CHAPTER II

GENERAL ANALYSIS OF CRIMES IN MODERN INDIA
Survey of crime:

9,52,581 Cognizable crimes under the Indian Penal Code were reported in India during 1971 showing (a marginal decrease of 0.3% over 1970). This figure includes crimes committed by juveniles. The trend of crime during the sixties shows a rise till the year 1967, except in marginal decreases in 1963 and 1965. There was a decrease from 1967 to 1969. During 1970, there had been a very sharp increase, while during 1971 there was again some marginal decrease.

Crime and Population:

The population of the country has been rising steadily. According to the Registrar general of India, the estimated population of India has been increasing and during 1970 the estimated population was 550.0 millions and during 1971 it was 549.8 millions. Apparently, there seems to be a decrease in population from 1970 to 1971, but, in fact, it is not so. The 1970 figure was an estimated figure on the basis of the past trend while the figure for 1971 is an exact figure on the basis of 1971 Census and hence there is a
marginal change. During the period from 1960 to 1971, the population increased by 27.4% while the increase in the incidence of crime was of the order of 57.1%. The trend of the volume of crime during the same period has also indicated a steady increase from 1960 to 1967. It decreased in 1968 and thereafter again started increasing and during the last two years the volume of crime is more or less of the same order.

The table below shows the comparative statistics of (i) the incidence of cognizable crimes (ii) the estimated mid-year population and (iii) the volume of crime per one lakh of population.

1. Crime in India 1971 (Government of India)

<table>
<thead>
<tr>
<th>Year</th>
<th>Estimated Mid-Year Population in Millions</th>
<th>Total Cognizable Crime under the I.P.C.</th>
<th>Rate of Crime per One Lakh of Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>431.7</td>
<td>6,06,367</td>
<td>140.5</td>
</tr>
<tr>
<td>1966</td>
<td>498.7</td>
<td>7,94,733</td>
<td>159.4</td>
</tr>
<tr>
<td>1967</td>
<td>511.3</td>
<td>8,81,981</td>
<td>172.5</td>
</tr>
<tr>
<td>1968</td>
<td>523.5</td>
<td>8,62,016</td>
<td>164.7</td>
</tr>
<tr>
<td>Year</td>
<td>Number</td>
<td>Incidence</td>
<td>Percentage Growth from 1960 to 1971</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
<td>-----------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>1969</td>
<td>536.6</td>
<td>8,45,167</td>
<td>27.4</td>
</tr>
<tr>
<td>1970</td>
<td>550.0</td>
<td>9,55,422</td>
<td>57.1</td>
</tr>
<tr>
<td>1971</td>
<td>549.8</td>
<td>9,52,581</td>
<td>23.3</td>
</tr>
</tbody>
</table>

**I.P.C. Crime under Important heads**

The table presents the incidence of I.P.C. crimes under the Important Heads during the year 1966 to 1971 along with the percentage variations over the previous quinquennial average of 1966 to 1970 and over 1970. Compared to the quinquennial average of 1966 to 1970 there had been an increase under all important heads, except in the cases of criminal breach of trust, cheatings and counterfeiligings. The highest increase was noticed under the head *Dacoity* (67.8%) followed by Robbery (64.6%) while the incidence under counterfeiting showed a marked decrease in tendency of 34.3%. The incidence of murder, Decoity and Robbery during 1971 over 1970 indicated the increase, the increase being 3.8%, 13.8% and 8.5% respectively. While all the other heads
showed a decrease the marked decrease having been noticed under criminal breach of trust (10.6%). The pattern of percentage distribution of crime under important heads has been more or less the same as during the previous five years, with the exception of 'Riut' which showed a decrease. It constituted 7.1% of the total cognizable crime under the I.P.C. during 1970 and it decreased to 6.7 during 1971. The relevant statistics are presented in table.

The incidence of total cognizable crime in the States/Union Territories and important Cities:

The statistics of total cognizable crimes under the Indian Penal Code reported in the various states, Union territories and the important Cities during the year 1966 to 1971 are presented in table along with the percentage variations over the previous quinquennial average of 1966 to 1970 and over 1970. The state of Uttar Pradesh reported the highest number of crimes in the country viz. 2,36,328 accounting for 25% of the total crimes reported in the country, as a whole and the volume of crime has also been the highest viz. 266.3, followed by Madhya Pradesh, 211.3.
JUVENILE DELINQUENCY IN DIFFERENT HEADS OF CRIME - 1971
[I.P.C.CRIMES]

- CRIMINAL BREACH OF TRUST 0.8%
- CULPABLE HOMICIDE 0.2%
- RAPE 0.6%
- RIOTS 6.4%
- KIDNAPPING 1.1%

MISCELLANEOUS 31.1%

THEFTS 38.8%

- CHEATING 0.8%
- ROBBERY 1.2%
- DACOITY 0.4%
- MURDER 1.9%

HOUSE BREAKING 16.7%
The volume of crime per one lakh of population in the States of Haryana, Himachal Pradesh and Punjab was far below the all India average viz. 82.2, 72.7 and 84.5 respectively as compared to 173.3 for the country as a whole. The percentage variations during 1971 to 1970 had been very erratic. Nagaland indicated a sharp increase of 34.9% over 1970 while Tripura showed a decrease of 34.0%. The volume of crime per one lakh of population in the Union Territory of Andaman and Nicobar Islands, Chandigarh, Delhi and Pondicherry was much higher than the all India average, the highest being in Delhi 714.3 and the lowest in Laccadive Islands (59.4).

Among the Metropolitan Cities, the volume of crime per one lakh of population was the highest in Kanpur (757.6) followed closely by Delhi (738.5) while it was only 175.7 in Ahmedabad City, the over all average for all the Cities to-gether being 426.7.

The table presents statistics of crime during 1970 and 1971 under the important heads of I.P.C. Crime along with the percentage variations during 1971 over 1970 in the States, Union Territories and
important Cities. The detailed break up of these statistics, like cases reported and their disposal are shown in appendices 1-13.

Murder:

The total number of murder cases reported in India during 1971 had shown an increase of 3.0% over 1970. The highest number of murders was reported in Uttar Pradesh (3,572) which accounted for about 20% of the total number of murders in the country. The variations in the incidence of murder in different states and union territories over 1970 are erratic, the highest increase was noticed in Tripura (60.7%) followed by West Bengal (62.4%). The number of murder cases in all the Union Territories together was 162 out of which Delhi accounted for 113 for but this union territory has shown a decrease of 8.1% over 1970. The highest volume of murder per one lakh of population was recorded in Nagaland (4.6) followed by Punjab (4.5), Madhya Pradesh and West Bengal (4.1) and Uttar Pradesh (4.0) as against All India average of (2.94).

Among the metropolitan Cities, the highest number of murder was in Calcutta, 285 out of 653 cases in all
the 8 cities under study. A marked increase was noticed in Aurangabad i.e. an increase of 815% over 1970.

_Culpable Homicide not amounting to Murder:_

Only 2,357 cases of Culpable Homicide not amounting to murder were reported in India during 1971, out of which Uttar Pradesh accounted for 955 cases out of the total number of 94 cases recorded in all the Union Territories to-gether, while Delhi registered as many as 93 cases. Among the cities also, Delhi accounted for about 70% of the total cases registered as a whole for the cities to-gether.

_Rape:_

2,487 cases of rape were reported in the country during 1971 out of which 45% were reported in the two States of Uttar Pradesh and Madhya Pradesh to-gether. Out of the total number of 59 cases in all the union territories Delhi registered as many as 51 cases. Among the metropolitan Cities, Bombay registered as many as 55 cases out of 135 in all the metropolitan cities to-gether.
Kidnapping and Abduction :-

The incidence of Kidnapping and Abduction during 1971 was 9,647. There was a decrease of 4.6% over 1970. The highest volume of this crime per one lakh of population was noticed in Manipur (13.9) followed by Rajasthan (4.5) Uttar Pradesh (3.5) as against the all India average of (1.8). Among the Union territories Delhi registered a large number of cases during the year viz. 453 out of the total 478 in all the Union Territories together but there has been a decrease of 14.7% over the previous year.

Among the Cities also Delhi registered the highest number viz. 407 out of 977 in all the cities under study put together.

