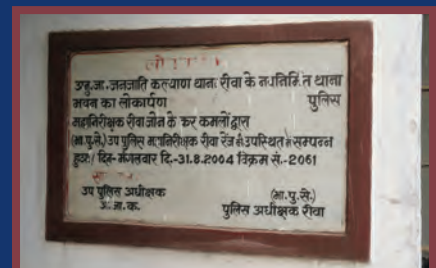


CHRI 2018



Anusuchit Jati Janjati Kalyan Branch Madhya Pradesh Police



An Assessment of the Special Unit on Crimes against Scheduled Castes and Scheduled Tribes



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Anusuchit Jati Janjati Kalyan Branch Madhya Pradesh Police

An Assessment of the Special Unit on Crimes against Scheduled Castes and Scheduled Tribes

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Table of Contents

<i>Abbreviations</i>	<i>vii</i>
<i>Acknowledgements</i>	<i>viii</i>
<i>Executive Summary</i>	<i>ix</i>
1. Introduction	1
1.1 Background	1
1.2 Objectives and scope	2
1.3 Methodology	2
2. About the Anusuchit Jati/Janjati Kalyan Branch	5
2.1 Background	5
2.2 Mandate	6
2.3 Structure	6
2.4 Staff	8
3. Assessment	9
3.1 Staff strength and deployment	9
3.2 Diversity	10
3.3 Reporting and supervision	12
3.4 Crime registration	14
3.5 Investigation	19
3.6 Training	23
3.7 Infrastructure and facilities	26
3.8 Community outreach	28
3.9 Records maintenance	31
3.10 Perceptions within the department (police survey analysis)	32
4. Recommendations	36
5. Annexures	42
Annex 1	42
Annex 2	44

List of Tables

Table 1:	Rank-wise number of personnel interviewed across districts	4
Table 2:	List of AJK police stations with date when constituted	5
Table 3:	Sanctioned and actual strength of personnel at the AJK branch	9
Table 4:	Percentage of representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes and women vis-à-vis percentage of reservation approved by MP government	11
Table 5:	List of AJK Ranges with names of districts covered	13
Table 6:	Total cases registered in AJK police stations as against local police stations from 2012-2016	14
Table 7:	District-wise percentage of total crimes against Scheduled Castes and Scheduled Tribes registered at AJK police stations from 2012-2016	16
Table 8:	Total number of cases registered on crimes against the Scheduled Tribes against percentage of ST population in select districts	17
Table 9:	Crime rate vis-à-vis Scheduled Castes and Scheduled Tribes	18
Table 10:	Registered cases under investigation at AJK police stations as against other SDOPs	20
Table 11:	Number of chargesheet filed in AJK police stations as compared to other police stations	21

List of Graphs

Figure 1:	Organogram of AJK Branch	7
Figure 2:	Chargesheets filed on crimes against Scheduled Castes and Scheduled Tribes	21
Figure 3:	Total responses in percentage on training sessions organised by the AJK branch	24
Figure 4:	Total responses in percentage on infrastructure and facilities at the AJK police stations	26
Figure 5:	Total responses in percentage on opinion of the AJK police station	32
Figure 6:	Total responses in percentage on posting in the AJK unit	33
Figure 7:	Total responses in percentage on value of AJK police stations for the community	33
Figure 8:	Total responses in percentage on value of AJK unit for better policing	34

Abbreviations

ADG	Additional Director General of Police
AJK	Anusuchit Jati/Janjati Kalyan
DGP	Director General of Police
DIG	Deputy Inspector General of Police
DPO	District Prosecution Officer
DSP	Deputy Superintendent of Police
DSR	Daily Situation Report
FGD	Focus Group Discussions
FIR	First Information Report
IGP	Inspector General of Police
IPS	Indian Police Service
MOU	Memorandum of Understanding
MP	Madhya Pradesh
MSJE	Ministry of Social Justice and Empowerment
NHRC	National Human Rights Commission
SC	Scheduled Caste
SDOP	Sub-Divisional Officer of Police
SP	Superintendent of Police
SP-AJK	Superintendent of Police – Anusuchit Jati Kalyan
ST	Scheduled Tribe

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At CHRI, Devyani Srivastava led the research and writing. Nikita Bhukar played a central role in documenting field visits, assisting with conducting focus group discussions and interviews, compiling and analyzing data, translating documents and liaising with the MP police. Her meticulous notes and thoughtful insights have contributed immensely to the writing of the report. Devika Prasad helped refine and polish the draft. Richa Udayana and Sanjoy Hazarika edited the final draft.

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Executive Summary

This report assesses the *Anusuchit Jati and Janjati Kalyan* (AJK) branch¹ of the Madhya Pradesh Police (MP Police). The AJK serves as the nodal unit of the MP Police with a specific mandate to oversee police response to crimes against the Scheduled Castes and the Scheduled Tribes in the state, in close cooperation with local police stations and district heads. To do this, it has a dedicated command structure at the headquarters, range and district levels, including a separate police station -- known as AJK police station -- in every district.

Despite over 20 years of existence, the role and impact of the AJK branch remains limited. To some extent, the existence of AJK police stations in every district has encouraged reporting of offences. The branch is further recognized both by the police and representatives of the community as pivotal for instilling trust within the SC and ST communities, facilitating access to justice and providing safety. Its effectiveness, however, is constrained by inadequate authority vested with the specially created supervising posts within the branch, poor coordination between AJK police station and local police stations, a pervading sense that the AJK branch is not valued within the department, and, above all, deep-rooted attitudes and prejudice which need urgent recognition and addressing to yield better outcomes.

The key findings of this assessment are as follows:

Staff strength and deployment:

- AJK unit is understaffed at 37% overall shortfall. The DSP ranks (DSP 1 and DSP 2) have the highest shortage at over 70% (until October 2017, only DSP rank officers were authorized to investigate atrocity cases). The post of SP-AJK is often held as additional charge, and not full-time, even when it was created especially for supervising AJK police stations.
- AJK staff is routinely diverted to other law and order duties in the district, against departmental instructions clearly stating not to do so.

Diversity:

- The AJK branch did not provide data on women, SC and ST personnel posted in the unit.
- The MP Police has laid down 16% reservation for SCs, 20% for STs, and 33% for women.
- 16% of the total personnel interviewed by CHRI belonged to Scheduled Castes. 7% of the total personnel interviewed by CHRI belonged to Scheduled Tribes.
- 10% (9 out of 85) of the total personnel interviewed were women. This includes 5 women Constables, 2 women Sub-Inspectors and 2 women DSPs. 5 out of 12 AJK police stations visited did not have a single woman personnel.

Reporting and Supervision:

- The MP Police has streamlined reporting on atrocity cases.
- AJK police stations are delivering on their reporting duties by compiling the total number of complaints received, and registered cases, from each police station in the district, and reporting to the SP-AJK, as well as the district SP.
- The SP-AJK's considerable supervising role is constrained by three major factors: 1) it is limited to AJK police stations and does not extend to investigation by non-AJK IOs; 2) the area jurisdiction of each

¹ This report uses branch and unit interchangeably while referring to the AJK structure.

SP-AJK varies considerably, creating uneven workloads among them; and 3) most crucially, the post has not been given powers to take action against negligence, delay or wrongdoing.

Crime Registration:

- From 2013-2016, AJK police stations registered an average of 7% of the total crimes against SC and STs registered in the state. In 2012, they registered 10% of the total registered cases.
- 77.6% of the police personnel surveyed affirmed that the presence of AJK police stations has encouraged reporting of atrocities offences to the police. There is a constant variation across districts in the proportion of cases registered at AJK police stations, with dips and surges in relation to location and time periods.
- The numbers of registered cases per year in tribal-dominated districts have been consistently low, particularly when seen against the numbers of registered cases of caste-based atrocities.
- AJK police stations routinely conduct a preliminary inquiry before registering a complaint which stands in violation of established criminal law and specific provisions of the POA Act.
- Problematic views emerged in interviews with police personnel on perceived mistrust of the POA Act that reflects an unfounded distrust of the SC communities.

Investigation:

- As with registration, there are surges and dips in the number of cases investigated by AJK police stations. In 2012, AJK police stations investigated **62.87%** of the total atrocities cases registered in MP. In 2017, this fell to **36.73%**.
- Case load varies in each district, and can be high. In 2017, in the four districts of Alirajpur, Badwani, Burhanpur and Ujjain, the AJK police stations investigated over 90% of the registered cases in those districts.
- AJK personnel feel serious complaints are more often given to SDOPs for investigation, not to them.
- From 2012-2016, the average rate of charge-sheeting by AJK police stations was 95.9%, and 98% by other police stations.
- AJK personnel face distinct logistical challenges in investigation in covering an entire district, including long travel at times and lack of local networks in all places.
- Arranging caste certificate of the victim takes a lot of time and delays investigation.
- On average, the caseload of DSPs of AJK police stations is higher than the standard of 4 cases for each investigator laid down by the MP Police.
- Despite logistical difficulties, AJK personnel stressed the advantage of being located at the district headquarters as being regarded as more impartial than local police stations.

Training:

- The MP Police has instituted targeted training on the Atrocities Act across the department at state, range and district levels.
- DSP rank officers interviewed said they had attended at least one training every year during their posting at the AJK police station.
- Each AJK police station visited shared that they organise 2-3 training sessions in a year. Recurring low attendance was cited as a problem.
- 70% of the AJK personnel surveyed said they find the training good or outstanding.
- AJK personnel highlighted their lack of knowledge of important court rulings and judgments as an area to improve.
- AJK unit has developed a comprehensive handbook on the Atrocities Act for training.
- The establishment of a dedicated team for developing training material and resourcing training sessions has produced a pool of senior to mid-rank officers and trainers with deep expertise on the Atrocities Act.

- CHRI attended one training session in Bhopal in July 2017, and found it to be rich in content, interactive and very effective.
- Two critical areas that need coverage and emphasis in training sessions are 1) preventive measures the police can take under the Atrocities Act, and 2) police negligence and/or wrongdoing that qualify as offences under Section 4 of the Act and the action that will be taken to hold police accountable.

Infrastructure and Facilities:

- The MP Police has taken visible measures to build the name of the AJK unit. Each AJK police station has a sign board that is clearly visible. AJK police vehicles are marked with the sign “Anusuchit Jati Janjati Kalyan”.
- 80% of the AJK personnel referred to the facilities at the police stations as adequate, good or outstanding.
- AJK police stations helpfully display important information relating to the Atrocities Act and Rules for the public on their walls, such as the relief norms and atrocity offences. Most stations need to update the information following the 2015 Amendments.
- Some AJK police stations, such as in Tikamgarh and Rewa, did not have separate office space and share a building with the women helpline/cells.
- AJK police stations do not yet have separate facilities, like toilets and rest rooms, for women police personnel.

Community outreach:

- Community outreach is recognised as a core activity of the AJK branch.
- Mechanisms for community outreach have been created, but they are not effective as yet.
- While required to, AJK police stations do not regularly hold Jan *Chetna Shivir*, the monthly awareness camps.
- When held, the awareness camps suffer from several weaknesses:
 - notification of the camp sittings are not sufficiently issued in advance;
 - there is no format for documenting community interactions;
 - lack of educational material that is easy to read and comprehensive for wide distribution;
 - local community leaders and activists are not sufficiently being used as resource persons;
 - absence of reporting back to supervisors on participation, effectiveness, and what can be improved.
- Centres for Social Justice and Empowerment are not active within each AJK police station.

Records maintenance:

- AJK police stations maintain thorough records of atrocity cases throughout the district including complaints received, FIRs registered, non-cognisable complaints filed, status of investigation, areas declared as sensitive, and relief and allowance provided to victims and witnesses.
- AJK police stations are maintaining Daily Situation Reports to record details of reported incidents in their district. The DSRs, however, lack consistency with only some police stations recording details like name of investigating officers.

Perceptions within the department (police survey analysis):

- CHRI’s survey with police officials posted at the AJK police stations found strong support for the role and impact of AJK police stations.
- Of the 85 AJK police personnel surveyed:
 - 96% support AJK police stations;
 - 95% like being posted in the AJK police stations;
 - 89% agreed that special police stations are important for instilling confidence within the SC/ST

- communities in approaching the police;
- 83% believe the police stations have increased the safety of the SC/ST communities;
 - 77% feel the police stations have increased reporting of atrocity offences;
 - 87% stated that creating specialised units helps build expertise in policing;
 - 76% agreed that the AJK unit is valued, though a sizeable minority at 18% disagreed.
- There is some support for setting up AJK police stations at the sub-division (tehsil) level to facilitate better response, though this is not the majority view.
 - There is some concern that the AJK branch is not valued and/or fully supported within the department, with AJK staff often subject to ridicule and scorn from fellow colleagues.

1. Introduction

1.1. Background

The concept of creating a special police unit flows from the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter the Atrocities Act). The Atrocities Act was enacted to strengthen the legal framework governing crimes against SC and ST communities. It penalises a range of discriminatory actions defined as ‘atrocities’, prescribes stringent punishments, criminalises willful neglect of duties by public servants including non-registration of a complaint by the police, and constitutes monitoring committees at the district and state levels to oversee proper implementation of the Act. The Act was amended in 2015 to further expand the definition of atrocities, strengthen procedural safeguards, and guarantee rights of victims and witnesses.

On the role of the police, the Atrocities Act, along with the accompanying Rules (passed in 1995 and subsequently amended in 2016), prescribe several special arrangements and safeguards. These include designating all investigations to be done by a Deputy Superintendent of Police (and above),² mandating charge-sheets to be filed within 60 days (extended from 30 days originally), and constituting a special cell at the police headquarters in every state to supervise police response, including status of investigations undertaken, and video-recording all proceedings under the Act.

To ensure effective implementation of these provisions, in 2003, the Ministry of Social Justice and Empowerment (MSJE) issued an advisory emphasising the importance of creating special police stations in atrocity prone areas as an important measure to effectively respond to atrocities.³ Subsequently, the National Human Rights Commission (NHRC) also highlighted the role of special police stations in its guidelines on “Effective implementation of Protection of Civil Rights Act 1955 and the SC/ST (Atrocities) Act 1989 and Rules 1995.”⁴

However, till date, only four states in India – Bihar, Jharkhand, Madhya Pradesh and Chhattisgarh – have constituted special police units, including separate police stations, specifically to respond to atrocities cases. Of these states, the AJK branch of MP Police stands out as the most elaborate in structure. Yet, there is very little documentation available in the public domain on how these special police stations work, their impact on policing, and the experiences or satisfaction levels of complainants.

In 2017, CHRI entered into a Memorandum of Understanding (MoU) with the Madhya Pradesh Police to profile the AJK unit. This study is an outcome of the MoU and is based on a mutual recognition of the need and value of an independent assessment of the AJK branch.

As a special unit with an elaborate structure, it is important to understand its functioning and impact in providing timely, effective, and unbiased police response. This report is aimed to be a starting point for this by profiling the branch and reviewing its structure, policy framework, nature of planning, adequacy of personnel and resources, level of monitoring and supervision and effectiveness of training. At a time when

2 In 2017, the Supreme Court upheld the authority of state governments to issue notifications under Section 9 of the SC/ST Act, 1989, that may include extending investigation power under the Act to ranks below Deputy Superintendent of Police, as laid down under Rule 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Pursuant to the judgment, MP has extended investigation powers for select offences to Police Inspector rank. For details, see Section 2.3, footnote 9.

3 Ministry of Social Justice and Empowerment, D.O.No.11020/1/2003-PCR(Desk) – 7/10/03.

4 The guidelines are not available online. These were shared with us by the National Campaign on Dalit Human Rights.

reported and registered crimes against Scheduled Castes (SC) and Scheduled Tribes (ST) are increasing,⁵ this review of AJK as a dedicated unit is intended to inform debates on police preparedness and commitment to ensuring safety of the SC and ST communities. In particular, it seeks to steer debates on the effectiveness of special units in prompting better police response in registration and investigation. In doing so, it highlights good practices, identifies gaps and recommends improvements.

1.2. Objectives and scope

For both CHRI and the MP Police, the purpose of this study is to provide an *independent assessment* of the department's initiative in improving its response to atrocities. Specifically, the objectives are to:

- Evaluate AJK structure and processes, take stock of its performance, identify challenges on the ground and recommend improvements;
- Highlight good practices with regards to policing strategies; and
- Provide ready material on the AJK unit that can facilitate knowledge-sharing among police departments and state governments on this model.

