

Bring legislation against custodial torture, activists urge TN government

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Published: 05th July 2023 07:11 AM | Last Updated: 05th July 2023 07:11 AM



TIRUCHY: On the second death anniversary of tribal rights activist Stan Swamy who died in jail after being arrested in the Bhima Koregaon case and after being consistently denied bail, activists and outfits in the state have called out for an Act called 'Tamil Nadu Prevention of Custodial Torture Act'.

Pointing to the DMK's stand during Stan Swamy's death in 2021, advocate Meetha Pandian said despite MP Dayanidhi Maran announcing that he would raise the issue of custodial torture in Parliament, the DMK-led government has failed to ensure the same in its ruling state.

Data released by the Lok Sabha for the years 2016-17 and 2021-22 showed that Tamil Nadu stood first among southern states in the number of custodial deaths. Also, the number rose from 63 in 2020 to 109 in 2021. Henri Tiphagne, executive director of People's Watch, said,

"Leaders' rhetoric against custodial tortures will do no good on the ground, where plausible changes ought to be done in the police stations where the most number of such incidents take place." Citing the Supreme Court order in the Paramvir Singh Saini vs Baljit Singh & others, 2020, case, he said "As per the order, every place in a police station should be under CCTV

surveillance exempting toilets and bathrooms, which seem to not have been taken seriously by the state government."

Ensuring transparency in police stations would reduce half such torture incidents, he said, and added that the police cannot give excuses as faulty CCTV cameras, which in case of a fault had to be reported to the district and state level oversight committees (DLOC and SLOC) immediately. Pointing to recent deaths of prisoners, both convicts and undertrials, in the Tiruchy central prison which the police reported as being due to health issues without concrete evidence confirming it, he said, prisons should also be brought under CCTV surveillance without exemption.

Further, he said, "RTI reports obtained by us points out that visits by officials of the education, labour, social welfare and other departments to ensure the safety of prisoners have not been carried out in any of the prisons." Thiyagu, state coordinator, Joint Action Committee Against Custodial Torture (JAACT), said, "The result of not following the SC directions led to the recent custodial torture in Tenkasi," he added.

"Police torture and custodial deaths have continued irrespective of which party was in power, but at least a government which portrays itself as against such offences should set an example in staunchly following the orders," he said.

The JAACT, along with allied organisations, will present their study on CCTV cameras in police stations along with a detailed presentation about the importance of Act to Chief Minister MK Stalin on July 6. He emphasized on strict punishment for police officials who torture prisoners.

CJ Rajan, advocate and convener of Stan Swamy People's Federation, said, "Steps should be taken to include India in the United Nation's Convention against Torture which was adopted in 1984, and the Tamil Nadu government, which has been vocal about it, should ensure India's participation in the convention."

When asked about the government's step towards amending an Act on the prevention of custodial torture, Minister for Minorities Welfare Gingee KS Masthan said they would surely work towards that when they were presented with a detailed need for the Act and its importance.

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