

EVERYDAY POLICING IN GUNA, MADHYA PRADESH



CRIMINAL JUSTICE AND
POLICE ACCOUNTABILITY
PROJECT

EVERYDAY POLICING IN GUNA, MADHYA PRADESH

Authors:

Mrinalini Ravindranath

Maheshwari Mawase

Additional research:

Anvesh Baki

Aditya Rawat

Mukul Raj

Himanshu Mehra

Asra Hamid Rashid

Maheshwari Mawase

Data analysis and visualisation support:

Meghna Yadav

Cover illustrations:

Mia Jose

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EXECUTIVE SUMMARY

Our report examines the narratives around ‘police efficiency’ and its everyday effects in Guna, Madhya Pradesh through police record of arrests. We evaluated the data of 20,705 arrest records published on the Madhya Pradesh Police’s website, from 2019-2024 across 18 police stations in the district. The data was disaggregated along 4 axes (year, police station, caste/community and offences charged with) to determine the trends of who was arrested, for what kind of offences and when these arrests occurred against the popular ideas of police functions and crime incidence.

Between 2019-2024, the arrest data showed sharp fluctuation. Over 66% arrests were recorded in 2019-2020. 18% arrests were recorded in 2021, 7.11% in 2022, 6.09% in 2023 and 2.59% between January to July 2024. The district-wise breakdown by the National Crime Records Bureau supplements this finding that registration of crime has reduced with time (See Table 2). Across police stations too, despite 6 police stations accounting for 68% of the arrests, arrests declined over the years.

71.7% of arrests belong to oppressed caste or tribal communities - the most arrests belonged to the Other Backward Classes (32.4%), Scheduled Castes (14%), Scheduled Tribes (9.2%) and Denotified Tribal communities (15.09%). SC communities were represented beyond their population share in the district, signalling an over-representation. Amongst the 3,126 arrests of DNT communities, 8.3% arrests were made against those classified as OBCs and shockingly the most arrests involved the Banjara and Lodha communities. Another 5.96% were arrests of DNTs classified as SCs, wherein Pardhi and Kanjar communities were highly represented.

The community representation when calculated with their population in Guna unveiled an over-arresting of 5 communities - Kanjar, Kherua, Pardhi, Kuchbandhiya and Bagdi. Four of these are DNT communities classified as SCs. Kanjars form 2% of arrests when they constitute a mere 0.1% of the population of Guna (15 times their population share). Similarly, Pardhis form 2% arrests when they compose only 0.2% population in the district (11 times their population share). Kuchbandhiyas and Bagdis, who constitute 0.01% and 0.07% population of Guna respectively, form 0.03% and 0.21% arrestees in the data set respectively.

There were significant variations between communities arrested in different police stations. Dharnavada police station form 35.7% arrests of individuals belonging to DNT communities. 60.5% of arrests of DNT/STs were traced to two police stations - Maksudanganj and Raghogarh. Three police stations - Dharnavada, Kumbhraj and Guna accounted for over 50% arrests of DNT/SCs. Other communities belonging to OBC, SC and STs also showed sharp fluctuation between police stations.

The offences that people were arrested for varied too; 51% arrests for bailable offences and 40.6% arrests for non-bailable. Another 8% of arrests could not be classified because the offence sections noted by police officers did not contain a subsection which could be used to classify. The use of offences simpliciter in such a manner accords extraordinary discretionary power to police to arrest and process bail. This needs particular examination since such arrests were higher in arrests of DNT/SCs, DNT/OBCs and ST communities. Despite the guidelines in *Arnesb Kumar v State of Bihar*, 73% of arrests involved petty offences which were punishable by less than 7 years and arrest was therefore, not mandatory. This is particularly when 11,332 individuals were arrested a single time in the study. The lack of compliance with these directions signifies a larger concern with policing, as arrest checklists are rarely prepared adequately as recognised by the Supreme Court in *Satendra Kumar Antil v. CBI*.

The report illustrates that the bulk of policing resources in the district are disproportionately for low-level offences, further burdening the judicial system. Marginalised communities are routinely treated as suspicious by their local police stations, marked out for the exercise of the law and control function of the police. While the study raises questions for how resource allocation and policing priorities in crime control are set, the consistent violation of procedural requirements paints a deeply worrisome picture of a public institution and the scope of accountability.

INTRODUCTION

In July 2024, on the eve of his wedding, 25-year-old Deva Pardhi was apprehended by police officials from three police stations on suspicion of theft. Over thirty police officers had unleashed violence against them and the family including women and children. Despite assurances from him and the family that he would surrender after his wedding ceremonies were completed, Deva and his uncle were arrested and taken to the nearest chowki. The following night, the family received a call that Deva had passed away with the police officers claiming heart attack as the cause of death. The uncle, however, detailed the custodial violence to which he was subjected and to which Deva succumbed. Deva's custodial death is not an isolated incident in Guna, Madhya Pradesh. In 2022, Israil Khan, a 30-year-old man from Guna, who was apprehended by the police in connection to a gambling altercation, also died in custody.¹ In 2021, Sheru Pardhi, 60 years old and frail, was detained by the police in the middle of the night along with others from the basti on the suspicion of theft. He was beaten at the time of the arrest, despite his family pleading mercy because of his age. At the police station, more physical violence was inflicted upon him, and he passed away soon after at a local hospital. The police version of the postmortem report recorded that he had succumbed due to drinking.² In 2015, another 28-year-old Pardhi man Atmaram was shot at by the police, ostensibly for suspicion of theft, as he was returning from a funeral. The police insisted that he had been taken to Gurugram to treat his injuries for years, though the family suspected that they had buried him in the forest the same day he had been shot. The police finally admitted only in 2022 that he had passed away earlier.³

This spate of custodial deaths and police violence is alarming and calls for rethinking police accountability beyond these cases, at a structural and systemic scale. The media coverage following

¹ Tiwari V, 'Guna Man Dies During Interrogation, Family Alleges Custodial Torture' (*The Quint*, 26 November 2022) <<https://www.thequint.com/news/india/guna-custodial-death-allegations-israil-khan-three-policemen-line-attached#read-more>> accessed 8 February 2025.

² Fact-Finding Team, 'Police Misbehaviour Kills Sheru Pardhi, a Father, a Husband', *I AM NOT A CRIMINAL* (Muskaan 2024).

³ Tomar S, 'The Story of Atmaram, and the Battle to Establish He Was Murdered by Cops' (*Hindustan Times*, 9 January 2023) <<https://www.hindustantimes.com/india-news/the-story-of-atmaram-and-the-battle-to-establish-he-was-murdered-by-cops-101673199624609.html>> accessed 24 February 2025.

Deva's death was rife with defamatory language labelling him "badmash"⁴ and celebrating police ingenuity in "capturing" him⁵ despite his untimely death. Aside from the lack of editorial prerogative, the fact that Deva had no convictions whatsoever was overlooked, even as other details of his life were exposed. This labeling and self-congratulatory behavior of the police signals deeper roots and continuation of colonial stigma, branding certain nomadic and semi-nomadic communities as "criminal tribes".

In 1871, the British enacted the Criminal Tribes Act (CTA), which branded these communities (including Pardhis) as addicted to the "systematic commission of non-bailable offences" and branded them 'criminals by birth'. The Act granted police extensive powers including surveillance, mandatory registration and forced resettlement of entire communities. While the Act was repealed in 1952, it was replaced by habitual offender laws in many states which recreated powers of the CTA. Recently, the Supreme Court has also taken cognisance of this in *Sukanya Shantha v. Union of India*.⁶ To this day, this stigma continues to obviate equal access to systems of education, health and employment, and reduced opportunities for socio-economic mobility. Earlier reports of the Criminal Justice and Police Accountability Project (CPA Project) have encapsulated how the everydayness of policing measures against these communities secure an almost inescapable spectre of surveillance and criminalisation of their livelihoods, culture and tradition through seemingly beneficial legislations on excise,⁷ wildlife protection⁸ and maintenance of law and order. Despite the abolition of CTA, the structural stigma attached to these communities and its material effects still persist, perpetuating systemic discrimination and targeted policing.