In scope, the study is confined to examining the vision, design and initiatives of the AJK branch with a view to underscore its *potential*, and thereby the need for specialisation, in improving police response, specifically by encouraging dedicated planning, close supervision, specialised training and targeted community outreach. Whether the AJK police stations are, in fact, responding better to atrocities cases requires further study of, among other things, whether they conduct more thorough and timely investigations, are quicker and more sensitive in responding to the communities, and enjoy greater confidence among the community. We see this report as a first step to prompt these kinds of comparative assessments not just with regular police stations within the state, but even against other states' efforts at addressing crimes against SC and ST communities.

In assessing the unit, the study recognises that the AJK branch is constrained by larger structural problems affecting the police department in general, and that its performance cannot be measured in isolation. As such, the study is rooted in CHRI's belief that without systemic reforms of the police aimed at making police services more transparent, accountable and efficient, special initiatives targeted at safety of vulnerable communities, be it Scheduled Castes, Scheduled Tribes, women or children, will be not be able to deliver to their full potential.

1.3. Methodology

a. Review of Data and Records

CHRI reviewed the following documents pertaining to the AJK branch:

By the Police Headquarters, Madhya Pradesh

- "In relation to investigation of offences committed against members of Anusuchit Jati/Janjati," Anusuchit Jati/Janjati Cell, G.O.P. No.117/04, dated 29/03/03
- "Duties of the Range Superintendent of Police AJK", Anusuchit Jati/Janjati and Mahila Kalyan, G.O.P. No.115/2004, dated 31/01/2004
- Anusuchit Jati/Janjati Kalyan, Circular No. A-11/595/12, dated 17/9/12
- Anusuchit Jati/Janjati Kalyan, Circular No. A-1/7211/2017, dated 16/11/2017

⁵ In 2016, reported crimes against the Scheduled Castes increased by 5.51%, and crimes against the Scheduled Tribes by 4.65%. Refer to National Crime Records Bureau, Ministry of Home Affairs, Government of India, "Crime in India 2016," Tables 7A.1 and 7C.1.

By the Home Department, Government of Madhya Pradesh

- “In relation to One-Step Promotion for Inspector rank officers working in the Anusuchit Jati/Janjati Kalyan branch,” Notification No 842/03/B-4/two, dated 19/08/04
- Notification No. F.12-99-2017-B-1-two, dated 7/10/17

By the AJK police stations

- Copy of the Daily Situation Report
- Proforma B- witness protection scheme tracking statement

Additionally, we requested and reviewed the following data sets:

- Date-wise chronology of when each AJK police station was constituted
- Rank-wise sanctioned and actual strength of the AJK branch
- District-wise number of cases registered on crimes against the Scheduled Castes and crimes against the Scheduled Tribes in AJK police station and all other police stations from 2012-2016
- District-wise number of charge-sheets filed for crimes against the Scheduled Castes and crimes against the Scheduled Tribes by the AJK police station and all other police stations from 2012-2016
- District-wise total number of registered cases investigated by the AJK police stations and those investigated by other Sub-Divisional Police Officers from 2012 till 2017 (31 August) separately for crimes against the Scheduled Castes and crimes against the Scheduled Tribes
- District-wise investigation timeline for cases registered between 1 January 2017 till 31 August 2017 separately for crimes against the Scheduled Castes and crimes against the Scheduled Tribes

Of the data requested, we did not receive the following from the Madhya Pradesh police:

- Rank-wise actual strength of women, and members of Scheduled Castes and the Scheduled Tribes in the AJK department
- Nature and number of complaints received by the police, including complaints made at AJK police stations, to the SP-AJK, to other SDPOs, to other police stations, to the district SPs, court complaints, complaints received from independent commissions and complaints initiated suo moto by the police
- Number of cases registered under Section 4, Atrocities Act, on willful negligence and details of action taken
- Copies of all six-monthly reports required to be submitted by the protection cell at the police headquarters to the nodal officer under Rule 8(1) (xi), Atrocities Rules 1995

b. Interviews and focus group discussions at the AJK police stations

CHRI visited 12 AJK police stations in the following districts: Gwalior, Datia, Hoshangabad, Narsinghpur, Jabalpur, Rewa, Satna, Tikamgarh, Sagar, Ujjain, Indore and Vidisha. In assessing the AJK police stations, the study focuses on districts known for crimes against the Scheduled Castes. We were not able to cover any tribal districts mainly due to logistical constraints and difficulties in traveling to these districts. The districts visited were selected based on the proportion of SC population and registered crime rate. Together, they represent a combination of districts with high SC population with high registered crime, high SC population with low registered crime, and conversely, low SC population with high registered crime and low SC population with low registered crime.

At the police stations, we held interviews with DSP rank officers and held separate Focus Group Discussions with ASI/SI ranks officers and with the constabulary. In total, we interviewed 13 DSP-rank officers, 17 officers of Inspector/ASI/SI ranks, and 63 HC/Constables.

We also interviewed four officers of the rank of SP-AJK and one District Prosecution Officer attached to the SP-AJK office.

Table 1: Rank-wise number of personnel interviewed across districts

	DSP-1	DSP-2	Insp	SI	ASI	HC	Constables	Total
Gwalior	1			2		2		5
Datia	1				1	4		6
Hoshangabad	1	1					3	5
Narsinghpur		1		1		2		4
Jabalpur	1						8	9
Rewa	1			2			2	5
Satna				2			4	6
Tikamgarh	1			1	1		11	14
Sagar		1	1	1			6	9
Ujjain	1			1	1	1		4
Indore		1		2	1	6	7	17
Vidisha	1	1				3	4	9
Total	8	5	1	12	4	18	45	93

c. Survey

Finally, we administered a survey in 10 of the AJK police stations visited (except Gwalior and Datia) and covered total 85 personnel. The survey sought to record the views of the staff on the role, value and impact of the AJK police station to capture the police's own perception of the special unit, its importance and ways to improve it. The CHRI team administered the survey, with a majority of the personnel filling up the form in front of us.

In May 2018, CHRI presented preliminary findings of the study before Shri Rishi Kumar Shukla, the then Director General of the MP Police, along with Ms Pragya Richa Srivastava, the then ADG, AJK, and other senior officers of the AJK branch. In November 2018, we submitted a written draft to the AJK branch for feedback. As of printing, CHRI has not received any written feedback on the draft shared.

2. About the Anusuchit Jati Janjati Kalyan Branch

2.1. Background

Madhya Pradesh has a long history of special police stations constituted to deal with crimes against the Scheduled Castes and the Scheduled Tribes. The practice started in 1974 when the state declared the offices of the Deputy Superintendent of Police in seven places – Morena, Panna, Bilaspur, Raipur, Jabalpur, Bhopal and Ujjain – to serve as police stations for dealing with offences on the grounds of untouchability under the Protection of Civil Rights Act, 1955, and other crimes committed against members of the Scheduled Castes and the Scheduled Tribes.⁶ At the beginning, these seven police stations covered the entire state, with each station given an entire division (group of districts) as their jurisdiction.

Following the Atrocities Act in 1989, the state gradually began constituting Anusuchit Jati/Janjati Kalyan police stations at the district level. It started in 1996 with the setting up of nine AJK police stations and extended to another 29 districts in 1997 (see table). **By 2013, AJK police stations had been established in all 51 districts.** However, some of the tribal-dominated districts such as Dindori, Umaria, Barwani and Anuppur got AJK police stations much later in 2005-2006.

Table 2: List of AJK police stations with date when constituted

No	AJK Police station (District)	Date when constituted	No	AJK Police station (District)	Date when constituted
1	Gwalior	30-03-1996	27	Katni	08-07-2005
2	Guna	15-09-1997	28	Seoni	15-09-1997
3	Shivpuri	15-09-1997	29	Sagar	15-09-1997
4	Ashok Nagar	10-08-2006	30	Damoh	15-09-1997
5	Morena	15-09-1997	31	Panna	30-03-1996
6	Bhind	30-03-1996	32	Tikamgarh	15-09-1997
7	Sheopur	08-07-2005	33	Chhatarpur	15-09-1997
8	Datia	15-09-1997	34	Rewa	15-09-1997
9	Indore	30-03-1996	35	Satna	30-03-1996
10	Dhar	15-09-1997	36	Sidhi	15-09-1997
11	Jhabua	15-09-1997	37	Singroli	28-06-2011
12	Alirajpur	16-06-2011	38	Shahdol	30-03-1996
13	Khargone	15-09-1997	39	Umaria	08-07-2005
14	Khandwa	15-09-1997	40	Anuppur	10-08-2006
15	Barwani	08-07-2005	41	Dindori	08-07-2005
16	Burhanpur	10-08-2006	42	Hoshangabad	15-09-1997
17	Ujjain	30-03-1996	43	Raisen	15-09-1997

⁶ Government of Madhya Pradesh, Home (Police) Department, Notification No.391/6266/II-B9(ii), dated 1 February 1974

18	Dewas	30-03-1996	44	Betul	15-09-1997
19	Shajapur	30-03-1996	45	Harda	08-07-2005
20	Agar	05-12-2013	46	Bhopal	15-09-1997
21	Mandsaur	15-09-1997	47	Sehore	15-09-1997
22	Ratlam	15-09-1997	48	Vidisha	15-09-1997
23	Neemuch	08-07-2005	49	Rajgarh	15-09-1997
24	Jabalpur	15-09-1997	50	Balaghat	15-09-1997
25	Chhindwara	15-09-1997	51	Mandla	15-09-1997
26	Narsingpur	15-09-1997			

Notably, the state decided to use the term Anusuchit Jati/Janjati Kalyan -- a significant departure from before when the seven designated police stations set up in 1974 were referred to as 'Harijan welfare' in the departmental notification. It is a term that continues to be used in local parlance, both by the police and by the community at large to refer to the AJK police stations. This is noteworthy because it reflects a disconnect between policy measures aimed at addressing caste discrimination on the one hand, and the history of Dalit rights movement on the other that has rejected the term 'Harijan' as derogatory. Consultations with lawyers and human rights defenders in Madhya Pradesh during the course of this study further revealed that the continued usage of the term has also had the effect of deterring members of the Scheduled Tribes from taking recourse to these police stations.

2.2. Mandate

The AJK branch is envisaged as the nodal unit within the MP Police for addressing crimes against the Scheduled Castes and the Scheduled Tribes. It is responsible for overseeing and monitoring the department's response to such crimes and taking steps to ensure the proper registration of complaints and effective and timely investigations. The AJK police station in each district not only respond to individual complaints, but also has a larger mandate of overseeing the district police response to such crimes. The branch plays a crucial role in monitoring crime trends, maintaining records, holding training session within the department and coordinating with other state departments in ensuring the effective implementation of the Atrocities Act and its safeguards. Details of its functioning and coordination with the district police are laid down in a notification issued by the department in March 2003 and are reviewed in Section 3.

2.3. Structure

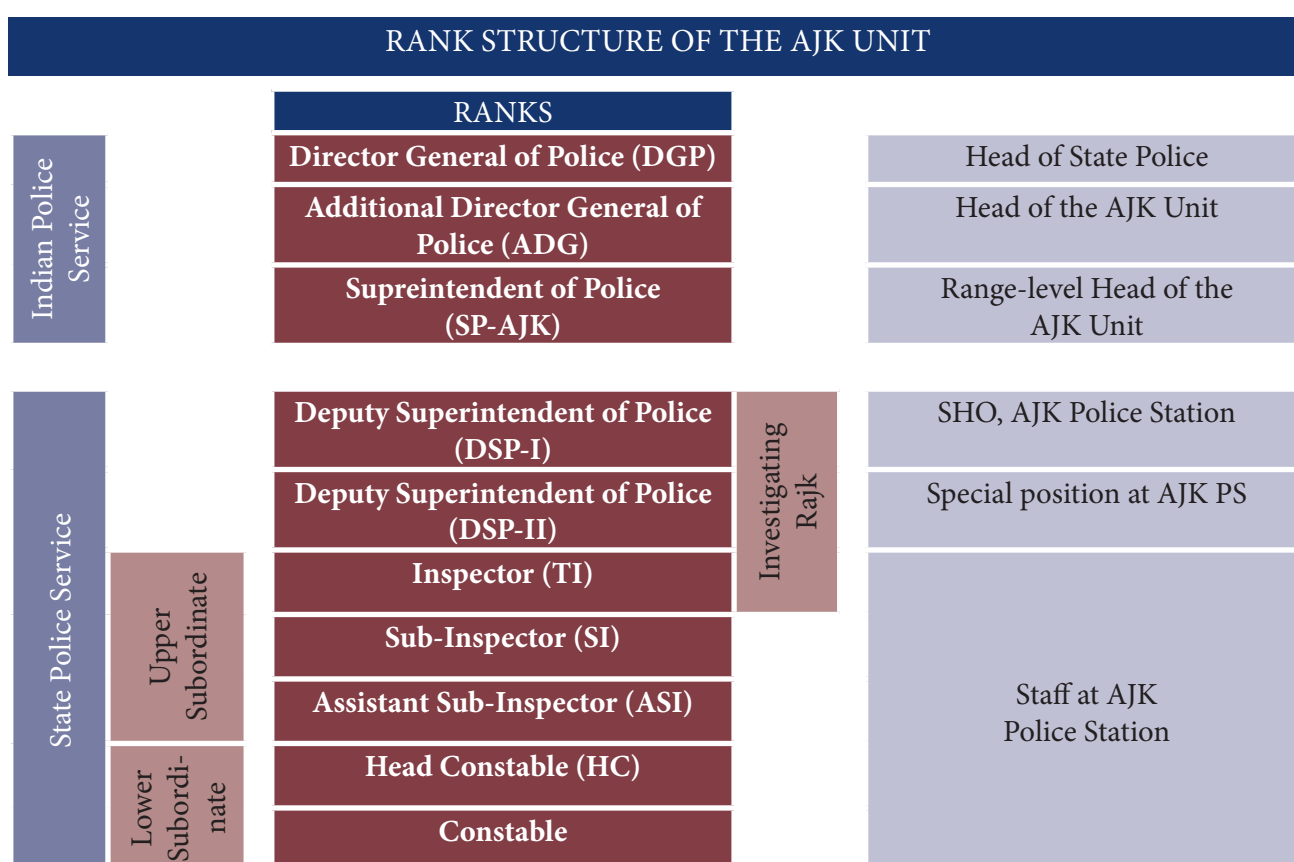
Each state police service in India follows a similar hierarchical structure. The head of the police force is the Director General of Police (DGP), who is responsible to the state government for the administration of the police and for advising the government on policing matters. The supervisory and management ranks of each state police is filled by centrally-recruited Indian Police Service (IPS) officers who have charge over specific jurisdictions [district, range (group of districts), and zone (group of ranges)], followed by the "upper subordinates" (inspectors, sub-inspectors and assistant sub-inspectors) who mainly work and supervise police station work including crime investigation, and the police constabulary to which is delegated the patrolling, surveillance, guard duties and law and order work.

To supervise the functioning of the AJK branch, MP Police has created a separate command system at three administrative levels in the state – police headquarters, police range (group of districts) and the district headquarter where the AJK police stations are located.

- a. *AJK headquarter*: the AJK unit is headed by an officer of the rank of Additional Director General of Police (ADG) who is appointed by, and reports directly to, the DGP. The ADG supervises the overall functioning of the unit.

- b. *AJK at Range level:* Below the ADG, an officer of the rank of Additional Superintendent/Superintendent of Police (SP-AJK) is made in charge of a range or a group of districts.⁷ ***This is a special post created specifically to oversee the AJK police stations as well as the All-Women police stations of the districts within the range.*** The SP-AJK serves as a bridge between the district Superintendents of Police (SP), range-level Inspector Generals of Police (IGP), and the AJK headquarters in monitoring and supervising police response to atrocities, with particular emphasis on reviewing adherence to the mandatory timeline for investigation, supervising investigation of heinous offences, and looking into pending relief amounts (see Section 3.3 for more details). Although of SP rank, the officer has been given charge of a range typically overseen by the higher DIG rank officer in the police. There are currently **10 SP-AJK** posts covering all AJK police stations.
- c. *AJK police stations:* A separate AJK police station has been set up in each district headquarters and unlike regular police stations, an officer of the higher rank of DSP heads the AJK police station. AJK police stations function like any other police station and have the same powers and responsibilities. They investigate complaints that are either registered directly with them or that are registered in regular police stations and then transferred to the AJK police station for investigation (see Section 3.4 for more details). Apart from crime investigation, organising trainings on the Atrocities Act, community outreach, and maintaining crime data are some of their other main responsibilities.

Figure 1: Organogram of AJK Branch



One-step promotion – Deputy Superintendent of Police 2

In 2004, the department took a unique step by creating a special post of **DSP-2** to be filled through one-step promotion of Inspector rank officers.⁸ This step was taken because the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995 mandates atrocity offences to be investigated by an officer of the

⁷ "Duties of the Range Superintendent of Police AJK," Madhya Pradesh Police, Anusuchit Jati/Janjati and Women Kalyan, G.O.P. No. 115/2004 dated 31/01/2004.

