

In India, Torture by Police Is Frequent and Often Deadly

By Rama Lakshmi

Special to The Washington Post

Thursday, August 5, 2004; Page A11

MEERUT, India -- Rajeev Sharma, a young electrician, was sleeping when police barged into his house a month ago and dragged him out of bed on suspicion of a burglary in the neighborhood, his family recalled.

When his young wife and brother protested, the police, who did not show them an arrest warrant, said they were taking Sharma to the police station for "routine questioning."

"Little did we know that we would lose him forever," said Sunil Sharma, Rajeev's brother, recounting how he died while in police custody. "Their routine questioning proved fatal," he added, sitting beside his brother's grieving widow.

Rajeev Sharma, 28, died at the police station within a day of his detention. Police said he committed suicide, but his family charges that he was beaten and killed.

The case highlights the frequent use of torture and deadly force at local police stations in India, a practice decried by human rights activists and the Indian Supreme Court. A little more than a decade after Parliament established the National Human Rights Commission to deal with such abuses, police torture continues unabated, according to human rights groups and the Supreme Court. According to the latest available government data, there were 1,307 reported deaths in police and judicial custody in India in 2002.

"India has the highest number of cases of police torture and custodial deaths among the world's democracies and the weakest law against torture," said Ravi Nair, who heads the South Asia Human Rights Documentation Center. "The police often operate in a climate of impunity, where torture is seen as routine police behavior to extract confessions from small pickpockets to political suspects." He said that laws governing police functions were framed under British colonial rule in 1861 "as an oppressive force designed to keep the population under control."

Police records show that, two weeks before his detention, Rajeev Sharma made a electrician's service call at the home of a wealthy businessman. On that day, the man reported that \$500 worth of gold jewelry and about \$100 in cash were missing, police said.

After Sharma's detention, his brother called the police station and was told that Sharma had confessed to the theft, he said. The brother said he and other family members rushed to the station and were able to see Sharma briefly.

"His eyes were red, his mouth was bleeding and he could hardly walk. They had beaten him very badly. That was the last glimpse we had," said Sunil Sharma, 35. "By the evening, the police informed us that he had committed suicide in the lockup by hanging himself with a blanket. The suicide story is a coverup; my brother died of police torture."

The death in police custody sparked two days of rioting and protests in Meerut, about 45 miles from New Delhi, in the northern state of Uttar Pradesh. Angry residents surrounded and threw stones at the police station, burned police vehicles and blocked traffic.

Thousands participated in Sharma's funeral procession; protesters demanded an open inquest by a panel of physicians and the immediate arrests of those responsible.

Police conducted an autopsy in private, lawyers close to the case said. But authorities did issue arrest warrants for the man who said he had been robbed and for six police officers, an apparent reaction to the unusual popular outcry, family members and lawyers said. The merchant is in jail, alleged to have participated in beating Sharma, but the police officers apparently have fled, authorities said.

Although the Indian government signed the international Convention Against Torture in 1997, it has not ratified the document. Some members of Parliament have argued against ratification, saying they oppose international scrutiny and asserting that Indian laws have adequate provisions to prevent torture. Human rights advocates said Uttar Pradesh ranks highest among Indian states in the incidence of police torture and custodial deaths.

Some police officers justify the use of torture to extract confessions and instill fear.

"The police in India are under tremendous pressure, as people need quick results. So we have to pick up and interrogate a lot of people. Sometimes things get out of control," said Raghuraj Singh Chauhan, a newly assigned officer at the station where Rajeev Sharma died. "After all, confessions cannot be extracted with love. The fear of the police has to be kept alive -- how else would you reduce crime?" he added, fanning himself with a police file folder.

A senior police officer in Meerut, on condition of anonymity, openly discussed torture methods with a visiting reporter. One technique, he said, involves a two-foot-long rubber belt attached to a wooden handle.

"We call this thing *samaj sudharak*," the officer said, smiling, using the Hindi phrase for social reformer. "When we hit with this, there are no fractures, no blood, no major peeling of the skin. It is safe for us, as nothing shows up in the postmortem report. But the pain is such that the person can only appeal to God. He will confess to anything."

Last September, in a written ruling in a case of police misconduct, the Supreme Court criticized the use of torture. "The dehumanizing torture, assault and death in custody which have assumed alarming proportions raise serious questions about the credibility of the rule of law and administration of the criminal justice system," the court said. "The cry for justice becomes louder and warrants immediate remedial measure."

In addition, the severity of the torture problem is probably worse than statistics indicate, because victims, fearing reprisals, rarely report cases against the police, human rights advocates said.

"About 40 percent of custodial torture cases are not even reported. They are just grateful for God's mercy that they are alive and free," said Pradeep Kumar, a human rights lawyer who has represented police torture victims in Uttar Pradesh. "Torture sometimes leads to permanent disability, psychological trauma, loss of faculties."

The National Human Rights Commission, led by a retired Supreme Court justice, has faced criticism that it is too dependent on the government and lacks enforcement power.

"We have not been able to build a human rights culture in the police force," said Shankar Sen, a former police officer and an ex-member of the commission. "It is not only individual aberration but a matter of systemic failure."

The commission has ordered that cameras be installed in police stations to monitor and deter police brutality.

"In the past year we have spent about \$600,000 to equip most of the police stations in New Delhi with a camera. This will make police functioning transparent and have a big impact on torture," said Maxwell Pereira, a senior police official in the capital.

But critics and families of victims said they had not seen changes. In a much-publicized case in New Delhi last fall, five policemen were charged with beating and killing Sushil Kumar Nama at a police station.

Nama had been detained on suspicion that he was working with neighborhood gamblers. Four of the police officers were arrested in April, but one remains at large, authorities said. Police officials denied that Nama was tortured, saying he died of a heart attack after he was released from custody.

"My two children are so traumatized that now they run home scared every time they see a policeman on the street," said Nama's wife, Rekha, 29. "They know that danger lurks behind that uniform. They are not policemen, they are wolves."