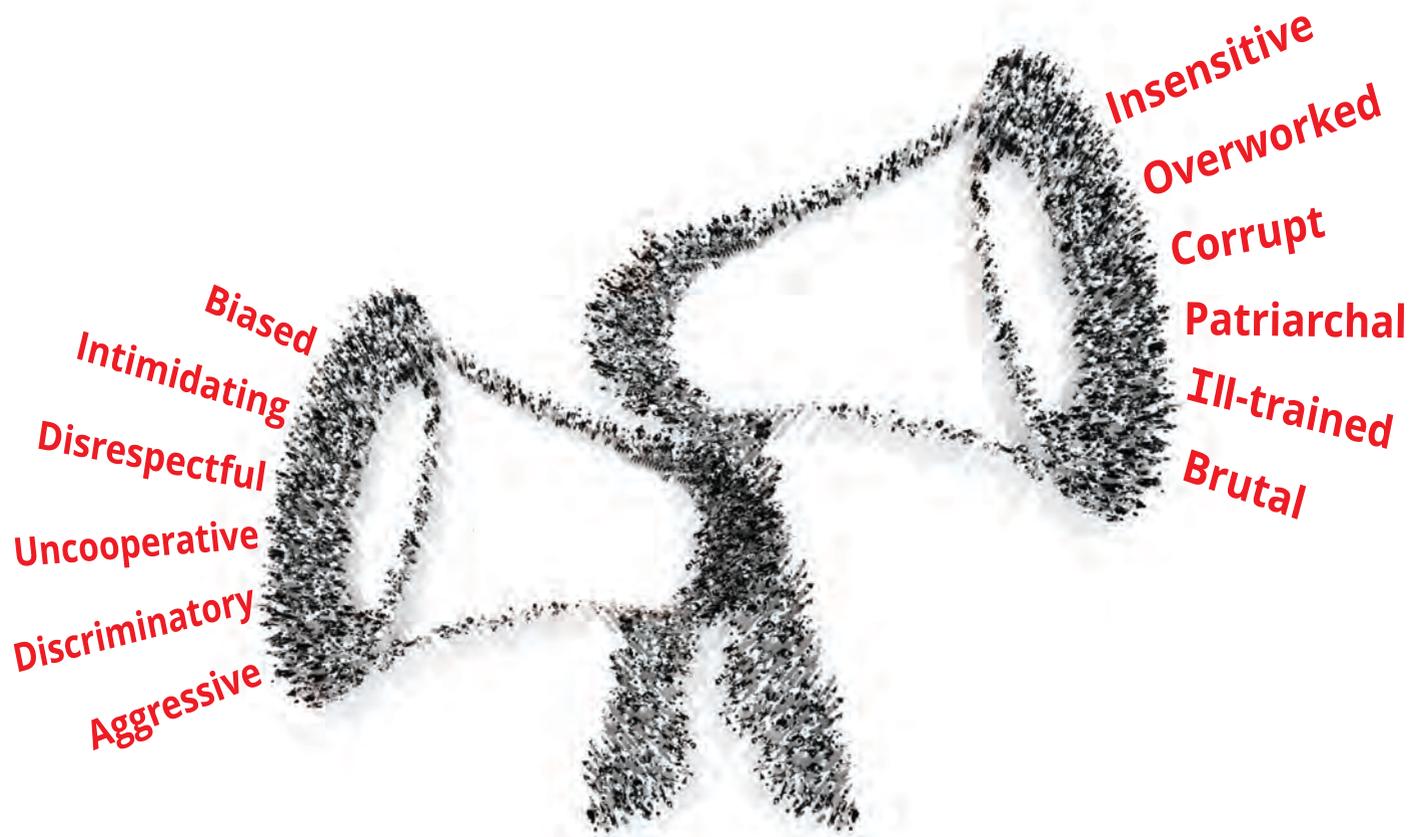


CHRI 2018



Muslim Voices:

Perceptions of Policing in India



CHRI
Commonwealth Human Rights Initiative
working for the *practical* realisation of human rights in
the Commonwealth



Commonwealth Human Rights Initiative

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Quill Foundation

Quill Foundation is an autonomous institution engaging in research and advocacy in India. Quill's work revolves around pertinent issues of human rights, justice and equity faced by the marginalized of India, especially Muslims, Adivasis, Dalits, women, sexual minorities and differently-abled persons. The Delhi based Law and Human Rights Cell (LHRC) of Quill Foundation seeks to examine the many ways in which legal and judicial processes form the basis for everyday injustices, and reflect how the interface between law and the social world, perceives citizens differently in terms of access to rights and justice, especially in the cases of counter-terrorism prosecution, extrajudicial killings, torture, policing, and the de-legitimization of citizenship in India.

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Muslim Voices:

Perceptions of Policing in India

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Executive Summary

This report documents the perceptions and experiences of policing in India of Muslim citizens. It is a result of a study conducted by the Commonwealth Human Rights Initiative and Quill Foundation. The study, spread across eight cities and several geographies¹, focuses on issues related to everyday policing- access, engagement, and discrimination - as perceived by common Muslim citizens, along with a special focus on the experience of Muslim police officers themselves.

Muslim community perceptions of policing

The findings of the study present a picture of policing of Muslims characterized by discrimination, various degrees of harassment, as well as coercive containments of Muslim neighborhoods and activities. One set of the study's respondents - 197 Muslim citizens - convey a pervasive sense of actively practiced discrimination, victimization, and coercive targeting by the police based on their distinct identity as Muslims. They feel they are, both individually and in groups, under constant suspicion of supporting 'anti-national' activities, surveilled and subject to higher levels of intrusive policing; and that the police makes deliberate efforts to limit and prevent community mobilization.

The key findings are:

- **Police target and victimize Muslims based on their identity, revealing a distinct bias**

The respondents unanimously expressed that the police targets and victimizes Muslims, resulting in 'kafkaesque' feelings within the Muslim community- cycles of fear, intimidation, and the constant threat of being detained, abused, and possibly incarcerated.

- **Muslim women feel a double burden amplifying a multi-layered bias**

Across states, Muslim women expressed the difficulty of bearing the 'double burden' of being a Muslim and a woman. Women distinctly felt their identity as Muslims was a primary reason for both police indifference and bias towards them. They unanimously said that police attitude and behavior is sharply prejudiced when women access the police wearing Muslim identity markers like burqa/hijab.

- **Display of Hindu religious practices and symbols in police stations are perceived with apprehension and discomfort, and elicit exclusion**

The respondents unanimously acknowledged the presence of Hindu religious symbols – often temples – inside police stations, and the overt practice of religion by police officers while on duty. This open display, in an official space meant to serve all the people of India, trigger apprehension and feelings of exclusion and 'otherness' as a minority.

- **Police perceive Muslim concentrated neighbourhoods as subversive and criminalized, holding the community constantly suspect**

A common perception emerged that the police sees Muslim localities as dens of criminal or terrorist activity, perpetuating a constant suspicion and distrust of the community. Muslim community members said that police attitudes and their dealings with Muslims are conditioned by this lens of prejudice. For the community, both as individuals and in groups, this represents a huge barrier between them and the local police.

Complaints were unanimously made of the pejorative characterization of Muslim neighbourhoods as 'mini-Pakistan'- which translated to not just being seen as coming from a crime-infested

¹ Community consultations were held in eight cities – Delhi, Lucknow, Ranchi, Ahmedabad, Guwahati, Kozikhode, Bengaluru, and Mumbai. Interviews with retired Muslim police officers were held in Lucknow, Aligarh, Gurgaon, Nuh, Thiruvananthapuram, Ahmedabad, Jaipur, Mumbai, Bengaluru, and Hyderabad.

locality, but also being viewed as potentially anti-national, separate from the mainstream and feeling that their loyalty is always suspect.

- **Damaging proliferation of local informer networks by the police, splitting the community against itself**

Respondents across all cities displayed a keen awareness of the presence of police informers in their neighbourhoods. These informers are mostly from within the community itself, perpetuating a deep sense of 'being watched' by the state. While there is no way to know for sure who is an informer, suspicion and speculation easily takes the place of concrete knowledge.

This is leading to a climate of suspicion within the community. To the extent that anyone who regularly engages or interacts with the police comes under suspicion of being an informer. There is a complete lack of faith in the fairness or neutrality of informers. The fear – as well as disdain – of informers stems not from an apprehension that the informer will expose some actual illegal activity, but the fear of being unjustly implicated.

Perceptions and Experiences of Muslim Police Officers

Based on interviews with 25 retired Muslim police officers, it emerged that Muslims within the police also perceive and deal with bias based on their identity, indicating bias at an institutional level and pointing to the urgent need for greater diversity in police services.

- **Need for greater representation**

Most officers stressed the need for greater representation of Muslims in the police. They reinforced that the representation of Muslims in the police is much lower than the Muslim population, and highlighted that Muslim police officers are mostly concentrated in the junior ranks. Many of them felt that if special steps were taken to intensify recruitment of Muslims in the police it would serve as a confidence building measure, both for Muslim officers within the police, as well as the community at large.

- **Discrimination**

Respondent police officers displayed an acute awareness that the police as an institution is deeply majoritarian. This was explicit in their acceptance and internalization of the presence of Hindu religious practices and symbols within police stations/departments as a routine affair. It was more subtly conveyed in a common feeling that as Muslim officers they had to work doubly hard as compared to others and constantly 'prove their loyalties'. Many of them felt that especially when dealing with matters related to Muslims, their smallest actions could easily be construed as partisan or 'communal'.

- **Trust Deficit**

Most officers conceded that there had always been a trust deficit between the Muslim community and the police; and that in the current context it was only getting worse. They also conceded that platforms like peace committees or mohalla committees which were meant to bridge this gap have failed in their purpose and are mostly constituted of touts and informers and not genuine representatives of the Muslim community.

Introduction

Rationale and Aims

This report documents the perceptions and experiences of Muslims of policing across eight cities and several geographies in India. The central question underpinning the research is: how do Muslim community members perceive the police, and policing more largely?

It is a joint endeavour, which began in 2017, between the Commonwealth Human Rights Initiative (CHRI) and the Quill Foundation.² A major focus in finding answers to this question was to gauge the extent to which Muslims perceive bias and discrimination in everyday policing, in contexts of locally lived realities and experiences; and how these perceptions impact community members' attitudes towards, and trust in, the police. In parallel, it captures the views of retired Muslim police officers of challenges they faced, whether they felt subjected to bias within the police, and the possible effects of such bias on policing itself.

There is ample documentation establishing police bias against Muslims. Numerous judicial commissions and civil society reports demonstrate *targeted* discrimination against Muslims by police in the contexts of communal violence and the last two decades of "process as punishment" in terror prosecution.

In 2013, there was even the beginnings of admission of an institutional prejudice by the police establishment itself. A report by a group of three police chiefs, presented at the annual conference of police chiefs that year, stated that minorities view the police as 'communal, biased, insensitive, ill-informed and corrupt' and attributed distrust to poor minority representation in the forces and the conduct of police during riots.³ From what is known only through secondary sources, the report suggests that police leadership have to first acknowledge bias and work from there to derive corrective solutions. Unfortunately, the report has not been made public, preventing both a wider participatory dialogue and collaborative interventions. This is an acute reminder, that, in spite of ample evidence and persistent patterns, there is still no acknowledgment by government and police departments that institutional bias against Muslims (as in the 2013 report, minorities more largely) exists. No conscious efforts have been made by the state to further examine how deep-rooted it is systemically.

CHRI and Quill came together with the express purpose of plugging a gap in the existing literature – the dearth of qualitative research focused on documenting Muslim perceptions and experiences of *everyday* policing, apart from extraordinary situations of communal violence or terrorism. In this frame, everyday refers to basic access to police, routine interactions with police, police presence/practices at the local level, and policing during community/neighbourhood gatherings, festivals or protests and rallies. This includes looking at the perceived role of identity markers and how Muslims felt these shape police response, and notions of surveillance or "being watched" by police in Muslim dominated areas. Taken together, the report is towards an understanding of how Muslims view policing at its most routine, the ways in which their notions of being policed affect how they view the police, and the extent to which they see policing as discriminatory. A smaller, but significant, part of the report documents the perceptions, experiences and challenges of Muslim police personnel from within.

Our effort here is to summarise the perceptions and perspectives of Muslim community members as **they were told to us (our emphasis)** – a small step towards a documented account of how it 'feels' to be policed, and experiences of being in the police, as Muslims. The police are the first point of contact with the criminal justice system. Thus, individual as well as group perceptions of the police play an integral role in the formation of attitudes and levels of trust in them, and the larger criminal justice

2 CHRI is a non-governmental organization that has worked on issues related to policing and police reform for over two decades. Quill Foundation is an autonomous institution engaged in research and advocacy focused on issues of human rights, justice and equity in relation to marginalized groups.

3 Smita Nair, (2014), *Muslims think we are communal, corrupt: Police*, The Indian Express, 17 July: <https://indianexpress.com/article/india/maharashtra/muslims-think-we-are-communal-corrupt-police-as-on-22-October-2018>

system. Perceptions of discriminatory policing can prompt alienation, foster animosity, and impede public trust. These are long-term damaging effects on individuals, communities, and their engagement with the police. Ultimately these impact the criminal justice system as well as state-wide and national approaches to security.

CHRI and Quill undertook this study with the long view that any interventions to address bias and work towards police reform must be rooted in an honest acknowledgment of the problem itself. We believe the starting point is to document and understand how Muslims perceive policing. The failure to recognise or understand the nature of police bias, and its impact on the alienation and marginalization of Muslims, is a failure to address the root causes of these challenges. Conversely, the first step of acknowledging bias can lead to participatory and collaborative approaches towards extinguishing it.

Muslims are the largest religious minority in India, making up 14% of the country's population.⁴ They remain one of the most marginalised due to structural impediments. Policing cannot be effective and responsive in the absence of public trust, and in this case, of the largest religious minority.

This is also an attempt to enrich and widen the discourse on police reform, start dialogue with police organisations and various national Commissions on recognizing issues around institutional bias and discrimination in policing and how to address them. It also underscores the urgent need for diversity and greater intake of underrepresented communities in the police.

Methodology

Community consultations

To interact with community members, CHRI and Quill held consultations and interviews in eight cities – Ahmedabad, Ranchi, Delhi, Lucknow, Bengaluru, Guwahati, Kozhikode, and Mumbai.⁵

The consultations consisted of focus group discussions (FGDs). Nearly 197 participants across all these cities attended the FGDs. To ensure uniformity and gather perspective, we called individuals and groups with some experience of interacting or dealing with the police to the FGDs. This included Muslim social activists, lawyers, academics, students, and representatives from women's groups and community based organisations. We asked a consistent set of questions in all the FGDs related to the broad themes of everyday policing mentioned above. As most of the FGDs took place in urban centres, efforts were made as far as possible, within our constraints, to ensure a cross section of representation in these states from rural areas, as well as effective diversity from the urban areas themselves.

We conducted in-depth qualitative interviews with individuals or organisations who could not make it to the FGD, asking the same questions as in the FGDs. Our intent in both the FGDs and interviews were to keep the discussions as open, inclusive, and participatory as possible.

Interviews of retired Muslim police personnel

CHRI conducted one-to-one⁶ interviews with a total of 25⁷ retired Muslim police personnel, all men.⁸ We did not approach serving officers, and unfortunately were not able to reach any retired Muslim police women. The interviews were done on the basis of a semi-structured questionnaire.⁹ Of the 25, six were from the Indian Police Service (IPS) while the rest were from the state cadres.

In this report, the names and any identifying information of respondents have been omitted to maintain their anonymity.

4 Religious Data Census 2011, <https://www.census2011.co.in/religion.php> as on 22 October 2018.

5 In parallel with legal awareness workshops on laws, rights and policing conducted by CHRI and Quill, we held smaller FGDs in Mewat (Haryana) and Shamli (Uttar Pradesh).

6 One interview was done on the phone.

7 Of the 25 interviewed, five were from Uttar Pradesh (Lucknow and Aligarh), three from Haryana (Gurgaon and Nuh), two each from Kerala (Thiruvananthapuram), Gujarat (Ahmedabad) and Rajasthan (Jaipur), one from Tripura (telephonic), three each from Maharashtra (Mumbai) and Karnataka (Bengaluru), and two each from Telangana and Andhra Pradesh (Hyderabad).

8 We approached more than 30 retired personnel, 25 agreed to be interviewed.

9 See Annexure 1.

Sites of Consultations and Interviews



The Larger Context: Hard Truths

“Thus, in any country, the faith and confidence of the minorities in the functioning of the State in an impartial manner is an acid test of its being a just State”.¹⁰

The legacy of policing in India is colonial and this endures to this day. Ideologically moored in a colonial ruler oriented mandate, the police continue to act as an instrument of force on behalf of regimes in power. A brief look at persistent trends - encounter killings, torture, extortion, and endemic procedural violations – show police functioning that is not in consonance with its role as an upholder of constitutional freedoms and citizen’s rights in modern democratic India. It was never expected to be representative of independent India’s hugely diverse population. At the Centre, the Police Act of 1861 remains in place. Provisions for diversity or representation in the police are entirely absent from the 1861 Act.

¹⁰ Prime Minister’s High Level Committee headed by Justice Rajinder Sachar (2006), Social, Economic and Educational Status of the Muslim Community of India – A Report, http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 22 October, 2018, p.1.

At the same time, the Indian Constitution is committed to the equality of citizens and the responsibility of the State to preserve, protect and assure the rights of minorities in matters of life, liberty, language, religion and culture. Article 15 of the Constitution expressly forbids discrimination on the grounds of religion, race, caste, sex, or place of birth. This mandates the legitimacy of state institutions is in demonstrating and upholding equality and equal treatment, among the other constitutionally protected rights. Rooting out bias both within the police and in police response is vital if policing is to be impartial and legitimate.

Documented Police Bias

Anti-Muslim bias in the police has been consistently documented over the course of independent India's history, mainly by judicial commissions formed in the aftermath of incidents of Hindu-Muslim communal violence. While there is not enough space in this report to summarise this full history, it is important to pull out a few pertinent examples to reinforce the recurring nature of police bias and how it manifests.

The B.N. Srikrishna Commission of Inquiry, formed to look into the December-January 1992-93 communal riots in Mumbai following the demolition of the Babri Masjid, concluded that the riots were not spontaneous, but were planned and engineered by the Shiv Sena, a right-wing political party. In addition, following testimonies by police officers themselves and a full perusal of police records, the Commission pointed to bias by the (then) Bombay Police against Muslims in various forms: direct participation with the rioting Hindu mobs (and in some cases, targeted attacks and killings on individuals), complicity through inaction, and failure to register cases for violence, looting, arson against Hindus even when the accused persons were clearly identified.¹¹ It is often quoted that Justice Srikrishna concluded that the police attitude was *'one Muslim killed is one Muslim less'*.

Jyoti Punwani, a senior journalist who covered the full proceedings of the Commission, describes the police bias,

*"During these riots, the police conduct was consciously partisan, pro-Hindu and anti-Muslim. From the stage of preventing violence to controlling it – whether arrests of miscreants or investigation of riot offences – at every level, the Mumbai police revealed itself to be a highly communal force, not worthy of the trust reposed in it nor of the power it commanded. What made it worse was that this unprofessional conduct was not just displayed by lowly constables bearing the brunt of mob violence, but also by senior officers. The bias existed right from the top beginning with the Police Commissioner. Evidence of such conduct exists in the proceedings and report of the B.N. Srikrishna Commission of Inquiry into the 1992-93 riots."*¹²

As in Mumbai, the communal violence unleashed in Gujarat in early 2002¹³ brings police bias to the fore, with the same patterns of biased behaviour playing out. According to Human Rights Watch,

*"In almost all of the incidents documented by Human Rights Watch the police were directly implicated in the attacks. At best they were passive observers, and at worse they acted in concert with murderous mobs and participated directly in the burning and looting of Muslim shops and homes and the killing and mutilation of Muslims. In many cases, under the guise of offering assistance, the police led the victims directly into the hands of their killers. Many of the attacks on Muslim homes and places of business also took place in close proximity to police posts. Panicked phone calls made to the police, fire brigades, and even ambulance services generally proved futile."*¹⁴

11 In the absence of access to the full Commission report, which is not available in the public domain, this information has been taken from a variety of online secondary sources focused on the Commission.