⁸ Government of Madhya Pradesh, Home (Police) Department, Notification No 842/03/B-4/ii, dated 19/08/04.

rank of DSP to ensure effective investigation (Rule 7(1)). The Rules further require an investigating officer to complete investigation of atrocity offences and file a charge-sheet within 60 days from the date of registration of the complaint (Rule 7(2)). Given persistently high vacancies at the DSP rank, this was a much-needed and innovative step to enable the department to respond to atrocity offences and adhere to the timelines under the Atrocities Act. The terms of the promotion including selection process, tenure and salary were laid down in the 2004 notification issued by the department. The officers are selected by a committee headed by the DGP and include Additional Directors General of Police of the AJK and Administration departments as members. The one-step promotion comes with 3-year tenure during which the officer draws the salary of the DSP rank. After completing the tenure, the officer is returned to the Inspector rank. Every AJK police station, therefore, is required to have at least two officers of DSP rank: DSP 1 (which is a regular post filled by officers who enter directly at DSP rank) and DSP 2 (which is filled by this one-time promotion of Inspector rank officers). Notably, DSP 2 is often made the officer-in-charge of the AJK police station.

Although such out-of-turn promotions tend to create tension within the system, officers interviewed mostly supported this step and saw it as necessary to address atrocity cases. In any case, in October 2017, the state government decided to extend investigating powers to officers of the rank of Police Inspector *for select offences*⁹ for the purpose of “the prevention of and for coping with the offences under the Atrocities Act.”¹⁰ More serious offences continue to be investigated by a Deputy SP rank officer.¹¹ This decision was triggered by a Supreme Court judgment upholding the power vested with state governments under Section 9(1) of the Atrocities Act, 1989, to “confer powers of arrest, investigation and prosecution to any officer of the state government.”¹²

2.4. Staff

The AJK unit has a total sanctioned strength of 1427 posts, constituting 1.63% of the total sanctioned civil police strength in Madhya Pradesh.¹³ More than 91% of the sanctioned posts (1310) are assigned to the AJK police stations, with the remaining 4% (57) at the AJK headquarters, and nearly 5% (60) at the AJK zonal headquarters. Notably, each AJK zonal office and AJK police stations have equal number of sanctioned posts: Six each at the zonal headquarter and around 25-26 total posts at the AJK police stations including one DSP-1, one DSP-2, two Sub-Inspectors, four or five Head Constables and 16-17 Constables.

9 Section 120A, 120B, 217, 294, 323, 324, 325, 332, 341, 354, 363, 365, 447, 506, 509 of IPC, as well as under section 3(1) and section 3(2)5(a) of the Atrocities Act, 1989 (as amended in 2015).

10 Government of Madhya Pradesh, Home Department, Notification No 12-99-2017-B-1-ii, dated 7 October 2017.

11 All the offences under Section 3(2)(5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (as amended in 2015), as well as Section 147, 148 153A, 194, 195, 195A, 295A, 302, 304, 306, 307, 326, 326A, 326B, 327, 328, 364, 364A, 366, 366A, 372, 373, 376, 377 and 436 of IPC.

12 In *State of Bihar and others versus Anil Kumar and others*, 2017, the Supreme Court upheld the authority of state governments to issue notifications under Section 9 of the SC/ST Act, 1989, that may include extending investigation power under the Act to ranks below Deputy Superintendent of Police, as laid down under Rule 7 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Specifically, the court upheld the notification issued by the State of Bihar on 03.06.2022 authorizing officers of the rank of Police Inspector, Sub-Inspector and Assistant Sub-Inspector to investigate cases filed under the SC/ST Act on the ground that Section 9 of the SC/ST Act vests discretionary authority with state governments to, by notification, confer powers exercisable by a police officer to any officer of the state government. Such power was regarded as expansive for the purpose of providing an effective mechanism for arrest and investigation, and could be exercised irrespective of the provisions of the parent SC/ST Act as well as the Rules. *State of Bihar and others versus Anil Kumar and others*, 2017 SCC OnLine SC 422.

13 The percentage has been calculated based on total sanctioned civil police strength in Madhya Pradesh which stands at 87,366 as on 1 January 2017. Ministry of Home Affairs, Bureau of Police Research and Development, *Data on Police Organizations (As on January 1, 2017)*, Table 3.1, pg.41.

3. Assessment

3.1. Staff Strength and deployment

The AJK branch is hugely understaffed with 37% overall shortfall in personnel strength as on June 2017 (Table 3).¹⁴ Of the ranks, the shortfall at both the DSP ranks responsible for investigating atrocities is most critical. With 27.45% shortfall at the DSP 1 rank and 43.18% at the DSP 2 rank, the AJK police stations clearly lack adequate investigating officers. Some of the AJK stations visited during this research did not have a single DSP rank officer. Personnel interviewed too expressed concern over the DSP 1 position often lying vacant for several months before getting filled.

Table 3: Sanctioned and actual strength of personnel at the AJK branch

Ranks	Strength		Shortfall	Shortfall in %
Deputy Superintendent of Police (DSP) (refers to DSP 1 position)	sanctioned	51	14	27.45
	actual	37		
Deputy Superintendent of Police (DSP – 2)	sanctioned	44	19	43.18
	actual	25		
Inspector	sanctioned	67	33	49.25
	actual	34		
Sub-Inspector (SI)	sanctioned	102	45	44.12
	actual	57		
Assistant Sub-Inspector (ASI)	sanctioned	0	25	
	actual	25		
Head Constable (HC)	sanctioned	248	17	6.85
	actual	231		
Constable	sanctioned	858	404	47.09
	actual	454		
TOTAL	sanctioned	1326	507	37.01
	actual	838		

To some extent, the AJK branch is affected by general shortfall across MP Police that stood at nearly 15% in the beginning of 2017.¹⁵ The shortfall was particularly acute at the DSP rank across the department at 28%, largely because promotions within the department have been affected by the High Court stay on extending reservations in promotions to members of the SC and ST communities.¹⁶

General shortfall aside, the officers shared concerns about low priority given to the AJK branch in staffing:

¹⁴ Data provided by the AJK headquarters, Madhya Pradesh police

¹⁵ The shortfall is for both armed and civil police combined. Bureau of Police Research and Development, Ministry of Home Affairs, Government of India, “Data on Police Organizations in India as on 1 January 2017,” Table 3.1, pg.41.

¹⁶ On 30 April 2016, in *R.B.Rai and others vs. State of Madhya Pradesh*, Madhya Pradesh High Court quashed the Madhya Pradesh Public Services (Promotion) Rules, 2002, which introduced reservation for SC/ST communities in promotions in government service. The Government of Madhya Pradesh has challenged the High Court order at the Supreme Court (No.16321/2016). As of printing, the case was still pending.

“The SP-AJK post is seen as a temporary posting. Officers are transferred out at very short notice, and often hold additional charge instead of full time responsibility.”

“The DSP 1 post has been lying vacant for several months.”

“Some of the staff posted at the AJK police stations are posted very close to their retirement age, when they have barely any months of service left, or sometimes when they are sick.”

There were also frequent complaints about the AJK staff being diverted for other duties:

“For any law and order duty, AJK staff is also deployed. Recently, I was put on duty for 8-10 days. This greatly affects our workload.”

“We can complain but there is no point, as ultimately we have to report to the district SP.”

Diversion to other duties continue despite clear instructions from the department stating that the staff posted at the AJK police stations, including the DSP, shall not normally be given night duty or be used for other law and order duties in the district. The permission of the AJK unit at the police headquarter is required for diverting staff.¹⁷ Since the decision to deploy AJK staff is taken by the district SP, the department needs to review whether such diversions happen routinely, and if so, improve communication and coordination between the district SP, SP-AJK and the AJK headquarters to ensure such decisions are taken only with due consideration to the case workload of the AJK police stations. Interactions with AJK staff revealed that frequent diversions hinder AJK’s effectiveness, in particular the quality of investigations, and also demotivate staff.

3.1. Summary of findings:

- AJK unit is understaffed at 37% overall shortfall. The DSP ranks (DSP 1 and DSP 2) have the highest shortage at over 70% (until October 2017, only DSP rank officers were authorized to investigate atrocity cases). The post of SP-AJK is often held as additional charge, and not full-time, even when it was created especially for supervising AJK police stations.
- AJK staff is routinely diverted to other law and order duties in the district, against departmental instructions clearly stating not to do so.

3.2. Diversity

Diversity of police departments is important to ensure the police are – and are seen to be – representative of the society they serve. In India, police organisations seek to realise diversity through an official policy of reservation for the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and, in some states, also for women. MP Police provides 16% reservation for SC, 20% for STs and 33% for women.¹⁸

Despite reservation, the targeted communities remain underrepresented in the MP Police overall (Table 4). Women’s representation, in particular, is extremely low at just 4.42% against the national average of 7.28%; and in comparison to Tamil Nadu with highest representation among states at 12.91 and Chandigarh among Union Territories at 18.05%.¹⁹

¹⁷ Clause 47, GO No.117/04, Police Headquarters, Madhya Pradesh, dated 29/3/03.

¹⁸ Ministry of Home Affairs, Bureau of Police Research and Development, Data on Police Organizations (As on January 1, 2017, pg. 85, 86 and 153.

¹⁹ Data on Police Organizations (As on January 1, 2017), op.cit., pg. 157.

Table 4: Percentage of representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes and women in MP Police vis-à-vis percentage of reservation approved by MP government²⁰

	% of reservation approved by MP	% of actual representation (DySP to Constable)
Scheduled Castes	16%	13.31%
Scheduled Tribes	20%	13.12%
Other Backward Classes	14%	12.94%
Women	33%	4.42%

For the AJK branch, the department did not provide disaggregated data on representation of the members of SCs and STs communities, or women posted in the unit. Of the total personnel interviewed (85), 16% belonged to the Scheduled Castes and 7% belonged to the Scheduled Tribes. It can thus be extrapolated that the SC representation appears to be in proportion to the percentage reservation for members of SCs in the state police (16%). However, the ST representation is significantly lower than the percentage reservation for members of STs (20%).

Women's representation is equally poor in the AJK branch: Of the 12 AJK police stations visited, we met only five women constables across three AJK police stations, two women Sub-Inspectors and two women DSP officers. Staff interviewed unanimously expressed the need for more women personnel at the police stations:

“We get several women-related complaints of all types: maar peet (physical beating), gali galoch (caste-based abusive language), land-related, sexual harassment and even rape. It gets difficult to handle.”

“We have no women staff at all. For any women-related complaint, we have to depend on women constables from nearby police stations. This often takes time.”

To boost the numbers of women in the police, the Government of India has adopted a target of 33% reservation and suggested that each police station should have at least three women Sub-Inspectors and 10 women Constables.²¹ Meeting this standard will help ensure that dedicated help desks for women and children remain staffed round the clock.

The issue of diversity of police organisations is heightened when seen in relation to institutional innovations like special units. For the police as a whole, the ultimate benchmark is to be representative of the communities it serves. Increased diversity across the board will strengthen special units by ensuring a wide pool of police personnel to draw from varied social realities. Implicit in this is the primary need to prioritise increasing the numbers of groups that are underrepresented in the police – women, members of Scheduled Castes and Tribes, and religious minorities. Interactions with a range of police personnel in the AJK branch, especially with Constables, brought to light how community identity inevitably influences views on issues such as the prevalence of caste discrimination. The views of personnel belonging to the SC or ST communities stood apart from others. Where the majority believed caste discrimination no longer exists and that society was progressing, SC personnel differed and shared instances of harassment at the hand of the general castes. Where the majority complained that the Atrocities Act was largely being misused, SC as well as ST personnel disagreed and stressed how the legislation is not yet reaching the most vulnerable.

²⁰ The SC/ST/OBC percentage has been calculated against actual civil police strength from DySP to Constable that comes to 76430. See Data on Police Organizations (As on January 1, 2017), pg.44-46, 85-87.

²¹ Ministry of Home Affairs, Government of India, National Advisory, D.O. No. 15011/21/2013 – SC/ST – W, dated 22 April 2013.

Considering that responding to caste-based discrimination is the central purpose of the AJK branch, it is of concern that AJK staff has divergent views among themselves on the purpose of the Atrocities Act itself. This is a signal that greater diversity and representation are needed to counter majoritarian impulses, or perhaps even sheer ignorance.

3.2. Summary of findings:

- The AJK branch did not provide data on women, SC and ST personnel posted in the unit.
- The MP Police has laid down 16% reservation for SCs, 20% for STs, and 33% for women.
- 16% of the total personnel interviewed by CHRI belonged to Scheduled Castes. 7% of the total personnel interviewed by CHRI belonged to Scheduled Tribes.
- 10% (9 out of 85) of the total personnel interviewed were women. This includes 5 women Constables, 2 women Sub-Inspectors and 2 women DSPs. 5 out of 12 AJK police stations visited did not have a single woman personnel.

3.3. Reporting and supervision

The police department follows an extensive reporting cycle requiring both the district police and the AJK branch to monitor atrocities cases.²² Each police station in a district reports daily to their respective district AJK police station on complaints received and cases registered. The AJK police stations, in turn, compile the information received from all police stations, including cases received and registered directly by them, in a report to the SP-AJK as well as the district SP every week, fortnight and month-end. Additionally, the district SP is required to seek a weekly update from each Investigating Officer in the police stations in their jurisdiction to track adherence to the 60-day investigation timeline in their cases. Further, the district SP in monthly crime meetings reviews the status of investigation in cases.

In supervising, the SP-AJK plays a pivotal role. Specifically, the SP-AJK must²³

- be informed of all crimes registered under the Atrocities Act within their jurisdiction;
- conduct monthly reviews of all cases which end in acquittal and recommend disciplinary proceedings against concerned officers in case of negligence or error found in investigation;
- conduct inspections *every month* of all AJK police stations in their jurisdiction, review cases where investigation was not completed within the stipulated time period, identify steps for completing the investigation quickly, and report to the Police Headquarters as well as the concerned district SPs and other Range IGPs on action taken;
- identify cases in which the dispensation of relief amounts are pending and take steps for their speedy disposal;
- ensure that the information collected by all the AJK police stations and compiled at the Range SP-AJK office is sent with no delay to the AJK headquarters through the Range IGP;
- ensure that grievances of AJK staff are brought to the notice of the district SP, Range IGP, and the ADG of AJK in Police HQ ;
- supervise the cases of heinous offences or any referred by Police HQ; and
- prepare a digest at the range level of the atrocity cases of all the districts under the range.

²² GO No.117/04, Police Headquarters, Madhya Pradesh, dated 29/3/03.

²³ "Duties of the Range Superintendent of Police AJK", *ibid.*

To assist the SP-AJK, the state administration has created a post of District Prosecution Officer (DPO) attached to the SP-AJK office.²⁴ Appointed by the state government, the DPO acts as a law officer to guide the department on provisions of the Atrocities Act, advise in preparing the charge-sheet, conduct trainings at the district level organised by the department on the Act, review cases of acquittals to point out gaps in investigation, and also examples of strong investigation where trial leads to a conviction.

With this range of supervisory responsibilities and access to vast data, the post of SP-AJK can be a huge help not just to monitor the performance of the AJK police stations, but also to review and aid the entire department's response to crimes against members of SC/ST communities. In particular, the dedicated attention can feed into other monitoring mechanisms set up under the Atrocities Act with a similar mandate, such as the vigilance and monitoring committees at the district, sub-division and the state levels, and strengthen the department's efforts to implement the Atrocities Act in full.

At present though, the scope of the SP-AJK's remit is not optimally aligned:

One, its mandate is restricted only to AJK police stations and does not extend to reviewing atrocity cases being investigated by other DySP rank officers posted at the sub-division level.

Two, the area jurisdiction of each SP-AJK varies considerably; some zones, like Indore and Rewa, have as many as eight large districts reporting to a single SP-AJK, while other zones have only four districts, and the Balaghat zone has only two reporting to a single officer. The vast differences in the size of the jurisdictions among the SPs-AJK create uneven workloads and disproportionate reporting burdens.

