CHAPTER 6

CONCLUSION

The conditions of lives of women prisoners are far from desirable. The living conditions for under trials are even worse as they are not entitled to food, clothing and healthcare that regular convicts are entitled to. The long time involved in processing of criminal cases, sometimes leaves the under trials in prison for even terms longer than those attaching to the substantive penalties. It has been seen that in the case of many women prisoners, largely from poorer families, no one comes forward for their bail and hence they remain in custody for long periods. Women, with their natural roles in the households and affinities going with the same, suffer greater mental stress on getting separated from their families. In the context of women in custody, the social implications have been well studied. Apart from social stigma women lose the security of their family. Homes get shattered, the children getting neglected without the care and affection of the mother.

The Constitution of India and the International Instruments on Human Rights attach great importance to the protection of life and personal liberty of an individual and emphasis on the respect for human dignity. Our Basic Law, the substantive and procedural laws stress the need to observe Human Rights in the administration of Criminal Justice. Arrest involves the deprivation of the liberty of an individual by the legal authorities. From the time a person is arrested, and if not released on bail, he or she is under custody. Any use of force, threat, psychological pressure etc, against the person in custody by the authorities is termed as custodial violence. The basic legal philosophy of the constitution, the international instruments and the procedural law, presume the innocence of the accused till the contrary is proved in a court of law. Keeping this in view, the legal procedures are weighed in favour of the accused and his innocence. Custodial violence takes place due to social, psychological, professional and administrative factors. Sometimes it also takes place due to psychological aberration of the custodian sadism, sexual weaknesses, social hatred, etc. Few factors are highlighted below.
Basic Factors:

Social Factor:

In our country, we are accustomed to think in terms of an eye for an eye and a tooth for a tooth. Therefore the society expects and approves of the use of violence on suspects to get at the truth. Complainants themselves, particularly in property offences, egg on the policy to use force or violence to break a suspect. Therefore, in a society where the public are indifferent to the use of force on fellow human beings, policemen get, as it were, social support for these illegal acts. Frequently reports appearing in the press about lynching and stoning to death of alleged thieves, child lifters, sorcerers etc, reflect the state of mind of the Indian society on this issue. Thus, there is no social stigma attached to the use of custodial violence by the police. Details circulate widely among the public including members of the underworld. Though many of these stories may be the product of fertile imagination, the fact remains that the general public believe them to be true. Therefore, when a suspect is picked up for interrogation by the police, he anticipated full police treatment and is apprehensive of his physical safety. Any use of force or even threat to use force, breaks him down completely and he is prepared to come clean. On many occasions, due to this fear psychosis, petty criminals are known to admit their complicity in heinous crimes in which they had no part at all. Unscrupulous police officials tend to play on this fear psychosis and freely use violence to obtain confessions.

Professional and Administrative Factors:

a) In normal police work, law and order gets the main priority while the prevention and detection of crime gets only secondary attention. To be a successful detective, a police station house officer should have thorough knowledge of his jurisdiction, incidence and pattern of crimes, modus operandi and other details of the criminals residing in his area. Full details of harbourers and receivers of stolen property, complete knowledge of undesirable and anti social elements of the area, etc. to acquire this knowledge, the officer should have sufficient time and leisure at his disposal.
Unfortunately, with his preoccupation with law and order duties, he is not able to concentrate on this important aspect of his work. Thus, his approach to crime work tends to be unsystematic and unscientific.

b) Interrogation of a suspect is a battle of wits. It presupposes superior knowledge and wisdom on the part of the interrogator. He needs, in addition to full possession of facts and figures, enough time at his disposal. Under the law of our country, a suspect has to be produced in the court within 24 hours. Courts are reluctant to grant police remand. Thus, the interrogator is forced to work against time. He is prepared to adopt any short cut method to gain time. In sensational cases, subordinate police officers are subjected to tremendous pressure from their departmental superiors, press and public to produce quick results. In the absence of professional expertise to solve the crime, and lack of time, custodial violence presents itself as a panacea for the interrogator and investigation officer to obtain quick results.

c) Legal hurdles like inability to keep a suspect for longer duration than a day, the Evidence Act being weighed against the police etc. are factors which induce police to keep suspects in unofficial custody. Once a suspect is in unofficial custody, he ceases as such to exist on record, for the purposes of law. What is done to him is known only to police officials within the precincts of a police station. This helps and encourages the police to indulge in custodial violence with impunity.

While custodial violence is common in the sphere of crime investigation to extract information/confession about crime and to recover property etc. It also occurs in maintenance of order situations particularly while dealing with political violence like terrorism, extremism, etc. Unable to face the pressure from political extremists and in the absence of legal remedies to neutralize them, police often indulge in elimination of adversaries through illegal methods.

