

Democracy and Impunity: The Politics of Policing in Modern India

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All errors are my own.

Chapter 1

Introduction

1.1 The Puzzle: Impunity in Democracy

In 2003, children began disappearing in Nithari, a large village subsumed within the sprawl of the Delhi suburb of Noida. The disappeared, who eventually numbered 38, were lured off the streets by offers of sweets, raped, strangled and dismembered. When parents, mostly poor migrants, tried to report the disappearances, the police, refused to even make an official record of the complaints, and told the parents to “get lost” [Parashar, 2013]. When a few parents persisted, the police filed criminal charges against them for “abetment of suicide.” When local children found severed body parts in a drain outside the house of affluent businessman Moninder Singh Pandher, the police declared them animal organs. Eventually a missing person report was registered after judicial intervention, and when residents searched the drain 19 bodies dismembered bodies were discovered. Even after the national media descended on the scene, the local police attempted to protect Pandher (with whom they remained in constant touch by phone), losing records of his confession to the rape and murder of the victims, helping him fabricate exculpatory evidence, and placing all the blame on his servant [Parashar, 2013].¹

The Noida case was unusual only in the enormity of the crimes committed. Throughout

¹Only determined work by the victims’ families and lawyers ensured that Pandher was sentenced to death.

India, crimes against the poor and marginal go unprosecuted, while crimes committed by the rich and influential are ignored in return for bribes or favors. Those who have enough money to pay the police, or enough power to influence them, can quite literally get away with murder. Ordinary people who want protection for their lives and property are well advised to stay close to those with money and power.

The routinization of criminal impunity in India is remarkable because, if you believe the international press, its own leaders and much of the scholarly literature, India is a country on the way up. GDP per capita has more than tripled since 1990, and even the much-criticized Indian state has helped poor and middle-class Indians to share in their country's prosperity, as one would expect in a democratic country where politicians seek to please voters.

Policing, however, seems isolated from this virtuous cycle. Protecting citizens from personal violence and property expropriation is one of the core functions of states [Weber, 2009], but one that the Indian state is, by its own admission, often unwilling or unable to perform [National Police Commission, 1981]. With a few revealing exceptions, like the lavish provision of bodyguards for politicians and the wealthy, police officers in India wait in fixed posts for citizens to bring them complaints to investigate. Even given this narrow mission, police in India are often not particularly responsive to ordinary citizens. One survey found that the police only registered criminal complaints immediately (the legal requirement) in 31% of cases. In 91% of cases, the crime is only registered after the intervention of a third party, and in some cases, the police use physical threats to dissuade petitioners. Many citizens do not even bother to try—in 56% of disputes, the subject was dissuaded from approaching the police. Not surprisingly, the police are India's second least trusted social institution, behind only politicians themselves.²

This is not to say that policing is unimportant politically. Decisions about who has the right to break the law, and the right be protected from the lawbreaking of others, are widely assumed to be one of the issues at stake in electoral politics. The close relationship

²Twelve institutions were included. Only 25% of Indian had “a great deal” of confidence that the police could enforce the law [Desai and Vanneman, 2012].

between political power and criminal impunity is one of the motivating factors behind both the high levels of corruption among politicians and civil servants [Bertrand et al., 2007, Vaishnav, 2017] and the increasing involvement of criminals in Indian politics [Vaishnav, 2017, Aidt et al., 2011, Chemin, 2012, Prakash et al., 2015]. Forty four percent of successful parliamentary candidates in the 2019 election were faced with serious criminal charges, up from 24% in 2004.

This book will attempt to explain why Indian democracy has allowed criminal impunity to spread. It will show that the high levels of impunity in India are the result of two interdependent policy choices. Firstly, the Indian police are severely *under-resourced*. India has the second lowest police population ratio in the world [United Nations Office on Drugs and Crime, 2010] and there are massive vacancies at all levels of the police service (in 2020, 20% of authorized civil police positions).³ This under-resourcing has been present for some time. While the UN recommends a ratio of 220 officers per 100,000 people, in India this ratio is 138 per 100,000, up only slightly from 128 in 1971.

The police officers India does have work long hours for pay that has steadily slipped behind the private sector. In 2014, 90% of officers worked more than 8 hours a day, and 68%% reported working more than 11 hours a day [Bureau of Police Research, 2014]. Police salaries are also low.⁴ The police must beg for other types of resources as well: nationally, there are only eight vehicles and six computers per 100 officers, a major factor in the low level of proactive patrolling and the large amount of time spent on paperwork. A shadow economy of policing exists to compensate for these deficiencies, as police officers either pay for basic goods like transit and office supplies themselves or extract them extralegally from citizens.

Secondly, the Indian police have very *low autonomy* relative to senior members of the political elite relative to other sections of the bureaucracy or police institutions in other countries. Elaborate formal protections for police officers are undermined by the central-

³The vacancy rate was 34% among investigative officers in in state CID departments (the investigative branch).

⁴While the police are provided with housing, it is widely regarded as substandard. In 2008, only 23% of families expressed satisfaction with their housing [Bureau of Police Research, 2014].

ization of administrative power in the state government. Each state’s chief minister⁵ has full authority over the filling of police jobs and law enforcement policy, and is intimately involved in the posting of senior and mid-level police officers. Chief ministers are careful to post sympathetic or pliable officers to important positions and to quickly transfer those who prove troublesome. In an average year, 48% of police superintendents and inspectors general are transferred after less than two years of service, both reducing their efficiency and incentivizing personal loyalty.

While there is variation in the incidence of these problems, they cut across many of the narratives that scholars and commentators have traditionally used to understand India. In most areas of public service provision, certain relatively wealthy states in the South and West of the country are thought perform well, while a group of poor northern (“BIMARU”) states are thought to perform poorly. However, neither wealth nor geography are predictive of police resources and autonomy. The tenure length of officers is uncorrelated with GDP per capita and *negatively* correlated with spending on the police.⁶ States sometimes cited as development success stories, such as Gujarat and Kerala, have police-population ratios below the national average [Bureau of Police Research, 2019, 61].

The low autonomy/low resources trip is not unique to India; in fact, it is common in poor democracies. Asian, African and Latin American countries also have small numbers of police officers [United Nations Office on Drugs and Crime, 2010], and their police forces are also frequently underpaid and provided with limited resources for communications and logistics. Similarly, political influence over day-to-day policing was probably the most salient feature of the justice system in the gilded age United States [Walker and Walker, 1998, Stuntz, 2011] and has also been noted in other parts of contemporary global south [Loader et al., 2016].

This book explains how nations can find themselves in the “policy trap” of low police resources and low police autonomy, and why they find it so hard to get out of this equilibrium. It explains why some politicians find it in their interests to have a weak

⁵The chief executive of the state, corresponding to an American governor or Canadian premier.

⁶ $\rho = -.01$ and $\rho = -.37$, respectively.

and tightly controlled police force, and why the many in the police work with them in their efforts. As such, it is a book about elites: the small group of politicians and senior police officers who control the functioning of a centralized institution in a centralized political system. However, elite actions influence the experiences of ordinary people, and the behavior of ordinary people, especially voters, can influence the incentives of elites.

