Introduction

On account of refusal of bail and consequent Police Custody Remand; the torture in police interrogation cells follows in India. At least one thousand accused men are killed in police custody and accused women are raped in police custody. Every year over one thousand innocent persons die in police custody and magisterial custody due to cruel and inhuman interrogation methods adopted to elicit admission of crime. Asian Centre for Human Rights in its report, “Torture in India 2011”, released recently stated that a total of 14,231 persons i.e. more than four persons per day died in police and judicial custody in India from 2001 to 2010. This includes 1,504 deaths in police custody and 12,727 deaths in judicial custody from 2001-2002 to 2009-2010 as per the cases submitted to the National Human Rights Commission (NHRC). In India’s prisons Lock up deaths are regular features in India’s police stations. In May 2013 in State of Uttar Pradesh an under trial, by name Balvir whose rectum was filled with petrol by injecting the fluid through a syringe by the sub inspector of Awagarh police station died in a hospital in Lucknow. Such bizarre tortures take place on routine basis. FaizUsmani, a suspect of 13/7 serial blast in Mumbai who was arrested on 16 July 2011 died during interrogation by Mumbai Police in police interrogation cell. Director General Police ordered enquiry through CID. In another recent case minority community person Khalid Mujahid, an accused in serial blasts that had rocked Lucknow and Faizabad courts in November 2007, died on May 18 2013 after he fell sick and fainted near Barabanki border while being escorted to Lucknow jail after a court hearing. Uttar Pradesh Government suspended 9 police personnel including Sub Inspector Ram Avadh. In Aurangabad (Maharashtra) terror suspect MirzaRizwanBaig committed suicide due to pressure of interrogation and fear of torture. Torture and deaths are routine in India’s police stations.

Under-trials are vulnerable to attacks at the hands of hardened convicts serving longer terms in the prison, Iniatulla’s case. Mercy of repeat under-trials and hardened criminal who have been convicted and are serving terms. Delhi bus gang rape. Accused Ram Singh was found hanged in Tihar jail in March 2013.

The Tihar jail authorities say he hanged himself, while the relatives of deceased say he was murdered.
Most gruesome murder in police custody was done by Maharashtra police of a young software engineer Khwaja Yunus born at Parbhani. The main accused in custodial murder API Sachin Waze has been suspended and booked for murder. Waze put up a story that Yunus escaped from police van when he was being taken to Aurangabad for investigation. Then CID found that the story of escape was fake and Yunus was killed and his body was burnt in Asangaon forest in Raigad district. Surprisingly there are encounter specialists in Mumbai Police who kill gangsters in encounters.

**Feeble Indian Response to UN Convention against Torture**

India signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) after a gap of 13 years on 14 October 1997, but has not ratified the treaty yet. The Government in India has no political will to ratify the UNCAT treaty since the political bosses feel that torture in police custody by police is a tool to take revenge of political opponents. Bill to ratify UN CAT 1984 (United Nations Convention against torture) was drafted in a lackadaisical manner and it is under consideration of the government at present. Torture was to silence people and make sure that they did not raise their voice against injustice and remain docile, observed the jury at a public hearing on all forms of custodial injustice in custodial institutions in Madurai Tamil Nadu,

Criminal Procedure Code 1973 which is procedural manual for trying criminal cases in India is archaic, outdated manual if we compare the bail laws bad bail procedure in Australia, United Kingdom or United States of America. Ample literature is available on the internet web sites .Indian criminal procedure has totally wiped out presumption of innocence from the bail procedure. The presumption of guilt is the main plank of India’s Criminal Procedure law, Indian law on bail is Section 167 of Criminal procedure Code. This code, as has been said above, presumes all people arrested by police as hardened criminals. There is provision of up to 14 days of police custody. Most often the accused person does not survive the beating and other third degree methods of eliciting admission from the accused and many die during interrogation. If the accused dies in custody a false scene of suicide is immediately created. Every day there is at least one news item in the newspaper about some police station where the relatives of the dead are not taking the dead body and are squatting before the police station.