

Crime in India 2019

Main Highlights

Note by Commonwealth Human Rights Initiative

Preliminary Analysis

30 September 2020

The Commonwealth Human Rights Initiative presents key highlights of the recently released crime statistics by the Government of India.¹ This note focuses on the following crimes:

1. Overall rate of registration of crimes
2. Crimes against women;
3. Crimes against Scheduled Castes
4. Deaths in Custody
5. Cases against police personnel for human rights violations

Registration of crimes

Main highlights of the data:

1. Low rate of registration of reported complaints to the police

- √ In total, 19.6 million complaints were received in 2019. First Information Report was registered in one-fourth of these (5.1 out of 19 million) cases.
- √ Of the 19.6 million complaints, 11.2 million were oral and 8.4 million were written complaints.
 - Of the written complaints made, FIR was registered in 57 % of the cases;
 - Of the oral complaints made, FIR was registered in only 4 % of the cases;
 - Of the complaints made to the SHO/Officer in charge of the police station, FIR was registered in 68% of the cases.

2. Increase in registered cognizable crimes in 2019 from 2018

- √ A total of 51,56,172 cognizable crimes were registered in 2019. This constitutes an increase of 1.6% from cases registered in 2018.
- √ The crime rate in 2019 is 385.5, which means, for every one lakh person (0.10 million), 385 persons reported a crime during the year.
- √ Kerala (1287.7), Gujarat (631.6), Tamil Nadu (600.3), and Haryana (577.4) have the highest crime rate in the country.

CHRI Comments:

The above data reveals that nearly 73% of the complaints received by the police do not get converted into a First Information Report. High crime rates may indicate higher incidence of crime as well as higher reporting and therefore lesser barriers to report crime. It is time that the perspective of police departments and governments on crime registration makes a shift, particularly in light of the reality that burking of crime by police takes place. While an increase in the number of crimes registered may be a signal that the incidence of a certain crime may be going up, it is also a sign that cognizable crimes are being registered as they become known to the police. A balanced view will take both these aspects into consideration and not condemn the police for increased numbers of registered crimes.

¹ *Crime in India 2019*, National Crimes Records Bureau, Ministry of Home affairs, Government of India: <https://ncrb.gov.in/en/crime-india-2019>.

Data Gaps:

Data on complaints received should be provided State-wise as was done in previous publications of Crime in India.

Crimes against Women and Children

Overall Note: Crimes against Women is divided into the following categories:

- Crimes against Women under Indian Penal Code (IPC)
- Crimes against Women under Special and Local Laws (SLL).

Main highlights of the data:

1. Rate of total crimes against women is 62.4. Within this the rate of crime against women under IPC is 52.8 whereas rate of crime against women under SLL is just 9.6.

	Rate of Total Crime against Women	Rate of IPC Crime against Women	Rate of SLL Crime against Women
ALL - INDIA	62.4	52.8	9.6
Andhra Pradesh	67.9	63.7	4.2
Arunachal Pradesh	43.3	38.1	5.2
Assam	177.8	157.1	20.7
Bihar	32.3	23.8	8.4
Chhattisgarh	53.5	39.1	14.3
Goa	43.1	42.9	0.1
Gujarat	27.1	20	7
Haryana	108.5	93.2	15.3
Himachal Pradesh	45.4	43.8	1.6
Jammu & Kashmir	47.8	46.2	1.6
Jharkhand	47.8	33.5	14.3
Karnataka	42.5	29.7	12.8
Kerala	62.7	56.8	5.9
Madhya Pradesh	69	52.8	16.1
Maharashtra	63.1	51.8	11.3
Manipur	17.2	13.4	3.7
Meghalaya	34.6	20.9	13.8
Mizoram	28.7	15.4	13.3
Nagaland	4.1	3	1.2
Odisha	103.5	91.5	12
Punjab	41.5	38.6	2.8
Rajasthan	110.4	108.6	1.8
Sikkim	39.8	12.4	27.4
Tamil Nadu	15.6	7.8	7.9
Telangana	99.3	88	11.3
Tripura	54.5	45.5	9
Uttar Pradesh	55.4	44.7	10.6
Uttarakhand	46.5	39.1	7.4
West Bengal	64	59	5
A & N Islands	72.2	22.5	49.7