12 Jyoti Punwani, *Police Conduct during Communal Riots: Evidence from 1992-93 Mumbai Riots and Its Implications*, *Lives of Muslims in India: Politics, Exclusion and Violence*, Second Edition (2018), edited by Abdul Shaban, p.187

13 The violence was allegedly first triggered after a Muslim mob in the town of Godhra attacked and set fire to two train carriages carrying Hindu activists. Following this, in end February 2002, Hindu mobs attacked Muslims in retaliation. The Nanavati-Shah judicial inquiry's findings (presented in September 2008) confirming the attack on the train, and thereby the trigger for the retaliatory violence unleashed across the state, have been challenged on many grounds including evidential.

14 Human Rights Watch (2002), *We Have No Orders to Save You: State Participation and Complicity in Communal Violence in Gujarat**, p. 5

The National Human Rights Commission decided suo-moto to monitor and intervene in Gujarat solely on the basis of news reports, in light of its serious apprehension that the State, directly naming the police, was being negligent¹⁵,

“The news items report a communal flare-up in the State of Gujarat and what is more disturbing, they suggest inaction by the police force and the highest functionaries in the State to deal with this situation. In view of the urgency of the matter, it would not be appropriate for this Commission to stay its hand till the veracity of these reports has been established; and it is necessary to proceed immediately assuming them to be prima facie correct. The situation, therefore, demands that this Commission take note of these facts and steps in to prevent any negligence in the protection of human rights of the people in the State of Gujarat irrespective of their religion.”¹⁶

In an Order following proceedings on 6 March 2002, the National Human Rights Commission stated, *“media reports attributing certain statements to the Police Commissioner and even the Chief Minister which, if true, raise serious questions relating to discrimination and other aspects of governance affecting human rights.”¹⁷* Upon further monitoring, the Commission concluded that the events in Gujarat had resulted in the violation of the Fundamental Rights to life, liberty, equality and the dignity of citizens of India.

In Gujarat, it is documented that police officers – with specific individuals named in various accounts - who acted against mobs or took steps to prevent violence were transferred to lesser posts.¹⁸ This is a signal of both illegitimate political interference in the police on a systemic level, as well as overt bias against Muslims.

More recently, the High Court of Delhi forcefully recognised “institutional bias” as the trigger for the killing of Muslims. In a recent judgment, the Court held 16 policemen of the Uttar Pradesh Provincial Armed Constabulary (PAC) guilty of *“targeted killing by armed forces of the unarmed, innocent and defenceless members of a particular community.”¹⁹* This conviction follows a court battle of 31 years spanning two states. The Delhi High Court’s judgment overturns the acquittal of the policemen in 2015 by a trial court.

In May 1987, following communal tension in Meerut district of the state of Uttar Pradesh, more than 600 Muslim men – young and old – were arrested and detained by the police and the Army on a flimsy pretext of rifles having been stolen by alleged rioters. Of this larger group, about 40-45 of the men were abducted by the PAC, shot dead, and their bodies thrown into a canal. Some of them miraculously survived and testified what they knew of the abductions and murders before the trial court, but could not identify or name the police personnel as it was the dead of night.

The Delhi High Court’s judgment represents a watershed moment in the effort for police accountability – it punishes the killings as done in illegal custody, and points to both critical lapses in investigation as well as deliberate suppression and destruction of evidence by the investigating bodies. Added to this, it also exposes bias as the basis for the killings. In the Court’s words,

15 In fact, the NHRC’s authority to intervene, which is absolutely legitimate under the Protection of Human Rights Act, was challenged in the Gujarat High Court.

16 National Human Rights Commission (2002), *Order on Gujarat Dated 1st March, 2002*: <http://nhrc.nic.in/complaints/gujrat-order> as on 30 October 2018

17 National Human Rights Commission (2002), *Order on Gujarat Dated 6th March, 2002*: <http://nhrc.nic.in/complaints/gujrat-order> as on 30 October 2018

18 Basant Rawat (2002), *“Minority hole in Gujarat police force”*, *Telegraph*, March 26: http://www.telegraphindia.com/archive/1020327/front_pa.htm#head7 as on 30 October 2018

19 Zulfikar Nasir and Ors. vs. State of Uttar Pradesh and Ors., CrI. A. 574/2015 and CrI.M.A. No. 8003/2015, dated 31st October 2018, para 1.8

“A disturbing aspect of the present case is the targeted killings of persons belonging to one minority community. It was submitted on behalf of the accused that the prosecution in the present case has not proved motive for the commission of the crime and since the 42 persons allegedly abducted were total strangers, the accused had no grudge or animosity against them and further that ‘no sane and prudent person much less than members of the disciplined force like the accused/Respondents would commit such gruesome crime’.

What the above submission overlooks is the fact that all the victims belonged to a minority community. This was a case of a targeted killing revealing an institutional bias within the law enforcement agents in this case.”²⁰

This is the first time that a court has identified institutional bias as the central motive for police violence. A senior human rights lawyer calls attention to this unprecedented aspect of the judgment, *“The HC judgment makes a significant jurisprudential advance by foregrounding this not as a case of indiscriminate firing by a trigger-happy police force, but rather locating the motive for the cold-blooded murders in the Muslim identity of the victims.”²¹* This should not be overlooked, by the Uttar Pradesh Police first and foremost, but also all police departments and policing agencies in the country.

The High-level Committee, headed by Justice Rajinder Sachar, which examined the Social, Economic and Educational Status of the Muslim Community, submitted an extensive report in 2006. The second chapter of the report focused on drawing out public perceptions, and brings out the Committee’s observations of particular kinds of identity-based discrimination faced by the community, based on these perceptions. These include suspicion by public institutions, biased responses to identity markers, and targeted social boycott. Unfortunately, these forms of discrimination persist, more than 16 years after the Committee’s report. To lay deeper context, it is worth noting the Committee’s description of these,

“While Muslims need to prove on a daily basis that they are not “anti-national” and “terrorists”, it is not recognized that the alleged “appeasement” has not resulted in the desired level of socio-economic development of the Community. In general, Muslims complained that they are constantly looked upon with a great degree of suspicion not only by certain sections of society but also by public institutions and governance structures...”

“Markers of Muslim identity – the burqa, the purdah, the beard and the topi –while adding to the distinctiveness of Indian Muslims have been a cause of concern for them in the public realm. These markers have very often been a target for ridiculing the community as well as of looking upon them with suspicion...”

“Social boycott of Muslims in certain parts of the country has forced Muslims to migrate from the places where they lived for centuries. The perception of being discriminated against is overpowering amongst a wide cross section of Muslims resulting in collective alienation.”²²

While the Committee’s mandate was limited to social, economic and educational issues relevant to Muslims, it did briefly point to police bias against the community in the following words,

“Concern was expressed over police highhandedness in dealing with Muslims. Muslims live with an inferiority complex as ‘every bearded man is considered an ISI agent’; ‘whenever any incident occurs Muslim boys are picked up by the police and fake encounters are common’.”²³

20 Zulfikar Nasir and Ors. vs. State of Uttar Pradesh and Ors., CrI. A. 574/2015 and CrI.M.A. No. 8003/2015, dated 31st October 2018, paras 101-102.

21 Vrinda Grover (2018), *“Where prejudice is crime”*, *Indian Express*, 6 November: <https://indianexpress.com/article/opinion/columns/hashimpura-massacre-case-verdict-anti-sink-riots-5435387/> as on 30 November 2018

22 Prime Minister’s High Level Committee headed by Justice Rajinder Sachar (2006), *Social, Economic and Educational Status of the Muslim Community of India – A Report*, http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 22 October, 2018, pp. 9-25.

23 Prime Minister’s High Level Committee headed by Justice Rajinder Sachar (2006), *Social, Economic and Educational Status of the Muslim Community of India – A Report*, http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 22 October, 2018, p. 14

Notably, the Committee is the first to correlate that the low representation of Muslims in the police exacerbates the community's sense of victimisation by the police and law enforcement bodies. The crucial issue of representativeness is often glossed over, or not sufficiently understood. The Committee called the needed attention to this.

These examples illustrate that bias can be the root cause of large-scale violations of the rights to life, liberty, equality and non-discrimination. These result in tremendous human cost, as well as a steady erosion of constitutional protections bolstered by impunity. This derides the basis of democracy itself.

It is indefensible to turn a blind eye to the impact that discriminatory policing has on so many Indians. This makes it all the more urgent to face up to police prejudice and commit to reforms which will root it out.

Status of Policing in India Report 2018: A Study of Performance and Perceptions

In 2018, two civil society organisations - Common Cause and the Lokniti Programme of the Centre for the Study of Developing Societies - published a first-ever comprehensive report on policing in India. Covering 22 states, it combines official data from government sources with surveys of public perceptions of policing, on a host of parameters, including perceptions of discrimination by the police. Surveys were done to gather public opinion on whether the police discriminate on the basis of caste, religion, gender, class, and region/state.

The report throws up that institutional bias manifests in various ways – in low levels of diversity, as well as police actions towards certain groups. Hard data reveals that bias shows itself in police decisions on who to arrest: disproportionality high for minorities, the poor, and marginalised groups. It reinforces the glaring reality that Muslim representation is disproportionately low in the police and disproportionately high in prisons (see below). It states that “institutional discrimination” is a feature of policing that “cannot be denied.”²⁴

Yet, the perceptions of discrimination, reported through the surveys, were only moderate. Taken together across the Hindu, Muslim, Sikh and Christian respondents, 19% held that the police discriminates on the basis of religion, while the majority denied discrimination. Muslims stand out as expressing in the highest numbers that police are discriminatory on the basis of religion.²⁵

The survey results of discrimination on the basis of religion (and in fact on the other parameters as well) diverge significantly from existing official literature (some cited above), civil society fact-finding and documentation, and documented lived experiences. This is perhaps an indication that purely quantitative, data-driven methodologies deter individuals, particularly those from marginalised communities, from honestly expressing being discriminated against. There may be conscious, or unconscious, fear at play in admitting, in a public survey, that a law enforcement body like the police discriminates.

Measuring bias and discrimination may require a combination of methodologies, and targeted efforts designed on the basis of the contexts (including the documented history of discrimination) of each community, rather than an omnibus all-in-one survey, to have the best chances of eliciting honest perceptions.

Double-Edged Marginalisation: Over-incarceration, Under-representation

There are structural realities which provide a wider view of the extent of vulnerability and marginalisation Muslims face with respect to the larger criminal justice system.

Statistics bear out that Muslims are incarcerated at rates higher than their population nationally. While they make up 14.3% of India's population, Muslims constitute more than one-fifth of the total under-trial population in custody at 20.9%. They comprise 16% of convicted prisoners.²⁶ The *Status of Policing in India* study found that in 22 states, based on a five-year (2011-15) average, there was consistently a higher proportion of Muslims in prisons than the community's population in the state.²⁷

24 Common Cause and Centre for the Study of Developing Societies (2018), *Status of Policing in India Report 2018*, p. 71.

25 Common Cause and Centre for the Study of Developing Societies (2018), *Status of Policing in India Report 2018*, p. 76.

26 National Crime Records Bureau, (2015) Chapter 5: *Demographic Profile of Prison Inmates, Prison Statistics India*: <http://ncrb.gov.in/StatPublications/PSI/Prison2015/CHAPTER-5.pdf> as on 12 November 2018.

27 Common Cause and Centre for the Study of Developing Societies (2018), *Status of Policing in India Report 2018*, pp.25-26.

Shaping Perceptions: Lived Experiences of Terror Exonerees

Over the last three decades, it is estimated that more than 1000 Muslims across India (excluding Jammu & Kashmir) have been charged with allegations of terrorism, so much so that a tag of 'Muslim as terrorist' has cemented in official circles, and to a large extent, the national public imagination. This tag has informed much of the political narrative around Muslims in India, with far-reaching, damaging impact on the Muslim community.

Related to this, a pattern is unravelling at the level of the criminal justice system. Many of the very same terror cases have resulted in acquittals – with courts not only finding the accused persons not guilty; but concluding that false charges were levelled and exonerating them entirely. While there is growing admission of miscarriage of justice in these cases²⁸, the lived experience of getting ensnared in the terrorism 'regime' –illegal arrests, torture, the long incarceration periods, the stigma post exoneration, the charged media narrative around Muslims as terrorists – has ruptured the relationship of the Muslim minority with the criminal justice system, particularly the police.

In preliminary discussions, including on the geo-spatial spread of the study, we found that Muslim terror exonerees were a consistent feature of Muslim neighbourhoods, both in urban and rural areas. Our interactions confirmed that the exonerees' experiences with the criminal justice system strongly influence the community's perceptions of policing - even though the exonerees themselves are very few in number. Across all cities, respondents spoke of cases they knew where Muslim youth were arrested in terrorism cases and finally acquitted after spending long years in prison. They also conveyed a common perception that the police view all Muslims as potential terrorists.

This inordinate influence of the experience of terror exonerees on the community's perception on policing appears to stem from the sheer scale of violence and stigma on the individual (in a way that socially everybody is talking about it as injustice) and the centrality of the terror exonerees in the Muslim minority's relationship with the state.

In this light, we felt that it would be critical to document terror exonerees' experiences of policing as an important layer linked to perceptions. We spoke to six exonerees who were charged in terrorism cases and acquitted after spending varied amounts of time in prison. Our aim is not to look at the merits or demerits of each case, but simply to document, in their own words, their interactions with, and treatment by the police, in relation to their own cases. The testimonies of the exonerees are annexed in Annexure 2.

The other side of the coin is the disproportionately low representation of Muslims in the police. The last available official figures of Muslim representation in the police date to 2013. As of that year, excluding the number of Muslims in the Jammu & Kashmir Police, the total representation of Muslims in police services was a meagre **3.14%** of the total police strength in the country. If the representation from J&K is included, the figure of representation of Muslims jumps to 8%, but as the bulk of this is concentrated mainly in one state, it would not be accurate to extrapolate it nationally.²⁹

The data of Muslims in the police over a period of 15 years clearly shows that the numbers have remained consistently low, hovering within 3% to 4% (excluding Jammu and Kashmir).

28 In its 277th report, released in August 2018, the Law Commission of India recommends several measures to hold the State accountable in cases of wrongful prosecution, including a right to compensation for victims, and prosecution of the public servants involved. The Commission drew from, and refers to, testimonies of individuals exonerated in terrorism cases as examples of egregious cases of wrongful prosecution. Please see, Law Commission of India (2018), *Wrongful Prosecution (Miscarriage of Justice): Legal Remedies*, Report No. 277: <http://lawcommissionofindia.nic.in/reports/Report277.pdf> as on 15 November 2018

29 National Crime Records Bureau (2013), *Crime In India*, p. 600: <http://ncrb.gov.in/> as on 23 October 2018

Year	No. of Muslim Police Personnel	Actual Total Strength	% of Muslim police personnel	Strength of Muslims in J&K	Total strength of Muslims excluding J&K	Total Strength excluding J&K	% of Muslim police personnel excluding J&K
1999	89639	1032956	8.68%	30780	58859	1002176	3.07%
2000	100143	1026917	9.75%	31615	68528	995302	3.18%
2001	103545	1030969	10.04%	32588	70957	998381	3.26%
2002	97928	1015416	9.64%	33274	64654	982142	3.39%
2003	94556	1025777	9.22%	33274	61282	992503	3.35%
2004	93691	1042844	8.98%	33274	60417	1009570	3.30%
2005	100634	1046575	9.62%	34954	65680	1011621	3.46%
2006	69365	1091899	6.35%	NA	NA	NA	NA
2007	101843	1095818	9.29%	36603	65240	1059215	3.46%
2008	98462	1132202	8.70%	36910	61552	1095292	3.37%
2009	103226	1215050	8.50%	36910	66316	1178140	3.13%
2010	109262	1223319	8.93%	44457	64805	1178862	3.77%
2011	108389	1281317	8.46%	46250	62139	1235067	3.74%
2012	108975	1298944	8.39%	41852	67123	1257092	3.33%
2013	108602	1348984	8.05%	41089	67513	1307895	3.14%

Source: Derived from Crime in India reports by the National Crime Records Bureau from 1999 to 2013.³⁰

The Sachar Committee had recommended that the number of Muslim police personnel in police stations in Muslim ‘concentrated’ areas should be increased.³¹ The Ministry of Minority Affairs is responsible to track the implementation of the Committee’s recommendations, and on this particular recommendation, the Ministry of Home Affairs will also be involved in gathering data. As of December 2017, it is reported that the current strength of Muslim personnel in police stations from 18 states and Union Territories is 5073 (it is not clear whether this encapsulates only the police stations designated as ‘in Muslim concentrated areas’). 5073 constitutes 2.09% of the total 2,42,541 police posted in police stations.³² In the absence of disaggregated and complete data, this provides a superficial picture of representation. Only 18 states and Union Territories provided data to the Ministry. The data is not provided either rank or police station-wise, making it impossible to count or track representation of Muslims in targeted, meaningful ways. What clearly emerges is that more than a decade after the Sachar Committee made this recommendation, rather than a visible upward intake of Muslims into the police, there is still strikingly low representation. Concerted and dedicated measures are urgently required to achieve at least proportionate representation.

Seen against the disproportionately high representation of Muslims as prisoners, the exceedingly low representation of Muslims within the police is a matter of great concern. The annual reporting of Muslim representation in the police, previously done by the National Crime Records Bureau, has ceased altogether since 2013, with no reasons provided or any plausible justification. As stated above, the implementation of the Sachar Committee recommendation on increased representation at the police station level is patchy and inadequate. The only conclusion to be drawn is at best official apathy, and at worst, an expressed resistance to tracking Muslim representation in the police. The lack of data prevents the framing of any policy initiatives or interventions to tackle this stagnant issue.³³

Taken together, the open and acknowledged police bias against Muslims, as well as the structural realities that marginalise Muslims within the criminal justice system framework, present overwhelming obstacles in the way of achieving non-discrimination. We hope that shining a light on issues of discrimination and the need for equal treatment – accented through the community’s perceptions of routine, everyday policing - will feed into growing calls for the kind of changes in policing that can fulfil democratic and constitutional mandates.

30 The trajectory presented is derived from data reported in the annual Crime in India report by the National Crime Records Bureau over a span of 15 years, from 1999 to 2013.

31 Prime Minister’s High Level Committee headed by Justice Rajinder Sachar (2006), *Social, Economic and Educational Status of the Muslim Community of India – A Report*, http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 22 October, 2018, p. 253

32 As per Recommendation 7, Point 6, Implementation of Sachar Committee Recommendations. http://www.minorityaffairs.gov.in/sites/default/files/Sachar%20Committee%20Status_2.pdf as on 28 October 2018

33 There are important legal and policy debates and developments regarding the issue of reservations for Muslims in the police – these will be covered in the section on Muslim police personnel’s perceptions and experiences.

Community Perceptions of Policing

Summary of Findings and Major Themes

This section identifies and summarises the community's perceptions of policing. While there are state-level contextual differences across jurisdictions in which we conducted this study, there is a symmetry in experiences and perceptions of policing. In itself, this indicates that there is consensus on issues of concern related to policing that are affecting the Muslim community as a whole. While it is recognised that perceptions cannot be taken as fact or objective realities, they certainly provide a barometer of how this community sees and perceives the police as an institution, and how it feels in being policed.

The overall picture is of a community that feels acutely discriminated against by the police. Respondents say they do not trust the police to protect their physical safety or legal rights, and in fact, there is an overwhelming feeling that Muslims are harassed, victimised and targeted by the police based on their distinct identity. There is a pervasive sense that they are constantly under suspicion of supporting subversive, 'anti-national' activities; are surveilled and subject to higher levels of intrusive policing; and the police makes deliberate efforts to limit and prevent community mobilisation. We draw attention to the particular impact on Muslim women of this perceived bias.