Table 5: List of AJK Ranges with districts covered

S.No	AJK Range	Districts
1	Bhopal	Bhopal, Vidisha, Sehore, Rajgarh
2	Chambal	Morena, Bhind, Datia, Sheopur
3	Gwalior	Gwalior, Shivpuri, Guna, Ashoknagar
4	Hoshangabad	Hoshangabad, Harda, Betul, Raisen
5	Indore	Indore, Dhar, Jhabua, Alirajpur, Khandwa, Khargaon, Badwani, Burhanpur
6	Rewa	Rewa, Satna, Sidhi, Sinrauli, Shahdol, Annuppur, Umariya, Dindori
7	Sagar	Tikamgarh, Panna, Chattarpur, Damoh, Sagar
8	Ujjain	Ujjain, Dewas, Shajapur, Agar, Ratlam, Mandsaur, Neemuch
9	Jabalpur	Jabalpur, Katni, Seoni, Narsinghpur, Chhindwara
10	Balaghat	Balaghat, Mandla

Three, the post has been given supervising responsibilities *without* the direct powers to take action against negligence, delay or wrongdoing. It is only the district SP who has the powers to enforce accountability for negligence and/or wrongdoing; the SP-AJK can only recommend to the district SP that disciplinary action be initiated. For instance, with the duty to review delays in investigation, if negligence or delay is found, the SP-AJK cannot directly enforce disciplinary action against those found negligent. A cause for concern is that even after sending written complaints to the district SP, SPs-AJK are not assured or informed that the suggested action is taken.

“There have been times when we have sent written complaints to the SP against certain police station officials who were re not investigating properly. In most cases, the SP asks for a written explanation. In a few cases, disciplinary action was initiated, but we do not know the status of what happened.”

24 Interview with Dr SL Thaosen, ADG, AJK, PHQ and Ms Anita Shukla, District Prosecution Officer, SP-AJK, Indore

Similarly, the SP-AJK has no say in the annual performance appraisal of the investigating officers posted in the AJK police stations, further limiting the effect their supervision and monitoring has on improving police performance.

These limitations constrain effective supervision by the SP-AJK and need review. Meaningful supervision is pivotal to ensuring earnest implementation of the Atrocities Act by the police. The department should consider expanding the authority of the SP-AJK post, including designating it as a cadre post to align the scope of the SP-AJK's authority with the duties assigned within the AJK unit framework.

3.3. Summary of findings:

- The MP Police has streamlined reporting on atrocity cases.
- AJK police stations are delivering on their reporting duties by compiling the total number of complaints received, and registered cases, from each police station in the district, and reporting to the SP-AJK, as well as the district SP.
- The SP-AJK's considerable supervising role is constrained by three major factors: 1) it is limited to AJK police stations and does not extend to investigation by non-AJK IOs; 2) the area jurisdiction of each SP-AJK varies considerably, creating uneven workloads among them; and 3) most crucially, the post has not been given powers to take action against negligence, delay or wrongdoing.

3.4. Crime registration

In each district, complaints of atrocities can be registered either at the local police station or at the AJK police station located at the district headquarters. The location of AJK police stations can constrain their role in the registration of atrocities. Yet, there are encouraging signs of improved perceptions, increased reporting of complaints and registration due to AJK police stations. There is also significant variation in the quantum of registration of cases across districts. Problems during registration, however, persist. Unaddressed, these risk undermining the mandate, purpose and impact of the AJK branch.

a. Registration in AJK police stations as compared to local police stations

From 2012-2016, AJK police stations recorded an average of 7% of the total crimes registered in the year with the exception of 2012 when it was 10% (Table 6).

Table 6: Total cases registered in AJK police stations as against local police stations from 2012-2016

	Cases registered in AJK police station	Cases registered in local police station	Total registered cases	%difference in total cases from previous year
2016	530 (7.71%)	6339 (92.28%)	6869	+35.45%
2015	305 (6.01%)	4766 (93.99%)	5071	-2.68%
2014	394 (7.56%)	4817 (92.44%)	5211	+22.29%
2013	335 (7.86%)	3926 (92.14%)	4261	+2.03%
2012	438 (10.48%)	3738 (89.51%)	4176	
	2002	23586	25588	

It is important to note that Madhya Pradesh overall has the highest registration of crimes against members of SC and ST communities across India. In 2016, following the Atrocities Act amendments that expanded atrocities offences, the state recorded a sharp increase of 35.45% in cases registered from 2015, as compared

to an increase of just 3.08% in 2015 from the previous year. This increase holds true across different parts of the state, with most districts recording more than 20% increase in registration and 18 districts²⁵ recording over 50% increase. To the extent that registration reflects the ability, willingness and confidence of the community to access the police, as well as serves to bring into the open the nature, volume and frequency of caste-based atrocities, increased registration is welcome and needs to be seen positively. In this, Madhya Pradesh stands out as the only state to have recorded *such a sharp increase* in 2016. Alarming, at least 11 states²⁶ showed a dip in cases registered after the 2015 amendments.

Although the above data on increased registration is from all police stations, and not just AJK police stations, interaction with Dalit activists and lawyers indicates that the mere existence of AJK police stations has encouraged the reporting of crimes. There have been instances when complainants, after being denied a response at local police stations, were told to go directly to the AJK police stations; and when the threat of ‘complaining’ to the AJK police stations prompted action at the local police station. There are also instances when complainants prefer approaching the AJK police station directly despite the added distance. The problems at the AJK police stations notwithstanding, the dominant perception within the community is that these exist specifically for them, and that they will not be denied justice there.

The dominant view within the police, too, appears to be that the presence of AJK police stations encourages reporting of atrocities. In the survey administered among AJK police stations, a vast majority of respondents (77.6%) agreed that these police stations have led to increased reporting of atrocity offences, while 17.6% disagreed, and 4.7% had no opinion.

In light of these facts, it is important to consider the significant variation in the registration of cases across districts (Table 7). In 2016, for instance, registration in AJK police stations in some districts like Dindori and Sheopur were as high as 83% and 57% of the total registered crimes respectively. On the other hand, AJK police stations in some other districts had either zero registered cases of crimes against members of SC communities (Mandla and Umariya), or zero registered case of crimes against members of ST communities (Neemuch, Panna, Raisen), or in the case of Dewas, zero registered cases of both. In all these districts, AJK police stations were established either in 2005 or much earlier in 1996-1997 (see Table 2).

There has also been significant variation over past five years; the registration rate in the AJK police station in Dewas was as high as 53% in 2013, which came down to zero in 2015 and 2016. Alirajpur district recorded zero registration from 2012 to 2015; the number shot up to 13 % in 2016. Similarly, Dindori witnessed an average of 2-3% registration in AJK police stations, which rose sharply to 83% in 2016. Regular monitoring of these trends is important to identify intervening factors behind such drastic variation with a view to address any negative factors, such as insensitive behavior of particular individual personnel posted at police stations that may be deterring victims from accessing the AJK police station.

25 Agar, Alirajpur, Anuppur, Ashoknagar, Chhindwara, Damoh, Harda, Jabalpur, Jhabua, Katni, Narsinghpur, Rajgarh, Ratlam, Shivpuri, Sidhi, Singrauli, Tikimgarh and Vidisha.

26 Based on *Crime in India 2016*, National Crime Records Bureau, Government of India. The 11 states include Tripura, Uttarakhand, West Bengal, Tamil Nadu, Sikkim, Rajasthan, Odisha, Punjab, Odisha, Jharkhand, and Bihar.

Table 7: District-wise percentage of total crimes against Scheduled Castes and Scheduled Tribes registered at AJK police stations from 2012-2016

	% of SC pop	% of ST pop	2016		2015		2014		2013		2012	
			SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
Agar			21.78	11.11	12.96	0.00	0.00	0.00	0.00		0.00	0.00
Alirajpur	3.7	89	0.00	13.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Anuppur	9.9	47.9	23.81	9.091	7.69	4.76	0.00	15.91	12.50	30.00	16.67	24.44
Ashok Nagar	20.8	9.7	6.77	4	1.45	0.00	8.64	19.35	5.36	7.14	9.62	11.76
Balaghat	7.4	22.5	15.52	11.59	2.38	0.00	2.22	0.00	0.00	0.00	4.17	2.13
Barwani	6.3	69.4	10.00	3.23	0.00	3.23	0.00	0.00	16.67	6.06	7.69	33.33
Betul	10.1	42.3	11.76	13.21	18.37	16.39	21.01	32.48	36.36	16.90	23.33	20.55
Bhind	22	0.4	10.71	0	0.65	0.00	4.55	0.00	2.78	0.00	2.11	0.00
Bhopal	15.1	2.9	5.41	7.14	8.05	20.00	13.01	16.67	12.50	0.00	4.30	0.00
Burhanpur	8.5	30.4	15.38	18.18	9.09	8.33	0.00	7.14	20.00	15.79	12.50	0.00
Chhatarpur	23	4.2	7.06	0	0.00	0.00	2.21	0.00	3.79	0.00	5.17	0.00
Chhindwara	11.1	36.8	2.04	3.53	1.79	0.00	0.00	1.23	0.00	0.00	2.04	0.00
Damoh	19.5	13.2	3.23	3.70	0.00	3.23	1.72	0.00	5.13	0.00	0.00	0.00
Datia	25.5	1.9	7.63	33.33	12.87	0.00	18.63	0.00	13.19	0.00	19.10	25.00
Dewas	18.7	17.4	0.00	0	0.00	0.00	1.43	4.00	53.33	6.25	28.72	6.98
Dhar	6.7	55.9	8.82	8.16	0.00	2.13	5.56	4.55	4.76	4.55	0.00	11.11
Dindori	5.6	64.7	83.33	58.97	0.00	2.78	0.00	3.23	28.57	5.71	57.14	10.53
Guna	15.6	15.4	15.07	4.65	8.09	6.06	7.45	5.71	23.81	17.24	16.90	13.64
Gwalior	19.3	3.5	4.35	3.85	1.83	0.00	0.00	0.00	2.16	0.00	2.27	0.00
Harda	16.3	28	10.00	5	18.18	11.76	11.76	20.00	0.00	26.32	25.00	12.00
Hoshangabad	16.5	15.9	3.26	5.26	5.00	4.55	0.00	3.13	2.99	2.70	11.25	8.57
Indore	16.6	6.6	6.45	0	3.85	0.00	10.47	0.00	8.57	0.00	6.17	13.89
Jabalpur	14.1	15.2	1.58	2.35	1.12	0.00	3.36	3.45	0.00	3.45	3.17	5.13
Jhabua	1.7	87	25.00	36.36	0.00	0.00	50.00	30.00	0.00	10.00	16.67	0.00
Katni	12.1	24.6	0.00	3.12	11.63	0.00	4.17	10.53	17.65	5.88	16.13	0.00
Khandwa	12	35	1.69	1.25	2.56	3.57	5.17	6.25	4.35	1.89	3.45	5.26
Khargon	11.2	39	3.33	4.44	2.94	8.57	8.11	6.52	2.56	0.00	3.85	2.94
Mandla	4.6	57.9	0.00	3.51	0.00	11.54	12.50	4.88	28.57	17.50	75.00	23.81
Mandsaur	18.6	2.5	6.03	18.75	7.89	7.69	11.70	0.00	26.32	27.27	20.63	40.00
Morena	21.4	0.9	28.06	0	4.72	0.00	2.12	0.00	6.59	0.00	5.10	0.00
Narsinghpur	16.9	13.4	11.64	13.43	18.39	9.30	6.90	26.19	7.53	2.70	21.05	3.13
Neemuch	13.5	8.6	22.58	0	8.33	15.79	2.94	15.38	26.47	11.11	25.64	25.00
Panna	20.5	16.8	4.26	0	2.78	0.00	4.00	0.00	5.26	9.09	12.90	25.00
Raisen	17	15.4	5.13	0	5.68	3.13	9.40	5.36	11.83	12.20	10.62	9.30
Rajgarh	19.1	3.5	2.00	13.04	1.02	0.00	4.46	0.00	1.90	5.26	9.52	20.00
Ratlam	13.6	28.2	1.05	4.054	6.42	7.89	6.73	20.00	8.89	6.25	3.13	4.55
Rewa	16.2	13.2	12.50	20	27.27	11.11	3.70	4.00	8.82	13.33	7.89	7.69
Sagar	21.1	9.3	1.19	2.857	1.23	5.45	0.81	1.89	5.06	0.00	8.26	6.38
Satna	17.9	14.4	12.77	0	10.45	3.57	8.33	0.00	4.35	0.00	6.00	13.79
Seoni	9.5	37.7	1.37	5.319	0.00	3.85	9.52	4.69	0.00	0.00	0.00	2.56
Shahdol	8.4	44.7	18.18	8.33	17.86	11.32	13.04	8.33	27.78	4.55	9.09	11.36
Shajapur	23.4	2.5	13.79	16.67	10.53	20.00	7.32	0.00	14.63	0.00	15.69	0.00
Sheopur	15.8	23.5	56.76	36.36	40.00	26.92	45.83	25.00	100.00	40.91	42.50	8.33

Shivpuri	18.6	13.2	5.02	1.67	3.97	2.63	0.99	5.26	2.17	3.45	3.03	4.00
Sidhi	11.6	27.8	18.97	12.77	50.00	38.89	37.50	58.33	58.33	20.00	21.05	15.38
Sinhore	20.7	11.1	3.21	5.56	4.13	0.00	11.02	3.23	7.69	22.22	12.50	25.00
Singrauli	12.8	32.6	5.66	0	6.25	20.00	10.00	19.44	0.00	0.00	0.00	0.00
Tikamgarh	25	4.7	0.73	0	7.69	14.29	6.67	0.00	12.82	0.00	12.50	50.00
Ujjain	26.4	2.5	10.45	14.29	1.57	0.00	3.85	20.00	6.03	16.67	17.32	0.00
Umariya	9	46.6	0.00	15	0.00	0.00	0.00	0.00	0.00	5.56	0.00	0.00
Vidisha	20	4.6	3.43	0	5.29	10.34	1.65	0.00	2.74	0.00	6.94	3.33

b. Registration in tribal-dominated districts

Tribal-dominated districts across the state consistently show low registration of cases of atrocities committed against the ST population. Districts with very large tribal populations such as Alirajpur (89%), Jhabua (87%), Annupur (47.9%), and Dindori (64.7%) have lower registration than districts where the ST population ranges between 30-40% of the total district population, such as Chhindwara (36.8%), Khandwa (35%) and Seoni (37.7%).

Table 8: Total number of cases registered on crimes against the Scheduled Tribes against percentage of ST population in select districts

	% of ST pop	2016	2015	2014	2013	2012
Shahdol division						
Anuppur	47.9	54	34	60	48	63
Shahdol	44.7	47	81	107	67	55
Umariya	46.6	26	26	36	27	19
Jabalpur division						
Chhindwara	36.8	183	122	148	124	85
Dindori	64.7	45	47	42	44	45
Mandla	57.9	67	70	49	49	46
Seoni	37.7	167	150	106	73	58
Indore division						
Jhabua	87	19	12	14	12	20
Dhar	55.9	83	68	102	66	45
Alirajpur	89	16	7	5	5	6
Barwani	69.4	41	37	27	40	43
Khargone	39	75	69	83	83	60
Burhanpur	30.4	24	23	26	43	27
Khandwa	35	139	95	122	77	67
Others						
Betul	42.3	87	110	236	131	133
Singrauli	32.6	67	42	106	33	36

These variations do not occur in tribal-dominated districts alone; crime rate vis-à-vis Scheduled Tribes in the state stood at 11.9 in 2016 -- much lower than the 44.5 crime rate vis-à-vis the Scheduled Castes in the same year. This indicates that the state records fewer crimes per lakh against its ST population than its SC population.

Table 9: Crime rate vis-à-vis Scheduled Castes and Scheduled Tribes

	Crimes against SC	SC Pop**	Crime Rate*	Crimes against ST	ST Pop**	Crime Rate*
2016	5050	113.4 lakh	44.5	1819	153.2 lakh	11.9
2015	3659		32.2	1412		9.2
2014	3563		31.4	1648		10.7
2013	2993		26.3	1268		8.2
2012	2935		25.8	1241		8.1

*Crime rate = total number of cases/SC and ST population per lakh (Madhya Pradesh only)

** Actual population of SC and ST as per the Population Census 2011

As mentioned above, we were unable to cover any tribal dominated district to assess the conditions and challenges of the AJK police stations there. One reason behind the low registration of crimes in these districts could be that the AJK police stations continue to be known among the public as ‘harijan’ police station, and are thereby associated only with members of the Scheduled Castes. This points to the wide information gap among members of the Scheduled Tribes on the Atrocities Act and the need for AJK police stations to their intensify outreach efforts.

c. Problems and gaps during registration

In the AJK police stations visited, several gaps in the process of FIR registration came to light. For instance, complaints were not being registered immediately after being reported. Investigating Officers repeatedly said they first ‘verified’ whether a complaint was true or not before registering an FIR:

“We don’t register 90% of complaints that come to us. While talking with the complainant, we get to know whether it’s true or not.”

