

In India, five people die in police custody every day. How does the law deal with these deaths?

<https://scroll.in/article/1010500/in-india-five-people-die-in-police-custody-every-day-how-does-the-law-deal-with-these-deaths>

The death of Altaf in a police station in Kasganj in Uttar Pradesh has created a storm. While the police claim that the 22-year-old Muslim man hanged himself from a tap in the washroom just two feet above the ground using the drawstring of jacket hood, his family and supporters noted that the police version of events is hard to believe.

The opposition Samajwadi Party described the death as more evidence of rights violations by Uttar Pradesh's "thoko [trigger-happy] police".

The Supreme Court has described custodial deaths as "one of the worst crimes in a civilised society governed by rule of law". Despite this, India sees a high number of custodial deaths. In 2019, approximately five people died in custody every day, according to a report by the National Campaign Against Torture.

As per a 2020 report by the same organisation, Uttar Pradesh recorded the highest number of deaths in police custody of all states.

What has happened?

Renewed attention has been focused on the phenomenon after Altaf died in police custody on Tuesday. The police had taken him in to be questioned in relation to the abduction of a minor Hindu girl. The police claim that during questioning, Altaf went to the washroom and hanged himself.

Initially, his family had alleged that he had been killed and demanded an inquiry by the Central Bureau of Investigation. But subsequently, Chand Miyan, Altaf's father, allegedly wrote a letter absolving the Uttar Pradesh Police of any blame for his son's death.

On Thursday, however, he claimed that the police had made him sign a letter without showing him the contents. He also claimed that he was illiterate and did not know what he was signing.

"I put my thumbprint on it at the insistence of the CO [circle officer]," he said. "I want justice."

He also claimed that the police asked him not to visit the station again.

As per the police, the post mortem report cited asphyxiation as the cause of death.

Five police officers have been suspended till now. The district administration has ordered a magisterial inquiry into the death and has also written to the state government recommending financial relief to be given to Altaf's relatives and a job for Altaf's father.

On Friday, the National Commission for Minorities also sought a report on Altaf's death from Uttar Pradesh's director general of police and chief secretary within 15 days.

What is the law around custodial deaths?

Given the large number of custodial deaths in India, both the legislature and the judiciary have repeatedly framed mechanisms to deal with this.

The law mandates that a First Information Report be registered in case of someone dies in police custody.

In 2005, the Code of Criminal Procedure 1971 – a set of rules that govern how criminal trials should be conducted – was amended to introduce an inquiry by judicial magistrates in cases of custodial deaths. As per Section 176 of the Code, in addition to the police conducting an inquiry for a custodial death, the judicial magistrate or the metropolitan magistrate in the jurisdiction of the police station, has to mandatorily conduct an inquiry.

Within 24 hours of the death, the magistrate conducting the investigation has to send the body to the nearest civil surgeon to be examined. If they cannot do it, they have to record their reasons for this in writing.

The magistrate shall, if practical, inform the deceased's family members about the inquiry and allow them to be present when it is being conducted.

National Human Rights Commission Guidelines

In addition, the National Human Rights Commission has framed guidelines on the process to be followed in case of custodial deaths. All such deaths have to be reported to the National Human Rights Commission within 24 hours. The guidelines also mandate that the post mortem must be video recorded where there is suspected foul play, since, in case of custodial deaths, the post-mortem report becomes a valuable record.

The Commission has also mandated that "all reports including post-mortem, videograph and magisterial inquiry report must be sent within two months of the incident".

Compensation to the family of the victim

Courts, in certain instances, have also granted compensation to the next of kin of the deceased. This is based on the fact that the right to life of the deceased has also been violated by unnatural death in custody. Various state governments have framed their own compensation schemes.

In 2017, the Supreme Court directed all High Courts to identify and compensate all prisoners who have died unnatural deaths as per National Crime Records Bureau data from 2012-'15 and onwards.

