



PRESS STATEMENT

The pandemic is not a law and order problem: CHRI demands investigation into the death of UP teen

May 24, 2021, New Delhi – The Uttar Pradesh police leadership must ensure a time-bound and impartial investigation into the reported custodial torture and death of Faisal Hussain, an 18-year old vegetable seller, at the hands of police in Unnao district, the Commonwealth Human Rights Initiative (CHRI) said today.

“All police personnel found guilty of grave violations must be brought to account forthwith,” said Devyani Srivastava, the head of CHRI’s police reforms programme. “Any delay or failure to take firm action against the concerned police personnel will only add to the injustice suffered by Mr Hussain’s family.”

[News reports](#) and [CCTV camera footage](#) have revealed that Faisal Hussain was slapped and dragged to the Bangarmau police station on May 21 for allegedly violating the state lockdown. The post mortem report noted severe injuries on Mr Hussain’s back, chest, ear and hands and attributed the cause of death to be serious injuries on his head.

An FIR has been registered against suspended police constables Vijay Choudhary and Seemavat, and home guard Satya Prakash charging them with murder. Of them, only Satya Prakash has been arrested to date.

CHRI urges the Uttar Pradesh Director General of Police to take the following steps to ensure prompt and impartial investigation in the criminal case registered against the police personnel by ensuring that the investigation is completed in a time-bound manner. CHRI urges that the following steps are taken:

- That the case is assigned to an officer not below the rank of Inspector, preferably from another district, or the State Crime Branch, Crime Investigation Department (CBCID) in order to ensure an independent investigation
- The officer reviews the grounds on which Faisal Hussain’s detention was regarded as necessary by police personnel, and whether due procedure as required by law was followed
- The duty records and registers of all officers involved in the detention of Faisal Hussain, as well as of the Station House Officers or the station in-charge on duty at the Bangarmau police station on 21 May 2021 to be reviewed
- The General Diary entries of 21 May of Bangarmau police station to be reviewed
- The CCTV camera footage with audio recording of the local vegetable market where the victim was picked up, as well as of the Bangarmau police station including of the lock-up where he was held on 21 May 2021 to be reviewed



- The police ensures that the statements of eye witnesses, and family members of the deceased are recorded promptly without any interference, harassment or further threat and
- The necessary documents to confirm Faisal Hussain's age and whether he was a minor to be reviewed.

In addition, the DGP is urged to take the following action: Police constables Vijay Choudhary and Seemavat, and any other officers involved, to be immediately arrested, with due protection of legal safeguards on arrest including the right to legal counsel. The concerned police officers should also remain under suspension until the investigation is completed. Immediate steps need to be taken to protect and preserve evidence necessary to verify allegations of torture at the police station including all the objects and clothing of Faisal Hussain and the accused police personnel.

It needs to be established that the Unnao District Superintendent of Police has informed the Secretary General of the National Human Rights Commission (NHRC) within 24 hrs of Mr Hussain's death, as required by its guidelines on custodial death, including a review of the date on which the information was sent, and reasons for delay and/or failure in informing, where applicable. In addition, that the post-mortem was video-graphed as per the NHRC's Guidelines needs to be confirmed, and that a copy of the recording has been sent to the Commission in the prescribed format. The police need to extend their full cooperation to the ensuing inquiry by the National/State Human Rights Commission.

There should be unhindered access to all relevant documents as sought by the judicial magistrate while conducting an inquiry under Section 176 (1)(A) of the Code of Criminal Procedure (CrPC) and as per guidelines issued by the NHRC.

The inquest report prepared by the Officer-in Charge of the Bangarmau police station needs to be reviewed to ensure that the condition of the body including injuries are clearly described, and that the report has been sent to the District Magistrate as required under Section 174, CrPC.

CHRI's guidelines and [video](#) urging police departments to respect rights while enforcing the lockdown can be accessed here: [English](#) and [Hindi](#).

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