Dysfunction, Abuse, and Impunity in the Indian Police
Working in Uttar Pradesh, Officer Singh is the kind of police officer who should be in prison for misusing his authority. Instead he is protected by his superiors. It is in this way that impunity continues to thrive in India—and the reputation of the police continues to slide.

But as we spoke to Officer Singh, we heard about other aspects of the reality of policing in India. Officer Singh said he had hardly a day off since he began working as a sub-inspector, or investigating officer, for the Uttar Pradesh police ten years ago. “I’ve slept ten hours in the last three days. How is a person who hasn’t slept in three days supposed to behave properly?” he asked. “The pressure cooker will burst.”

Officer Singh described hours crammed with too many duties: patrolling events, escorting VIPs, investigating crime, and, he added without hesitation, fabricating police records.
He said he was working on a murder case but had at best a few hours at night to devote to solving it. “I sent evidence to the forensic lab five months ago, but the case is still pending,” he said. Nonetheless, he said he was under tremendous pressure from superiors to solve the case, or face suspension. He admitted that in the past, in similar straits, he had beaten suspects to elicit confessions—that’s what his superiors expected of him. “It is presumed that I’m doing it,” he told Human Rights Watch. “It’s done before them. Sometimes they are doing it.”

Despite his willingness to beat people he determines are criminals—and he made it clear that he had beaten many—Officer Singh said he did not initially intend to be a dishonest and abusive crime fighter. “No one is born corrupt. It’s a tailor-made system: if you’re not corrupt, you won’t survive.”
Officer Singh’s admissions, though disturbing, would likely be unremarkable to many Indian police officers, criminal suspects, lawyers and other observers. While India rightly touts itself as an emerging economic powerhouse that is also the world’s largest democracy, its police forces—the most visible arm of the Indian state—are widely regarded within India as lawless, abusive and ineffective.

A dangerous anachronism, the police have largely failed to evolve from the ruler-supportive, repressive forces they were designed to be under Britain’s colonial rule. While sixty years later much of India is in the process of rapid modernization, the police continue to use their old methods. Instead of policing through public consent and participation, the police use abuse and threats as a primary crime investigation and law enforcement tactic. The institutional culture of police practically discourages officers from acting otherwise, failing to give them the resources, training, ethical environment, and encouragement to develop professional police tactics. Many officers even told Human Rights Watch that they were ordered or expected to commit abuses.

In its research, Human Rights Watch examined these two separate, but linked issues: abuses by the police against individuals, usually criminal suspects, and the conditions that facilitated and encouraged police to commit those abuses. Our findings, when read alongside other work that has been done by non-governmental organizations (NGOs), the media and even some government bodies, make it clear that misbehavior is deeply rooted in institutional practice. It persists and sometimes flourishes due to government failure to hold abusers accountable and to overhaul the structure and practices that enable abusive patterns of behavior.

Drawing on the extensive existing documentation of human rights abuses by the Indian police, Human Rights Watch conducted its own research and found four clusters of issues warranting attention, addressed in separate subsections of this report: police failure to investigate crimes; arrest on false charges and illegal detention; torture and ill-treatment; and extrajudicial killings.
Traditionally marginalized groups are especially vulnerable to each of the first three abuses. Though stemming from the discriminatory biases of police officers, their vulnerability is also the product of an abusive police culture in which an individual’s ability to pay a bribe, trade on social status or call on political connections often determines whether they will be assisted or abused.

Why do these abuses persist? Part of the problem is the working conditions of individual officers. At the level of the civil police station, where junior and low-ranking police often reside and deal with suspects or victims, we found that civil police, particularly constables, live and work in abysmal conditions. They are often exhausted and demoralized, always on call, working long hours without shifts and necessary equipment, only to return to government-provided tents or filthy barracks for a few hours’ sleep. Junior-ranking officers often face unrealistic demands from their superiors to solve cases quickly. Even if officially encouraged, their use of professional crime investigation techniques is effectively discouraged by the dearth of time, training and equipment with which they operate. These officers also face frequent intervention in investigations by local political figures, who sometimes act to protect known criminals.

