

## VALEDICTORY FUNCTION OF FIRST BATCH OF DETECTIVES IN GUJARAT.

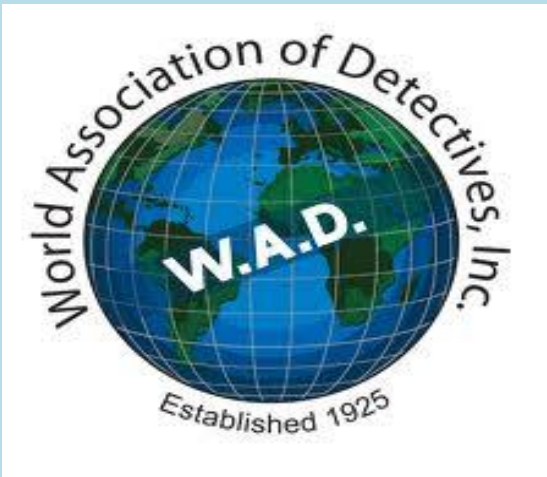


The Detective Institute of Ahmedabad invited Kunwar Vikram Singh, Hon'ble Chairman APDI, Mr. V. M. Pandit President APDI and Mr. Mahesh C. Sharma, Secy General APDI to attend the Valedictory Function of its first batch of Detectives. Mr. Nayan Trivedi spearheads this Institute duly supported by Gujarat Chapter of APDI. The function was attended by political dignitaries from Ahmedabad.



Mr. R.P Chauhan, Chapter President Gujarat, Mr. S.R. Chauhan, Dr.Tyagi, Mr. I.P. Singh and other important office bearers also attended the function held in Hotel Sarovar Portico. Hon'ble Chairman Kunwar Vikram Singh presented the certificates and addressed the gathering. He advocated the cause of the society in engaging Private Investigators for meeting their investigative requirements and also emphasized the need for discharging legitimate and sincere services by the professionals. Passing out students (25) of the Institute applied for APDI membership and the enrollment is under process.

## **WAD CONFERENCE AT AUCKLAND**



Hon'ble 3rd Vice-President of WAD, Kunwar Vikram Singh has sent a report to the President of WAD about:

### **MEMBERSHIP CAMPAIGN:**

In order to launch Quest II effectively, it was decided to contact national association of private detectives and former police officers who may like to take our membership to enhance their network.

A list of such 68 organizations was prepared. It was realized that an introductory brochure should be prepared so that its objectives and benefits can be effectively conveyed to potential members. The WAD brochure and its e-

version is now ready for distribution. The membership campaign shall be launched soon after the Auckland conference

### **EDUCATION & CERTIFICATION PROGRAMME:**

The Security Sector Skill Development Council of India has signed a MoU with Sardar Patel University of Police, Security & Criminal Justice to run Certificate and Diploma courses for the security sector. Since private investigation and intelligence is sub-sector of the security sector therefore it was recommended to the Vice Chancellor of the university to develop Certificate Course in Investigation & Intelligence in collaboration with WAD so that an internationally accepted and accredited certificate can be produced.

The Vice Chancellor expressed his willingness to forge a partnership with WAD. This will bring lot of credibility to our organization and will have positive impact on our finances.

### **NATIONAL OCCUPATIONAL STANDARD (NOS) :**

This matter was introduced at the Boston Conference and

further discussed at England and Paris conference. We have now developed NOS for Private Investigation which has been approved by the Security Sector Skill Development Council as well as by the Governing Council of APDI. This NOS now can be discussed by WAD for its effective implementation in member countries. This project will bring professional credibility to our organization being FIRST INTERNATIONAL organization to set up such NOS.

#### **PUBLIC RELATIONS FOR WAD :**

The WAD was given huge exposure in the 8th Security Leadership Summit-2013 held in New Delhi. More than 400 security and intelligence professionals participated in this conference.

The WAD also extended its support to 1st Security Skills & Education Conclave held in New Delhi on August02, 2014.

