present a watertight case in the court. This is why the gap continues between reporting of crime, arresting a criminal and finally ensuring successful prosecution of the accused.

### Three of the problems

Police is a State subject and the number and quality of the police force varies from State to State. Most of the recruits at the entry level are barely school educated and come from diverse backgrounds, where their upbringing has been influenced by their religion, caste, community or economic status and this usually comes in conflict when policing urban areas, where the mindset of society that they serve, is different from the one that they grew up in. This cultural difference

is very visible when it comes to police dealing with women related issues or the educated section of society.

In addition, the lack of education also hampers the police from scientifically investigating any crime. The training is restricted to basic beat policing and does not expose them to modern techniques of criminal investigation. Even the so called 'dedicated' departments that are supposed to be primed up with scientific investigation techniques, is usually saddled with obsolete technology and techniques.

Furthermore, the method and content of data on crime collected and recorded varies from State to State. With cross border crime occurring frequently, tracing criminals is a challenge for any State police, in the absence of criminal data sharing and cooperation. The data collected and recorded by the National Crime Records Bureau (NCRB) is basic and data access at all levels is limited.

An integrated approach to criminal investigation

Without compromising the federal structure and authority, criminal data recording and access has to be standardized and seamless, if India is to keep crime down to minimal levels. The first step towards this has to be data recording and capture.

### **Criminal profiling and data**

Every person who is brought into the police station as a suspect must be full body scanned and facial data recorded. This will include bone structure, facial and dental profile, iris scan along with finger print and DNA profile collected and recorded for posterity.

The data can be kept under suspect, accused and prosecuted groupings. Sub groupings may also be created, as per need. While, this may evoke strong debate on the need for profiling, it is necessary to understand the importance of collecting this data as the primary requirement in surveillance, tracking and subsequent arrest of a potential criminal.

Today, software is available to capture real time data through surveillance cameras located at public places like airports, railway and bus stations. The data captured is matched on the basis of bone structure and facial recognition software. So if there is a potential terrorist or criminal passing through any public area, there is a fair chance that the software will pick him out of the crowd in real time. This would be possible only if his profile has been collected, recorded and made available to all law enforcement agencies, seamlessly.

The National Security Agency (NSA) of the United States is using this widely and the same data has helped agencies like FBI, CIA, State Police, Homeland Security etc solve several cases, in addition to monitoring and tracking suspects to prevent crime. There is no point in data being

collected by one agency and not being available to other agencies, seamlessly. This was one of the biggest lessons the United States learnt post the 9/11 incident.

India has no choice but to learn and implement similar strategies if it were to seriously attempt crime prevention and crime control. Data collection, availability and access is the first tool in this battle.

### **Using technology**

Technology is rapidly evolving in the field of homeland security and specialized tools are available for human identification, authentication, tracking, access control through a variety of bio-metric technologies.

Cyber crime is increasing and therefore cyber security, access and user profile analytics is becoming imperative, in an increasing cyber dependent world.

### **Adopting forensic science**

Crime scene investigation is the first and most important moment in solving any crime. The forensic information captured by way of pictures, body fluid sample, DNA sample, fingerprinting or material sample can go a long way in helping the police to solve crime.

In India, the police appearing at a crime scene is usually not even aware of the need to maintain crime scene integrity for forensic purposes nor are they geared to collect crime scene evidence from a forensic perspective.

### **Need for criminal profiling**

Criminal profiling to understand the criminal mind and thought pattern is emerging as an important tool in criminal investigation. This has evolved as a specialized field of science and India must encourage our police to use criminal profiling as a tool in investigating crime.

### **Adopting modern techniques of interrogation**

One of the biggest challenges for any police is to get a suspect to confess to a crime. In India, the police still follows all kinds of physical force to get suspects to confess to a crime, only to have them deny the same in court, subsequently.

All developed nations now follow basic human rights principles and have done away with physical means to elicit confession from a potential suspect. Modern techniques are applied to confirm innocence or psychologically break down a suspect into confessing a crime.

If a watertight case has to be built against an accused, then all evidence collected against him must pass judicial scrutiny during trial. The process of interrogation is one component of this

evidence gathering and therefore the same has to comply with accepted norms, as permitted by the law in India.

India has made some progress with initial training in modern interrogation techniques, as followed by FBI of the USA and Scotland Yard of the UK. But India is still a long way from introducing these techniques as part of Standard Operating Procedure (SOP) for all arms of police, at the State level.

It is time India implemented reforms across all State police and integrated and shared all criminal data, seamlessly.