Women’s role in crime:

a) Population of women prisoners: In Indian jails women prisoners need not be offenders. A love sick runaway, a female witness, a neurotic housewife, a homeless
teenager or a victim of atrocity all these women are being locked away in prisons because under our custodial system the line between a female victim and offender is often blurred.

b) Lock ups Worst Equipped: The cases mentioned are few but stark. Police lock ups (PLUs) were found to be the worst equipped to safeguard inmate and very rarely had the mandatory segregated cells for women. The report notes. In many cases it was only after a female inmate had been raped in custody that the police station decided to send women to separate stations staffed fully by women. One sixth of the unconvicted prisoners are non lunatics criminal (NLCs) who under the Indian Lunacy Act 1912 can be held in jail for their own protection. But most of these women were just depressed or nervous and needed medical care. Instead away by their families who do not want them back, they are languishing among prisoners. In the eastern states NLCs were found to be very high and are the most vulnerable group since their release depends on the whim of their families and state authorities rather than the judicial process. In homes for the retarded even when girls were proven to be normal, the researchers found that the visiting psychiatrist thought callousness, apathy or obligation to the authorities continued to diagnose them as retarded.

c) Corrupt System: Women who were aware of their rights found their access limited by a brutal and corrupt system. A female convict said that she did not attend her young son's funeral because when she had applied for parole to visit him in hospital the warden had demanded money. The Calcutta Jail is a bizarre collection of female inmates whose imprisonment has no legal definition. Love cases is the word coined to incarcerate young teenage girls whose fathers have complained that they want to run away with boys. Held as miners the detention itself violates the Indian Penal Code but freedom for these girls too depends on the will of the authorities and the parents. The members noted that boys were never arrested under love cases. Juvenile girls are routinely arrested, usually for theft. The report notes that 8,700 girls are imprisoned for cognizable crimes. But in most states the requisite reform homes do not exist so that young girls are locked away with criminals, other destitute and homeless girls.
d) **Illegal Custody Extension:** Their custody is unlawfully extended often because the state cannot provide a simple escort service. Hundreds of children and women languish in jails because the state does not have a proper service and will not recruit a voluntary agency for the job. Imagine that girls are in prison because their safe journey home cannot be ensures, says Ms. C.P. Sojaya, joint secretary and committee member. And then there are those that are simply held in custody as “hostages to compel the men in their families to confess or submit to the authorities.” The report also cites a High Court Judgment which notes, “Quite a few women were held in jails without ever being accused of any offence merely because they happened to be victims of an offence or were required to give evidence”.

(e) **Very Low Wages:** It was also revealed the preponderance of female under trials. Almost 70 per cent of the prisoners were under trials in 1986. The under trials suffer a greater on their human rights and medical facilities and wages for their labour are arranged on an ad hoc basis by the jails. Wages for female prisoners are in any case very low and while in a men’s prison skilled work pays them Rs. 5.50 per day, women get only Rs. 2.50 for same work. Semi skilled work can pay as low as 50 paisa is women prisoners. Underpaid and unpaid work by women prisoners is the commonest finding says the report. Interestingly the patriarchic traditions dog the women right into prisons where they find themselves cooking and cleaning for male prisoners but the reverse is not true.

f) **Poor civic Amenities:** Basic amenities are in short supply and toilet and sleeping facilities are substandard. The per capita expense on a prisoners diet in one of the southern states was found t orange between Rs.1.80 is state aided private institutions and Rs. 4.80 in a vigilance home. Beating with straps and bamboo sticks and specified tortures have been widely reported by the prisoners and report concedes that indignities inflicted on the female prisoners are far worse than males. Rape continued to pose the greatest danger. Therefore, the committee found that the key flaw in the system was that lack of separate prison for women. Despite repeated recommendation by Police Commissions and funds sanctioned to the State Government of the 9,869 prisons in India
only a handful are solely for women. Some 44,000 women are arrested annually under the IPC and account for only 2-3 per cent of total arrests. They constitute only 2-6 per cent of the total prison population and 79 per cent of these are unconvicted. The report then evolve an unusual code for reform which strikes at basic legal tenets for arrest and custody to reframe the system for protection of women from custodial abuse and neglect. There is a direct and critical interrelationship and inter dependence between policing and human rights. Policing can be a positive or negative factor in securing respect and ensuring protection of human rights. The word police is derived from the Greek word 'Politeia' or its Latin equivalent politia. The Latin word Politia stands for state or administration. The word police however, today, is generally used to indicate the body of civil servants whose duties are prevention and detection of crime and enforcement of laws.

