



OP SINGH, UTTAR PRADESH DGP

# 'Level-playing field has been created (for LS polls)'

UP top cop says he has told his officers to never transgress the law, but they should not cower down before any criminal

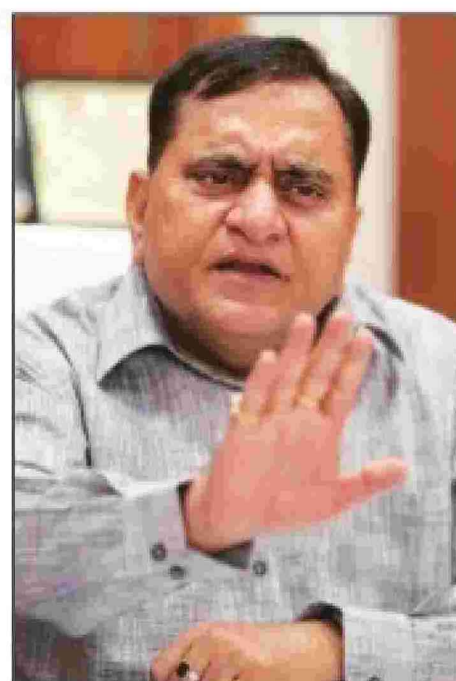
**BHUPENDRA PANDEY** and **MANISH SAHU** speak to Uttar Pradesh Director General of Police **OP SINGH** about combating crime, reinvigorating the police force, harnessing technology to make the force more accountable and transparent, and the force's preparations for the Lok Sabha polls.

**You have been at the helm of the Uttar Pradesh Police for more than a year now. What do you think have been the major achievements since you assumed charge?**

Some of the major achievements of the UP Police have been to establish rule of law, a sense of safety and security for our citizens and unprecedented legal action against criminals. Reinvigorating the police force by leading from the front, direct dialogue with our men, focusing on their welfare and a generous policy of rewards have been

other fields of achievements. Another important milestone has been to harness the power of technology in improving our delivery services and in making the force more accountable & transparent. We entered into knowledge partnership with IIT Kanpur, BITS Pilani, BPR&D, ADRIN (ISRO) for data analytics and predictive policing. Institutionalisation of social media cells and creating an army of nearly five lakh digital volunteers have been another significant achievement. And, on top of it, the success of Kumbh Mela 2019 will be counted as one of the biggest achievements of any police force in the world and UP Police is immensely proud for flawlessly executing it.

**Over 3,500 police encounters have taken place in the past two years, more than 70 people were killed. What has the UP Police achieved?**



Vishal Srivastava

The strategy of the UP Police to combat crime has been decisively imparted a preventive focus. Beat-in-focus policing, identification of active criminals and effective surveillance on them, police engagements with such criminals, high visibility of police in localities, intensive checking with an element of surprise

and concerted drive against illegal weapons have been consistently emphasised upon. In all our engagements against criminals, 423 policemen have been injured and five lost their lives. We arrested more than three lakh criminals while nearly one lakh have surrendered. 73 hardened criminals have also been killed because they opened fire on police teams...

**Questions have been raised on the pattern and nature of encounters. Especially on similarities in the encounter FIRs filed. How do you respond to that?**

All encounters are scrutinised at multiple levels, district level investigation, magisterial enquiry, NHRC, media etc.

As far as the allegation in similarity of FIRs is concerned, it is baseless as one can find such similarities in FIRs of cyber crimes. Does anyone say that all

cyber crimes are fake?

If criminals engage with us in a pattern, we too have our drills of responding which differs from case to case....

**Have you sought a report on these encounters?**

As I told you, we mandatorily send a report to NHRC in every case and get it inquired by a magistrate. My directions to the district chiefs are unequivocal that they must never transgress the law and uphold human rights in the highest esteem at the same time they should not cower down before any criminal who dares to attack the police.

