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Information about police in India.

Section 1 of an August 2009 *Human Rights Watch* report on the Indian police system under the heading 'The Indian Police: A Dangerous State of Disrepair', states:

> "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." (Human Rights Watch (4 August 2009) *Broken System: Dysfunction, Abuse, and Impunity in the Indian Police*)

The July 2009 *Freedom House* Freedom in the World report for India under the heading Political Rights and Civil Liberties', states:

> "There are some restrictions on freedoms of assembly and association. Section 144 of the criminal procedure code empowers state authorities to declare a state of emergency, restrict free assembly, and impose curfews; officials occasionally use Section 144 to prevent demonstrations. Police and hired thugs sometimes beat, arbitrarily detain, or otherwise harass villagers and members of nongovernmental organizations (NGOs) who protest forced relocation from the sites of development projects. In what some commentators saw as an effort to maintain strengthening relations with China, the government discouraged Tibetan protests against the 2008 Beijing Olympic Games. In March, more than 100 Tibetans were detained while marching toward the Chinese border. According to Tibetan sources, the protesters refused to sign a bond stating that they would not

protest for six months. Also that month, some 80 protesters were arrested in Delhi during a demonstration outside the Chinese embassy.

Human rights organizations generally operate freely. However, they have expressed concern about threats, legal harassment, the use of excessive force by police, and occasionally lethal violence. In Gujarat, advocates for justice following the 2002 communal riots have faced harassment, including police or tax investigations and threatening telephone calls, according to Human Rights Watch. There were also several reports of attacks against Christian nongovernmental organizations (NGOs) in Orissa in 2008. The work of rights activists may be hindered by a 2001 Home Ministry order that requires organizations to obtain clearance before holding international conferences or workshops if the subject matter is "political, semi-political, communal, or religious in nature or is related to human rights," although this prohibition is often ignored. Foreign monitors are occasionally denied visas to conduct research trips in India on human rights issues." (Freedom House (16 July 2009) *India: Freedom in the World 2009*)

The same report continues:

"Police often torture or abuse suspects to extract confessions or bribes. Custodial rape of female detainees continues to be a problem, as does routine abuse of ordinary prisoners, particularly minorities and members of the lower castes. The Asian Centre for Human Rights reported in 2008 that 7,468 people have died in custody over the past five years, nearly all as a result of torture. The National Human Rights Commission (NHRC), created in 1993, is headed by a retired Supreme Court judge and handles roughly 80,000 complaints each year. However, while it monitors abuses, initiates investigations, makes independent assessments, and conducts training sessions for the police and others, its recommendations are often not implemented and it has few enforcement powers. The commission also lacks jurisdiction over the armed forces, which severely hampers its effectiveness." (ibid)

An April 2009 *Immigration and Refugee Board of Canada* response reports:

"Though TI indicates that the upper judiciary "is relatively clean," it states that "[i]n the broader justice institutions corruption is systemic" (2007, 215). Specifically, TI indicates that "[t]here is a high level of discretion in the processing of paperwork during a trial and multiple points when court clerks, prosecutors and police investigators can misuse their power without discovery" (2007, 215). TI additionally indicates that corruption is often caused by case delays and judge shortages, explaining that civilians "seek shortcuts through bribery, favours, hospitality or gifts" (2007, 215-216)." (Immigration and Refugee Board of Canada (23 April 2009) *India: Independence of and corruption within the judicial system (2007 - April 2009)*)

Section 1a of the 2008 *US Department of State* Country Report on Human Rights Practices for India under the heading 'Arbitrary or Unlawful Deprivation of Life', states:

> "There were credible reports that the government and its agents committed arbitrary or unlawful killings, including extrajudicial killings of suspected criminals and insurgents. A high rate of encounter killings occurred in the Northeast, particularly in the states of Assam and Manipur. Sources also reported encounter killings in Jammu and Kashmir, Maharashtra, and Chhattisgarh. Custodial deaths remained a serious problem, and authorities often delayed prosecutions.
>
> Despite the National Human Rights Commission's (NHRC) recommendations that all police encounter deaths be investigated by the Criminal Investigations Department (CID), many states conducted internal reviews only at the discretion of senior officers. For example, between January and July, Mumbai police killed 12 alleged criminals in nine separate encounters. There was no investigation of these incidents despite NHRC recommendations to do so. On August 31, police dismissed senior inspector Pradeep Sharma of the Mumbai police after he was implicated in numerous encounter deaths. He is alleged to have killed more than 112 persons over 25 years.
>
> On July 4, according to Human Rights Alert, Manipur Police arrested L. Bimolchandra in Imphal, Manipur, on suspicion of armed activities against police. His death in police custody at Changangei prompted a July 6 general strike by civil society organizations; the inquiry into his death continued at year's end.
>
> On September 19, police killed two suspected terrorists for involvement in the September 13 Delhi serial blasts during an encounter at Batla House, Delhi. Police Inspector MC Sharma was killed. Media and human rights groups alleged that Delhi police staged the encounter, including the shooting of Inspector Sharma. After the NGO Real Cause filed a petition to investigate the shooting, the court directed an inquiry according to NHRC guidelines. The investigation continued at year's end.
>
> On October 27, Rahul Raj, who had taken passengers hostage on a public bus, was shot by police in Mumbai. The case was under investigation at year's end." (US Department of State (25 February 2009) *India: 2008 Country Report on Human Rights Practices*)

A January 2009 *Human Rights Watch* news report states:

> "The Orissa state government in India should develop and put into effect measures to ensure that children are not recruited as "special police officers," Human Rights Watch said in a letter released today, to Orissa's Chief Minister Navin Patnaik. Human Rights Watch also expressed concern that special police officers (SPOs), an auxiliary force, were being used in armed operations against Maoist insurgents, known as Naxalites, contrary to Indian law.
>
> The Orissa government in November 2008 announced a plan to recruit an estimated 2,000 local tribal youth as SPOs to counter Naxalite insurgents in the

region. In adjoining Chhattisgarh state, SPOs, including many children under the age of 18, were deployed in armed operations against Naxalites, without adequate protection and training. The Chhattisgarh police claim that it has now removed all children from its ranks, but there are continued allegations that many minors continue to participate in armed operations." (Human Rights Watch (27 January 2009) *India: Don't Recruit Children Into Special Police*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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