Decoity :-

The incidence of this crime has registered an increase of 13.8% during the year over 1970. The highest number of cases was registered in Uttar Pradesh (6004) which accounted for more than 50% of the total cases registered in the entire country. This State has registered a very sharp increase of 15.6% over the previous year. The variations in the different states
and Union territories are very erratic. The highest volume of decoity per one Lakh of population was also noticed in Uttar Pradesh (6.8), followed by West Bengal (3.4) as against the All India average of 2.0. The incidence of Dacoity in all the Union Territories was only 17 during 1971 out of which 14 cases were registered in Delhi alone. Among the cities, the highest number was noticed in Calcutta (40) followed by Bombay (30) and Kanpur (28).

**Robbery** :-

Out of a total number of 18,402 cases of robbery reported in the country during 1971 as many as 10,049 cases were registered in Uttar Pradesh only. The highest volume (11.3) per one lakh population was also recorded in this state, as against the All India average of 3.4 among the Union Territories. Delhi registered an appreciable number of cases viz. 329, out of 351 registered in all the Union Territories to-gether. Among the cities under study, the highest number was recorded in Delhi (293) followed by Bombay (203) and Kanpur (200). The variations over the previous year in different States and Union territories are very erratic.
Marked increase of 32.7% and 19.4% respectively were noticed in the States of Bihar and West Bengal excepting Calcutta and Madras. All other cities have indicated decrease during the year under report over 1970.

Burglary :-

More than 33% of the cases of burglary reported in the country during the year 1971 were registered in Uttar Pradesh alone and its volume per one lakh of population was the highest in this very state (59.5) as against an All India average of 30.2. The variations in the incidence of this crime during the year 1971 in the country as a whole was not very appreciable as compared to 1970. However, erratic variations have been noticed in different States and Union Territories. The highest increase over 1970 was noticed in Assam (15.0). The incidence of this crime in big cities is quite am appreciable and the highest number was noticed in Delhi (2,346) but over the previous year this city had shown a decrease of 23.7%.
Thefts :-

More than 33% of the total crimes reported under I.P.C. were registered under thefts and the incidence during 1971 had been approximately of the same order as during 1970. The variations of 1971 over 1970 in different states and union territories are erratic. Significant decrease had been noticed in the States of Kerala (22.3%), Tripura (19.8%), Jammu and Kashmir (19.2%); but Assam had reported an increase of 10.5% over 1970. The volume of this crime per one lakh of population was the highest in Uttar Pradesh 105.3 while it was only 12.2, in the Himachal Pradesh, 18.3 in Punjab, 19.6 in Kerala and 12.5 in Jammu and Kashmir as compared to the All India average of 61.0. Among the Union Territories, Delhi had recorded the largest number of cases of this crime viz. 16,735 out of 18,531 registered in all the Union Territories together, but this Union Territory had shown a comparative decrease of 7.1% during the year over 1970. The incidence of this crime in the metropolitan cities under study has been quite noticable. The highest volume of this crime per one lakh of population was noticed in Delhi 4401, followed by Kanpur 351.3, Bangalore 260.4, Bombay 213.7 and Ahmedabad 65.7.
Criminal Breach of Trust :-

The incidence of this crime during 1971 had shown an appreciable decrease of 10.6% over 1970. The most significant decrease of 37.5% was noticed in West Bengal. The variations in different States and Union Territories are erratic. Among the Union territories Delhi had registered a significant decrease of 24.0% during the year over 1970. Among the cities under study excepting Bangalore and Hyderabad, all other cities had shown decrease during the year over 1970. The volume of this crime per one lakh of population was the highest in Uttar Pradesh, B.O. and in big cities it was consistently much higher than the All India average, being 61.3 in Kanpur 16.8 in Bombay, 15.2 in Delhi, 12.6 in Madras, 11.9 in Bangalore compared to the all India average of 3.7.

Riot:-

64,114 cases of riots were reported during 1971 indicating a decrease of 6.2% over 1970. The most significant decrease was in the State of West Bengal (27.8%). The variations in other West Bengal (27.8%). The variations in other states and Union territories
had been erratic. Excepting the cities of Delhi and Madras all other cities under study had shown decrease of this crime during 1971 over 1970. The highest volume of this crime per one lakh of population was in West Bengal (26.4) followed by Tripura (18.3), Kerala (18.0) and Uttar Pradesh (16.4) against the All India average of 11.7. Among the cities the highest volume of this crime was in Calcutta 36.3, followed by Kanpur, 18.4.

Cheating :-

The incidence of this crime had shown a decrease of 7.5% during 1971 over 1970; the most significant decrease being in Tamil Nadu (36.0) and West Bengal (20.6). The variations in other States and Union Territories had been erratic. Among the cities, Madras had registered a significant decrease of 44.4%, during the year over 1970 followed by Delhi (34.1%) and Calcutta (29.9%) while Ahamadabad (33.3%), Hyderabad (23.3%) and Bangalore (20.2%) have registered increase. The volume of this crime per one lakh of population was the highest in Manipur (6.9) followed by Maharashatra (3.4), Uttar Pradesh (3.0) while in Kerala it was only
(0.8) as against the All India average of 2.1. Among the cities the highest volume was noticed in Kanpur (23.1) but in all the cities it was consistently much more higher than the All India average.

**Counterfeiting :**

The incidence of this crime is very negligible in India. Only 641 cases were registered during the year as against 650 during 1970. About 60% of the total cases of this crime were registered in the States of Bihar, Kerala, Mysore, and Tamil Nadu alone. About 25% of the total crime in India registered in the 8 metropolitan cities under study, the highest was in Bangalore (47), followed by Madras (38) and Delhi (28). The volume of this crime per one lakh of population in India was only 0.1. The highest volume was in the state of Tamil Nadu 0.4.

**Crime under Local and Special Laws :**

The incidence of offences under Local and Special Laws varied widely from State to State during 1971. A total of 29,12,096 cases were reported during the year indicating a slight increase of 1.0% over 1970. The
extent of variations in the volume of such offences per one lakh of population ranged from as high as 2269.8 in the State of Mysore to 9.8 in Orissa. In Bihar it was 17.9, in Jammu and Kashmir and 15.6 in Kerala. Similar variations were noticed during the previous years also. In the cities the volume of offences under Local and special Laws was consistently higher than in the State and Union territories as against the all India average of 529.7. Among the cities, the highest volume of 21,295.5 was recorded in Bangalore while it was only 149.6 in Delhi. Some noticeable features of these offences are given below.

Disposal of cases by the Police :-

During 1971, 11,38,588 cases of I.P.C. crimes were under investigation with the Police, including cases pending from the previous years, out of which 12.3% of the cases had to be dropped due to various reasons such as mistake of fact or law, or in which the investigation was refused or because the offence was non cognizable by the Police. The highest percentage in which investigation had to be dropped was in respect of Robbery (25.0%) against the lowest for
Murder (3.3%). The investigations were completed in respect of 8,10,691 cases out of which charges sheets could be laid only in respect of 52.8% of these cases. The highest percentage of cases in which charge sheets could be laid out of the total cases which were investigated during the year 1971 was in respect of Rape 76.9% and it was the lowest in case of counterfeiting (20.9%). The highest percentage of cases pending investigation at the end of the year was in respect of counterfeiting (49.7%), and the lowest was in respect of thefts (12.0%) while in all other important heads, it varied from 25 to 35%.

Cases Disposed of by the Courts:

During 1971, 9,43,394 cases were under trial, including cases pending from the previous years out of which 7.1% of the cases had to be withdrawn or compounded. The highest percentage of cases which were either withdrawn or compounded was in respect of cheating (6.9%) and it was only 0.8% each for murder, Culpable Homicide and Rape.

