RESPONSES TO INFORMATION REQUESTS (RIRs)

New Search | About RIRs | Help

14 May 2012

IND104065.E

India: Communication between police offices across the country; whether police across India can locate an individual, particularly as a result of registration requirements for employment, housing and education, security checks, and technological surveillance

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Police Communication

Sources indicate that each state in India has its own police force (AHRC 16 Apr. 2012; Canada 14 Apr. 2012; CHRI n.d.). In a telephone interview with the Research Directorate, a program officer at the Asian Human Rights Commission (AHRC) indicated that each state police force acts independently (16 Apr. 2012).

In correspondence with the Research Directorate, an official at the Canadian high commission in India indicated that police communicate with each other over the telephone as well as by sending letters and emails (Canada 14 Apr. 2012). Also in correspondence with the Research Directorate, a New Delhi-based lawyer stated that the Dehli police communicate with police departments in different states through telephone, email, fax, and wireless set (Lawyer 17 Apr. 2012). She also said that police offices communicate about crimes, criminals, and VIP visits (Lawyer 17 Apr. 2012). The Canadian high commission official said that police share information about "law enforcement" but indicated that "there is limited sharing of information between police forces" and police are not required to "report the movements of persons of interest to other offices" (Canada 14 Apr. 2012).

According to the AHRC program officer, India does not have a national infrastructure for police communication (16 Apr. 2012). The Canadian high commission official stated that the Police Communication Network (POLNET), a network designed to integrate all police stations by improving "voice, fax and data transmission capabilities" (*The Pioneer* 31 Mar. 2010), "is not fully operational across the country, [and] sparingly used (if at all)" (Canada 14 Apr. 2012). He added that the Canadian high commission's "local police contacts in Delhi are unfamiliar with the system" (ibid.).

A Zonal Integrated Police Network (ZIPNet) was created in 2004 to share crime-related information in "real time" rather than through written documents and wireless communication (ZIPNet n.d.). The information shared includes First Information Reports (FIRs) for "[h]einous cases"; people arrested for "[h]einous

cases"; "most [w]anted" criminals; missing persons; unidentified dead bodies; unidentified persons found; stolen vehicles and items; police alerts; people released from jail; people on bail; and "messaging" (ibid.). According to the *Times of India,* "the system provides search engines to match information from a central repository," and can only be accessed by "authenticated and pre-listed users" (4 June 2011). The following police forces are members of ZIPNet: Delhi, Haryana, Uttar Pradesh, Rajasthan, Punjab, Chandigarh, Uttrakhand, and Himachal Pradesh (ZIPNet n.d.). Further information on ZIPNet could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Out-of-Jurisdiction Police Arrests and Investigations

Section 48 of the *Code of Criminal Procedure* states the following:

Pursuit of offenders into other jurisdictions. A police officer may, for the purpose of arresting without warrant any person whom he is authorised to arrest, pursue such person into any place in India. (India 1974)

However, the AHRC program officer stated that, in order to arrest or investigate an individual in another state, police officers are legally obliged to seek permission from the corresponding police force (16 Apr. 2012). Sometimes this is done formally, for instance through writing, but the police force in that state is not obliged to implement the request (AHRC 16 Apr. 2012). The AHRC program officer also stated that in practice, police often communicate across states through informal arrangements and "friendships," and can travel to different states and arrest people (ibid.). The *Times of India* reports on police in different states working together to track suspects down (18 Jan. 2012), and on the creation of police teams to search for a suspect across states (3 Mar. 2012).

3. Locating an Individual

The AHRC program officer indicated that, if someone is determined to find a person of interest in a different state, they can locate him or her; however, officers do not exert such efforts to locate people on a daily basis (16 Apr. 2012). The lawyer also stated that it is possible for police to track down a citizen that has moved to a different state, and added that this individual would be tracked by local police (17 Apr. 2012). The AHRC program officer said that the type of people that police officers might go to great lengths to search for include people accused of being political dissidents (16 Apr. 2012). He also said that whether a person of interest is found depends on the police officer and the investigating officer, who may decide to "fabricate" a record which indicates that a person has been arrested (AHRC 16 Apr. 2012).

According to the AHRC program officer, police officers may be more likely to track down an individual who is part of a family that relocates rather than a single person, as it is easier for a single person to "disappear" (ibid.). However, he also indicated that due to differences in culture, language and the physical appearance of individuals between states, depending on where the person relocates, it may be challenging for him or her to "blend in" (ibid.).