All together this results in increasing feelings of alienation and marginalisation, which will only sharpen if not properly addressed.

Provided below is a summary of the major perceptions that emerged, illustrated by direct quotes and experiences narrated by respondents. Our effort is to stay true to what was said to us by reproducing the statements verbatim, and only draw out patterns, or make larger connections where relevant.

Police target and victimise Muslims based on their identity, revealing a distinct bias

There is a unanimous perception that the police targets and victimises Muslims, resulting in feelings that the community is often criminalised without basis, and kept in cycles of fear, intimidation, and the constant threat of being detained and abused. Respondents expressed the incessant distress and trauma.

Respondent from Bengaluru

"For the last 20-25 years, the police have targeted some Muslims from a Muslim-dominated area, and for every case, they name these individuals as culprits and pick them up. They beat them up so badly, that these people are terrorized."

Respondent from Mumbai

"Their aim is simply to arrest Muslims and ensure through the media that a negative image of the Muslim community is created in society. It does not matter if they have evidence to support these activities, or if the Muslims they accuse get convicted or not. The Government's defence against their low conviction rate is just that they couldn't get enough evidence – never that the accused were innocent."

A candid acknowledgment of targeting by a police Constable himself in one narrative:

Respondent from Lucknow

"The police picked up my friend in a burglary case, so I went to the Station House Officer (SHO) to ask him what my friend was charged with. But the SHO threatened to throw me in jail if I asked too many questions. As a student, I was insulted when my questions were not entertained, but then, a constable from the Yadav community cautioned me, "ki beta zara aaram se baat karo PS mai, ye PS ka reewaz ban gaya hai ki koi bhi Muslim family aati hai unko extra torture kiye jaata hai."(Son, talk nicely inside the police station,' he said. 'It is routine to harass and torture Muslims who come to the police station.') More importantly, the burglary victim had even told the police that my friend was not involved in the case, but despite this evidence, the police did not release him."

Respondent from Kozhikode

"It is very difficult for Muslims to get justice. An acquaintance of mine was arrested in 2015 over charges of putting up a social media update against the Indian Army. He was arrested by cops from a police station that does not even have jurisdiction in the area, on instructions by the District Collector. I filed a petition on his behalf, arguing that someone else had posted the updates from a fake profile. After investigations, it was found that it was indeed a fake ID created in my friend's name from a certain place that was responsible for the status updates. The creator of the fake ID allegedly belonged to a right-wing organization. My friend was released, but so far, the case against him has not been withdrawn and no case has been filed against the actual accused person. The police does not want to look into who created the fake account or how or why."

Police's biased responses to community identity markers were also highlighted.

Respondent from Mumbai

"If you step in a police station with a beard and a skullcap, you will definitely have at least one police officer remarking, 'Oh, what has happened? Make him sit on the side; we will get to him later. Ask him who he is and where he has come from'."

Respondent from Guwahati

"I have seen the police taunting Muslim people's identities. They say, 'Miyan, take off your shirt. Show us, are there marks on your back?' [This is a reference to the scratches that migrants often bear on their backs from barbed wire fences as they struggle to enter India.] Such taunts radically attack a person's identity."

Respondent from Lucknow

"If I go to a police station, I would not reveal my true identity. I would call myself by a Hindu name like Tripathi, or Thakur. Yadav name has a lot of influence."

Assam: An Added Dimension

Intelligence gathering and identification of supposed 'foreigners' is assigned to a branch of the Assam Police known as the Border Police³⁴, who then refer these cases to the Foreigners Tribunals for adjudication. According to guidelines passed by the Guwahati High Court, no reference can be made without a preliminary investigation. However, respondents in Guwahati told us that these guidelines are frequently flouted and most people find out that they were being investigated only after notices have been served on them by the Foreigners Tribunal. They also felt that Bengali-speaking Muslims were often unfairly targeted and that the conduct of the border police betrays a definite prejudice based on religious identity.

"Either there is no investigation whatsoever or there is a short investigation. Azmal Haque, he served India for 30 years. He was accused of being an illegal migrant by the Border Police. He retired as a JCO. Abdul Kalam who was the President, he appointed him as the JCO. Generally the President of India appoints JCO. He was my client and there was huge uproar, national uproar, everyone was reporting it. Everyone was asking questions to DGP Assam and DG Border, how in the world you accuse Army officer of being an illegal migrant. They said this is a case of mistaken identity. They withdrew the case."

"So what they do in Guwahati, the Border Police what they do in every police station they catch hold of the daily wage laborer. They catch hold of the rikshawala and now they don't have the directory. They don't have the name and they will go and say what is your name, show me your rikshawala I-card or anything. They will write the name and enter okay, you can go now. They will go to some tenants, I mean where people are staying as tenants. They will go there... They go and they talk to the landlord and they say what are the names of your tenants... There was no investigation whatsoever. In 2013 I think they have changed the rules. Now they need a photograph, now they need this thumb impression and all. So now they catch hold of people and they say that you put your thumb impression. This is the normal exercise for the tenants around Guwahati and they also take their documents. When they reach their target, achha is mahine itna karte hain, next ke liye rakh dete hain nahin to isiko chhod denge. (we will do this much for this month, let's see for next month or we will let him go). And at times they ask bribe also. So you give us bribe or we will send you the case. So that does also happen. So now even if you give your document, they will have to fill up the target. They will send your case to Tribunal."

"There are two parts of the Assam police organization: the first is the civil police, and the other is the border branch or the Border Police. The latter works discreetly. There is a border organisation -- which was created many years back -- in every thana. Its main job is to identify prospective foreigners, investigate, submit reports to the foreigners tribunal and send it to the SP of the Border Police. They file many reports against Muslims as suspected foreigners. Anybody who is declared a D voter in this manner loses all government benefits."

Muslim women feel a double burden amplifying a multi-layered bias

Across states, Muslim women expressed the difficulty of bearing the 'double burden' of being a Muslim and a woman. Women distinctly felt their identity as Muslims was a primary reason for both police indifference and bias towards them. They unanimously said that police attitude and behaviour is sharply prejudiced when women access the police wearing Muslim identity markers like burqa/hijab.

Respondent from Mumbai

"As soon as a policeman sees a woman in a burqa or hijab, he refuses to entertain her, and asks her to sit and wait. Her turn never comes. In fact the waiting period turns into an hour, then two hours and so on."

³⁴ The Assam Police Border Organisation (often commonly referred to as the 'border police' or 'border branch') was established in 1962 under the P.I.P. (Prevention of Infiltration of Pakistani) Scheme. After the liberation war of Bangladesh, the P.I.P. Scheme was renamed as P.I.F. (Prevention of Infiltration of Foreigners) Scheme. The border police is headed by an officer of the rank of Addl. Director General of Police and is currently manned by 4,037 personnel of different ranks. <http://assampolice.gov.in/departments/border/index.php>

Respondents from Delhi

"The police looks at every burqa or hijab clad woman as a terrorist. They say, 'The country has given you so much, what else do you want?'"

"The police considers Muslim women – especially those wearing the hijab – as illiterate, and worse, as terrorists, and treats us unkindly. If I go to a police station as the only one among a group of women without wearing burqas, they will give me preferential treatment."

Respondents from Lucknow

"The police's perception changes because of these identity markers, even their behaviour and manner of talking changes when they speak to a woman in a naqaab. There have been times when they have even threatened to tear off the hijab, but women bear this Islamophobia."

"The police have a set mentality. Once, during the case of a Muslim woman who was in police custody, the police asked us why we (social workers) were getting involved. 'She is a kasai [butcher],' they said, adding that her family would chop us off."

In some places, comparisons were made to preferential treatment to Hindu women, drawing out how perceived bias can subjugate one's sense of self and identity.

Respondents from Bengaluru

"Hindu women are treated well, whereas we are discriminated against because we are Muslims. The police don't even let us wait inside the police stations."

"Women feel that police station settings are not secular. As soon as they start speaking in Urdu, the police figure out that they are Muslims and start discriminating against them."

Respondent from Mumbai

"I am a Muslim, but as a social worker, I have to use a non-Muslim name to be able to work. I do not want to change my identity, but there is small consolation in the fact that at least I'm able to help people. This is what I keep in mind as I work, but this is, in fact, harassment. If I identify as a Muslim when I work, I will get no respect, nobody will listen to me."

Women victims shared that they are subject to victim-blaming and the police's refusal to respond to their crime complaints, exposing a common and shared hurdle for women of all communities in accessing the police. At the same time, Muslim women revealed the biased taunts and jabs they are subjected to by police officers, expressed in pejorative references to religious practices and stereotypes.

Respondent from Kozhikode

"The police feel that Indian law has nothing to do with Muslims. Whenever I accompany a Muslim woman for a case to the police station, they ask us why we have approached them. If it is a matter of maintenance, second marriage, a property issue or an atrocity, they tell us to solve it within the community and not 'waste their time'."

Respondents from Ahmedabad

"We work with a lot of domestic violence cases, but whenever we go to the police station, they tell us that such cases keep happening in the (Muslim) community, so we should solve it ourselves and that there is no need to come to the police. If a Muslim woman goes to the police on her own, they mentally harass her by either making her wait or asking her to come back the next day, or telling her to solve the matter on her own."

"(The policemen) disregard us if they find out that we have come from a Muslim-dominated area, sometimes even threatening us that we will be beaten if we don't leave. Once, they said, 'burqa nikalo, kya bomb leka aaye ho kya? [Take off your veil; have you brought a bomb here?].'"

Respondents from Delhi

"If we go to the police station with complaints related to marital issues, the police taunt us by asking why we have such issues in our community if one can marry four times."

Display of Hindu religious practices and symbols in police stations are perceived with apprehension, discomfort, and elicit marginalisation

There was unanimous acknowledgment of the presence of Hindu religious symbols – often temples – inside police stations, and the overt practice of religion by police officers while on duty. Respondents shared that this open display, in an official space meant to serve all the people of India, trigger apprehension and feelings of subjugation as a minority.

Respondents from Mumbai

"There are pictures and idols (of Hindu gods) in police vehicles too."

"Such display of religious symbols make us feel alienated."

"We now see policemen applying tilaks. These practices of applying tilaks have increased in the last two years."

Respondents from Guwahati

"I have been seeing temples inside police stations since I was a child. The police performs all their 'poojas' (prayers) in the police stations themselves. In every single one, you will find a Shiv Mandir."

"There are temples in most police stations in Assam. But I have not yet found a police station with a Masjid."

Respondent from Ranchi

"Around 70% of the police stations here have temples. Their day starts with an aarti (a Hindu religious ceremony)."

Respondent from Bengaluru

"Every week now, a local swami (priest) is called to perform poojas at the police station. They are also poojas for the weapons in the police station. During the Dussehra festival, again, poojas are conducted in every office. Some people say these practices have existed for a long time, while others say that lately, they are being done overtly."

Respondent from Kozhikode

"In the Wirau police station in Thrissur district – an area with a significant Muslim population – there are photos of (Hindu god) Krishna displayed. The whole Kerala Police celebrates events such as Mahanavami and Vijayadashami – and this has been the trend for the last 10 years. On Vijayadashami, the police also worship weapons. I feel irritated when I see any religious symbols."

Respondents from Ahmedabad

"Places such as police stations, government offices, hospitals and courts are supposed to be secular. But all of them either have temples or photos of Hindu gods."

"Here the boundary of Police Station and a temple is the same. Rather the police stations are 'inside' the temples."

In Gujarat particularly, respondents felt the open display of religion visibly increased after the 2002 riots, and signals a growing majoritarianism in state institutions more largely.

Respondents from Ahmedabad

"Bhoomi poojan', a Hindu prayer ceremony, was performed during the construction of the High Court

premises. Someone filed a petition against this; not only did the petition get dismissed, the petitioner was also fined Rs 20,000. This 'Hindu-isation' of state institutions has starkly increased after 2002."

"As a gift to the Police Inspector (PI) in our area for his good work, I gave him a framed verse of the Quran. However, he expressed worry about displaying it at the police station. 'I will put this up at home,' he said. So there is fear among state police as well."

"I have heard that no police official should wear any religious symbols and that they are barred from doing so. But nowadays, even top-ranking officials wear threads and other Hindu symbols. After the BJP (India's current ruling party, the Bharatiya Janata Party) came to power, these Hindu symbols have become more visible."

A particularly vivid account illustrates the ingrained and unquestioned nature of overt religious symbols and practices for some police officers:

"There are framed images of Hindu deities all over the police stations in Gujarat. Muslim women worry about visiting police stations and have even stopped going there because they believe that the police officials are all Hindus and won't listen to their grievances. Men have also started believing this. People are afraid. We told the PI about the issues being caused by the religious images and suggested that they remove them so people from other communities could feel free to come to the police stations as well. He refused, saying that [the police station] was like a temple for [the officials] because it gave them their rozi-roti (livelihood). The police officials also do not start attending to people unless their poojas are completed. These developments have come about after the riots."

Our discussions revealed that some Muslims have simply accepted the presence of religious symbols inside police stations with indifference.

Respondent from Guwahati

"Temples inside police stations do not affect the Muslim community."

Respondent from Ranchi

"How much pooja is performed in the police station depends on how religious the SHO is. But the Muslim community is used to it now and it doesn't matter."

Though conversely, there was a greater show of anger, frustration, and opposition to displays of religious identity or symbols of any kind in police stations, or any government offices.

Respondent from Mumbai

"There should be no religious symbols in government offices."

Respondent from Guwahati

"I oppose the presence of religious symbols in police stations – or any government institution!"

Respondents from Ranchi

"There shouldn't be temples [in police stations]. They should be limited to the police families' residential areas – that is a separate issue."

"There is also the fact that if there is a temple in the police station, people donate money to them, and this can become an illegal source of income for police officials."

"I want to say that there should only be temples of justice inside police stations."

Respondent from Lucknow

"There is a case to demolish a mosque going on in the High Court, but they do not want to break the temples inside police station. There should be no temples in government offices at all. Earlier, there used to be pictures of leaders on the walls, but now there are gods. This is an exclusionary agenda."

Police perceive Muslim concentrated neighbourhoods as subversive and criminalised, holding the community constantly suspect

A common perception emerged that the police sees Muslim localities as dens of criminal or terrorist activity, perpetuating a constant suspicion and distrust of the community. Muslim community members said that police attitudes and their dealings with Muslims are conditioned by this lens of prejudice. For the community, this represents a huge barrier between them and the local police. Across almost all the cities we visited, we heard the repeated complaint of the pejorative characterisation of Muslim areas as 'mini-Pakistan', lending insight into how the community believes itself to be viewed by the police. It is not limited to being seen as coming from a crime-infested locality, but extends to being viewed as potentially anti-national, separate from the mainstream and feeling that your loyalty is always suspect.

This perception of densely populated Muslim neighbourhoods in urban areas (ghettos) only reinforces the unfortunate reality of the increasing physical segregation of Muslims in housing and urban development.

Respondents from Ranchi

"We are looked at differently just because we come from a certain area, even if we live normally as a society. There is a perception that Muslim-dominated areas are terror-ridden or dangerous, or are a 'mini-Pakistan'. Because of this, during national festivals, police movement and detentions are increased in Muslim areas. They patrol all gallis and mohallas (lanes and colonies)... An environment of terror is created."

"They put barriers and road dividers in Muslim areas. Why do they have to put these only here? We don't see these barriers near the areas where Hindu communities live."

Respondent from Ahmedabad

"Small pockets with high Muslim populations are called 'mini-Pakistan'. The police believe that Muslims are either traitors or terrorists (deshdrohi or aatankvadi). They consider women wearing burkhas illiterate; they think four marriages are common [in the community]. There are more police chowkies, thanas and barricading in Muslim-dominated areas. The already oppressed are demonised even more. Since this demonisation has become so normalised, Muslims also don't wish to go to the police stations, because it becomes a question of losing honour for them."

Respondents from Delhi

"Areas with Muslims are called 'mini-Pakistan'. In Delhi, these areas include Batla House, Jamia Nagar, Taj Colony's slum areas, and Seelampur, among others. Even (India's Home Minister) Rajnath Singh said to the media that terrorists were trained in Batla House! The police remarks that all these 'mullas' are 'like this only'."

"There is a lot of patrolling [in this area], especially after dinnertime. After the nightly namaaz, they don't even allow men or boys to stay out in public areas. Once, two young Muslim men were talking in front of their house; the police began to abuse and beat them with lathis forcing them to disperse. One of the men caught the police lathi. For that, they were detained in the police station for two days."

At the time of intra-community clashes between Hindus and Muslims, respondents narrated incidents revealing their sense that the police took the side of the majority community even when both communities were complicit in the violent incidents.

Respondents from Ranchi

“During Ramzan, a Hindu baraat halted before a mosque for a long time, and this turned into a chaotic scuffle. The police had to come in to control the situation. They arrested 78 Muslim youth, but only one Hindu person.”

“After a clash between Muslims and non-Muslims in my locality, the police imposed a curfew – but only for the Muslims. We were forced to stay indoors, while people from the other community could be seen outside with the police.”

Respondent from Bengaluru

“During a Hindu-Muslim clash, both sides had resorted to stone-pelting. The police arrested members from both communities, but shortly afterwards, a local Corporator (who the Muslims had not voted for in the last elections) came with a pickup truck, and left with all the Hindus after getting them released from a police station. The detained Muslims, however, were kept in the police station in their underwear for five days before they were released. They were beaten every day. After this, the Muslims lost their trust in the police.”

Over-policing of Muslim areas to control not protect

The perception that Muslim areas are ‘surrounded’ by police stations, to keep tabs on the community, but also as markers of an unofficial boundary between Muslim and other areas, came through. Respondents expressed a sense of being over-policed and called out the persistent level of police intrusion into their daily lives which for them causes insecurity rather than security. This only reinforces the feeling, and burden, of being perceived by the state as a suspect community. This is creating a situation where the police’s perception of Muslim areas as crime prone, and their identification of Muslims as likely criminals and terrorists, creates a fear in the minds of ordinary Muslims who in turn perceive the police as dangerous and even hostile.

Respondents from Mumbai

“No matter what law and order problem arises in the city, maximum security is sent to Muslim-dominant areas – not for their security, but to keep an eye on Muslims.”

“The police keeps tabs on the [Muslim] community, on everything you do. They deploy two or three Constables during the Friday prayers. Some informers even come and sit among us during the prayers.”

“I have noticed that some Muslim dominated areas are always on the security radar. There are lot of intelligence people in such areas, especially from the Intelligence Bureau. Once, I had to go to the CBI headquarters for some work and I saw a person there who I have often seen in Muslim localities.”

Respondent from Lucknow

“They have set up police booths in Muslim locality with the objective of creating fear in the community and to ensure that the Muslim population in prisons is high. They operate with the mindset that Muslims are terrorists, and keep a close watch on us.”

Respondent from Delhi

“The police creates a lot of panic and havoc at night after 9:30 pm. They are supposed to patrol all the lanes and by-lanes during national and religious festivals, but during other times, I think there is too much scrutiny and patrolling in the area.”

Respondent from Ahmedabad

"During festivals – especially Hindu festivals – rather than providing the community with security, the police cordons-off Muslim colonies. During Navratri, the police visits all Muslim houses for questioning. There is a lot of harassment during this period. They detain young men 10-20 days before such festivals, beat and harass them. This has now become a business for them, because they know that the families will pay bribes to get their sons released."

Damaging proliferation of local informer networks by the police, splitting the community against itself

A deeper sense of 'being watched' by the state, through the intrusive medium of police informers or 'mukhbirs', was repeated across states. It emerged that there is an increased presence of informers cultivated by the police at local levels, and many of them are Muslims themselves. Respondents across all cities displayed a keen awareness of the presence of police informers in their communities.

Generally, people who 'turned' into informers were described as a petty criminal or local upstart who comes in conflict with the law, and becomes an informer for the police in exchange for evading further prosecution and personal benefit. This is often at the prompting of the police itself. An informer can even include 'respectable' members of the community who may be engaged in unlawful, criminalised activities with the police. Respondents describe the process of police cultivating informers in their own words.