**How is UP Police preparing for the Lok Sabha polls?**

Election Commission guidelines for conduct of elections have been followed in letter and spirit. Meticulous planning and detailed implementation has been emphasised upon.

A level-playing field has been created for all by ensuring sufficient legal and preventive action against probable troublemakers. This time qualitative preventive actions have been taken, such as all convicted criminals on bail and undertrials on bail have been asked to furnish security bond.

UP shares its boundary with 41 districts of nine states and Nepal. 411 inter-state barriers and 90 international barriers have been set up to prevent movement of criminal elements, illegal arms and black money.... Dedicated social media complaint cell headed by SP rank officer in ATS has been created to monitor objectionable content and activity on social media.... Any civilian can flag objectionable material, such as text messages, screenshots, multimedia files related to election violation. Suitable legal action will be taken...

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# Caught off guard

Accountability is needed for both past and present regimes



MANOJ JOSHI

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A LATIN phrase comes to mind, given the sudden mushrooming of chowkidars across the land: 'Quis custodiet ipsos custodes?' Its closest English translation is, 'Who will guard the guards?' To put it in our context: Who will keep watch on our self-declared political chowkidars?

The phrase, attributed to Roman poet Juvenal, has come to be used in the context of policing a tyrannical government or demanding accountability of those in power.

PM Modi, who is very good in capturing narratives, has given his chowkidari a neat twist: Instead of accountability for the acts and omissions of his own government, he says his chowkidari is directed at the malfeasance of governments past.

Accounting for the performance of the old watchmen is important, but surely, it is more important to know how the current lot is performing. There are charges that they allowed high-profile corporate crooks like Vijay Mallya, Nirav Modi and Mehul Choksi to escape. Indeed, our political chowkidars pushed out the real ones, RBI Governors Raghuram Rajan and Urjit Patel, who had presented a list of high-profile fraud cases and non-performing assets to the supreme chowkidar, Narendra Modi's office.

Then, there is the Rafale deal. Even now it is not clear as to the circumstances in which the old deal for 126 aircraft was scrapped and one for the off-the-shelf purchase of 36 came about. Junior chowkidars like the CAG have not covered themselves with glory by accepting the dubious accounting through which the deal is being made to look cheaper.



UNDER WATCH: Who will keep an eye on our self-declared political chowkidars?

Thievery is not just about money and valuables, it is also about depriving the people of good governance, justice and national security.

All democratic polities have watchmen—the police, Parliament, civil society groups, RBI, CAG, Central Information Commission (CIC), National Women's Commission (NWC), National Human Rights Commission (NHRC), the media, and so on.

In the watch of our self-appointed political chowkidars, police malfeasance has reached new heights. The CBI Director and Special Director slugged it out for months before the chowkidars woke up. The charges that have been flung against the top-most officers of the CBI and the CVC will put ordinary criminals to shame.

We have seen how the RBI has been undermined, the CIC, too, has been rendered toothless; CAG has bent with the wind; and the National Statistical Commission (NSC) defenestrated. Key appointments have not been made to the NWC and NHRC.

But thievery is not just about money and valuables, it is also about depriving the people of good governance, justice and national security. Here, our self-declared political chowkidars have been found wanting. Their wanton decision to demonetise the cur-

rency brought untold hardship to the entire nation, especially the poor.

Political chowkidars have always been quick to claim credit and wrap the tricolour around themselves on national security matters. But a closer accounting shows their conduct has been less than satisfactory. On their watch, J&K has seen a sharp rise in violence leading to an increase in the deaths of security personnel. Worse, indiscriminate and disproportionate violence has led to the rise of local recruitment. Alarming, the Pulwama bomber was a local.

Pakistani raids across the border in J&K and Punjab continued unabated despite the so-called surgical strikes of 2016. But we cannot forget the grossly incompetent handling of the Pathankot attack earlier. Despite prior information, the response was so messed up because the chowkidars in New Delhi insisted on handling them by remote control. It took four days to put down the attack by some four attackers with the loss of seven security personnel. And despite the strikes,

attacks from across the border continued—Nagrota 2016, Pulwama 2017, Sunjuwan 2018, and then earlier this year again in Pulwama.