Law not being followed

While the law exists on paper, it is often not followed.

In 2017, the Supreme Court observed that the role of the National Human Rights Commission becomes important in custodial deaths. However, the instructions sent by the Commission from time to time “are not being taken seriously but are being followed more in the breach”.

In 2020, a Public Interest Litigation was filed asking for judicial inquiries into custodial deaths to be done mandatorily. It pointed to a report by the National Crime Record Bureau, which stated that between 2005-2017, out of 827 cases of death or disappearance from police custody, judicial inquiries were ordered only in 20% of the cases.

The Supreme Court has also mandated that all police stations and investigation agencies must have CCTV cameras installed. This was done to reduce custodial torture. However, petitions under the Right to Information Act 2005 and observations by the Supreme Court reveal that this is not being followed.

Kasganj custodial death: Bhim Army chief meets kin; demands govt job & compensation

<https://www.republicworld.com/india-news/politics/kasganj-custodial-death-bhim-army-chief-meets-kin-demands-govt-job-and-compensation.html>

Seeking justice for 22-year-old Altaf who died in police custody, Bhim Army chief Chandra Shekhar Azad, on Sunday, met his family in Kasganj and condoled them. Later, he also met SSP Kasganj and filed a case against the accused. Taking to Twitter, he claimed that the local administration has assured security, a government job and fair compensation to the family. Altaf who was called for questioning at Kasganj police station in a kidnapping case died in custody on Tuesday.

Bhim Army chief meets Kasganj victim's family

Kasganj custodial death

On Saturday, the National Human Rights Commission took cognizance of the custodial death case. The commission itself will investigate the matter before summoning the answers from the concerned officers. The police claimed that Altaf, 22, had strangled himself using a string from his jacket hood in the washroom of the police lock-up and said five policemen have been suspended for negligence in the wake of the incident on Tuesday.

Narrating the sequence of events, Superintendent of Police, Kasganj, Rohan Pramod Botre said on Wednesday, "One Altaf (of Nagla Syed locality) was called for questioning in Kasganj police station in a case related to IPC section 363 (kidnapping) and 366 (kidnapping, abducting or inducing a woman to compel her marriage) on Tuesday morning. During interrogation, he requested the policemen to go to the washroom and was allowed to use the washroom inside the lockup where he killed himself". The victim's kin, however, alleged that he was killed by the policemen.

"He was wearing a black colour jacket. He tried to strangle himself with a string on the (jacket) hood that he tied to the tap of the toilet. When he did not return for some time, the policemen went inside and found him unconscious. He was rushed to the community health centre, Ashok Nagar in Kasganj, where he died," added the police. The opposition Samajwadi Party attacked the Yogi Adityanath government for "yet another custodial death", saying that criminals and police are committing an "encounter" of law and order in the state under the BJP rule.

The family has said police are showing a letter purportedly signed by the victim's father, which gives a clean chit to the men in khaki, and alleged that it was obtained under pressure. Abrar Ahmad, the paternal uncle of Altaf told reporters here that the letter that carries Altaf's father's thumb impression "has been managed through police pressure". Abrar said the Kasganj police has given a sum of Rs 5 lakh to one of the family members but he is not aware as to whom the money was handed over as his brother is in no condition to speak. Students of the Aligarh Muslim University (AMU) took out a protest march on the campus on Thursday and demanded a judicial probe by a sitting judge of the Allahabad High Court.

Political Line | How much party discipline is too much?

<https://www.thehindu.com/news/national/how-much-party-discipline-is-too-much/article37485103.ece>

How much discipline does a political party need? How much is too much? Roughly the same people that accuse the BJP of being authoritarian also lament the chaotic indiscipline in the Congress. The CPI (M), which is in power only in Kerala, has established such discipline in the party under CM Pinarayi Vijayan that critics call him 'Modi in mundu' — similar to Modi in style of operation, just dressed differently, in the State's traditional attire.