Earlier studies of the criminal justice system have studied its working in courts, prisons and ethnographic accounts of incarceration and policing through studying the impact of certain legislations

⁴ Raghuwanshi A, 'गुना में परदियों ने पुलिस पर चलाई अंधाधुन्ड गोलियां: जमीन पर लेटे पुलिसकर्मी, भागकर जान बचाई; दूसरे दिन कस्टडी में हुई थी दूल्हे की मौत' (*Dainik Bhaskar*, 18 July 2024) <<https://www.bhaskar.com/local/mp/guna/news/deva-was-involved-in-an-encounter-with-the-police-of-three-districts-133339394.html>> accessed 24 February 2025.

⁵ Raghuwanshi A, 'दूल्हे की गिरफ्तारी से मौत तक की इनसाइड स्टोरी: हमले के डर से पुलिस गांव में नहीं घुसी, दो किलोमीटर बाहर से पकड़ा' (*Dainik Bhaskar*, 17 July 2024) <<https://www.bhaskar.com/local/mp/guna/news/deva-was-accused-of-stealing-400-kg-silver-133334179.html>> accessed 24 February 2025.

⁶ *Sukanya Shantha v Union of India* 2024 SCC OnLine SC 2694.

⁷ 'Drunk on Power: A Study of Excise Policing in Madhya Pradesh' (Criminal Justice and Police Accountability Project (CPA Project) 2022) <<https://cpaproject.in/wp-content/uploads/2022/07/Excise-Report-2021-CPA-Project.pdf>> accessed 8 February 2025.

⁸ 'Wildlife Policing: The Reign of Criminalisation in the Forests of Madhya Pradesh' (CPA Project 2023) <<https://cpaproject.in/wp-content/uploads/2023/02/WPA-FINAL-DRAFT.pdf>> accessed 8 February 2025.

on enduring community practices. This study examines localised policing practices that sanction the egregious violence of custodial death. This research breaks new ground by focusing on a specific district, its police stations and policing practices. This is crucial to uncover the realities on the ground given the continuous spread of false narrative of dangerous criminality against Denotified Tribes⁹ in the present case. More broadly, we hope it helps understand the socio-political materialities of caste relations at a district level and its connections to the discretionary exercise of power by the police.

⁹ Vimukta is the preferred term of self-assertion for communities that were criminalized by the Criminal Tribes Act. However, we have retained the reference to Denotified Tribes (as the most legible administrative category to recognize this lineage) based on the intended audience for the report.

METHODOLOGY

Since colonial times, the police have collected detailed records to control a large population despite their limited resources. Initially, the police collected data on crime rates and convictions and expanded to disaggregate these at a central level such as in reports released by the National Crime Records Bureau. This record keeping has formed the basis of ‘efficient’ decision-making for the police in identifying criminal groups and attributes of criminality. Studying police records themselves, therefore, not only shifts the gaze away from objects of policing which have tended to be marginalised communities. It allows us to see the work of policing, opening up new avenues to understanding ‘efficiency’ of the police, employing an anti-caste and anti-carceral lens to challenge existing ‘objective’ ways of studying data systems and their creators.

We studied a set of 20,705 online arrest records uploaded from January 2019 to July 2024 across 18 police stations of the Guna district.¹⁰ Arrest records contain key information such as the name of the arrested person, the name and rank of the Investigating Officer, the year of arrest, and the offence under which the individual has been arrested. The arrest data was collected from the government police website – the Madhya Pradesh Police Citizen Portal (<https://www.mppolice.gov.in/en>). There is a possibility that police stations may not have updated the complete data but these have been cross-checked with year-wise trends. Additionally, the lack of arresting date in the entries make it difficult to ascertain further trends in policing beyond the year of arrests. The data is disaggregated for analysis along four lines: year, police station, offence, and social location of the arrestee to yield insights about police activity over a period of time.

We studied the offences by coding them in three legal categories - cognisable or non-cognisable; bailable or non-bailable; and whether the arrest was mandatory or non-mandatory in line with the guidelines set by the judgment *Arnesh Kumar v. State of Bihar*.¹¹ This allowed us to identify community-wise disaggregation of arrests in order to gather further insights into who was arrested for

¹⁰ List of police stations in the data: Aaron, AJK, Kumbhraj, Guna, Guna Kotwali, Guna Mahila Police Thana, Chachoda, Jamner, Dharnavada, Fatehgarh, Bajranggarh, Bamauri, Maksudangarh, Mrugvas, Myana, Raghogarh, Vijaypur and Sirsi.

¹¹ *Arnesh Kumar v State of Bihar* (2014) 8 SCC 273.

what kind of offence. A significant limitation of this categorisation is when penal provisions are not clearly laid out. Entries that do not mention the sub-section, or mention irrelevant provisions or even non-penal provisions created ambiguity. To address this limitation, we have used the term ‘ASI’ (Ambiguous Source of Information) to mark those entries.

For the community-wise category, we studied the last names/ surnames of the individuals arrested since surnames largely convey caste locations in our context along with already mentioned castes by the data itself. We have classified surnames as belonging to the following groups: ‘General’,¹² ‘Scheduled Castes’,¹³ ‘Scheduled Tribes’,¹⁴ ‘Other Backward Classes’¹⁵ and ‘Denotified Tribes’.¹⁶

Our methodology of studying surnames has certain limitations.¹⁷ Sometimes, arrest records do not include surnames or the caste, making it impossible to ascertain the caste of the individual. Other times, they may not reflect other social dynamics of caste at play. Caste categorisations vary across districts and states, politically unassertive oppressed castes may switch their surnames to ‘Kumar’ or those of upper-castes to attain mobility or even adopt new surnames as part of an anti-caste struggle.

The absence of a comprehensive caste census has led to a lack of standardised data on caste classifications across various categories. This non-uniformity causes substantial discrepancies and inconsistencies in caste categorisation between states (when people migrate for work) and within districts (such as in the case of Pardhis slotted in Scheduled Caste, Tribe and General categories in the state), Adivasi and Dalit communities who are slotted in the Other Backward Classes category, Vimukta communities themselves who are split across all administrative categories. The missing list of communities in the ‘General’ category also makes the quantitative study of caste challenging. In order to mitigate the limitations, we have classified the entries using non-administrative categories -

¹² ‘General’ indicates such last names that belong to the oppressor or so-called upper castes.

¹³ ‘Scheduled Castes’ includes the names of Dalit communities.

¹⁴ ‘Scheduled Tribes’ includes the names of Adivasi communities.

¹⁵ ‘Other Backward Classes’ is derived from the enumeration in official state documents.

¹⁶ ‘De-Notified Tribes’ includes all nomadic and semi-nomadic communities and is primarily derived from oral histories and classifications in the Idate and Renke Commissions.

¹⁷ See note 7, Pgs 24-27.

Zero,¹⁸ Unclassified,¹⁹ Maybe General²⁰ and Possibly Marginalised²¹ and using sub-classifications for Vimukta/Denotified Tribal communities recognised as Scheduled Caste, Tribes and Other Backward Classes. An additional classification of DNT/General would have been used to accommodate the 6 DNT and 26 nomadic communities identified by the Idate Commission as not being recognised within any category²² in Madhya Pradesh but these could not be traced as such in our records.

¹⁸ 'Zero' includes the arrest records that did not contain any last name.

¹⁹ 'Unclassified' includes such last names whose caste location we were unable to determine despite our fairly extensive search.

²⁰ 'Maybe General' includes all last names that are used by both the oppressor or upper castes and the oppressed or the marginalised castes.

²¹ 'Possibly Marginalised' includes all last names that are used by different groups of marginalised communities and not any of the oppressor castes.

²² Ministry of Social Justice & Empowerment, *Report of the National Commission for Denotified Nomadic and Semi-Nomadic Tribes* (Government of India, 2017), Pg 240

<<https://socialjustice.gov.in/writereaddata/UploadFile/Idate%20Commission.pdf>> accessed 24 February 2025.