Both in India and elsewhere, accounts of the failure of policing are often moralized, with commentators focusing blame on “corrupt” police officers, “unprincipled” politicians or “lazy” underlings. This book attempts to move beyond such generalizations. The problems of the Indian police are not individual, but systemic. They often force even exceptionally principled and talented people to distribute policing in a way that favors the powerful over the powerless and the wealthy over the poor. However, even systemic problems are not unchangeable ones. The very fact that many political decisionmakers and senior police officers dislike administering a profoundly unjust institution means that reform is possible if the political conditions tying the police to a few senior politicians and those politicians to illegal entrepreneurs are loosened.

This is a book about the intertwined relationship between politics and policing, rather than the similarly intertwined relationship between policing and crime. Its central concern is to link the low performance of the Indian police to a specific set of policy choices, and those policy choices to a specific set of political conditions, rather than to examine the effects of those choices. This is not to say that crime will be absent in this book, which will show that choices the police make have profound impacts on the types of crime that occur in India. However, the primary focus is on the origins and structure of the system rather than its day-to-day workings.⁷

My focus on the “high politics” of the police is possible because of the happy circumstance that the past five years have seen the rapid growth of research on day-to-day policing in India, supplementing a literature that had been previously dominated by re-

⁷The most direct ancestor to this book is thus David Bayley’s *Police and Political Development in India* (1969), which is now at least half a century old. Professor Bayley sadly died shortly before he was able to comment on the manuscript.

tired police officers.⁸ Some of this new work has been qualitative and ethnographic in approach [Jauregui, 2016, 2018, Roychowdhury, 2020, Mangla, 2022, Wahl, 2017, Ghosh, 2023, Mukherjee, 2020], while another branch has been quantitative and experimental or quasi-experimental in approach, sometimes building on collaborations with reform-minded senior police officers [Banerjee et al., 2021, Jassal, 2020, Sukhtankar and Mangla, 2022, Amaral et al., 2021].⁹

The immediate intellectual ancestor to this book is the literature on distributive politics and clientelistic democracy in economics and political science. I hope this book will be of interest to scholars of comparative politics who have not considered how policing might fit within the strategies, and to scholars of criminology interested in the background of the institutions they study. In the interests of these readers, I have included some descriptions of the history and structure of the Indian police and political system that will be well-known to those who live in or study the subcontinent. I crave the forbearance of these more experienced readers.

1.2 Does it Have to Be This Way?

There are three straightforward responses to the claim that the Indian police cannot protect citizens due to deliberate policy choices. The first of these is that the Indian police is dysfunctional because it is *Indian*. In this account, India, a poor post-colonial country with “weak” institutions and high levels of inequality and social diversity, cannot be expected to afford, let alone administer, an effective and impartial police force. While this account might admit that the police are impoverished and politicized, it would argue that this is a general condition for Indian social and political institutions, if not for all institutions in developing countries. This account of policing in India has been put forward since colonial times, when officials were fond of prefacing accounts of police corruption

⁸See for instance Dhillon [2005] and Lodha [2021]. Arvind Verma [2005a, 2010] has been virtually unique in bridging the two literatures.

⁹For observational quantitative work see Tellez et al. [2020] and Iyer et al. [2012]

and inefficiency with accounts of similar problems under the Mughals,¹⁰ and is congruent both with the recent emphasis on institutional path dependence in the political economy literature [Acemoglu et al., 2001, Banerjee and Iyer, 2005, Acharya and Lee, 2019, Lee, 2019e, 2023, Lee and Paine, 2024] and lucid accounts of the problems with other sectors of the contemporary Indian state [Dasgupta and Kapur, 2020, Gupta, 2012].

Another possible response is that the Indian police has trouble winning support for broadly targeted protection because it is a *police* force. For other public goods, citizens can easily observe a good being provided—say, a new road—and trace it backward to allocation decisions made by politicians and forward to the effect it has on their daily lives—say, a faster commute. By contrast, police performance and crime are both extremely difficult for ordinary citizens (most of whom are never victims of crime) to observe and measure, and the causal chain from policy to police performance to crime is indirect and difficult even for scholars to estimate.¹¹ For these reasons, it seems quite reasonable that the police in democracies are underresourced because politicians prefer to divert resources to other public services with more assured electoral returns. Given the threat of overreach by police, one might even treat a weak police force as a sign of democratic health [Martin, 2020].

A final response is that the Indian police is not dysfunctional at all. To support this claim one might point to the relatively low crime rates in India, the many dedicated professionals who serve in the police, and the long-term persistence of Indian democracy. The Indian murder rate, for instance, is less than half that of the United States, a small fraction of that in many Latin American states, and similar to that of many neighboring countries. Perhaps education and roads really are better ways to spend tax money than investing in solutions to problems that don't exist?

All these three accounts, however, are wrong. When the Indian state wishes to, it can create well-resourced, autonomous bureaucracies that can effectively provide public

¹⁰See, for instance, [Indian Police Commission, 1905].

¹¹On citizens' systematic misperceptions of crime rates, see Esberg and Mummolo [2018] and Vinæs Larsen and Leth Olsen [2020]. On the difficulties in relating policing and crime, see Zimring [2006] and Braga et al. [2015].

services. Similarly, many democracies provide their police forces with very high levels of autonomy and resources; in fact, in some democracies, many people believe that the police have *too many* resources and *too much* autonomy. Finally, the impunity of elites from criminal punishment is a serious problem for Indian society, one which is understated by reliance on official crime statistics.

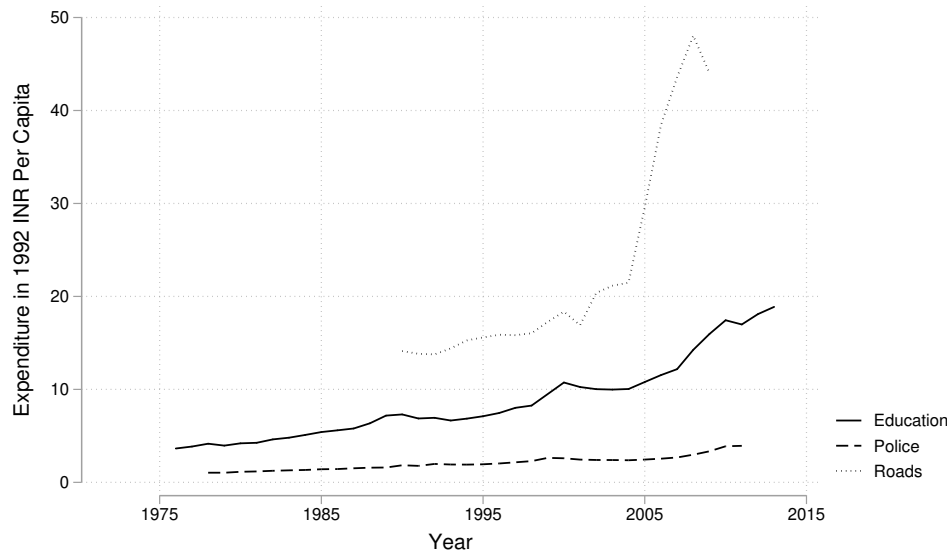
Can the Indian State Provide Services?