To get around these systemic problems many officers take “short-cuts.” Officers told Human Rights Watch they often cut their caseloads by refusing to register crime complaints. At other times, they use illegal detention, torture and ill-treatment to punish criminals against whom they lack the time or inclination to build cases, or to elicit confessions, even ones they know are false.

Such abuses contribute to a climate of fear. Many Indians avoid any contact with the police, believing not only that they will not receive assistance but that they risk demands for bribes, illegal detention, torture, or even death. Facing a reclusive public, the police are unable to get tips from informants or the cooperation of witnesses, which are both critical to solving cases and preventing crime. This, of course, creates a vicious cycle, as crimes go unreported and unpunished and the pressures on the police to deal with rising criminality increase.

The government elected in May 2009 has promised to actively pursue police reform. It should start by recognizing the need to transform the institution from one that enables and encourages officers to commit abuse to one that promotes human rights and the rule of law, without exception.

A critical step is holding abusive officers accountable. Those who commit torture or other abuses must be treated as the criminals they are. There cannot be one standard for police who use violence and another for average citizens. At the same time, the incentives must change for police officers. Officers facing suspension if they disobey illegal orders, or fail to meet their superiors’ expectations to solve crimes without the necessary means, have little incentive to abstain from abuse. In the long-run, a sustainable drop in police abuses requires an overhaul of archaic police laws and structures. Investment in training, personnel and equipment is critical to building the professional, rights-respecting police forces that an emergent India deserves.

THE INDIAN POLICE: A DANGEROUS STATE OF DISREPAIR

Although the police are tasked with battling India’s most pressing problems—including armed militancy, terrorism, and organized crime—a lack of political commitment and investment by the state has left the police overstretched and ill-equipped. There is just one civil police officer for every 1,037 Indian residents, far below Asia’s regional average of one police officer for 558 people and the global average of 333 people.

Police infrastructure is crumbling. Decaying, colonial-era police stations and posts across India are stocked with antiquated equipment and lack sufficient police vehicles, phones, computers, and even stationery. A severe police staffing shortage is compounded by additional demands on an already stretched force. Police are routinely diverted to
protect “VIPs”—usually politicians, businesspeople, and entertainment figures. Senior police officials frequently use low-ranking staff as orderlies and even as personal family servants.

The police structure in India is based on a colonial law that did not provide the lower ranks, usually local recruits, with operational authority or advanced professional training. Inexplicably, that system continues six decades after the end of British rule in India. Constables, the bottom rank, make up as much as 85 percent of the Indian police, but for the most part they are not trained to investigate crime complaints.

Junior and low-ranking police are frequently demoralized due to degrading working and living conditions. Police are under constant stress due to the statutory requirement that they be available for duty 24 hours a day, seven days a week—a grueling reality for the police we interviewed, many of whom said they were hardly ever permitted a day off and some of whom, living in barracks, literally had not been given time to see their families for weeks. Police say they are exhausted and have no time for exercise or recreation. The Director-General of Police in Uttar Pradesh boasted to Human Rights Watch,

＞＞＞ If you brought a US policeman here he’d commit suicide within one day. [Here], you are literally thrown against the wall. We don’t have a shift of 8 to 10 hours, it is the system we have: we work 24 hours a day. ＜＜＜

Many low-ranking police officers live in barracks that are deteriorating, cramped, and without enough beds. A constable in Varanasi, Uttar Pradesh, told Human Rights Watch,

＞＞＞ It’s just like I’m a prisoner.... There’s no medical facilities, no toilet. ＜＜＜

Junior-ranking police officers have little chance of promotion and are subject to the unrealistic demands of senior officers who are for the most part directly recruited into management positions, and often have no first-hand knowledge of the difficulties the lower ranks face.
POLITICAL INTERFERENCE AND STALLED EFFORTS AT REFORM