I. PAST AND CONTINUITIES: THE TRAJECTORY OF CRIMINALISATION

The Criminal Tribes Act, 1871 (CTA) reflected the colonial government's focus in controlling their dominion over land and forests as nomadic communities presented a challenge. To this end, the CTA allowed them to categorise and identify communities with unregulated livelihoods falling outside of the caste order as a means to utilise policing resources effectively.²³ The enduring caste order's feature of hereditary occupation allowed for the labelling of nomadic communities as hereditary criminals and belonging to 'criminal tribes'. The CTA called for regular 'roll-calls' of community members and recording of their movements out of the village, habits and antecedents in the form of detailed registers. It also set out requirements to register their presence with the local police station wherever they travelled through a 'pass' system and to be constrained within reformatory settlements.

Inspired by the advent of the Indian Constitution and its promise of equality, the Criminal Tribes Act Enquire Committee (Ayyangar Committee) in 1951 recommended the repeal of the CTA on the basis that 'habitual criminals' should not be identified on the basis of caste/tribe and hereditary characteristics.²⁴ The Act's repeal in 1952 did not mark the end of identifying the proclivity for criminal activity or habituality as inherent. It merely disguised itself through habitual offender legislations and provisions in Police Manuals and Regulations and other casteless categories such as 'history sheeter', 'rowdy sheeter', 'bad character'.²⁵

The Madhya Pradesh Police Regulations, to this day, still continue to refer to wandering tribes or gangs as special objects of surveillance with blurry lines of classification as habitual offenders. Regulation 603²⁶ dictates that the primary method for a station officer and his staff to prevent crime is to collect complete information of the 'habits and doings' of all criminals, vagrants and wandering tribes visiting their circle, followed by surveillance and prosecuting bad livelihoods. Special attention is to be paid by Sub-Inspectors and Head-Constables to the ways 'circular orders for surveillance of

²³ Nikita Sonavane, 'Deconstructing Police Discretion as Brahminism' (2023) 19 Socio-Legal Review 52 <<https://doi.org/10.55496/PXZR3368>> accessed on 12 February 2025.

²⁴ Ananthasayanam Ayyangar Committee, 'Report of the Criminal Tribes Act Enquiry Committee (1949-50)' (Criminal Tribes Act Enquiry Committee 1951).

²⁵ See note 23.

²⁶ Regulation 603, Part V, Chapter I, Section IX, Madhya Pradesh Police Regulations ('MPPR').

criminal tribes are carried out.²⁷ Regulations 617, 633 and 670 refer to registers to be maintained on ‘criminal tribes active in Madhya Pradesh’, ‘wandering gangs’ and how details of their movement, composition and suspicion should be recorded by the station officer.²⁸ Regulations 822 and 861 note how ‘members of a criminal tribe’ can have their photographs and fingerprints recorded, as well as be subject to inspection by a police officer prior to being released from jail.²⁹ Without a clear legal definition of how a habitual offender is classified, the Madhya Pradesh Jail Manual’s identification³⁰ that any member of a Denotified Tribe be classified as habitual offender is revelatory of these fuzzy boundaries of nomenclature.

This continuum of criminality between various categories is also demonstrated in the use of preventative bond proceedings against habitual offenders under Section 129 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 110 of the Code of Criminal Procedure, 1973) where ‘evidence of general repute’ may be furnished by the police. Vast amounts of discretionary power in pursuing these proceedings, even against individuals that may not have a single conviction, further serve as evidence for continuing the maintenance of registers and history sheets, as a self-fulfilling prophecy.

²⁷ Regulation 606, Part V Chapter I Section IX, MPPR.

²⁸ Part V Chapter I Section IX, MPPR.

²⁹ Part VI Chapter IV Section II and Part VI Chapter VIII Section V, MPPR.

³⁰ Regulation 411, Part II Volume 1, Madhya Pradesh Jail Manual

II. ARRESTS ACROSS THE YEARS AND IN THE DISTRICT

Far from being consistent over time, the number of arrests between 2019 to 2024 show sharp fluctuation in our study. Over 66% of arrests in 4.5 years were recorded in 2019 and 2020. In 2019, there were 7,263 arrests (35.08%), recorded, the highest in the period under study. The number of arrests declined over the years, with 3,726 arrests (18.00%) in 2021, 1,472 arrests (7.11%) in 2022 and 1,261 arrests in 2023. 2024 showed merely 536 arrests between January to July.

Year-wise arrests in Guna

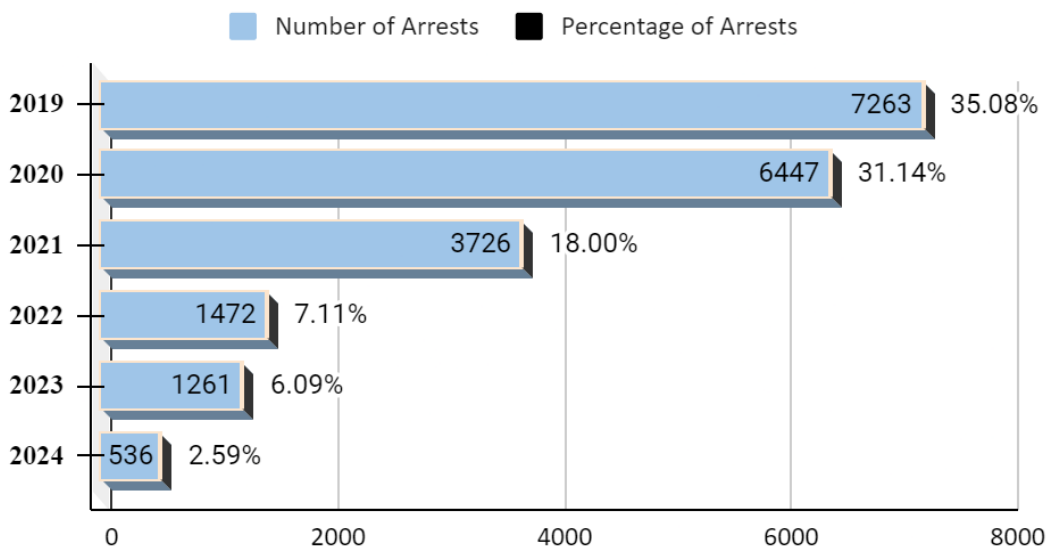


Figure 1: Year-wise arrests as per the Madhya Pradesh Police website on 30.07.2024

Arrest records and crime records do not typically show large fluctuations across years. Yet between 2019 and 2022, recorded arrests across the state decreased significantly (see Table 1). The trends in arrests seen in Guna then largely follow the macro trend, though a closer look at the variations is beyond the scope of the study. Since the custodial murder of Deva, newspapers in Madhya Pradesh have carried stories with police narratives of ‘dangerous criminals’, ‘gang violence’ to justify the

harshness and force meted out against the arrested persons in Guna.³¹ Beyond the limitations of the dataset itself, the year-wise patterns raise questions on “increased criminal activity” attributable to Denotified tribal and other communities while illustrating the systemic stereotyping subjected to the community, even when they are faced with police violence. By law, arrests are allowed only for ‘serious’ offences like bodily offences, property-related offences or offences against the State and require justification for its necessity as per the guidelines laid down by *D.K. Basu v. State of West Bengal*³² and *Arnesh Kumar v. State of Bihar*.³³ While the reduction in arrests alone may not suggest a decrease in crime incidence, the district-wise breakdown of offenses aggregated by the National Crime Records Bureau helps to complete the picture (see Table 2). The data publicly available till 2022 corresponds to the lack of increased criminal activity, unlike the official police and media narratives propped up in the recent case.

Year	Number of arrests in Madhya Pradesh
2022	97,626
2021	1,92,845
2020	2,52,480
2019	2,48,618

Table 1: Year-wise arrests in MP as per Crime in India Reports, National Crime Records Bureau

Year	Number of IPC related crimes in Guna
2022	5,017
2021	5,008
2020	6,794
2019	4,651
2018	4,471

Table 2: Year-wise crimes under the Indian Penal Code in Guna as per Crime in India Reports, National Crime Records Bureau

³¹ Vijay Singh Jat, ‘5 करोड़ की चोरी में बाटेड देवा पारदी की अटेक से अस्पताल में मौत’ (*Agnibaan*, 16 July 2024) < <https://v.calameo.com/?bkcode=00409120843d144642233&mode=mini>> accessed 26 February 2025.

³² *D.K. Basu v State of West Bengal* (1997) 1 SCC 416.

³³ See note 12.