The BJP is so disciplined these days that there are no noises from within the party. Not that there is no factionalism there, as we explained in last week's edition of this newsletter; but no leader in the party can apparently whisper a word against the wishes of Prime Minister Narendra Modi. The BJP national executive meeting recently was yet another occasion for the party and its leaders to shower praises on Mr. Modi. There was little self-reflection or analysis of the challenges before the country or the functioning of the party. The PM asked the party to be the bridge between the government and the people, but then he embodies the party, government, and much more.

Prime Minister Narendra Modi being felicitated with a garland by BJP leaders during party's national executive meeting at NDMC Convention Centre in New Delhi.

Prime Minister Narendra Modi being felicitated with a garland by BJP leaders during party's national executive meeting at NDMC Convention Centre in New Delhi. | Photo

The continuing spectacle of Congress State president Navjot Singh Sidhu running down the party CM in Punjab is the other extreme. With no clarity on leadership, ideology, or programme, the Congress is in chaos. Its lack of rigidity has been beneficial for the Congress historically, but its complete lack of a sense of direction or discipline at present is quite another matter. Bowing to pressure from Mr. Sidhu, the Punjab government led by Charanjit Singh Channi removed A.P.S. Deol as Advocate General. By undermining Mr. Channi, the Congress has lent credence to the accusation that it was only using his Dalit identity for political posturing while denying him authority. The picture of Mr. Channi and Mr. Sidhu together in this picture speaks a thousand words.

Navjot Singh Sidhu and Charanjit Singh Channi. File photo

CPI (M) has a mechanism to take even the most senior leaders to task. For instance, the CPI(M) Kerala State committee publicly censured party veteran G. Sudhakaran recently for not cooperating with the candidate who replaced him in the recent Assembly election. But under Mr. Vijayan, the disciplinary mechanism has become less institutional and more personality driven. His decisions reign supreme and are unquestionable. The reach of the party goes far beyond organisational matters as it claims the right to control the social and even private lives of its cadres. A scholar who studied this phenomenon in West Bengal called it the 'party society.' In Kerala, the dominance of the CPI (M) is not as complete as it used to be in West Bengal. Still, the

ongoing fight of a young woman to retrieve her newborn child, who was given away for adoption without her informed consent, reveals the extent of party control over personal lives.

Anupama S. Chandran and her partner Ajith Kumar B. protesting outside the Kerala Secretariat. File

Going to back to our opening question: how much is too much when it comes to discipline in political parties? No clear answers here but any organisation, political or otherwise, will flourish only when it balances discipline and hierarchy with individual creativity and initiative.

Biharis on the move

Bihar contributes a considerable portion of the inter-State migrants in India. It is estimated that during the intercensal period between 2001 and 2011, around 9.3 million Bihari people migrated to other States. Top destinations of migrants from Bihar are Delhi and Maharashtra, particularly Mumbai. This week's Chhath Puja, a uniquely Bihari custom, brought to the fore the community's increasing political and social presence in India's biggest cities. As it happens, the BJP, which is part of the ruling coalition in Bihar, and the AAP traded barbs on who is friendlier towards the Biharis.

In Mumbai, Biharis, or the larger category of Hindi speakers, are a political force to reckon with. The community that used to be with the Congress in large numbers has now shifted loyalty to the BJP. Around 18% to 20% voters in Mumbai come from north India, largely from Uttar Pradesh and Bihar.

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Are human rights a stumbling block in effective policing?

There are many who think they are. But what does one make of it when it becomes the topic for a debate competition organised by, the National Human Rights Commission (NHRC)? That is exactly what happened this week. In October, addressing the 28th foundation day of the NHRC, Prime Minister Narendra Modi had cautioned against "the selective interpretation of human rights and using human rights to diminish the image of the country."

National Security Advisor Ajit Doval during the Dikshat Parade (passing out parade) commanded by Darpan Ahluwalia (behind) at the Sardar Vallabhbhai Patel National Police Academy, Hyderabad.

