

REASONS OF DEATH IN POLICE CUSTODY

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The department of police has been given a legal right to use force while making arrest of any culprit involved in crime and to disperse the unlawful assembly only. In no other field use of force is allowed by any agency deployed in law enforcement. It is known to every person that police use force while conducting interrogation of any suspect or accused of any crime and sometimes death occurs during interrogation which not only gives bad name to the department, the concerned police officers are sent to jail after registration of case of causing death in police custody. There are examples that police officers were convicted on the charge of causing custodial death with life imprisonment. Death in police custody is a black spot on all members of force as the police have no right to take the life of any person during interrogation. It is mentioned in exception of section 300 of Indian penal code that if a public servant exceeds the his right of using force and causes death of any person he is liable for an offence of culpable homicide not amounting to murder. Moreover it is clearly mentioned in section 330 of Indian Penal Code that if any public servant causes injury to any person to extort confession he will be liable for punishment with imprisonment upto seven years. The law of the country does not permit the police personnel to use force illegally

Death in custody is not only due to use of force because there are several other factors also responsible for the same. Every police officer must know all the reasons of custodial death so that they may take precautions and can save the custodial death. The detail of reasons custodial death is being given below.

1. No proper search of arrested person is being taken before his entry in the lock-up of the police station and the arrested persons have committed suicide in the lock-up by cutting their nerves, by hanging, taking poison or by burning themselves
2. No other method of interrogation is being adopted except using force.

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3. No preparation is being made beforehand for interrogation.
4. Involvement of such police officers of the same or other police station in interrogation who are not concerned with the arrest of the accused person and they use to cause more harm to accused persons because they are not involved in interrogation in writing.
5. No medical aid is given or examination of injured accused person is being got conducted immediately by the police and death occurs in police custody due to slackness of the police officers.
6. Lack of patience in police personnel because they want immediate confession of accused. They use force immediately if the accused person refuses to admit the guilt.
7. Lack of supervision during interrogation by the senior officers. The officers use to come at the police station after the death in police custody.
8. Traditional habit of using force by the police is prevailing in the department and it is proved by the fact that the police have used force not only with harden criminals but they have used force with those persons who have no previous criminal record and they died in police custody.
9. Death in police custody due to suicide committed by the accused in the lock-up as a result of misbehavior of police personnel with the arrested person
10. No respect for law and human rights of other persons and too much eagerness of being successful by adopting wrong methods of using force which results in custodial death.

➤ **What should be done by the police to avoid the custodial death:**

Interrogation of suspects and arrested accused persons is necessary and is permitted by law of the country but at the same time it is also very much required that no person being interrogated should be put to any harassment and no death should occur in police custody. The police officers engaged in the work of interrogation must keep the following points in their mind before and during conducting interrogation of any person.

➤ **Preparation for interrogation must be made before hand so that proper and thorough interrogation may be done:** The concerned

officer must prepare himself on the following points before making any interrogation to avoid death in police custody.

- (a) He must be acquainted with the minor details of the incident so that he may ask required questions from the person under interrogation otherwise he will be on the hearing end only.
- (b) He should know the previous criminal history of the person under interrogation so that he may be in a position to tell the reality to the accused when the later conceals any fact.
- (c) He must prepare a questionnaire so that at the time of interrogation the questions may be put to the accused person one after the other because it will not be possible to prepare questions during the interrogation.

- **The place interrogation must be selected:** The interrogation must be conducted at such a place where no one else is present except the members of interrogation and the accused so that deep and thorough interrogation may be conducted. Interrogation should not be conducted at the police station where lot of people are coming with complaints and they may cause interruption in interrogation. Concentration is very necessary in the task of interrogation.
- **The interrogation should be done continuously:** The interrogation must be conducted continuously so that the person under interrogation may not get a chance to change his mind to conceal the truth. It may be ensured by the officers of the interrogation team who can keep the interrogation continue one after the other.
- **The interrogation must be reduced into writing:** The interrogation should not be reduced into writing by the interrogating officer himself and he should depute a constable for this task. Once the interrogation is completed the same should be repeated again and it should also be reduced in to writing. After completing the second interrogation both the written interrogation must be compared with each other and if any difference is found the accused person should be asked to explain the difference to find out the reality.
- **Every accused person should be interrogated separately:** If the accused persons are two or more than two they should be interrogated separately so that they should not hear the statement of the other co-

accused person otherwise the accused persons may change their mind if they know that their companion has refused to participate in the crime.