3.1 Registration

According to the Canadian high commission official, "no central registries

exist for schools, rentals, housing, etc." (Canada 14 Apr. 2012). However, sources indicate that the elections committee requires proof of address from an individual that wishes to transfer voter registration from one location to another (ibid.; India n.d.).

In March 2012, sources indicated that Chennai police issued an order stating that landlords should provide the police with personal information about their tenants (*The Hindu* 4 Mar. 2012; *The Times of India* 30 Mar. 2012). The *Times of India* reports that the type of information requested includes the tenant's name, father's name, age, employment information, "identity proofs," and mobile numbers of the tenant and landlord (ibid.). The *Hindu* explains that landlords must fill out a "tenant information form" and include the tenant's permanent address, address of previous residence, office address and job description, photograph, and a photocopy of a valid ID card (4 Mar. 2012). The *Hindu* also states that the police keep a database and will "verify the information" (4 Mar. 2012). On 30 March 2012, sources stated that this police order is being challenged in court, and that the Madras High Court indicated that landlords who do not follow the order should not be prosecuted (*The Hindu* 30 Mar. 2012; *The Times of India* 30 Mar. 2012).

3.2 Security Checks and Police Verification

According to the AHRC program officer, security checks are not required unless an individual is employed by the government, security services, or the military (16 Apr. 2012). The Canadian high commission official corroborated the statement that security checks are necessary for individuals employed by the state and federal government, and added that "some private sector employees" also require security checks (Canada 14 Apr. 2012). According to the lawyer, security checks, which she called "local police station verification," are required for "many jobs" (17 Apr. 2012), including teaching (12 Apr. 2012). The lawyer added that police verification occurs in all states in India (17 Apr. 2012) and is required for tenants renting homes (12 Apr. 2012).

The *Times of India* reports on police verification of tenants in Bangalore (8 Dec. 2011), Chandigarh (23 Apr. 2011), Cansaulim (27 Feb. 2011), and Mohali (11 Dec. 2010). The lawyer said that such verification includes checking the individual's identification, address, and criminal record, and added that fingerprints of tenants, domestic employees, and security guards are also taken (17 Apr. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Canadian high commission official indicated that since there is no central police database, records are kept in local police stations, often in written ledger format (Canada 14 Apr. 2012). He said that this makes it "extremely difficult, if not impossible" to locate an individual as a result of a security check, unless there is a match between a local police station and the subject of a security check (ibid.). According to the lawyer, if police have conducted a security check on an individual and want to locate him or her, they might publish a "hue and cry notice" [a written proclamation for the capture of a suspect] in "all the newspapers" (12 Apr. 2012). She added that such notices are usually publicized to locate "absconders" (17 Apr. 2012).

3.3 Information Collection on Migrants from Other States

On 8 May 2012, *The Press Trust of India* reported that the Kerala government decided that migrants must register with police, effective "immediately." According to The *Times of India,* in Chennai, a decision has been made by police to collect information from migrant workers and students from other states (30 Mar. 2012). The *Times of India* also quoted a Mapusa city's police inspector as saying that "'[r]esidents of [the] Mapusa area have been requested to inform police about any suspicious person in their vicinity and file their tenant verification and stranger form" (26 Mar. 2012). The Mapusa police inspector also asked hotel managers to verify guests' identity cards and report them if forgery is suspected, and mentioned that most hotel managers have installed cameras in their hotels (*The Times of India* 26 Mar. 2012). On 26 March 2012, The *Times of India* reported that "during the last two weeks," Mapusa police "interrogated over 400 migrant workers and asked them to fill 'stranger forms'."

4. Technological Surveillance

The AHRC program officer indicated that it is possible for police to locate individuals through modern technology, such as ATMs, Internet, and mobile telephones (AHRC 16 Apr. 2012). The *Times of India* also reports that telephone surveillance is used to track down citizens (27 Mar. 2012). The US Department of State's *Country Reports on Human Rights Practices for 2010* states that the Telegraphic Act "authorizes the surveillance of communications, including monitoring telephone conversations and intercepting personal mail in cases of public emergency or 'in the interest of the public safety or tranquility'" (US 8 Apr. 2011, 21). The *Country Reports 2010* adds that the central and state governments did resort to this type of surveillance method (ibid.). According to *India Today,* the Telegraph Act was amended "to allow active intervention for tapping phones and monitoring Internet communication" (20 Dec. 2010).