National Security Advisor Ajit Doval during the Dikshat Parade (passing out parade) commanded by Darpan Ahluwalia (behind) at the Sardar Vallabhbhai Patel National Police Academy, Hyderabad. | Photo Credit: Special Arrangement

Another relevant point to this discussion was made by NSA Ajit Doval this week. "The people are most important. The new frontier of war — what we call fourth-generation warfare — is civil society. But it is the civil society that can be subverted, that can be

suborned, that can be a divided idea, that can be manipulated to hurt the interest of a nation,” he told newly inducted IPS officers.

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Federalism Tract

You would not have missed the attention that this newsletter gives to developments that have implications for Indian federalism. Starting this week, we will have this separate segment in Political Line that will keep track of federalism debates in India.

Mizoram Chief Minister Zoramthanga has written to the Centre to send a Chief Secretary who knows the Mizo language. The Centre appoints CS in the State of Mizoram from the Arunachal Pradesh-Goa-Mizoram and Union Territory (AGMUT) cadre of IAS officers. The new CS does not know the local language, the CM, wrote. “The Mizo people by and large generally do not understand Hindi. None of my Cabinet Ministers understands Hindi. Some of them even have a problem with English. With such a background, a Chief Secretary without the knowledge of a working standard Mizo language will never be effective and efficient.”

A recent decision by the Centre to extend the jurisdiction of the BSF in West Bengal, Punjab and Assam is being opposed in the first two States, ruled by the TMC and the Congress respectively. In Punjab, the Assembly adopted a resolution against the Centre’s notification that extended the jurisdiction of the Border Security Force, calling it an “insult” to the State police and seeking its withdrawal. A similar resolution is in the making in West Bengal and will likely be adopted in the coming days.

एनएचआरसी टीम ने लिए पुलिसकर्मियों के बयान

<https://www.jagran.com/uttar-pradesh/bijnor-nhrc-team-took-statements-of-policemen-22206903.html>

नागरिकता संशोधन कानून (सीएए) को लेकर हुए बवाल की जांच के लिए आई राष्ट्रीय मानवाधिकार आयोग की टीम तीसरे दिन रविवार को होटल में पुलिस-प्रशासन के अधिकारी, पुलिसकर्मियों और डाक्टर के बयान लिए। बवाल में घायल हुए पुलिसकर्मियों से पूछताछ की गई। तत्कालीन एसडीएम, सीओ और थाना प्रभारी समेत पंद्रह से अधिक पुलिसकर्मियों से पूछताछ की गई। सुबह से लेकर रात तक टीम जानकारी जुटाती रही।

20 दिसंबर 2019 को सीएए के विरोध में जिले में बवाल हुआ था। बिजनौर, नहतौर, मंडावर और नगीना में जमकर बवाल हुआ था। नहतौर में गोली लगने से सुलेमान और अनस की मौत हो गई थी। पुलिस ने 33 मुकदमे दर्ज कर 748 बवालियों की गिरफ्तारी की थी। बवाल में 35 पुलिसकर्मी भी घायल हो गए थे। शुक्रवार को राष्ट्रीय मानवाधिकार आयोग की टीम ने हुए बवाल की जांच शुरू कर दी थी। डिप्टी एसपी विमल जीत उत्कल, निरीक्षक रणधीश सिंह और चंद्रशेखर की तीन सदस्यीय टीम जांच कर रही है। शनिवार को नहतौर में पहुंचकर गोपनीय तरीके से जांच की थी। बवाल में मारे गए अनस और सुलेमान स्वजन के बयान लिए थे। रविवार सुबह बाइपास स्थित एक होटल में टीम ने पुलिस-प्रशासन के अधिकारी, कर्मचारी और डाक्टर के बयान लिए। सुबह से पूछताछ का सिलसिला जारी रहा। तत्कालीन एसडीएम वीरेंद्र यादव, सीओ महावीर सिंह, थाना प्रभारी राजेश सोलंकी समेत पंद्रह से अधिक पुलिसकर्मियों के बयान लिए। इस दौरान पोस्टमार्टम करने वाले डाक्टर से भी पूछताछ की गई। मारे गए युवकों के पोस्टमार्टम के बारे में जानकारी ली। गोली के बोर और मौत के कारण के बारे में विस्तृत चर्चा की। बताया जा रहा है कि टीम का रविवार को आखिरी दिन है। टीम अपने साथ हथियारों के इस्तेमाल और कारतूस का रिकार्ड भी एकत्र किया है। एसपी देहात रामअर्ज ने बताया कि टीम जांच का रही है।