Chandigarh	95.2	94.1	1.1
D & N Haveli	21.6	4.4	17.2
Daman & Diu	25.3	15.3	9.9
Delhi UT	144	126.3	17.6
Lakshadweep	115.2	39.4	75.8
Puducherry	12.1	5.2	6.9

Among states, Assam (177.8), Delhi (144), Rajasthan (110.4) and Haryana (108.5) have a Total Crime Rate against Women above 100. Lakshadweep (75.8), A&N Islands (49.7) and Sikkim (27.4) have a higher crime rate against women under SLL as compared to the crime rate against women under IPC.

2. **Cruelty by husband or his relatives constitutes the highest proportion of Crimes against Women under IPC. (S. 498A). It is followed by Assault on Women with Intent to Outrage her Modesty (S. 354).**
 - ✓ Of the total crimes registered against women under IPC, Section 498A constitutes 36.5%, highest among the different categories of crime under IPC.
 - ✓ States with highest rate of Section 498A are Assam (70.7), Rajasthan (49), Telangana (46.1) and Delhi (40.8).
 - ✓ Section 354 constitutes 25% of the crimes succeeding Section 498A. Of these, nearly 95% of cases registered were of women above 18 years of age.
 - ✓ States with highest rate of Section 354 are Odisha (50.5), Assam (27.4), Delhi (25.3) and Kerala (24.6)
3. **Rape constitutes 8.8% of total crime registered against women under IPC. Of these, 84.5 % of cases registered were of women above 18 years of age. States with highest rate are Chandigarh (20.7) and Rajasthan (15.9).**
4. **Prevention of Children against Sexual Offences (POCSO) (girl child victims only) constitutes the highest proportion of Crimes against Women under Special and Local Laws.**
 - ✓ Of the total crimes registered against women under SLL, POCSO constitutes 73%, highest among the different categories of crime under SLL. Of these, nearly 56.3% of cases are registered as Child Rapes².
 - ✓ States with highest rate of POCSO are Lakshadweep (75.8), A & N Islands (49.2), Sikkim (27.1) and Madhya Pradesh (15.1).

Crimes against Scheduled Castes

Overall note: Crimes against the Scheduled Castes (SC) and Scheduled Tribes (ST) include the following categories:

- Atrocities committed against SC/ST by non-SC/ST members under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (hereafter POA Act);
- Crimes committed against SC/ST members under the Indian Penal Code by any person (read together with the POA Act);
- Crimes committed under the Protection of Civil Rights Act, 1955.

Main highlights of the data:

1. **Rate of IPC crimes against Scheduled Castes is higher than rate of POA Act crimes against Scheduled Castes:**
Of total registered crimes of 45935 committed against Scheduled Castes in 2019,

² Section 4 and 6 of POCSO Act/ S. 376 IPC.

- √ only 4129 (8.99%) cases were registered only under the POA Act;
- √ 41793 (90.98%) were registered under POA Act read with IPC; and
- √ 13 (0.02%) were registered under Protection of Civil Rights Act, 1955.

In terms of rate of crimes against the Scheduled Castes, the All-India total was 22.8. Within this, the rate of IPC crimes against SC was 20.8 and the rate of POA crimes alone is just 2.1.

	SC population (in %)	Rate of Total Crimes against SC (2019)	Rate of IPC crimes against SC (2019)	Rate of POA Act crimes against SC (2019)
ALL - INDIA		22.8	20.8	2.1
Uttar Pradesh	20.70%	28.6	22.9	5.7
Bihar	15.91%	39.5	39.5	0
Punjab	31.94%	1.9	1.5	0.4
Rajasthan	17.83%	55.6	54.5	1.1
West Bengal	23.51%	0.6	0.5	0.1
Andhra Pradesh	16.41%	24.5	22.4	2.1
Karnataka	17.15%	14.4	13.5	0.8
Tamil Nadu	20%	7.9	7.3	0.6
Maharashtra	11.81%	16.2	14.6	1.6
Madhya Pradesh	15.62%	46.7	46.7	0
Haryana	20.17%	21.2	20.2	1
Odisha	17.13%	26.2	25.7	0.6
Himachal Pradesh	25.19%	10.9	1.7	9
Uttarakhand	18.76%	4.4	3.1	1.3
Delhi	16.75%	2.7	1.5	
Gujarat		34.8	31.8	3
Goa		11.8	11.8	0
Kerala		28.2	25.5	2.7
Telangana		31.1	28.4	2.7
Jharkhand		16.3	8.1	8.2

Among states, Himachal Pradesh and Jharkhand stand out as exceptions to this trend. In Himachal Pradesh, the rate of POA crimes is 9 while IPC crimes is just 1.7 whereas in Jharkhand, the rate of both IPC crimes and POA crimes is near equal at around 8.