The recent events relating to Balakot and the aerial clash, too, does not quite jell with the excessive self-praise that the chowkidars have heaped on themselves. While the Air Force strike was well conceived and executed, the aerial encounter was hardly an Indian victory as is being made out. We lost one MiG-21 and an officer prisoner to the Pakistanis, and another Mi-17 helicopter and six personnel aboard to what was probably friendly fire.

Now in the fog of war this happens, but not the fact that the Indian fighters lacked the equipment or weapons to deal effectively with the Pakistani challenge. Who can we blame for this, if not the chowkidars who said they would be guarding the national turf better than the team before them?

Perhaps the most pernicious action of these watchmen has been the manner in which they have systematically undermined the status of the real chowkidars—Parliament, police, civil society, autonomous institutions like CAG, NHRC and CIC.

Civil society groups have been systematically targeted and neutered because of their critique of government policies in the name of curbing foreign funding influencing policy, yet the chowkidars had no hesitation in allowing anonymous foreign funding for political parties to come in.

The respected chairman of the Parliament's Standing Committee on Defence, Maj Gen BC Khanduri (retd) was replaced in 2018 because of the devastating report on the sorry state of our defence system. Murli Manohar Joshi has been denied a ticket for the Lok Sabha elections because the Estimates Committee chaired by him had questioned the government's performance on job creation.

So, what have political chowkidars achieved in the past five years? Seeking accountability from the earlier chowkidars is needed, but it is not as important as getting an accounting of the performance of our current ones.





# Deaths of Taslim and Gufran

Had professionalism, cameras, inspections, access to lawyer and family been embedded in our custodial practices, the two men might have been alive to appear before the court and face trial as per due process



SANA DAS

TWO YOUNG MEN, Taslim Ansari, 32, and Gufran Alam, 30, died in police custody in Dumra, Sitamarhi district of Bihar on March 7. Nails were allegedly hammered into their thighs, soles and wrists and their legs were broken. Picked up in healthy state on March 6 for investigation in a theft and murder case, both died within less than an hour of reaching the hospital.

Giving the macabre event a farcical twist, the suspended police officials “escaped” from custody, and till date are evading arrest. Their disappearance also implies the possible disappearance of diary entries, warrants, memos, list of pre-existing injuries, interrogation records, recoveries and CCTV footage, if any.

The government of Bihar is in denial that the police are dragging their feet in the matter. However, neither have arrest warrants been issued nor the errant officers dismissed. The FIR does not mention their names, nor the IPC section for murder. No inquest by a judicial magistrate has been initiated. An inquiry delegated to a Range DIG has no deadline. The autopsy report is yet to be handed over to the National Human Rights Commission (NHRC). These are all factors conducive for the fudge and smudge of proof and public memory, as is common in states without policies for such eventualities.