The trials could be completed in respect of the cases during the year. The highest percentage of cases
DISPOSAL OF CASES BY COURTS
1971
-(I.P.C. CRIME)

<table>
<thead>
<tr>
<th>Crime</th>
<th>Pending Disposal</th>
<th>Disposed Of</th>
</tr>
</thead>
<tbody>
<tr>
<td>MURDER</td>
<td>42.4%</td>
<td></td>
</tr>
<tr>
<td>CULPABLE HOMICIDE</td>
<td>32.9%</td>
<td></td>
</tr>
<tr>
<td>RAPE</td>
<td>32.9%</td>
<td></td>
</tr>
<tr>
<td>KIDNAPPING &amp; ABDUCTION</td>
<td>29.4%</td>
<td></td>
</tr>
<tr>
<td>DACOTY</td>
<td>29.0%</td>
<td></td>
</tr>
<tr>
<td>ROBBERY</td>
<td>26.4%</td>
<td></td>
</tr>
<tr>
<td>BURGLARY</td>
<td>24.8%</td>
<td></td>
</tr>
<tr>
<td>THEFTS</td>
<td>14.5%</td>
<td></td>
</tr>
<tr>
<td>RIOTS</td>
<td>12.5%</td>
<td></td>
</tr>
<tr>
<td>CRIMINAL BREACH OF TRUST</td>
<td>11.4%</td>
<td></td>
</tr>
<tr>
<td>CHEATING</td>
<td>12.2%</td>
<td></td>
</tr>
<tr>
<td>COUNTERFEITING</td>
<td>11.1%</td>
<td></td>
</tr>
<tr>
<td>TOTAL COGNIZABLE</td>
<td>39.1%</td>
<td></td>
</tr>
</tbody>
</table>
in which trials were completed to total cases, was in respect of murder (41.7%). It was lowest for riot (13.9%). For all other crimes it varied from 25% to 35%. Out of 3,01,869 cases in which trials were completed, 62% ended in conviction. The highest percentage of conviction out of the cases in which trials were completed was noticed in thefts (73.6%) and it was the lowest for riots (30.4%) while in all other crimes it varied approximately from 30% to 68%.

Persons Arrested:

During 1971, 11,30,857 persons were apprehended for committing various types of cognizable offences under the Indian Penal Code as against 11,15,081 persons during 1970 indicating an increase of 1.4%. The highest percentage increase was recorded in Rajasthan (19.5%). There had been a sharp decrease of 43.1% in Tripura, 19.1% in Kerala and 15.8% in Haryana. The Union Territory of Delhi had indicated an increase of 168.8%. Among the cities the highest increase was noticed in Delhi (191.0%). The variations in other states, Union territories and cities are very erratic.
PERSONS ARRESTED
1960-71
(IN LAKHS)
[I.P.C.CRIMES]
Juvenile Delinquency:

During 1971, 26,846 crimes under the Indian Penal Code were committed by juveniles and youthful offenders indicating a decrease of 1.4% over 1970 while there had been an increase of 16.5% over the quinquennial average of 1966 to 1970. The volume of juvenile crime per one lakh of population was 4.9 during 1971.

Socio Economic Background about Juvenile:

(A) Family Background:

About 70% of the juveniles were living with their parents and the remaining 30% were either living with guardians or they were homeless and the percentage in each group was 16 to 14 respectively. An all India pattern is not reflected in the different stages and Union Territories. However, in all the States and Union Territories, a majority of the juveniles who committed crimes were living with their parents.

(B) Economic set up:

The information of the economic set up of the parents and guardians of juveniles who committed crimes was collected under four heads -
CRIME UNDER DIFFERENT HEADS

1971

Culpable Homicide 0.2%
Riots 6.7%

Rape 0.3%
Criminal Breach of Trust 21%

Thefts 35.2%

Miscellaneous 31.0%

Murder 17%
Kidnapping & Abduction 10%
Dacoity 12%
Robbery 19%

Counterfeiting 0.1%
Cheating 1.2%
(I) Lower Income (below Rs. 150/- p.m.)

(II) Lower Middle Income (above Rs. 150/-p.m. below Rs. 500/- p.m.)

(III) Middle Income (above Rs. 500/- p.m. below Rs. 1000/- p.m.)

(IV) Upper Middle Income (above Rs. 1000/- p.m.)

More than 80% were in lower group while there were only 312 juveniles belonging to the upper Middle group.

(C) Recidivism:

The statistics were collected under two heads
(i) New Delinquents, (ii) Old Delinquents, 88% of the total delinquents arrested were new offenders and in almost all the States this phenomenon was observed. In some States however, this percentage was much higher.

(D) Religion:

The distribution of juveniles arrested on the basis of different religions revealed that 56% of the juveniles belonged to Hindu religion while the percentage in respect of Muslim, Sikhs, Christians and others were 17.9, 0.9, 3.0 and 11.8 respectively.
VALUE OF PROPERTY STOLEN IN INDIA

1966 - 1971

CRORES

19.1  25.6  29.6  30.5  36.1  39.8
Community :-

35.2% of the juveniles arrested belonged to scheduled castes and scheduled tribes.

(F) Education :-

(i) Illiterates,
(ii) Below Primary,
(iii) Above Primary,
(iv) Below Matric,
(v) Higher Secondary and above.

53.4% of juveniles arrested were illiterate while 33.7% were below Primary; only 2.1% of juveniles arrested were above Matric or Higher Secondary.

Property stolen and recovered :

The value of property stolen during the period 1966 to 1971 indicated an increased trend. It increased from Rs. 1906.9 lakhs during 1966 to 3854.6 lakhs during 1971. There had not been much change in the percentage of property recovered and it remained about 22% during all these years, except during 1966 when it was 28.5%
MOTIVES OF MURDER - 1971

- Other Causes: 39.5%
- Lunacy: 0.6%
- Sudden Provocation: 7.1%
- Gain: 11.3%
- Dispute over Property: 14.5%
- Sexual Causes: 9.3%
- Personal Vendetta: 18.0%

Total Murder: 16180
Motives of Murder and Culpable Homicide not amounting to murder:

During the year 1971, information collected under these heads can be classified as Gain, Dispute over Property, Personnel Vendetta, Amity, Sexual causes, sudden provocation and Lunacy. The highest number is of personnel vendetta or enmity, being 17.4% of the total cases reported then followed by 14.6% due to dispute over property, 39.5% were due to other miscellaneous causes.

Police Personnel killed or injured:

During 1971, 187 Police Personnel were killed as against 148 during 1970, out of which 39.5% were in West Bengal alone. Accidents and criminals were responsible for 33.1% of such deaths. Riotous mobs killed 45 Police Personnel. 3248 Police personnel were injured in India during 1971 as against 4,003 during 1970. The highest number was in West Bengal.

Police Strength:

The Civil Police constituted only 36.6% of the total Police strength in Nagaland against as high
as 93.1% in Himachal Pradesh and 90.1% in Maharashtra and 89.8% and 89.3% in Kerala and Tamilnadu respectively, as against the 75.6% in the entire country.

**Police Firing:**

During 1971, the Police had to open fire on 1,183 occasions, the highest number being in West Bengal (786). In this very State, 73% of incidents were related to Riots control operations. In Madhya Pradesh firing was resorted to on 123 occasions out of which 112 for Dacoity operations. Firing against criminals accounted for 29% of the total occasions in India. In the course of Police firings there are generally encounters between the Police and the Public or criminals with the result that casualties take place on either side. During all the occasions when firing was resorted to, the number of casualties, i.e. Police-men killed or injured was 34 and 1024 respectively as against 381 and 682 of Civilian killed and injured. The higher number of casualties were in West Bengal i.e. 26 killed and 364 injured, similar was the case for civilians i.e. 197 killed and 177 injured. In Rajasthan 23 civilians were killed and 161 were injured, while in Uttar Pradesh 48 were killed and 146 were injured.
The same crime are committed from religious animosities, leading to similar conditions to rioting, for the same reasons, for example, Music before Mosque, Cow slaughter, or disputes about Land. The extra ordinary crime of dacoity is common to the whole of India. So too is the liking for the Robinhood adventure. There is a tendency of crimes of violence everywhere.

ACTION AGAINST ECONOMIC OFFENDERS

(The Smuggler)

Smugglers have been the bane of our society for disrupting the economy of the country. They are a class who by their antisocial, criminal activity have gained affluence and thereby attained even some respectability. While ordinary criminals are punished under the law of the land, these economic offenders largely escaped the clutches of the law and were carrying on their anti-national activities with impunity, undermining the economic structure and generating black money and inflationary pressures. They are instrumental in providing a base for a parallel economy which seriously upset our fiscal and monetary measures for stabilising the economy.

1. J.C. Curry, 'The Indian Police' (Police in India before 1861).
Smuggling has been conducted on a scale and in a tight-knit manner which is as amazing as it is harmful to the country. It is generally not carried on by small groups of offenders; it is broad-based and ruthlessly organised, involving a large number of people working in a chain as agents, informers, murderers, carriers and so forth at various levels. Most of the smuggling activities are carried on through the see; smuggling gangs have a fleet of vessels, a counter-intelligence network, armed gangs to face the enforcement personnel and an organised security system for themselves and sometimes for those whom they ensnare by devious methods to work for their pernicious operations.