“During reporting, even when the victim specifies that the accused was aware of the caste of the victim, we don’t register an FIR immediately because once FIR gets registered, we have to apply for the relief amount and this is non-refundable. Plus, it also involves a lot of paper work.”

“When a person comes to you with a complaint, you get to know whether it’s true or false”

This practice of “preliminary inquiry” before registering cases under the Atrocities Act is illegal. Under criminal law in India, the practice of holding a preliminary inquiry *before carrying out a full investigation* on complaints alleging cognisable offences is allowed only for a very limited category of cases. These include matrimonial disputes, commercial offences, medical negligence cases, corruption cases, or cases where there seems to be unreasonable delay in reporting.²⁷ Even in these instances, police are allowed discretion for holding a preliminary inquiry *only when* the information they receive does not clearly indicate a cognisable offence. For all other offences, the law mandates an FIR be registered immediately on receiving a complaint.²⁸

There was a short period after the Supreme Court verdict on 20 March 2018²⁹ when preliminary inquiries were allowed for complaints under the Atrocities Act. The apex court’s decision was widely criticised for diluting the mandate of the Act and met with large-scale public protests, prompting the government to enact the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018. The 2018 amendments reversed the SC decision and restored the Atrocities Act as amended in 2015, under which FIR must be registered immediately. Any attempt by a police officer to dissuade a complainant from

27 *Lalita Kumari versus State of UP* (2014), 2 SCC 1.

28 Section 154, Code of Criminal Procedure, 1973.

29 *Dr Subhash Mahajan versus the State of Maharashtra and ANR.*, AIR 2018 SC 1498.

registering, to pressurise them to reach a settlement, to simply refuse to register or register it as a non-cognisable offence is against the law and liable for punishment under Section 4 of the Act.³⁰ It is crucial that the 2018 Amendment Act's provisions are disseminated widely across the department so there is no confusion regarding the illegality of holding preliminary inquiries.

Statements by AJK police station personnel on the alleged frequency of false complaints reflect deep-rooted bias against, and an unfounded distrust of, members of Scheduled Castes:

"Most of the complaints we get are false. The relief amount is the main motivation for the communities now."

"Small tussles are being blown out of proportion."

For AJK police stations to hold such attitudes and resort to preliminary enquiries instead of registering an FIR immediately is particularly egregious. Victims and families approach the AJK police station after much deliberation since, in most cases, it requires long travel, making arrangements for stay and meals for those unable to return home the same day, missing days of work, and in turn, additional costs. Confronting an insensitive police even at the special police station meant to serve SC/ST communities can be hugely detrimental to the trust of the communities in the police.

3.4. Summary of Findings

- From 2013-2016, AJK police stations registered an average of 7% of the total crimes against SC and STs registered in the state. In 2012, they registered 10% of the total registered cases.
- 77.6% of the police personnel surveyed affirmed that the presence of AJK police stations has encouraged reporting of atrocities offences to the police. There is a constant variation across districts in the proportion of cases registered at AJK police stations, with dips and surges in relation to location and time periods.
- The numbers of registered cases per year in tribal-dominated districts have been consistently low, particularly when seen against the numbers of registered cases of caste-based atrocities.
- AJK police stations routinely conduct a preliminary inquiry before registering a complaint which stands in violation of established criminal law and specific provisions of the Atrocities Act.
- Problematic views emerged in interviews with police personnel on perceived mistrust of the Atrocities Act that reflects an unfounded distrust of the SC communities.

3.5. Investigation

Like registration, atrocity cases are investigated either at the AJK police station or by a DySP rank officer within the district known as Sub-Divisional Officer of Police (SDOP). Complaints registered at local police stations are forwarded to the district SP who then assigns cases for investigation either to an SDOP or to the AJK police station, depending on their case workload. The 2003 departmental notification lays down that, at any given point, a DySP must not be given more than **four cases** for investigation.³¹ AJK police stations, therefore, investigate cases registered directly with them as well as those transferred from other police stations.

30 Under Section 4 of the Atrocities Act, 1989, as amended in 2015, a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, shall be punished for wilful negligence of duties with up to one year imprisonment. The section specifies duties of public servant which include registering a FIR under the Atrocities Act and under all appropriate sections of the Act, furnishing copy of the information to the informant, recording statement of victims and witnesses, and filing charge sheet within 60 days.

31 Clause 8, GO No.117/04, Police Headquarters, Madhya Pradesh, dated 29/3/03.

a. Number of cases investigated by AJK police stations versus other Sub-Divisional Officer of Police

In 2017 (till 31 August 2017), AJK police stations investigated 36% of the total cases registered of crimes against the members of Scheduled Castes and the Scheduled Tribes in the state, with the remaining being investigated by the SDOPs.

Table 10: Registered cases under investigation at AJK police stations as against other SDOPs

	Total registered cases for investigation	Cases under investigation at AJK police stations	% to total cases	Cases being investigated by other SDOPs	% to total cases
2017 ³²	8196	3010	36.73	5186	63.27
2016	6899	3331	48.28	3568	51.72
2015	5124	2484	48.48	2640	51.52
2014	5214	2233	42.83	2981	57.17
2013	4273	2525	59.09	1748	40.91
2012	4286	2694	62.86	1592	37.14

This trend is true across the state where AJK police stations have on an average investigated 25-35% cases. The only exception is the Indore division where at least four districts/AJK police stations have been given all, or the majority, of the registered cases for investigation (Alirajpur – 100%, Khandwa – 78%; Badwani – 97% and Burhanpur – 100%). Another notable exception is Ujjain district, where 213 cases were registered in 2017, of which the AJK police station investigated 189 (92%) of the cases.

Notably, while there has been a steady increase in the total number of registered cases both in AJK police stations and other police stations over the past six years, the proportion of cases investigated by the AJK police stations has fallen by half in the same period. In 2012, these police stations investigated 62% of the total registered cases whereas in 2017, their share fell to 36%. AJK personnel themselves feel they are not being given the caseload they should:

“More cases should be given to the AJK police stations, but this is not happening. The role of these police stations is often considered only for looking into cases where complaint has been filed against the police, or for monitoring purposes. It is not treated properly.”

Officers also said that the more serious cases are not given to them:

“SDOPs are not able to devote proper time to investigating atrocity cases – they are overworked, yet more serious cases are given to them for investigation.”

These visible trends throw up important questions: whether AJK police stations are being deliberately underutilised; or if there is evidence to show the quality of investigation at the police stations is sub-par; or if there are other extraneous influences that limit investigations to local levels rather than being given to AJK units. Regular workload assessments of each investigating officer in all districts is necessary to ascertain factors behind this trend, and for suitable measures to be taken accordingly to correct the imbalance in work distribution and ensure the best use of resources.

³² This data is only till 31st August 2017 and was provided to us in a follow-up meeting with the department.

b. Rate of filing charge-sheets in AJK police stations versus other police stations

On an average, the rate of filing charge-sheets in atrocity cases in the state is above 95%. This is true for both AJK police stations as well as regular police stations. Only a few AJK police stations have lower rates, such as Bhopal (85%), Gwalior (81%), Ratlam (80%), Rewa (82%), Indore (75%), and some even lower, such as Harda (50%), and Ujjain (56%) (See annex). Notwithstanding the high rate of charge-sheets being filed, it is important to determine whether investigations by the MP Police on atrocities cases are thorough and sound on technical evidential grounds, and within this assessment, to pinpoint how the AJK police stations are faring. This will require a comparative assessment of the quality of charge-sheets filed by both type of police stations to see whether those filed by AJK police stations are holding up to judicial scrutiny and are resulting in evidence-based conclusions, and is beyond the scope of this study.

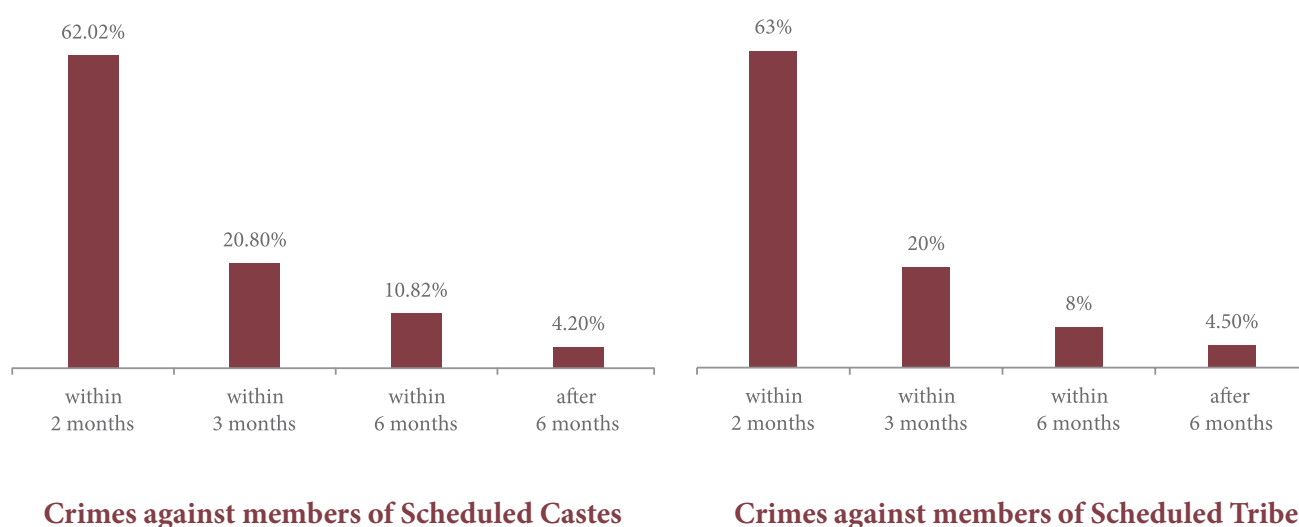
Table 11: Number of charge-sheets filed in AJK police stations as compared to other police stations

	AJK Police stations		% of CS	Other Police stations		% of CS
	Registered	Chargesheet filed		Registered	Chargesheet filed	
2016	530	496	93.58	6339	6193	97.70
2015	305	296	97.05	4766	4676	98.11
2014	394	380	96.45	4817	4723	98.05
2013	335	318	94.93	3926	3860	98.32
2012	438	427	97.49	3738	3670	98.18

c. Time taken to file charge-sheets

Under the Atrocities Act, the police are required to file a charge-sheet within 60 days of the FIR registration. In 2017 (till 31 August 2017), 62% of the cases registered in 2017 (combined in AJK police stations and local police stations) were charge-sheeted within the stipulated time period of 60 days. This data is not available separately for AJK police stations.

Figure 2: Chargesheets filed on crimes against Scheduled Castes and Scheduled Tribes



d. Challenges

Being located at the district headquarters, the AJK police stations face distinct logistical challenges in carrying out investigations:

“There is a lot of travel involved as we have to cover the entire district. It takes a lot of time. Every time a notice has to be served, like a court notice, bail hearing, or search warrant, we have to send someone. Often, we take time to find people. If the person we are looking for is not there, we have to go back again.”

“When we go to conduct an arrest, we don’t recognise the person. Local police station officials will have their networks which we are not able to cultivate.”

Specific steps to be followed for investigating atrocities add to the challenges. Arranging for the caste certificate of victims/complainants that is necessary to investigate an alleged crime as an atrocity offence, was highlighted as the biggest challenge across the board:

“90% of complainants don’t have their caste certificates, but without this, we cannot submit our charge-sheet because the court will not accept it.”

“A lot of our time is spent in arranging for the caste certificate. We follow up with the Sub-Divisional Magistrate to make the certificate of victims/complainants fast. At times, the SDM does not cooperate with us. They are required to give it within 40 days of application but often delay it because of which we are not able to submit our charge-sheet on time.”

“Many people come from other states and have settled in Madhya Pradesh. To get their caste certificates, we sometimes have to follow-up with authorities in other states.”

With a high shortfall of staff in the AJK police stations, the existing staff finds itself overworked.

“We handling 25-30 cases at a time when the norm laid down is four cases.”

Efforts have been made to address these challenges and assist the AJK branch to perform better. The department, for instance, has increased the vehicles at each police station to minimise travel time. The recent order extending the power of investigation to Inspector rank will also reduce the workload on the DSPs.

Despite these problems, several officers agreed that there are distinct advantages to having AJK police stations investigate, and that their being located at the headquarters away from any local jurisdiction, are their biggest strength.

“That the AJK police station is located outside of local police station area is a huge advantage. Local police station officials are known in the area, they have ties and connections and sometimes this affects both their investigation and the perception among people of their investigation. The AJK police station is important as people feel it is more impartial.”

The perception of the AJK branch as likely to be more impartial than the local police needs both guarding and further strengthening. With proper support from within the department, including measures to reduce logistical challenges facing the AJK police stations and ensuring equal responsibility, the unit can lead in carrying out fair and thorough investigations, and thereby, demonstrate the department’s commitment to ending atrocities against Scheduled Castes and Scheduled Tribes.

3.5. Summary of findings

- As with registration, there are surges and dips in the number of cases investigated by AJK police stations. In 2012, AJK police stations investigated 62.87% of the total atrocities cases registered in MP. In 2017, this fell to 36.73%.
- Case load varies in each district, and can be high. In 2017, in the four districts of Alirajpur, Badwani, Burhanpur and Ujjain, the AJK police stations investigated over 90% of the registered cases in those districts.
- AJK personnel feel serious complaints are more often given to SDOPs for investigation, not to them.
- From 2012-2016, the average rate of charge-sheeting by AJK police stations was 95.9%, and 98% by other police stations.
- AJK personnel face distinct logistical challenges in investigation in covering an entire district, including long travel at times and lack of local networks in all places.
- Arranging caste certificate of the victim takes a lot of time and delays investigation.
- On average, the caseload of DSPs of AJK police stations is higher than the standard of 4 cases for each investigator laid down by the MP Police.
- Despite logistical difficulties, AJK personnel stressed the advantage of being located at the district headquarters as being regarded as more impartial than local police stations.

3.6. Training

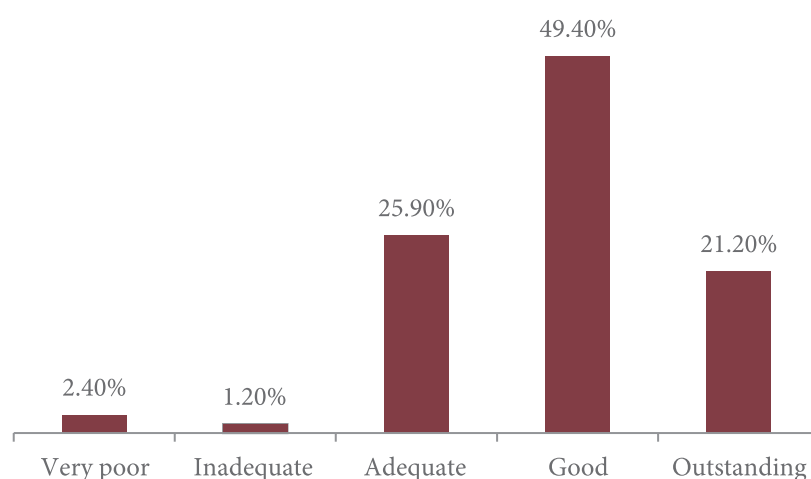
As the nodal unit responsible for overseeing the entire police department's response to crimes against SC-ST communities, a key function of the AJK branch is to organise, resource and administer training on the Atrocities Act across the department. Although the 2003 notification on the AJK branch does not specify any measures on training, in practice, we found that the AJK branch has made significant efforts to providing specialised, high-quality and regular trainings across the department.

First, the branch has put in place a systematic structure at the state, range and district levels to organise what is referred to as "sensitisation sessions" on the Atrocities Act. The AJK headquarters conducts these sessions at the state level in Bhopal for DSP rank officers; the SP-AJK organises at the range level for Inspector and Sub-Inspector rank officers; and the DSP-2 at the AJK police station is in charge of holding these at the district level for Constable, Head Constable and ASI rank officers. The sessions focus on offences under the Atrocities Act, investigation, prosecution and trial procedures, timelines, relief norms and rights of victims and witnesses.

These trainings were discussed with all ranks interviewed. DSP officers had attended at least one session every year during their posting at the AJK police station. In addition to in-house training, some had even attended specialised trainings held at the Ambedkar University in Mhow. Similarly, personnel at most police stations visited said that they had organised at least 2-3 trainings in the year in their respective districts. The district SP nominates staff from police stations across the district for these trainings.

In general, the personnel interviewed were satisfied with the frequency and quality of the trainings. At least 70% of the staff surveyed stated that they found the training good or outstanding.