Decades of partisan policing—politically motivated refusal to register complaints, arbitrary detention, and torture and killings sometimes perpetrated by police at the behest of national and state politicians—have resulted in an unprecedented level of public distrust and fear of the police. In a culture of *shifarish*, or favors, only Indians with powerful connections can be confident they will obtain police assistance. State and local politicians routinely tell police officers to drop investigations against people with political connections, including known criminals, and to harass or file false charges against political opponents. As one police officer told Human Rights Watch:

The problem is that law enforcement is only possible up to a limit. Anti-social elements are protected by the powerful. Police is supposed to be tough on criminals. But criminals are protected, supported and rewarded, so the police who act against them are helpless. No officer is in a position to protect anyone else. They are barely able to protect themselves.

Police at all ranks say that they fear reprimand or punishment if, in the course of doing their jobs, they act against individuals with political connections.

In 2006, the Supreme Court handed down a landmark decision, *Prakash Singh and Others v. Union of India and Others*, that directed the central and state governments to enact new police laws to reduce political interference. Unfortunately, the central government and most state governments have either significantly or completely failed to implement the Court’s order. This suggests that key government officials have yet to accept the rule of law or the urgency of undertaking comprehensive police reform, including the need to make police accountable for widespread human rights violations. The Indian government also has yet to recognize the immediate need to improve the working and living conditions of low-ranking police which. While those conditions in no way justify the human rights violations committed by police, addressing them is critical to changing a working environment that facilitates, condones, and encourages such violations.

HUMAN RIGHTS VIOLATIONS BY POLICE

Human Rights Watch documented four abuses frequently committed by police in parts of India: failure to investigate crimes, arbitrary arrest and illegal detention, custodial torture, and extrajudicial killings.

FAILURE TO REGISTER COMPLAINTS AND INVESTIGATE CRIME

Police in India frequently fail to register crime complaints, called First Information Reports (FIRs), and to investigate crimes. Police officers told Human Rights Watch that they are often under pressure from political leaders to show a reduction in crime by registering fewer FIRs. Some said that they face suspension or reprimand if they register too many. Police also blame their failure to investigate cases on insufficient personnel and a reluctance to take on new cases that add to an already heavy workload.

Traditionally vulnerable communities bear the brunt of this neglect. For instance, according to local NGOs, police often do not register complaints or investigate crimes against Dalits (so-called “untouchables”) under special laws enacted to ensure Dalit protection.

Police, including specially designated Crimes Against Women cells, fail to sufficiently aid victims of domestic violence. According to NGOs and police themselves, police often urge victims to “compromise” with their spouses or spouses’ families, even when women allege repeated and severe physical abuse. Women’s rights activists say that police often do not investigate rape cases and re-traumatize victims who approach them for help through their hostile or inadequate
response. For example, when 16-year-old Sunita (a pseudonym) became pregnant after she was raped by her cousin, her family members in a village near Sitapur, Uttar Pradesh beat her and threatened to kill her. Police refused to register an FIR for the rape, and advised her to get an abortion and marry someone from another village.

Crime victims who are poor are often unable to obtain police assistance. They cannot afford to pay bribes that police ordinarily demand for FIR registration, or for the costs of investigation that victims are expected to cover on behalf of the police. They are less likely to be able to call local political figures to intervene with police on their behalf, while their perpetrators may have police protection due to political connections.

ILLEGAL ARREST AND DETENTION, POLICE TORTURE AND ILL-TREATMENT

Police officers sometimes make arrests in retaliation for complaints of police abuse, in return for bribes, or due to political considerations or the influence of powerful local figures. They also admit that they use unlawful coercion, including torture, to elicit confessions to the charges they fabricate. Police often fail to follow procedures mandated by the Supreme Court in *DK Basu v. West Bengal*, including

The blind mother and younger sister of 20-year-old Pradeep Singh hold a picture of him. Singh died after suffering a severe beating by police in Chitti, Dhankaur. Although a magistrate apparently ordered Singh’s family compensation and aid, recognizing that Singh was his family’s main earner, as of January 2009 they had not received any assistance.
protections afforded under India’s Juvenile Justice Act, such sometimes fail to provide arrested children with the special protections afforded under India’s Juvenile Justice Act, such as the requirement to present any detained child before a special Juvenile Justice Board within 24 hours of arrest. A Bangalore police officer admitted:

We do use some extra-legal methods. You might disagree, but we cannot do all work by the book. Then the police would be completely ineffective.