- **No such police person should be included in the interrogation team who was not in the arrest party:** It is very necessary to select the team of interrogation and no such police officer be included in the interrogation team who has not participated in the arrest of that person because such policemen may cause fatal injuries to the suspect or accused and the responsibility will come to those officers who have arrested that person.
- **The interrogating officers should keep patience during interrogation:** It is an admitted fact that almost all accused or suspected persons do not admit the guilt in the beginning of interrogation and try to hide the fact of commission of crime but after long interrogation most of them break down and reveal the truth. The interrogating officer should keep this in mind and do not ask the accused about the crime in the beginning rather he can bring the accused person in talking terms by asking about his family members, about his profession and monthly income etc. The question of crime should be asked when the accused person starts giving answers.
- **The interrogation must be done according to the age, sex and nature of the accused person:** Criminals are of different categories and the interrogation is also required to be conducted in different way. A person who has committed murder due to grave and sudden provocation may break down very easily if some sympathy is shown to him by the police officer making interrogation. In the same way a child and a woman may also come out with truth if they are taken into confidence but a hardened criminal will only confess the guilt when his criminal history and names of his associates are disclosed to him by the police officer making interrogation.
- **Proper search of arrested person should be taken by the police before his entry in the lock-up of police station:** It is mandatory in the law that if an arrested person is to be locked in the lock-up of the police station he should be searched and everything should be taken by police in safe custody except the necessary wearing clothes

so that no dangerous article may be taken by the accused person in the lock-up by which he may cause harm to his own life.

- **Close watch over the activities of criminals while they are in the lock-up of police station:** Thana police should keep a close watch over the activities of the prisoner in the lock-up until he is in the police custody and it should be ensured that no harm should be caused to him by any person. There is an instances where an arrested was not searched properly and he took poison in the lock-up and died. In one other case the family member of some prisoners came to give food and some small instrument of cutting bars of prison was concealed in the food and later on the iron bars of prison were cut down to escape from the custody. In this case the food was not checked properly by the police.
- **Examination and treatment of injured arrested persons should be got conducted immediately:** The custodial death sometimes occurs due to negligence of police. If the arrested person is injured or ill it is the first and far most duty of the police to send him for medical examination and treatment so that he may not die due to lack of treatment in police custody. It has been seen that custodial death not only occurs due to use of force but by negligence of the police also which should be avoided.
- **No misbehavior should be done with any person who is under interrogation:** The aim of interrogation is to know the involvement of arrested person in the crime. The aim of investigation is to know certain facts from the person accused or suspect of any crime through interrogation and after collection of evidence to put the person before the court for trial. There are examples that the suspect or accused persons have committed suicide in the lock-up of police station due to misbehavior by police.
- **No use of force during interrogation:** The police force has not been given a right to use force during interrogation and use of force during interrogation is declared illegal and punishable by the law of the country. It is the duty of law enforcement agencies to obey the provision of law otherwise the law of the country will not make any difference between a criminal and a law violating policeman. There are instances that police officers were convicted on the charge of using force with

the criminals and causing death. It will be advisable to wake up to the occasion and to give up this illegal practice of using force during custody and causing custodial death

➤ **Use of scientific methods during investigation:** The police officers should use scientific methods to work-out the case rather adopting illegal methods. The scientific methods may reduce the chances of using force and the evidence procured through forensic laboratory is more valuable and permanent in nature in comparison to other evidence. The scientific evidence may be obtained by sending the physical evidence collected by the investigating officer from scene of crime and from the suspected person to forensic laboratory for scientific test and opinion. For example the scientific opinion of the expert may be obtained by sending the following objects to F.S.L. for matching and opinion.

- (a) Matching of finger prints found at the scene of crime with the finger prints of any suspected person in the crime.
- (b) Matching of empty cartridges found at the scene of crime with the firearm of accused or suspected person in a crime of violence.
- (c) Matching of recorded voice of any criminal with the voice of any suspected person in any case of kidnapping for ransom.
- (d) Matching of DNA in a case of rape.
- (e) Matching of hand writing of suspected accused person in any case of forgery.
- (f) Connecting any person with the crime through the call details of his mobile phone which is called electronic surveillance.
- (g) Matching of blood found at the spot with the blood found on the clothes of accused person.

So, it can be said that, if any police officer, conducting investigation, will keep the above mentioned point, in their mind, they can avoid the custodial death.