Boy's electrocution death: NHRC directs to pay ₹3L assistance to kin

PNS ■ BHUBANESWAR

The National Human Rights Commission (NHRC) has directed the Odisha Chief Secretary to pay compensation of Rs 3 lakh to the family of an electrocution victim within weeks.

The NHRC also directed the Chief Secretary to initiate legal action against the man who took an illegal connection due to which the mishap occurred.

Besides, the commission reminded the Bhadrak Superintendent of Police to submit an action taken report within four weeks falling which the Section 13 of Protection of Human Rights Act, 1993 would be invoked.

The NHRC passed the directions taking cognisance of a petition filed by human rights activist Sitakanta Tripathy. The complainant alleged that the minor boy Sanjay Majhi of Narendrapur village of Karanajamala GP under Chandabali block in Bhadrak district visited his relative house at Harishpur

village of Chaddia GP under the Bansada PS. While roaming with his friends, he accidentally touched a snapped 11KV electric wire near the cyclone shelter.

All of sudden he become senseless and he was taken to Chandbali Hospital but doctors declared him dead.

Tripathy has alleged that the incident took place due negligence of electricity department who had failed to repair the snapped wires and ensure proper maintenance of the power infrastructure after the cyclone Yash.

The commission took cognisance in the matter and directed to the Odisha Energy Secretary and the Bhadrak SP to probe the allegations and submit their action taken reports within six weeks.

Later, the national rights said due to an unauthorized electricity connection taken by a resident of the village, the mishap occurred and the young boy lost his life. So, compensation of Rs 3 lakh should be paid to the family of the victim.

राष्ट्रीय मानवाधिकार आयोग टीम ने की सीओ व चिकित्सकों से पूछताछ

<https://www.livehindustan.com/uttar-pradesh/bijnor/story-national-human-rights-commission-team-questioned-co-and-doctors-5082143.html>

राष्ट्रीय मानवाधिकार आयोग की टीम ने नागरिक संशोधन अधिनियम (सीएए) के मामले की जांच में तीसरे दिन जिला मुख्यालय पर रहकर पुलिस अधिकारियों, कर्मियों व चिकित्सकों से पूछताछ की। इसके अलावा अन्य स्थानों पर अलग-अलग लोगों से मामले की जानकारी भी ली। एनएचआरसी टीम सीएए की जांच को जनपद के तीन दिवसीय दौरे पर आई हुई है।

जनपद में 20 दिसंबर 2019 को सीएए के विरोध में जमकर बवाल हुआ था। बिजनौर के नहटौर कस्बे में बवाल में दो लोगों की मौत हो गई थी, जबकि तत्कालीन इंस्पेक्टर समेत कई पुलिसकर्मी घायल हो गये थे। जिला मुख्यालय पर तोड़फोड़ व आगजनी, नजीबाबाद व नगीना में भी बवाल हुआ था। एनएचआरसी टीम ने रविवार को जिला मुख्यालय पर रहकर ही बवाल के समय तैनात सीओ, एसडीएम, इंस्पेक्टर, एसओ व पुलिसकर्मियों से पूछताछ की। इसके बाद धामपुर, बिजनौर व अन्य स्थानों से आये चिकित्सकों से घंटों तक जानकारी ली गई।