Emergency and the various measures adopted under it, have brought forth many gains to the society and the citizen. We have been witnessing healthy trends in prices, production, availability of essential commodities, general discipline and a host of other things which directly affect the life of individuals. Stabilisation of the economy is being achieved at a pace which has amazed even the worst critics of our country. A spectacular step in this direction has been the stern and unrelenting action against smuggling.
STRINGENT MEASURES

In 1974, when smuggling assumed grave proportions which endangered the basic structure of Indian economy, Government adopted stringent measures to put a stop to this activity. But, often the real organisers of smugglers' gangs were outside the reach of customs authorities as they were operating behind the scene; so that only their agents and henchmen could be caught. To overcome this hinderance, legislative measures were adopted and the Government amended the Maintenance of Internal Security Act through an ordinance in September 1974. This was afterwards replaced by the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act (COFESA POFA). Immediately, the smuggling activities were reduced to a considerable extent. The relevant provisions in the Customs Act and the Gold Control Act had been amended in 1973 as recommended by the Law Commission. Ban on export of silver was also lifted in February 1974 and silver worth Rs. 41 crores was exported. As silver was one of the main commodities smuggled, the lifting of the ban brought down silver smuggling and Government also earned foreign exchange of considerable value.
Government also introduced administrative measures to contain these anti-national activities. Extra staff was provided exclusively for preventive work in difficult and vulnerable areas. The preventive arrangements were made in Ahmedabad, Bombay, Cochin and Madurai and Central Excise Collectorates were re-organised. A comprehensive scheme for setting up Coast guard mobile parties was also put up. In order to strengthen the intelligence machinery, zonal units of the Directorate were established at Bombay, Calcutta, Madras and Delhi. A Director General of Revenue and Intelligence and Investigation was appointed to ensure closer coordination. The Customs organisation was equipped with the most modern and sophisticated equipment including vessels, vehicles, arms and ammunition and other technical instruments to ensure that the field staff had an edge over the smugglers.

NATIONAL EMERGENCY AND AFTER

These measures helped a great deal in curbing smuggling activities. But the courts freed many smugglers who were detained by the Government under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act on technical grounds.
After the declaration of the Emergency and the announcement of the 20-Point Economic Programme by the Prime Minister, Government issued an ordinance under which the freed smugglers have been re-arrested. The preventive measures have been intensified. Patrolling on the high seas, coastal areas including feeder roads and intensive marketing areas has been stepped up. The intelligence set-up of the Government has been geared up. More facilities have been provided to field staff in the shape of transport and communications, arms and ammunitions and by effecting administrative changes in the sensitive areas. Besides, the above measures, other legislative and administrative measures are on the anvil, with a view to cripple the smuggling activities. The measures will ensure the (i) confiscation of property, if not accounted for (as acquired through legal sources); (ii) setting up of special courts for trying economic offences and (iii) amending the Passport Act to enable the cancellation or impounding of passports of suspects. The property of six absconding smugglers valued at Rs. 73 lakhs has already been attached by the Government. Similar action has been initiated in the case of another 220 absconding smugglers.
As a part of the Prime Minister's 20-Point Economic Programme, another Ordinance to provide for forfeiture of illegally acquired properties of smugglers and foreign exchange manipulators was promulgated by the President on November 5, 1975 which came into force at once. The Ordinance makes it unlawful for any person to whom this Ordinance applies to hold any illegally acquired property, whether moveable, either by himself or through any other person on his behalf. Such property has been made liable to be forfeited to the Central Government. By adopting these stringent measures, the Government has been successful in containing the smuggling activities to a large extent. While the anti-smuggling activities have been stepped up, the value of goods seized has gone down, which is an indication that there has been a sharp decline in the smuggling activities in 1974-75.

The total number of seizures in the first nine months of 1974 was 36,788 and the value of goods seized worth nearly Rs. 4,467 lakhs. And in comparison to this the total number of seizures in the last three months of 1974 and from January to July 1975 was about 48,407 and the value of the goods seized
came down to Rs. 3,435 lakhs approximately inclusive of Rs. 100 lakhs of seizures earlier.

The action taken under COFEPOSA as in October 1975, was as follows:

1. Number of persons detained Over 1800

2. Number of persons against whom action under section 7(1) for attachment of property, etc. taken 226

3. Value of property of absconders attached so far Rs. 73 lakhs.

ACTION AGAINST ECONOMIC OFFENDERS

(THE TAX-DODGER)

The survey on tax evasion throughout the country resulted in the issue of notices during the year 1974-75 for assessment/re-assessment of income to 1,33,462 new assesseees. During the same period 2,770 notices were issued for assessment/re-assessment of wealth in the cases of new assessees. Special circles have been set up in Calcutta, Bombay, Madras, Poona, Hyderabad, Patna, Lucknow, Kanpur and Bangalore to ensure close scrutiny of the cases of professionals in these cities.
Simultaneously, the tempo of search and seizure operations has been stepped up. Special attention has been paid to cases of those who suppressed information or indulged in hoarding and black marketing of essential commodities. A close watch is also being kept on a new class of rural rich including money-leanders.

The number of searches conducted and the value of assets seized during the last few years is as follows:

<table>
<thead>
<tr>
<th>Years</th>
<th>No. of searches</th>
<th>Value of assets seized (Rs. in lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971-72</td>
<td>195</td>
<td>140</td>
</tr>
<tr>
<td>1972-73</td>
<td>532</td>
<td>454</td>
</tr>
<tr>
<td>1973-74</td>
<td>538</td>
<td>440</td>
</tr>
<tr>
<td>1974-75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.4.74 to 623</td>
<td></td>
<td>594</td>
</tr>
<tr>
<td>30.9.74</td>
<td>1406 &amp; 2029</td>
<td>1119 &amp; 1713</td>
</tr>
<tr>
<td>1975-76</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.4.75 to 31.7.75</td>
<td></td>
<td>515</td>
</tr>
<tr>
<td></td>
<td></td>
<td>829</td>
</tr>
</tbody>
</table>

273639
MEASURES AGAINST BLACK MONEY

To check investments of black money in urban property, it has been decided by Government to acquire under-valued properties. Proceedings were launched against 9,354 cases for acquisition of property, between March 1973 and June 30, 1975. In respect of 138 cases, covering 123 properties, orders of acquisition were passed. Proceedings were dropped in 5,171 cases, upon production of satisfactory evidence. Special attention is being given to properties held in benami by smugglers. Upon March 31, 1975, assessment was made in 130 cases of smugglers. Major additions totalling to nearly Rs. 3½ crores were made in about 60 cases. The investigations are continuing unabated.

Special squads have been set up to check under-valuation of properties and unaccounted investments.

In Bombay alone, the searching of 11 luxury houses covering 620 flats has been completed. The data collected in respect of 4 buildings disclosed unaccounted investment of the tune of one crore and 62 lakhs of rupees. In Calcutta, unaccounted investment in some building accounted for Rs. 95 lakhs. In
Delhi, 70 promises were surveyed and in respect of 11 cases under-valuation was estimated as Rs. 15 lakhs.

**FOREIGN EXCHANGE RACKET**

The Enforcement Directorate has stepped up its operations to check the illicit flow of foreign currencies and has been able to plug, to a considerable extent, the leakages of foreign exchange through compensatory payments-deflection of inward remittances through unauthorised channels.

This intensified action has resulted in 1,023 searches ending July this year; the figure is almost equal to the number of searches for the entire year 1972. The total Indian currency seized or taken over during 1974, was Rs. 77,85,674 and upto July, 1975 it stood at Rs. 19,42,917. The total value of foreign exchange seized upto July this year was Rs. 7,41,076, while in the whole year of 1974 the value of seized or taken-over foreign exchange was Rs. 21,53,722. The number of adjudications and prosecutions has also gone up. The action taken under COFEPOSA has resulted in orders of detention in 221 cases; 152 persons have been detained so far.
UNEARTHING UNACCOUNTED GOLD

The current year witnessed a large haul of gold and precious stones. The action was initiated under the Gold Control Act. The seizures made from the lockers of India Safe Deposit Vault Co., Ltd., in Calcutta, yielded diamonds, precious stones and studied jewellery valued at Rs. 1.09 crores. Cold and gold ornaments of the value of Rs. 7 lakhs were also seized. Rs. 4.7 lakhs worth of share certificates, bank deposits and Indian currency was also taken over. Seven persons were arrested.