India Today reports that "[o]ver a million mobile phones, across service providers, are under the surveillance of [c]entral agencies in India through the year" (20 Dec. 2010). *India Today* indicates that the central agencies that request surveillance are the Intelligence Bureau, Central Bureau of Investigation, Income Tax Department, Directorate of Revenue Intelligence, Enforcement Directorate, Central Economic Intelligence Bureau and the Narcotics Control Bureau (20 Dec. 2010). State agencies also reportedly submit surveillance requests with the home ministry's permission (*India Today* 20 Dec. 2010). Corroborating information for the above *India Today* information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that the Canadian company Research In Motion has set up a surveillance facility for BlackBerry services in Mumbai (*Wall Street Journal* 28 Oct. 2011; *India Today* 7 Apr. 2012). *India Today* indicates that both central agencies and state police will have access to surveillance of BlackBerry services (ibid.).

The *Times of India* reports of several occasions when police have used telephone tapping in an attempt to locate persons of interest (27 Mar. 2012; 20 Mar. 2012; 13 Mar. 2012; 3 Mar. 2012; 18 Jan. 2012). Sources indicate that other techniques used to track down persons of interest include printing the individual's photograph on pamphlets (*Times of India* 20 Mar. 2012) and posters (*Deccan Chronicle* 23 Feb. 2012), questioning relatives (*Times of India* 3 Mar. 2012), and using "technical and human surveillance" (ibid. 27 Feb. 2012).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Asian Human Rights Commission (AHRC). 16 April 2012. Telephone interview with the South Asia Desk program officer.

Canada. 14 April 2012. Canadian High Commission in India. Correspondence from an official to the Research Directorate.

Commonwealth Human Rights Initiative (CHRI). N.d. "Police Structure and Organisation: The Organisational Structure." <http://www.humanrightsinitiative.org/index.php?option=com_content&view=article&id=88&Itemid=99> [Accessed 10 Apr. 2012]

Deccan Chronicle [Hyderabad]. 23 February 2012. "Bank Robbery: Video Grab Gives Clue to Suspect." (Factiva)

The Hindu [Chennai]. 30 March 2012. "No Criminal Action Against Landlords Who Don't Provide Tenant Info: Court." <http://www.thehindu.com/news/cities/chennai/article3259235.ece> [Accessed 11 May 2012]

_____. 4 March 2012. "Landlords Asked to Submit Info on Tenants." <http://www.thehindu.com/news/cities/chennai/article2958216.ece> [Accessed 19 Apr. 2012]

India. 1974. *The Code of Criminal Procedure*. <http://mha.nic.in/pdfs/ccp1973.pdf> [Accessed 23 Apr. 2012]

India. N.d. Election Commission of India. "Form 6: Application for Inclusion of Name in Electoral Roll." <http://eci.nic.in/eci_main/forms/FORM6.pdf> [Accessed 25 Apr. 2012]

India Today [New Delhi]. 7 April 2012. "No Secrets on BlackBerry: Govt Gets Its Way on Tapping Popular Messenger Service." <http://indiatoday.intoday.in/story/govt-to-tap-blackberry-messenger-security-privacy/1/183403.html> [Accessed 18 Apr. 2012]

_____. 20 December 2010. "The Secret World of Phone Tapping." <http://indiatoday.intoday.in/story/the-secret-world-of-phone-tapping/1/122693.html> [Accessed 18 Apr. 2012]

Lawyer, New Delhi. 17 April 2012. Correspondence with the Research Directorate.

_____. 12 April 2012. Correspondence with the Research Directorate.

The Pioneer [New Delhi]. 31 March 2010. "CAG Report Shows J&K Police's Upgrade Plans in Poor Light." (Factiva)

Press Trust of India. 8 May 2012. "Kerala: Police Registration for Migrant Workers." Taken from *The Business Standard*. <http://www.business-standard.com/generalnews/news/from-now-police-registration-for-migrant-workers-in-kerala/6244/> [Accessed 11 May 2012]

The Times of India. 30 March 2012. "Don't Prosecute House Owners for Failing to Give Tenant Info, Cops Told." <http://timesofindia.indiatimes.com/city/chennai/Dont-prosecute-house-owners-for-failing-to-give-tenant-info-cops-told/articleshow/12463516.cms> [Accessed 17 Apr. 2012]