The under-resourcing of the police is exceptional within the context of the modern Indian state. India’s democratic system has directed resources to many other types of public services. Between 1971 and 2021, literacy rates increased from 34% to 74%, the percentage of villages with electricity rose from 18% to 74%, and there were even modest improvements in the quality of citizen-bureaucratic interaction in some states [Bussell, 2012]. These improvements have been unevenly implemented across states [Min, 2015, Singh, 2015a] and have tended to be implemented in ways that reinforce the power of locally dominant elites [Lee, 2019a]. However, they indicate that, at least in some places and for some people, India’s economic gains of the past three decades and its system of democratic accountability can improve social well-being.

However, the police have lagged. During the 1980-2009 period, real per capita expenditure on social services rose by 354%, while real per capita expenditure on the police rose by only 220%. Figure 3.1 shows that as India has grown wealthier over the past four decades, real per capita spending on the police has barely grown, while spending on education and roads has increased rapidly.

While the Indian economy was growing, the Indian state was undergoing a “rights revolution,” with ordinary citizens becoming more likely to make claims against the state [Das, 2013]. Some of these rights, like education, employment, and participation in local government, were novel, while others have existed for decades but have gradually become more socially salient [Brulé, 2020]. It is easy to be cynical about the degree to which these rights are often violated or subverted in practice, but even in their partial form the rights revolution has led to substantial state interventions: The National Rural Employment

Figure 1.1: Real Police, Road and Educational Spending Per Capita in India, 1975-2012



Note: The Y axis shows the real per capita revenue expenditure in India on policing and education for a sample of large states (Andhra Pradesh, Assam, Bihar, Gujarat, Orissa, West Bengal, Haryana, Punjab, Rajasthan, Himachal Pradesh, Madhya Pradesh, Uttar Pradesh, Maharashtra, Kerala, Tamil Nadu and Karnataka). Road spending is for India as a whole, and includes capital expenditure. Sources: *State Finances: A Study of Budgets*, various years.

Guarantee Act, for instance, led to 48 million households receiving 2 billion person days of employment, with substantial positive welfare effects [Chaudhary, 2017, Klonner and Oldiges, 2022]. Such achievements raise the question, why have the police, the institution most directly concerned with the enforcement of citizen’s rights, remained under-resourced and highly politicized?

The status of the police as a “lagging sector” of public services is one that extends well beyond India. Brazil, for instance, was praised for improving some education, health, and poverty outcomes since 1990, but its police forces have been widely criticized for allowing “unprecedented levels of both corruption and crime” during this same period [Hinton, 2006]. Similarly, the social and economic improvements in Black welfare by the post-apartheid South African state contrast with levels of crime that are among the highest in the world, and widespread criticism of the police [Brogden and Shearing, 2005].

A related argument is that the problems of policing and the justice system in South

Asia reflect the colonial origins of these institutions [Waseem, 2022, Dhillon, 2005]. This is a powerful argument to anyone who has lived in India, because the continuities between the modern police and its colonial predecessors are many and obvious—not simply institutional, but linguistic, sartorial, and cultural. This book will discuss many such continuities, and in particular two that are of great importance: the strongly hierarchical personnel system and the blurry line between political and non-political policing.

However, the “colonial hangover” argument is ultimately an unconvincing one. For one thing, both post-colonial states and post-colonial institutions are extremely diverse, ranging from Singapore’s almost-too-efficient police state to the weak police of rural Africa. Even within India there is, as we shall see, considerable variation in police effectiveness. Moreover, when the political will exists, post-colonial states have been surprisingly willing to change colonial institutions and create new ones. For instance, while the colonial state had very little interest in primary education [Chaudhary, 2009], independent India has constructed a massive infrastructure down to the village level to provide it. While some aspects of the Indian police certainly reflect persistent colonial patterns, the question remains: why have these patterns been allowed to persist for 75 years since the British left?

Can Democracies Fund Policing?

If political reform is indeed possible in India and police institutions can be reformed, perhaps there is some institutional pathology that has limited the autonomy and resources of the police, but does not affect other bureaucracies? One piece of evidence against this claim is that the Indian police is successful in the protection of certain types of people and the prevention and investigation of certain types of crime, especially those related to internal security and crimes against the state [Ahuja and Kapur, 2023]. At times, these privileged categories are rather narrow—the exceptional resources that the Indian police pours into VIP security are more a symptom of the Indian police’s problems than a bright spot. However, as we will see later in this book, at times the police can move rapidly to solve real social problems, such as during the Bihar police’s campaign to eliminate

highway robbery and kidnapping for ransom in the late 2000s. More broadly, India can expand the police when politicians believe it is in their interests to do so: in the period after independence the police population ratio nearly doubled relative to late colonial levels, and in recent years there have been sizable increases in the size of the armed police and border police.

The policing of elections demonstrates that under the right institutional conditions the Indian police cannot just show improvement but be a global model. While the 327 election fatalities during the 2019 election may seem high, it is a rather modest figure for an election with 900 million eligible voters and with several major active insurgencies—by comparison, the 2018 Pakistan election had 237 fatalities in an electorate of just over 100 million.¹² Indian elections are widely regarded as free and fairly administered, and scholars have described the Indian election commission as “one of the most awe-inspiring electoral regulatory bodies in the world [and] one of the most widely celebrated and trusted public institutions in India” [Ahuja and Ostermann, 2021, 37]. In booths where the police are present, voter turnout rises and corrupt and incumbent candidates are more likely to lose [Singh, 2019].

These achievements in election security are built on widespread grants of both autonomy and resources to the police. In the run up to elections, the election commission, an autonomous, apolitical organ of the central government, temporarily takes over the police administration, reposting officers it considers too beholden to the party in power and bringing in officers from the center, and detaining or shadowing suspected criminals, even those with political connections [Ahuja and Ostermann, 2021, Verma, 2005b]. Since elections are conducted in stages, the commission can temporarily flood areas holding elections with police from other areas and out of state, while the local police see massive temporary influxes of funds [Verma, 2005b]. When the Indian police has a clear mission, no political interference and plentiful manpower, it can provide the high-quality law enforcement necessary to turn a potentially violent event into a “festival of democracy”

¹²See Pollmann [2019] and Fleugel-Carew [2018] The majority of Indian fatalities were in two states with insurgencies, Jammu and Kashmir and Chhattisgarh.

[Banerjee, 2017].

Not only is police underresourcing not inevitable in democracies, but overresourcing is very possible. Many scholars and activists have cited the contemporary United States as having exactly the opposite set of problems as India, with police departments having too much autonomy and too many resources. In the contemporary US, individual police officers are insulated from political accountability and given large amounts of resources to pursue a “militarized” style of policing, even against petty crimes [Stuntz, 2011, Alexander, 2020, Wilson, 1968, Brown, 1988, Bayley, 1990, Bittner, 1973, Mummolo, 2018].¹³ Reform proposals have thus tended to involve either a reduction in resources granted to law enforcement (“defunding the police”) or increasing the responsiveness of the police to the broader political system through mechanisms such as civilian review and criminal liability for excessive use of force (“police accountability”). This pattern is a result of a distinct set of political coalitions that has arisen over time. American politicians, especially on the right, have campaigned as “tough on crime” advocates of “law and order” policies, despite the drop in crime rates that has occurred since 2000 [Stuntz, 2011, Mauer, 1999]. The American story shows that neither autonomy nor resources are a panacea for discriminatory and brutal law enforcement, but also demonstrates that a democratic political system can solve (indeed, over solve) the attribution problems associated with the funding of law enforcement.

Does India have a Crime Problem?