Respondent from Bengaluru

"Police personnel gather intelligence from people who have been involved in criminal activities and they make them informers."

Respondents from Ahmedabad

"The accused in minor cases are forced to become informers for the police because they are told that their cases will be quashed if they agree to work for the police. The ATS (anti-terrorism squad) also does this. My son's friend was killed in an encounter after he refused to become a police informer."

There is a sense that a range of aspects are taken advantage of to turn individuals into informers: socio-economic vulnerabilities, petty or habitual criminality, and also as an escape after being implicated in a serious case.

Respondents from Delhi

"The police create informers by picking out weak individuals from the Muslim community."

"The police targets petty criminals from the Muslim community. I have found in a lot of cases that they are asked to go to jail on someone else's behalf on the assurance that their family will be cared for. At the same time, they are also threatened that if they don't comply, their families would be imprisoned."

Respondents from Mumbai

"A new pattern has emerged. Muslim youths are less educated, so they are told that they will be paid Rs. 5000 to sit at home and keep informing the police about the activities in their area."

"There is a very heavy informer presence in our areas. Muslims become informers for the police and agencies themselves since they get paid for it. The police tries to blackmail people; first, they will 'save' a drug peddler or thief and then blackmail him to get money. This is because the Muslim community suffers from a very high drop-out rate and they become soft targets for the informer network and drug peddling. There is a big relation between informers and unemployment in the community."

Respondents from Bengaluru

“Police catch hold of petty criminals and ask them to become informers. So police have their network.”

“Nothing remains personal anymore. Anything you say in front of someone will get leaked [to the police]. In 2013, we had heard that there were 40 informers in Bhatkal. Now it might have increased.”

Respondents from Ranchi

“The police makes deals with people with criminal backgrounds, where they become an informer and in return, they are paid and are allowed to continue with their illegal activities.”

In our deliberations, it became clear that the presence of informers is damaging the Muslim community within itself in multiple ways. Informers are seen as unreliable and untrustworthy, and not above exaggerating a point to increase their own value or passing on misleading information to settle personal scores and rivalries. While there is no way to know for sure who is an informer, suspicion and speculation easily takes the place of concrete knowledge. This is leading to a climate of suspicion within the community. So much so that anyone who regularly engages or interacts with the police comes under suspicion of being an informer. Many respondents expressed a cautionary tendency to be more careful and wary of the things they say in front of people who regularly move in police circles, for fear that anything they say might be distorted or exaggerated and used against them in some way.

The fear – as well as disdain – of informers stems not from an apprehension that the informer will expose some actual illegal activity, but the fear of being unjustly implicated because of personal rivalries or other factors. There is a general feeling that informers are a main method of policing and investigation adopted by the police, made worse by a complete lack of confidence in the fairness or neutrality of informers. There also seemed to be a feeling that the heavy presence of informers among Muslims is due to the police prejudice that looks upon all Muslims as potential anti-nationals whose loyalties are always suspect.

Respondents from Ranchi

“90% people say that one should stay away from police and only who are police informers are nearer to them.”

“Informers look for opportunities to settle personal scores; they sometimes frame people too. Because of this, some informers have been murdered as well because they attacked a lot of people like this.”

“In one case, a person was tortured a lot after being framed in a terror case. When the police didn’t find anything on him, they asked him to become an informer as well, and promised to give him full protection, a car and a mobile phone.”

Respondents from Ahmedabad

“Informers have a huge network. Sniffer dogs are taken for a walks in the mosques every morning. This basically serves to tell the community, ‘you Muslims are under a watch’. Journalists, Shanti Samiti and Police Mitras are also informers.”

“Once, the police picked up a student who was preparing for his entrance exams. They sealed his room. A day later, the police ‘recovered’ Rdx and weapons from the room. How could this be possible? This was clearly the work of an informer who got a lot of money in return. So we now see that the police has created a network of informers who frame innocent people.”

Respondents from Guwahati

“Once, we had organised a community-level meeting on the streets. There was this informer sitting amongst us, who live streamed my entire speech to the Station House Officer.”

“This kind of thing happens mostly in Muslim-dominated areas. My phone is tapped because I am a member of a leading student organisation.”

Community policing initiatives being co-opted by informers

Police departments, particularly in urban areas, often take efforts to set up community policing initiatives to proactively reach out to the public at local, neighbourhood levels. There have been various experiments of different kinds – peace committees, mohalla (neighbourhood) committees, police mitra (friend) programmes, the creation of community liaison officers in police stations.

With regard to the Muslim community specifically, possibly the most noted of these initiatives was the formation of Mohalla Committees in the aftermath of 1992-93 in Mumbai. Established with the aim of preventing further communal violence, the police, Muslim and community based organisations came together to form these neighbourhood level committees across the city. They were made up of senior retired police officers with community activists and leaders, and acted to bring the community and police together on local issues of policing, public safety, and community developments. They continue to exist to the present, but there are mixed views as to how effective they are.

Unfortunately, among Muslims, there is little confidence in the integrity of these community policing initiatives, both in terms of their make-up and the issues they raise. Respondents across cities expressed the common perception they are packed in with informers, and seen as co-opted and corrupted by the community. This view emerged in Mumbai too, in light of a perceived decline of the Mohalla Committees.

Respondent from Delhi

“When the police force starts initiatives such as ‘Police Mitra’ to reach out to Muslims, they actually use it to create informers within the community.”

Respondent from Lucknow

“Muslim-dominated areas and Muslims organisations are under surveillance. In Uttar Pradesh, there is a Special Police Officer [at the police station level], who can be a private citizen whose job is create an environment of ‘Bhaichara’ (brotherhood) and ‘Shanti’ (peace). But basically, he is a police informer who creates an atmosphere of fear in the target area. We often hear of Muslims localities being called ‘mini-Pakistan. We are trapped not just by outsiders, but also our own people.”

Respondent from Mumbai

“Mohalla committees no longer meet with common people like they used to. Now the meetings only happen with their dalals, builders, etc. It is the same in all police stations. I had given the DCP a list of people whose presence in the committee would build peace and trust between communities and also between the police and the people – but so far, nothing has materialised. These days, we are not even called for the committee meetings, because we talk about important things. The committee members are just involved in passing information, and helping the police make money.”

Respondent from Ranchi

“After an incident, I had requested the SP to call a meeting of the Peace Committee to find out who was responsible for it. We also told him that that he should update his old network of informers, who had been giving him incorrect information for the last 20 years. The SP laughed, saying that the informers did give wrong information at times, but the police department needs ‘dalals’ (agents) who worked as informers and also times framed people. He said the department cannot function without them.”

Police have a discomfort and wariness about any kind of organized mobilisation among Muslims. The police not only track and monitor Muslim groups’ activities, they make constant attempts to curtail and control mobilisation

CHRI and Quill spoke to a wide range of organised Muslim groups of various kinds. These included religious and cultural organisations, human rights groups, NGOs involved in developmental work,

individuals involved in larger social and political groups and movements, student organisations, and formal and informal collectives within the community. Being of different stripes, they cannot be thought of as having similar attitudes or a monolithic outlook simply because they are located within Muslim localities or largely constitute Muslim members. They each have a particular genesis and mandate, and carry out diverse activities of different hues.

Despite these variations, there is a near-unanimous feeling that the police want to restrict any mobilisation of any Muslim group. This control and curtailment is usually exerted in subtle ways and takes various forms. It can be seen in different kinds of interaction with the police, such as the haggling over permissions to hold protests and demonstrations, the presence of local intelligence in all events, and the way in which the names and identities of every individual involved in various activities is recorded and often enquired after.

The kinds of activities organised by the groups we interacted with include the following. Religious and cultural organisations are involved in the propagation or teaching of their religious ideas and beliefs, and their activities include conducting prayer meetings, organizing public lectures propagating the ideas of their faith, and individually reaching out to members of the community. These organisations would also be more likely to have a strong opinion on the religio-cultural and identity centric issues of Muslims.

On the other hand, human rights or other rights based organisations are involved in human rights advocacy and intervention, including conducting meetings, holding seminars, organising interventions etc. These organisations would have a very different outlook than religio-cultural organisations, and would be more likely to have a rights-based approach to various issues. Student groups are active on campuses and educational institutions. We also spoke to individual Muslim activists and social workers who are part of organisations or social movements whose activities are not centered exclusively or predominantly among Muslims.

The issue of haggling over permission, and often being denied permission, came up repeatedly. Similar experiences across cities gave rise to the common perceptions that the haggling is a way to control mobilisation, regulate the publicity of an event and sometimes even the content of what is going to be said, and which individuals are invited to speak.

Respondents from Ahmedabad

“Even when we get permission [to conduct events] from the Assistant Commissioner of Police, the local police does not give us the papers. They also discourage us. ‘Why are you doing all this, study or do other work,’ they tell us. If you don’t get the permission for an event, then the police will detain you and release you only after the programme is over.”

“We don’t get permissions [to hold public events] in Gujarat 99% of the time. The police offers us some law-and-order excuse. In 60-70% of the cases, people go to Sardar Park without permission. They think that they will not allow us at the most or detain us.”

Respondents from Mumbai

“We work in the NGO sector. If ever we ran a campaign against the government, the first response for the police would be to ask if we had taken their permission. And if we did go to the police department for permission, we would have to go through a very lengthy process – and even if we did follow the process, we would still be denied permission at the last minute. Even after getting police permission, we usually see heavy police presence during our events. There are often new students in our meetings. The police makes it a point to indicate to them that they are against such ‘activities’.”

“We had organised a felicitation programme for a competition between students from classes 8 and 9 from 15 schools. Since this was an indoor event, we had not informed the police. On the day of the program, we got a call from the police station. Since our organisation has a Islamic name, the police grilled us about details of our families and the group, asking why we were trying to ‘influence’ school children.”

“We wanted to organise a rally on peace and human rights. The police department asked us not about the

rally, but about the organisation. They took everyone's contact numbers and did not give the permission for 5 days. We only managed to get the permission after a senior officer stepped in. Even then, it came with a lot of riders – specific routes were given, and they insisted on checking each and every slogan as if they were checking for a communal riot."

"They asked a lot of uncomfortable questions every time we want to organise an event as if we up to some sort of mischief. If it is an educational programme, they want to know where our funds are coming from. They question us for hours about mundane things. These are just ways to intimidate and harass us."

"Whenever a Muslim community wants to stand up for their democratic rights, it is very difficult to get permission for a simple corner in Azad Maidan. Even if the police does grant permission, they keep calling organisers to the police station and harass or threaten them. The police get them to sign bonds. Hence, Muslims are wary of participating in such protests. Meanwhile, people from other communities are free to do anything, anywhere. There is a clear bias in the police force."

Respondent from Ranchi

"No Muslim group has ever been able to organise a public programme on the issue of lynching."

Respondents from Guwahati

"We get no support in organising events. If the All Assam Students Union organises something, the police supports them, but when the All Assam Minorities Students Union wishes to conduct an event, there is no police support."

"The police takes its own time to grant permission. It is difficult for us to fix a date for our meetings and prepare adequately for them since we don't know when we will be given permission."

"It usually takes around 15 days to get police permission. First it goes to the DCP's office, then to the SP's and finally, to the local police station. I have also found that for a meeting of 50-100 people, there is a police presence of 150-200 police personnel, so the police outnumbers the participants."

"If you seek permission to organize a three-hour event, they will only grant it to you if you reduce it to one hour."

Respondent from Lucknow

"Sometimes, the police tell us that our permission forms have been lost or that it is with a different department. They force us to run from pillar to post."

Respondent from Delhi

Police are more worried about the fact about Muslim youths getting organised. Police ask why they are doing the programme. They expressed the view that there is a sort of khauf that Muslims are getting organised and that they are becoming a force. Therefore the police now pressurize the Muslims organisers of an event to change the topic and venue. Earlier it was not like this. Earlier the police would come and go. Now they are far stricter. When there is a big seminar, usually there is a 'nazar'."

Experiences and anecdotes abound. A social worker from Gujarat described how permissions were often cancelled at the last minute and the organizers were discreetly asked to drop a particular speaker or not talk about a particular issue, or even reduce the timing or change the venue at the last minute, if they wanted the permission to be given. In one particular event which was being organized by the local chapter of the Babri Masjid Action Committee, one of the trustees was called by a member of the local intelligence unit and pointedly told that permission would be cancelled unless a particular person was dropped from the program. Activists from Uttar Pradesh related how permissions were often held up till the last minute to ensure that appropriate publicity would not be done and the turnout could be lowered.

Similar experiences were relayed across different cities, giving rise to the near-unanimous perception that the power of the police to grant permissions was being used as a tactic to control and regulate Muslim mobilization.

Notably, groups based in Delhi and Mumbai shared the strategy that mobilising jointly with other community groups often proves successful, perhaps as it lowers the suspicions in the eyes of the police.

Respondent from Delhi

"If it is a protest by Muslims, the police come out with full force. But if it's a joint protest with any other secular group then Muslims feel safe. Therefore the group members expressed that they ensure that they organise joint protest."

Respondent from Mumbai

"They keep denying us permission. We need to seek permission even to distribute one pamphlet. Therefore, when we want to organise a protest, we do it with other organisations and they don't object to it."

The specific experiences of organised Muslim student groups give rise to concerns. Representatives of student groups and activists described their feeling that student groups are treated with suspicion and constantly kept under surveillance.

Respondent from Bengaluru

"We were protesting against the communalisation of text books in Karnataka. When I was in Mysore, I was approached by every agency: state intelligence, IB, the Commissioner of Police's office. We were 30 people protesting, and there were 50 police personnel."

Respondents from Kozhikode

"As a student, I had organised an event as part of Student Islamic Organisation (SIO). Soon, Special Branch officials called every SIO member and even visited their houses; they spoke to our families and neighbours and kept asking them if they knew if I was related to ISIS to terrify them and create the impression that I was not a respectable member of society."

"Students were peacefully protesting following the Rohit Vemula case, when the police began to brutally attack them. Then they took the students to the thana, without providing them medical help or even water. Even the minors were kept overnight without being allowed to meet their parents. The police charged the students under Section 153A IPC, claiming that they were creating enmity between two communities by raising slogans such as 'Down, down, Hindus'. We were saying 'down down Hindutva'. Since this was around the time for general elections, the state decided not to press charges. As all the demonstrations were video-recorded, the judicial magistrate viewed them and understood that no such slogans were raised. They were finally granted bail after four days upon the condition that they would no longer participate in protests. When they were being released, we arranged a reception for them, but the police prevented us by invoking preventive arrest under the Code of Criminal Procedure and said we were continuously causing problems."

Respondents from Mumbai

"There was an SIO conference in Bareilly, Uttar Pradesh, for which, we were to receive three students arriving by train. On their way, they were stopped by the police and two of them were detained and brought to the station after the police found that they were part of SIO. They asked the students the difference between SIO and Student Islamic Movement of India (SIMI), which is a banned organisation. 'You do the same work but just have a different name,' he told the students and detained them for six hours. When we reached the police station, we told them that while they were dressed differently (with skullcaps and in pyjamas), these were indeed students coming to attend a conference, but the policemen were adamant. We could only get the students released after we spoke to the district magistrate."

"[The police] keep an eye on all SIO activities. We had an internal election and participants came from different places. Police kept a watch on us near our office throughout the program, and monitored us as we dropped people off at the railway station. They left only after calling us on the phone at the end."

Student organisers across states said it is normal practice that when organizing any event, even on campuses, the key organizers are contacted by various police personnel - from the district

Superintendent's Office to members of the Local Intelligence Unit asking for details of the event including the nature of the program, the names and background of the speakers, the expected number of participants etc.

During student-run events, there is always be a visible presence of local informers and sometimes even uniformed police. Student organisers shared that they are constantly asked to prove that they are not 'radicalising' the youth or mobilizing them for 'anti-national' activities.

One interesting takeaway was that many of these student activists were not particularly perturbed or bothered by the constant questioning itself. There seemed to be a general acceptance that this was the way things were done, a normalization of the fact that organizing even basic activities like personality development workshops or discussions around current events could only be done with enormous care and consideration, keeping the local police informed and in the loop at all times.

Some even joked that police informers and other police personnel were their most loyal audience. The greater irritation seemed to stem from the fact that this process of talking to the police and answering their questions took up large parts of their time and resources, and often intimidated newer students from getting involved in their activities.

In Sum

Citizen-police interactions in India are a complicated subject, fraught with tensions, irrespective of religious or other identities. The interactions throughout the course of this study reveal a stark reality: that being a Muslim generally means an added layer of tension, complication, and being discriminated against, in any engagement with the police. The sense of discrimination unfolds in various ways: as general discrimination or treatment as secondary citizens; and through visible disrespect and targeted prejudice expressed through statements and police actions. This is amplified for Muslim women through the double brunt of both gender and religious identity bias.

The recounting of police reactions to a Muslim name, let alone to identity markers such as a burqa or skullcap, reflect the overt prejudice that Muslims can be subjected to just in accessing a police station. The presence of Hindu religious symbols in police stations further polarise community members from the providers of a public service meant for all citizens and communities.

The tag of Muslim areas not only as crime-prone but also as 'mini-Pakistan' reinforce the community's perception that Muslims are perceived as a suspect class by the police simply by virtue of being Muslim.

The deep impact of a perception of constant and intrusive surveillance by the police, on daily life, is starkly revealed. Apart from a feeling of being constantly watched, the police's creation of informers is seen as a way for the police to control what happens within the community. This leads to a deep-rooted sense of being unfairly targeted. It also emerged that the presence of informers is spreading a poisonous divisiveness within the community.

Taken all together, for the Muslim community, the general apprehension of the police is compounded by feelings of being a targeted community. Irrespective of the nature or cause of engagement, respondents conveyed an acute sense of being discriminated against by the police, or felt the playing out of prejudice against them, specifically on account of their religious identity.

Muslim Police Officers: Perceptions, Experiences and Challenges

Summary of Findings and Major Themes

This section provides a summary of perceptions, experiences and challenges of Muslim police officers, both to understand how they perceive issues of bias and discrimination based on their identity as Muslims within the police; and also how Muslims, as police, feel the Muslim community is policed. These are derived from interviews with 25 retired Muslim male police officers across 10 states. We sought their views and perceptions on a range of matters covering both institutional issues such as recruitment, representation, deployment among others; as well as on some of the themes similar to those deliberated on in the community consultations. This offers a brief glimpse of the challenges they face and the larger institutional environment they work in.

From these interviews emerges a picture, though limited by the number of interviews, that Muslims within the police also perceive a sense of bias and discrimination. The summary below identifies the ways in which bias was felt and/or perceived by these officers, their insights on how policing affects the Muslim community, and also provides their suggestions of possible institutional policy changes and correctives. As with the previous section, our effort has been to report accurately what was said to us through direct quotes and summarize as closely as possible.

Widening trust deficit between the police and the Muslim community

Most of the officers held the view that there has long been a trust deficit between the Muslim community and the police. It is growing, they said, in the present (political) environment. They highlighted the various ways in which they felt the police is unjust, insensitive, and biased towards Muslims, in turn fueling the community's distrust:

"Yes, deficit would be there because police acts in a biased way with Muslim person when there is one Muslim and one Hindu criminal. In so many cases court has acquitted Muslim people when police knew these people are innocent."

"Trust deficit existed before but now it is in the open. It depends on how things are orchestrated in the society."

"Muslims want to complain against the police but no one registers them."

"Trust deficit is growing as for everything police is blaming Muslims."

"Yes, trust deficit is there. It can be bridged when proportionate representation of people of the community is there."

"Deficit came after 1980 when Moradabad incident happened which was a watershed moment and since then it has been continuing."

"Yes, trust deficit is growing as when a person is hurling abuses and showing hatred towards the Muslim community and no action is being taken."

"Neutrality is lacking in police force. Sensitization is only there at leadership level and not at Dy SP, Inspector or Constable level."

"I did not think there was a trust deficit when I was in service but now slowly it is creeping in."

"Blatant biases do not exist in our state, but police do look at Muslims with suspicion."