2. Simple hurt constitutes highest proportion of total crimes against Scheduled Castes

- √ Of the total registered crimes against Scheduled Castes, simple hurt³ constitutes 28.89%, highest among the different category of crimes.
- √ States with highest rate of simple hurt cases include: Bihar (32.1), Madhya Pradesh (22.7), and Rajasthan (12.7).

3. Rape of Scheduled Castes women constitutes 7.59% of the total registered crimes against Scheduled Castes

- √ There were 3486 registered cases of rape of SC women, constituting 7.59% of total registered crimes against the Scheduled Castes.

³ Simple hurt includes the following IPC sections: 323 (voluntary causing hurt), 324 (voluntary causing hurt by dangerous weapons or means), 327 (voluntary causing hurt to extort property), 328 (causing hurt by means by poison), 330 (voluntary causing hurt to extort confession, or compel restoration of property), 332 (voluntary causing hurt to deter public servant from duty), and 353 (assault or criminal force to deter public servant from discharge of duty).

- √ Of these, nearly 68% of cases were of women above 18 years of age whereas 32% is of persons below 18 years read together with POCSO.
- √ All India rate of registered rape cases is 1.7 (*registered cases per 100,000 SC population*)
- √ States with highest rate of registered rape cases are: Kerala (4.6), Madhya Pradesh (4.5), Rajasthan (4.5) and Haryana (4.3).

4. Intentionally insult or intimate with intent to humiliate constitutes high proportion of crimes under the POA Act alone

- √ Section 3 of the POA Act specifies over 30 atrocity offences. *Crime in India* provides cases registered under only four of the atrocities defined under Section 3. Nearly 50 percent of the registered cases under POA Act are recorded under “Others” without any explanation of the offences ‘others’ constitutes.
- √ Of the remaining cases under POA Act alone, intentionally insult of intimate with intent to humiliate constitutes 48.70% of the registered cases just under POA Act, and 4.38% of the total crimes registered against Scheduled Castes.
- √ States with highest rate of intentionally hurt are: Sikkim (71.), Jharkhand (4.5), and Himachal Pradesh (3.6).

5. Less than 10 % of the registered cases on crimes against Scheduled Castes were found false by the police during investigation

- √ Of the total 62195 registered cases of crimes against SC for investigation (including cases carried over from previous years) in 2019:
 - only 5482 (8.81%) were closed as false with a Final Report;
 - only 1765 (2.83%) were closed due to mistake of fact or of law;
 - only 2055 (3.3%) were found true but were closed as Final Report due to insufficient detail.
- √ Of the total 62195 registered cases of crimes against SC for investigation (including cases carried over from previous years) in 2019:
 - 34745 (55.86%) were chargesheeted in 2019

6. Nearly 94% pendency rate for crimes against Scheduled Castes

By the end of 2019, pendency rate for registered crimes against Scheduled Castes was nearly 94% (see table below).

	from previous years	in 2019	Total	in %
Cases for trial	169446	34745	204191	
Cases disposed without trial	245		245	
Cases in which trial completed			12498	6.120739895
a. Cases convicted	3622	385	4007 (32%)	
b. Cases discharged			1061 (8.48%)	
c. Cases acquitted			7430 (59.44%)	
Cases disposed off by Courts			12743	6.240725595
Cases pending trial			191448	93.7592744

- √ Trial was completed in only 6.12% of cases;
- √ Of the cases in which trial was completed (12498), 32% of cases led to a conviction and 59% of cases led to an acquittal.