A reader of India’s published crime statistics might be pardoned for thinking that India had one of the most efficient police forces in the world. In 2010 India’s reported rate of thefts was 1/75 that of the United States (and 1/162nd that of Denmark), and a third of thefts resulted in charges, more than twice the US figure. As we will see, however, these statistics flatter to deceive, given the chronic underreporting of crime in India and the consequent tendency for only more public crimes with influential victims to be reported.

¹³Similarly, in Latin America, police forces are, large, autonomous, and practice an aggressively authoritarian style of law enforcement [Hinton, 2006].

Conservative estimates of the amount of underreporting of theft put it at 800% [Rukmini, 2021], though other estimates are much higher.¹⁴

However, not all of India's low crime rate is a statistical illusion. Rates of murders, the crime thought of as most difficult to "minimize,"¹⁵ are low by international standards, and victim survey data shows India as having less crime than most other industrialized and developing countries. These findings agree with the common qualitative impression that street crime, or at least street crime against middle class victims, is rarer in India than in many other parts of the world. The origins of these cross-national differences are beyond the scope of this book, though social and cultural factors (such as India's very high rate of intact families) probably play a substantial role.

India, then, does not have a crime problem, but it does have an impunity problem. In India, poor people with weak social ties commit crimes at much lower rates than in other countries, and if they do commit crimes, they may face severe, possibly extralegal, consequences. The wealthy and well-connected, on the other hand, commit crimes at relatively high rates, and are relatively unlikely to be prosecuted for their crimes. While in the most countries the poor are much more common in jails, in India those held under trial (who are, of course, poorer and less connected than those who can make bail) are only marginally less educated than the population.¹⁶ Higher up the social chain, 44% of parliamentarians face criminal charges, and their eventual conviction rate is only 6% [Raman, 2018]. Due to this impunity, crimes that involve the rich preying on the poor are very common in India: 56% of citizens reported paying a bribe in the previous year [Transperancy International, 2019], while private protection rackets of various types are

¹⁴In the 2012 Indian Human Development Survey the percentage of households reporting thefts was 140 times the per person rate from the National Crime Record Bureau.

¹⁵However, in India even murder rates are subject to "minimization," with cases of suspicious death are often reclassified as accidental unless there is some pressure from the family or community. Officer F Interview

¹⁶In 2011 6.4% of undertrial prisoners and 8.2% of adults were college graduates, while 30.7% of undertrial prisoners and 26% of adults were illiterate. See the NCRB's *Prison Statistics* for 2010 and the 2011 Census of India. Compare these figures to the United States, where in 1997 college graduates were 22% of the population and 3% of jail inmates. See Harlow [2003].

also common. In this sense, India’s society has parallels to post-communist societies where the police are captured by the police and organized crime [Light et al., 2015, Karklins, 2005].

The politics of impunity have not made India an especially disorderly society—in fact, the highly organized nature of crime may have the opposite effect. However, impunity has made India a substantially less *just* society than it would otherwise be—a society where legal entitlements to property, life or state services are not enforced by the state unless some additional pressure is involved.

1.3 How Democratic Politics is Supposed to Work

Distributive Politics: A Theoretical Framework

Before we examine why Indian democracy fails to provide policing, it is worth examining why we might expect it to provide anything at all. Most recent scholarship on the politics of public service provision describes politics as an exchange between a politician and citizens, with votes being traded (implicitly or explicitly) for state resources.¹⁷ The politician making these decisions is assumed to be office-seeking, while voters are thought to maximize the level of resources that they receive. The politician and voters develop a mutually profitable exchange, with votes being exchanged for high levels of transfers.

At least in theory, the distributive politics literature is optimistic about the relationship between democracy and public service provision Golden and Min [2013]. Fear of punishment by voters will incentivize politicians to provide services, if only to their supporters. While politicians may ignore reelection incentives to focus on private rent-seeking, this type of behavior may also be punished by informed voters and the existence

¹⁷This pattern has been shown to apply to a wide variety of goods, including electric power [Min, 2015, Chen, 2013], education [Stasavage, 2005], disaster relief [Besley and Burgess, 2002b], private social services [Thachil, 2014] and government funds Keefer and Khemani [2009, 2005], Chhibber and Nooruddin [2004].

of alternative candidates [Besley and Burgess, 2002a, Dixit and Londregan, 1996].¹⁸

The choice to provide any specific category of distributive good is not made in a vacuum, since each politician allocates funds among different distributional goods within a budget constraint (or attention and care within a finite limit).¹⁹ The decision to favor one good implies that other goods will be provided less, and the decision to provide a good in certain areas means that other areas will receive less.²⁰

The basic distributional logic does not provide an explanation for why bureaucracies are able to become autonomous from the politicians who create them [Calvert et al., 1989]. However, a politician may wish to guarantee that the distributional program they announce will continue after they leave office, and create institutions that can operate even under hostile politicians [Helmke, 2012, Huber and Shipan, 2002, Carpenter, 2001, Huber and Shipan, 2002, Wilson, 1989]. Leaders might also grant autonomy to take advantage of the expertise and size of the bureaucracy [Gailmard, 2002, Gailmard and Patty, 2007, Huber and Shipan, 2002]. A politician who insists on approving every job seeker will only be able to provide a limited number of jobs, while an autonomous bureaucracy can operate on any scale, regulated by its own (licit) hierarchical procedures.

It is important to note that autonomy in this context should be understood as autonomy *from elected politicians*, rather than autonomy from society as a whole. Bureaucratic institutions can, and should, be accountable to other social institutions and social actors, such as the judiciary and civil society. We will return to this distinction below.

¹⁸The distributional politics logic is also widely attested in the social scientific literature on India. Distribution in India has increased with the democratization of political system [Thachil and Teitelbaum, 2015], is higher in areas with a large press [Besley and Burgess, 2002b], and higher at election times [Khemani, 2004, Saez and Sinha, 2010]. Another set of studies have found evidence for bias in distribution, either towards supporters of the ruling party [Dunning and Nilekani, 2013], members of the same caste as the powerful [Besley et al., 2012], or social elites in general [Lee, 2018].

¹⁹In theory, politicians should also weigh the preferences of taxpayers [Meltzer and Richard, 1981]. In practice, however, the distributional politics literature has tended to assume that the budget constraint is independent of the budget for any individual public good.

²⁰Politicians may choose to reward supporters, reward swing voters, or provide goods that benefit especially large groups [Stokes et al., 2013].

Politicians must thus make two choices regarding provision of any type of good: the level of resources and the level of autonomy. This leads to four combinations of behaviors: high autonomy/high resources, high autonomy/low resources, low autonomy/high resources, and low autonomy/low resources.

Actors

The key actor in this framework is the politician, who decides levels of institutional resources and autonomy. “The politician” is not identical to “politicians” as a whole, since at any given time many politicians will be out of office, in opposition or isolated from actual decision making. As we will, see, in India authority over police policymaking in India is more concentrated than in other democracies, with each state’s Chief Minister making most of significant decisions herself. The politician’s primary goal is to remain in office, but she also favors spending on goods that benefit her personally.