In modern democratic societies, the police are vested with authority to use legitimate and situationally justified force against the law breakers and offenders. This mandate of the police to use violence to curb or prevent violence raises the key issue that the police themselves should not indulge in unnecessary or excessive use of force. There are laws, rules and any number of instructions laying down norms for the use of force by the police. Rules in various Police Manuals expressly prohibit excessive or disproportionate use of force. The basic principles on the use of force and fire arms by law enforcement officials (adopted in September, 1990, by the Eighth UN Congress on the prevention of crime and Treatment of offenders) provide that “law enforcement agencies shall give special attention to the issue of police ethics and human rights, to alternatives to the use of force and fire arms, including the peaceful settlement on conflicts, the methods of persuasion, negotiation and mediation, as well as to technical means with a view to limiting the use of force and fire arms” (Principle 20). However, abuse and misuse of authority and disproportionate use of force by the police frequently occur. The National Human Rights Commission is inundated with complaints of abuse of force and outrageous violation of human rights by the police. The victims in most of these cases are people belonging to poor and marginalized sections of the society.
The question now arises why the police resort to short cut and extra legal methods in the performance of their duties. Maurice Punch in a perceptive study Conduct unbecoming has said that the roots of police deviance are deep seated. It results from, as noticed in different countries of the world, ambiguous legislation, vulnerability to legal sanctions, occupational culture and pressure to produce quick results. Very often the police come under tremendous pressure to achieve quick results. Because of the malfunctioning of the criminal justice system, the people expect, any demand, of the police to take laws in their own hands, especially when dealing with the dreaded terrorists and hard core criminals. There is demand for ruthless countermeasures, irrespective of the price that has to be paid in terms of human rights. Thus abuses of authority in such situations can flourish not only because of official negligence or acquiescence, but rightly or wrongly broad sections of the people consider that in spite of their excesses the police are carrying out an important and unpleasant task if both the state and society are to be preserved. It is the responsibility of the police leaders to check drift of this kind. There are many illustrations of the pressures and stark choices that confront police officials in dealing with notorious criminals or dreaded terrorists. One such illustrative case was the arrest of Abimayel Guzman Reynoso, the leader of shining path guerilla movement in Peru by the Peruvian National Directorate for Counter Terrorism commanded by general Vidal Hererra. When Guzman was arrested after prolonged and skiful police operation led by Vidal, the General, at considerable risk to himself, made the arrest public immediately. This ensured Guzman's lawful treatment at the hands of the Peruvian police and also possibly prevented his unlawful execution. In this connection the euphemistic comment of General Vidal that “I am doing things as they ought to be done. There is a lot of pressure on me to do them differently” is for all police officials to remember.

Sometimes a state faces situations of grave emergency when demands of order should override those of liberty. The rationale behind this is expressed in the maxim ‘Salus populi, Suprema lex est (safety of the people is the highest law). A state in such situations has to adopt special emergency measures curtailing right of the people, but the extent to which liberty can be limited is to be found in law, in the derogation provisions of international covenants and in the domestic laws of the state. Article 4 of
the international covenant on civil and political Rights provides that even in times of emergency there are certain non derogable rights to life and liberty, freedom from torture, recognition as a person before the law, freedom of religion and conscience etc.

Further, the practice of policing to break law in the name of law enforcement is totally unacceptable and intolerable and has no place in a democratic society governed by the rule of law. It is objectionable because it is arbitrary as a process and random its effects. It is very aptly said that in a democratic, is the ultimate disorder because it creates a link between social order and atrocities.

**SUGGESTIONS:**

*By National Human Right Commission:

Observations and suggestions made by Members Inspiring the jails are:

i) Adequate arrangements for vocational training should be made for women inmates in jail and a programme prepared for rehabilitation of releases prisoners. To take an example the visiting members came across the case of life convict in Assam who was to be released shortly but was very apprehensive of her future since the thought that her husband and society might not accept her. She wanted to acquire some professional skill to be economically independent. She had aptitude for nursing. At the suggestion of the Member she was given training in midwifery and was ultimately able to make her way into the profession.

ii) Court should ensure that female prisoners are handed over to bona fide guardians after release so that they may not fall into the hands of imposter guardians who may force them into immoral trafficking as had come to light in many cases.

iii) Mentally ill women should be kept separate from the other women prisoners.

iv) Certain women prisoners had been kept in custody on the ground of being lunatic despite the fact that they were not actually lunatics. There should, therefore, be an objective medical examination of such cases.
v) The women's wing of Tihar Jail was found to be overcrowded by more than four times its capacity. Construction of additional accommodation was suggested to ameliorate the condition of women inmates. It was noted that the women inmates were encouraged to engage themselves in the training of various vocations. Also, an addition centre had been set up by the jail authorities. However, revamping of the training programme was suggested so that the inmates were enabled to produce marketable goods and make an earning for themselves for future goods and make an earning for themselves for future security.

vi) In the jail, Delhi there was a case of a smart girl who had secured the job as a police A.S.I by impersonation but she was a Karate expert. It was suggested to the jail authorities to engage her in some fruitful activity like imparting physical training to other co-prisoners. A similar approach is necessary in alike cases.

vii) In certain prisons, some women inmates were found to suffer from T.B. It was suggested that they should be segregated from the others and also given proper medical treatment.

viii) In the Central Jail, Mumbai, the Tata Institute of Social Science was conducting some useful services for the jail inmates in collaboration with the Mumbai Police such as literacy classes, crèches for children, vocational training counseling, legal guidance, placement on release, etc. This was considered as a good example to be followed.

ix) The authorities at Sabarmati Central Jail, Ahmedabad expressed the view that the vocational training facilities for male prisoners could not be extended to female inmates as their number was too small. It was suggested that in such cases women inmates could be conga dated in one or two suitable jails for making such facilities available or, alternatively provided with such other work as gardening, cooking, etc. and wages paid for the same.

x) In several jails, regular visits by doctors are not made but they are called only when needed. Also no facilities for lady doctors or nurses exist for women prisoners. It was suggested to the concerned jail authorities it is desirable that women prisoners are treated only by women doctors, unless the prisoners opt otherwise. However, medical examination should be provided as a matter of routine.
xi) In the jails visited in Madhya Pradesh, it was found that most of the prisoners were tribal and had their own cultural traditions. The crimes committed by them were not pre-planned and had altogether different background. Therefore, instead of convicting them straightaway under the provisions of criminal procedure code, a lenient view should be taken in the context of their socio-economic environment. It was as suggested that suitable training should be given to *Adivasi* women prisoners in *bidi* making, sericulture and other related industries to which they are traditionally accustomed.

xii) Women prisoners convicted under TADA were generally found to be young school and college-going girls. It was suggested that they should be provided with facilities to continue their studies and persistently motivated to return to the mainstream of life.