#### **PRIVATE INVESTIGATOR v/s CLIENT AND THE POSITION OF APDI.**

A client in Gwalior accepted the credentials of a Private

Investigator and assigned a job to the agency in February, 2014. The client also deposited an advance of Rs. 1.50 lacs in the bank account of the P.I. However, the client claimed that there was no response to his queries despite repeated efforts of client. The client engaged an Advocate who issued a legal notice to the client alleging that the act amounted to cheating and deficiency in service and is in blatant violation of APDI Rules. In the notice it was also said that the credentials of the P.I. were accepted on account of the fact that the APDI Website showed the P.I. as its enlisted member and that the APDI upholds very high and strict moral and professional ethics. The Advocate also endorsed a copy of the notice to APDI.

Efforts were made by APDI leadership to prevail upon the P.I. to settle the dispute out of court. Good offices of some other members were also utilized to sort out the matter. The position of APDI was also made clear to concerned parties including the Advocate. APDI received a certified copy of the order dated 14/08/2014 of the District Consumer Dispute Settlement

Forum, Gwalior passed by three members.

The order accepted the contention of the client and directed the P.I. agency to refund the Advance amount within 30 days with interest on the amount and damages. The order clearly absolved APDI from any of the legal obligations on the part of P.I and the client on ground that the client had not interacted with APDI before assigning the job.

This episode should be taken a note of by all members of APDI. While APDI is not vicariously liable for the misconduct of its members, the Association has the well defined Code of Conduct and Disciplinary and Appeal Rules to take action against the defaulting member. Unfortunately the same defaulting member was quoted by Nagpur Times dated July 15, 2014 to the effect that “there are many other guidelines...mentioned by the APDI which is controlled by Ministry of Home Affairs.”

This is a misleading statement and amounts to another misconduct on the part of the P.I. in question and calls for strict disciplinary action.

## **CONFESSION BEFORE A PRIVATE DETECTIVE- By K. Raghothaman**

The Managing Director of a Private Detective Agency was a Former Police Officer and also an Advocate. Some time in Nov, 2009, a person had approached him at his office and informed him that he along with his friends had murdered an old lady and her Son and sought advice, as he was involved by chance and not willfully.

The MD of the Private Detective Agency had assured him that he would do the needful as the matter has been under investigation by police and they had arrested some persons and recovered jewellery etc.

The Private Detective had a meeting with the Person and also his Friends and elicited the details as to how they had murdered and also got produced the weapon used and informed about the place where the stolen jewellery, after the murder was concealed. All their statements were secretly recorded by the Private detective with a Spy Camera.

In the meanwhile, the said murder case was being investigated by Police and some other persons were arrested. Police also recovered the jewellery of the deceased victim and later charge sheeted them in a Court of Law.



The MD of the Private Detective thought that the Police had wrongly involved innocent persons and not the real accused. He decided to give the information along with the video tape and the weapon used for murder to the concerned police officer.

On obtaining the materials from the Private Detective, the Police interrogated those persons named by the Private Detective. Probably on getting annoyed with the work of Private Detective, the Police got confessional statements from those persons that they were the employees of the private detective agency and

on the instigation of the MD, they were forced to give such statements which was recorded in the Spy camera.

After obtaining such confessional statement, the Police started searching for the MD of the Private Detective Agency and harassed his family members. Sensing the trouble, the MD of the private detective agency had filed a Petition for Anticipatory Bail before the High Court.

While granting bail, the Hon'ble High Court had pulled up the Police for resorting to harassment and arrest of the Private Detective. High Court questioned provisions of Law under which Police were intending to arrest the Detective. Police applied section 302 IPC read with 120-B (Criminal Conspiracy). Then the Hon'ble Judge observed that the Private Detective is a responsible Citizen and as such in the interest of public he had gathered the information and provided to the Law enforcement Agency and the Police cannot ignore such information and after investigation they should deal the matter as per Law. Hon'ble Judge has quoted a case in America where two students had found

out a Murderer and given the information to police and the Police had acted upon it.

Hon'ble Judge ruled that there is no bar in a case being investigated by a Private Detective as long as the information gathered by him is not tainted with a view to get away the real culprit. High Court finally granted anticipatory bail to the Private Detective. The Police then took up the case to Apex Court of India and the Apex Court upheld the Judgement of the High Court and dismissed the appeal preferred by the Police.

