

REDUCING CUSTODIAL DEATHS

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On October 13, 2019, Pradeep Tomar, a security guard, rushed with his 10-year-old son to Pilkhua police station in Hapur district in Uttar Pradesh. He had been summoned for interrogation in connection with a murder case. The son later said that his father was brutally tortured by the policemen in front of him for hours. When Tomar's condition deteriorated he was rushed to hospital, where he died. An FIR was registered against four policemen after the National Human Rights Commission took note of the case.

Earlier last year, a Delhi court sentenced five U.P. policemen to 10 years of rigorous imprisonment for torturing a man to death in custody in 2006. The five policeman had abducted the victim on suspicion of his involvement in a car robbery and tortured him in custody. Later, after he died, they manipulated records to obliterate all evidence of custodial death and closed it as a case of suicide. The case was transferred from a court in Gautam Buddha Nagar to Delhi by the Supreme Court on the grounds that a fair trial would not be possible within the State.

Pronouncing the verdict, the additional sessions judge Sanjeev Kumar Malhotra said, "The police play a major role in the administration of criminal justice. One of the reasons for custodial death is that the police feel that they have a power to manipulate evidence as the investigation is their prerogative and with such manipulated evidence, they can bury the truth." He added, "They are confident that they will not be held accountable even if the victim dies in custody and even if the truth is revealed."

These incidents have brought into sharp focus the way Indian policemen torture and interrogate suspects in their custody leading to death in several cases. As a result, policemen all over the country have been severely criticised and condemned. Strictures passed against policemen from time to time by learned judges of various courts notwithstanding, the police continue to brazenly torture suspects in their custody.

The Central Bureau of Investigation too uses torture as a method of investigation. In September 2016, B.K. Bansal, Director General of Corporate Affairs, and his son Yogesh committed suicide. In their suicide note, the two men listed the names of officers who had tortured their family in connection with a case of disproportionate assets. Bansal's wife and daughter too had committed suicide two months earlier. On the directions of the National Human Rights Commission, an inquiry was held by the CBI. Expectedly, the agency exonerated all the accused. Taking cognisance of the matter, the Central Vigilance Commission published a standard operating procedure laying down guidelines for interrogation of accused officials.

Custodial deaths have been on the increase in recent years. They increased by 9% from 92 in 2016 to 100 in 2017, according to the National Crime Records Bureau. Since policemen responsible for custodial deaths rarely get punished, they feel emboldened to continue using torture as the tool to get to the truth. In 2015, for instance, the police registered cases against fellow police officers in only 33 of the 97 custodial deaths.

The Supreme Court delivered a historic order in 2006 on police reforms. It stated, among other things, that every State should have a Police Complaints Authority where any citizen can lodge a complaint against policemen for any act of misdemeanour. However, only a few States such as Kerala, Jharkhand, Haryana, Punjab and Maharashtra have implemented the order. Others have not taken the matter seriously.

Until exemplary punishment is meted out to policemen who are responsible for custodial deaths after proper judicial inquiry, not much can be expected to ameliorate the situation. Proper interrogation techniques coupled with use of scientific methods to extract the truth from suspects can go a long way in reducing custodial deaths.

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