*Several suggestions received from public were as follows:*

- Police should become more people friendly and accessible.
- The complaints of the public against the police should be attended to promptly without delay. The complaints should be investigated in a transparent and impartial manner.
- The public must be educated about the role, duties and responsibilities of the police so that they can approach the police with confidence.
- Senior police officers should become more visible to the public and arrange for frequent meetings with them. The problems of the police should be shared with the public and their support enlisted.
- Monthly meetings should be organized between the police and the public by forming joining consultative committee of the local police and the community representatives to discuss the problems of both.
- Complaint boxes should be kept at prominent places to facilitate easy reporting. Several respondents of the public understand that police work under very difficult circumstances and limited resources. The police should take the public into confidence with the idea of tapping community help and resources to improve the police system.
Suggestions by researcher:

Beside the above discussed suggestions to protect human rights of women prisoners researcher suggests following measures:

A) Suggestions for Police:
The police should take following steps in order to safeguard the modesty of women:

1) Active Vigilance: The vigilance by the police both in uniform and civilian dress will keep sex offenders away. Police should protect girls in their impressionable age form being kidnapped, abducted and exploited by taking action U/S-319 IPC. Association for Sociatic Health in India. The scheme was a great success. The Police Commission 1978 recommended enlistment of more women in the police force in the ranks of sub inspectors and Asstt. Sub inspectors rather than in ranks of constables. The S.Is and A.SIs should be graduates with Diploma in Social Sciences. The Commission has suggested that provision should be made for the recruitment of widows as policewomen, provided they are fit and qualified for appropriate grade.

2) Women Police: Police women have now been accepted as part of the police force. Unshaken, the police woman carries out her duty in the prevention of crime or the bringing to justice of the criminal and in this her police duties forge upon welfare work in the protection and rescue of the young, the exploited and the inexperienced. Within a few hours of dealing with some appealing case, the police women may be back on her beat, trim, alert and ready for whatever is to be next job of work. Which may be as follows.

(i) Uniform stitching and storage
(ii) Aptitude or attitude
(iii) Tackling of suspects
(iv) Technical jobs
(v) Wireless and communication jobs
(vi) Types of investigations-
     a) Domestic troubles, b) Cases of runaway children
(vii) Tacking women prisoners
(viii) Welfare affairs in the lines.

3) Police and Women: Norms of Conduct: Strict measures to deal with the delinquent policemen will take the edge off public agitation, but the image of the police will still be soiled. It is wiser to take permanent measures to minimize the possibility of such incidents taking place. Experience shows that several disastrous incidents were caused by policemen whose early misbehaviour was styled as a minor. We should not retain in the police force those who have been proved, on careful enquiry, to have been guilty of such offences. Early dismissals in service may appear harsh but are essential in the public interest. Many such policemen owe their survival to political patronage.

Again, in order to minimize the chances of complaint, it is necessary to employ women police for a number of operation which involve direct contact with women. Unfortunately, all district police force in India do not have women police. Also in several states where this wing exists, the number of women police personnel is so small that they are generally available in big cities only. The recruitment of women should be stepped up because Section 160 (1) of the criminal procedure code lays down that the women must be interrogated at her residence. It would be better if this interrogation were done by or at least in the presence of police women.

4) The Procedure:

a) Whenever females are arrested, they should immediately be sent, with the permission of the magistrate, to the nearby orphanage, women’s home Nari Niketan or, in the absence of all these, to the house of some respectable citizen. In no case should they be allowed to remain at the police station or at any police outpost.

b) When policemen have to contact women as witnesses, they should be contacted in the presence of the husband or other male members of the family. If this is not possible, the officers should request some women, even his own wife to remain present while the woman is being interrogated. Unless the weather is too rough,
the woman should preferably be interrogated in the open. If a room is essential, it should be an open office where people have free access. The police officer's own room is the most unsuitable place.

c) Most state secretaries get busy issuing circulars after shocking exposures. Such directions should be incorporated permanently in the police manuals. In spite of all demoralize the police. Women of easy virtue have often been employed to make false allegations against honest and upright policemen. The motives may range from a desire for personal revenge against a particular police officer to the desire to make political capital. The fantastic lengths to which those making such false allegations can go, cannot always be visualized.

d) It should not be assumed that all allegations of this nature are either true or false. There is a third category, partly true and partly false. For example, the allegation may be that a police officer has misbehaved with a woman but it may turn out to be an affair in which the woman is a consenting party. Such cases are of numerous types but a few examples may be cited. A police officer may develop illicit relations with a female relative of the accused. The accused may permit this under duress as he knows that he is guilty of a crime which may lead to a stiff sentence. The woman may be a consenting party but this does not minimize the misconduct of the police officer.

A woman may complain that a police officer has established illicit relations with her and she has submitted under duress. Inquiry may reveal that, in fact, the woman comes from a family of criminals. She takes the initiative and the police officer falls into her trap. The woman may keep this up as a safe insurance for the criminals in her family. Many colleagues will have sympathy for the police officer, yet there is no doubt that his utility and effectiveness to the police department are finished.

