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Mechanism needed for handling custodial death cases: forum

'The present provision is inadequate to address serious crimes such as torture, custodial deaths and extrajudicial killings'

The Hindu Bureau
MADURAI

Coalition of People's Movements Against Police Violence, a forum comprising civil society organisations, human rights activists, writers and artists, has penned a letter to the Tamil Nadu Chief Minister M.K. Stalin to emphasise the need for creating a separate mechanism to handle cases of custodial torture and deaths.

During a press meet here on Saturday, R. Murali of People's Union for Civil Liberties (PUCL), said, "Though various governments have condemned the custodial tortures and deemed them illegal, there remains a deeply entrenched belief within the police force - from police constables to officials - that truth can only be extracted from the suspects through physical or psychological torture."

He added that the mindset was enforced by unchecked power, lack of accountability, and systemic failures.

The Bharatiya Nyaya Sanhita (BNS) section 125 (8) criminalises unlawful confinement for the purpose of obtaining confessions or retrieving property, with a maximum punishment of three years.

However, Mr. Murali said that the provision was inadequate to address serious crimes such as torture, custodial deaths and extrajudicial killings.

As several bitter truths like operation of special forces have come out in the recent custodial death of B. Ajith Kumar in Sivaganga, the illegality and administrative lapses leading to such killings should be addressed immediately, he noted.

Through the letter, the forum has demanded to enact a separate and comprehensive law to criminalise torture and custodial deaths.

"To handle complaints against police and act on it, an independent authority should be appointed. As the investigating officers are often the same persons who register FIRs, this leads to bias, suppression,

or distortion of facts. The authority to be appointed should comprise retired judges, legal professionals and qualified human rights activists."

Other demands included ensuring accountability at the district level by involving senior police officials in cases of custodial violence, creation of a non-police investigative body, maintaining service records of officers involved in torture cases, among others. Further, making CCTV cameras functional at police stations mandatory, initiating criminal and departmental action against officers found guilty of torture, were the other demands.

Some of the prominent personalities like writer, activist S.V. Rajadurai, Justice D. Hariparanthaman, Thanthai Periyar Dravidar Kazhagam leader Kolathur Mani, V. Vasanthi Devi, former Vice-Chancellor, Manonmaniam Sundaranar University, Henri Tiphagne, Executive Director, People's Watch, among others have signed the letter.