CHRI's Comments:

The low percentage of cases registered just under the POA Act alone indicates that very few cases alleging specific discriminatory actions on the basis of caste and tribal identity that are

defined as atrocities under Section 3 of the Act are being registered on their own. Such actions are registered mainly when accompanied by any of the IPC offences.

There is no data on total complaints received on crimes against the Scheduled Castes.

Disaggregated data on cases registered under specific offences included in Section 3 of the POA Act is not made available.

Data further bears out that of the cases registered, less than 10% of the cases were found false during police investigation.

Deaths in Police Custody

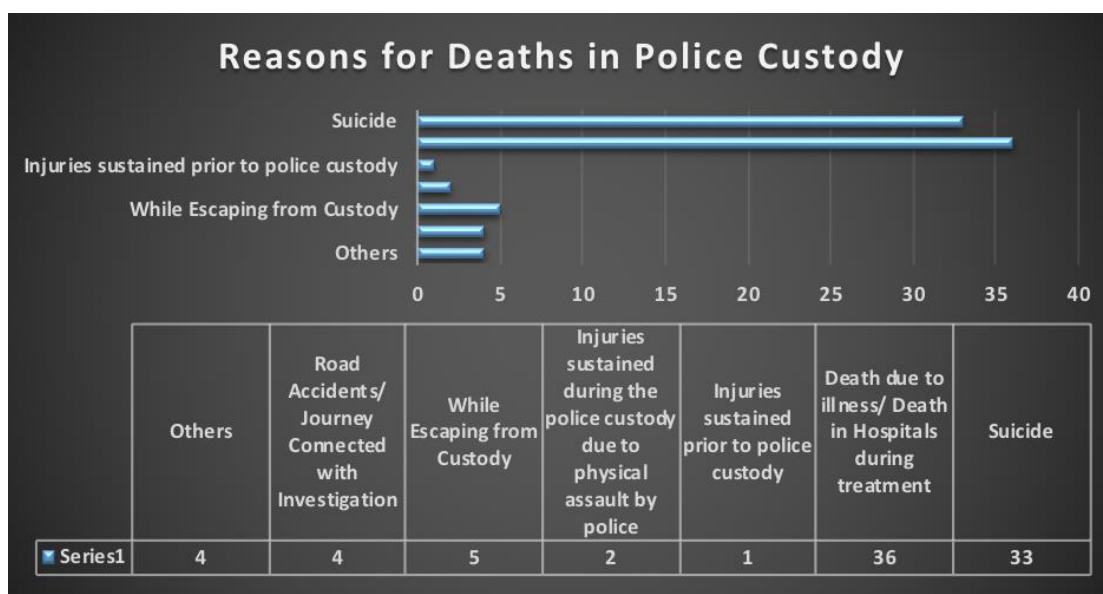
Main Highlights of the Crime Data

1. Inaccurate data on deaths in custody

- √ The death of 85 people in police custody/lock-up has been reported.
- √ Almost half of them – 39 out of 85 – took place 11 in Maharashtra, 10 in Gujarat, 10 in Tamil Nadu, and eight in Madhya Pradesh.
- √ There were zero cases of custodial deaths ‘reported’ in Uttar Pradesh. This does not reflect the multiple cases of deaths in police custody in Uttar Pradesh reported in the media in 2019. Two cases include: a) [Pradeep Tomar](#) died in a police station in Pilakua town in Hapur district, UP in October, 2019. In the article, the Superintendent of Police of Hapur states that a departmental enquiry and post mortem were initiated, and three policemen were suspended. b) [Shivam died in Pannuganj](#), Sonbhadra, UP in August 2019, and the Station-In-Charge was reported to be suspended following the custodial death.

2. Death due to illness and suicide constitute highest reported reasons of death in custody

- √ Almost 40 % (33 out of 85 cases) of police custody deaths were reported as suicides. There were five cases of suicides in Madhya Pradesh and four in Punjab.
- √ Another 40 % (36 out of 85 cases) of police custody deaths were reported due to illness or in hospitals during treatment. Almost half of these cases were from Tamil Nadu (10) and Maharashtra (seven).



