



Towards a more humane police force

 sanskritias.com/current-affairs/towards-a-more-humane-police-force



(Mains GS 2 : Role of civil services in a democracy.)

Context:

- Earlier this month, Chief Justice of India N.V. Ramana expressed concern at the degree of human rights violations in police stations in the country.
- He said that “the threat to human rights and bodily integrity is the highest in police stations”.
- He also said that “in spite of constitutional declarations and guarantees, lack of effective legal representation at the police stations is a huge detriment to detained persons”.

Deaths in police custody:

- Deaths in police custody are indeed a matter of grave concern and each such death must be seriously inquired into, to unravel the truth.
- National Crime Records Bureau (NCRB) data reveal that though the number of custodial deaths varies year to year, on average about 100 custodial deaths have taken place every year between 2010 and 2019.
- Of them, about 3.5 persons allegedly died due to injuries caused by policemen, 8.6 while escaping from custody, 28.1 due to suicide, and the rest due to various reasons like illness and injuries caused in road accidents.
- A judicial inquiry, which is mandatory for every suspicious custodial death, was conducted in 26.4 cases.
- Though every death in custody needs to be prevented, suspicious deaths which bring disrepute to the police system must be rooted out completely.

Reduce the number of arrests:

- The foremost measure to reduce instances of custodial violence is to reduce the number of arrests.
- The law on arrest says that arrest for offences punishable up to seven years of imprisonment should be made only when the police officer is satisfied that such arrest is necessary to prevent the person from tampering with evidence, to prevent the person from committing any further offence, etc.
- The Supreme Court held that each arrest must be necessary and justified; having the authority to arrest is alone not sufficient.
- In *Arnesh Kumar v. State of Bihar* (2014), it was held that despite the offence being non-bailable under Section 498A of the Indian Penal Code (IPC), which relates to torture for dowry, arrest is not mandatory as per Section 41 of the Code of Criminal Procedure (CrPC).
- In *Special Action Forum v. Union of India* (2018), the Court further held that the police officer shall furnish to the magistrate the reasons and materials which necessitated the arrest for further detention of the accused.
- The purpose of these checks is to ensure that the police does not abuse the power of arrest.

Violence in custody:

- NCRB data show that the ratio of the number of arrests to the number of IPC offences has decreased from 1.33 in 2010 to 0.96 in 2019 and despite an increase in total IPC offences, the actual number of arrests has reduced by more than five lakh in the last five years.
- Though the arrests in the previous years' cases may increase to some extent, it is hoped that violence in custody will be checked if the amended law is implemented in letter and spirit.

Expertise in investigation:

- The National Police Commission (1977-81), the Law Commission in its 154th report (1996) and the Malimath Committee Report (2003), among others, and the Supreme Court in *Prakash Singh v. Union of India* (2006), have recommended that the investigating police should be separated from the law-and-order police to ensure better expertise in investigation.
- It was suggested that the separation start in towns which have more than 10 lakh population.
- It is believed that a separate wing will do more professional investigation and will not use unwarranted methods to extract confession from the accused.
- The Central Bureau of Investigation and the National Investigation Agency have already earned the reputation of the country's premier investigation agencies.

- Though efforts have been made by some States in this direction, more resources are required in policing to implement the Court's directions.

Increase investigating officers:

- One of the alleged reasons for using extreme methods is to extract a quick confession from the suspect.
- Though the total police force has increased in the last five years, the civil police mostly remains over-stretched.
- Therefore, unless investigating officers are increased in proportion to the number of serious offences, the quality of investigation may suffer, and the Malimath Committee's recommendation that an investigating officer should preferably investigate no more than 10 cases every year will continue to remain a dream.
- Similarly, with the increase of newer types of crime like white collar crime and cybercrime, subject experts are needed to assist the police in the investigation.

Increase transparency and responsibility:

- It cannot be denied that much has changed in the police consequent to the judgment in *D.K. Basu v. State of West Bengal* (1996).
- In that case, the Supreme Court laid down guidelines to check custodial torture and increase transparency and responsibility of the police officer effecting arrest.
- Most of these guidelines such as providing information to a friend or relative about the arrest, medical examination, and permission to meet a lawyer have now been incorporated in the CrPC and investigating officers mostly comply with them.

Violation of human rights:

- Further, in order to check the violation of human rights, CCTV cameras have been installed in police stations.
- In *Paramvir Singh v. Baljit Singh* (2020), the Supreme Court has directed States to cover more area of each police station under CCTV cameras and have storage facility of audio-video recording for 18 months.
- An independent committee shall study the footage and periodically publish reports of its observations.
- Thus, sufficient steps are being taken to ensure that the abuse of human rights is minimised.

Guilty should be punished:

- Custodial death is perhaps one of the worst crimes in a civilised society governed by the rule of law.
- The guilty, therefore, must be punished severely for his misconduct and criminal act.
- NCRB data show that on average about 47.2 criminal cases were registered annually against policemen in last 10 years.

- Departmental action against errant officers is a rule in the police force, rather than an exception.
- The National Human Rights Commission also oversees deaths in custody due to human rights violations and recommends compensation in appropriate cases.

Protecting human rights:

- The police officers must know that their mandate is to protect human rights and not violate them.
- They need to be sensitised regularly and encouraged to employ scientific tools of interrogation and investigation like the lie detection test, narco test and brain fingerprinting test.
- The Home Ministry has recently linked the 'police modernisation scheme' with police reforms.
- Unless sufficient action is taken by the State governments and the police authorities, incentives in the form of additional funds will not be released.

Conclusion:

- The CJI's suggestion to install display boards on human rights to disseminate information about the constitutional right to legal aid and availability of free legal aid services may deter police excesses.
- Many steps have been taken so far to check custodial violence and no stone shall be left unturned to eliminate such violence in toto.