There are eighteen police stations spread across the district and arrest numbers vary unevenly (Figure 2). A single police station accounts for 15% of the overall arrests- Aron. Five other police stations, Guna Kotwali, Raghogarh, Guna (district headquarters), Chachoda and Kumbhraj form almost 10-11% each of the arrest numbers. Within a state, police stations are assigned their jurisdiction based on factors such as population size, the workload related to law and order and the distance residents must travel within the area. As such, each police station does not cover the same geographical distance or similar population densities as others in the same district (Figure 3). Without population data for the jurisdictions of each police station, there is limited ability to address concerns about over-arresting by individual stations, although field evidence can help supplement this analysis. Within this dataset however, arrest trends are largely consistent with yearly figures- they turn downward over the years between 2019 and 2024.

Police-station wise arrests (2019-24)

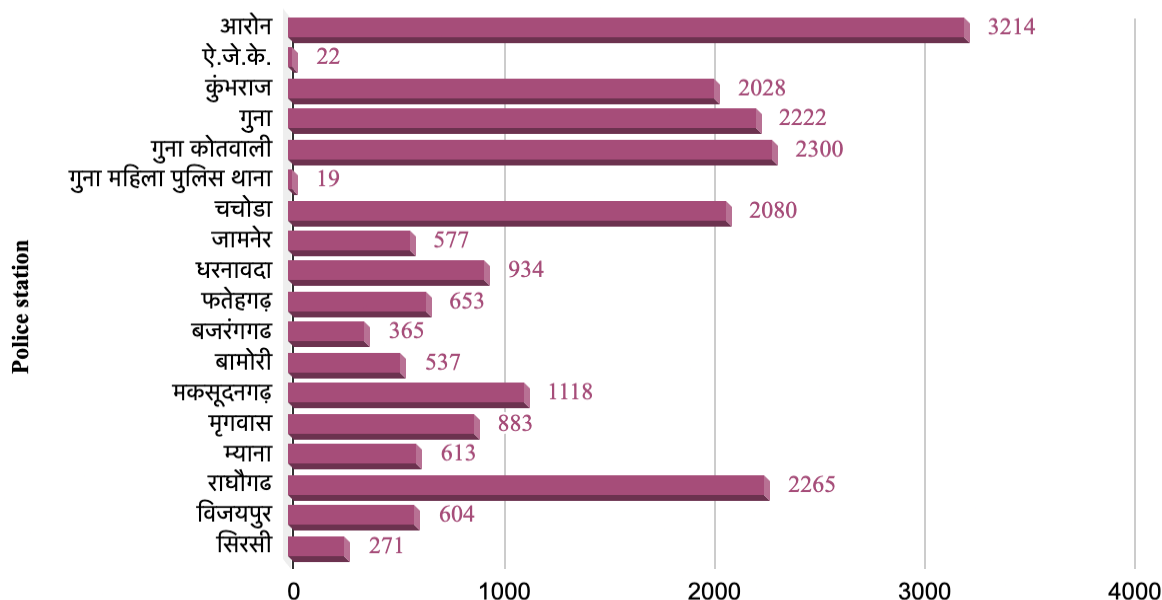


Figure 2: Police-station wise arrests as per Madhya Pradesh Police portal on 30.07.2024

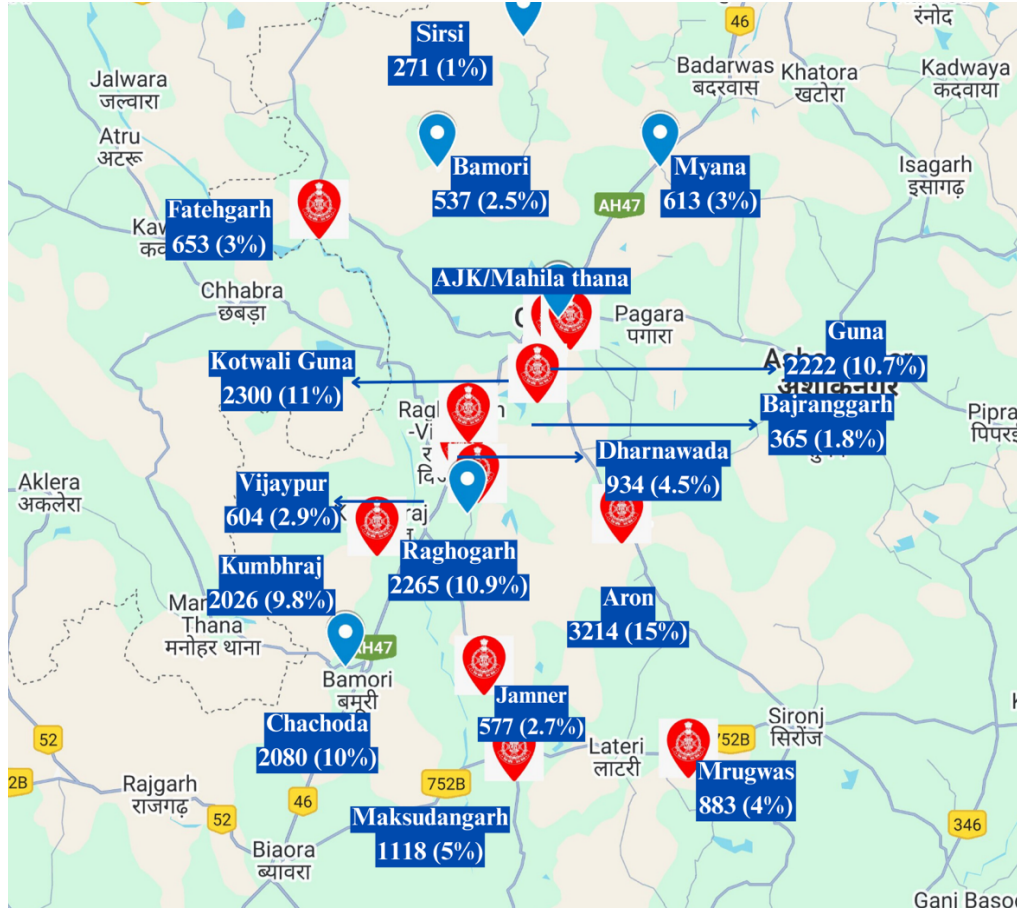


Figure 3: Disaggregated map of arrests in the district with constituent police stations as per map provided by Madhya Pradesh Media Cell

III. WHO IS POLICED?

Arrest records must mention the details of arrested persons. In these records, only the full name of the arrested person is recorded at the time of the arrest, without their gender or address details. We have not analysed the gender profile of the arrested persons because it is not possible to map gender identity through names although, several names note ‘Shrimati’, ‘Bai’ or ‘Begum’ for female arrestees but these titles are used only for specific communities. Out of the 20,705 arrest records, 1,075 records correspond to women, and another 3 records specify arrests of Kinnar women (a community of transwomen). The arrested women largely belong to oppressed caste communities and tribes. An earlier report ‘Drunk on Power: A Study of Excise Policing in Madhya Pradesh’ also demonstrated this pattern where women from Denotified Tribal communities were particularly vulnerable to prosecution (forming 78% of all female arrestees), even outnumbering men from one particular community at Jabalpur’s Ghamapur police station.³⁴

Most community names have been gleaned from surnames. However, records routinely denote Musalman, Pardhi/Banjara even where they may be last names like Singh or Khan showing that the practice of noting caste and religion of the arrested continues. Within the 20,705 arrestees, 14,852 belong to oppressed caste or tribal communities (71.7%) (Figure 4). This does not include the Maybe General (amounting to 16%) as they comprise names that are used by oppressed caste communities as well as the dominant castes, though 29% of individuals so classified belonged to Muslim communities. The number of untraceable surnames is low, comprising only 5% of the dataset (Unclassified as well as Zero where no surname was recorded). Out of the 444 arrestees whose caste location could not be classified by their surname, the majority were Muslims. 115 records noted ‘Musalman’ and 118 noted ‘Mus.’ (short for Muslim/Musalman). These numbers do not encapsulate entirely represent Muslim arrestees within our data set as another 1,034 individuals were further classified into biradaris recognised as OBC, General or Maybe General. Muslims therefore formed a total of 2267 arrests (10.94% of the total arrests).