3. More than half of reported deaths in custody took place within 24 hours of being arrested

- √ Of the 85 reported deaths, 53 (62%) people died in police custody within 24 hours of being arrested and brought into custody, before they were produced before a judicial magistrate

4. Insufficient accountability:

- √ Of the mandatory inquiries to be done to look into every death in custody:
 - Judicial Enquiry ordered in only 40 cases out of 85
 - Magisterial Enquiry ordered in only 30 out of 85
 - No enquiry (judicial or magisterial) ordered in 15 cases.
- √ Out of the 85 reported cases:
 - Cases against police were registered only in 38 deaths (45% of the cases)
 - Chargesheet has been filed in only 5 cases (against 15 police personnel), with no information provided on the status of investigation of the rest of the cases
 - Not even one police personnel has been convicted.

Information		Deaths in Police* Custody / Lockup (Persons Not on Remand)	Deaths in Police Custody/Lockup (Persons in Remand)	Total
Deaths Reported		53	32	85
Magisterial Enquiries Ordered		20	10	30
Judicial Enquiries Ordered		29	11	40
Cases	Registered	23	15	38
	Chargesheeted	3	2	5
	Convicted	0	0	0
	Acquitted/ Discharged	1	1	2
Police personnel	Arrested	25	3	28
	Chargesheeted	16	0	16
	Convicted	0	0	0
	Acquitted/	1	2	3

	Discharged			
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CHRI Comments:

The information provided in the report is in contrast with the information shared by the media and it indicates that there is vast under-reporting of police custody deaths, as the reports provided for UP illustrate.

There is routine disregard and violation of Section 176 of the Code of Criminal Procedure, which requires a judicial enquiry to be conducted into every death in police custody. The judicial enquiry has been ordered in less than half (40 of the 85 cases) of custodial deaths reported.

The data also signals a lack of accountability as cases have only been registered in 38 cases, with no explanation provided for the number of cases registered and those not registered.

Eighty percent of the reported reasons for police custody deaths are either a) suicides or b) illness/hospitalisation. This may mask the fact that police violence may be the cause for these suicides or hospitalisation.

Data Gaps:

1. Demographic data (the age, gender, caste, religion) of those who have died in police custody must also be maintained.
2. District and police station -wise information on deaths in custody should be provided.
3. Rank and gender of police personnel against whom cases have been registered.

Cases registered against police personnel for human rights violations

Main highlights of the data:

1. **Non-existent/poor data on human rights violations committed by police personnel**
 - ✓ Only 49 cases have been registered against the police in 365 days across the country;
 - ✓ Only 10 cases of encounter killings have been registered at an All India level. This is at odds with communication by UP Police on social media. In December 2019, it had tweeted that 103 people were killed and 1859 injured in 5178 “police engagements” in the last two years.
 - ✓ 23 police personnel have been arrested for these violations;
 - ✓ Chargesheets have only been filed in 7 cases (involving 8 police personnel);
 - ✓ No cases of Illegal Detention;
 - ✓ Only 1 case of torture or even hurt or injury has been registered against the police.

Incidence of Human Rights Violation	Cases Registered
Encounter Killing	10
Deaths in Custody	15
Illegal Detention	0
Torture/Causing Hurt/Injury	1
Extortion	3
Other	20
Total Human Rights Violation by Police	49

Illustrations of some cases of alleged police torture/ violence/hurt as reported in the media in 2019:

- a) Vijay Singh: [Youth dies in police custody, five Wadala cops suspended](#)- 30 October 2019
- b) Law Student: [DU student claims torture at Adarsh Nagar police station](#) – 2 September 2019
- c) Minuwara Begum, Sanuwara and Rumela: [Police strip, torture 3 Assam sisters, pregnant woman loses baby after beating](#) – 18 September 2019
- d) News 24 Journalist: [Stripped, thrashed, urinated upon: UP journalist faces police wrath for doing his job](#)- 12 June 2019
- e) Pradeep Tomar : [‘Denied him water, kept me at gunpoint’: Minor recounts father’s torture in UP police custody](#) – 17 October 2019

CHRI’s Comments:

The information indicates severe under-reporting of human rights violations. Only one case of torture and no cases of illegal detention registered clearly indicates that victims either do not trust the system to register cases, or even if they come forward they have been discouraged or actively stopped from registering cases against the police.

Disaggregated data on complaints received and cases registered against police personnel is not available rank-wise, as well as state/district wise.