As a result of searches and seizures from the premises of the former ruling family of Jaipur, a total quantity of about 895 kg. of gold valued at Rs. 4.9 crores has been seized. The following figures indicate the results of seizures and searches affected so far.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of cases (Raids)</th>
<th>Quality of Gold (seized) gms</th>
<th>Valued at Market rate (Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>2,016</td>
<td>22,08,007</td>
<td>1,86,35,580</td>
</tr>
<tr>
<td>1973</td>
<td>2,085</td>
<td>18,36,604</td>
<td>1,55,00,936</td>
</tr>
<tr>
<td>1974</td>
<td>2,242</td>
<td>24,70,130</td>
<td>12,35,06,500</td>
</tr>
</tbody>
</table>
TRENDS IN CRIMINALITY

From the statistics on Crime in India, published by the Government of India, Ministry of Home Affairs (1970), it is seen that the incidence of crime in proportion to population during five years 1963 to 1968 is on the increase. The rate of crime per 100,000 of the population which stood at 143.5 in 1963 has risen to 164.7 in 1968. The total number of persons arrested in 1963 was over 700,000 which rose to over 1,000,000 in 1968. An over all variation of crime under different heads also showed a positive increase under different offences. Thus, it can be concluded that crime in general is on the increase. A statistical statement showing trends in criminality over a five-year period is appended at (B).

PRISONS

Maintenance and development of prisons is a subject on the State list under the Constitution of India. However, on account of earlier central laws, the Prisons Act of 1894 and Prisoners Act of 1900, which still govern the management of prisons in the country, an overall uniformity in the actual administration of
prison is still continued. The State Government have their own Prison Manuals based on the Central Act.

During the last two decades, after independence, it has been realised that, while the State Governments are free to remodel and reorganise the administration of prisons, some broad guidelines in the administration of prisons, still required given with a view of to coordinate the programme. Besides, collection of statistics, exchange of information in the country and with international agencies, model legislation, training, publication and research will always remain to be coordinated and guided by a centralised agency. It was for this realisation that the Central Bureau of Correctional Services was set up in 1961 under the Ministry of Home Affairs, Government of India.

The two major developments of 1950-60 worth mentioning here are (i) the United Nations Technical Assistance, sought by the Government of India, under which Dr. W.C. Reckless visited India in 1952 and submitted a review of the 'Prison Administration in India', suggesting a number of modifications in the techniques of handling the offenders and (ii) the appointment by the Government of India of the All
India Jail Manual Committee in 1957 which furnished its Report to the Government of India which finalised a Model Prison Manual in 1960 which the State Governments are expected to follow as a broad guideline to revise the State Prison Manuals. The Model Prison Manual recommendations incorporate the basic principles and guidelines of the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the Central Bureau of Correctional Services has been pursuing the follow-up by the State Government in respect of all major changes.

Some of the more important basic issues which have been selected for priority implementation are (i) the classification of prisoners according to sex, age, criminal record, length of sentence, security requirements, need for training and treatment, physical and mental health, etc., (ii) removing congestion in prisons by eliminating the short term sentences, more extensive use of probation, semi-open and open institutions and greater use of parole, i.e. pre-mature release of the offender with or without conditions and under supervision, (iii) special programmes for treatment and rehabilitation of young offenders under Children Acts and separate institutions for young adult
offenders in the age group of 16-21 (iv) treatment of prisoners in prisons, according to their individualised needs, by understanding their individual personally and character in relation to their home and family background with the help of Prison Welfare Officers, who have emerged as a new category in prison personnel during the last decade, (v) after-care and rehabilitation of the discharged prisoners which has now assumed a greater importance in this context- that the awareness has been growing for the institutional programme of treatment and training which may be of little helps if adequate attention is not paid to after care and rehabilitation of the discharge offender.

Training of the prison Officers has assumed greater urgency in the context of rapid development in the last one decade State Government are also keenly aware of the need of having the trained personnel with specialisation in criminology and correctional administration. The senior selected officials are deputed by the States for a two-year course of Master's Degree in Social Work. Over and above this basic training, there is a growing realisation of specific training in Jail administration and management of institutions
and two States have Prison Officers Training Schools. During the last two years, the need to set up higher level Regional Training Centres for Officers of the Prisons as well as Correctional Departments have been realised and one Regional Correctional Institute for the Southern Region is already proposed to be started. The Southern States can now avail of the facility. Government of India deputes officers abroad for training at the U.N.A.F.E.I., Japan, as well as to commonwealth countries.

Another useful development is the introduction by several State of "Open Prison", which offers an atmosphere of minimum security, greater opportunity of rapid socialisation and economic programmes to make the prisons self-sufficient while giving the prisoner a wage for the work he does out of which he can help his family and make savings. The experiment of Open Prisons has proved successful over the last 20 years. Over and above the eleven States which have initiated this programme, several new States have prepared their own plans. A publication by the Central Bureau of Correctional Services on "Open Prisons in India" has evoked a great deal of interest.
A Committee is working to prescribe minimum standards in the management of open prisons. The Central Bureau of Correctional Services organises periodical conferences and seminars on general or specific subjects with a view to create a greater awareness and adoption of better techniques of handling the offenders.

The Nation celebrated the Centenary of Mahatma Gandhi during the year 1969-70. In consideration of the great principles of love, compassion and non-violence advocated by the father of Nation, all the States in India implemented a programme of giving extensive remissions in the sentences of all categories of prisoners, in various categories and prisoners were released from prisons all over the country. (No major increase in the quantum of crime has been apparently noticed). According to reports so far, several thousands of prisoners in various categories were released from all over the country. It is too early to assess the impact of the release of a large number of convicts before the expiry of their prison terms. However, it has created a helpful atmosphere to suggest that confinement to prisons is neither the
best nor the surest way of prevention of crime and the treatment of offenders. A general survey to study the post release period of prisoners is under way.

The statistical extract of the total number of prisons State-wise, with their prison population is at (C).

PROBATION SERVICES

While the concept of probation as a method of extramural treatment, of offenders has been known in India for almost 75 years, the recognition of probation as a more effective weapon to tackle the problem of criminal and his rehabilitation has been more recent and has been universally accepted during the past two decades. While some of the States have passed their Probation of Offenders Acts even before the independence in 1947, it was the Central probation of Offenders Act, 1958, which introduced a comprehensive measure, applicable to the whole country with some very progressive provisions as compared to the earlier legislations. The Central Act provides for a mandatory calling of a social investigation report by the Courts
JUVENILES DEALT WITH DURING 1971

TOTAL JUVENILES SENT TO COURTS
83548 = 100%

- RESTORED TO GURDIANS: 5.8%
- PENDING DISPOSALS: 30.5%
- ON PROBATION: 2.2%
- OTHERWIS DISPOSED OF: 36.9%
- TO REFORMATORIES AND BORSTALS: 11%
- TO ADULT INSTITUTIONS: 1.4%
- TO SCHOOLS & INSTITUTIONS: 2.2%
- IMPRISONED: 19.9%
from the probation officers in respect of all offenders under 21 years of age. It also imposes severe restriction on the imprisonment of offenders below 21 years of age and if such offenders have to be sent to prisons, special reasons have to be recorded in writing. Under Model Rules which were circulated by the Government of India for adoption by all the States, the duties and functions of the probation officers, minimum requirements in terms of the grade of probation officers and their training and education have been emphasised. At present the States of Andhra Pradesh, Assam, Bihar, Haryana, Kerala, Madhya Pradesh, Mysore, Orissa, Punjab and Rajasthan and Union Territories of Delhi, Himachal Pradesh, Tripura, Manipur and Goa have adopted the Central Probation of Offenders Act.