Additionally, the most common surnames featured in the data are Meena and Ahirwar (contributing 16.6% of the data set) and Bhils and Yadavs contributing another 10.4%. Both Pardhi and Banjara

³⁴ See note 7, pg 2.

communities feature in the top 10 communities to be arrested, of over 500 communities in the dataset (Table 4).

Community-wise arrests in Guna

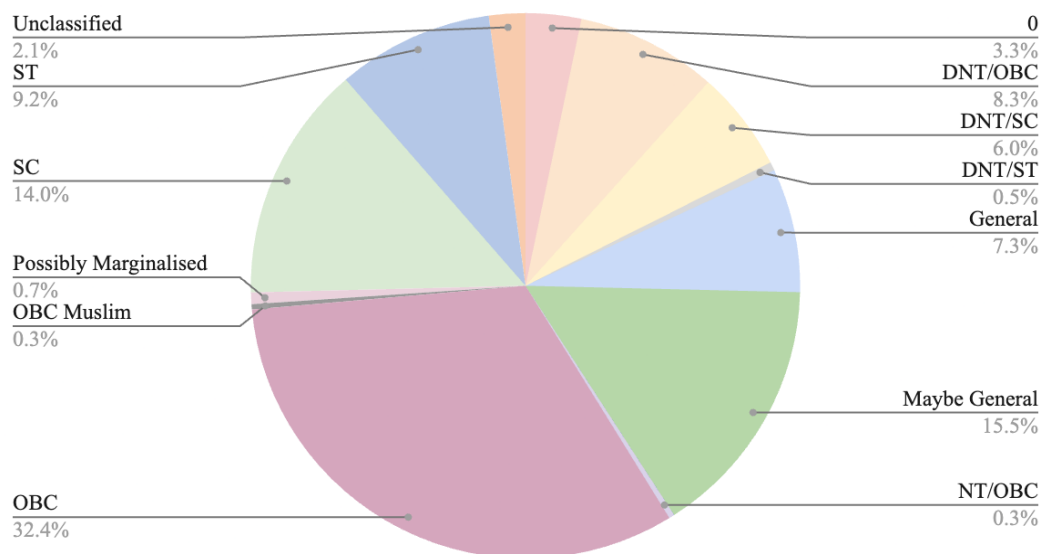


Figure 4: Community-wise arrests in Guna as per surnames and recorded castes from the Madhya Pradesh Police Portal dated 30.07.2024, cross-referenced against castes as per state and central government records (database with the CPA Project)

Last name	Numbers arrested	% of total arrests
मीना	2,119	10.23%
अहिरवार	1,323	6.39%
भील	1,153	5.57%
यादव	1,009	4.87%
कुशवाह	857	4.14%
बंजारा	826	3.99%
गुर्जर	676	3.27%
शर्मा	480	2.32%
लोधा	475	2.29%
पारदी	473	2.28%

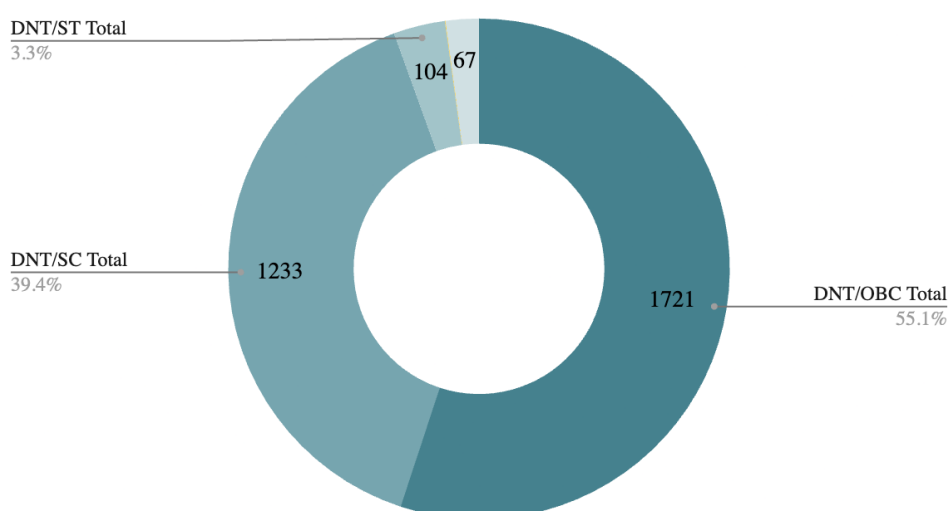
Table 3: Incidence of the 10 most commonly occurring surnames in arrests captured by the Madhya Pradesh Police Portal dated 30.07.2024, from high to low

As seen in Figure 4, OBC communities form the bulk of arrestees with 32% (6,706 arrests). Scheduled Caste communities also form a huge part of the dataset (14%). The share of Scheduled Caste communities in Guna's overall population is 15.6% as recorded by the 2011 Census. Along with DNT communities recognised as Scheduled Castes (6%) which were counted separately in our data, the total number of arrested persons stands at 20%. This is beyond their population share (even when accounting for population projections for the last decade) and conclusively demonstrates the over-arresting of persons from these communities (particularly for petty offences as seen below), showing that incarceration is more likely for caste marginalised communities.

Arrest trends concerning Denotified Tribes

There are surprisingly high trends of over-representation from Denotified Tribal communities, even when compared to our previous research on arrest records.³⁵ A whopping 15.09% of those arrested (3,126) belonged to DNT communities, a larger number than those belonging to Scheduled Castes, Scheduled Tribes and lesser than OBCs. Out of the 15%, 8.31% arrests were made against DNT communities classified administratively under OBC (1,721 arrests); 5.96% against DNTs classified as Scheduled Castes (1,233 arrests) and 0.5% against DNT communities classified as Scheduled Tribes (104 arrests).

Arrests of DNT communities in Guna (2019-24)



³⁵ See note 7. The report found that Denotified Tribes formed 11% of arrestees.

Figure 5: Arrests of Denotified Tribal communities segregated by administrative classification, based on analysis of surnames of arrestees from the Madhya Pradesh Police portal, dated 30.07.2024

Within the total count of these 3,126 arrests, a granular focus of communities that make up each category reveal that 55% of these arrests involved persons from DNT communities classified as OBCs, and more shockingly, primarily from two communities Banjara and Lodha. Persons from Banjara communities are the biggest target of police action, contributing to 28.6% of the arrests amongst DNT communities, while Lodha communities constituted 16.4%.

Out of 3,126 arrests, 39.4% (1,233) arrests of DNT communities are of those classified within the SC category, whereas 17.17% (537) of arrests are from Pardhi communities and 13.4% of those belonging to the Kanjar community. The DNT/ST communities made 3.3% of the 3,126 arrests. Of this, 94% of arrestees belong to the Mogia community.

The data clearly evidences the over-representation of Banjara, Lodha and Pardhi communities in relation to police action. As per Census 2011,³⁶ the Pardhi population stands at 26,793 out of the state total of 1,13,42,320 (a miniscule 0.2%). Pardhis are recognised as Scheduled Castes in only 16 districts.³⁷ With Guna being one of those districts, the population stands at 2,709 out of 12,40,938 (0.21%). Yet in Guna, they form 2.6% of the arrestees (over 11 times their population). Similarly, Kanjars who form 0.1% of the inhabitants of Guna are overrepresented in police data as they appear 2% in the data set. Also, Kuchbandhiyas, who make up 0.005% of the population of Guna, form 0.03% of arrestees in the police data.

The following table shows the over-arrests of DNT/SCs compared to their population in Guna. The data has to be understood in the context of the total population of these communities in Guna. Kanjars who form 2% of arrest records are significantly over-represented by 15 times their population which stands at 1,586 out of 12,40,938 (0.13%). Pardhis who form almost 2.6% arrestees in the dataset

³⁶ Office of the Registrar General & Census Commissioner, India, 'A-10 Appendix: District Wise Scheduled Caste Population (Appendix), Madhya Pradesh - 2011' (Census India, 30 May 2022) <<https://censusindia.gov.in/nada/index.php/catalog/42902>> accessed 8 February 2025.