_____. 27 March 2012. "Question Paper Leak Queen-Pin on the Run." <http://articles.timesofindia.indiatimes.com/2012-03-27/bangalore/31244361_1_question-paper-leak-racket-kolar> [Accessed 17 Apr. 2012]

_____. 26 March 2012. "Hotels, Scrap Dealers to Help Curb Crime: Cops." <http://timesofindia.indiatimes.com/city/goa/Hotels-scrap-dealers-to-help-curb-crime-Cops/articleshow/12408834.cms> [Accessed 19 Apr. 2012]

_____. 20 March 2012. "Killer SUV Driver Still Dodges Cops." <http://timesofindia.indiatimes.com/city/bangalore/Killer-SUV-driver-still-dodges-cops/articleshow/12337034.cms> [Accessed 19 Apr. 2012]

_____. 13 March 2012. "Two More Held for Burdwan Murders." <http://timesofindia.indiatimes.com/city/kolkata/Two-more-held-for-Burdwan-murders/articleshow/12241166.cms> [Accessed 19 Apr. 2012]

_____. 3 March 2012. "Is Gupta Hiding in Kolkata?" <http://timesofindia.indiatimes.com/city/hyderabad/Is-Gupta-hiding-in-Kolkata/articleshow/12116518.cms> [Accessed 19 Apr. 2012]

_____. 27 February 2012. "Husband Battered to Death After Marital Row." <http://articles.timesofindia.indiatimes.com/2012-02-27/ahmedabad/31103818_1_odhav-double-murder-fifth-murder> [Accessed 19 Apr. 2012]

_____. 18 January 2012. Mateen Hafeez. "Phone Records Point to West Bengal." (Factiva)

_____. 8 December 2011. "Speed News." <http://timesofindia.indiatimes.com/topic/Tenant-Information> [Accessed 19 Apr. 2012]

_____. 4 June 2011. "UP Police's ZIPNET Starts, to Smoothen Intelligence Sharing." (Factiva)

_____. 23 April 2011. "Speed News." <http://timesofindia.indiatimes.com/topic/Tenant-Information> [Accessed 19 Apr. 2012]

_____. 27 February 2011. "Speed News."
<http://timesofindia.indiatimes.com/topic/Tenant-Information> [Accessed 19 Apr. 2012]

_____. 11 December 2010. "Speed News."
<http://timesofindia.indiatimes.com/topic/Tenant-Information> [Accessed 19 Apr. 2012]

United States (US). 8 April 2011. Department of State. "India." *Country Reports on Human Rights Practices for 2010*.
<http://www.state.gov/documents/organization/160058.pdf> [Accessed 16 Apr. 2012]

Wall Street Journal (WSJ). 28 October 2011. Amol Sharma. "RIM Facility Helps India in Surveillance Efforts."
<http://online.wsj.com/article/SB10001424052970204505304577001592 335138870.html> [Accessed 19 Apr. 2012]

Zonal Integrated Police Network (ZIPNet). N.d. "The ZIPNet Project."
<http://zipnet.in/index.php?page=about> [Accessed 25 Apr. 2012]

Additional Sources Consulted

Oral sources: Attempts to contact the following organizations were unsuccessful: Assam Human Rights Commission; Bihar Human Rights Commission; Commonwealth Human Rights Initiative; Directorate of Coordination Police Wireless; Himachal Pradesh Human Rights Commision; India — Department of Telecommunications, High Commission in Ottawa; Madhya Pradesh Human Rights Commission; Maharashtra State Human Rights Comission; Manipur State Human Rights Commission; National Human Rights Commission; Odisha Human Rights Commission; Punjab State Human Rights Commission; Rajasthan State Human Rights Commission; Tamil Nadu State Human Rights Commission; Uttar Pradesh Human Rights Commission; and West Bengal Human Rights Commission. Attempts to contact lawyers in Bihar, Chandigarh, New Delhi, Rajasthan and Uttar Pradesh were also unsuccessful.

Internet sites, including: Amnesty International; *Daily India*; Delhi Police, ecoi.net; Freedom House, *Headlines India*; Human Rights Watch; India — Central Reserve Police Force, Law Commission of India, Ministry of Defence, National Security Guard; Jammu and Kashmir Police; Kerala Police; Punjab Police; *The Tribune*; United Nations Refworld; Uttar Pradesh Police; West Bengal Human Rights Commission.