जिन्होंने घायलों को उपचार किया था। टीम ने पूछताछ के लिए करीब 10 से 15 अधिकारियों को मुरादाबाद, लखीमपुरखीरी व पीलीभीत से बुलाया गया था। एनएचआरसी टीम ने बवाल से जुड़े लोगों के पास जाकर भी उनसे घटना की समयवार जानकारी जुटाई। एनएचआरसी टीम शुक्रवार की दोपहर से जनपद में डेरा डाले हुये है। पहले दिन टीम ने पुलिसकर्मियों से, दूसरे दिन नहटौर पहुंचकर मृतक व पीड़ित लोगों से पूछताछ की थी। जनपद में सीएए बवाल को लेकर 31 मुकदमों में सैकड़ों लोगों अभियुक्त बनाया गया था।

कासगंज मामले: पुलिस हिरासत में युवक की मौत के कई दिनों बाद एफआईआर दर्ज

<http://thewirehindi.com/193262/up-police-fir-custodial-death-kasganj-labourer/>

उत्तर प्रदेश पुलिस ने कासगंज के एक 22 वर्षीय मजदूर अल्लाफ की मौत के मामले में शनिवार को एफआईआर दर्ज की.

इंडियन एक्सप्रेस की रिपोर्ट के मुताबिक, मृतक के परिवार का आरोप है कि एक नाबालिग लड़की के लापता होने के मामले में पूछताछ के लिए अल्लाफ को थाने लाया गया था, जहां हिरासत में पूछताछ के दौरान उसकी मौत हो गई.

पुलिस ने इससे पहले कहा था कि कासगंज के नागला सैयद के मजदूर अल्लाफ ने नौ नवंबर को कासगंज के कोतवाली पुलिस थाने के बाथरूम में आत्महत्या कर ली थी.

पुलिस का कहना है कि अल्लाफ ने अपनी जैकेट की डोरी से बाथरूम के नल से फांसी लगाकर आत्महत्या कर ली.

दरअसल अल्लाफ को एक परिवार की शिकायत पर पूछताछ के लिए उठाया गया था. इस परिवार ने अल्लाफ पर 16 साल की उनकी बेटी का अपहरण करने का आरोप लगाया था.

पुलिस का कहना है कि कासगंज में दर्ज एफआईआर में अज्ञात पुलिसकर्मियों के नाम हैं और बाद में नए शिकायत पत्र में उनके नाम को अपडेट किया जाएगा.

अल्लाफ के पिता चांद मिया ने शुरुआत में कहा था कि वह पुलिस की कार्यवाही से संतुष्ट है लेकिन उन्होंने अपनी शिकायत में कहा है कि उनसे जबरन कोरे कागज पर अंगूठे के निशान लिए गए.

एफआईआर में कहा गया, 'मेरे बेटे को पुलिस स्टेशन में मार डाला गया. बाथरूम का नल लगभग दो फीट ऊंचा था और मेरा बेटा पांच फुट से अधिक लंबा है. मैंने किसी भी अधिकारी के साथ कोई समझौता नहीं किया है. मुझसे दबाव में कोरे कागज पर अंगूठे का निशान लिया गया. मैं अनुरोध करता हूं कि इस मामले में कार्रवाई की जाए.'

बता दें कि नौ नवंबर को कासगंज में अल्लाफ नाम के युवक की पुलिस हिरासत में संदिग्ध परिस्थितियों में मौत हो गई थी. पुलिस ने इसे खुदकुशी बताया है जबकि मृतक के परिजनों ने पुलिस द्वारा बेरहमी से पीटे जाने से मौत होने का आरोप लगाया है.

पीड़ित परिवार ने पुलिस की आत्महत्या की थ्योरी को पूरी तरह से नकारते हुए न्याय की मांग की है. अल्पसंख्यक आयोग ने इस मामले में यूपी प्रशासन से रिपोर्ट भी तलब की है.