This failure to “work by the book” is reflected in frequent torture and other ill-treatment of suspects in police custody. Human Rights Watch found that severe ill-treatment sometimes intensifies over the period of an individual’s detention. For instance, in December 2007 police tortured 18-year-old Ram Chandra Prasad, a murder suspect, for five nights in Varanasi to elicit a confession. Prasad told Human Rights Watch:

After they finished tea they pulled off my shirt and trousers. The constable kicked me, and then constables came and held my hands and legs. They drenched me with a bucket of cold water... For one and a half hours, I was beaten like this.... [On the third night] the SI [sub-inspector] and SO [station officer] pressed their feet against my thighs. I felt my veins, it felt like they would burst. They said, “We’ll make you impotent and you’ll be of no use.”

Individuals who are poor and socially or politically marginalized are especially vulnerable to prolonged detention and repeated ill-treatment because they are unable to bribe police to secure their release and are unlikely to have connections to local political figures who can intervene. Twenty-year-old Pradeep Singh died after suffering a severe beating by police in Chitti, Dhankaur, Uttar Pradesh, in January 2007. According to Singh’s family, police arrested Pradeep with two other men. Police released the other two after they paid a police bribe. But Singh’s family, Dalits with little money, were unable to pay the police. Singh’s grandfather Kedara, age 83, visited him in lockup before he died:

When I looked at him, I felt very sad. He couldn’t stand up straight. Why? We are poor people. We don’t have money to give to them. And if it’s our caste, then they beat up all the more.... We don’t have money ourselves, where do we give money to police from? If we gave the police [money], probably it would have helped my boy.

Human Rights Watch’s investigations found that the police sometimes fail to provide arrested children with the special protections afforded under India’s Juvenile Justice Act, such as the requirement to present any detained child before a special Juvenile Justice Board within 24 hours of arrest. Several boys in Bangalore described how police subjected them to electric shocks and prolonged beatings.

Socially and politically marginalized communities are subject to frequent sexual and physical harassment and street beatings by police. Members of the hijra community in Bangalore said that physical harassment and abuse by police had become increasingly routine since 2007.

Bangalore sex workers described police beatings and sexual harassment. One woman told Human Rights Watch,

I was standing on the street. It was quite deserted. A policeman came and slapped me and beat me up very badly. I was lying on the ground. When I begged for water, he unzipped his pants and offered his penis.

Some police officers admit that “using force” to elicit confessions from criminal suspects is their primary investigation tool, rather than gathering forensic evidence and witness accounts. False confessions lead police to gather faulty evidence, which frequently results in cases being thrown out of court or wrongful convictions.

IMPUITY FOR EXTRAJUDICIAL KILLINGS

Criminal suspects or their family members are frequently the targets of fake encounter killings. In the cases Human Rights Watch documented, the facts strongly suggested the implausibility of official accounts of the killings.

For instance, Sugriv Singh Yadav, accused of several crimes, died on August 6, 2008, in Faizabad, Uttar Pradesh. According to police, Yadav was shot dead while fleeing on a motorbike after he and three others stole a mobile phone and 10,000 rupees (about US$210) from a man who then complained to the police. But according to an attorney for Yadav’s family: “The motorbike that the robbers were using had not a drop of petrol in it. There was no blood at the site of the incident where Sugriv was apparently shot.”
OBSTACLES TO POLICE ACCOUNTABILITY

Police can usually commit extrajudicial killings with impunity. The Indian media and NGOs have documented hundreds of such killings but their efforts at accountability have been hampered by systematic police deniability. The absence of records, including in many cases a post-mortem examination or registry of arrest and detention, makes it very difficult to disprove the police’s account.

