



# Beyond recompense

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## **Highlights**

- The 'ISRO espionage case' marked a disgraceful chapter in the history of police investigation in the country.
- The presence of a Maldivian woman in India became the pretext for a police witch-hunt against scientists belonging to the Indian Space Research Organisation in 1994.
- Three scientists were arrested on the grave charge of sharing official secrets related to space technology and launch missions with foreign agents.
- The order, mercifully, lasted only for a short time, as the investigation shifted from the Kerala Police to the Central Bureau of Investigation after a few weeks.
- The CBI recommended closure of the case, citing complete lack of evidence and pointing to grave lapses in the police probe, which also used questionable methods and proceeded on nothing but suspicion.
- Ever since the proceedings were dropped, one of those arrested, S. Nambi Narayanan, has been battling for the restoration of his honour and dignity.
- The attitude of the Kerala government has been obstinately ungracious.
- It has been unsympathetic to the demand for action against its errant police officers, arguing petulantly that there is no court direction to take disciplinary action against them.
- The latest Supreme Court order, forming a committee headed by a retired Supreme Court judge to consider ways to take action against the officers, addresses this glaring inadequacy in the process of restorative justice for those maliciously arrested.
- The prosecution of these officers is long overdue.
- The court has reaffirmed the principle that compensation is a remedy for the violation of human rights.
- But the so-called espionage case remains a study in the crude and archaic methods used by the police.
- For a country where it is not uncommon for those arrested for heinous offences to be exonerated after long years in prison, it is possible to argue that the compensation principle may open the floodgates for innumerable claims.
- The only way to avoid such a situation is to have a proper oversight mechanism to ensure that all investigation into crimes and complaints remains lawful.
- While granting Rs.50 lakh to Mr. Narayanan, the court has taken note of his wrongful imprisonment, malicious prosecution and humiliation.
- While his honour and dignity were restored long back, the delay in a consequential inquiry into the conduct of the police officers concerned is disconcerting.
- Justice is not only about relief and recompense, and should extend to action against those at fault too.
- Much of the blame must fall on the Kerala government, which did not muster the courage to proceed against its police personnel.



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