Need to increase the representation of Muslims in the police, both to bring in diversity and to build the Muslim community's confidence in the police

The officers were unanimous that there is an urgent need to strengthen the representation of Muslims within the police, both to build the overall diversity of the police and as a sure way to increase the Muslim community's trust in the police (speaking to the deficit above).

They reinforced that the representation of Muslims in the police is much lower than the community's population, across states.

"Police is not representative of society."

"Representation across all ranks is minimal. It is not at all to the desired extent."

"Representation should be fair, equitable and without prejudice."

"Muslims are grossly underrepresented."

They stressed that Muslim police officers were concentrated mainly in the junior ranks, especially in the constabulary, and were virtually absent in higher ranks and leadership positions. The biggest concern expressed was that there were very few Muslim officers at the intermediate levels, at the ranks of investigating officers of Assistant Sub-Inspector (ASI) and Sub-Inspector (SI). This deficit will require concerted efforts if police departments want to implement the recommendation of the Sachar Committee to 'post at least one Muslim Inspector/Sub Inspector in the Muslim concentrated thanas' as a measure to build confidence in the community.³⁵

Other remarks included the following:

"Muslims in the police department are mostly at the Constable rank."

"The representation of Muslims is going down especially at the ranks of Inspector and Assistant Sub-Inspector although the Muslim representation at the Constable rank is ok."

"There are only three or four Muslim police officers at the IPS level in Haryana."

"Mostly Muslims are concentrated at the lower ranks. I was the only senior Muslim police officer and I don't think anyone after me has been there."

"In the position of leadership, there has been no one from the Muslim community."

The officers shared a conviction that community members will feel more assured if they could interact with Muslim police officers. They also feel that the absence of Muslims in the police is a factor that allows majoritarian bias to play out and harm the community especially during times of riots. Some comments on this issue:

³⁵ Prime Minister's High Level Committee headed by Justice Rajinder Sachar (2006), *Social, Economic and Educational Status of the Muslim Community of India – A Report*, http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 31 October 2018; Chapter-12, Para 3.3, p. 253.

“Less representation is dangerous for the Muslim community as there will be injustice to the community in communal riots. During communal riots I could not help Muslims even though I was a Muslim.”

“Representation increases the confidence of the community as people think they can approach their community in person.”

“During riot period it does affect. And at all levels it does affect. People feel confident if SP of a district is a Muslim as the attitude of the police officers at the lower level changes as they know Muslim community will approach the SP for redress. Lower level officers are conscious of it.”

“When Muslims see a Muslim officer, they feel a little confident because Muslims are insecure.”

“If there are more Muslims in the department, it will desist the other police officers from being atrocious to the Muslim community.”

“Presence of Muslims builds confidence amongst the community.”

Muslim youth are hampered by systemic disadvantages and biases that impede their ability to compete to join the police (and other public services)

Recruitment into the police is the vehicle by which greater representation can be realized, but the respondents pointed to serious blocks at this stage for Muslims specifically.

Recruitment to the police in India takes place at four levels – three at the state level (Constable, Sub-Inspector and Deputy Superintendent of Police) and one at the central level (Assistant Superintendent of Police/Superintendent of Police, into the Indian Police Service (IPS) cadre). The Central Government inducts candidates directly into the IPS who qualify through a civil services exam.

Respondents said Muslims are impeded in even trying to join due to educational disadvantages. Should they apply, some of the officers remarked, they would be unable to prepare and compete in the examinations required to qualify for the police.

Statistics reveal the relative disadvantage of Muslims when seen against other marginalized groups. For example, the 2017-18 All India Survey on Higher Education by the Ministry of Human Resource Development, pegged the percentage of Muslim enrolment in higher education at 5% lower than that of Scheduled Castes and Other Backward Castes.³⁶ The 2011 census figures revealed that as high a figure as 42.7% of Muslims were illiterate.³⁷

Comments included:

“Not many Muslims are applying...they are not economically sound...they don't know how to enter or apply or study for these services.”

“Their motivation to join the police department is less, their participation is less and their education is also less.”

“Muslims are far behind because of lack of education and training.”

³⁶ All India Survey On Higher Education (2017-18): <http://aishe.nic.in/aishe/viewDocument.action?documentId=245>, as on 1 November 2018, p. 2.

³⁷ Office of the Registrar General & Census Commissioner (2011), “Education Level By Religious Community And Sex For Population Age 7 And Above – 2011” (India & States/UTs), Ministry of Home Affairs, Government of India: https://www.censusindia.gov.in/2011census/population_enumeration.html&sa=D&source=hangouts&ust=1544102308464000&usg=AFQjCN-EQqdsMs2khjArj6tylwFI5K-ogplQ, as on 5 December 2018, Table C-09.

In addition, respondents also said that the police departments had not consciously, or otherwise, recognized the need for greater diversity in the police department. They pointed out the lack of targeted recruitment drives as an example of this. With no encouragement or measures to reach out from police departments, the officers felt that Muslim youth are deterred from even trying to join the police, believing they will not make the final cut. Comments included:

“Muslims are applying now but (they think) who will take them.”

“Muslims have the perception that they will not get the job.”

“There is a phobia amongst Muslims that they would not be recruited.”

We asked the respondents if they were aware of any outreach steps taken by their police departments to increase Muslim recruitment. None of the officers said they could recall any such efforts.

Mission Parvaz (Pune Police)

The Pune Police launched an outreach programme called, ‘Mission Parvaz’, to provide career guidance to Muslims, especially the youth, for various competitive exams in 2017. This was spearheaded by the Commissioner of Police, Ms. Rashmi Shukla. The police gathered a group of academics and educational experts to work on the mission. Fifteen police stations in areas with a significant population of Muslims were selected. Inspector Mokase of Khadke police station told CHRI in April 2018 that at least 377 Muslim youth, both men and women, had been enrolled under the initiative. A total of 27 youth had applied to join the police and he was hopeful that a few would get through.

The Pune Police encouraged and enabled Muslim youth to train for the physical exercises at the State Reserve Police Force camp. To reach out widely, the police advertised in newspapers and subsequently ran three camps. To make the initiative successful, the police said they were also providing books through sponsorships. Inspector Mokase said that most Muslim youth applying for the competitive exams were from rural areas and were well versed in Marathi.

Such initiatives are laudable but making them sustainable is challenging, especially when a police officer leading them is transferred and there is no sustained institutional commitment to continuing such an initiative.

Police departments are advised to take special measures to reach out to the Muslim community, such as special recruitment drives, and advertising job vacancies in Urdu and vernacular newspapers with simple messages like ‘Muslims are encouraged to apply’, as suggested by the Sachar Committee.³⁸ Innovative and simple measures like these would go some distance to generate goodwill and demonstrate a sincerity and commitment on the part of police departments to reach out to the community.

However, before measures like these can ever be adopted, other concerns were raised about aspects of the recruitment process which disadvantage Muslims. While some of the officers believed that recruitment is done transparently, others felt ‘filtration’ of Muslims is done at the very outset of the recruitment process. In their view, this is where bias begins to show itself, affecting Muslim candidates.

³⁸ Prime Minister’s High Level Committee headed by Justice Rajinder Sachar (2006), Social, Economic and Educational Status of the Muslim Community of India – A Report: http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 31 October 2018, Chapter 12, Para 3.3, pp. 252-253.

The following are some illustrative comments:

“Non-Muslims would get another chance in the physical test but Muslims are not given a second chance and this is bias.”

“There are biases in the physical tests. Who does the measurement? We give charge to SI and Inspector to take measurements. While taking measurements, Muslims are pushed out. A candidate is given a slip. If his chest is 33 inches, the officer will write 30 inches. Full proof recruitment takes place after the actual filtration has been done.”

“During the physical test of recruitment under Sports Quota, Muslims who were crossing 18 feet and beyond in long jump, the officers in the recruitment belonging to majority community, were fudging their actual marks and making it 15 feet.”

“There is communal bias in recruitment at certain level...there were amendments to the recruitment policy from time to time and many places government is divesting with the interview board itself where representation of a member of a minority community in the selection panel is a must.”

In addition to biases playing out at recruitment, departmental policy changes also play a role. Over the years, police departments and governments have raised the minimum educational qualifications needed to apply to the police. In the absence of a parallel rise in the community's educational levels, this had the effect of the requirements themselves excluding many Muslims. A respondent stated that when he joined the police service in the 1960s, the minimum qualification for a Constable was s/he had to have passed the eighth standard in school. As a result, many Muslims were eligible to apply. At present, in many states, the minimum educational qualification to join at the rank of Constable has been raised to Class 12. For the ranks of Sub-Inspectors and above, a college graduate degree is mandatory.

Educational Qualifications to Join the Police

Recruitment of Constables: Most states have prescribed Higher Secondary (Class 12) as the minimum educational qualification, though in some states, the minimum is class 10 or even Class eight. States with Class 10 as minimum qualification are: Arunachal Pradesh, Jammu and Kashmir, Manipur, Tamil Nadu, Sikkim, Rajasthan, West Bengal and Madhya Pradesh. States which list Class eight as minimum qualifications are Tripura and Nagaland. Recruitment of Constables are unit or district based and is done by a district Selection Board generally headed by the District Superintendent of police. In Kerala, the State Public Service Commission is involved in the recruitment exercise even for constables. Some states have set up professional bodies to conduct or supervise recruitment to police departments, including those of constables.³⁹

Recruitment of Sub-Inspectors: In all states, the minimum education qualification for recruitment is a graduate degree. Recruitment is done by the state Public Service Commission or a similar body.⁴⁰

Recruitment of Deputy Superintendent of Police and IPS: To qualify for the post of Deputy Superintendent of Police, a graduate degree is the minimum qualification, whether for the state police service or the IPS.⁴¹

These realities reinforce that the persisting socio-economic and educational disadvantages of the Muslim community limits access of opportunities for Muslim youth, including joining the police.

39 Commonwealth Human Rights Initiative, (2016), Police Organisation in India: <http://www.humanrightsinitiative.org/download/1456400058Final%20Police%20Org%20in%20India%202016.pdf> as on 5 November 2018, pp. 41-44.

40 Ibid, page 44.

41 Ibid, page 46.

Provide reservation for Muslims in the police, with the recognition that long-term measures to increase the community's educational levels and access to opportunities are needed

As the respondents felt Muslim representation in the police was skewed in proportion to the community's population, we asked if they thought that reservation, or any other affirmative action, would help to boost the numbers. While there was a mixed response, it was largely in support of providing reservation.

Those who opposed reservation said that the Constitution of India does not provide for reservation for religious groups, and in any case, it would only be beneficial for Muslims when there is improvement in education levels. Their bottom-line was that reservation is a short-term measure, and without enhanced education and other capacities, it is unlikely to work.

Despite the constitutional bar, Muslims can avail of reservation in some form, in some states. Broadly, Muslim groups identified as Other Backward Classes (OBCs) are eligible for reservation, in public employment, under the Other Backward Class Category along with backward groups from other religions. It must be noted that this does not prevail across all states. Where OBC reservation is extended to Muslim groups, state governments have evolved varying approaches. It is hardly the case that Muslims are given a separate quota.

Conversely, many felt reservation is needed:

"Reservation would help Muslims. All over India, Muslims are backward economically. However reservation will help Muslims if it is given separately and not clubbed under the OBC category."

"If reservation is provided, it will be good as it might help our children in a certain way."

"Reservation should be there for Muslims and just like SC and STs are given reservation, there are Muslim SC and STs too who should be included in category of SC and ST."

"There is need to amend the Presidential Scheduled Caste Order of 1950, 1951 which disadvantages Dalit Muslims."

"There should be reservation of Muslims in the police department to keep the balance. If it does not happen what will happen to our community."

"Reservation will benefit the Muslims."

Providing reservation to Muslims has been a vexed issue for long. The Justice Ranganath Misra Commission, which was tasked to suggest criteria for "identification of socially and economically backward sections among religious and linguistic minorities" and also to recommend measures for the welfare of socially and economically backward sections among religious and linguistic minorities, had recommended amendments to the Constitution (Scheduled Castes) Order 1950, on the ground that it disadvantaged Dalit Muslims.⁴² The 1950 Order is a government order that identifies a caste group as a Scheduled Caste (SC) for states and Union Territories.⁴³ According to this Order 'no person who professes a religion different from the Hindu religion shall be deemed to be a member of a Scheduled Caste'. In its inception, the Order denied SC status to Christian, Buddhist, and Muslim groups suffering exclusion and discrimination akin to Dalit Hindus. The respondents pointed out that in subsequent legal amendments, the Order's ambit came to include Mazhabi (Dalit) Sikhs⁴⁴ and Neo Buddhists⁴⁵,

42 Ministry of Minority Affairs (2007), *Report of the National Commission for Religious and Linguistic Minorities*: <http://www.minorityaffairs.gov.in/sites/default/files/volume-1.pdf>, as on 22 October 2018, p.154-155.

43 *The Constitution (Scheduled Castes) Order, 1950*: <http://socialjustice.nic.in/writereaddata/UploadFile/scorders-updated-30062016.pdf> as on 22 October 2018.

44 *The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1956*: <https://tribal.nic.in/DivisionsFiles/clm/3.pdf>, as on 22 October 2018.

45 *The Constitution (Scheduled Castes) Orders (Amendment) Act, 1990*: [http://socialjustice.nic.in/writereaddata/UploadFile/CONSTITUTION%20\(SC\)%20ORDER%20\(AMENDMENT\)%20ACT%201990.pdf](http://socialjustice.nic.in/writereaddata/UploadFile/CONSTITUTION%20(SC)%20ORDER%20(AMENDMENT)%20ACT%201990.pdf), as on 22 October 2018.

but still excludes Dalit Muslims (and Christians). The Sachar Committee repeated this concern, and pointed out that “many have argued that the Order of 1950 is inconsistent with Article 14, 15, 16 and 25 of the Constitution that guarantee equality of opportunity, freedom of conscience and protect the citizens from discrimination by the State on grounds of religion, caste or creed”.⁴⁶

Additionally, the Sachar Committee also flagged that while the Muslim groups identified as Scheduled Tribes is quite small, there remain many cases of Muslim groups attempting to avail Scheduled Tribe status that are still unaddressed.⁴⁷

Respondents provided their suggestions on various ways to make reservation effective to increase Muslim representation in the police:

“To increase the representation of Muslims, one can recruit Urdu speaking Muslims at the ranks of a Constable especially in states where Urdu is spoken by the Muslims.”

“Permanent reservation is not viable but it could be given for four to five years. This will be good for Muslims as their numbers are not increasing.”

“Give reservation based on economic criteria as most Muslims are socially, economically and educationally backward.”

“Police Departments need to spread awareness that Muslims are needed in the department.”

Reservations facilitating entry into the police

Reservation for Muslim groups, in police departments, under the Other Backward Classes category, is provided in the states of Kerala, Karnataka, Tamil Nadu, Telangana, and West Bengal. Kerala provides 12%⁴⁸, Tamil Nadu 3.5%⁴⁹, and Telangana has recently passed a law (which is presently awaiting Presidential assent) giving 12% reservation.⁵⁰ In West Bengal, OBCs are split into two categories, in which Muslim groups are included – for one category 10% reservation is provided, and for the other, 7%.⁵¹

‘We have to work double hard’

Most respondents said that they had gained the confidence of the public and their supervisors, and in these ways, expressed satisfaction with their roles as police officers. At the same time, they said they felt they had to work extra hard to ‘prove their loyalty’ and to earn this trust and respect. Most pointed to their religious identity as the underlying factor requiring this extra effort:

46 Prime Minister’s High Level Committee headed by Justice Rajinder Sachar (2006), *Social, Economic and Educational Status of the Muslim Community of India – A Report*: http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 31 October 2018, p. 202

47 Prime Minister’s High Level Committee headed by Justice Rajinder Sachar (2006), *Social, Economic and Educational Status of the Muslim Community of India – A Report*: http://www.minorityaffairs.gov.in/sites/default/files/sachar_comm.pdf, as on 31 October 2018, p. 205.

48 Personnel and Administrative Reforms Department, *Kerala State and Subordinate Service Rules*, https://www.kerala.gov.in/document/s/10180/32be0032-d4a6-465c-8e87-124da04c9bf0https://www.keralapsc.gov.in/index.php?option=com_content&view=article&id=199&Itemid=119, page 38 as on 12 December, 2018.

49 *The Tamil Nadu Backward Class Christians and Backward Class Muslims (Reservation of Seats in Educational Institutions Including Private Educational Institutions and of Appointments or Posts in the Services under the State) Act, 2007*: http://cms.tn.gov.in/sites/default/files/acts/Gazette-150907_0_0.pdf as on 12 December, 2018.

50 *Telangana Backward Classes, Scheduled Castes, and Scheduled Tribes (Reservation of Seats in Educational Institutions and of Appointments or Posts in the Services under the State) Bill, 2017* [http://legislation.telanganalegislature.org.in:9090/Bills/PassedBills/English/Eng_passbill_BC%20SC%20ST%20BILL%20\(E\)_1_9_50_v_1.pdf](http://legislation.telanganalegislature.org.in:9090/Bills/PassedBills/English/Eng_passbill_BC%20SC%20ST%20BILL%20(E)_1_9_50_v_1.pdf) as on 12 December, 2018

51 *The West Bengal Backward Classes (Other Than Scheduled Castes and Scheduled Tribes) (Reservations of Vacancies in Services and Posts) Act, 2012* <https://wbxpress.com/west-bengal-backward-classes-other-than-sc-st-reservation-of-vacancies-in-services-and-posts-act-2012/> as on 12 December, 2018. Also, a government notification, (Government of West Bengal, Backward Classes Welfare Department Notification 6309-BCW/MR-84/10, Kolkata, 2010) lists Muslim groups eligible for reservation: <https://wbxpress.com/wp-content/uploads/2011/07/6309-BCW24-09-10.pdf> as on 12 December, 2018.

"We need to work double hard in order to prove our efficiency, loyalty and honesty. It's not because of religion but for mere survival as we don't have god fathers within the police department."

"As a Muslim police officer, he has to work double hard and his character has to be exemplary. There cannot be any blot on his career. He has to be an example for others."

"As a Muslim officer we need to prove because we are a minority and plus we are a Muslim."

"A Muslim officer would be given a difficult assignment where there is more work and chances are that there are more mistakes when implementing the tasks."

"Inquiries instituted against a Muslim police officer would be more and these are not done openly as Muslims are used by the bosses."

The sense of having to put in double the effort may be compounded by other factors. While deficiencies in deployment, posting and transfer processes affect all police personnel, some respondents shared experiences where they felt a bias against Muslims played out, with the effect of limiting career growth and opportunities:

"I was denied promotion because I belong to a minority community and second I was an upright officer and not corrupt. An upright Muslim officer has to face discrimination."

"In key posts, Muslims will not be posted or if they do post someone, they will keep a yes man."

"During the tenure of one Chief Minister of a Northern Indian state, there was no Muslim who was heading a police station, district or a range. It was the black spot in the history of that police department."

"There are tendencies that a Muslim should not be posted in a Muslim area. I was the first Muslim to be posted in a Muslim dominated area." [While he did not give the reasons, he did admit that he had good relations with senior officers, had a good service record, and most importantly perhaps belonged to Qaimkhani Muslims (Converted Rajputs), whom Hindus do not consider to be Muslims. He pointed out this may have played an important role in his being assigned this position].

"Overall Muslims are not allowed to be in RAW and SOG and even Special Branch. It used to be an informal decision. Again while a Muslim has headed the IB, and more Muslims are being hired in the IB, these are cosmetic as they are doing desk jobs. My name was once proposed for a position in the IB, but I was told I could not join as Assistant Director as I was a Muslim. That was the only time in my career that I felt hurt."⁵²

Muslim officers struggle with the weight of a double burden and stigma of being branded "partisan"

Linked to the above, but specific to the perceived police response to the Muslim community, some of the respondents felt that Muslim police officers were tagged as "communal" by the majority when they were protecting or helping the Muslim community. This element of perceived bias, they said, prevented them from carrying out their professional duties. In this way, Muslim police officers feel the weight of a double burden: first, concern about being branded 'communal' when protecting members of their own community; second, a sense of being disempowered and unable to stand up against illegalities for fear of being victimized or seen as partisan. Comments included:

⁵² For an added perspective: Brijesh Singh (2014), "Why Intel Agencies are wary of Hiring Muslims and Sikhs", *Tehelka*, 3 September 2014: <http://old.tehelka.com/the-bias-against-minorities-in-intelligence-recruitments/>, as on 2 November 2018.