In some cases, police deny any knowledge of or responsibility for killings, even when the subject was last seen alive in police custody. For instance, police deny any involvement in the June 18, 2006, death of Abdul Khalid in Uttar Pradesh state, even though his wife Sakia Begum witnessed his arrest that night. She believes he was later killed in custody and his body was abandoned in a field near her house. Immediately after the arrest, she ran to the police station but found it locked and empty. She told Human Rights Watch:

We were looking all over for him.... Meanwhile, our neighbors called the police to say that there was a body lying in the field near our house. The police took my son there for identification. It was my husband.

Independent investigations are critical to reducing impunity, but despite the presence of the National Human Rights Commissions and their state counterparts, they are rare in much of India.

Police investigations, either initiated by police or undertaken at the direction of external agencies, are often ineffective due to a “code of silence” that makes police unlikely to disclose incriminating evidence. In the absence of an independent investigation, officers who issue illegal orders or pressure subordinates to carry out abuses can lay the blame exclusively on their subordinates.

Criminal prosecution has the potential to check police abuse, but victims often do not file cases because they fear police retaliation. Another major obstacle is section 197 of the Criminal Procedure Code, which provides immunity from prosecution to all public officials unless the government approves the prosecution.

The National Human Rights Commission (NHRC) has the authority to recommend an independent investigation either by another division of the local police or by the Central Bureau of Investigation, but this often results in the police effectively investigating itself. Even where this is done with integrity, the process does not have the appearance of independence and impartiality, leaving victims and families suspicious of the process.

In most cases the NHRC only recommends that state governments provide victims with interim compensation. The award of compensation to victims without proper prosecutions of officers who commit the crimes and their superiors who order them is inadequate to halt recurring violations. The country’s 18 state human rights commissions (SHRCs) vary greatly in resources and willingness to act, and local lawyers and activists describe SHRC staff as inadequate in number, lacking human rights training, and biased against complaints, factors that lead them to routinely defer to police accounts of a given incident.

Even in the exceptional case in which action is taken, the punishment most often consists of temporary suspension or transfer of the offending officer to another police station. Until officers know that they will be prosecuted, fired, or their careers seriously damaged for engaging in abusive behavior, the problem will not go away.

RECOMMENDATIONS

The government that came to power after the May 2009 elections has committed itself to initiating police reforms. The police and responsible Union and state authorities should commit to two-track reform: 1) increase accountability for abusive police officers, and 2) change the police structure and working conditions that contribute to abusive patterns of behavior.

There is no time to waste. Police violence and misconduct are so widespread and rooted in institutional practice that public confidence in the police is low and decreasing. Efforts to end abuses will not succeed unless made part of a comprehensive overhaul that includes officially acknowledging the problems—including impunity—and setting out an action plan to overhaul relevant laws and practices.

The following recommendations to both improve the functioning of the police and curtail abuses are drawn from multiple sources, including Human Rights Watch’s research findings, reports by bodies of the Indian government including the Law Commission and the National Police Commission, Indian court decisions, studies by former and current Indian Police Service officers, and reports by local NGOs.
OVERHAUL POLICE STRUCTURES AND IMPROVE WORKING CONDITIONS

- **Improve conditions for rank and file officers**: low-ranking police are overworked and often exhausted due to the requirement they be available for duty 24 hours a day. Some live in filthy, cramped barracks. They are demoralized by limited promotional opportunities and relegation to menial tasks. In such conditions, they are likely to fall into abusive patterns of behavior. Minimum standards for housing and work hours should be developed, for instance, a requirement that station house officers announce and adhere to a monthly work schedule with maximum hours of work and provide for mandatory leave.