In democracies, the politician must weigh the interests of voters, who also wish to maximize the flow of resources to themselves and can end the politician’s tenure. The politician is also dependent on elites, who provide the money and organizational capacity necessary to win elections. These elites may be politicians themselves, wealthy and well-connected people, or brokers who intermediate between the state and its citizens [Stokes et al., 2013]. Elites, like voters, seek to maximize the flow of resources to themselves, and thus favor the provision of goods that benefit them personally. However, elites also benefit from the provision of services to other people, whether as employees, contractors, or informal intermediaries. A country may, for instance build roads not because citizens demand them, but because contractors profit from building them, and it may provide free school lunches not to benefit the students but rather the farmers who grow the food they contain.

While all these examples associate elites with higher levels of provision, elites may oppose the provision of public goods to others if they provide competing private goods, or if they believe that public service provision will undermine their status in the long term. The operators of a private ferry might lobby against the construction of a new bridge that

would take away their business, private health insurers might lobby against the provision of public health insurance [Starr, 2013], and rural landlords might even oppose welfare programs for their tenants if they think this will increase their labor costs [Anderson et al., 2015, Shami, 2012].

Bureaucrats also play a role in policymaking. When their autonomy is low, they act as the servants of politicians, providing goods to the voters the politician chooses. When their autonomy is high, they choose how to distribute goods, taking into account their own interests and their sense of the institution’s mission. Often, they wish to take on easy tasks and increase the level of resources flowing to their institution. Bureaucrats can lobby the politician for autonomy, and in many cases, autonomous and well-resourced bureaucracies are the product not of the demands of voters, but of the labors of “bureaucratic entrepreneurs” [Wilson, 1989, Carpenter, 2001].

Policing as a Distributive Good

How does policing fit into this framework? Police agencies have a wide variety of roles that vary from place to place, enforcing a wide variety of state policies. In this book, we will focus on the most basic of these: the protection of property and personal integrity rights. Citizens face a wide variety of threats from other citizens, who may steal from them, beat them, rape them, or assault them. While citizens could avoid some of these problems by hiring private guards or avoiding contact with others, this would be very inefficient, so the state provides this service. The protection of life and property is thus one of the core social goods provided by states.

Infringements on the rights of citizens may be deterred either by apprehending and punishing the perpetrators of crimes that have already occurred or by practices (such as patrol or surveillance) that suggest that future crimes will result in immediate punishment. These two functions are often carried out by different bureaucracies or by different branches of the same bureaucracy. As we will see, in India this specialization is relatively poorly developed.

Policing has obvious potential as a distributive good: citizens value security from

violence and expropriation, and governments can win support by promising more or better police protection. If policing is just another distributive good, fundamentally analogous to rural electrification or subsidized cooking gas, we should expect politicians to have strong incentives to provide it, at least if voters value it. This they certainly seem to do in India: one 2014 study found that corruption was the second most important issue to Indian voters, and law and order the fifth [Vaishnav et al., 2014]. In a separate survey, a majority of respondents expressing an opinion desired a larger police presence in their neighborhood [Lokniti, 2018, 51]. Issues of police corruption and violence are widely reported in the Indian media, and voters are aware of the importance of political influence in the criminal justice process.

Like many other public services, policing is potentially *excludable*: it can be provided to some while being denied to others. Some neighborhoods could be patrolled but not others, or crimes against some categories of victims investigated while crimes against other kinds of victims are ignored. Both kinds of exclusion are well established: in most countries, the wealthy and well-connected have their persons and property better protected than the poor and marginal [Wu et al., 2009, Thacher, 2011, Baumgartner et al., 2017]. In unscrupulous hands, this type of exclusion can be a potent political tool. Politicians might only allocate funding and staff to police areas inhabited by their supporters or instruct the police to focus on the enforcement of crimes against their supporters, or avoid enforcement of laws violated by their supporters. A party supported by the wealthy, for instance, might redeploy police to wealthy neighborhoods and instruct them to aggressively enforce laws against begging, while not enforcing laws against tax evasion.

Note that the police also try to prevent crimes against the social order, such as rebellions or riots. Rebellions or riots are frontal challenges to politicians' control of the state apparatus and the state apparatus's monopoly of the legitimate use of force. A successful rebellion would impose dire consequences on the politician personally (death or exile). As we will see, politicians are generally more willing to spend resources on prosecuting crimes against the state—rebellion, terrorism etc.—than on prosecuting crimes against private

individuals. Politicians may be even more enthusiastic about police services that benefit them directly, such as bodyguards or crowd control at major public events.

The detection and prevention of crime and the defense of the state from armed challengers are the primary functions of police organizations, but there may potentially be others: the management of traffic, the finding of lost pets, the treatment of the mentally ill, etc. For the sake of simplicity, this book will not examine these subsidiary functions in detail. In India, low levels of resources and low public trust mean that these tasks take up a smaller portion of police time than in some other countries.

1.4 The Criminal as Special Interest

While policing, like other types of distributional goods, involves the spending of taxes on the provision of benefits, it also involves the imposition of highly concentrated costs. Individuals, even powerful ones, can be arrested and incarcerated by an aggressive police officer. The police may, for instance, choose to aggressively enforce laws against car theft, rape or encroachment on undeveloped land. All these campaigns will have vigorous public supporters—car owners, women, landowners—who may reward politicians for these campaigns.

However, all these campaigns will also generate committed opponents, who will be hurt from vigorous enforcement—the criminals themselves. These sort of costs, and the political incentives that they create, are not unknown in the politics of other types of public services, with the elites who compete with public services lobbying against them. However, these political costs are much greater in the cases of policing, where the coercion of non-beneficiaries is a key attribute of the good itself, rather than a side effect of it. To quote [Bittner \[1970, 8\]](#): “Contrary to the physician, the police officer is always opposed to some articulated or articulable human interest.”

In the criminology literature, the two-sided nature of policing as a distributive good is usually expressed relative to an ideal, with “underpolicing” occurring when the social benefits of the current level of policing are thought to be greater than the social costs and

“overpolicing” occurring when the social costs of the current levels outweigh the benefits. I have avoided using this terminology because of the difficulty of achieving a consensus on the “proper” level of policing, and the fact that even the “proper” level of policing would leave some people coerced and imprisoned. The important point is that there are strong interests *against* the provision of policing, as well as for it.

While the idea of criminals lobbying for weak law enforcement may seem cynical, those making these demands do not usually see themselves or their demands as illegitimate. They may believe they have been unjustly targeted for personal or ethnic reasons, or believe the laws or procedures under which they are prosecuted are illegitimate or that the facts of the cases actually support them. Such forms of self-justification are well-attested in the psychological literature [Sherman and Cohen, 2006] and in the literature on the legitimacy of criminal justice systems [Rocque, 2011]. Sometimes these excuses are correct: very often people *are* targeted by the police because of their ethnicity or political affiliation.

The relative influence of crime perpetrators and crime victims on politicians is thus important in determining the benefits of law enforcement as a political strategy, and which areas of law enforcement politicians choose to focus on. Politicians are more likely to find “law and order” an attractive strategy when those violating the law are politically powerless and socially marginal. [Stuntz, 2011], for instance, discusses how drugs were first criminalized in the United States after they became associated with African Americans. By contrast, where lawbreakers have political and social power politicians are likely to be less enthusiastic about moving against them, as in the case of insider trading [Seyhun, 1992]. Note that the point also works in the opposite way: protection is likely to be provided when the victims are more powerful than the perpetrators.