A police officer goes to the house of a witness not an accused. He does not neglect his official duty in this manner but develops illicit relations with a female. Here also the consent of the female does not absolve the police officer from blame. Such examples can be multiple. It has to be remembered that a good deal of emphasis is placed
on physical fitness, height, build, looks and personality in recruiting policemen. No officer can be permitted to take advantage of his official contacts or to exploit the glamour of his uniform and personality in a way in which the service may be brought into disrepute. The restoration of the public confidence depends a good deal on the choice of the agency making a thorough inquiry.

B) Suggestions for CID:

If a cognizable criminal offence has been registered, it is always desirable to entrust the inquiry to the state CID. If it is a departmental enquiry, it should be done by an officer in whom the local people have confidence. The officer conducting the inquiry should be at least two ranks higher. When the people are very agitated or where political leaders are involved in the controversy, there must be a judicial inquiry. In a few cases the administration tries to buy immediate peace by agreeing to all that the agitated public demands without any real intention of fulfilling the spirit of the assurances. This is a dangerous game as it creates a creditability gap between the people and the administration. When the next crisis, the people will insist on punishment being meted out on the spot. It is this spirit of vengeance which is often the root cause of ugly incidents like gheraoing police station, stoning the houses of police officers, publicly humiliating the blackening their faces and even fatally assaulting them. On the other hand, the accused officer should not be made to feel that he is going to be publicly lynched. The truth should be uncovered in an atmosphere free from passion and prejudice.

C. General suggestion for improvement of conditions of Women prisoners.

1. Eradicate Inequality:

The Concept of human rights, to a large extent, was evolved as an instrument of revolt against tyrannical authoritarian government. ‘Rights of man’ became a slogan in the struggle. The struggle will never end and the slogan will remain immortal.
As long as strong and weak continue to co exist, the instances of strong denying the rights to the weak and the weak continuing to struggle is not going to end.

2. Human Rights Protection in Emergency: In order to improve the standards of human rights protection in emergency situations caused by terrorism, extremism, insurgency and similar situations the following measures are worth consideration.

(i) A firm commitment on the part of the Government to uphold human rights consistent with the international standards and in accordance with the law of the land is a must.

(ii) Mandatory Documentation must ensure that the authorities maintain correct, up to date and true record of persons called for any questioning or enquiry and the records must be able to reflect the updated details of arrests, detention and reasons for the action, to the extent consistent with the security needs and the location of detention.

(iii) Arrest, searches, seizures and other legal steps authorized by law (including special laws) must be done in accordance with the prescribed procedures and after due identification of the person carrying out those processes.

(iv) The practice of detentions in hideouts which are outside the knowledge or access of others must be discouraged and the government should direct that detention, if necessary, should be done only in authorized and prescribed places for such incarceration. Medical examination of detainees should be made compulsory with a view to ensure that torture is not resorted to.

(v) Custodial deaths judicial enquiry must be held and the relatives of deceased should be allowed to witness such post mortem examinations. In relation to custodial torture, suggestions for effective documentation including photographic evidence of the body.

3. Redefine Police Role: Police of independent India are still operating under an outdated legacy of the erstwhile British Empire in the form of the Police Act of 1861. A new
Police Act which can redefine the role of police and categorically affirm in uncertain terms that the duties of the police include “guarding the rights of the people” is indeed a crucial requirement. It may be appropriate to refer here to the draft police Act suggested by the third National Police Commission.

4. Instant Justice: Police take up petition for enquiries and they often assume the role of judges. The police have no statutory authority to enquire into petitions, yet they take up them in their enthusiasm to administer “instant justice”. It gives pleasure for anybody to get some power to exercise authority. Though many police officers know that they have no statutory power to enquire into petitions, they like to entertain as many petitions as possible. There is a school of thought now that the police may create a special police wing for petition enquiries if the department is very keen in the administration of instant justice as it is colorfully described by the police.

5. Medical Assistance: Any person in custody is subject to medical emergencies during arrest, transportation, and detention. Emotional upset may aggravate pre-existing medical conditions, therefore it is imperative that agencies take into consideration that medical emergencies do not always have telltale signs and symptoms. Officers need to be alert to every possible medical crisis no matter how trivial.

It should be made mandatory for the investigating officer to record the medical history of their prisoners as soon as they are taken in custody. Medical personnel should be contacted immediately if any prisoner loses consciousness, stops breathing, suddenly becomes incoherent, begins to hyperventilate, or beings to look sick. The unexplained sudden death of a person in police custody can take place at any time under any circumstances. Subjects that violently resist arrest; have severe pre-existing medical symptoms; and/or under the influence of drugs/alcohol, are particularly vulnerable to police custody death syndrome. The (PCDS) following suggestions are offered to minimize the potential dangers associated with PCDS is recommended that.
6. **Strict Punishment for Inhuman Acts:** The prevalence of means over ends should be made the cardinal principle of policing. Any inhuman acts should be made strictly punishable under law. The existing provisions of law should be strictly enforced. To prevent custodial violence it is necessary for senior officers of the force to make clear to the subordinates that use of third degree methods against persons in custody will not be condoned and swift and deterrent action will be taken against the perpetrators of such offences. Superior officers form superintendent of police to DG must first themselves realize that third degree methods are criminal offences made punishable by Indian penal code vide sections 330 and 331. They must send clear and unequivocal signals to the subordinates that if any case of torture to persons detained in custody comes to notice, they will take deterrent action against the offenders.