"They had accused me of favouring the Muslims in riots where I was protecting the Muslims and not favouring them as they were in the receiving end."

"If I had raised a voice and had been vocal I would have been branded communal."

"It is more difficult for a Muslim officer to be favourable to a Muslim. As an Inspector General, my bonafide was a suspect for upholding the rights of a fellow Muslim officer who was honest."

"When there is a communal riot, no matter how much impartial a Muslim police officer is, he will still be labelled as partial by politicians."

"A person from the Muslim community approached the Station Officer for providing security to their community, to which the Station Officer pointed to me and said since Zaidi is there, 'toh ho gayee tumhari suraksha' ('so you are protected'). I felt bad as I served and protected all communities and not just Muslims."

To hear the police officers remark that 'police will stay with majority and not minority' was disturbing.

"Police will think as per majoritarian view no matter where you go. Police is also afraid of the majority community."

"During communal riots I could not help Muslims who were at the receiving end even though I was a Muslim."

"Bias is entrenched in the minds of officers at the lower level. My subordinates used to complain about me but my superiors were with me.' The officer then went on to say that 'image of the police is formed by officers at lower level as they interact with the community more and therefore any change has to start from there."

"Once during communal riots, when I wanted to ensure distribution of resources to riot affected places, Hindu policemen would not allow and let go of the resources in the Muslim areas. But there are good officers who would help irrespective of religion."

"We are living in an environment of majoritarianism. So majority ki toh chalti hai." (the word of the majority prevails)

"Staff at lower ranks can become communal."

"Bias used to be evident during communal riots."

"Constables are prejudiced in the coastal areas of the state which again developed gradually."

This reinforces a majoritarian discourse that not only actively resists admitting that institutional bias against minorities exists, while disempowering and preventing police officers from protecting members of their own community.

Grudging internalization of display of Hindu religious symbols

An analysis of the responses of the retired police officers elicit a significant trend: most had internalized the presence of religious practices and symbols within police stations/departments as a matter of routine. They simply accepted that religious symbols in the form of idols or temples have long been a part of police stations. This acceptance stands even with the recognition that public institutions, such as police stations, should present themselves to be seen as secular.

“Every Saturday there is Shani puja in every police station. Everybody participates in this including Muslims. If it’s a custom that unite people then as a leader I would encourage it.”

“In Karnataka, every Friday puja is conducted. It’s a tradition. I was also part of it. I wanted to show that I am not against pujas.”

“Religious symbols do not impact us but it has increased over general communal situation in the country.”

“India is a secular state, everyone has equal rights. If you construct a temple for your own satisfaction, then a person from another religion should not have a problem. And Hindu personnel are in majority; so they have a choice if they want to construct a temple or not.”

It also emerged that the internalization of such practices are not without reason, and stems from perceived constraints. Muslim officers said that opposition could create unnecessary difficulties and they would be regarded as anti-majority:

“It’s a necessary evil and so it should be formalised’. If you would want to get rid of it, it will unnecessarily become an issue.”

“In my presence also, temples were built inside the police station. I didn’t take a stand and thought it was not necessary unless there is a hindrance from it.”

“There is a religious stint in the police. During Janmastami, police collect money from police people... If I had not given money, they would have said things and probably would have got upset and probably say I was a Pakistani.”

There was a comment that religious practices inside police stations have become more evident during the past few years and appear to indicate a growing sense of majoritarian pride:

“Earlier temples and masjid inside police lines or police stations were there because there was ‘Shraddha’, or devotion and respect. Now every police station or chowki (post) has a temple. Now it has gone beyond ‘shraddha’; it has now become question of asmita (pride).”

“In our time, senior officers used to discourage such practices. Now it is increasing. In our time only five percent of the Police Stations would have religious symbols. It used to be an occasional thing. It was not a regular thing. Now it is going from bad to worse. Such things erode the secular belief and this is something every police officer should realize.”

“While religious symbols inside police stations does not affect Muslim police officers, however these practices have increased in the context of general communal situation in the country.”

It is imperative to generate resistance to overt religious display of any kind. Police departments should be perceived as neutral and accessible to people from all communities.

Police initiatives to curb religious practices inside police departments often met with resistance

Some police departments (and one state government) have recognized the blurring of religion and state with regard to the display of religious symbols and conduct of practices in police stations. Orders given to prohibit this display have been met with tremendous resistance. While CHRI has not been able to access the actual orders, we were able to track some initiatives based on newspaper reports. For example, to cease the practice of having temples inside police stations in Mumbai, IPS officer Suresh Khopde issued a circular in 2007 ordering removal of all religious symbols from police stations. The circular had to be withdrawn after opposition grew within the police department.⁵³ More recently in 2017, the Maharashtra Government issued an order banning display of religious pictures and rituals in state run offices. This was subsequently withdrawn.⁵⁴

Some initiatives have sustained. In 2005, the police chief of Tamil Nadu issued an order prohibiting religious activities inside any police office complex or residential quarters.⁵⁵ Similarly, Bengaluru Police issued a circular ordering all personnel to appear “neutral” and not have any visible signs of their religion on their bodies.⁵⁶

While some, but not enough, police departments are taking decisive action to root out this practice, experience holds that there can be sizeable resistance. This indicates how difficult it can be to challenge majoritarianism and all the more, the decisive efforts needed to do so.

Need to broaden training to include orientation-building on recognizing bias and anti-discrimination

Most respondents flagged that police training does not address bias and discrimination. There is an absence of modules towards understanding identities, communities, how discrimination plays out; and what this means for, and requires of, policing (larger than just the Muslim community). They expressed that training must be equipped to prepare a recruit to discharge his/her duty in a free and unprejudiced manner. Most respondents conceded that disproportionate emphasis is given to physical training, and less so on principles, standards, and concepts related to policing and the protection of rights.

Considering the immense divisiveness inbuilt in Indian society, it is all the more urgent that police training provides innovative, interactive modules to unlearn prejudices and shape the right attitudes.

Respondents suggested a broadening of training curricula in the following ways. Notably, there are new fresh ideas about teaching the tenets of Islam, basic understanding about different religions, and bringing in perspective about minority communities.

53 DNA Correspondent (2017), “No display of deities, religious texts in govt offices, says Maharashtra government”, DNA India, 25 January 2017: <https://www.dnaindia.com/india/re-port-no-display-of-deities-religious-texts-in-govt-offices-says-maharashtra-government-2296147> as on 23 October 2018.

54 Indian Express (2017), “Maharashtra government recalls circular banning religious pictures in offices”, The Indian Express, 27 January 2017: <https://indianexpress.com/article/india/maharashtra-government-recalls-circular-banning-religious-pictures-in-offices-4494644/>, as on 23 October 2018.

55 South Asia Citizens Web (2011), “Activists move courts against religious rituals or display of religion in Govt offices in southern India”, South Asia Citizens Web, 7 October 2011: <http://www.sacw.net/article2488.html>, as on 23 October 2018.

56 Staff Reporter (2017), “Stop Ayudha Puja in police stations”, The Hindu, 26 September 2017: <https://www.thehindu.com/news/states/stop-ayudha-puja-in-police-stations/article19758269.ece> as on 23 October 2018.

“One should be taught about social justice and ability to appreciate each other’s religion.”

“In training jaat, pat and discrimination is not taught. They should be told about various communities.”

“More sensitization of Non- Muslim police officers on understanding essential tenets of Islam and for all ranks.”

“Training should be given in such a way that they remain untouched from any form of propaganda.”

“There should be Psychological assessment to see biases and prejudices at the time of recruitment, training throughout their career which does not happen in civil police.”

“No special training is given in relation to minority community. There is only emphasis on downtrodden community.”

“Case studies of communal incidents good or bad need to be included as part of training and be imparted to the constabulary.”

“Police to be given knowledge about religion and invite community leaders to speak in trainings.”

In Sum

On the basis of the views and experiences of this group of interviewees, there are indications that Muslims within the police deal with bias based on their identity, amplified by being a barely visible minority inside police departments. It further emerged that the officers feel this is impacting policing itself, resulting in a biased response to the Muslim community. This corroborates the community’s perceptions of how they are policed.

These findings require acknowledgement from police departments as the first step, leading to further introspection and study. Muslim officers themselves point to numerous institutional solutions: accelerated and targeted recruitment of Muslims into the police; the need for affirmative measures such as reservation implemented in broader ways than at present; rooting out any discrimination in decisions on deployment and leadership; overhaul of training curricula to recognize the effects of bias and to unlearn prejudices. All of these require long-term thinking and concerted effort to implement.

Overt religious practices, and display of religious symbols in police stations is affecting both Muslims within the police and Muslim community members who access the police. These long functioning practices are exacerbating the Muslim community’s distance from the police (and possibly other minorities). Police leadership need to recognize this alienating effect, send firm messages across their departments that the presence or display of religious symbols within police stations and offices cannot continue, and stand up resolutely against any backlash. There are deep long-term gains. These needed steps, in of themselves, will prove assuring to both the Muslim community (and other minorities) and Muslim police officers within.

The officers were unanimous in pointing to a widening trust deficit between the police and the Muslim community. The best way to bridge this is for police departments to engage with the community in various ways. It will be for the police to take the first proactive steps. Working towards instituting regular meetings with community organisations and leaders; review of community policing initiatives in consultation with Muslim organisations; and adopting community-police dialogue mechanisms which are participatory and transparent, are suggested starting points.

Conclusion and Recommendations

The findings of this report reveal that the Muslim community perceives bias and discrimination as part and parcel of everyday interactions with the police. Strikingly, the community's perception is not only corroborated by Muslim police personnel, they themselves point to experiencing discrimination and marginalisation based on their religious identity while being in the police.

The experience of designing and implementing this study reinforces that the forming of perceptions is not a linear process; perceptions derive, and are shaped, through a continuous 'dialogue' that community members have with the police. The weight of the evidence brought to the fore by perceptions is rooted in this - going beyond formal dialogue, but rather in what is conveyed by what police personnel say, and how they act, in routine, everyday interactions. Perceptions of Muslim police personnel within police departments will form similarly.

The common perceptions shared across states are a telling signal that bias, and its impact on this community, need to be confronted. More so, the perception of bias is expressed as an everyday occurrence, suggesting that the bias may be institutional, and not isolated to some 'bad apples'. This indicates an urgent need for police departments, and governments, to acknowledge that bias exists, possibly on a systemic scale. The next step after the recognition is to find the right methodologies to objectively measure and understand how widespread or pervasive this bias is. A growing body of research evidence reflect the importance of unearthing explicit bias, as well as, implicit bias – the biases the people are not aware they have.⁵⁷ The best response calls for further testing, research and probing of methodologies, study on a regular basis, and commitment to institutional level action and solutions. New expertise will have to be developed, this requires collaborations through sharing of research, knowledge and perspectives.

Other measures are needed in tandem. As with any other state institution, each police organization is bound to guarantee the rights to equality, non-discrimination, and equality of opportunity promised by the Constitution of India. Discrimination cannot be overcome by homogeneous police departments which fail to reflect, within themselves, the diversity of the communities they protect and serve. A genuine commitment to an incremental increase in Muslim representation in the police towards the ultimate goal of achieving proportionate representation in every state is necessary, while also rooting out discrimination in internal processes and practices that may be disadvantaging Muslims or other minorities. Police need to actively create opportunities and outreach with the Muslim community that are positive, uplifting, and participatory; not related solely to law enforcement actions. The damaging effects of the presence of informers and excessive surveillance have to be urgently acknowledged and fully addressed.

Police departments are not the only duty-bearers – many institutions and larger processes are needed to root out discrimination and the systemic factors that can allow it to perpetuate. Political leadership must support and work hand in hand with police leadership. Public trust is built on the practice of the principles of transparency and accountability. Strengthening institutional commitments to the protection of rights, elements of legal reform towards enhancing state accountability, bringing together and consolidating expertise across civil society, government and independent institutions all have to come to the fore.

⁵⁷ President's Task Force on 21st Century Policing (2015), Final Report of the President's Task Force on 21st Century Policing, US Department of Justice Office of Community Oriented Policing Services: <http://elearning-courses.net/iacp/html/webinarResources/170926/FinalReport21stCenturyPolicing.pdf>, as on 1 November 2018, p. 10.

Recommendations

For Ministry of Home Affairs, Government of India

1. Revive, from this year, the annual reporting of the total representation of Muslim police personnel in each state, by rank and gender, and publish in the public domain
2. Take concrete measures to implement the Sachar Committee's recommendation to post at least one Muslim police officer in police stations in Muslim concentrated areas:
 - Issue actionable guidelines to states and Union Territories (UTs) towards this, in compliance with the Department of Personnel & Training's instructions, and make these available in the public domain
 - Ensure the guidelines stress the importance of setting measurable benchmarks, within realistic and achievable timelines
 - Collate, list and publish in the public domain, state-wise, the exact number, name and location of each police station in Muslim concentrated areas
 - Appoint a nodal officer to monitor implementation of the guidelines responsible to:
 - a) set up a process to coordinate with state governments, police departments, and the Ministry of Minority Affairs on steps taken towards implementation, b) advise on recruitment plans and other needed measures to realise implementation
 - Continue, in cooperation with the Ministry of Minority Affairs, to publish the total number of Muslim police personnel posted in the above police stations on a half-yearly basis
3. Issue an advisory to states and UTs calling for an incremental increase in the overall representation of Muslims in the police at all levels, in a time-bound manner; towards the ultimate goal of achieving representation of Muslims in each state police proportionate to the community's population in the state
4. Issue an advisory to states and UTs prohibiting the display of religious symbols, places of worship, or conduct of religious practices in any police station, unit, or office
5. Assure Muslim police personnel equal opportunities to positions in specialised agencies like the Intelligence Bureau and the Research & Analysis Wing
6. Place the 2013 report, "Strategies for making police forces more sensitive towards minority sections" (drafted by three Director-Generals of Police) in the public domain and use it as the basis to devise a blueprint for police departments to bridge the trust deficit with the Muslim community
7. Incorporate inclusion of Muslims in the police as a regular theme in the annual conference of Director-Generals of Police
8. Recommend to the Law Commission of India to examine the impact of the requirement for prior sanction before prosecution, as given in Section 197 of the Code of Criminal Procedure, on accountability of public servants, and make suitable recommendations for legal reform as necessary
9. Give due and immediate attention to the recommendations for legal reform by the Law Commission of India in its 277th Report entitled, Wrongful Prosecution (Miscarriage of Justice): Legal Remedies; particularly on a statutory right to compensation to victims of wrongful prosecution, and prosecution of the public servants involved
10. Frame a comprehensive victim compensation scheme for victims of illegal arrest, detention, and torture in police custody as a model for states and UTs, in consultation with the National Legal Services Authority

For Ministry of Minority Affairs, Government of India

1. Expedite the process of consultation within Ministries to operationalise affirmative action measures recommended by the Sachar Committee, namely the Diversity Index⁵⁸ and Equal Opportunity Commission⁵⁹
2. Continue to regularly and proactively update, in the public domain, the status of implementation of the Sachar committee recommendations every six months
3. Lend support and technical assistance to the Ministry of Home Affairs, for instance by devising benchmarks and action plans, to achieve greater representation of Muslims in all levels of the police

For Parliament

1. Seriously consider amendments to the Presidential Order of 1950 to include Muslim Scheduled Castes and Scheduled Tribes
2. Members of Parliament to ask Questions on the floor of Parliament on the status of the set-up of the Equal Opportunity Commission in compliance with the recommendations of the 2007 expert group and Sachar Committee
3. Members of Parliament to ask Questions on the total representation of Muslims in the police and measures being taken by states and the Centre to achieve proportionate representation at state and UT levels
4. Enact torture prevention legislation in full compliance with the United Nations Convention Against Torture, following a process of public consultation, with no further delay

For National and State Commissions for Minorities

1. Recommend to the Ministry of Home Affairs to immediately resume the annual reporting of the total representation of Muslims in the police, by rank and gender, state-wise
2. Analyse data on the representation of Muslims in the police at the state level and suggest actionable measures to state governments and police departments towards achieving proportionate representation at the state level
3. Conduct regular and periodic specialised studies on the perceptions and satisfaction levels of Muslims, and other minority communities, on policing

For National and State Legal Services Authorities

1. Run legal literacy and awareness camps in Muslim dominated areas
2. Assist the Central and state governments to frame victim compensation schemes for victims of illegal arrest, detention, and torture in police custody
3. Facilitate legal aid for the families of victims of illegal arrest, detention, and torture in police custody.

For National and State Human Rights Commissions

1. Collaborate with the National or State Minorities Commission, as appropriate, in specialised

⁵⁸ An expert group, formed in 2007 under the leadership of Professor Amitabh Kundu, was set up to identify areas of concern in the context of unequal access of different segments of population to public spaces and institutions, and devise a suitable index to measure diversity in the areas of education, government and private employment, and housing. The expert group submitted a report with recommendations in 2008, including a conceptual framework for a diversity index, to be implemented by an Equal Opportunity Commission. <http://www.minorityaffairs.gov.in/reports/report-expert-group-diversity-index-complete-report-1>

⁵⁹ The 2007 expert group also recommended the structure and functions of an Equal Opportunity Commission (EOC) to look into the grievances of deprived groups. This went ahead for inter-ministerial consultation, a proposal to set up an EOC was prepared, and in early 2014, Cabinet approved the proposal. However, following the 2014 elections and change in government, the proposal was re-circulated and since then, it remains under consideration. <http://www.minorityaffairs.gov.in/reports/report-expert-group-examine-determine-structure-and-functions-equal-opportunity-commission>

studies, research and analysis on the perceptions and satisfaction levels of Muslims, and other minority communities, on policing

2. Design and conduct, in collaboration with independent experts or institutions, training on non-discrimination and policing for police officials with special emphasis on minority groups and issues of marginalisation
3. Take measures to ensure full police compliance with the NHRC guidelines on arrest, deaths in custody, and deaths in police action
4. Collate and track the data on the profile of victims/complainants who approach the Commissions, to assess whether members of minority groups, Scheduled Castes, or Scheduled Tribes are disproportionately affected by police abuses and custodial violence; if so, issue suitable recommendations towards prevention and accountability

For State Home Departments

1. Amend existing state Police Acts and Regulations to bring in provisions pledging to achieve proportionate representation of minority groups into the state police, towards the larger aim of strengthening diversity in the police
2. Draft and adopt a policy with a stated commitment to achieve proportionate representation of Muslims in the state police in a time-bound manner, with a detailed recruitment plan in tandem, and stipulated institutional roles and responsibilities
3. Take all measures needed to comply with the Sachar Committee recommendation to post at least one Muslim police officer in police stations in Muslim concentrated areas
4. Set up effective and responsive state and district level Police Complaints Authorities

For State Police Departments

1. Develop, and adopt, an organizational vision statement emphasizing diversity, inclusiveness and equality as core values, in line with the Constitution of India, towards shaping policing that is responsive, representative and efficient.
2. Adopt and strictly enforce a written zero tolerance policy on identity-based discrimination, of any kind, within the department
3. Recruitment
 - Commit to increasing the numbers of Muslims in the state police service at all levels, with the goal of achieving proportionate representation in a time-bound period (in tandem with a policy adopted by the State Home Department if so)
 - Take active measures to target recruitment of Muslim men and women through wide publicity of recruitment drives in radio, print, social media platforms; particularly in local Urdu newspapers and/or community publications where relevant
 - Target Muslim dominated areas for recruitment drives
 - Ensure the recruitment process is fair and transparent and does not disadvantage Muslims in any way
 - Adopt special measures to maximize Muslim candidates' access to police recruitment drives including:
 - a. hold special pre-recruitment training drives for prospective candidates to impart needed skills and strategies to strengthen their ability to compete;
 - b. run recruitment drives at as many local levels as far as possible, not only in district headquarters;
 - c. run community outreach programmes to understand the barriers facing Muslims in joining the police and review recruitment strategies to remove barriers.

