

Gist of EPW November Week 2, 2019

How Real Is the Crime Decline in India?

Context

After a delay of two years, the National Crime Records Bureau has published the annual crime against women in India Report 2017.

What does the report consist of?

- The report includes 88 new categories including sexual harassment of women at the workplace/public transport, offences relating to elections, obscene acts at public places, circulation of fake news, chit funds, cases under the Prevention of Corruption Act and Mental Health Act, Noise pollution and defacement of public property.
- A new category called “Anti-National Elements” has been added which includes details of “jihadi terrorists, Left Wing Extremism and North East insurgents.”
- For the first time, “cyber stalking and bullying of women” has been included in the report.

Key findings of the report:

- As per the report, close to 3.6 Lakhs cases of **crime against women** were reported in the country.
 - - Uttar Pradesh topped the list, followed by Maharashtra and West Bengal.
 - Majority of cases under crimes against women were registered under ‘Cruelty by Husband or his Relatives’ (27.9%) followed by ‘Assault on Women with Intent to Outrage her Modesty’ (21.7%), ‘Kidnapping & Abduction of Women’ (20.5%) and ‘Rape’ (7.0%).
- As per the report, 58,880 **incidents of rioting** were reported, of which the maximum incidents were reported from Bihar, followed by Uttar Pradesh and Maharashtra.
- The incidents registered under **the Scheduled Caste Prevention of Atrocities Act** saw an increase from 5,082 in 2016 to 5,775 in 2017.
- Incidents of crime related to **Scheduled Tribes** dipped from 844 in 2016 to 720 in 2017.
 - Kidnapping and abduction cases showed an increase of 9.0% over 2016 figures.
- The report highlighted that **several new crime categories**, including criminal intimidation, and credit or debit card fraud, were included in the data.
- The NCRB for the first time collected data on **circulation of “false/fake news and rumours.”** Under the category, maximum incidents were reported from Madhya Pradesh, Uttar Pradesh and Kerala.
- Information on mob lynchings, killing by khap panchayats, murder for religious reasons, and murder committed by influential people have not been included in the list.

Trends in Crime rate around the world

- Official crime rates have been declining from the 1990s everywhere around the globe
- The dramatic decline of property-related crimes and violent crimes was first noticed in the United States (US) and subsequently around the world
- Most researchers accept this decline while some dissenting voices claim that the police are playing the numbers’ game.

- A similar declining trend has been reported from India too. Since 1990, crime rates in India have displayed a downward trend, except for crimes against women that in contrast have gone up sharply.
- Police agencies around the world face criticism about the crime statistics that they record and report. The rise in crime rates is generally received in alarm, as a sign of failure to prevent citizen victimisation. However, declining rates are dismissed as under-reporting by the police everywhere.
- In India, the difficulty in lodging complaints with the police and the minimisation of the seriousness of the offence further erode trust in official data.
- Unfortunately, regular victim surveys have not been done in India to facilitate a comparison and provide alternate measures of crime. Nevertheless, the decline in official crime rates over a 20-year period in such a vast country cannot be deliberate, or an outcome of a national conspiracy to downsize the numbers.

How police in developed nations gain trust of their citizens?

- Based on police-recorded data and victimisation surveys, there appears to be a sharp and significant drop in crime figures everywhere.
- The United Nations Survey of Crime Trends, International Crime Victims Surveys, and the National Crime Victimization Surveys of the US, England and Wales, and Netherlands all show declining trends since the mid-1990s
- One reason why police data is not disputed in Western nations is because of the emergency call system where citizens' calls are recorded verbatim and hence, unaffected by official bias.
- In the US, the Federal Bureau of Investigation (FBI) periodically conducts a quality assurance review to ensure that the quality of crime data can be trusted by the citizens.
- In the United Kingdom (UK), crime is recorded in accordance with the Home Office Counting Rule to ensure consistency of records across the country.
- The rules place an obligation upon the police to accept what the victim is stating unless there is credible evidence to the contrary. Every police department has an appointed crime registrar who supervises the compliance with the recording processes.
- Furthermore, in these countries, trust in the police tends to be higher than in the political and the legal systems
- Furthermore, in developed nations, all public officials generally maintain high standards of probity, service and accountability to the citizens, who expect and receive services of high quality, and their grievances are quickly and professionally addressed.
- This faith in public and police agencies also implies that citizens do not dispute official data, including crime statistics.