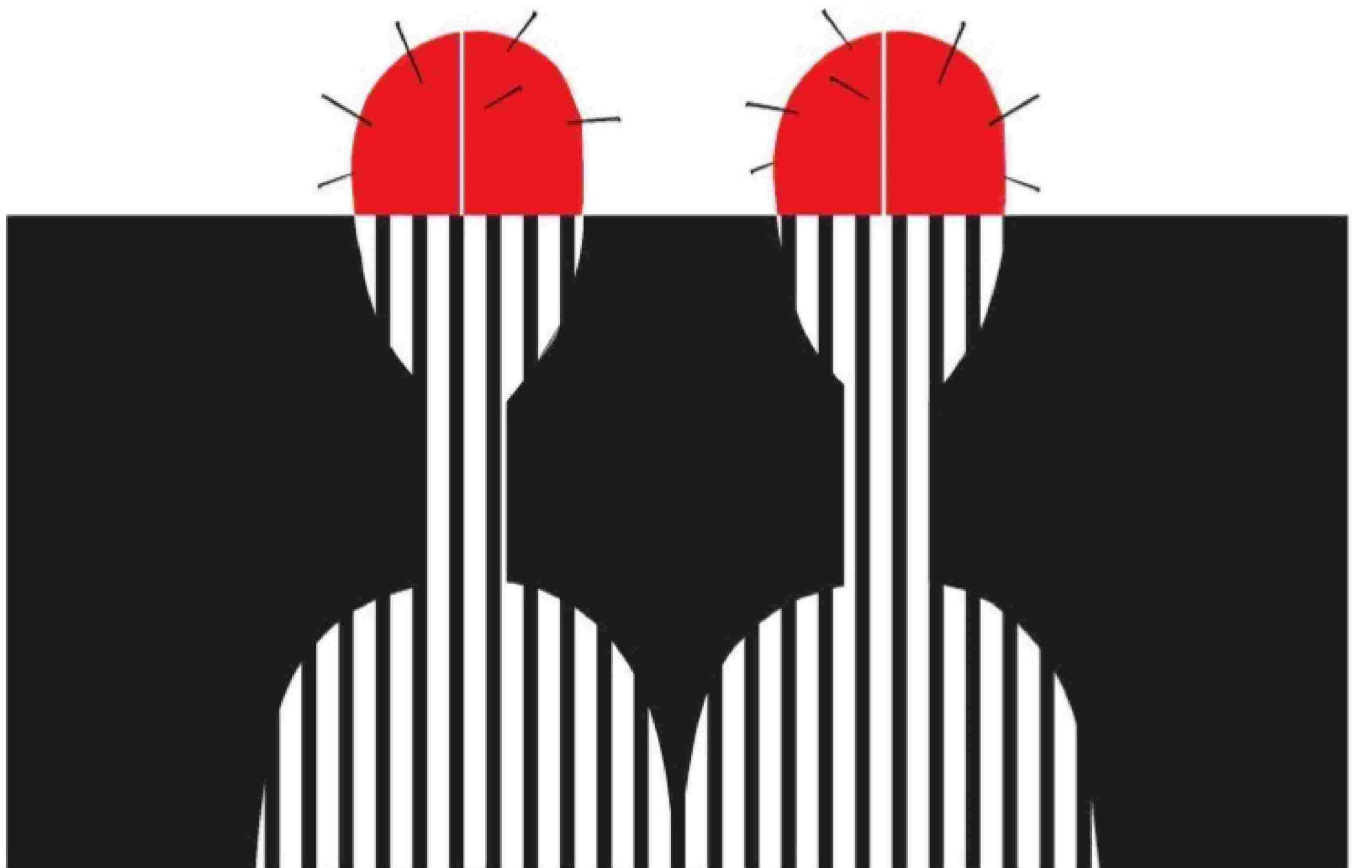
While we await the nabbing of the police by the police, and the strictest action against perpetrator officials, we cannot overlook that the two young men who died in custody were Muslim men. The torture inflicted on their bodies is symbolic of the fissured times we live in. The monstrous act of nails beaten into bodies speaks of a horrifying hatred and not the power of the thana alone or the lust for evidence. It cannot be remotely confused with impartial agencies of the law and dutiful men at work against crime. So, while condemning the act of third-degree custodial torture, let us condemn this too: The torture on particular bodies made easy, excesses made acceptable as “necessary” acts on bodies that are always guilty and lives that matter less anyway.

At least 90 people die in police custody, annually, the largest number of them being people arrested and yet to be produced before a magistrate. In 2016, government data recorded 92 deaths in police custody, of which 60 occurred before reaching the court. This makes a travesty of sections 55A and 57 of the Criminal Procedure Code (CrPC) which place the duties of care of the accused, and production before a magistrate within 24 hours, on the person having custody.