**Editor's Note: This was an exceptional case and should not be taken as a ground rule. There is no law which says that the communication between Private Detective and informer would be considered a "Privileged Communication" which cannot be divulged in a judicial proceeding. Informer was not yet a client of the Detective and, therefore, it was not a breach of trust or "privileged communication." The version of the real culprit duly recorded by the detective could be treated as "extra judicial confession" in law and was adducible in court. The evidence produced in the form of murder weapon and concealed jewellery also was circumstantial evidence to strengthen testimony of Detective.**

## **SECURITY AND INVESTIGATION DIFFERENT BALL GAMES- By Mr.V.M Pandit**

### **CONCEPTS OF SECURITY**



The word "Safe", means free of danger or injury. "Safety" means the condition of being safe, freedom from danger or risk. Ultimately Security means secure condition or feeling, and is futuristic in connotation in as much as the thing safeguarded now should remain safe. The alphabets in the word "SECURITY" can be rearranged in order to make words like "Sure", "Cure" and "Surety". And the word Security emits positive vibes to the business of Security.

And for that reason, the client wants the Security set-up to be very visible to him and others. He also desires that the agency

providing security should be available to him at all times. Security services generate confidence that the set-up would be guarded against theft, espionage and any other danger.

## **CONCEPTS OF INVESTIGATION**



Investigation means formal examination or study; a systematic search and inquiry. Like Security, the Private Investigation services are also need-based and outsourced to agencies. In some countries, the profession is duly licensed and is therefore, regulated in accordance with laws of the land. Regulations generally mean “restrictions” and not “empowerment”. Thus the P.I Profession has to work with constraints and within legal framework. The profession,

unlike Security, fails to generate “Confidence” in the mind of deployer. The alphabets in the word Investigation can be rearranged to make words like “Tension” & “Testing” etc. And it is for this reason that the Private Investigators are mostly invisible functionaries. Neither should they be visible to the subject of investigation nor, to the client who does not want to be visibly associated with the service providers. That is the name of the game in investigation. Security and Investigation are, therefore, different ball games.

## **DIFFERENT BALL GAMES, DIFFERENT RULES**

Security business has well established objectives. It is more like Football (in UK and Soccer in USA) wherein the goal is well marked and defined for netting the ball. Private Investigation is like the game of Cricket wherein the goal is the entire boundary line and the aim is to “steal” singles and “Twos” or to “Loft” the ball to or over the boundary for scoring. In Football game (or security) the team makes co-ordinated moves by “Passing” the ball so as to advance towards goalpost. In Cricket (or

Investigation) every player performs individually as Batsman, Bowler or Fielder to score runs; to take wicket and to catch the ball and earn “Credit” for the role played by him.



In Football, there are only two Referees like in Security there is the client to judge your performance. Players of opposite team can't declare your action as “Foul”. In Cricket also there are two Umpires to see that rules are followed but there is the third umpire watching from outside the field and his decision becomes final. Then again the batsman faces a hostile bowler and either blocks it, cuts it or hits it to score runs but whatever he does all eleven fielders of opposite team raise their hands and shout “How is that” after almost every ball faced by the batsman. The shouts are intimidating, daunting and

disturbing. Likewise in Investigation every action of the P.I is challenged by one and all be it the subject of Investigation; Police, Media or Judiciary. To top it all the “Third umpire’s” role is assumed by the client who would sit over the judgement and “oust” the P.I from field if fingers are raised.

In the game of Football, the positions of players are duly earmarked and the names of these places are also appropriate. There is a goal-keeper; full backs; half-backs and forwards. Same is true in the business of Security. The positions are called, entry point; exit point; godown guard; control room incharge etc. Compare this scenario with nomenclature of field positions in Cricket. “Silly-points”; “Slips” (how distracting if the batsman is surrounded by hovering slips on right side and “leg-slip”, on the left). We know the dictionary meaning of the word slip (as a garment slipped over-head to become inside wear for a lady). Then again there are positions like “Long-leg”; “Short-leg”. To top it all there is “Square-leg”. In Private investigation there are field operatives; surveillance personnel; but look at these



names like “under-cover” operatives; “moles”; “trozen horses” etc.