Figure 3: Total responses in percentage on training sessions organised by the AJK branch



A sizeable percentage (25%), however, believe that there is scope for improvement. One such area of improvement highlighted was regarding knowledge of important court rulings and judgments on the Atrocities Act. 21% personnel stated they are not well informed of judgments by the Special Courts and the MP High Court, while 31.8% felt this about Supreme Court judgments.

Another concern shared at the district level was that attendance in the trainings was often low:

“Many times, we find that personnel nominated for the training, especially ASI and HC don’t attend the training and send Constables instead. Constables have very little role under the Atrocities Act, so our efforts are wasted. If they don’t attend the trainings, we are helpless as the district SP is ultimately responsible.”

To encourage participation, DSP rank officers said that they tried to get senior officers, including the district SP, SP-AJK, and at times, even the ADG-AJK, to attend the trainings. This practice must be encouraged, workload notwithstanding. The presence of a senior officer in trainings will not only help improve its quality and monitoring, but will also send a very positive message across rank and file of the priority accorded to the AJK unit within the department.

Second, apart from holding regular sessions, the AJK branch has also developed extensive training material on the Atrocities Act. In November 2012, the branch published a handbook with a compilation of relevant national and state-specific notifications/circulars/guidelines, important court rulings, as well as specific guidance notes on the different aspects of the role of the police under the Atrocities Act. The latter range from write-ups and assessment notes, and include the following:

- A 100-point checklist for ensuring fair investigation, such as while writing the FIR, specify whether the accused knew that the victim belongs to the Scheduled Caste/Scheduled Tribe;
- Common gaps and mistakes while registering FIR, such as not specifying relevant details while invoking specific sub-sections of Section 3 (for example, not mentioning that the incident took place in public view to invoke Section 3(1)(10)), not specifying the exact location of the incident, not describing injuries in detail, and not specifying reasons for delay in registering FIR, as a result of which additional questions are posed in court;
- The importance of spot investigation and crime scene assessment;
- Important information to be kept in mind while arranging for caste certificates;
- Circumstances and provisions of law that can be used to apply for anticipatory bail despite a prohibition on the same under the Atrocities Act.

Although the handbook needs updating to include the 2015 amendments, it is otherwise comprehensive and presents relevant information in clear, simple and easy-to-read language. The remarkable effort put in by the branch represents a structured approach to training, which is commendable, and serves as a good example of the benefits and quality possible with a dedicated unit, especially for special laws that are as detailed as the Atrocities Act. In the process, it has resulted in producing a pool of senior to mid-rank officers and trainers with deep expertise on the subject. Moving forward, the AJK branch must consider ways to strengthen training by drawing from international practices on police training in a) developing interactive tools and methodologies, and b) exploring concepts to address implicit bias in policing that is directly relevant in dealing with caste atrocities, and will greatly enhance efforts at sensitisation.

CHRI had the opportunity to sit in for a two-day in-house training organised by the AJK branch in Bhopal on 6-7 July 2017, which was targeted mainly at SP and DSP rank officers. The training included:

- a detailed presentation on the 2015 Atrocities Act amendments given by the Law Officer attached to the AJK, headquarters;
- a session highlighting common gaps and mistakes found in police investigation based on an assessment done by the department of at least 25 cases under the Atrocities Act that had resulted in an acquittal of the accused;
- a screening of “India Untouched”, a well-known 2007 documentary on untouchability;
an interactive session on the impact of the Atrocities Act;
- a presentation on the steps the police could take to overcome the challenge of arranging for caste certificates, which was often cited as the biggest hurdle in investigation;
- a presentation on the relief norms under the Atrocities Act, which also discussed why providing relief was necessary for atrocities, and the steps the police could take to overcome challenges and minimise delay in releasing the relief amounts; and
- an interactive session on how caste discrimination manifests in different ways so police officers could anticipate situations that could lead to law-and-order problems and respond promptly.

The extensive material developed and used for the training made it rich in content. The training style too was interactive, with active participation and the sharing of experiences by trainees, which were handled sensitively and accurately by the instructors. Showing a documentary and involving external experts added to its overall effectiveness.

A few gaps, however, stood out. The range of preventive measures that the police can take under the Atrocities Act such as recommending externment (Section 10), declaring an area as atrocity-prone (Section 17), ensuring regular visits by the Superintendent of Police in atrocity-prone areas (Rule 3 (1) (ii)), and canceling arms licenses of non-Scheduled Castes and Scheduled Tribes and seizing illegal fire-arms (Rule 3 (1) (iii) and (iv)) are hardly ever used by the police. These measures can play a huge role in preventing and/or containing violence against members of the SC and ST communities. Circumstances that may warrant them, and safeguards to be followed need to be fleshed out in greater detail.

Equally important is a focus on accountability. In explaining common lapses in police investigation under the Act, the trainers emphasised the need to enforce its provisions in earnest and to be proactive in thinking of solutions to overcome practical hurdles. While this emphasis is welcome, the consequences for negligence and/or violations must be given equal priority in training. Actions, such as delay in registering FIRs, not maintaining case diaries properly, fabricating witness statements under Section 161, were referred to rather too casually in the session. These require firm condemnation as serious malpractices, and some invite punitive action. It is important that these malpractices are referred to as illegalities and not mere lapses to underscore legal accountability. Some of these malpractices now qualify as an offence under Section 4 of the Atrocities Act, and the unit’s leadership should be unequivocal that action will be taken against police personnel when malpractices arise.

3.6. Summary of findings:

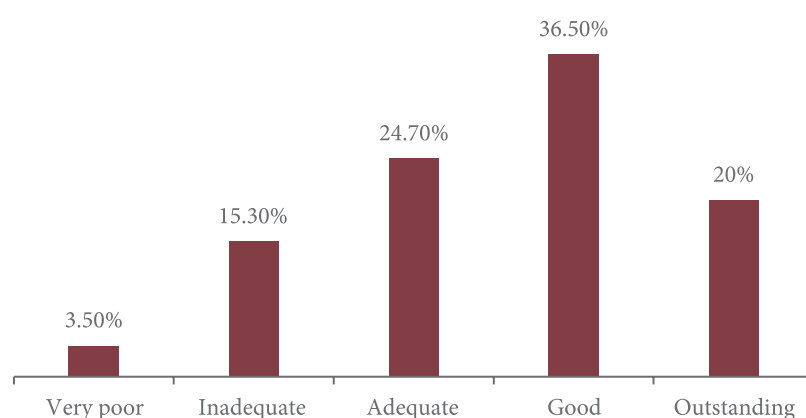
- The MP Police has instituted targeted training on the Atrocities Act across the department at state, range and district levels.
- DSP rank officers interviewed said they had attended at least one training every year during their posting at the AJK police station.
- Each AJK police station visited shared that they organise 2-3 training sessions in a year. Recurring low attendance was cited as a problem.
- 70% of the AJK personnel surveyed said they find the training good or outstanding.
- AJK personnel highlighted their lack of knowledge of important court rulings and judgments as an area to improve.
- AJK unit has developed a comprehensive handbook on the Atrocities Act for training.
- The establishment of a dedicated team for developing training material and resourcing training sessions has produced a pool of senior to mid-rank officers and trainers with deep expertise on the Atrocities Act.
- CHRI attended one training session in Bhopal in July 2017, and found it to be rich in content, interactive and very effective.
- Two critical areas that need coverage and emphasis in training sessions are 1) preventive measures the police can take under the Atrocities Act, and 2) police negligence and/or wrongdoing that qualify as offences under Section 4 of the Act and the action that will be taken to hold police accountable.

3.7. Infrastructure and facilities

The AJK police stations are located either within or near the district police headquarters with a clear sign board “Anusuchit Jati/Janjati Kalyan police station” at the top of the police station, making it easily visible. Of the police stations visited, most were equipped with basic features such as stationery, a functioning IT desk, a women’s help desk, separate lock-up for men and women, a records room, and a *malkhana* (storage room). In the past two-three years, there has been an influx of vehicles and motorcycles at the police stations. Notably, the vehicles are specifically marked with the sign “Anusuchit Jati/Janjati Kalyan” in an effort to “build the brand name” and “instill a sense of confidence and purpose” among the staff posted at the police stations.³³

As such, the staff was satisfied with the facilities at the police stations and did not share any specific complaints. More than 80% of the staff surveyed felt the facilities were either adequate, good or outstanding.

Figure 4: Total responses in percentage on infrastructure and facilities at the AJK police stations



33 Interview with Dr. SL Thaosen, ADG, AJK Branch, Madhya Pradesh Police

A positive feature of the AJK police stations is detailed information displayed on their walls. Most police stations visited had the entire norms for relief amount³⁴ along with Section 3 of the Atrocities Act, including the list of atrocity offences, pasted on their walls. The information, though, had not been updated to include the 2015 amendments to the Atrocities Act with the expanded definition of atrocities. This needs immediate action.



Of the police stations visited, however, not all had a separate building space. In some places, such as Tikamgarh and Rewa, the AJK police stations shared a building with the women helpline/women cell and were in a dilapidated condition. In Jabalpur, the police station was in a commercial building. With limited space, facilities such as toilets, rest rooms, barracks, and a separate space for speaking with women complainants and witnesses are either not available or were grossly insufficient or available only for men. Separate facilities for women, including toilets, were not in place. Further, these police stations were also not equipped with suitable technology to video-record proceedings such as FIR registration, spot inspections or any other inquiry done as part of investigation by the police, as required under the Atrocities Act.³⁵



34 Under 12(4) of the ATROCITIES Rules, atrocity victims and their dependents are entitled to relief in cash or in kind within seven days according to the scale provided in the Rules.

35 Section 15A(10), POA Act 1989, states: "All proceedings relating to offences under this Act shall be video recorded."

3.7. Summary of findings

- The MP Police has taken visible measures to build the name of the AJK unit. Each AJK police station has a sign board that is clearly visible. AJK police vehicles are marked with the sign “Anusuchit Jati Janjati Kalyan”.
- 80% of the AJK personnel referred to the facilities at the police stations as adequate, good or outstanding.
- AJK police stations helpfully display important information relating to the Atrocities Act and Rules for the public on their walls, such as the relief norms and atrocity offences. Most stations need to update the information following the 2015 Amendments.
- Some AJK police stations, such as in Tikamgarh and Rewa, did not have separate office space and share a building with the women helpline/cells.
- AJK police stations do not yet have separate facilities, like toilets and rest rooms, for women police personnel.

3.8. Community outreach

Outreach within the community is a key activity of the AJK unit. The police stations are specifically responsible for organising awareness camps, known as ‘Jan Chetna Shivir’, every month within their district for the purpose of engaging with the public, addressing community concerns and problems, and providing guidance on available remedies both institutional and legal.

While these camps do not restrict themselves to Scheduled Castes and the Scheduled Tribes communities alone, a key driving factor is to discuss caste-based atrocities and spread mass awareness about the Atrocities Act:

“We hold the camps with support from the local police station. People from all communities attend them. We try to explain the actions that constitute an offence, and what is prohibited under the Atrocities Act. The camps have helped people get to know the Act better and how to use it, and has contributed to the increased registration of complaints.”

The camps are to be organised at targeted locations inside villages, preferably within or near to Dalit and Adivasi hamlets (*bastis*), with adequate notice in advance to ensure maximum participation.



However, the police stated that the camps were not being held every month:

“We are not able to organise it every month due to our workload. We try to do at least 5-6 in a year.”

Frequency aside, the feedback of Dalit activists and lawyers too was very poor, suggesting that often, these camps are conducted to complete mere formalities:

“The police are not at all sincere in holding these. They don’t give notice at all, and often, just land up in an area, with banners etc., and take photos to show they have held the camps.”

“These camps are full of people who are part of the police’s network. The AJK staff don’t make any effort to reach out to smaller villages or Dalit and Adivasi bastis.”

Although CHRI was not able to attend any such camps, interviews with the AJK staff suggested that the entire exercise required greater structure and better guidance. None of the departmental notifications on the functioning of the AJK police stations shared with our team offer any guidance or framework on how these camps are to be organised, their structure, content, reporting requirements or supervision. Sometimes, individual officers follow up on complaints and concerns shared at the meeting, but there is no process of documenting community interactions. This should require detailed notes of each camp, careful listing of the follow-up action required, and reporting back at the next meeting. Proper documenting of these sessions can help connect efforts across districts and aid in institutionalising the strategy.

Very few police stations have developed material for distribution at the camps. The few pamphlets that have been developed, and that were shared with the team, need to be more reader-friendly and comprehensive. For example, one police station had prepared a pamphlet on the Atrocities Act which listed the atrocity offences and the norms for relief, but did not offer any information on rights of victims and witnesses. We also did not find an openness or active effort to work in partnership with or engage local community leaders and activists as resource persons to organise and run the camps. Community leaders and activists can serve as useful allies by helping spread the message about the camps so information reaches the maximum number of people; to encourage communities to attend the camps and feel comfortable sharing their concerns; and ensure that legal provisions are explained thoroughly and with sensitivity, and no relevant information is left out. These will go a long way in improving the quality of the camps.

Another initiative of the department for community outreach is the setting up of a Centre for Social Justice and Empowerment, referred to as “*samajik nyaya aur sasakti karan samiti*”. Every AJK police station is required to set up a Centre within their premises to hold regular meetings with communities and address personal disputes through counselling. The 2003 notification specifies the kind of disputes that may be resolved through this medium. These include:

- Disputes related to land given to members of the Scheduled Castes/Scheduled Tribes by the state government for agricultural work;
- Complaints arising from very high rate of interest charged by influential people for loans given to members of the Scheduled Castes/Scheduled Tribes resulting in economic exploitation; and
- Small disputes that may arise from communities living together.

Recognising that some of these complaints may amount to a cognisable offence under the Atrocities Act, the notification advises the Centre to assess each case and register an FIR depending on the nature of the dispute. The notification further requires the district Range Inspector General of Police to monitor all cases handled by the Centre within their jurisdiction, take note of effective steps taken to resolve the complaints, and report to the AJK branch at the police headquarters.

In its intent, the Centre holds the promise of serving as an avenue for members of the Scheduled Castes and the Scheduled Tribes to draw attention and seek remedies for routine harassment and intimidation. But very little information was made available on these Centres, including their composition and functioning, to assess their structure and design. Interviews with AJK police stations signals that these are not very active:

“The ‘samitis’ are a good initiative but they are not functioning. They have been inactive for several years.”

Part of the reason for this appears to be a lack of cooperation and priority within the department itself. The Narsinghpur district police station shared the constraints they faced in trying to revive the Centre:

“We are keen to revive the Samiti but we are dependent on the district SP for the allocation of resources. Funds have been used to construct a new room in the police station outside the building but within the premises to hold Samiti meetings, but the AJK staff was not consulted in designing it. Consequently, the room constructed is so small that it cannot really be used for the Samiti meetings.”



Including community outreach as a core activity of the AJK branch is a step in the right direction as it lays the ground for building greater community trust and confidence in the police, which is necessary for effective policing in general, and crime prevention in particular. Without an organisation-wide framework that integrates policing methods in every aspect, specific initiatives with targeted communities require clear operational guidance, thorough training and careful supervision to be effective. The department can improve its commitment to community outreach by developing a comprehensive strategy to institutionalise efforts, increase training opportunities on community engagement, and dedicating adequate resources and staff to the AJK branch.

3.8. Summary of findings:

- Community outreach is recognized as a core activity of the AJK branch.
- Mechanisms for community outreach have been created, but they are not effective as yet.
- While required to, AJK police stations do not regularly hold Jan Chetna Shivir, the monthly awareness camps.
- When held, the awareness camps suffer from several weaknesses:
 - notification of the camp sittings are not sufficiently in advance;
 - there is no format for documenting community interactions;
 - lack of educational material that is easy to read and comprehensive for wide distribution;
 - local community leaders and activists are not sufficiently being used as resource persons;
 - absence of reporting back to supervisors on participation, effectiveness, and what can be improved.
- Centres for Social Justice and Empowerment are not active within each AJK police station.

3.9. Records Maintenance

The AJK police stations have an extensive role in maintaining records of atrocity offences throughout their district. Every police station in the district is required to send copies of each FIR registered under the Atrocities Act as well as non-cognisable complaints filed by members of the Scheduled Castes and the Scheduled Tribes to the AJK police stations immediately. The AJK police stations are required to maintain the following records:

- a Registered Crimes Digest with details of every case registered in the district;
- status of investigation of atrocities cases in other police stations in their daily dairy, to be shared regularly by every police station;
- a list of areas declared sensitive in the district and ensure a copy of the list is displayed in each police station;
- a record of non-cognisable complaints filed by members of Scheduled Castes and the Scheduled Tribes in the district, and if on review, there is ground to believe that an offence took place, register the case and proceed with investigation;
- Relief register on relief amounts provided to victims and witnesses; and
- Register on the allowances provided under the Act to victims and witnesses including travel allowance, daily allowance, maintenance expenses and transport facilities.