7. **Better Living and Service Conditions:** A good standard of living helps the police to have a concern for kindness, tenderness, elegance, and civility. A low living standard retards the police image, as well as their self esteem which is reflected in the job.

8. **Civil Liberty cells:** There should be an institution of a civil liberty cell in each district constituted from social workers and prominent citizens with the police chief as the head to draw attention to specific instances of inhuman conduct by subordinate officers. This organization should be a dynamic part of the police administration.

At state headquarters there should have its own comprehensive machinery to look into custodial deaths and rape, and high handedness. A retired police officer of the rank of DGP should head it who would be sensitive to the inherent constraints under which the police work an overzealous or incompetent person may do more damage than help.

9. **Training and Refresher Courses:** Police force need to be humanized through proper training, modernization and greater emphasis on scientific orientation of investigating officers. After the initial training refresher courses should be given to the policemen to update their knowledge and skills. A course in ‘Stress Management’ could be included in
the training programme. In all police training institutions in the country there should be constant emphasis on the fact that no explanation or expediency can justify the use of torture. It is necessary to provide more powers to facilitate investigation by the police. There should also be constant exhortation by the senior officers in the field to members of the force at the cutting edges level that extra legal methods and torture are self defeating and will expose them to legal and departmental action.

The areas like organizational behavior, human resource management, modern techniques of crime investigation should be made as part of the police training. The issue of human rights is yet to be appreciated in police functioning and training content. Achievements in these directions would certainly make the police more efficient and humane thereby reducing their quick resort to inhuman measures.

10. Change of Uniform: The *khaki* colour of the police has come to associated with arrogance and savagery due to its psychological association with power and repression since the British days. Changing the uniform color would help dilute if not remove such psychological association, in the minds of the public as well as the police. Blue, like the police forces abroad, or off white color might be a good choice.

11. Change in Criminal laws: The loopholes in the criminal laws should be lugged to prevent criminals from escaping the law, as well as to prevent harassment of innocent persons by police. It would also help to prevent the politicization of police and criminalization of politics. Necessary changes should be made in the bail procedures. Steps should be taken to speed up the judicial process.

Law gives powers to police officer to arrest anyone and keep him under custody for at least 24 hours, it places unreasonable restrictions on the testimony of the police officers, sections 161, 162 164 of Cr. P.C. and sections 25, 26, and 27 of the Indian Evidence Act should be recast to remove shackles on police testimony. Section 162, Cr. P.C. provides that the maker of statement before the police is not to sign it. This frequency enables the witnesses to reconcile from the statements they have made before
the police in courts of law. In England and in many other advanced democratic countries statements before the police are generally signed and considerable importance is attached to them. Of course, judges should always have discretionary powers to exclude evidence which they think, has been unfairly or coercively obtained. Lord Devlin in 'Criminal Prosecution in England' has very aptly observed that 'since the worst thing of all is to have an irresponsible police force, is it not better to leave the police force, is it not better to leave the police in sole charge of enquiry and to ensure that they act under a sense of responsibility to the court for what they do? The Law Commission of India, on a reference made by the supreme court of India, recommended (June 1985) that a Section 114(B) should be inserted in the Indian Evidence Act, 1972 to introduce a rebuttable presumption that injuries sustained by a person in police custody may be presumed to have been caused by the police officers. Such a provision perhaps will have a restraining effect on officers indulging in torture. Similarly, amendments in Cr.P.C. should be made, making medical examination mandatory immediately after the arrest of any suspect in crime. Section 53 Cr. P.C. provides for examination of the arrestee by a medical practitioner with a detailed record of physical and mental condition.

12. Custody of a Female: Lock ups where female suspects are kept should be situated in good localities and these must be guarded by female constables. Interrogation of female suspects should be conducted in the produced, should always make it sure (through medical examination) that the detainee had not undergone any violence by the police during the period of detention. In the prevailing circumstances the arrest or search of woman should only take place in the presence of women police officers and should not take place at night. Women should be detained separately form men and this should be carefully monitored by independent mechanisms. The practice of arresting or detaining innocent relatives, particularly women, against whom there are no charges, as a means of forcing suspects to surrender or provide information about wanted people should be clearly identified as illegal and constituting the offence of “wrongful confinement”. Reports of such practices should promptly be investigated and action taken against those responsible.
13. Duty Judicial Magistrate: A Judicial Magistrate should be available round the clock at a designated place in the city or town to attend to the judicial needs of the arrestees. He should be vested with all powers to grant bail, record confessions, issue judicial processes etc. His presence and availability will automatically reduce the need for the police to hold the arrestees overnight or when the courts are closed.

14. Interrogation of Suspects: The role of proper investigation within the policing system should be strengthened to reduce reliance on confession as the lynch pin of evidence against the accused. Detailed guidelines should be drawn up for the interrogation of suspects in consultation with lawyers, Bar Associations, human rights groups and medical professionals. Guide lines should be published and reviewed periodically to ensure they remain an effective mechanism to prevent torture and ill treatment. The authorities should keep under systematic review interrogation rules, instructions, methods and practices with a view to prevention any cases of torture in line with the Convention against Torture.