Faith in the Police in India

- Crime data show a decline in murder by 16.4%; dacoity by 60.7%; robbery by 8.05%, and even riots by 34.3% between 1991 and 2010. Property crimes such as theft (6.47%) and burglary (31.33%) have also declined sharply over this time period.
- Only crimes against women—rape in particular—show a sharp upward trend of 120.22% between 1991 and 2010.
- However, there is no official claim about success in reducing crimes. Going by some media reports the country is becoming more insecure and unsafe.
- Crimes against women, including brutal gang rapes and molestation in public spaces, continue to be reported from every part of the country.
- The legal and administrative rules governing record-keeping in the country are similar to what we have described for the US and the UK. There is a uniform system that is well-established and known to the citizens to report their victimisation.
- The system does leave room anyway for discretion for the police station officers. However, there are options to approach senior officers or even the courts to register complaints.

- The disbelief in crime numbers has less to do with the procedure for recording complaints and perhaps more with general citizen distrust in the police.

What are the issues with the report?

- **Delay in the report:**
 - The bureau said that the addition of the new categories had led to a delay in the report's release.
 - The government officials had blamed the States of West Bengal and Bihar for lackadaisical responses in sending data, and said that more subheads for the data would be added in the latest report requiring further collation and error corrections.
 - These new subheads reportedly included data on hate crimes besides those related to mob lynching, killings ordered by khap panchayats, murders by influential people, besides "anti-national elements".
 - Except for the last category — Crimes by Northeast insurgents, left-wing extremists and terrorists — the other subheads are missing in the report. This suggests that the Bureau was not keen on including them.
- **Missing data:**
 - The Supreme Court in 2018 had, in an order, called for a special law to deal with lynching. The Central government has time and again argued against the need for a separate law and has affirmed that curbing lynching was a matter of enforcement.
 - Data on such hate crimes would have been useful in both law enforcement and jurisprudence.
 - Without a proper accounting of hate crimes — as of now there exist only a few independent "hate crime trackers" based on media reports. This raises questions on the seriousness of the government on tackling hate crimes effectively.
- **Unreliable information:**
 - The Union Home Ministry has said that data received by the National Crime Records Bureau on certain crimes like lynching and attacks on journalists were "unreliable and their definitions are also prone to misinterpretation".
- **Difficulty in making comparisons:**
 - The NCRB data on crime hide significant variances in case registration of serious crimes such as rapes and violence against women across States, which makes it difficult to draw State-wise comparisons.
- **Differences in reporting by the states:**
 - There is the possibility of some States reporting such crimes better.
 - This is relevant, particularly in rape cases, where the Union Territory of Delhi registered a rate of 12.5 per one lakh population, surpassed only by Madhya Pradesh (14.7) and Chhattisgarh (14.6).
 - The filing of rape complaints in Delhi has significantly increased following public outcry over the December 2012 rape incident and this could partially explain the high rate of such cases.
 - The fact that Delhi recorded 40.4% of the total IPC crimes registered among metropolitan cities in 2017 is also likely due to the use of easier (online) means to register them.
- **Census base year:**
 - The other drawback in the report is the use of the census base year as 2001 to calculate crime rates for States and 2011 for metropolitan cities, which make the assessments disorganised.

Challenges faced by Police Department

- In India, the police are not trusted and the organisation is heavily politicised, and that has seriously affected its functions and performance.
 - The important positions in the police department, such as Station House Officer (SHO), are invariably assigned to officers belonging to the same caste as the chief minister.
 - The caste, religion and of course social class affects the ways in which SHOs handle citizen complaints.

- Victim surveys have been suggested but the home ministry has not supported this procedure.
- It has been repeatedly pointed out that India's ratio of police persons per 1,000 people is 1.2, which is grossly below the United Nation's recommendation.
- There are huge vacancies in almost every state, especially in the non-Indian Police Service posts.
- Problems of overwork, lack of leave, poor dietary habits due to long hours of duty, lack of decent housing and so on are just some of the issues they face.
- Then there are the more endemic issues like the lack of caste and religious diversity in the force, and the attitude towards women constables and assistant inspectors.
- It is also well known that the overall dismal conviction rates for most major crimes stem from poor investigation, and forensic skills and means.
- While this is true and the various recommendations by retired senior police officers and others on this issue must be examined, it is not the main issue.
- As many activist-lawyers have pointed out, it is not a rare practice for the political class to appoint police chiefs who are amenable to pressure and diktats that suit the former.

Way forward:

- The criminal justice system is being plagued by a number of issues like low rate of conviction, inefficiency and delay in justice delivery, increasing complexity of the crimes and is in need of urgent reforms.
- This results in a big problem of people losing faith in the Criminal Justice System of India – which is very dangerous. The system has not undergone any substantial changes even after 70 years of Independence.
- The importance of the statistics from the annual crime report is irreplaceable in helping formulate better policy. However, in order to explore more precise and effective solutions to criminal justice issues, NCRB must first take steps towards ensuring the accuracy, reliability and comprehensiveness of these reports.
- The NCRB must note the discrepancies and deficiencies in the present report and incorporate appropriate changes in its subsequent reports to make the annual Crime report of India more useful.

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