Daily Situation Report

The Daily Situation Report (DSR) refers to the format prepared by the department for recording details of cases registered under the Atrocities Act. The AJK police station prepares the DSR based on information received from other police stations on a daily basis. The report includes:

1. Name of the police station
2. Sections under which a case is registered
3. Date of the incident
4. Date and time of FIR registration
5. Place of the incident
6. Name of the complainant
7. Name of the victims (specify if victim has died)
8. Name of the accused
9. Reasons for delay in registering the FIR, if any
10. Name of the police personnel who wrote the FIR
11. Name of the investigating officer
12. Value of property stolen
13. Description of the incident

There are few inconsistencies in the manner in which crime data is maintained across police stations. Of the DSR forms studied, for instance, some include names of the investigating officer, while others do not. Some police stations maintain the data under different crime heads, such as crimes against women and serious offences, whereas others are less organised. We also found inconsistencies in the specific registers AJK police stations are required to maintain.

These inconsistencies apart, the AJK police stations visited showed a clear understanding of their role and significance in collating district-wide data. This exercise allows AJK police stations to serve as a hub of crime trends, which can help provide patterns on the kinds of offences against certain communities, crime-prone

areas in the districts, and shifts in the dynamics between different groups within SC/ST communities with other groups. For best results and credible inter-district analysis, it is important that standardised formats are maintained across the department.

3.9. Summary of findings

- AJK police stations maintain thorough records of atrocity cases throughout the district including complaints received, FIRs registered, non-cognisable complaints filed, status of investigation, areas declared as sensitive, and relief and allowance provided to victims and witnesses.
- AJK police stations are maintaining Daily Situation Reports to record details of reported incidents in their district. The DSRs, however, lack consistency with only some police stations recording details like name of investigating officers.

3.10. Perceptions within the department (police survey analysis)

The survey administered across the AJK police stations visited sought to capture the views of the staff on the role and importance of the AJK branch in addressing atrocities with the intent to check how well the vision of the branch as a special unit has spread among the staff, and the extent of commitment and support it enjoys within the department. These, we believe, are important considerations in any discussion on the future direction of the branch.

a. Views on the role and impact of AJK police stations

A majority of the staff surveyed believe that the AJK branch is necessary and has had a positive impact. The support is equally strong among SC/ST officers and non-SC/ST officers. Nearly 96% of the staff either support or strongly support the AJK police stations (Figure 4) and 95% said they liked being posted in the AJK unit (Figure 5). This included all (except one SC Constable) SC and ST officers surveyed.

Figure 5: Total responses in percentage on opinion of the AJK police station

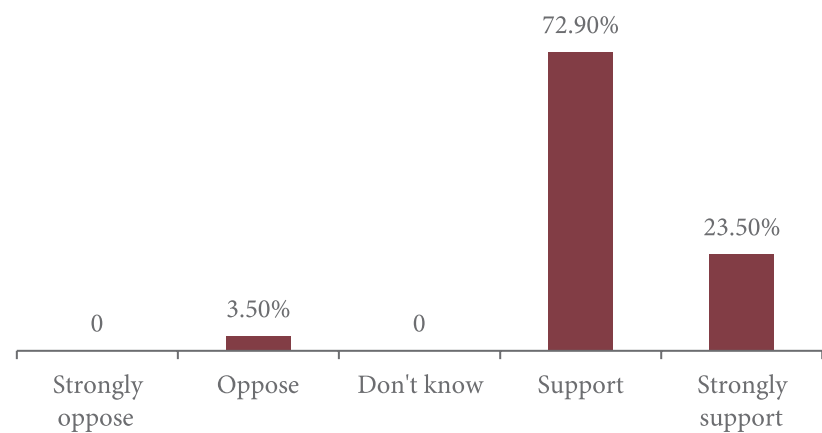
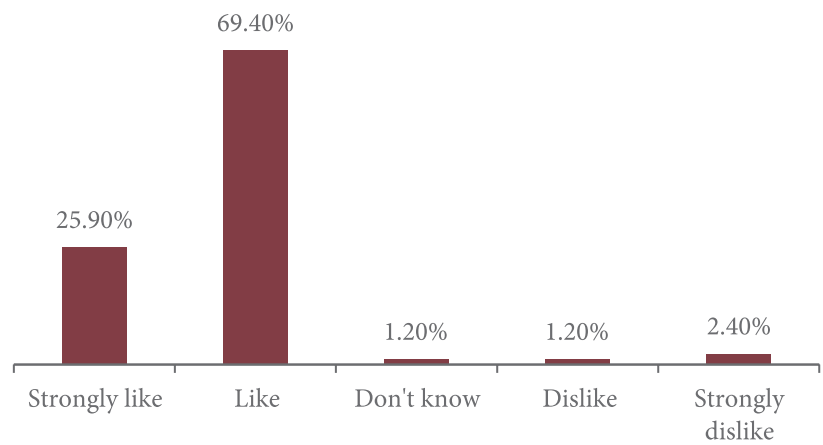
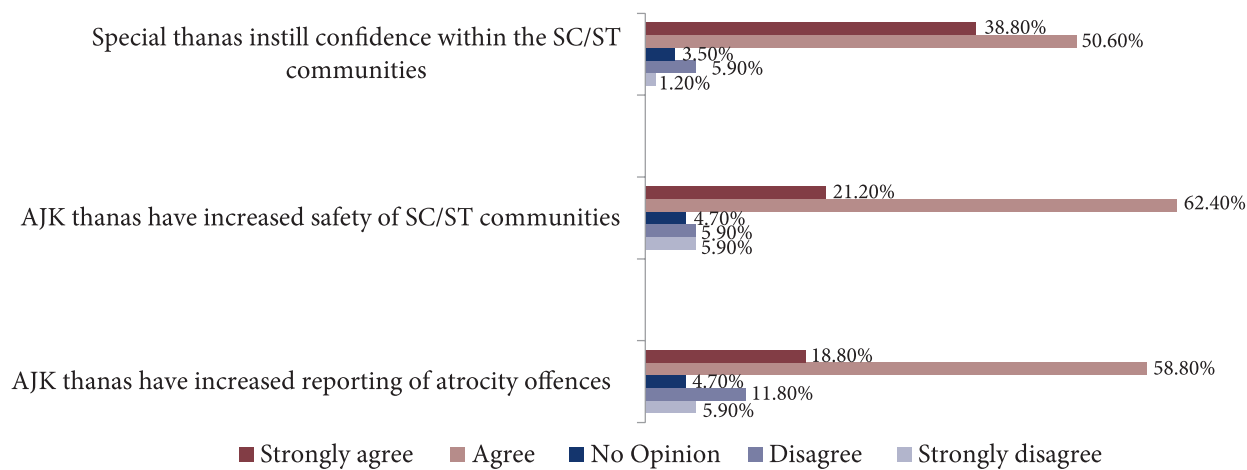


Figure 6: Total responses in percentage on posting in the AJK unit



The staff attributed the positive impact of the special police stations mainly to their benefit for the SC/ST communities. 89% of the staff agreed that special police stations were important for instilling confidence within the SC/ST communities in approaching the police, 83% believed the police stations had increased the safety of communities, and 77% felt that the police stations had increased reporting of atrocity offences (Figure 6). Here, there is some difference of opinion between SC and ST officers. Three out of 14 SC officers, and half of the ST officers (three out of six) surveyed disagreed with AJK police stations having improved reporting of complaints or increased safety. While it is difficult to establish a broader trend given the relatively small sample size, this difference of perception nevertheless needs further probing.

Figure 7: Total responses in percentage on value of AJK police stations for the community



The support for AJK police stations was corroborated in the interviews as well:

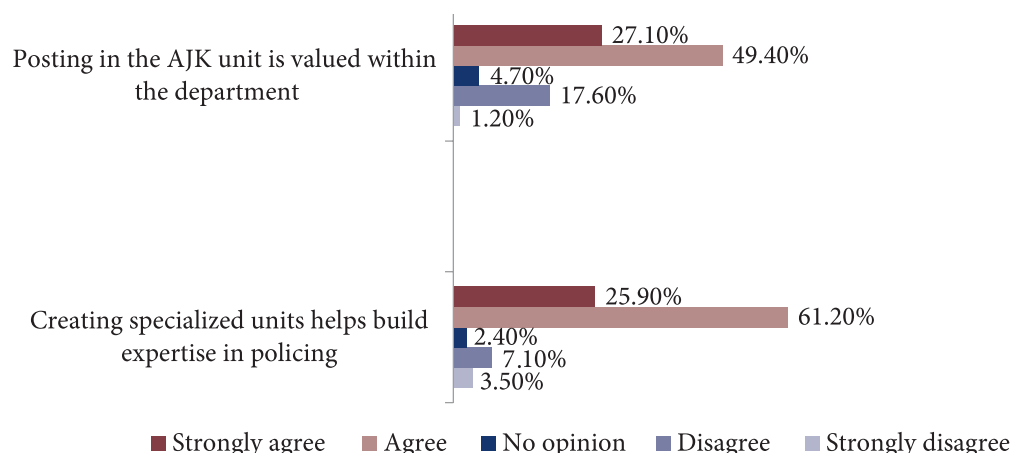
“Only when we are separated from the regular policing work of a local police station can we focus on the marginalised, only then can we assess the sensitisation of the police, and work towards ensuring SC/ST communities are able to seek justice.”

“Special SC/ST police stations have created a feeling of affinity among the community.”

A few officers even expressed the need to increase the number of AJK police stations in a district by establishing them at the sub-division (tehsil) level, suggesting that the police stations may be more efficient when located closer to the communities.

The staff was equally optimistic about the value of special units in nurturing specialisation within the department. 87% of personnel stated that creating specialised units helped build expertise in policing; however, there was some difference of opinion on the extent to which the branch was valued within the department. While a majority (76%) agreed that it was valued, a sizeable minority (18%) disagreed (Figure 7).

Figure 8: Total responses in percentage on value of AJK unit for better policing



During interviews too, several expressed concern over lack of support to the AJK branch within the department. Views included:

“We are made fun of – colleagues call us ‘dabe kuchle waale’ [the oppressed ones]”

“After being posted in the AJK police station, when we go back to a regular police station, the staff don’t take our knowledge and experience of the Atrocities Act seriously. In invoking sections, they don’t listen to us. Even if they are putting wrong sections, we are not able to say anything.”

Such statements point to the need for the department to intensify efforts at “branding” the unit better within. No policing task or unit should be made to feel less important if the police department is to be effective in ensuring public safety and security. The informal hierarchy and grading of tasks into ‘hardcore policing’ versus ‘soft duties’ needs to be checked if specialisation efforts are to show results.

Such statements also expose deep-rooted bias and prejudice on caste and tribal lines that remain widely prevalent within the police department. Unless the department makes active efforts at identifying ways in which bias manifests in police attitude and performance, both at individual as well as organisational levels, and take corrective measures accordingly, police response through the special unit or otherwise will remain ineffective.

3.10. Summary of findings

- CHRI's survey with police officials posted at the AJK police stations found strong support for the role and impact of AJK police stations.
- Of the 85 AJK police personnel surveyed:
 - 96% support AJK police stations;
 - 95% like being posted in the AJK police stations;
 - 89% agreed that special police stations are important for instilling confidence within the SC/ST communities in approaching the police;
 - 83% believe the police stations have increased the safety of the SC/ST communities;
 - 77% feel the police stations have increased reporting of atrocity offences;
 - 87% stated that creating specialised units helps build expertise in policing;
 - 76% agreed that the AJK unit is valued, though a sizeable minority at 18% disagreed.
- There is some support for setting up AJK police stations at the sub-division (tehsil) level to facilitate better response, though this is not the majority view.
- There is some concern that the AJK branch is not valued and/or fully supported within the department, with AJK staff often subject to ridicule and scorn from fellow colleagues.

4. Recommendations

Despite over 20 years of existence, the role and impact of the AJK branch remains limited. To some extent, the presence of the AJK branch has encouraged reporting of atrocities; and importantly, it is recognised both by the police and community representatives as pivotal in building the communities' trust of the police. This signals that investment in a dedicated unit can facilitate meeting the needs of affected communities and public trust – two important priorities towards reaching genuine adherence to the Act. By setting up the AJK branch with the comprehensive structure it has, with allocation of dedicated staff and resources, the MP Police exemplifies a genuine commitment to realising the Atrocities Act relating to policing.

Yet, overall, the AJK branch's effectiveness is constrained in several ways which need urgent attention. These are:

- poor coordination with local police stations;
- a sense that the AJK branch is not valued within the MP Police;
- inadequate authority of the SP-AJK; and above all,
- biased attitudes and prejudice of the AJK staff.

CHRI recommends these are recognised on priority as areas requiring intervention and corrective solutions. We provide recommendations further below to provide actionable measures that can be taken towards change and improvement.

Value of a dedicated unit for atrocities against the Scheduled Castes and the Scheduled Tribes

The very idea of setting up special police stations and dedicated supervisory posts builds on a fundamental feature of the Act – that special and dedicated structures are needed to effectively address and prevent recurring atrocities against the Scheduled Castes and the Scheduled Tribes. It demonstrates recognition at the policy level that existing systems and frameworks are either insufficient or overburdened to allow for close attention, and that dedicated planning, monitoring, staff, resources and training will help build specific and targeted capacity to deal effectively with atrocities.

Symbolism apart, AJK branch offers distinct operational advantages to policing. A separate AJK police station in every district, together with the SP-AJK for dedicated supervision at the range level, is helping the department closely track atrocity cases, identify trends such as the type of complaints that are repeatedly arising, review investigation, prioritise adherence to timelines, and coordinate with other relevant state authorities to facilitate disbursement of compensation. This level of close tracking will not be possible without dedicated personnel and police stations. The department is pushed to invest in training which is targeted to sensitise officers at all levels – supervisory, investigating, and the Constabulary – with the larger effect of greater efforts to root out discrimination and instill compliance with the Atrocities Act. Though gaps in knowledge levels and attitudes persist, a systematic and decentralised approach indicates the department's willingness to allocate time and resources to sensitising officers.

These are considerable strengths which bolster the solid framework of the AJK branch. At a time when the definition of atrocities is expanded with a wider range of discriminatory actions now qualifying as offences,

a steady increase in reported cases of atrocities, and media reports continually highlighting violence against the SC and STs, the need for the branch is only reinforced.

Need to address impediments

To improve the AJK branch, the MP Police needs to address key shortcomings, on priority. In spite of being the unit dedicated to acting against caste-based discrimination, AJK staff hold and reflect caste bias themselves. Based on CHRI's candid interactions with staff, they expressed beliefs and stereotypes about caste identities and group behavior, with members of the Scheduled Castes often painted in one broad sweeping brush as either lying or exaggerating. There is a dilution of the impact of offences perceived to be "minor or insignificant", such as hurling caste insults or abuses. The multiple external pressures that often compel complainants to settle out of court are not recognised; and in fact, often ignored altogether. That restoring and upholding human dignity underlines each offence defined in the Act is yet to be internalised. In failing to see caste-based offences in their historical and social context, such views allow the Act to be discredited and narratives of false complaints to perpetuate out of context. This not only hurts the trust of the SC and the ST communities, but also has negative consequence for policing overall.

In significant ways, the branch is also held back by structural impediments. Some AJK police stations have consistently high shortfalls, particularly at the investigating ranks. While this is a department-wide problem, there is a perception that the AJK branch is not given priority in staffing, as reflected in vacancies that at times have continued for months. This places an unfair burden on the existing staff particularly when seen against its district-wide jurisdiction, and the strict timeline laid down in the Atrocities Act for completing investigations. Added to this is the challenge of coordinating with local police station in carrying out investigation, which is not forthcoming at times. The lack of attention to these impediments reinforces perceptions of AJK staff that the branch is devalued by the department. Recent efforts by the department to build the name of the AJK unit and extend support through more vehicles is a welcome level of attention. These need to be combined with efforts at recognising and addressing coordination problems with local police and scornful attitudes among staff that is hindering AJK's work.

Another crucial limitation is the mismatch between the supervisory powers given to the SP-AJK, and the lack of authority to be able to properly enforce these powers. While the specific, and needed, supervisory post of SP-AJK has been created, the SP-AJK lacks disciplinary authority, akin to the district SP. Understandably, there is a need to ensure there is no unnecessary, or conflicting, overlap between the district SP and SP-AJK. CHRI suggests that this requires a streamlining of the role of the SP-AJK vis-a-vis the district SP, with the focus on better coordination between the two towards strengthened supervision overall. Our recommendations point to specific measures that can be adopted.