The States of Gujarat, Maharashtra, Tamil Nadu and West Bengal which have their own State Acts are gradually introducing the Central Act in a phased manner. Thus, on the whole, a broad measure of uniform legal provision and procedures has been achieved in the probation field.
There are still several limitations as regards the successful implementation of the probation programme. From the statistical surveys it is seen that the percentage of offenders who are released on probation is insignificant compared to the large numbers who find their way to prisons serving terms ranging from a few days to a few weeks. The underlying reasons as to why the provisions of probation are not fully utilised are under investigation. The record of some States, which had enforced such a measure earlier, is better as compared to the States which have implemented lately. Statistical summaries of total prison population indicates that about 85 percent of the convicts come to prisons with prison terms of less than 6 months. This indicates that there is a vast field open for probation. One of the likely reasons for inadequate use of probation provisions is the small number of probation officers, their low status and inadequate academic and professional background. The states have given a low priority to correctional programme involving in adequate budgets to implement it. There is one probation officer for every district in several States though there are some exceptions. The target should be to have at
JUVENILE DELINQUENCY
TOTAL COGNIZABLE CRIME
1960 - 71

IN THOUSANDS
least one probation officer attached to every sub-
divisional Court, so that he has not to cover
long distances to reach the Courts or the clients.
The educational back-ground and professional equip-
ment of the probation officers have also got to
be raised and specific training provided. The
judiciary, who have been given the discretion to use
probation instead of imprisonment, have also got to
be oriented to the new tasks and techniques of
corrections. At present about 379 probation officers
have been appointed in 261 districts covered under
the probation of offenders Act. During 1965, 7924
offenders were released on probation while in 1966,
the number of probationers rose to 8044. Though this
is indicative of a positive trend in favour of pro-
bation, as contrasted to 3,67,995 convicts admitted
to prisons in 1965 and 3,74,862 in 1966, the propor-
tion of probationers appears to be insignificant.

The contribution of voluntary probation officers,
though provided under the Act, is not very significant.

On the whole, compared to 379 full-time probation
officers in the country, no specific training programme
has been implemented to give orientation to the
voluntary probation officers.
In view of the growing realisation that prison sentence is not the best mode of treatment ensure the protection of society, probation services have a vast scope for expansion. The financial argument that it is cheaper to have an offender treated outside the prison and that there are better prospects of rehabilitation should carry conviction to the authorities and policy makers who should agree to invest greater funds for the improvement and development of the probation programme.

The probation programme has to be coordinated at the district level with other agencies such as the police, judiciary, after-care and rehabilitation agencies, voluntary welfare services, would-be-employers, etc. Participation of the public is very meaningful here. In Maharashtra and Gujarat States such district probation committees meet once in a quarter to take a review of the cases investigated or supervised by the probation officers. Another forum of contact between the judiciary and probation officers is periodical meetings of judicial officers and probation officers which have been found very helpful in creating better awareness of the potentiality of probation. In the Bombay Criminal Manual, 1960
issued by the High Court, clear directives are given for the judiciary on this subject.

A statement showing the State-wise position as regards the implementation of Probation of Offenders Act is appended at (D).

**PREVENTION AND TREATMENT OF JUVENILE DELINQUENCY**

**General:**

With the rapid social changes arising out of economic development, migration of rural masses to cities, urbanisation and consequent social disorganisation, the problem of juvenile delinquency is rising in all developing countries. India is no exception, and incidence of Juvenile Delinquency is on the rise.

In 1963, 16,432 cognizable crimes by young offenders below 21 years of age were reported as compared to 22,853 in 1967 in the same age group. Miscellaneous crime and ordinary thefts put together, accounted for three fourths of the total juvenile crime.
No precise research has been made to study the causation of juvenile crime. In fact, it is a highly complex multi-causal phenomenon. However, from available data it can be surmised that juvenile crime is largely a result of neglect by parents or family due to broken home or poverty, exploitation of children and faulty environment during the early years of childhood. It may also be stated that the institution of extended family in India which traditionally gives shelter and support to near relations and the negligible rate of divorce are positive factors in the direction of prevention of delinquency. A study of several new economic development projects in India has revealed that if the social planning goes hand in hand with economic development, there would be no increase in juvenile delinquency. But haphazard economic growth is sure to lead to greater incidence of crime.

**Administration:**

Treatment of juvenile delinquency is a State subject and generally it is administered by the Welfare Departments in the States. In India the problem of juvenile delinquency is generally interpreted as a welfare problem and not necessarily a penal problem.
Some of the States have implemented State Children Acts for over half a century and have developed wide experience and very well organised children's institutions. At the same time, the Children Acts are not enforced by all the States with the result that juvenile offenders are still being treated through the normal channel of the penal system. The Union Government through the Central Bureau of Correctional Service has been pursuing the remaining States to enact the Children Acts and implement them. In the absence of a suitable institutional machinery for handling juvenile delinquents in these States, some children are sent to Borstal Schools or youth wings of ordinary prisons. It is expected that before the end of 1970, all the States in the country will be having State Children Acts.

The Union Government passed in the year 1960, a Central Children Act applicable to all the Union Territories. This Act has introduced for the first time a separate channel for processing neglected and destitute children, viz., the Child Welfare Boards. Members of the Child Welfare Boards are non-official social workers well versed in the field of child welfare
and social problems, nominated by the Administration. Destructive and neglected children are sent to Children Homes and the delinquent children only are sent to Approved Schools. Many of the new States have adopted this Act as a model. While the experiment for Child Welfare Board is being studied there is a difference of opinion whether the distinction between a destitute and a delinquent child is valid in actual practice.

The Central Bureau of Correctional Services is engaged in the task of framing minimum standards in the services under the Children Acts in consultation with all State Governments. An Inter-State Study Team has also been arranged.

A great deal of emphasis is given to the training of personnel for functioning as Probation Officers, Superintendents of Institutions, care-takers etc. With the proposed expansion of services for several States, training programme will have to be intensified. Basic training at the graduate level in social work with specialisation in correctional administration will be useful. This has to be supplemented by the service training at all levels.
A statement giving the operation of Children Act in various States, the number of institutions and the number of children in these institutions is appended at (5).

Non-institutional Services:

From the experience of managing correctional institutions for children it has been realised that a good number of children can be taken care of without being processed by the police or the juvenile courts, through non-institutional services of recreation, education, counselling, craft training and helping the families to look after children. Six major cities in India have undertaken such pilot projects of non-institutional services for prevention of delinquency, vagrancy and begging by children.

Another variation of the non-institutional care is the foster-care programme developed in some States under the provisions of Children Acts. The juvenile courts give custody of a child to a fit person, under certain conditions till the child grows up. Some financial support is also given to the family to look after the child. Adoption of children has not
become practical in India for want of enabling legislation. A Bill on the subject has already been drafted.

ROLE OF THE PUBLIC IN PREVENTION OF CRIME AND TREATMENT OF DELINQUENCY:

The programmes of care and protection of children offers good scope for associating voluntary workers and agencies in all general social welfare activities. Honorary Social Workers are appointed as Honorary Magistrates or Members to assist the Juvenile Courts and Child Welfare Boards. Non-official members are also appointed as visitors to juvenile correctional institutions. In some States the management of Remand Home is entrusted to local probation and After-care Associations. A large number of orphanages and Children Homes run by voluntary agencies are recognised as proper institutions under the Children Acts.

SUPPRESSION OF IMMORAL TRAFFIC

India is one of the signatories to the international Convention on the Suppression of Immoral Traffic in Women and Girls signed in 1949 at New York.
Under in Indian Constitution, traffic in human beings is prohibited. In pursuance of this solemn policy, the Government of India enacted the Suppression of Immoral Traffic in Women and Girls Act in 1956. It is a Central Legislation applicable to the whole of the country and empowers the State Governments to make rules for its smooth application.

It is a truism that such social problems, the roots of which are deeply entrenched in social attitudes, religion, superstition, economic gain and vested interests cannot be tackled by legislation alone and require a teneral level of public education and a fair measure of support from the public for its eradication. Thus, an extensive programme of social and moral hygiene, prevention of prostitution through other social services such as protection and rescue of girls and women in moral danger is called for.

This prevention programme which was initiated in 1958 and under which all the States set up district-level Shelters and State-level Homes for all types of cases of women has been found very useful; but the
same cannot be said about the success of implementing the legislation on the subject. From practical experience it has been seen that very few cases are being received after successful prosecution in the Protective Homes set up under the Act by the State Governments. The Act provides penalties for the following offences:

(a) Keeping a brothel, etc. (Section 3).
(b) Living on the earnings of prostitution (Section 4).
(c) Procuring, inducing or taking women or girls in premises where prostitution is carried on (Section 5).
(d) Detaining a woman or a girl in premises where prostitution is carried out (Section 6).
(e) Prostitution in or in the vicinity of public places (Section 7).
(f) Seducing or soliciting for the purpose of prostitution (Section 8).