³⁷ The Administrative classification of the Pardhi community varies in different districts as well as different blocks of various Districts of Madhya Pradesh as per MP State SC and ST lists. Pardhi community is classified as Scheduled Castes in 16 districts (including the current district under study) as Scheduled Tribes in 11 districts.

are another significantly overrepresented community by 11 times their population, which forms 0.22% of Guna's population. Kuchbandhiyas and Bagdis, who constitute 0.01% and 0.07% population of Guna respectively, are over-represented by 3 times their share as they form 0.03% and 0.21% arrestees in the data set. The over-representation of DNT/SCs raises concerns to the extreme nature of wholesale criminality assigned to these communities in the district.

Category	Community	Arrest	Arrest %	Population	Population %	Over-representation (Arrest/Pop)
DNT/SC	कंजर	418	2.02	1,586	0.13	15.54
ST	खैरूआ	58	0.28	207	0.02	14
DNT/SC	पारदी (पारधी), शिकारी	537	2.59	2,709	0.22	11.81
DNT/SC	कुचबंदिया (कुचबंदिय, कुचवदिया, कुचवंदिया)	7	0.03	66	0.01	3
DNT/SC	बागडी (बागरी)	43	0.21	927	0.07	3
ST	गौड, गौड	104	0.50	2,953	0.24	2.08
SC	भंगी, मेहतर, बाल्मिकी (बालमीक, बाल्मीकि), वाल्मिक (वाल्मिक, वाल्मिकी, वाल्मीक)	270	1.30	11,626	0.94	1.38

Table 4: The table shows over-arrests of certain communities compared to their population in District Guna of Madhya Pradesh as per the arrest record by the Madhya Pradesh Police Portal dated 30.07.2024 The population counted herein is as per Census 2011.

IV. HOW ARE ARRESTS BEING MADE?

A. Kinds of Offences

99.75% of arrests relate to cognisable offences. Close to 51% of the arrests were relating to bailable offences. Another 8.8% could not be classified as bailable or non-bailable. This is largely attributable to offence sections used simpliciter, without subsections that could help with classification. The large percentage indicates that these arrests (1,806 in number) allow police officers a wide amount of discretionary power in arrest and processing bail at the station as is possible in bailable offences. Out of the 8400 arrests that pertained to non-bailable offences, 21.7% of such arrests were attributable to excise laws, theft, aggravated theft with house-breaking and hurt caused during a robbery. Section 34(2) of the MP Excise Act, 1915 (615 arrests) and Section 379 of the Indian Penal Code (548 arrests), 1860 are punishable by a mere imprisonment of upto 3 years and are yet classified as non-bailable, despite falling within the ambit of petty offences. That these are offences members of Denotified Tribes are particularly vulnerable to being prosecuted for given their historic association with dacoity and traditional liquor, explains the huge preponderance of these cases in the data set.

The breakup of bailable and non-bailable offences across communities varies largely. Out of the 40.6% arrests that pertained to non-bailable offences, DNT communities categorised as Scheduled Caste were highest to be arrested for such offences, followed by Muslim OBC individuals and DNT communities categorised as Scheduled Tribes. This is even as other Scheduled Tribe and Caste communities averaged lower than the total count of non-bailable offences. Close attention must also be paid to offences that were tagged as ASI (offences that could not be categorised) as these are particularly high for DNT communities categorised as SC, OBC and Scheduled Tribe communities.

Additionally, upon a closer examination of the nature of non-bailable offences that led to arrests for DNT/SC communities, 23% of those arrests are for Excise offences, 9% for theft from a house, 6.8% each for offences relating to Arms Act and simple theft (totalling 45.6% of arrests).

<i>Category</i>	ASI	B	NB
SC	8.88%	54.46%	36.66%
ST	11.53%	48.69%	39.78%
OBC	7.52%	53.62%	38.86%
OBC Muslim	6.25%	40.63%	53.13%
General	6.98%	49.70%	43.32%
DNT/ST	7.69%	41.35%	50.96%
DNT/SC	15.82%	17.84%	66.34%
DNT/OBC	12.09%	53.28%	34.63%
NT/OBC	7.46%	46.27%	46.27%
Unclassified	6.31%	42.57%	51.13%
Possibly Marginalised	6.29%	46.15%	47.55%
Maybe General	7.00%	52.29%	40.71%
0	7.24%	66.62%	26.14%
Grand Total	8.79%	50.64%	40.57%

Table 5: Incidence of bailable and non-bailable arrests as per the Madhya Pradesh Police portal dated 30.07.2024, categorised across caste and tribal communities

In 2014, the Supreme Court noted the indiscriminate and unchecked use of arrests by the police and directed the need for justifiable causes of arrest as necessary in *Arnesh Kumar v. State of Bihar*.³⁸ For every offence punishable with up to seven years of imprisonment, a checklist was instituted to be submitted to Court to check if arrest was necessary by evaluating whether the person in question could tamper with evidence or induce others, would not appear in Court unless compelled by arrest or to prevent further offence. However, our earlier reports³⁹ show a routine violation of these directions, either through the absence of these checklists or through non-reasoned or perfunctory checklists with no detailing of the particular circumstances of these cases. The same holds true within the arrest records that we examined since 73% of cases were petty offences with arrests not being mandatory. Another 4% of cases could not be classified due to the ambiguity between sub-sections of petty offences and their aggravating circumstances. A whopping total of 77% cases within the formal confines of criminal procedure did not require arrests.

³⁸ See note 12.

³⁹ ‘Wildlife Policing: The Reign of Criminalization in the Forests of Madhya Pradesh’ (CPA Project, 2022) Pg 104 <<https://cpaproject.in/wp-content/uploads/2023/02/WPA-FINAL-DRAFT.pdf>> accessed 24 February 2025. See also note 7.

Out of 14,081 individuals arrested for 20,705 offences, 11,332 individuals (80.5% of arrested persons) were arrested a single time within five years. Another 10.7% of arrested individuals had only two arrests within this period. This raises further questions of compliance with the Supreme Court's directions in *Arnesb Kumar*. Both these findings offer evidence to the recent ruling of Supreme Court in *Satendra Kumar Antil v. CBI & Anr.*⁴⁰ The Court recognized the routine violations of Section 41 and 41A of the Code of Criminal Procedure, 1973 which encompass the requirements to arrests and asked various States to comply with the same.

Times an individual was arrested (2019-2024)

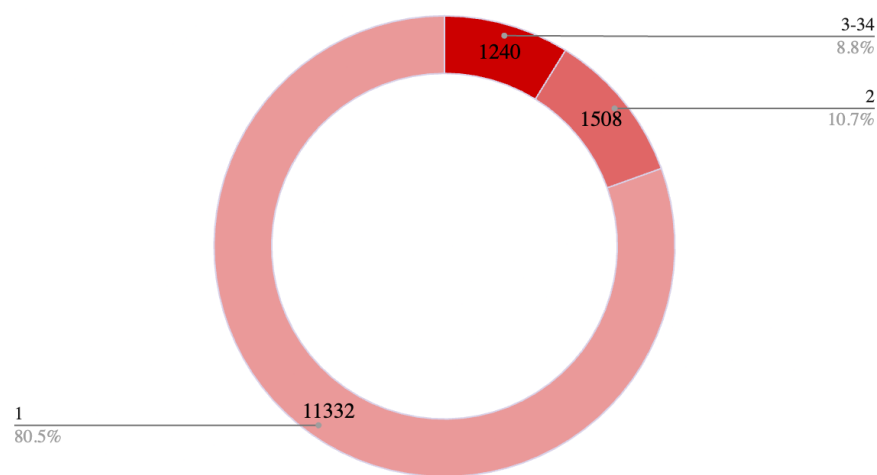


Figure 6: The chart maps unique arrests, i.e. the number of individuals arrested for all 20,705 arrests. Arrest records are as per Madhya Pradesh Police portal dated 30.07.2024.

B. Across police stations

Across police stations in the district, there is significant variance in the number of arrests, jurisdiction and resources, as noted earlier. Whether corresponding or not, there is a similar variation in the communities arrested across districts and the nature of offences prosecuted.