In Football you have to “Score”; but in cricket you must learn to “steal” runs (singles). In “Security” you have to “secure” and in investigation you have to “pilfer” information. In Security you have to follow the ball and pass or kick it while in investigation you have to face the ball “cut” or “drive” it. And the balls could be “bouncer”; “googly” or “spin” like accusations are hurled at Private Investigators. In cricket, the fielders are placed in catching positions and for investigators there are Policemen, Media and the Subject to “Catch” him. Somehow the purpose of all and sundry is to restrict and prevent the P.I. from practicing his trade even in a legitimate

manner. In security every move is legal.

Yes Security and P.I. professions are different ball games and the rules differ. But the choice is yours. I do like the game of Cricket despite all uncertainties and I am practicing P.I Profession against all odds. And I do enjoy it.

## ACHEIVEMENT



**Mr. Rahul Rai Gupta with Padamshree and Arjuna Awardee Jaspal Rana, a ace shooter.**

Mr. Rahul Rai Gupta, Secretary of APDI got silver medal in Centre Fire Pistol at 30<sup>th</sup> Delhi State Shooting Chamionship on 30<sup>th</sup>September, 2014.



**WE WELCOME OUR  
NEW  
MEMBERS WHO HAVE  
JOINED THE APDI IN  
SEPTEMBER, 2014.**

**CONGRATULATIONS!**  
**Birthday Wishes to Our Members**

Mr. Ashish Sethi-1st October
Ms. Pattathil Dhanya- 4th October
Mr. Ravi Prakash Sinha- 4th October.
Mr. B.R Lohia- 5th October
Mr. Mitash Biswas-7th October
Mr. Sanjay Kaushik- 9th October
Mr. Raj Kumar Singh- 10th October.
Mr Mandeep Singh Bajwa- 11th October
Mr. Ramesh N. Pimple- 15th October
Mr. Praveen Kumar-15th October
Mr. Rajiv Vermani- 18th October
Mr. Ajay Sinha- 21st October
Mr. Rajesh Nidhi- 21st October
Mr. Bidyut Kumar Chakraborty- 22nd October
Mr. Indranil Mondal- 22nd October
Mr. Arun Kumar Chauhan-28th October

Bombay Industrial Guards Pvt. Ltd. , Maharashtra.
Holmes Private Security & Detective Agency, Tamil Nadu.
Big Detective , New Delhi.
Star Protection Pvt. Ltd. , Maharashtra.
ABG Exploration Ltd. , Maharashtra
Shine Detective Pvt. Ltd., New Delhi
Samadhan Private Detective Agency, Haryana
Mr. Anurag Rajendra Chamola- Student Member
Mr. Abhay Vasant Ghate- Student Member
Mr. Shyam Hari Padmaja- Student Member
Mr. Yogesh Singh Gurjar- Student Member

**Marriage Anniversary wishes**

Mr. Baldev Puri- 16th October
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**MAY THE GLOW OF THE DIYAS LIGHT YOUR PATH TOWARDS  
PROGRESS AND CONTINUED SUCCESS.  
HAPPY DIWALI !!**



## 9<sup>TH</sup> ANNUAL CONFERENCE

**12<sup>th</sup> & 13<sup>th</sup> December 2014**

**PHD House, New Delhi**

**Again it's time to celebrate our successful journey together as a TEAM....**

We would like to extend warm invitation to all our members to attend 9<sup>th</sup> Annual Conference of CAPSI & APDI. This event will be held at PHD House, New Delhi on 12<sup>th</sup> & 13<sup>th</sup> December 2014.

This annual conference provides our valuable members with excellent professional learning opportunities and networking with some of the Senior Security Professionals and Private Investigators. This Grand Re Union will usher a phase of new business opportunities to prosper and conduct our business in most desirable environment.

*Register yourself on the below links at your earliest and support this great movement.*

Contact: 9871103074; 011- 40820070, 71

[registration@capsi.in](mailto:registration@capsi.in) ; [registration@apdi.in](mailto:registration@apdi.in)

Website: [www.capsi.in](http://www.capsi.in) ; [www.apdi.in](http://www.apdi.in)