The legislation in India seeks to inhibit the commercialised vice i.e., the traffic in women and girls for purposes of prostitution as an organised
means of living. The women and girls rescued from brothels are to be sent to Protective Homes or Corrective Homes. The Act also provides for the setting up of non-official advisory bodies to assist the Special Police Officers and prescribes that before making any search of the premises, the Special Police Officers should be accompanied by two responsible persons from the locality, one of whom should be a woman. These provisions are sometimes difficult to fulfil and result in unsuccessful prosecutions.

According to the information available in 1968 from 12 States, there were 46 whole-time Special Police Officers and 142 part-time Special Police Officers, 103 non-official Advisory Bodies, 5,047 persons were prosecuted under various sections, 4,031 ended in conviction and 112 women were sent to Protective home for corrective treatment. There is a growing demand for amendment to the present legislation.

The treatment and rehabilitation of women admitted to Protective Homes present no small problem. Change in attitude and values inherent in such a situation are difficult to bring about, specially when the prospects of rehabilitation in the normal
community are not very bright. It requires a great skill on the part of correctional personnel to change the attitudes towards life. So far though rehabilitation programme through marriage of the young girls has been found fairly successful the question of rehabilitation of elderly women who generally procurs other women has not found any easy solution. Trained personnel with good knowledge of human nature and the understanding of social problems are very essential. The physical plan and settings of the Protective Homes need to be planned with great attention to the needs of the inmates.

**INDIAN PPOSITION**

**A SOCIAL DEFENCE POLICIES AND NATIONAL DEVELOPMENT PLANNING:**

It is generally considered that a rise in the incidence of crime and delinquency is a concomitant of rapid economic and social changes. This realisation provides a good rationally for the planning of services for the prevention of crime and treatment of offenders in the context of overall National Development Planning.
With a view to test the above hypothesis several suicides were undertaken in India at the instance of the United Nations Section of Social Defence to study the impact of industrialisation on the crime situation. Those places were selected where a marked development had taken place in the last few years as a result of locating large public sector undertakings or major industrial projects under the Plans. The over all findings of the inquiry revealed that industrialisation by itself does not generate crime if the social services are properly planned simultaneously and social disorganisation is avoided. However, if the industrialisation and urbanisation is haphazard and without social planning, they invariably result in increased criminality.

India has adopted the process of a coordinated natural planning from the early fifties and three five Year Plans are already over, while the Fourth Plan has just been ushered. During the period of past fifteen years services under the social defence sector were treated as centrally sponsored schemes under which Government of India provided 50% of the budget for its implementation by the States. This,
however, did not include the field of prisons. The development schemes were assisted for the five years of the Plan, after which the State Government were to take over the total liability of financing them. The further development of the existing services was eligible for the next plan. This financial incentive led to rapid development of services under the Children Act, probation programme, control of beggary and suppression of immoral traffic in women and girls. During the second Five Year Plan (1957-62), 40 new Remand Houses, 17 new Certified Schools, 10 Protective Homes, 60 Rescue Homes and 70 Reception Centres were established. A beginning was made in prison welfare services and 13 Prison Welfare Officers were appointed for the first time to look after the individualised treatment programme in prisons and to maintain liaison with the families and the outside community. 100 Probation Officers were also appointed in the States.

During the Third Five Year Plan (1962-67) the progress was further made with the addition of 32 Remand Homes, 9 Certified Schools, 3 Protective Homes, 19 Prison Welfare Officers and 91 probation
Officers. A beginning was also made in organising creches for the children of women prisoners remaining in prisons. A new project offering non-institutional services for prevention of juvenile beggary, vagrancy and delinquency was also sponsored by the Central Government in six major cities, executed by the State Governments.

From the beginning of the 4th Five Year Plan, the social defence schemes have been transferred from the centrally sponsored sector to the state sector and the Government of India now does not earmark any financial provision for any particular scheme and discretion lies with the State Government regarding allocation of priorities and funds.

There is a strong demand, which has been often expressed that the prison administration, which is outside the Plan Sector should be brought into the Plan. It is also felt that agriculture, industries, education and other activities carried out within the walls of the prisons should be treated as sectors of General Plan Progress Programme eligible for development funds. It has, however, been seen that there is a considerable resistance, presumably based on
inadequate information to treat prisons as a part of the Plan. Under these circumstances, the prison administration does not share the benefit of the development programme. This has led to a stagnation and sense of frustration amongst correctional administrators. This is, perhaps, a reflection of the general apathy on behalf of the public that is reflected in the attitude of policy makers. It only goes to show that greater efforts are necessary to create a better public understanding of the issues involved in the correctional process.

PARTICIPATION OF THE PUBLIC IN THE PREVENTION AND CONTROL OF CRIME AND DELINQUENCY:

In view of this substantive item on the Agenda of the U.N. Congress in 1970, a survey was undertaken in India to elicit information from all the States and Union Territories on the various aspects of public participation in this field, particularly on the following aspects of the subject:

(i) The form and extent of the participation of the public.
(ii) Measures being taken to promote, encourage and orient the participation of the public including the training of volunteers.

(iii) Evaluation of the effectiveness of the various forms of participation and quality of services rendered by the public.

(iv) Laws and regulation having a bearing on the participation of the public and particularly on the use of volunteer workers.

(v) Problems arising out of the use of public participation of volunteer workers.

The inquiry was further directed to find out the participation of the public mind specifically in dealing with (i) problem of juvenile destitution and delinquency under the Children Acts, (ii) services for youthful offenders (iii) adult criminals (iv) probation and parole (v) after-care, (vi) preventive services, (vii) traditional laws and justice. A summary of findings of this survey is given in the paragraphs which follow.
Any form of Government presumes a broad level of consent of the public and no system of law or authority can subsist without a good measure of general acceptance by the citizens. On the other hand, public attitudes have to be cultivated by a process of continuous education and giving a general understanding of the purposes of the law and its implementation.

Not only public attitudes have to be cultivated by creating a general awareness and understanding of the social defence policy goals, but provision should also be made to ensure that enlightened public opinion is reflected in policy formulation and programme implementation, such as amending the old and absolute legislation, the level of institutional services, stricter enforcement of measures to curb offences like child begging and kidnapping of children, etc. It is desirable and necessary to have enlightened forums or associations of citizens which can exert pressure for healthy development of correctional policies. Public should be involved in the process of change and public opinion so generated should be channelized to expedite changes in desirable directions. As an example, the law against Child Marriage in India, a
measure of social reform enacted in 1929, had been more observed in its breach rather than in practice for many years for want of a strong public opinion and it is only now that the public practice approximates to the public policy. Another illustration is the law forbidding untouchability. While the educated masses and the elite in the urban areas no more follow the practice, its vestiges are still persisting in backward rural areas for want of severe public condemnation. There are very few prosecutions under the Act based on the information furnished by the public. Thus, public attitudes are influenced by the legislation as well as the legislation shapes the public attitudes.

**LAW AND REGULATION, EXTENT OF PARTICIPATION**

In the Criminal legislation, the Criminal Procedure Code, Section 42, 43, 44, 59 and 128 enjoin upon the public to offer cooperation to the police in detection, apprehension and prosecution of offenders. Section 17 of the Police Act provides for the public being appointed as Special Police Officers. The Home Guards and/or the Village Guards are a well established auxiliary police force, systematically trained and are called upon for duty in emergencies.
The traditional law controls the civil conduct of several communities and it has the same force as civil law. Even in administration of criminal justice the traditional form of tribal village panchayats carries a legal authority and its enforcement is assured, making justice cheap and prompt, reflecting the cultural mores and customs of the tribal groups. Under the democratic decentralization in several States in the country, the village and taluqa panchayats have been delegated powers of dispensing justice in civil and criminal matters, in simple local matters. Detailed evaluation of these Nyaya Panchayats is not available but will offer a fruitful field of study.