15. Inspection of Police Lick ups: The independent bodies in the field of human rights should be allowed to inspect places where detainees are held. Senior police officials as well as Judges should make surprise checks to the local police stations.

16. Publicity: A lot of publicity should be given to action taken against the erring officials. This will not only act as a deterrent, but will also reassure the people.

17. Scientific Investigation Techniques: There should be a greater emphasis on the scientific techniques of interrogation and investigation. Most police station in India do not have access to lie detectors, an important and effective device. The prevalent police mindset needs to be changed. At present a policeman does not know how to make a criminal talk except through the use of third degree. Barring a few lectures he gets no trained professional investigators which should from a pool which when needed could be supplied to nearby lacking district.
18. District Inquiry Authority (DIA): The National Police Commission in its First Report (February, 1979) clearly recommended mandatory judicial enquiry in the case of an alleged rape, death or grievous injury in police custody. It added that such a judicial enquiry should be held by an Additional Sessions Judge nominated for the purpose who could be designated as the District Inquiry Authority. The DIA could be assisted by an assessor who can be an Additional SP or a senior Dy. SP nominated for this purpose in each district or a group of districts. DIA’s enquiry will be in the nature of fact finding and his report will go to the State Government which would take appropriate action in consultation with the Police Chief. This recommendation of the National Police Commission is sound and pragmatic. Association of a Judge with the enquiry form its inception will give it a certain amount of credibility. At the same time co option of a police officer will ensure that police version also gets proper attention and scrutiny.

19. Implementations of Commissions/Committees Report: A number of Commissions/Committees have been set up by the contemporary governments to look into different cases of custodial crimes. In most cases, either these reports have not been releases at all or their recommendations have been unimplemented. Some of the important reports of these commissions, which specially became the target of bureaucratic and political unwillingness, are those by the Sarkaria Commission on deaths in police lock ups, the Bhargava Commission, the Tarkunde Committee and the Shah Commission on police excess during the emergency. What is required at this juncture to review the recommendations freshly for the purpose of necessary action and implementation.

20. Monitoring Mechanism: The Government should ensure that there are in place independent monitoring mechanisms to scrutinize police and security force behavior in all district of the country. Their independence should be assured by ensuring that they consist of persons of integrity respected in the local community for their independence of judgment and political impartiality. Their members should be full aware of international human rights standards and national law as well as any new legal judgments which provide enhanced safeguards for those arrested or detained.
21. Public Awareness: No amount of punitive measure or Governmental endeavour can be sufficiently deterrent. The ultimate key to help check violations of Human Rights by police lies in the hands of the conscious citizens. If the people of the society are sufficiently alert about their rights and duties, they will be able to combat such unlawful acts like custodial crime by raising their voices of protest in times of need and by seeking intervention of appropriate authorities to deal with the agencies responsible for custodial crime. As "eternal vigilance is the price of liberty", a vigilant public will definitely be a most deterrent factor against custodial crime.

22. Non Government Organizations: The work of Non Governmental Organizations is central to the spread of human rights awareness and the articulation and defence of human rights. Efforts to promote and protect human rights cannot possibly gather the momentum they require without the fullest league between NGOs and the commission. Indeed, the efforts of the two are complementary, in a relationship that is at once both constructive and critical. The commission has accordingly maintained a list of NGOs with whom it has been in contact and has systematized the data available to it in regard to these NGOs with a view to strengthening cooperation with them. A total of 136 NGOs have already furnished details to the commission on the prescribed proforma, while another 238 NGOs have been given the proforma on their request.

23. Role of Judiciary: The judiciary as the ultimate interpreter and the evaluator of the activities of police can play an effective role in curbing custodial crimes. Judicial activism in the form of institution of public interest litigations have contributed greatly towards restraining the reckless members of the police force. The culprits from the police force responsible for indulging in unlawful acts should be awarded suitable punishment. There is no doubt, that such effective judicial intervention would sufficiently deter the erring policemen. In order to ensure a safe environment in which detainees are able to bring complaints of torture before a magistrate, there should be an opportunity for detainees to be heard by the magistrate in the absence of those police officials who have brought them from the police station and may have been responsible for their arrest,
interrogation and detention. Magistrates should question detainees brought before them to ascertain that they have not been tortured or ill treated, have not made involuntary confessions and are not being held in conditions amounting to ill treatment. In doing so, they must ensure that detainees are not withholding relevant information from them for fear of reprisals by law enforcement officials and make it clear to detainees that in the event that a complaint is made steps will be taken to protect them against reprisals. Judges should pursue any evidence or allegations of torture and order release if the detention of an individual is found to be unlawful.

24. Role of Educational Institutions: More research should be encouraged to eradicate such type of issue. More funds should be allocated for this purpose. The researchers should get more cooperation from organizations involved in such issues.

26. Role of Media: The role of media in exposing the abuse of power by those in authority is really an insurance to the functional and fundamental aspects of rule of law and democracy. Though one has to discount perverse yellow journalism at times, the innate potential of the media to propel a relentless and searching community scrutiny especially with regard to an organization like the police cannot be underestimated. It is imperative that the police as a public institution must itself respond readily to instances of human rights violations caused by the individual or collective action of its members and initiate measures appropriate in each and every such occasion. This would perforce warrant that the police organizations adopt a transparent style of administration.