4. Deployment
 - Conduct a state-wide assessment of personnel requirements at police stations to plan deployment towards ensuring the presence of at least one Muslim police officer in police stations in Muslim concentrated areas, as per the Sachar Committee recommendation
 - Clearly define the mechanisms and decision-making procedures for transfers and postings across ranks and ensure fair treatment to all police personnel
 - Ensure Muslim police men and women equal opportunities to avail all deployment and work assignments by ensuring non-discrimination in deployment decisions
 - Ensure equal opportunities for Muslims to be considered for leadership positions in the police
5. Barring of religious symbols
 - Issue and strictly enforce department-wide circulars prohibiting the display of religious symbols, the set-up of areas of worship, and the conduct of religious practices in any police station, unit, or office
6. Community Police and Outreach
 - Facilitate and conduct audits, as far as possible through an external agency, of existing community policing programmes specifically geared to reach out to the Muslim community to assess their relevance, impact, and responsiveness
 - Take active measures to revive community policing in letter and spirit
 - Document good practices from other states or departments on special outreach measures that have been effective in reaching out to the Muslim community
 - Organise positive initiatives like sports competitions or cultural events in collaboration with community organisations and leaders in Muslim neighbourhood
7. Informers
 - A designated team of senior police officers to conduct a full review of the informal system of informers, with a view to assess whether this is encouraging illegal practices and victimisation of the Muslim community in particular, and state the corrective actions needed
8. Training
 - Institute training on non-discrimination and equality in induction training and periodically, through refresher and in-service training, throughout the span of a policing career
 - Design non-discrimination training in collaboration with external experts to ensure it is of the needed and sufficient duration, uses interactive methodologies, and carries the accurate and necessary content
 - Create and integrate content into the training on ways to recognize and remove pre-existing prejudices
 - Incorporate human rights principles into all aspects of police training
 - Ensure that training at all levels addresses issues related to discrimination against minorities within the police
 - Consider the introduction of modules on communities, and religious faiths such as Islam, to root out myths and stereotypes. Involve civil society groups, scholars, and community leaders with expertise, in the design, delivery and review of the training
 - Adopt scientific means to measure the impact of new training methodologies and content, and record regular feedback.
9. Conduct regular and periodic (annual or biannual) specialised studies on the perceptions and satisfaction levels of Muslims, and other minority communities, on policing, in association with Minority and/or Human Rights Commissions, and civil society, as far as possible

For the Ministry of Home Affairs/Union Public Service Commission, State Home Departments, and State Police Departments

1. In an environment where hate mongering is at an all-time high, devise the appropriate process and methodology to conduct psychological assessment to test for, and identify, bias and prejudice, particularly if it is held against marginalised groups. This should be incorporated as a criteria to clear to be selected into the police at all levels of entry, as well as for a police officer to be cleared for any promotion. The relevant experts, including academics and the Minorities Commissions, must be consulted to develop the assessment methodology.

For Civil Society Groups

1. Collaborate with police departments, and Commissions, to design and conduct regular perception studies
2. For organisations with the capacity, regularly hold legal awareness workshops at neighbourhood levels for Muslim men, women and children
3. Expose illegalities and/or victimisation as a result of the informer system
4. Lend expertise to police departments in the design of non-discrimination training and effective community outreach programmes

Annexure 1

Questions for Retired Muslim Police Officers

Name:

Age:

Year of Joining:

State Cadre:

Joined and Retired as Rank:

Years in Service:

Whether belonging to Economic Backward category:

Q1. Why did you join the police?

.....

.....

.....

Representation

- Q 2. What was the representtion of Muslims in the state police force when you joined the police?
- Q 3. Did the representation grow while you were in service? Was it concentrated at certain ranks, or across the police?
- Q 4. Do you think enough Muslims are applying to the police department? If not, why so? Are there institutional obstacles that are blocking access?
- Q 5. Are there any departments/unit where Muslims are seen in higher numbers?
- Q 6. Are there departments/units where Muslims are not posted/deployed? If yes, why?
- Q 7. Are Muslims seen in leadership positions? Can you give the names of three Muslim police personnel posted in high ranks in your state?
- Q 8. Do you think representation is enough?

Reservation

- Q 9. Is there reservation for Muslims in the police department?
- Q 10. Is reservation for Muslims needed at all?

Outreach

Q 11. Has your State police or Government (your cadre) taken outreach steps to increase the number of Muslims in police (while you were in service or thereafter)? Any best practice/initiatives undertaken by the state.

Q 12. What outreach steps have been taken to bridge the trust deficit between Muslims and the Police in your state?

Police as a work place for Muslims

Q 13. Is the police department a good place for Muslims to work?

- a) Only at IPS b) only at Dy SP c) only at ASI/SI/Inspector d) HC/Constable rank e) None of the Above

Q 14. Did you find Hindu religious practices or symbols commonplace in police stations or other offices in your state? Was this isolating?

Q 15. Is it difficult to be a police officer coming from a minority community? Have you ever faced any discrimination for being a Muslim within the department in any way?

Q 16. In your view, do Muslim police personnel feel that the police department is sensitive towards the community during time of Ramzan and Eid?

Surveillance

Q 17. Do you think police profiles young Muslim men excessively or in different ways from other communities?

Q 18. Do you think police view the Muslim community as less patriotic/anti-national?

Q 19. Is it true that more police personnel are deployed in Muslim dominated areas as compared to non- Muslim localities?

Q 20. Do you think decisions on deployment of police during social gathering and festivals are affected by the religion of the community celebrating the festivals and gatherings? If yes, how does this play out?

Q 21. How do the police see political meetings, rallies, protests organized by Muslim organizations or communities? Are there different considerations that come in unlike with political events of other communities?

Fear/Suspicion between Police and Muslim

Q 22. Does the police fear entering Muslim ghettos?

Q 23. Do you feel police officers see Muslim men and women with suspicion when donned with identity markers (skull cap, beard, hijab)? Does this affect police behavior?

Q 24. Do you think a larger visible presence of Muslim police personnel would make members of the Muslim community approach the police without hesitation or it does not make a difference?

Trust Issues

Q 25. Is there a trust deficit between the police and the Muslim community in India?

Is police seen in a bad light especially after the acquittals of innocent Muslims in most of the terror related cases? How is this affecting the relationship between the police and community?

Q 26. What are the ways you would suggest to bridge the trust deficit between the police and the Muslim community?

Sensitization/Training

Q 27. Does police training include modules or components on learning about different ethnic and minority communities? If yes, please tell us about it.

If no, do you think it's important to include such modules in training?

Q 28. Do you think training sufficiently prepares all police officers to deal with an extraordinary situations like riots? If not, what are the gaps?

Miscellaneous

Q 29. Did you get a chance to supervise any area(s) where Muslims were in majority? What are the biggest problems that Muslim community has faced vis-à-vis policing?

Q 30. Were you satisfied with your job as a police officer?

Q 31. Do you think a Muslim police officer enjoys trust and confidence from within the department?

Recommendations

Q 32. How can the police as an institution improve and be more responsible towards the Muslim community? Both within itself, and in its response to Muslims.

Annexure 2

Exoneree Testimonies

CHRI and Quill interviewed six Muslim men accused of, and prosecuted for, various acts of terrorism under special anti-terror laws. All of them were acquitted of these charges after long periods of incarceration.

The costs of defending themselves in courts of law financially crippled almost all the exonerees' families. The stigma of being called a terrorist, as well as the guilt by association and surveillance by police, caused their relatives, friends, and neighbours, to socially excommunicate them. This resulted in utter isolation and lack of support, causing severe mental and physical trauma to families.

They shared that the only path they, and their families, had to be re-accepted within the community and to rebuild their lives, was to reinforce their innocence (upheld by courts), and the injustice and violence they faced even when they were entirely innocent. The police occupies the central place in their narratives as a perpetrator of illegality, coercion, and violence. Ultimately it was the courts that gave them justice, but at various stages – be it production before a magistrate, custody hearing or medical examination – there was failure to protect them from torture, harassment, and prolonged illegal detention.

Their testimonies of their experiences with the police - from first being picked up, to “arrest”, detention, and elements of investigation - are provided below, in their own words as far as possible.

The six testimonies throw up common and disturbing trends, attesting to serious violations of legal rights and safeguards. Although all but one of them were tried under special laws like the now repealed Prevention of Terrorism Act (POTA) or the Unlawful Activities (Prevention) Act (UAPA), the basic rules of arrest and detention, procedural guarantees and safeguards as in the Code of Criminal Procedure (CrPC), still apply at the time of arrest. These include:

- Right to be informed of the grounds of arrest [Article 22(1), Constitution of India, Section 50, CrPC]
- Right to be produced before the nearest magistrate within 24 hours of arrest [Article 22(2), Constitution of India, Sections 57 and 76, CrPC]
- Right to have a family member or friend informed of their arrest and the place of their detention, and for the said information to be recorded in a designated register at the police station [Section 50A, CrPC]
- Right to meet and consult with a lawyer of their choice, or to be provided with a lawyer in case they cannot afford a lawyer [Article 22(1), Constitution of India and Section 41D, CrPC]
- Right to be examined by a government medical officer or a registered medical practitioner [Section 54, CrPC]
- Prohibition against torture or any abuse in custody [Article 21, Constitution of India]
- Right not to be pressured, threatened, or influenced by a police officer or any other person in authority to admit to an offence, or make a confession [Section 24, Indian Evidence Act and Section 163, CrPC]

As emerge in their testimonies, the police subverted all of these rights and safeguards. All of them were illegally detained at some point by the police and suffered varying degrees of torture. Their families were threatened or intimidated either to desist from pursuing their cases, or to put pressure on the accused to sign confessional statements. The full force of these violations, and the catastrophic impact, come through in the testimonies below.

Mohd Zaheeruddin⁶⁰

I had gone, alone, to the Naropally court for my brother Nisaruddin's case. I exchanged some words with police personnel in the court. Later police took me to Shanti Nagar in Hyderabad to talk. A CID team kept me illegally for 13 days. I was detained in a flat, not a notified police station. In those 13 days, they took me to central crime station once and brought me back to the flat. My father knew that I was taken illegally but didn't have much awareness about what to do.

While in illegal custody, they forced me to make a confession. They took my basic information. The Investigating Officer (IO) handwrote the confession. They initially didn't torture me but when I said no to signing on it, they beat me up. Once I signed it, they got my custody for 2 months. My first production in court happened virtually while I was sitting in the jeep, and was produced in-front of the special executive magistrate. For 2 months I was kept at the same place- it was an unregistered lock up.

They prepared a computerized confession and I signed on it after a span of 1 month. I was never shown what was written in that confession. The DCP gave the sanction based on that confession.

My formal arrest was shown after 13 days of my illegal custody. No arrest memo⁶¹ was prepared and produced in the court. When the judge asked the IO, he said it's not there. The judge didn't say anything to him. No family member was asked to sign on the memo. Police didn't even take me for medical examination after my formal arrest.

After 2 months I was produced and was threatened to keep my mouth shut in front of the magistrate. I was taken there and the magistrate didn't ask me anything. I was given judicial custody after 2 days.

I took my personal lawyer when I was in jail. I didn't know about any right to have a lawyer and they didn't offer me as well.

Abdul Wahid Sheikh⁶²

On 27th September, 2001, when SIMI was banned, I was picked up by the police. I got to know that I was apprehended for being a SIMI activist. The police who picked me up were from Barasaikh police station, Mumbai. After 6 months, chargesheet was filed. There I got to know that police had accused us of planning to create a law and order problem while sitting in the SIMI office at 230 am. In the chargesheet, police say that once they got to know about our plans, they raided the office and recovered a lot of stuff. Actually I was at home. I went to read Namaz on 27th September at 9 pm. When I came out, they stopped me saying that sahib has called and wants to talk to you for 2 minutes. This turned out to be 2 months. The very next day they took me to the Judge. They threatened me to not say anything before him.

They never told me that what charges they will put on me, and what are the grounds of arrest. We got to know when chargesheet was filed. Under UAPA, there was no confessional statement, all of this came in 2006. After two months I was out on bail. They used to harass me, call me to the police station, and ask me about any incident that used to happen in the city.

Then in 2006, there was a bomb blast on 11th July. Police called me, detained me, questioned me, tortured me and then left me. Different branches kept calling me, it went on for 3 months. The police

60 He was officially shown arrested on 28th February 1994 in connection with the Serial Train blast case and charged with various sections of IPC, TADA, Explosives act and Arms Act. He was released on bail on medical grounds after spending 14 years in prison, and finally acquitted by the Supreme Court on 11 May 2016.

61 The police are bound to prepare an arrest memo at the time of every arrest, this is to document the date, time, and place of the arrest. It should be signed by at least one independent witness (either a relative of the arrested person or a respectable person of the location of the arrest) and the arrested person (Section 41B(b), CrPC and D.K Basu vs. State of West Bengal).

62 He was arrested in connection with the 7/11 Mumbai train blast case and spent 9 years in prison. He was acquitted by the lower court on 30th September 2015.

units do not trust each other, that's why they kept calling me. On 29 September, 2006 they arrested me formally. They kept taking statements in those 3 months, and used to say that you accept it and we will design a story on our own. They said only a Muslim would do this, so we have to catch a Muslim only who has been a history sheeter, and known by the police. They asked us to sign on blank papers, some were handwritten and some were typed. They didn't let us read any of them.

They didn't make the arrest memo in front of us. I got to know through chargesheet. The police never told me that we are arresting you in 7/11 case, or told me the grounds of arrest. They just used to say that accept that bomb blast was done by you. When they were taking me to the court, I asked them for which case they were arresting me. They told me for murder, and threatened me to not say a word in the court. Accused can't ask them the charges, if they do, they are beaten up. After getting my remand, they said, again, confess for the blasts.

They didn't inform my family, never allowed me to meet my lawyer in police custody.

We were taken to the KEM hospital, but were asked to stand 20 feet away from the doctor. Doctor never used to physically examine us. They used to make us wear full sleeved shirts and burqa. Every accused is supposed to wear burqa. Police used to tell doctor that he is a terrorist, and in the interest of nation, please give certificate i.e. fit for interrogation and physically fit (NAD i.e. no abnormally detected).

My co-accused's family was harassed a lot - his children were beaten up, his wife was harassed at night. Police said that we will rape your sister and wife to pressurize my co-accused to confess. We all brought this on record, but nothing happened to the police.

Senior officer used to beat just once, and then he would ask his subordinates to beat as he is not confessing.

So, for 3 months they didn't give me any notice and kept calling. Then they formally arrested me and kept me in police custody (PC) for one month. They would produce me in front of the magistrate every 15 days. ATS has a big torture cell in their premises.

When in PC, no lawyer was given to me and I was produced alone. They didn't let me meet my family, or my lawyer. I could talk to my lawyer only in court. I would argue with the police to meet my lawyer. Finally I would get to meet him only for 5 minutes, that too in Hindi and in front of the police.

Imran Khan (accused in Mecca Masjid blast case)⁶³

On the day of my arrest (25th May 2007) around 1-1:30 am, a person knocks heavily on the door. My nani (grandmother) was getting up to open the door, I asked her to let me see who is there. As soon as I opened the door, I see a lot of policemen, and suddenly they put a black cloth over me. They didn't say anything, just said my name Imran, to which I responded yes. My parents were in the other room, they ran over and asked the policemen what are you doing, he is our son. They said that they are taking me for questioning. My father asked them which police station they belong to, to which they said, you will get to know by tomorrow.

After this they took me to an office, which was 5-6 km away from my place. They didn't blindfold me. While we were going inside the office, 4-5 police personnel started beating me on my neck. They asked me to sit and switched on the TV. They were showing me Shoaib uncle's [Imran's maternal uncle who was arrested from Jalna in Maharashtra and made a co-accused in the case] photo. The TV was showing that the main accused has been arrested from Jalna, and a second accused has been caught from Hyderabad. It was in Telugu.

⁶³ He was arrested in connection with the Mecca Masjid blast case in Hyderabad and spent 18 months in prison before coming out on bail. All accused in the case were acquitted by the lower court on 17th July 2014.

I was troubled to see this. I didn't understand who this terrorist, and what is this news is being shown. They said that you know what you have done.

Shoaib uncle is my mom's younger sister's husband. Policemen were beating him taking Imran's name, and beating me, taking Shoaib's name.

The policemen got busy in getting things for torture. Seeing all that I got scared - a rope, chair and 2 wires, rubber ka patta. Till 4-5 am, I was just sitting and they asked me to sleep. I said, let me go home and why did you come to catch me along with so many people. I would have come on my own. I didn't know at that time what we are supposed to say in front of the police. I didn't know which branch of police they belonged to. In my mind there were only two police: one who is a traffic cop and other who used to apprehend people in a fight. I didn't know about special units.

Next day around 5-6 am in the morning, Shoaib uncle, and another friend Rafeeq, were brought. We all were asking each other why you have come. Then policemen came, separated us, and started questioning.

They asked me, when was the first time you met Shoaib uncle; I told them he came to my house 2 months back. Then he asked me, why did he visit your place? I told them that Shoaib's dad wanted to go to Haj, so he had come to inquire from Imam.

They took Rafeeq and me to a farm house. From there my interrogation started. They asked me, how did you blast the bomb. I told them which blast and what bomb. I told them I have never seen a bomb. For 3-4 days they kept beating me. They didn't beat Rafeeq. They showed me different photos and asked me, do you know this person and that person. I never went outside Hyderabad, and in TV flashing news is coming that Imran had taken training in Pakistan for more than 10 years. He was one of the trained commandos, and had come to Hyderabad to do this. They were showing me all this. I was scared. I was thinking that they can even kill me. Had they killed me then, then everyone would have considered me a terrorist.

I asked them repeatedly to let me talk to my parents. I was detained there for 8 days. Some policemen used to say that we can't make you talk, but can give your information to them. They said that you give all the information they are asking. But they never gave any information and were just showing fake sympathy.

I told them that I never blasted any bomb to which they said that yes we know that, but tell us how you helped them. I told them that I have never met a guy who is involved in all this. I told them that I am too busy with my work, so I don't have time for all this.

My younger brother and sister were brought to the police station. From there, they called me up. They were called to the PS on the pretext that your brother wants to talk to you, so they rushed to the PS. My parents were asked to stand outside the PS. Only my siblings were called inside the PS. They told me that your siblings have been called, and if you don't accept this, we will slap a case on them as well.

My younger sister and brother called me, they started crying while asking me about my whereabouts. At that time, I gave up. Policemen were saying filthy things about my sister that we will do this and that. I told them, write anything you want, but please leave my brother and sister. I was told they have been detained by the police. I was kept at a place where there was no one to be seen. I would shout when I was beaten – there was no one to hear me. I didn't know where I was, as they had brought me here with the black cloth over my face. It was a farmhouse type with a lot of shrubs around. They only used to say, just accept it. I would ask, what should I confess to, tell me. Because there is a limit to these beatings as well. They used to give me capsules, and then they used to beat me and then the same cycle used to continue. Their strategy was to break me using my siblings. I told them that whatever you want to write, I will sign, but please leave my siblings.

I was asked to sign on a blank sheet of paper on which nothing was written.

This whole incident went on for a month. They picked me up on 25th May, my “official” arrest was shown on 25th June.