Besides, the various correctional laws provide for the association of the members of the public with the implementation of the Acts. (i) The statutory visitors committees of prisons have a few non-official members who can give suggestions for improvement. (ii) The prison manuals of various States provide for the appointment of moral and religious teachers for the prisoners on payment of some out-of-pocket expenses. (iii) The Probation of Offenders Acts of the States and
the Central Act provide for the appointment by the Court of voluntary probation officers to supervise the probationers. In various States, there are Probation Committees, at district or regional level, with non-official members who assist in the rehabilitation of probationer. (iv) Under the Children Acts in India, there are provisions of appointing honorary magistrates for the juvenile courts who are non-officials and volunteers. Under the Central Children Act of 1960 meant for Union Territories, all the members of the child welfare board are required to be non-judicial voluntary social workers. The juvenile court can also appoint voluntary probation officers. The Government may also recognise voluntary societies for the appointment of probation officers. A good number of children's homes run by voluntary societies are recognised as private certified schools or institutions under the Children Acts. In all state-run-juvenile correctional Institutions including borstal schools, there are visitors' committees, which invariably have non-official members. Children can also be entrusted by the courts to 'fit persons' who volunteer to look after the children on specified conditions. There are state-level and district probation
and after-care associations in Maharashtra, Gujarat and Mysore, which run remand homes on a grant-in-aid basis under the Children rules framed by State Governments. Similarly, Children's Aid Society and Society for the protection of Children in Western India, recognised under the Act, are working well and appoint qualified professional workers to manage their institutions. (v) Under the Suppression of Immoral Traffic in Women and Girls Act, there are prescribed non-official advisory boards to assist the special police officers in their task of apprehension, prevention and rehabilitation. The Act provides for the recognition and licensing of voluntary protective homes. The State-run-protective homes also have managing committees with non-official members. (vi) There are Discharged Prisoners' Aid Societies in many parts of the country which extend shelter, relief and facilities of rehabilitation to discharged prisoners. The Association of Moral and Social Hygiene in India has branches all over the country to mobilise public opinion against commercialized vice and also to help in prevention and rescue work by running rescue homes.
It is thus indicative of the laws and rules which incorporate elements of public participation. It has, however, been seen from the reports received from several States that the fullest possible use is not made of the participation of the public in prevention of crime and treatment of offenders and general social welfare field, have not yet realized the potentially of their participation in this field. (vii) The central Advisory Board on Correctional Services and the State Advisory Boards on the same subject recently set up by Government aim at creating a general public awareness about the problems of social defence and arousing public support and sympathy for the treatment and rehabilitation of offenders. (viii) In the field of prevention of delinquency, a whole new field is open. All voluntary social services including housing, health, education, welfare, employment, recreation, counselling, can ultimately lead to a reduction of crime and delinquency, Service under urban community development involving local residents can be very effective, on an ecological basis to prevent crime.
EVALUATIONS:

No systematic evaluation is available as to the effectiveness of public participation in the above spheres of social defence. There is no denying the fact that association of the public in the social defence system can bring a fresh approach and can save from stereotype attitudes developed by professionals. The public has a great advantage in the spheres of prevention and rehabilitation. However, it is the general feeling that very often the people keep away from the police, courts and prison to save botheration which reflects a general apathy for the whole system. The faulty time-consuming administrative and judicial practices also may have to do with this attitude. The role to be played by volunteers has not been defined in clear terms, resulting sometimes in lack of appreciation of each other's roles. Sometimes mutual suspicion by professionals and volunters, without proper understanding of the legal and technical aspects, result in over-bearing and superior attitude towards the full-time professional staff. Volunteers should also be given an understanding of their supportive role to permanent staff in statutory responsibilities.
It seems enough attention has not been given in India to the training of volunteers to support the social defence services, though several bodies like the Indian Council of Social Welfare, Indian Council for Child Welfare convene conferences where such problems are discussed. The task of training voluntary workers is of utmost importance. The training and orientation of judiciary, especially the honorary magistrates who deal with children is very much essential. Similarly, the voluntary probation officers will benefit a great deal along with the field, by a better understanding of the problems involved. Of late, some projects for training voluntary workers are under consideration. Suitable literature in print, published with a view to create a general understanding by the lay citizen, has a great value. The Central Bureau of Correctional Services periodically organises orientation seminars and setting up of regular social defence training institutions is already under consideration.
The Standard Minimum Rules for the Treatment of Prisoners finalised by the First U.N. Congress on Prevention of Crime and Treatment of Offenders, which met at Geneva in 1955 offer guidelines on the basis of which the U.N. expects the members States to base their laws or rules.

In India, the basic principles and techniques enunciated by the United Nations Standard Minimum Rules are incorporated in the Model Prison Manual which was finalised in 1960 by the All India Jail Manual Committee. As the State Governments in India are delegated with the powers to frame their own rules for the management of prisons, the State Governments are taking action on the model rules circulated by the Government of India. The progress achieved from State to State is not uniform. While some states have gone far ahead and revised entirely their State Prison Manuals, other States are still in the process of revision. The Central Bureau of Correctional Services in 1968 made a comparative study of the United Nations Standard Minimum
Rules and the Model Prison Manual and found that all the major recommendations are taken into account in the Model Prison Manual of India.

However, the actual practice of implementing these rules has got to be studied. The Central Bureau of Correctional Services has been in touch with the State Governments offering technical guidance as and when needed to the State Governments in modifying their prison rules. A special study is in progress to assess the extent of implementation and the difficulties faced by the States in following the United Nations Standard Minimum Rules, as well as comparing the position from 1960 to 1970 is also under examination. From the information available from 8 States and 2 Union Territories, it can be seen that majority of the States has accepted the spirit of the U.N. Standard Minimum Rules and a good number of the Rules has been implemented in the day-to-day functioning of the prisons. However, the overall revision of the State prison manuals which is a fundamental document governing the management of prisons, has not yet been achieved all over the country. Among the difficulties faced in the implementation of the Standard Minimum Rules, inadequate financial allocations, shortage of qualified personnel and ancient prison buildings are some of the obstacles enumerated by the various States.
The contribution of social defence research in policy development cannot be under-rated. Yet not enough attention has been devoted or enough resources allocated for research in the field of social defence so as to make available verified facts which would help to provide guidelines for policy formulation. The programmes of prevention of crime and treatment of offenders are still largely based on the traditional system evolved during the past century. No doubt, a good number of alternatives to institutional treatment have come to the fore and also implemented e.g. probation, parole and minimum security institutions, open prisons, etc. However, not enough research data is available about the comparative merits or demerits of a particular penal or correctional system. There is a general resistance all over the world in making changes in the criminal justice system and India is no exception. However, it is realised that if the new techniques were studied from the point of view of research and conclusions based on facts were made available, the policy makers' job will be greatly facilitated for fruitful efforts. Studies in cost benefit can help in allocation or reallocation of budgets.
The primary requisites of research are a good system of correct reporting and compilation of statistics on the criminal justice system. In India, the statistics of judicial, police and correctional administration are collected at the State levels separately. It is realized that to make these statistics more meaningful, they need to be collated and interpreted in relation to one another at the State and National level. However, the organisation for data collection at the primary level has to be strengthened for this purpose. Some of the States have set up such statistical and Research Units at State headquarters, yet a great leeway has to be made.

The Central Bureau of Correctional Services collects at the national level statistics on prisons, probation, treatment of juvenile delinquency, beggary, suppression of immoral traffic etc, ever since its inception. However, there are limitations as the easy flow of statistics from primary level to the state and national level is not ensured. The compiled statistics are periodically printed in the journal "Social Defence", and in special brochures. Several study groups are appointed by the Bureau on various aspects of correctional administration. Various committees and commissions
appointed by the Government of India have also produced excellent reports based on surveys, which have guided the policy for years. The report of Dr. W.C. Reckless (1952) and of the All India Jail Manual Committee (1960) can be cited as examples. The Central Bureau of Investigation under the Ministry of Home Affairs publishes annually statistics on "Crime in India" based on police station records. The police departments as well as the Central Bureau of Investigation undertake research on police problems.

Besides the official agencies, many universities and research agencies carry out research in this area primarily for students requirements. In order to meet the need for better information, the Central Bureau of Correctional Services maintains a "National Register of Social Defence Research" which is periodically revised. The Indian Council of Social Science Research has been recently set up by Government of India as an autonomous and incorporated body to promote and coordinate social science research.
A Seminar was held at New Delhi, in April, 1970, on the subject of Planning Research in Social Defence under the auspices of the Social Development Council and in collaboration with the U.N. Social Defence Research Institute, Rome, and U.N.D.P. This seminar brought together a good number of experts and administrators to discuss the contribution of Social Defence Research in policy development in India.

The other prerequisite is the research expertise and technically competent personnel, familiar with the field as well as with latest research techniques. It was accepted that special training programmes need to be developed for social defence research at national and regional levels, supported by efficient statistical machinery. In this context, it is accepted by efficient statistical machinery. In this context, it is accepted that social defence research should be integrated and interwoven in the day-to-day administration practices so that facts and trends are constantly made available to the policy makers.