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## DISCLAIMER

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## COI QUERY RESPONSE

### INDIA – STATE PROTECTION

The US Overseas Security Advisory Council (OSAC) reported in October 2024: “With the population well over 21 million and a density of over 29,000 people per square mile, policing is a difficult task. While the numbers of reported incidents increase every year, many more go unreported. There is a common perception that the police are corrupt and cannot be trusted. In some cases, police officers are involved in crime or are bribed to turn a blind eye. Many victims do not go to the police for fear of persecution and harassment. Even those who witness crimes avoid getting involved in a judicial process that is painfully slow, inconvenient, and ineffective. These practices, and a lack of basic equipment and formalized training for patrol officers, have corroded public confidence, and there is no certainty of punishment for criminals.”<sup>1</sup>

Human Rights Watch reported in July 2024: “The Indian security forces continue to carry out repressive policies including arbitrary detention, extrajudicial killings, and other serious abuses. Indian authorities seek to justify abuses by contending that political violence in the region has declined considerably in the past five years, with fewer civilian and security personnel casualties. A recent surge in violence in the Jammu region since June has led to the death of 15 soldiers and 9 civilians.”<sup>2</sup>

Amnesty International reported in June 2024: “In the past ten years, the Indian government has either adopted discriminatory laws or weaponised the existing laws against religious minorities and government critics including human rights defenders, journalists, academics, and students. These include the Citizenship Amendment Act (CAA), 2019, which was operationalised on 11 March 2024.”<sup>3</sup>

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<sup>1</sup> US Overseas Security Advisory Council (OSAC) (4 October 2024) India Country Security Report 2024, p.9

<sup>2</sup> Human Rights Watch (31 July 2024) India: Repression Persists in Jammu and Kashmir

<sup>3</sup> Amnesty International (13 June 2024) India: Six-point human rights charter for the new government

Also reported was that: “Despite India's Supreme Court issuing a series of directives to prevent, remedy and punish mob lynching of Dalits and Muslims in the name of cow vigilantism in India, public lynchings continue to take place with impunity to date.”<sup>4</sup>

Human Rights Watch reported in June 2024: “The police in several Indian states failed to properly investigate crimes against minorities while administrative officials responded by summarily punishing victim communities, including those who protested such abuses. Constitutional authorities like the National Human Rights Commission, and those designed to protect the rights of children, women, religious minorities, tribal groups, and Dalits, did not function independently.”<sup>5</sup>

Also stated was that: “2,200 deaths in judicial custody, and 81 alleged extrajudicial killings in 2023. [40] The government also failed to properly implement police reforms directed by the Supreme Court in 2006 and to ensure accountability.”<sup>6</sup>

It further reported: “However, in many cases, BJP-affiliated groups attacked protesters and the police did not intervene. In BJP-governed states in December 2019, police used excessive and unnecessary lethal force, killing at least 30 people during protests and injuring scores more. In Delhi in February 2020, some policemen actively participated in the mob attacks on Muslims.”<sup>7</sup>

In May 2024 Dalit Human Rights Defenders Network (DHRDNet) reported: “India's state police forces are governed by a colonial-era law (The Police Act, 1861) [27] that is silent on human rights. It mandates primacy of orders issued to police personnel by 'competent authorities', implying those occupying higher ranks in the state hierarchy or wielding political power, compromising the independence of the police. [28] Police have been rewarded by the government for targeting minorities or political opponents. [29] Other enforcement and investigative agencies like the Enforcement Directorate, the Central Bureau of Investigation or the National Investigative Agency have also routinely been reported being used to target political opponents, minorities, and human rights defenders.”<sup>8</sup>

It further commented: “Moreover, the police are effectively in charge of investigating their own misconduct through departmental inquiries led by senior officials. Historically, these internal oversight mechanisms have done little to ensure accountability particularly for officials who enjoyed political patronage.”<sup>9</sup>

It also pointed out: “Extra-judicial killings (EJKs) are a common occurrence in India, even in regions that are not categorized as conflict zones, with police officials shooting at suspected criminals or even innocent civilians as a law enforcement tactic, colloquially referred to as "encounters".”<sup>10</sup>

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<sup>4</sup> Ibid, p.3

<sup>5</sup> Human Rights Watch (3 June 2024) Submission by Human Rights Watch to the United Nations Human Rights Committee Review of India, p.2

<sup>6</sup> Ibid, p.8

<sup>7</sup> Ibid, p.12

<sup>8</sup> Dalit Human Rights Defenders Network (DHRDNet) (31 May 2024) Joint NGO Alternative Report on the Situation of Civil and Political Rights in India, p.6

<sup>9</sup> Ibid, p.6

<sup>10</sup> Ibid, p.9

The Indian American Muslim Council (IAMC) reported an incident in May 2024: “Muslims in Bharatiya Janata Party (BJP)-ruled Uttar Pradesh's Sambhal have reported being beaten by police and prevented from casting their votes, in an alarming escalation of Muslim disenfranchisement.”<sup>11</sup>

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### **Contact Information**

Refugee Documentation Centre  
Legal Aid Board  
48/49 North Brunswick Street  
Dublin 7  
Ireland

Email: [research@legalaidboard.ie](mailto:research@legalaidboard.ie)