- **Improve training and equipment**: a scarcity of trained personnel can contribute to the likelihood of abusive behavior, such as the “short-cuts” of refusing to register crime complaints to reduce caseloads, and building cases on coerced confessions rather than collection of evidence. Increasing the number of junior-ranking officers trained and authorized to conduct investigations and register complaints, and training constables to assist in crime investigations, is critical. The lack of crime investigation training and equipment effectively discourages officers from building cases on forensic evidence and witness statements, rather than coerced confessions. The investigation curriculum at police academies must be bolstered, including in the use of forensic tools and non-coercive interrogation techniques. Every investigating officer should have access to basic forensic equipment. The training and roles of low-ranking police should be enhanced to include investigation assistance.

- **Create a culture that rewards respect for human rights and professional conduct**: the skills and potential of junior- and low-ranking police are often underdeveloped, with many staying at the same rank their entire careers. Frustrated officers with nothing to lose are more likely to engage in abusive behavior. To change this environment, provide incentives for better police behavior. Fill more senior- and junior-ranking positions by promotion, rather than direct recruitment. Senior police should actively encourage junior-ranking officers to innovate police station procedures and publicly laud such work.

ENFORCE THE LAW AND HOLD ABUSERS ACCOUNTABLE FOR VIOLATIONS

- **Create a system of effective independent investigations into complaints of police abuse and misconduct**: independent and effective investigations into complaints against police are rare in much of India. To reduce impunity, the central and state government should bolster the capacity of the national and state human rights commissions to undertake independent investigations, including the number of investigative staff. The central and state governments should also comply with the Supreme Court’s order in Prakash Singh mandating the establishment of Police Complaints Authorities, and provide such bodies sufficient resources and independence to carry out their duties in a way that creates public confidence.

- **Enact laws against torture**: strong domestic laws are critical to signaling police that torture is never a permissible means to extract confessions or other information from criminal suspects. The Indian parliament should ratify the Convention Against Torture and amend the Indian Evidence Act to make inadmissible any evidence obtained on the basis of a police interrogation that involved the use of torture or cruel, inhuman, or degrading treatment or other illegal coercion.

- **Repeal laws that encourage impunity**: section 197 of the Criminal Procedure Code continues to effectively shield many abusive police officials from prosecution for actions taken on “official duty,” permitting abuse to frequently go unpunished and undeterred. The Indian parliament should repeal Section 197, or retain it but define “official duty” to exclude unconstitutional conduct such as arbitrary detention, custodial torture and ill-treatment, and extrajudicial killings.

- **Require the reading of rights to suspects and put safeguards into place to deter torture**: existing laws regarding arrest and detention are frequently flouted, regarded by some police as impractical. To encourage institutional acceptance of these safeguards and reduce abuse, require police to formally recite the suspect’s rights upon arrest or any informal detention.
BROKEN SYSTEM
Dysfunction, Abuse, and Impunity in the Indian Police

Broken System documents ongoing violations by police in India and the impunity that fuels abuse. Drawing on interviews with more than 80 police officers and observations at police stations in three states and the capital, Delhi, the brochure also examines the ways in which everyday police working conditions contribute to and even encourage human rights violations.

The Indian police are overstretched and outmatched, battling India’s most pressing problems—including armed militancy, organized crime, and religious and caste violence—without sufficient trained personnel and equipment. The public, a vital source of cooperation and information for police, often avoids contact with the police out of fear. Political figures intervene in police operations to protect influential criminals, bribing officers and destroying morale.

Police often commit abuses with impunity, a problem fuelled by the lack of independent investigations into complaints of police abuse. When abysmal working conditions are paired with impunity for abuse, the results are all too predictable. To get around systemic problems many officers take “short-cuts.” Officers cut their caseloads by refusing to register crime complaints. At other times, they use illegal detention, torture and ill-treatment to punish criminals against whom they lack the time or inclination to build cases, or to elicit confessions, even ones they know are false.

Broken System concludes with detailed recommendations for reform, including steps Indian authorities should take to end impunity and overhaul the everyday police policies and practices that facilitate ongoing human rights violations.