If lawbreaking is very common, a politician might change the law, or instruct the police to exercise forbearance toward specific types of lawbreaking or groups of lawbreakers [Holland, 2016]. However, some sorts of crimes are practiced by so few and create such high social costs that *overt* policies of forbearance would themselves be very unpopular. A politician would be hard pressed, for instance, to justify legalizing murder or armed

robbery. Even for consensual crimes such as gambling and drugs, the political costs of overt legalization are so high that politicians are forced to covertly license lawbreaking rather than formally allow it.

The political appeal of covert tolerance for crime depends on whether the politician herself receives some benefit from crime, whether direct or indirect, to counterbalance the potential political gains from law enforcement. The direct benefits are the most obvious. Politicians who themselves break the law are unlikely to favor a police force that is capable and outside their control, since such a force could end their political careers.²¹ Even when actual conviction is a remote possibility, a politician might fear harassment or scrutiny that would force him to limit his criminal activities, especially his flow of bribes.

More commonly, politicians can be hurt by the arrest or harassment of elites on whom they are politically dependent. For example, the police may pursue cases against the brokers, local politicians, donors, and campaign workers who make legislators' electoral success possible. In many countries these contributors and brokers are deeply implicated in illegal activities [Vaishnav, 2017]. More subtly, the police may turn a blind eye to the actions of politicians' opponents, allowing them to use coercion against a politician's supporters. While illegal entrepreneurs are few, they often make up a large share of clientelist brokers, if only because vote buying is generally illegal [Stokes et al., 2013], and politicians dependent on these brokers will be reluctant to allow the police autonomy. In areas where vote buying and election violence are common, a politician without such allies will soon cease to be a politician. At a higher position on the ladder, a party leader who is unable to protect party legislators from prosecution will soon cease to be a party leader.

The costs of bureaucratic subversion for the politician are thus higher in police organizations than in other types of bureaucracies. Compare a police officer to a highway engineer. If a highway engineer is given discretion, the worst possible outcome for the

²¹Note that in most principal agent games with repeated play, the agent will in equilibrium carry out some of the principal's wishes to sustain a continued flow of resources. This restriction on agency would be greatly weakened if the unilateral ability to remove the principal.

politician is that he does not build the road in question or implements it in a way that does not reflect the politician's wishes, leaving him no worse than he was before. An unconstrained police officer, by contrast, can take away the life or liberty of the politician herself, limit her income, and destroy her political support base. ²²

The potential for subversion is also higher in police organizations than in other types of bureaucracies. In part this is because the policing goals of politicians, such as impunity for certain type of perpetrators, are formally illegal. Choosing to build schools only in the constituencies of ruling party members is legal and broadly consistent with the mission of school leaders in a way that biased policing can never be. Even the most politicized policing organizations thus have a supply of officers whose professional training and socialization is directly in conflict with the politician's goal of impunity for the prominent. This is compounded by the fact that most modern police organizations, including the Indian police, have strong institutional culture [Reiner, 2010] and a meritocratic recruitment system that keeps the politician from personally selecting all officers. In some countries, the police may even have a political agenda of their own that differs from that of most democratic politicians [Hinton, 2006, González, 2020].

The politician, then, must as a matter of self-preservation guarantee full control of the police as an institution. At a minimum, this would involve the power to remove from their positions any and all police officers who challenge them. In India, this is exercised through aggressive use of the state government's power to transfer police officers from post to post, which also allows a politician to reward police officers with desirable postings.

²²Why do the politician's attempts to control the police take the form of attacks on the autonomy and resources of the police as an institution, rather than a simple order to avoid the politician and her followers? This seeming overkill stems from the fact that politicians cannot fully control the police. Like all bureaucrats, police officers may be unreliable agents of politicians, diverting resources to policy goals or recipients not favored by the politician [Kitschelt and Wilkinson, 2007]. Gailmard [2002] refers to this threat as *subversion*, and an extensive literature has grown up around the techniques politicians use to make bureaucrats do as they say [McCubbins et al., 1987, McCubbins and Schwartz, 1984, Dasgupta and Kapur, 2020]. Like most principal agent problems, this one may lead to inefficiently low levels of goods distribution, as politicians may hesitate to transfer resources to bureaucrats when they cannot guarantee that these resources will eventually reach their supporters.

Restrictions on autonomy are supplemented by restrictions on the resources available to the police. These restrictions have two benefits for the politician. Firstly, even a police officer willing to defy the politician might be unable to do so because manpower is too scarce or investigative resources are too primitive. Secondly, while adding manpower and specialized capabilities might make the police more effective, a larger organization might be difficult for a politician to manage, forcing them to delegate control to bureaucrats who do not share their goals. In addition, the high salaries (and often higher levels of training, specialization, and professionalization) associated with a well-resourced bureaucracy make them more resistant to the types of institutional manipulation practiced in less fortunate institutions. Note that these considerations only apply to relatively senior bureaucrats: junior officers with relatively little discretion cannot plausibly hurt either politicians or their allies. As we shall see, this means that the manpower crisis of the Indian police is most acute away from the bottom. More precisely, the middle ranking officers who handle most investigative duties are the most overworked, and their positions are the most understaffed.

A lack of autonomy and resources can become self-reinforcing. An autonomous bureaucracy will produce entrepreneurial leaders who will lobby for further autonomy, while a politicized agency will produce leaders who command little respect within the political system and are thus unable (and, perhaps, unwilling) to lobby either for more autonomy or greater resources for their agencies [Carpenter, 2001]. This creates a “policy trap,” [Starr, 2013] where a socially suboptimal policy is sustained by the constituencies (or lack of constituencies) it itself created. Another self-reinforcing element of the low autonomy/low resources policy trap is that the strength of criminals in the political process is not only a cause of the weakness of police institutions but a product of it. When the police can arrest criminals, they are less able to contest elections successfully. Moreover, to the extent that the police can make lawbreaking an unattractive option, politicians and politically ambitious elites are less likely to engage in it. Conversely, if the police do not enforce/prosecute connected criminals, becoming a connected criminal becomes correspondingly more attractive.

The end-goal for the politician is a police force that imposes costs on the political opponents of the major political decision-maker and avoids imposing costs on their supporters or potential supporters. This bias works in favor of both individual elite members, but also members of larger social groups that are known to support a politician. This book will show that Indian politicians use the police to favor their supporters and to punish opponents or those from social groups thought to oppose them. By extension, groups that are not supporters of any politician’s coalition or have little political or economic influence, such migrant workers, have an adversarial relationship with the police under all political dispensations.²³

The politician, in this formulation, is self-centered, focused on the interrelated goals of retaining office while maintaining impunity to themselves and their associates, and has no interest giving other people impunity. However, low resources and low autonomy also keep the police from performing any of their assigned tasks satisfactorily, leading to negative outcomes for ordinary citizens. This is most obvious in the case of underresourcing. A politician may limit the funding available to the police to prevent hostile police officers investigating their illegal operations, but that may limit the ability of the police to investigate other crimes. For instance, most rapists are not politically connected, but a poorly resourced and politicized force is less likely to focus on complex and difficult to solve crimes like rape than on other crimes, as these cases tend to demand a disproportionate share of scarce police resources like gas, time, and paper. If police officers resort to extracting these resources from citizens “unofficially,” this will naturally lead her to be less willing to prosecute those criminals whose victims cannot afford to pay her.

