

- ☛ You can file a complaint with the Police Complaints Authority. These are special bodies that examine complaints about the police from the public. Find out if there is one that has been set up in your state.
- ☛ You can file a writ petition directly under Article 226 of the Constitution of India in the High court or under Article 32 of the Constitution in the Supreme Court. If the court is convinced that there has been a violation of your fundamental right then it would direct the concerned authority to register the complaint or order accordingly as it deems fit. You can even write down your grievance in a letter and send it to the High Court or the Supreme Court and if the court feels that your complaint deserves attention then it can treat this letter as a writ petition.

What is a Writ Petition?

A writ petition is filed when a person feels that his fundamental rights have been violated. On filing this petition, if the court thinks that there has been a violation of your fundamental right, then it will direct the concerned authority to register the complaint or make other orders.



ABOUT CHRI

The Commonwealth Human Rights Initiative (CHRI) is an international, independent non-profit organization headquartered in India. Its objectives are to promote the practical realisation of human rights in the Commonwealth. CHRI advocates for greater adherence to human rights standards.

Presently we work in the following areas:

- ★ Police Reforms
- ★ Prison Reforms
- ★ Right to Information
- ★ Strategic Initiatives Programme
- ★ Reports to the Commonwealth Heads of Government Meeting (CHOGM)



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Interrogation and Questioning

Police and You Know Your Rights



**Commonwealth
Human
Rights
Initiative**

Interrogation and questioning is a very important part of police investigation. The police get important information by asking questions about the incident or the offence.

It is your duty to provide correct and accurate information about the accused and the incident.



YOU HAVE THE FOLLOWING RIGHTS DURING INTERROGATION:

- ☛ The police cannot force you to make any statement which can be used against you as evidence.
- ☛ You should not make any statement or answer any question which may prove that you are guilty of an offence
- [Sec 161 (1) Code of Criminal Procedure]
- ☛ The police cannot threaten you or compel you to admit any offence of which you have been accused.
- [Sec 24 Indian Evidence Act & Sec 316 Code of Criminal Procedure]
- ☛ Every person has the right not to be ill treated, abused or tortured whilst they are being interrogated or questioned.
- ☛ If the police beat you or seriously injure you during interrogation then the police officer can be punished under the law.
- [Sec 330 and 331 Indian Penal Code]

- ☛ It is not necessary to sign any statement which you may have given during your interrogation.

- [Sec 162 (1) Code of Criminal Procedure]

- ☛ Any statement made to the police cannot be held against you until the statement is made in presence of a magistrate.

- [Sec 26 Indian Evidence Act]

- ☛ If you want to confess about the offence you have committed, you should do it in the presence of a magistrate. It is the duty of the magistrate to tell the accused that he/she should not confess to an offence under any pressure. If the accused makes a confession on his own, then the confession may be used against the accused as evidence. If the magistrate is not convinced that the accused is confessing on his own without any pressure, then the magistrate will not write the confessional statement.

THINGS YOU SHOULD REMEMBER

- ☛ Take a relative or friend along with you when you go to the police station for questioning.
- ☛ Answer the questions asked by the police in a calm and composed manner



- ☛ Mention the true facts of the incident as they occurred
- ☛ Do not exaggerate facts
- ☛ Never make vague or unclear statements



IF YOU HAVE COMPLAINTS REGARDING YOUR INTERROGATION BY THE POLICE YOU CAN DO THE FOLLOWING:

- ☛ You can meet the Superintendent of Police (SP) or other higher officers like the Deputy Inspector General of Police (DIG) or Inspector General of Police (IG) and bring your complaint to their notice.
- ☛ You can send your complaint to the Superintendent of Police by registered post. If the SP is satisfied with your complaint, he/she shall either investigate the case himself/herself or order an investigation to be made.
- ☛ You can file a complaint with the magistrate in a court having jurisdiction.
- ☛ You can also make a complaint to the State Human Rights Commission or the National Human Rights Commission if the police do nothing to enforce the law or do it in a biased or corrupt manner.