

The Principles of Police Interrogation and Human Rights

“The police have lost sight of the fact that they are public servants.”

— *Steven Magee*

Police can generally be defined as a body of officers which represents the civil authority of any government. Police are the ones bestowed with the responsibility of maintaining the public order and safety of all, enforcing the law, and detecting and investigating various criminal activities and to preventing them from happening in the first instance. These functions are known as policing. But the hard truth is that, the powers given to the police are misused to great lengths and the sole purpose of their existence i.e. maintaining a just and safe society for all individuals is grossly ignored and defied. Multiple reasons can be stated for the same.

As per the [United Nations Office on Drugs and Crime](#) (UNODC), India's ratio of 138 police personnel per lakh of population is the fifth lowest among the 71 countries for which the agency collated these figures. This creates immense burden on a small number of people to solve a growing number of crimes being committed daily, all over India. Adding to the pressure is the media and the general public which carefully scrutinizes and pass judgements on their efficient functioning. This inturn leads to the use of unlawful coercion, including torture, to elicit confessions to the charges fabricated by the police themselves, in a rush to solve the case quickly and effortlessly and to prove their competence. Various instances of torture and inhumane treatment by the police to Individuals who are poor and socially or politically marginalized , leaving them especially vulnerable to prolonged detention and repeated ill-treatment because of them being unable to bribe police to secure their release and are also unlikely to have any connections to local political figures who can intervene have been found as a recurring pattern all over the country , by a [human rights watch group](#).

Some police officers have even admitted to the human rights watch group that “using force” to elicit confessions from criminal suspects is indeed their primary investigation tool, rather than following the correct procedure of gathering forensic evidence and witness accounts. Although this leads to a speedy disposal of the cases, false confessions lead police to gather faulty

evidence, which ultimately, in most cases results in the cases being thrown out of court or wrongful convictions.

Human Rights of the prisoners against torture during police interrogation-

Human rights can be best defined as those rights which every person inherits by the simple virtue of birth. They are absolute as they come from eternity and go till eternity. They ought to be understood as [inalienable rights](#) “to which a person is entitled to simply because of him being part of the human family”. Hence, every human being is entitled to enjoy these rights regardless of their nation, location, language, religion, Ethnic or any other status. There is an everlasting debate whether prisoners should be stripped of these rights due to them becoming deviant and committing a crime or that since these rights are absolute , they should remain vested in a person ; even after committing a crime.

The prisoners, being in a vulnerable position are often subjected to various detestable practices of ‘ torture ’to extract confessions from them about a particular event. There are various laws and treaties by international organizations as well as rights provided by the constitution of India to protect the prisoners from such harassment.

Indian Scenario-

Torture can be defined as “intense suffering, physical, mental and psychological, the prime aim of which is to force someone to make him give some information. It also includes breaking down due to acute physical pain and severe psychological pressure.

The Indian Constitution does not specifically state any provisions relating to torture, however, it has been decided in clear terms by the Supreme Court that the scope of the fundamental rights granted to every individual under Part III of the Indian constitution asserting that “each and every individual has the right to life and he should live it with human dignity” also includes the fact, that torture should not be used on a person which affects his right to live with dignity. Under the national legislations, the Supreme Court of India has construed that acts of torture during interrogation, can [never stand the test of reasonableness](#) under Article 21 and Article 14 and hence prohibits acts of torture by police officials. (Francis Coralie Mullin V. U.O.I , 1981)

Therefore, the Indian judiciary while deciding different cases has played a major role in granting the prisoners their rights.

Dagdu V. State of Maharashtra, A.I.R. A.I.R. 1977 S.C. 1579

This judgement was given by the Supreme Court of India. In this case, the Supreme Court noted that the attempts of the Police to reach confessions by hook or by crook appear to be the end of all police investigation. The Police must keep in mind that confession cannot always be a short-cut to the solution. It is much better that rather than trying to “start” from a confession they first investigate and then strive to “arrive” at it. Otherwise, while they are occupied with these short-cut solutions, proper evidence might just disappear due to no attention to the real clues. Once a confession is secured, there is often a drop in the zeal for a thorough and full investigation with an aim to establish the case for the confession, later, being inadmissible for one reason or other, the case gets thrown out of the court.

R V. Murugan Ramasay, (1964) 64 C.N.L.R. 265 (P.C.) at 268

In this case, the court noted that the police authority itself, however, carefully controlled, carries with itself a danger to those brought suddenly under its shadow and the law must recognize and provide against the danger of such persons making incriminating confessions with the intention of just convincing the authority and without any regard to the truth of what they are saying.

International Commitments-

- Universal Declaration of Human Rights-

[Article 3](#) , stating that everybody has a right to life, liberty and security and [Article 5](#) inserted after the atrocities of World War – II , which ‘prohibiting the use of torture’-“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

- International Covenant on Civil and Political Rights (ICCPR)-

[Article 6 \(1\)](#) which states that , every human being has the inherent right to life which shall be protected by law and no one should be arbitrarily denied of it and [Article 7](#)' of this Covenant which states that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” This is identical to the Article 5 of UDHR.

- Convention against Torture and Other Cruel, Inhuman or degrading treatment or Punishment (UNCAT)-

This convention was adopted by the UN General Assembly in 1984 with the aim of making the struggle against use of torture more effective in all countries. In total, 136 countries ratified the convention. India signed the convention in 1977 and is amongst few countries that have signed the convention but never ratified it.

Conclusion-

Despite all these measures taken nationally and globally to protect vulnerable people like prisoners it is unfortunate that torture has increased alarmingly throughout the world. According to famous NGO ‘Amnesty international’, [more than 100 countries](#) have sanctioned the use of torture on their people as of 2020. Clearly more thought needs to be given to this issue and India needs to have specific provisions dealing with such instances need to be made.

