

A SPECIALIST IS A SPECIALIST! AFTER ALL

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ABSTRACT**BACKGROUND**

Doctors of Forensic Medicine working in Private Medical Colleges are in no way different from those working in the Government setup. They are also ultimately working for the Government as the medico-legal cases brought to them are by the law enforcing agencies of the Government and they are authorised to do so by the Government. In a broader picture, a private professional is an unbiased third party who can view a case without conflict or allegiance to any particular party. Investigations in some of the most controversial cases have been mismanaged, reasons for which are many including those of police brutality or misconduct. One of the most recent cases called into question is the case of brutal murder of an IT professional.

KEYWORDS

Forensic Specialist, Police Brutality, Government College.

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BACKGROUND

Forensic specialists working in Private Medical Institutions have always had a backseat to those working for Government Hospitals and Colleges. The Government of India has a perceived notion that doctors working for hospitals under them support the choices they make and will stand for them, while private professionals will go against their word or conviction. In a broader picture, a private professional is an unbiased third party who can view a case without conflict or allegiance to any particular party, therefore having an open mind to any given case, especially those which can include the fault of the Government or an official of the Government. Investigations in some of the most controversial cases have been mismanaged, reasons for which are many including those of Police brutality or misconduct. The Government attempts to stand behind their law enforcement and can often fail to see the truth or details in these flawed cases.

Police brutality, abuse and even the death of prisoners is not uncommon to the country.¹ From the year of 2001 to 2010 the Asian centre for human rights has reported more than 14,000 deaths in judicial and police custody across the nation.² Police brutality is defined as the excessive force or abuse of power by an officer in the sense of manhandling prisoners, false arrests, racial profiling, abuse while in custody and corruption within the ranks.

Excessive force itself is not an exact definition by law, but is held to the standard of a force used beyond reason by a member of law enforcement. The police system in India is under the provisions of the Police Act of 1861. This act was enacted, while the British were still in control of the country. It began to set the tone of police as an authoritarian force. The police were unaccountable to the Government or even the people to whom they severed. They answered to their own hierarchy, which caused the build-up of too much power going unchecked.

India currently holds its signature on the Universal Declaration of Human Rights adopted on January 10th of 1948 by the UN General Assembly as well as the Code of Conduct for Law Enforcement officials in 1979. To further appease the public, the Government issued a model code of conduct for police in July of 1985, section 4 of this code states "In securing the observance of law or in maintaining order, the police should as far as practicable use the method of persuasion, advice and warning with no physical force and if force becomes inevitable, only the irreducible minimum of force required in the circumstances should be used." Yet even with these efforts for change, the cases of torture in custody and false imprisonments were only rising. In the year 1996, a retired police officer by the name of Prakash Singh³ petitioned to change article 321 to stop the abuse of power. This case reached the supreme court of India and in conclusion each state was told to set up independent authorities to screen complaints of police brutality and abuse. Hardly, any of the states complied and enforcement from a National Level was never seen.

In a global prospective India has a notorious reputation of holding some of the highest numbers of torture, extrajudicial killings and false imprisonment cases. "Human Rights Watch" released a report in 2009 called "Broken system: Dysfunction, Abuse and Impunity in the Indian Police" the following 118-page report documents varying human rights violations and is

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based on interviews with more than 80 officers of different ranks and 60 victims of said abuse. The document displays the lack of professional and ethical standards, overworked officers, high expectations of the public, rising crime rates and poor training within the departments. The research was studied in 19 police stations over 6 states including Delhi.

A series of cases taken up by the Supreme Court within the last 10 years have laid down the need for holding states liable for the actions of their police departments. The legal position now stands clear that police brutality will not be stood for and that action will be taken against it.

One of the most recent cases called into question is the case of Ramkumar. This case shocked the country as the murderer of a young woman was found dead in his police cell just days before his court hearing. Outrage from the man's family and much of the public raised the question of this proclaimed suicide. An eye for an eye justice or an abuse of police power? These are just some of the comments being heard around the country.

The case being investigated began on June 24th at 6:30 AM, when a 24-year-old IT professional was violently murdered at the Nungambakkam train station in Chennai.⁴ The murder sparked outrage and fear in the community, as the assailant was not captured on site. The Chennai police made the arrest of a suspect within the same week after video footage from the train station and complaints of stalking from the woman's father linked him to the crime. Upon arriving at the home of the suspect police reported he attempted suicide on spot by bringing up a knife/blade to his throat.

According to reports, the suspect reportedly stalked the girl for months and resided near her residence in the Choolaimedu district. He had befriended her online and exchanged mobile numbers. He soon became infatuated and even moved to be closer to her hometown. Enraged when she rejected him, he stood at the train platform where she daily arrived at 6:30 AM to get to work; here he hacked her to death with a sickle. The anger in the community arose both at the fact the police only arrived to the crime scene after two hours and to the fact in a crowded station not one person was able to help this girl as she was brutally murdered in broad daylight. The backlash from the community ushered police to act quickly and the arrest took place within just one week on July 1st.

The suspect and his lawyer had pleaded not guilty up until days before the death. His family vehemently denied his involvement in the girl's death and claimed he was being framed and setup. On the date of September 19th at around the time of 4:30, a prison guard heard a strange sound and rushed to the cell of the suspect. Here, he was found with an electrical wire near his mouth and his lifeless body on the floor. He was

immediately taken to the prison hospital, where he was pronounced dead on site. The central prison faced scrutiny at the fact that more precautions were not taken for an already mentally unstable suspect. High ranking officials stated that multiple sessions of counselling and therapy were given by professionals; guards were told to pay special attention to him as well.

After his death, the state of Tamil Nadu promised a magistrate's inquest would be made in correlation to the rising suspicions of the case. The suspect's parents requested a doctor of their personal choice be present for the autopsy of their son and resorted to the Head of Forensic Medicine at Sri Ramachandra Medical College. The high court of Chennai declined their request and appointed 3 Government College doctors from Kilpauk Medical and Stanley Medical College.⁵ The family contested and the case has gone up to the Supreme Court, each of their requests being overturned.

Yet, this still raises the question of why a forensic expert from a private institution was denied no matter the situation. The Government of Tamil Nadu claimed there was nothing in the autopsy or the body to hide. Why was the request to have a forensic expert of a private college denied, when he would have been an unbiased observer not representing the Government or the family of the victim? Instead a doctor was brought in from the All India Institute of Medical Sciences (AIIMS) of New Delhi in an attempt to appease the judgment and suspicion from the parents and the public. The doctor from AIIMS is still one who represents the Government.

Ultimately, even those working in a private institution are still working for the Government, as the cases they are called upon are those conducted on behalf of them. The Government fails to realise that no private expert is working against them, nor for them but as a third party who only wants justice and has the best interest of the truth behind the case.

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