They tutored me on what to say in front of the camera. By mistake, I said *aur kya bolne hai* (what more do I have to say), for that they beat me again. Then the senior officer got to know that I can't be trusted. They wrote whatever they wanted and I was sent to jail in a fake passport case. Then they took me for a narco-analysis test 45 days after my arrest⁶⁴. As soon as we were taken for this test to Bangalore, I saw news on TV where my photo was being flashed. I asked the nurse, what is this news? She said you bombed Mecca Masjid blast. I told her I didn't do it. We went in for the narco test, I don't know what happened. I remember that I slept and was woken up, each time I was woken up, I think I was being given shocks I could feel. As soon as we came out of the test, there were a lot of photographers taking my photo, along with 10-12 policemen on each side with guns. A reporter came and asked me in English, what did you do? I told him I didn't do anything and it is all wrong. After two days, they told us that the narco test was not conducted properly, so we had to do it again. This time also, there were a lot of people around.

By this time, we had a lawyer. In my case, petition was filed in the High Court. The petition asked why I was unofficially taken for narco-analysis in a fake passport case. My advocate also said that he did not get any notice of my being taken for narco-analysis. Once we returned to Hyderabad, I read all the news in all the papers. That is when I got to know that I am the main accused in the Mecca Masjid case.

Shoeb Jagirdar⁶⁵

I live in Jalna, Maharashtra. Police from Hyderabad came to take me. When they came, I had just had a bath, I was not wearing any clothes, just a towel. They took me just like that. They had come in 8-10 vans. I shouted, but they picked me up. Maharashtra Police was also there, facilitated by Hyderabad Police. They had formed a Special Investigation Cell to investigate the Mecca Masjid blast. They took me to the Superintendent of Police's office. They asked me if I know Imran Khan. I asked, which Imran are you talking about. Then they asked if I know Sameer, I said no. They said they wanted to take me to Hyderabad. I said I am not going anywhere unless you show me evidence, and let me contact my parents. Then one police officer told the officer of the concerned PS that I am a member of Al-Qaeda and involved in Mecca Masjid blast. He took my photo. From there, I was put in a police van which travelled 30-40 kilometers. None of my family members were informed. After 30-40 kilometers, we went to a dhaba in a place called Mantha for food. There was a TV showing the news that a Mecca Masjid blast accused Shoeb Jagirdar is in the custody of the SIC. I asked the police how they got this information, they said media does this, you have your food. We reached Hyderabad at 3am at night, and slept. A lot of officers interrogated me. They said, look at your bhanja (nephew) standing there, I said he is Imran. Police officer said he is not Imran. They asked me I came here to trace the history. I told them very clearly that I am not involved and do not know anything. At night they started torturing me, and wanted me to confess that I have got a black bag. I said *haan leke aaya* (yes, bring it) which they recorded in the camera. There was Naim, who was also from Jalna, on whom they had put charges of crossing the border and involved in procuring RDX. I was kept for 5 days in illegal detention. After 5 days I was taken to the magistrate. The police wanted to put Section 110 CrPC on me, and suddenly SIC Chief came and said that put Section 122 on him as well. They took me at night to the magistrate's house. I told him that I have been kept in illegal custody and subjected to torture. Magistrate asked the police to produce me again in the morning. The attitude of police changed. They started treating me well, even gave me pain killers. Before producing me again, they said do not say anything to the Magistrate. They said my family will be in danger if I do. The Magistrate gave me paper to write down all the details. I asked him if any action will be taken, to which he replied that he will see. He did not

64 The Supreme Court in *Selvi vs State of Karnataka* [2010(7) SCC 263] clearly laid down that narco analysis, brain mapping and poly-graph tests can only be held with the consent of the accused. All such tests done without consent were held to be unconstitutional and a violation of an individual's right to privacy and specifically of their right against self incrimination laid down in Article 20(3).

65 He was arrested from Jalna in Maharashtra in connection with the Mecca Masjid blast case in Hyderabad and spent 18 months in prison before coming out on bail. All accused in the case were acquitted by the lower court on 17th July 2014.

take any action. He sent me to judicial custody. The charges were put related to fake passport and blasts. The charges of Mecca Masjid were put later on.

My case was highlighted a lot in the media. In the jail, people had read about it. I was attacked by one of the accused in the jail because he thought I attacked the Mecca Masjid. By the time, jail authorities arrived. They put us in different barracks. I was stressed and couldn't sleep at night. Then the jail authorities shifted me to the 'Naxalite' barrack. Police had placed their informers inside the jail.

I asked the jail authorities to give me postcard, so I can inform my family. They said they have already come, and will come again. Then an application was moved to get police custody for Mecca masjid. When I was taken in the PCR, I asked the magistrate for a lawyer to which he said you will get it next time. I was given 21 days police custody, but this was given in the fake passport case and not in the Mecca Masjid case. To do a Narco test, permission is required. But police illegally took me to Bangalore to do Narco in Bohra hospital. I understood that they are taking me to Bangalore when I saw "welcome to Bangalore". Only after my illegal narco was done they filed an application to conduct the legal narco.

I was produced in-front of the magistrate in Hyderabad. The police said RDX has been found from him, and we need to take him into custody. Seizure memo was not prepared in front of me. Till this time I didn't have a lawyer. I was able to meet the family before the custody.

Magistrate said that police have demanded your custody so you will have to go. I told him that I am going through illegal torture, and you have not acted on the first complaint, do something otherwise I will hang myself. Magistrate then didn't say anything. After 2 months and 24 days, I got bail.

Hanif Pakitwala⁶⁶

I was picked up on 20-21st April, 2003 around 2:30 am while I was sleeping. A lot of policemen came in 3-4 cars, some were in civil dress, and some in uniform. That time I didn't know which branch of police they belonged to, later on I got to know they were from Crime Branch.

They just asked me to come along saying that sahib is calling you. They didn't tell me any reason why they are picking me up. They pushed my mother, spoke to her badly.

I was kept illegally for 10-12 days. I didn't know what they were going to charge me with. During that time I was never taken for medical treatment or provided with a lawyer.

I don't know whether arrest memo was prepared or not, I didn't have any knowledge of criminal law then. They used to harass me, abuse me. When I was taken from my home I was blindfolded. When I reached their office I got to know that it's a Crime Branch office. They were a lot of other people also along with me who were made to sit there. They used to beat one person for half an hour, and then pick up another person and do the same. They used to drink and then beat us.

They produced me after 10-15 days in-front of the metropolitan magistrate to ask for police remand. They got 9 days of remand. They used to then take me to the hospital after every 48 hours. When I was produced then I got to know that I was being charged in the tiffin bomb case.

During those 9 days they used to do interrogation, ask me about other people. They didn't beat me during these days.

I was involved in helping out survivors of the Naroda Patiya massacre who were in a relief camp near my locality. One of the informers of police must have told them that I am involved in such work. I got to know this when they used to torture me- they used to say *bahut kaam kare hai, bahut kaum ke liye humdardi hai* (you have done a lot of work, you have great sympathy for your community).

⁶⁶ He was arrested on 28th April 2003 in connection with the Tiffin blast case in Ahmedabad, Gujarat. He spent 14 years in prison before being acquitted by the Supreme Court on 2nd February 2017

I even told the magistrate when I was produced in front of him that I didn't do anything, and I am innocent, but he didn't listen to me. After 9 days of remand, he again extended the remand for 2 days and it got extended again for the same period. During my illegal detention, I was not asked to confess about anything. After all this I got jail custody, and three months later, they put POTA against me.

My family didn't know about my whereabouts, they filed *habeas corpus* as well, but my younger brother was threatened so he took his application back. But during illegal detention, they let him meet me. Later on I was taken to a hospital for the medical procedure, but the doctor used to give fake certificates without even checking me.

During illegal detention there were a lot of people, some were asked to become witness, some were shown as victims, and some as accused. Statements of (Section) 164 (CrPC) were also given. I got punishment for 10 years from POTA court on the basis of only one witness. This witness didn't even identify me. The High Court extended it to life imprisonment.

During these 14 years, my mother passed away after 6 months of my imprisonment, my wife passed away, and my elder sister too, who used to take care of my children. My business was finished.

After torture we couldn't even think of saying anything in court but I tried once, no one listened to me. In the designated POTA court, I said to the judge that there were wrong allegations against me, my family and I are all educated people. Even my panchnama⁶⁷ was fake, and I told in my testimony that I was not even taken for the panchnama.

Irshad Ahmed⁶⁸

I was married and had 3 kids when this incident happened. I had been very close to police and IB, worked with them for more than 5 years.

It started when my brother went to jail in 1991, and till now he is in jail. He came out on parole, jumped it and again got caught, then he was framed with a Kashmiri militant group. He got acquitted in that case.

Police then eyed me. I also think that I committed mistakes somewhere. In the jail there are Kashmiris and Pakistanis, no one comes to meet them. They used to give me letters to post, or used to ask me to make calls for them, which my brother used to ask me and I would do it. I never thought who I am sending these letters to, I never knew them. And then those numbers are put on tracing which I didn't know about. So police got to know that that I am doing all of this, and that's how police approached me thinking I might also be involved. I have also taken money from strangers to be delivered to the people inside the jail or to their lawyers. And I don't know who I am talking to. So in 1996 Special Cell kidnapped me- my first illegal detention.

Not exactly first, but in 1981 when I came to Delhi to work, that was my first experience with police where I was going to the work and two police personnel were coming from the front. They approached me and started beating me and I didn't know why I was being subjected to that treatment. They took me to the police station, I kept asking them my fault, but they didn't say anything- beat me up, put me in the lock up, next day took me to the court on a local bus- they sat on the seat and I was sitting down, people saw me as a thief and then presented me in front of the judge where I get to know that *awara gardi ke charges lagaye hai* [charges related to loitering]. I was fined Rs. 50 which police people gave. So I thought about the whole thing then I got to know that police do things to fill in the register. Police of 1981 was very bad as compared to now. Current police is educated.

⁶⁷ Here it refers to the document prepared at the time of search and seizure from the accused, signed by two or more independent 'panch witnesses' who are residents of the locality and in whose presence the search is being conducted (Section 100 and 102, CrPC)

⁶⁸ Irshad was a police informer who was illegally picked up by the Special Cell in Delhi in December 2005 and shown arrested in February 2006. He got bail from the Delhi High Court in 2009 after a CBI probe concluded that he was an informer and was falsely implicated by the police. In January of 2017 he was finally acquitted by the trial court.

They are not in uniform usually. One day I was plying my auto, a person stopped me and two people sat in my auto, they put a gun on my back, took me somewhere where a small bus was waiting in which 8-10 police personnel are there. I was taken somewhere, tortured, while they asked me questions like where are the explosives, where is Tunda Karim. Then I realised that the calls I had made to Pakistan and Kashmir got me here. Then police got to know that I did things on behalf of my brother. So I was kept for 10 days illegally in Maurice Nagar, Special Cell office. In these 10 days, my father put an application in the court, an FIR was registered. So after 10 days, my family was called, they were made to sign on blank papers, and even made to write that our son had run away on his own, he has come back, and we don't want any proceedings to move forward. Police knew if my parents had gone ahead, then those police personnel would have gone to jail for keeping me 10 days in illegal custody. They asked me to continue what I was doing so that they can reach out to other people through me. They gave me money also.

After 4 months, Crime Branch Chanakyapuri kidnapped me. I was talking in a STD phone booth, and as soon as I came out, they pushed me into the car. I was again kept for 8 days illegally, I told them about Special Cell, but they didn't listen to me. They also tortured me very badly. Even agencies don't get along with each other. They kept me in their office, and after 8 days they realized that they will not get anything from me. No confession was asked from me. Again my parents registered a complaint in Jahangirpuri station and put a doubt on the police. After 8 days they took me in their car and got me home, spoke to my parents. They told them that we picked him up, got them to sign on blank papers, and then asked them to write that our son went to the village without telling us, and we will take our complaint back. We couldn't even resist as we were poor and weak. They used to say that we got your son back, even though we could have killed him. Both the times they have got me to sign on blank papers, which they used for their own safety. So, we also used to go sign it as we didn't have anything to lose then.

After the Crime Branch incident, I again started working for Special Cell. And I worked till 2001. I helped them, got many cases solved. I used to get reward money as well. I befriended these inspectors, they used to help even overlook some of my mistakes. I saw them doing a lot of things - torture, framing fake cases, but then they were not that bad.

Third time, IB picked me up. They knew that this person can work for IB and RAW. So the pattern was almost same. I was going with my friend. They put their car in front of us and took both of us. They blindfolded us, and took us inside the Lal Kila (Delhi's Red Fort) or somewhere nearby to that. They kept me for 3 days, meanwhile both our parents filed a complaint. IB people didn't torture me as such. One officer comes, if he agrees to work with us then fine, otherwise take him out at night and do his encounter. So a young officer asked me and made a deal. IB people told me that they know everything about what I do on behalf of my brother. They said that now you will work only for us, and not the Special Cell. We will talk to them, no one will trouble you. They told me that you will not tell this to anyone and respond only to us. Old IB officers preached me a lesson of nationalism for 2-3 hours, I felt better. You will get everything, we will help with the education of your kids. If you get some big work, we will get you a flat after talking to the government. Now you are not a low level person, but a full-fledged undercover officer. And now forget about police. They gave me Rs. 500 and again blind folded me, left me at Laxmi Nagar. He asked me to ask your father to take the complaint back, and then I told my father to do the same. They didn't give me any number, and said we will contact you on our own. So, I worked from 2001-2006 for IB. In late 2006, my relationship with them became sour. I got to even know that I was getting less money. I got to know that from other informers from Kashmir. They used to say that give all the letters that are coming from the prison to us, and we shall send them as well. Initially I liked this job but later on I felt what am I doing? They are asking me to prepare people which I don't feel like doing. My wife and father got to know that I was working for some big agency, and that officer came to my home as well and had food too. He gave Eidi (gifts when celebrating Eid) to my children. He was a Muslim at Inspector rank named Majid.

IB wanted to get hold of a person, so they asked me to take up a place at that person's *mohalla* (neighbourhood). Befriend their family members and get their phone numbers. They asked me to keep a watch on one masjid at ITO. So all this kind of work IB used to tell me to do, which I would,

along with my own work of running a rickshaw. They said that *kaam nahi ho raha hai yaar, ladke taiyyar karo bhejo unhe Pakistan* [it is not working out, prepare boys to send to Pakistan]. *Tum prepare karo bhijwa hum denge, wapsi mai pakad lenge. Humara bhi kaam ho jayega and tumhe bhi inam mil jayega* [You prepare them to go, we will “send them” and catch them when they return. Our work will get done, and you will also be rewarded]. I told Khalid bhai (majid) this is not good that we are preparing people and then catching them. Khalid bhai wanted to say that the person should feel guilty when we catch him.

Then I told him that I don't like doing this work, I am getting meagre Rs. 7000 and even if I don't get this it won't make a big difference. IB even sent me to Pakistan once, I was caught by the army on the border. They thrashed me very badly, we went sometime later in the year 2006. IB had asked me to cross Pakistan border with a Kashmiri person, I had to spend time in Pakistan with some organisations and then have to come back to India. They asked me to go as undercover agent and told me that we won't be able to help if you are caught. So an agent was supposed to help us cross, but later we got to know that he was an informer for Indian Army. He told the army. They thrashed us in a way that we couldn't walk. We even told them that we are from IB. Later IB people also got worried that where we had disappeared. At that time, there was a colonel who was contacted by IB people and told about us. Then IB got my passport made, and asked me to go legally. Then I went to Pakistan embassy to get my visa but they didn't give me.

Meantime my father also got annoyed that what I am doing, going to Pakistan. He told me if you are caught, then for the rest of the life you will be there, your wife and children will be left all alone. He said that from small work you have reached here now. My family got very mad. My father said that if they will catch you, then at least you will be in India, and we will be able to visit you. Then I stopped going to them, stopped picking up their phone - this happened for at least 2 months. IB people kept calling me, and said it's ok if you don't want to work, but come to take your salary for two months. When I went, they didn't let me leave and kept me in illegal custody for two months, tortured me only on the first day, but for the other days they kept me at one place - I didn't see any sunlight.

No confession was extracted from me. My father meanwhile made a lot of hue and cry. He got the complaint registered saying “Khalid is the person who had come to my home and works in IB, my son went to meet him and now has been disappeared.” IB people got worried. My wife even called him up, he said that he came, took the money and left. My father even made an application to the High Court, wrote to the Prime Minister and the President, that IB has taken away my son. High Court gave the responsibility of finding me to the Special Cell, where several officers knew about me. They all used to come and meet me. They used to go back to the court saying we are finding him, but not able to trace him.

After two months, 10-12 Special Cell people came and handcuffed me.

Formal arrest was shown. The Special Cell took me to bypass (on Punjab highway). They had already prepared two people who were of the same build like me and my partner. They picked them up with their bags, after making noise to show the public. One of the inspectors asked his officers to bring those people down for checking, they asked us to wear the shirts which those people were wearing, and asked us to come along with the bags. All of this happened during late evening. They took out all the ammunition in front of the public. We were so shocked, and at the same time thinking that they have publicly shown us so we won't be killed. Even my family got very happy- as after my disappearance a person named Saifulla was killed in Kashmir, and my real name is Saifulla. My father thought that these agency people took me there and killed me.

All the legal work was done by the Special Cell. Arrest memo was prepared, but without any public witness. They pressurized the public on the scene, but no one was ready to sign it. After that, they took me to Lodhi Colony police station. My family was called after 2 days. I was apprehended on 9th, my medical exam was done the next day in the morning. The doctor did not want to declare me fit - as I was under tremendous stress thinking that I have been seen as a terrorist, and I will be gone for at least 8-10 years. My blood pressure was shooting, the doctor said we will have to admit him. Police

told him that he is a terrorist - *badi baat hai zinda pakad liye* [it's a big deal that we have caught him alive]. But doctor said whosoever he is, I will not give the certificate, and he left. Police tore that piece of my medical report, brought it to the PS, saw the previous medical of the same doctor, and fudged the signatures. On the same day, they produced me in the court. They asked us to sign at lot of places which I did without thinking. There was no independent witnesses, only police witness. My family was informed after two days by the police. They got to know first from the TV when the news showed two deadly terrorist have been caught.

They took me to Tis Hazari court, and threatened me not to say anything in front of the judge. They said that we have to take your police custody right now. The judge gave them 10 day custody, and after that, I was put in judicial custody. They took me to the same PS and kept me in the lock up for 10 days. Then they produced me in front of the media as well, and asked me to stay quiet. After 10 days, they told the judge that Irshad's interrogation has been done, but one accused's interrogation has to be done (Irshad's cousin who was innocent).

IB's intention was to show two terrorists, not one, to make it look more believable. They picked him up by giving him bait that we have a big order for you as he was a businessman. So now he doesn't talk to me as he feels because of me he got stuck in this.

Once I asked the court to give me a lawyer, I was assigned a lawyer who never used to remember my name, or my case. Then my cousin got me a lawyer, the assistant to the lawyer who later took on my case at no cost. He came to meet me in the jail.

Special Cell ransacked my home. They knew there was nothing there, but still did it. They beat up my landlord, he asked us to leave. They picked up a person who worked in the phone shop from where I would buy my sim cards, with no reason. They picked up my friends, and later on left them but harassed them. Now my friends stay away from me.

CHRI Programmes

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential if human rights, genuine democracy and development are to become a reality in people's lives. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does so through research, publications, workshops, information dissemination and advocacy. It has three principal programmes:

1. Access to Justice

Police Reforms: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

2. Access to Information

CHRI is acknowledged as one of the main organisations working to promote Access to Information across the Commonwealth. It encourages countries to pass and implement effective Right to Information laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh and Ghana. In the latter CHRI is the Secretariat for the RTI civil society coalition. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. Its experience of working in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance it has been promoting knowledge about the value of Access to Information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law.

3. International Advocacy and Programming

CHRI monitors commonwealth member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: advocating for and monitoring the Commonwealth's reform; reviewing Commonwealth countries' human rights promises at the UN Human Rights Council, the Universal Periodic Review; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

This report documents the perceptions and experiences of Muslims of policing in India, and explores the extent to which Muslims perceive bias and discrimination by the police, in the context of local level realities and experiences. The report also contains insights from retired Muslim police officers based on their experiences from within the police. The report's findings are based on consultations and interviews with the Muslim community and retired Muslim police officers from across 14 cities and towns in India. It concludes with a wide range of recommendations directed to various stakeholders.

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