Continuous monitoring and community feedback

Beyond addressing these shortcomings, CHRI further urges the MP Police to embed systems of continuous monitoring and evaluation of the AJK branch, both internal and external. This is needed not only to assess the branch's operational performance, but also to constantly assess the larger mandate against policing, crime, and community needs.

Internally, although there is extensive reporting and supervision, these tend to be confined to review of individual cases and investigation. This is not sufficient for a specialised branch like AJK, which prioritises the larger goal of addressing discrimination against SCs and STs over exclusively crime control priorities. The AJK branch, and the police department as a whole, would benefit by instituting ways to evaluate broader issues related to the role and impact of the branch in consultation with the AJK staff. CHRI recommends

holding Focus Group Discussions at least once every year across ranks, to gather staff views on how well the branch is meeting its mandate, and importantly, what is required for improvements in all areas of the branch's working. Our conversations with the officers brought forth a range of ideas on the future direction of AJK, such as the possibility of rolling it out at the sub-division level to increase its effectiveness. Alternatively, some suggested to consider keeping investigation out of the AJK's mandate entirely, and instead, allow it to focus on roles that would enable it to emerge as a resource on atrocities within the district, such as continued monitoring of registered cases, developing and delivering regular trainings, and a much more concerted effort at outreach. Such suggestions merit deeper scrutiny.

Additionally, internal surveys conducted across the department would also add tremendous value in assessing officers' attitudes and perceptions. A key finding of this evaluation is that AJK staff feel the unit is not valued within the MP Police. Such views need to be brought to light and addressed immediately. Based on the findings, targeted action plans can be drawn to address any area of concern, guide strategy and ensure the working of the unit remains relevant to its mandate.

Externally, too, seeking feedback and assessing levels of satisfaction of those who approach the AJK police stations, would enable the department to monitor not just compliance with procedure but also attitudes and behavior of the staff. In this, the community outreach measures need to be supplemented with targeted ways of documenting the experience of a complainant or a victim at the AJK police stations, such as through feedback forms, or public satisfaction surveys undertaken periodically to track gaps and improvements in staff attitudes. By truly embracing such feedback, MP Police will be much better placed to – and indeed the time is ripe – build on its investment in the AJK branch, correct the gaps highlighted, take measures to address caste bias within the police, and transform the branch into a model for other states.

For the Police department

General

1. Develop and adopt a clear mission statement for the AJK unit that recognises non-discrimination and access to justice as core values, articulates its mandate, and explains the importance of its role within the Madhya Pradesh Police.
2. Define and adopt workplace norms based on mutual respect, equal treatment and individual dignity.
3. Ensure accountability for any acts amounting to wilful neglect of duty as defined in Section 4 of the Atrocities Act.
4. Institute processes of consulting the AJK staff on a regular basis:
 - Hold Focus Group Discussions with staff across ranks, at least once every year, to gather views on the role, functioning, challenges and impact of the AJK branch; and
 - Undertake attitude assessment surveys across ranks, preferably involving independent experts, and beginning initially with a baseline survey, in order to measure gaps in staff perceptions and accordingly identify solutions.

Staff and diversity

1. Review and revise the sanctioned strength for the AJK police stations taking into account the total number of registered cases of atrocities.
2. Sanction posts at Inspector rank for all AJK police stations, in compliance with department circular No. A-1/7211/2017, dated 16/11/2017, that extends investigating powers for certain offences under the

Atrocities Act to Inspector rank officers.

3. Expedite efforts to fill vacancies at DSP ranks in AJK police stations within a stipulated timeframe, beginning with districts with immediate need, and gradually, filling vacancies across all AJK police stations.
4. Ensure equal weightage to the AJK unit in staffing decisions.
5. Strengthen the monitoring of AJK police stations to ensure staff are not diverted regularly for other duties, including law and order duties, in compliance with department order No.117/04, dated 29/03/03.
6. Intensify efforts to increase the presence of women of all ranks in the AJK police stations to ensure the presence of at least **one woman police officer** at all times in every police station.
7. Develop a staffing plan for the AJK branch aimed to achieve, in a phased time-bound process, the proportionate representation of SC and ST communities at all levels.

Supervision

8. Strengthen the post of SP-AJK:
 - Convert SP-AJK into a cadre post, like the ADG-AJK, to establish it as full-time and consistently filled;
 - Revise the total number of districts supervised by each SP-AJK to ensure equivalence in the breadth of jurisdiction supervised by each; and
 - Make it compulsory to seek inputs from the SP-AJK in the annual performance appraisals of, at the least, DSP-rank officers posted in the AJK police stations of the districts within their respective range.
9. Take measures to spread public awareness about the role and functions of the SP-AJK post, particularly to enable affected persons to approach the SP-AJK directly with any complaint, or for assistance.

Training

10. Review and revise all training material on the Atrocities Act:
 - Update the 2012 handbook or compilation of training material on the Atrocities Act by incorporating the 2015 and 2018 amendments, as well as latest court rulings and policy developments;
 - Ensure the 100-point check-list included in the training handbook is easily available to the rank and file at each police station;
 - Continuously develop check-lists as needed, such as on relief norms, to aid learning on the ground; and
 - Actively seek input from and involve civil society groups, community leaders, and legal experts from outside the department, in the design, review and delivery of training on the Atrocities Act.
11. Expand the scope of trainings beyond the Atrocities Act by creating and integrating content on ways to recognise and remove explicit and implicit caste prejudices and biases in policing.
12. Conduct regular assessments to evaluate the impact of training to ensure it is of the needed duration, uses interactive methodologies, and is comprehensive.
13. Design and incorporate a targeted session on police accountability in every training course, which must at minimum, explain and reinforce:

- the full scope of Section 4 of the Atrocities Act, particularly to emphasise the acts which constitute willful neglect of duty and the action that can be taken;
 - the scope of accountability for failure to respond urgently to any complaint of atrocity, follow all mandated procedure, and for illegalities committed during arrest and detention;
 - relevant provisions of the Indian Penal Code (IPC) that cover acts of police negligence/misconduct, such as Section 166, IPC, and in particular Section 166A (c) that will apply in instances of non-registration of FIR in complaints relating to sexual offences including rape alleged by members of Scheduled Castes and Scheduled Tribes; and
 - relevant case law on Section 4 as well as outcome of departmental inquiries related to police negligence under the Atrocities Act.
14. Make available all training material on the MP Police website for knowledge sharing, research and evaluation.

Infrastructure and facilities

15. Conduct an audit of vehicles and motorcycles allocated to the AJK branch to make sure no police station is without adequate and properly functioning vehicles, and that the number allocated is commensurate to the size and spread of the district.
16. Expedite efforts to make sure that each AJK police station displays an updated version of the Atrocities Act (as amended in 2015 and 2018), in full public view.
17. Provide separate toilets exclusively for the use of women police personnel and any woman visiting in all AJK police stations in line with MHA advisories. If it is not possible to install a permanent toilet, portable toilets should be installed as an interim measure.

Community outreach

18. Take active measures to further activate community outreach as a core function of the AJK branch.
19. Draft a policy and action plan to give clear direction to the community outreach work including:
- Broader principles underlying community outreach;
 - Scope in terms of types of engagement with emphasis on regular communication with different communities as a way of improve community's accessibility of police station officials and build trust;
 - Structure in terms of persons in charge of organising community meetings and the frequency of meetings;
 - Reporting requirements of each engagement and/or community meeting; and
 - Processes for overall evaluation of community outreach activities.
20. Strengthen reporting and supervision of the Jan *Chetna Shivirs* to improve quality:
- Ensure a Jan Chetna Shivar is held at least once every two months, and cover different locations within the district each time;
 - Make it compulsory to have at least one supervisory rank officer – DSP-1, DSP-2, district SP, and SP-AJK – in each session. This could be tried on a rotation basis;
 - Issue instructions for a detailed report of each session, to clearly state issues discussed and action points identified; and

- Require 'Action Taken' reports to be prepared for each meeting, with the requirement to report back to the community on action taken.
21. Take active steps in developing public education material focusing on the Atrocities Act.
 22. Review the performance of the Centre for Social Justice and Empowerment.

Crime registration and investigation

23. Identify factors leading to variation in crime registration at different AJK police stations with a view to eliminating any negative factors that may be deterring access to the police station in a particular district.
24. Intensify outreach efforts among Scheduled Tribe areas and communities to spread knowledge of the rights and remedies contained in the Act.
25. End the practice of holding preliminary enquiries and ensure FIRs are registered without any delay upon receiving a complaint alleging an atrocity, in compliance with the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2018.
26. Review the caseload of investigating officers in each district to see if workload is equally distributed across the district and take steps, including sanctioning more staff, to correct imbalances as necessary.
27. Take active measures to ensure that AJK police stations receive full cooperation from local police stations during investigation.

5. Annexures

Annex 1: District-wise percentage of chargesheets filed in AJK police stations in 2016

Distt.	Chargesheets filed in 2016						
	SC		ST		TOT AJK Chargesheets	TOT AJK registered cases	% CS in AJK
	AJK Police station	Other police stations	AJK Police station	Other police stations			
Agar	21	78	1	8	22	23	95.65
Alirajpur	0	1	2	12	2	2	100.00
Anuppur	5	16	3	30	8	8	100.00
Ashok Nagar	9	122	1	24	10	10	100.00
Balaghat	9	49	8	58	17	17	100.00
Barwani	1	9	1	30	2	2	100.00
Betul	4	30	7	46	11	11	100.00
Bhind	17	132	0	0	17	18	94.44
Bhopal	6	104	0	13	6	7	85.71
Burhanpur	2	11	2	9	4	4	100.00
Chhatarpur	12	157	0	15	12	12	100.00
Chhindwara	2	95	3	82	5	5	100.00
Damoh	5	148	2	52	7	7	100.00
Datiya	10	116	1	4	11	12	91.67
Dewas	0	69	0	38	0	0	0
Dhar	3	31	4	44	7	7	100.00
Dindori	4	1	23	16	27	28	96.43
Guna	20	118	2	41	22	24	91.67
Gwalior	8	197	1	25	9	11	81.82
Harda	0	18	2	38	2	4	50.00
Hoshangabad	3	88	2	35	5	5	100.00
Indore	3	57	0	26	3	4	75.00
Jabalpur	3	183	2	82	5	5	100.00
Jhabua	2	6	4	7	6	6	100.00
Katni	0	77	2	61	2	2	100.00
Khandwa	1	58	1	79	2	2	100.00
Khargon	1	29	2	43	3	3	100.00
Mandla	0	10	2	55	2	2	100.00
Mandsaur	7	109	3	13	10	10	100.00
Morena	64	173	0	2	64	71	90.14
Narsinghpur	22	167	8	58	30	31	96.77

Neemuch	7	24	0	5	7	7	100.00
Panna	2	45	0	10	2	2	100.00
Raisen	4	74	0	41	4	4	100.00
Rajgarh	3	147	3	19	6	6	100.00
Ratlam	1	186	3	71	4	5	80.00
Rewa	6	42	3	19	9	11	81.82
Sagar	3	235	2	65	5	5	100.00
Satna	5	41	0	20	5	6	83.33
Seoni	1	72	4	89	5	6	83.33
Shahdol	2	9	3	33	5	5	100.00
Shajapur	16	99	1	5	17	17	100.00
Sheopur	20	16	7	13	27	29	93.10
Shivpuri	14	258	1	59	15	15	100.00
Sidhi	11	47	6	41	17	17	100.00
Sinhore	5	149	2	34	7	7	100.00
Singrauli	3	49	0	14	3	3	100.00
Tikamgarh	1	124	0	17	1	1	100.00
Ujjain	8	120	1	12	9	16	56.25
Umariya	0	6	3	17	3	3	100.00
Vidisha	12	324	0	37	12	12	100.00
total	368	4526	128	1667			

Annex 2: Survey Questionnaire

Role, Importance and Impact of the Anusuchit Janjati Kalyan (AJK) unit of Madhya Pradesh Police

Questionnaire for the Police

This is a survey to measure your understanding of the role, importance and impact of the Anusuchit Janjati Kalyan unit of Madhya Pradesh Police. Your responses to this questionnaire will be kept anonymous and will not be shared with the police administration. Your responses will only be used for research purposes. Thank you for taking the time out to complete the questionnaire. We appreciate your views and opinions.

BACKGROUND

AJK Police station (District):

Rank:

Caste:

Date of posting to AJK:

Previous posting to AJK, if any:

Date of joining police service:

What is your opinion of the AJK police station?

☐ Strongly oppose ☐ Oppose ☐ Don't know ☐ Support ☐ Strongly support

Do you like being posted in the AJK unit?

☐ Strongly like ☐ Like ☐ Don't know ☐ Dislike ☐ Strongly dislike

How well informed do you feel about the following:

a. List of offences under the Prevention of Atrocity Act, 1989

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

b. Amendments brought in 2015 to the Atrocities Act

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

c. Procedure for investigating atrocity cases

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

d. 100-point check-list circulated by MP Police on procedures to be followed under the Atrocities Act

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

e. Guidelines on arranging for caste certificate issued by the state government

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

f. Rights of victims and witnesses for atrocity cases

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

g. Important judgments on atrocity cases by the Special Courts and High Court in MP

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

h. Important judgments on atrocity cases by the Supreme Court

☐ Very well informed ☐ Fairly well informed ☐ Not well informed

For each of the following statements, indicate whether you agree or disagree:

a. AJK police stations have increased reporting of atrocity offences.

☐ Strongly Disagree ☐ Disagree ☐ No opinion ☐ Agree ☐ Strongly agree

b. AJK police stations have increased safety of SC and ST communities.

☐ Strongly Disagree ☐ Disagree ☐ No opinion ☐ Agree ☐ Strongly agree

c. Majority of the complaints of atrocity are not genuine and a waste of police time.

☐ Strongly Disagree ☐ Disagree ☐ No opinion ☐ Agree ☐ Strongly agree

d. Special police stations are important to instill confidence within the SC and ST communities to approach the police.

☐ Strongly Disagree ☐ Disagree ☐ No opinion ☐ Agree ☐ Strongly agree

e. Creating specialized units like the AJK helps build expertise and makes policing better.

☐ Strongly Disagree ☐ Disagree ☐ No opinion ☐ Agree ☐ Strongly agree

f. Posting in the AJK unit is valued within the department and is seen as good for your career.

☐ Strongly Disagree ☐ Disagree ☐ No opinion ☐ Agree ☐ Strongly agree

How would you rate the infrastructure and facilities at the AJK police stations?

☐ Very poor ☐ Inadequate ☐ Adequate ☐ Good ☐ Outstanding

How many training and/or sensitization sessions on the Atrocities Act have you attended since your posting in the AJK unit?

- ☐ At least 1 ☐ Between 2-3 ☐ More than 3 ☐ None

How would you rate the training and/or sensitization sessions?

- ☐ Very poor ☐ Inadequate ☐ Adequate ☐ Good ☐ Outstanding

How would you rate the performance of your AJK police station and/or police stations under you (SP, AJK)?

- ☐ Very poor ☐ Inadequate ☐ Adequate ☐ Good ☐ Outstanding

How do you think the community will rate the performance of the AJK police station in your area

- ☐ Very poor ☐ Inadequate ☐ Adequate ☐ Good ☐ Outstanding

Do you think the Scheduled Castes and the Scheduled Tribes need special protection?

- ☐ Definitely ☐ Maybe ☐ Can't say ☐ Not at all

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 focussed 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's 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 assesses the *Anusuchit Jati JanJati Kalyan Branch (AJK)* branch of the Madhya Pradesh Police that oversees police response to crimes against the Scheduled Castes and the Scheduled Tribes in the state. The review focuses on: the branch structure in terms of its composition; departmental processes relating to supervision, reporting, records maintenance and training; and policies guiding the branch functions including crime registration, investigation and community outreach.

Despite over 20 years of existence, the role and impact of the AJK branch remains limited. To some extent, the existence of AJK police stations in every district has encouraged reporting of offences. The branch is further recognised both by the police and representatives of the community as pivotal for instilling trust within the SC and ST communities, facilitating access to justice and providing safety. Its effectiveness, however, is constrained by inadequate authority vested with the specially created supervising posts within the branch, poor coordination between AJK police station and local police stations, a pervading sense that the AJK branch is not valued within the department, and, above all, deep-rooted attitudes and prejudice which need urgent recognition and addressing to yield better outcomes.

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