The promotion of political allies may also have negative spillover effects. To the extent that promotions and advancement depend on affective preference for the politician, they will tend to ignore other factors such as efficiency and commitment. Even when preference for the politician is uncorrelated with efficiency and commitment, selection on preferences will hurt performance if either trait is scarce.²⁴ Moreover, institutional cohesion can be

²³This type of structural bias is well-known in the literature [Warren et al., 2006, Smith and Alpert, 2007, Antonovics and Knight, 2009].

²⁴Alternatively, a criminal politician might preferentially hire relatively corruptible police officers,

undermined if politically connected officers become more powerful than their theoretical superiors, leading to the emergence of multiple hierarchies of authority.

Variation Among Politicians

Two factors influence the degree to which a politician will wish to constrain the police. The first of these is the degree to which the politician herself and those around her engage in illegal activity and will face financial and political costs from higher levels of law enforcement. A variety of factors shape this level of engagement, including the personal preferences of the politician, their networks and skill set, and the political economy of the areas in which they operate. Most obviously, those who engage in illegal activity themselves have stronger incentives to weaken the police

However, even a politician who does not benefit directly from illegal activity might want to keep the police in check for the sake of criminal allies. When politicians are in a strong electoral position relative to local brokers and politicians, they are less sensitive to seeing them persecuted by an autonomous police force, since losses among brokers and lower ranking politicians are less likely to compromise the hold of the top decision-makers on power. Politicians with stronger electoral positions who are less linked to clientelistic networks are the ones most likely to ignore the interests of their supporters in favor of ordinary voters. While electoral competition is usually linked to higher levels of distribution [Harding and Stasavage, 2014], it is the politicians most insulated from democratic accountability mechanisms who have the strongest incentives to build strong police institutions.

Two patterns discussed in this book support the idea that the autonomy and resources of the Indian police are deliberately weakened by politicians' dependence on the free functioning of the underground economy. Firstly, politicians facing criminal charges are who will ignore their illegal behavior in return for money instead of preferences. However, since a politician cannot easily make himself a monopsonist bribe payer, the promotion of the corrupt may open opportunities to non-political bribe-payers, leading to lower levels of expected punishment and higher levels of crime.

associated with lower levels of police resourcing and lower levels of police autonomy. This can be seen at the district level, where districts that barely elect state legislators facing criminal charges see higher levels of police officers being transferred in and out during the subsequent legislative term, a key measure of institutional autonomy. In terms where criminals barely win election, senior police officers serve shorter terms of office, a reduction of 149 days, or 31% of the average term length. This effect is also apparent in reported crime statistics, which in India are widely thought to be susceptible to underreporting and manipulation. Reported levels of a set of crimes thought to be especially vulnerable to underreporting—rape, kidnapping, and ordinary theft—drop in legislative terms where a criminal politician barely won. A set of crimes where crime “minimization” is more difficult—murder and auto theft—is not affected by the election of criminal politicians.

Secondly, the relative power of clientelistic politics, and the degree to which party leaders are dependent on local leaders and brokers is also associated with the institutional strength of police. State governments elected by close margins are associated with lower levels of police staffing and funding than governments elected by substantial margins. The adoption of institutional reforms increasing the autonomy of the police has also been concentrated in the subset of states with strong two-party systems. The increasing competitiveness of Indian politics over time has therefore been associated with the decline of police autonomy and resources

1.5 Alternative Pathways

Low Autonomy, High Resources

From the perspective of a politician, the “ideal” policy is to keep the police well-resourced but completely under her control. Such a police force could become a patronage for loyalists, provide protection to supporters, and intimidate opponents. As we have seen, there are obstacles to this outcome, notably the fact that in democracies such a policy would generally have to be covert. Dictatorships, have no need to be covert about their

favoritism, and can openly declare political opposition to be illegal. Since the official and real purposes of the police do not conflict, the possibility of subversion is minimized. Thus secure, a dictator can generously fund the police to use against opponents.

However, there are some circumstances under which even a democracy can invest in “law and order” policies that transfer significant levels of resources to the police. These law-and-order movements have three general characteristics. Firstly, they are sectionally concentrated, targeting a specific type of crime or a specific division of the police. Secondly, the group bearing the costs of law enforcement is politically powerless or marginal, even when they are not the only or primary committers of the crimes in question: immigrants, the poor, foreigners, and political opponents of the regime etc. Finally, the regimes carrying out these campaigns are often ideologically aligned with senior figures within the police.

These patterns stem from the tensions between resources and autonomy discussed in the last section. Politicians can allocate resources to specialized units whose explicit mission is to pursue only crimes that politicians and their allies don’t engage in or that are primarily focused on crimes against the state itself. In these units, a police officer doing his job can cause no harm. In the language of Brodeur [1983], such politicians favor “high policing” over “low policing.”

Since politicians seek to gain the maximum in political goodwill from their investments in law enforcement, they seek to target groups with no political power, or who are unpopular with the overwhelming majority of voters. The target group (the group that pays the costs of enforcement), may be foreign and thus unable to vote, or so ideologically extreme that they have very few followers. Alternatively, a politician may target a group that is so firmly a part of her opponent’s political coalition that it they would oppose her whether or not she targeted them. In either case, politicians gain from providing protection without suffering the political costs.

It is possible that police officers might either attempt to use these resources to further their own objectives—perhaps using additional money to raise salaries or reduce working hours rather than arrest political opponents of the ruler. To eliminate this possibility,

politicians are much more likely to grant them resources when the goals of the police and politicians align, i.e. when the police and politicians agree that a specific group or offense needs to be targeted. Since police officers often are recruited from majority ethnic groups and those with conservative political beliefs, this means that conservative governments drawn from majority ethnic groups are more likely to transfer resources to the police.

In the Indian context, the tiny sums allocated to criminal investigation are dwarfed by the resources devoted to the policing of insurgency, terrorism, subversion, and other types of crimes against the state [Ahuja and Kapur, 2023]. A remarkably high proportion of India’s police forces, some 55%, are not the civil police who handle everyday law enforcement but are deployed in paramilitary units focused on fighting insurgents, guarding government facilities, and securing public events. State and central intelligence branches energetically pursue terrorists and insurgents. Similarly, relatively high levels of resources are invested in public order and security activities, the “arrangements” (*bando-bust*) which often crowd out everyday patrolling. As we will see, these types of targeted police expansions are more common among right-wing governments, though the ideology of governments has no effect on the resources allocated to police units pursuing ordinary crime.

The Limits of High Autonomy

There is an obvious objection to the idea that the Indian police can be fixed by money and autonomy. This is that the police, if left to their own devices, would pursue a set of policies that would not reflect the needs or preferences of the population. Autonomous police officers might, for instance, pay themselves generous salaries, or make it difficult for citizens to make complaints against police officers. Even more concerningly, they might have biases that would lead to the targeting of enforcement towards specific ethnic groups. Most seriously of all, police officials who answer to no one might condone corruption or brutality within their own ranks. Many American police departments share this problem to various degrees. Later in the book, we will examine how the policy preferences of senior Indian police officers differ from those of the population as a whole.