Even as Taslim and Gufran join the statistical enumeration of persons who did not survive police contact to appear in court, their deaths remain specific. They signify a much larger problem than the already overwhelming abuse of both power and duty that should make this a matter of suo motu inquiry by the various rights commissions.

Alongside rising statistics, laments, condemnations, some compelling issues too must be addressed in the public interest, if not the interest of those who are no longer alive to benefit.

We do not have an anti-torture legislation and are yet to criminalise custodial violence,



CR Sasikumar

while action against culpable officials remains illusory. What graspable safeguards and deterrence, then, can make the “24 hours” less lethal than what they proved for Taslim and Gufran?

In its landmark judgment in the DK Basu case, the Supreme Court, in 2015, asked for closed-circuit television (CCTV) cameras to be installed in police stations including interrogation rooms, and surprise inspections by Non-Official Visitors (NOVs), as preventive measures against custodial torture. Of course, no state has appointed the NOVs yet, while the camera installation and tracking have largely been a trajectory of reluctance, tamper and delay. The main barrier has been the mindset that cameras pose an interference in investigation. The high courts, Women’s Commission and other authorities continue to persist in ensuring adequate and functional cameras in each police station in Delhi, in Maharashtra (having the highest number of custodial deaths), Gujarat (having the highest number of custodial deaths closed as “suicides”), and elsewhere. In Bihar, the government approved a Rs 282-crore plan in 2016 to install CCTV cameras in all 1,056 police stations, including lock-ups and office rooms. But the actual status needs to be made public.

Of course, CCTVs alone are not enough deterrence. We need more than cameras. We need the systematic and continuous presence of external agencies who have a mandate to be present with the suspect when they are in police custody. The case of Taslim and Gufran is not only a case of errant and fugitive policemen, but of missing lawyers who never took the stage.

The right to a lawyer in custody, so crucial for life and liberty to be enshrined as a fundamental right, is one of the weakest links in the chain of criminal justice. Section 41 CrPC was amended in 2009 to include safeguards under 41A, 41B, 41C and 41D, so that arrests and detentions for interrogation have reasonable grounds and documented procedures, arrests are made transparent to family, friends and public, and there is protection through legal representation. Specifically, section 41D CrPC provides, “When any person is arrested and interrogated by the po-

lice, he shall be entitled to meet an advocate of his choice during interrogation, though not throughout interrogation.”

This right to “meet” an advocate during interrogation ensures that the arrested person is not overpowered by the law, nor isolated in those critical hours before seeing a magistrate, or when in remand. This provision simultaneously takes care of the distinct responsibilities that the police have to obtain evidence, and the advocate in giving their counsel, but is just lying by the wayside. No police department in the country appears to have evolved the standard operating procedures to implement this safeguard with integrity. This means ensuring prerequisites, verifiability by relevant external agencies and consequences for violators of the law.

How can a lawyer or family member appear if the place of detention is kept undisclosed — a blatant violation of section 50A of the CrPC? What would be left to do if the information is not timely? Gufran was allowed his one phone call home only after his legs had already been broken. His family kept looking for him in the wrong police stations and discovered him dead in the hospital.

Had professionalism, cameras, inspections, access to lawyer and family been embedded in our custodial practices, Taslim and Gufran might have been alive to appear before the court and face trial against the charges they faced as per due process. Instead, news of another custodial death rolls in, this time of 29-year-old Rizwan in Awantipora police station of J&K: death caused by multiple injuries, ruptured veins and arteries, indicating the use of a ‘roller’ on the legs.

Undeniably, the first onus is on the police to fix the “man-holes” in their quarters. Cameras and lawyers in custodial places are statutory and enforceable rights. But torture cannot be effectively prevented till the senior police wisely anticipate, as some indeed do, the changes that would most definitely come, and proactively lead in filling these gaps as a call of professional integrity and regain public trust in law enforcement.

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