As evidenced in Figure 7, while marginalised communities are arrested in high proportions in all police stations, which communities are arrested is a deeply localised matter. Despite consistently high OBC

⁴⁰ *Satendra Kumar Antil v. CBI & Anr* 2022 10 SCC 51.

representation in the arrests, 40% (2,693) of these arrests come from just three police stations: Aron, Kumbhraj and Chachoda. In Sirsi, Scheduled Tribes formed more arrests than OBC communities.

Scheduled Castes were the second highest community to be arrested in most police stations after OBCs. 4 police stations of Aron, Guna, Guna Kotwali and Raghogarh accounted for 60% arrests of SC communities. Schedule Tribe communities were arrested the most in Raghogarh. Those belonging to privileged upper-caste communities were arrested the most in Guna Kotwali and Guna.

Community-wise arrests in 18 Police Stations of District Guna, MP (2019-24)

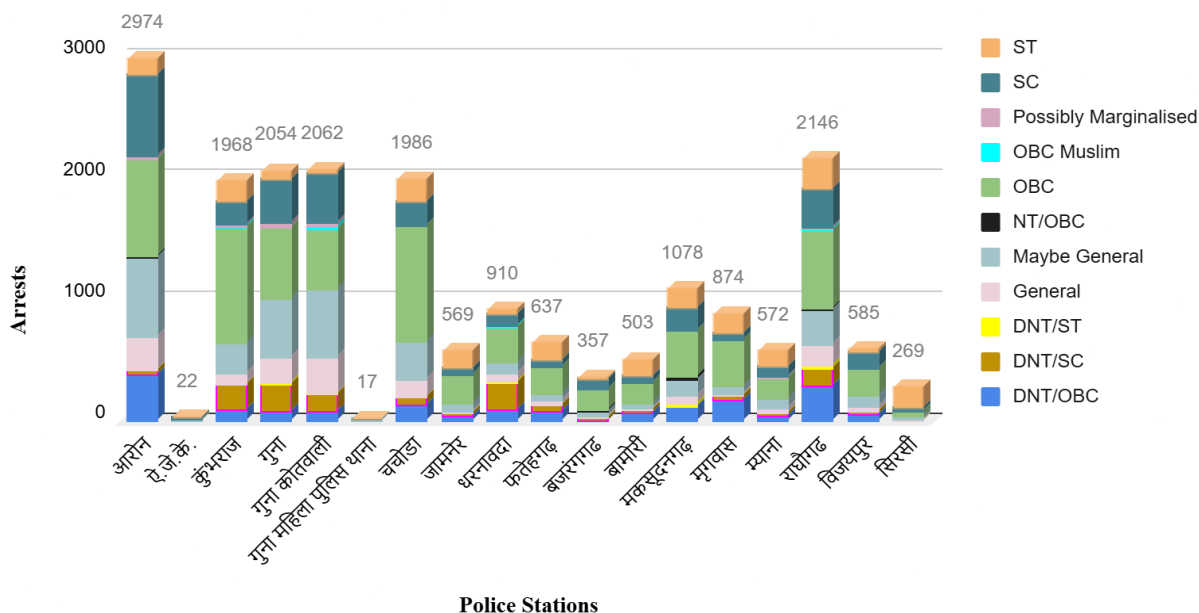


Figure 7: Disaggregated count of community-wise arrests in police stations based on surname of arrestees as per Madhya Pradesh Police portal dated 30.07.2024 (Not included in the graph are arrests that could not be classified or did not include a surname)

Denotified tribal communities are also arrested similarly across police stations as Figure 8. In Dharnavada, they form a whopping 35.7% of the total arrests. This is despite their small population in the overall district. 60.5% of arrests of DNT communities recognised as Scheduled Tribes were attributable to two police stations- Maksudanganj and Raghogarh. Over 50% of the arrests carried out against DNT communities classified as Scheduled Castes were from three police stations-

Dharnavada, Kumbhraj and Guna and another 25% from two other police stations. 63.6% of arrests of DNT/OBC individuals were similarly split across five police stations.

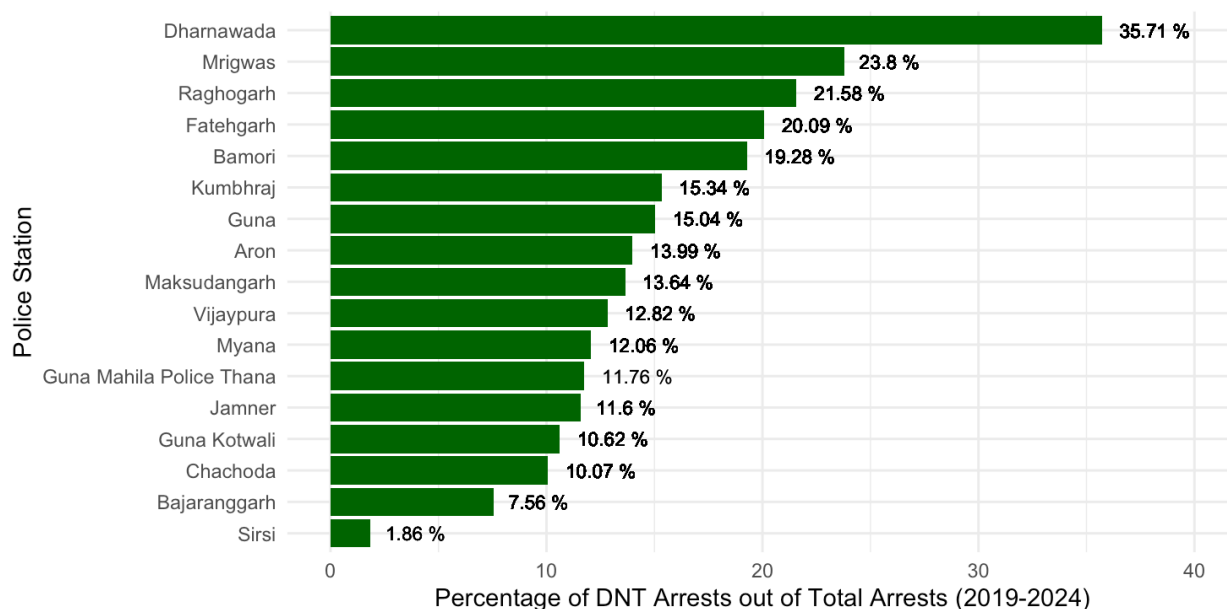


Figure 8: Percentage of arrests of individuals from DNT communities across police stations in Guna as per the Madhya Pradesh Police Portal dated 30.07.2024.

The variation between different police stations can be further understood through the split of bailable and non-bailable offences (Figure 9). Two police stations A.J.K and Guna Mahila Police Station had arrests pertaining only to non-bailable offences. This is attributable to the police stations specifically looking at offences relating to harm against women and SC and ST communities where legislations themselves prescribe offences as non-bailable due to the nature of these offences. 4 police stations account for arrests in non-bailable offences less than 30%, much lesser than the average across the district (40.57%)- Kumbhraj, Raghogarh, Vijaypur and Sirsi. Another 5 police stations range between 30-40% of arrests in non-bailable offences, less than the average: Aron, Chachoda, Bamori, Maksudanganj, Mrugvaas.

The high number of arrests in relation to the bailable offences in these police stations, when cross-referenced with the higher arrest rate of specific oppressed caste and tribal communities conclusively illustrate the abundance with which arrests are used as a mode of surveillance and criminalisation against these communities for petty offences. A notable exception to this is in relation to the

Dharnavada police station, which accounts for highest arrests for non-bailable offences and the over-representation of individuals from DNT communities at the same police station. While we may instinctively point to this as reflecting the criminal activity occurring in the area, quantitatively, these arrests are significantly lesser than the arrests in a police station such as Aron or Raghogarh. In Dharnavada, the number of arrests of DNT communities are 325 out of 934. In Aron and Raghogarh, these arrests are 416 out of 3,214 and 463 out of 2265. However, both these police stations are in-keeping with the trend of bailable offences higher than average. In Myana and Bajrangarh which have also had higher than average arrests in relation to non-bailable offences, the arrests of DNT communities are small (Figure 8). The exception of Dharnavada stands in further contrast in relation to its arrests in non-bailable offences as it contrasts the rest of the data. Given that localised nature of law-and-order and caste realities, this portends questions for the policing priorities here.