Can police forces gain the benefits of high autonomy without becoming unaccountable rogue institutions? Three points are important. The first is that the pathological features of low autonomy stem not from the influence of all politicians, but from a specific type of politician—those who are involved directly or indirectly with the welter of illegal business, clientelism, violence and brokerage that make up day to day politics in many democracies. Democracies with no tradition of clientelism, or strong parties, can allow politicians to play a relatively larger role in politicians in the administration to justice. Even in democracies where brokerage is deeply entrenched, there is variation in the degree to which politicians are enmeshed in legal or semi-legal networks. In India, most successful reform efforts have been initiated by unusually independent Chief Ministers with relatively few debts to the broker class.

Secondly, a lack of accountability to politicians does not necessarily mean a lack of accountability to society as a whole. Police forces can also be accountable to the judiciary, civil society, and other segments of the bureaucracy, as well as to politicians who are not in office or in the cabinet. For instance, police shootings can trigger an automatic judicial inquiry, or an inquiry from an independent board [Katz, 2014]. Police could also be encouraged to collaborate with community organizations, a widely advocated model in the United States [Cordner, 2014, Peyton et al., 2019], though difficult to implement effectively [Blair et al., 2021]. Finally, a centralized and independent investigative body can be an important check on police corruption and brutality. In Chapter Seven we will return to how these various institutional tools might be adopted to the Indian context, but the broader point is that an autonomous bureaucracy is not necessarily an unaccountable one.

Thirdly, police institutions can be designed in such a way that their preferences do not diverge too much from those of voters. One way to achieve this is to make police institutions as demographically representative of the population as possible. The literature on bureaucracy in general [Kingsley, 1944, Meier et al., 1999, Bhavnani and Lee, 2018, 2019] and policing in particular [Ba et al., forthcoming, Theobald and Haider-Markel, 2009, Close and Mason, 2006] have found that descriptive representative bureaucracies

provide more equitable service without noticeable efficiency losses. In addition, police bureaucracies tend to develop strong institutional cultures that determine institutional behavior as much or more than formal rules [Reiner, 2017, Crank, 2014, Bittner, 1970, Wilson, 1989]. Through a judicious shaping of incentives, bureaucracies can be designed so that the losses in responsiveness that result from increasing autonomy are more than compensated by the gains in independence.

1.6 Scope and Methods

This book focuses on a single major institutional problem: The connection between 1) the political power of criminal entrepreneurs, 2) low autonomy and low resources for the police, and 3) high levels of impunity for elites. While many of the problems of the Indian police stem from this nexus, not all do. For instance, policing in India is strongly biased against both female police officers [Ghosh, 2023, Mukherjee, 2020, Khanikar, 2016] and female crime victims [Jassal, 2020, Vik et al., 2020, Amaral et al., 2021, Sukhtankar and Mangla, 2022], but these problems are only indirectly related to the type of politicized impunity discussed here. Similarly, the sometimes distant relationship between senior officers and men in the police are related to issues of class inequality and internal stratification that might well persist in a better funded institution.

This book utilizes a mix of qualitative and quantitative methodologies. The qualitative portion is based on interviews conducted in the Indian state of Bihar in 2017 and 2018, as well as an earlier period of fieldwork in 2010-11. In keeping with the project's focus on the politics of policing, I focused on elites, especially senior politicians (present and former legislators and ministers), police officers (present and former senior police officers) and bureaucrats (present and former officers of the Indian Administrative service) using a snowball sampling procedure. In general, police officers were more willing to talk than politicians, retired officers more than serving officers and officers who identified as "clean" more than those who made no such claims. There was a degree of official suspicion of foreigners enquiring about politics, and I have reason to believe that my phone was

monitored for a least some of my time in Bihar. To ensure honesty, I promised my sources anonymity, and that has been retained here.

Qualitative sources are limited by their own personal positionally. I have attempted to be aware of the biases of those who spoke to me, and to check them against other primary and secondary sources. I think it will become clear to readers that both my argument, my descriptive account of the police, and the policy recommendations I make are very different from the opinions of senior police officers.

Quantitative data is essential to make broader claims but is highly imperfect. In particular, the widely used crime statistics collected by the National Crime Records Bureau are so subject to manipulation as to be virtually worthless for their intended purpose. For everyday experiences of crime, I have relied on a variety of surveys, especially the Access to Justice to Survey, the Status of Policing Survey, and the Indian Human Development Survey. For data on police resources, I have relied on data in the annual publications of the Bureau of Police Research, which were laboriously entered into a machine-readable format by a series of long-suffering research assistants. I also created a unique dataset of the careers of senior police officers, enabling us to trace their time in job. Finally, to track the criminalization of politics and electoral patterns I used data collected by the Association for Democratic Reforms and the Trivedi Centre, respectively.

Most of the quantitative data presented here is either correlational or descriptive in nature. The central independent variables in this book, political competition on criminality, are not assigned exogenously, let alone randomly. Chapter Five contains one exception, using a quasi-experimental research design that focuses on comparing constituencies barely won by criminals to constituencies where criminals barely lost. Even in these similar constituencies, criminal politicians have a perceptible influence on police tenures, a result that is consistent with the qualitative and correlational evidence.

1.7 A Roadmap

This book will explain why, both in India and elsewhere in the world, police institutions are less effective than other types of public services. Chapter Two will describe the institutional context and history of the Indian case for non-specialists. Specialists and those familiar with South Asian and its institutions may wish to skip directly to Chapter Three.

Chapter Three will explain the environment in which the police operate and provides descriptive evidence of the low levels of resources and autonomy possessed by the police. It will show that state-level variation in autonomy and resources cannot be explained by levels of economic development, or by the regional divisions that often explain political and economic outcomes in India.

Chapter Four focuses on the consequences of these choices, the creation of a society where many possess impunity for their crimes. It makes use of several little-used quantitative datasets of citizens' experiences with the police to show how police officers manage low autonomy and low resources and how these choices lead to high levels of impunity. It also briefly alludes to the other major feature of India's flawed justice system, the courts, and argues that their problems have made policing the major focus for decisions about crime and punishment.

Chapter Five will explain why politicians overmanage and under-resource police institutions. It builds on a set of elite interviews conducted with senior police officers, which reveal some of the details of why and how policy choices about policing are made. Using two new quantitative datasets of police resources and career paths, it compares policing resource levels in different states, relating that variation to the changing power of local elites over party leaders. It will also discuss a quantitative analysis of the effect of the election of criminal politicians on the tenure of police officers within their constituencies and levels of reported crime. Finally, it discusses the politics of law and order in one state, Bihar, where levels of police autonomy and capacity are thought to have increased during the past three decades.

Chapter Six will discuss the politics of “law and order” and how they have skewed the resource allocation of the Indian police towards the policing of crimes against the state and the policing of religious minorities. It will show that central government policies targeted towards securing borders and reducing insurgency have led to higher levels of policing in certain states, while conservative governments and caretaker unelected governments are associated with higher levels of growth of the armed police, but not the civil police. The experience of Uttar Pradesh under Chief Minister Yogi Adityanath shows what such a campaign looks like, and what future police “reform” in India may look like.

Chapter Seven concludes with a discussion of the possibilities for reform in the Indian case. While alluding to specific technical reforms, notably the creation of units focused on police corruption and a truly autonomous investigative police force, it also describes how a political consensus for reform can be achieved. It cautions against specific types of proposed reforms, specifically those that aim to centralize power in the IPS bureaucracy. It argues that, while the police are one of the features of their democracy that Indians can be least proud of, reform is not just necessary, but possible.