27. Parameters for Recruitment: With increase in role of police administration over general administration, it will be necessary to choose those with deep natural humane disposition to join the police, so that arrogance and savagery bred by its environment can do little harm to the nation and the people.

The policies and procedures for the recruitment of police personnel are not fully perfect. The individual make up attitudes are highly important and decisive in the job of policing. The existing models of recruitment do not consider these things and
resultantly there is likelihood that emotionally imbalanced and psychologically unfit persons may get into the force. In fact, these are the persons who often fail to show restraint while dealing with persons in their custody. It is, therefore, suggested that rigorous psychological test suiting to the requirement of policing should be applied to assess the suitability of the candidate at the time of recruitment.

27. Review of Criminal Justice System: The Criminal Justice System in our country should be reviewed for making it more purposeful and effective. The criminal is happy with the court proceedings, with the Law of the Land, with the punishments imposed by the courts and with the easy life and comforts in the jails and is unhappy only with the police investigation and their preventive measures involving torture and harassment. Crimes and recidivism will come down when law is made more punitive and punishments for crimes, more stringent and the heavy responsibility on the police in the maintenance of law and order in the society will become light which will naturally result in a remarkable decrease in the incidence of police violence.

28. Policy for children of women prisoners: children though not committed any wrong but they are being treated as a prisoners with mother women prisoners. So the polices related with such children should be revamped.

29. Speedy Justice: It must be kept in view that human rights abuses perpetrated by the law enforcement agencies at least in grave cases can not be simply treated at par with similar offences by others. No doubt the actus reus in each of such violations are perhaps same in comparison, but the implications of each such abuse are graver when they are perpetrated by the personal of the official agencies. For example, custodial torture resulting in death or grievous hurt or custodial rape merit to be put on a different footing and they must be acted on quickly and promptly. In the prevailing arrangement the process does not contemplate speedier enquiry/investigation or trial measures and such cases are held along with other offences under the normal penal procedures.
Organization like the police are people’s institutions built on community edifice but their structure and workings tend to get so isolated from the public that a hiatus subsists and creates a barrier causing immense friction and misunderstanding between the two. Common sense would tell us that public participation does not mean that all and sundry can interfere in the day to day working of public institutions. On the contrary, there is need to evolve a character and ethos to the crucial activities of police by which the public can stand assured that measures planned and pursued by the police are in the best interests of the community and further an enlightened body which is independent of the executive in performing a watch dog role on their behalf.

30. Change in impatient nature: With the enactment of a plethora of social, fiscal and other laws, the powers of the Police to arrest have widened beyond imagination. This gives scope for misbehaviour and avoidable custody.

The problems of custodial violence cannot be studied in isolation. It is very much linked with many other socio political conditions existing in the country. In foreign countries, a person can be arrested only after every piece of evidence against him/her is collected. The police gets sufficient time to do it. The people in general and the politicians in particular can understand the difficulties connected with detection and arrest. Here, on the contrary, everybody is impatient and in all cases, the people politicians and those in authority want to have the arrest made at the quickest time possible. They pressurize the police and this in turn compels the police to take some people, guilty or otherwise, in custody. In their over enthusiasm to get a confessional statement, they resort to all sorts of coercive tactics to get the desired results at the earliest way. Hence, the people must be educated to tolerate the usual delay which may occur during any police interrogation.

31. Code of Conduct for Police: The Code of Criminal Procedure, 1973 and the police Acts as well as the police manuals of various states prescribe as to how the police must respond to the call of their duties and how their work culture should reflect the constitutional spirt. In addition to the mandated legal prescriptions, there is also the
internationally accepted code of conduct for law enforcement officials, well echoed in the endorsement of the code of conduct adopted by the conference of the Heads of police organizations of various states in the country (1996). These canons were found to receive the nod of the third National Police Commission (1980) save one particular clause, which was modified very rightly, commending the police to function as the servant of the law and not as a servant to the Government in power.

32. Training of Persons Associated with the Prisoners: Special Training should be arranged for the medical professionals, advocates, police etc who are dealing with the human rights of woman prisoners according to their professional ethics and lest but not the least.

At the end of the research, the researcher has a great faith in the democratic set up of India. In a democracy no one can be given unbridled powers whatever be the circumstances. Call it a minus or plus point of a democratic policy, but this is the reality. Therefore, police officials, judiciary or members from judiciary must not forget that even while handling an extraordinary situation like that created by the women prisons it is their responsibility to project the lives and limbs of all innocent citizens. Even a single innocent life lost in a fight against any women prisoners of nation is a serious crime. When such an offence is committed by the guardians of law and orders it have dangerous implications. Sometimes this goes to defeat the very purpose of the deployment of the police forces. The demand of human rights organizations obviously cannot be music to the ears of the government or police aspect of their duty. An independent body of intellectuals, professional social workers and administrators may be constituted to examine and decide and differentiate the \textit{bona fide} and \textit{malafide act} of policeman.

In regulating the prescribed norms for women prisoners this should be kept in the mind of all personnel's that they should be kept in the mind of all personnel that women prisoners are also human being made up of flesh and blood supported by bones like any ordinary persons. They do possess human rights in different phases of
their lives and their rights should not be violated. That is why the appropriate place for prisoners is not jail but it is now correctional home/ reformatory home. The latter concept is welfare concept, whereas the former shows punitive concept.