Bailable v non-bailable offences across police stations

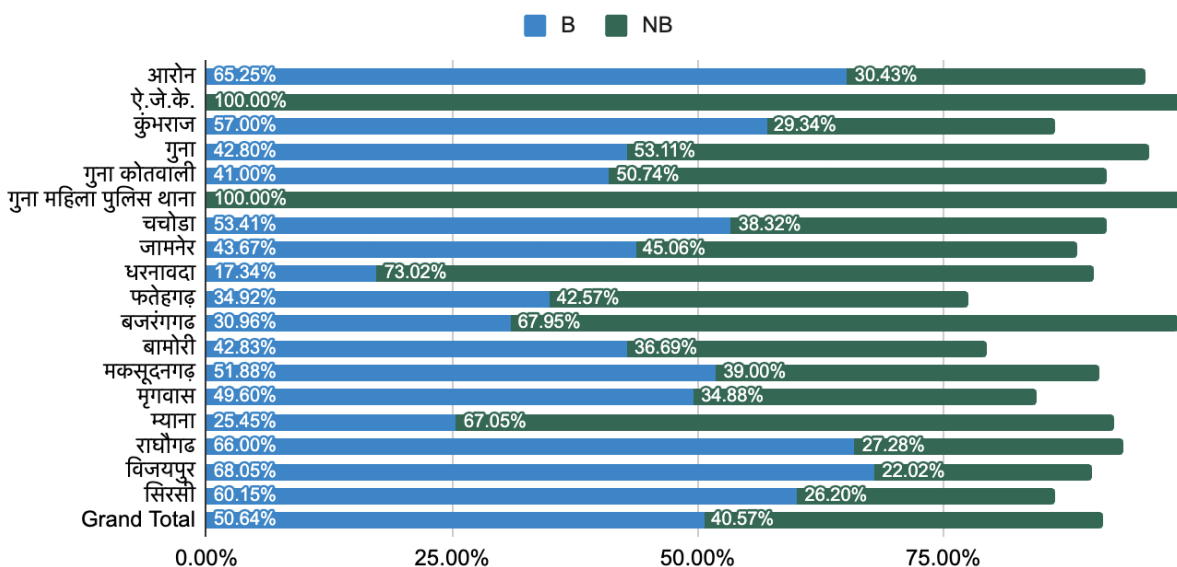


Figure 9: Percentage of arrests pertaining to bailable and non-bailable offences across police stations as per the Madhya Pradesh Police Portal dated 30.07.2024 (not including offences that could not be categorized as either)

V. CONCLUSION

This study is a modest attempt in uncovering the mystified work of everyday policing. It drew upon experiences of oppressed communities who negotiate the police continually in their intimate lives. It illustrated who, when and why the police arrest individuals and for what offences. The excessive arrests, disproportionate share of oppressed communities, specifically of individuals belonging to Denotified Tribes, and variations within police stations all show the inequitable and unaccountable ways in which policing is practiced. Despite the localised forms of criminalisation, studying district level data has allowed for a closer understanding of how specific communities, beyond homogenous categories such as Scheduled Caste or Tribe, interact with the State and an insight to their relative mobilisation against criminalisation. On the one hand, it allowed us to see procedural norms like arrest checklists or distinction between bailable and non-bailable offences are vitiated by policing in usual course, similar to earlier reports that studied state-level data. On the other hand, it allowed to us understand variations of arrest data across police stations, study over-arresting more closely than otherwise.

Through these multi-faceted methods, we have posed a challenge to the popular stereotypes of crime and the police that treat marginalised communities as riven with criminality, showing the innate inefficiencies of systems that carry little oversight and their role in perpetuating these stereotypes further. A system without checks and balances cannot necessarily respond to more severe situations of custodial violence unless a paradigm shift occurs in the dominant conceptions around policing. The stigma of criminality continues to haunt Denotified tribal communities where even a custodial death of an individual from this community cannot secure them safety and compensation as citizens with constitutional rights.

ANNEXURES

Data for Figure 4

<i>Category</i>	<i>Number of arrestees</i>
0	677
DNT/OBC	1,721
DNT/SC	1,233
DNT/ST	104
General	1,519
Maybe General	3,213
NT/Muslim/ OBC	1
NT/OBC	67
OBC	6,706
OBC Muslim	64
Possibly Marginalised	143
SC	2,905
ST	1,908
Unclassified	444
Grand Total	20,705

Data for Figure 6

<i>Number of unique arrests for each individual</i>	Number of individuals who were arrested
34	1
26	2
25	1
24	3
23	2
22	3
21	2
20	2
19	1
18	6
17	4
16	8
15	11
14	4
13	5
12	11
11	25
10	19
9	25
8	38
7	59
6	98
5	130
4	254
3	526
2	1,508
1	11,332
Grand Total	14,080

Data for Figure 7 and 8

जामनेर	चचोडा	गुना महिला पलिस थाना	गुना कोतवाली	गुना	कुंभराज	ऐ.जे.के.	आरोन	थाना
7	60		112	106	23		197	0
44	135		76	73	95		375	DNT/OBC
17	59	2	141	224	205		41	DNT/SC
5	6		2	12	2			DNT/ST
19	145	1	302	217	96	4	272	General
64	309	5	556	477	242	6	657	Maybe General
1	2		2	3	2		13	NT/OBC
232	943	4	495	582	955	9	795	OBC
	3		29	9	4		2	OBC Muslim
2	5		33	29	16		19	Possibly Marginalised
51	193	2	397	356	185	3	673	SC
134	186	3	29	72	166		127	ST
1	34	2	126	62	36		43	Unclassified
577	2,080	19	2,300	2,222	2,028	22	3,214	Total

Grand Total	सिरसी	विजयपुर	राधौगढ	म्याना	मृगवास	मकसूदनगढ़	बामोरी	बजरंगगढ	फतेहागढ़	धरनावदा
677	1	12	86	23		4	28	3	6	9
1,721	3	55	291	35	177	117	68	6	84	87
1,233	2	20	135	32	31	4	29	21	44	226
104			37	2		26				12
1,519	6	37	158	34	16	68	12	16	48	68
3,213	23	98	291	78	60	130	33	40	51	93
67	4	1	11	2		16	1	4	2	3
6,706	41	218	649	175	383	377	171	172	219	286
64		3	8		1	1				4
143		3	18	3	2	4	1		1	7
2,905	31	121	304	82	49	189	57	75	54	83
1,908	159	29	244	129	155	146	131	23	134	41
444	1	7	33	18	9	36	6	5	10	15
20,705	271	604	2,265	613	883	1,118	537	365	653	934

Data for Figure 9

थाना	ASI	ASI %	Bailable offences	Bailable offences %	Non-bailable offences	Non-bailable offences %	Total arrests in police station
आरोन	4.32%	139	65.25%	2097	30.43%	978	3,214
ऐ.जे.के.					100.00%	22	22
कुंभराज	13.66%	277	57.00%	1156	29.34%	595	2,028
गुना	4.10%	91	42.80%	951	53.11%	1180	2,222
गुना कोतवाली	8.26%	190	41.00%	943	50.74%	1167	2,300
गुना महिला पुलिस थाना					100.00%	19	19
चचोडा	8.27%	172	53.41%	1111	38.32%	797	2,080
जामनेर	11.27%	65	43.67%	252	45.06%	260	577
धरनावदा	9.64%	90	17.34%	162	73.02%	682	934
फतेहगढ़	22.51%	147	34.92%	228	42.57%	278	653
बजरंगगढ	1.10%	4	30.96%	113	67.95%	248	365
बामोरी	20.48%	110	42.83%	230	36.69%	197	537
मकसूदनगढ़	9.12%	102	51.88%	580	39.00%	436	1,118
मृगवास	15.52%	137	49.60%	438	34.88%	308	883
म्याना	7.50%	46	25.45%	156	67.05%	411	613
राघौगढ	6.71%	152	66.00%	1495	27.28%	618	2,265
विजयपुर	9.93%	60	68.05%	411	22.02%	133	604
सिरसी	13.65%	37	60.15%	163	26.20%	71	271
Grand Total	8.79%	1,819	50.64%	10,486	40.57%	8,400	20,705

