

Counterview

Custodial torture not justified even in exceptional circumstances: JAACT

Counterview Desk

FRIDAY, MAY 17, 2024

The civil rights group, Joint Action Against Custodial Torture (JAACT), referring to the alleged custodial torture of Savukku Shankar, against whom there are serious charges of making derogatory and disrespectful remarks against women working in the police, has said that while his act is unpardonable and is a grave violation of human rights, "Under no exceptional circumstances can torture be resorted to."



Also objecting to the Tamil Nadu police arresting Redpix journalist Felix Gerald, JAACT said, while he did conduct an interview that insulted the dignity of women police officers, his arrest from **Delhi** without a warrant and the non-obtaining of a transit warrant and his present incarceration are "gross violation of the law relating to arrest enshrined in the Criminal Procedure Code."

Text:

Savukku Shankar was blindfolded at the Coimbatore Central Prison, his body wrapped with cloth and he was subjected to severe torture in the room opposite to remission room in Coimbatore Central Prison using plastic pipes resulting in his left arm being fractured. He was abused referring to Additional Director General of Police Arun and Jail Superintendent Senthil Kumar.

This press release comes after the Joint Action Against Custodial Torture (JAACT) has confirmed from very reliable sources the above-mentioned facts and at the same brutal acts of torture were carried out in the presence of the Coimbatore Central Prison Jail Superintendent, Senthil Kumar.

So far there had been no denial from the Tamil Nadu police or specifically prison atrocities about the allegation of torture in Coimbatore Central prison.

Similarly, when Redpix journalist Felix Gerald, who interviewed Savukku Shankar, was illegally arrested in **Delhi** on 10th May, he was being kept in illegal custody for three days namely from the night of the 10th till the evening of the 13th May and brought to Tamil Nadu and remanded to judicial custody, without the Tamil Nadu police adhering to the legal procedures.

There have been strongly conflicting opinions on social media and in the public arena about these two incidents and it is in this context that JAACT wishes to publicly reiterate its condemnation of torture is always wrong, it is prohibited under National and International law and cannot be accepted in any exceptional circumstances.

The JAACT vehemently condemns the torture inflicted on Savukku Shankar by the prison authorities and the illegal arrest and imprisonment of Redpix journalist Felix Gerald. Savukku Shankar has been booked in several cases and is in Judicial custody. JAACT does not want to enter into the debate whether the allegations made against Savukku Shankar by the prosecution are true or false as long as a case has been registered JAACT believes that a proper investigation followed by prosecution and trial will ultimately bring out the truth.

However, JAACT firm stand is that “custodial torture under any special circumstances is totally unacceptable” under Article 21 of the Constitution and under international law. Similarly, JAACT insists that all meticulous legal procedures that are required to be followed by the police when a person is arrested should have been followed in these cases too which are governed by the apex court direction in India.

In particular, strict adherence to Section 41A of the Code of Criminal Procedure (CrPC) is now strictly mandatory as per the direction of the Supreme Court in D.K. Basu vs. State of West Bengal, as well as the Standard Operating Procedure issued by former Director General of Police Sylendra Babu (IPS) in June 2022 are the standards to have been strictly adhere to in these two cases.

JAACT is aware that Shankar has made derogatory and disrespectful remarks against women working in the police and in the media which are unpardonable and a grave violation of human rights which strongly includes the dignity of women. JAACT strongly condemn such comments made by him.

JAACT is also aware of his history of humiliating, degrading and belittling various human rights defenders who have led important struggles for the protection of human Rights in Tamil Nadu. He has also had a history of defending the police torture while such protests were suppressed and has been seen to be siding with the police who carried out the torture. JAACT cannot forget his one-sided support to the school principal in the murder of Srimathi in a private school at Kallakurichi.

Despite the above JAACT does not tolerate or accept his torture in prison custody on any grounds. All forms of torture are to be totally prohibited, the police or prison officials who indulge in torture are required to be punished according to the law.

Redpix journalist Felix Gerald has also been charged with uploading and conducting an interview that insulted the dignity of women police officers. When the Tamil Nadu police arrested him in [Delhi](#) on the night of 10th May 2024, they did not possess a warrant, he was not informed of the grounds of his arrest and no transit warrant was obtained from any court in [Delhi](#).

Mindset prevalent in media and people that police has freedom to commit custodial torture is violation of customary international law

His arrest from Delhi without a warrant and the non-obtaining of a transit warrant in Delhi and his present incarceration are sufficient proofs of gross violation of the law relating to arrest enshrined in the Criminal Procedure Code 1973, these acts of the Tamil Nadu police contravene articles 20, 21 and 22 of the constitution of India. All the offences against Felix Gerald in the case in which he was arrested and remanded do not have a sentence above 7 years, hence his remand by the judicial magistrate Tiruchirappalli is totally contrary to the directives of the Apex Court in Arnesh Kumar v. State of Bihar.

JAACT is well aware of all the facts relating to Felix Gerald's illegal arrest without a proper warrant and his initially being taken to Delhi police and same was given upon instructions received by the inspector police Veeramani and then take him to the Delhi airport, and brought away from the Delhi airport upon instructions from the higher officials and ultimately travelled by an unreserved compartment from Delhi to Chennai, reaching Chennai on the 13th Morning, he was later transported in a van with largely women police who were abusing him and trying to irritate him during his journey from Chennai and Tiruchirappalli, this including them video graphing him in order to irritate him during the journey.

JAACT strongly feels that such acts of ill-treatment and abuse using women in uniform amount to ill-treatment and humiliation as defined under the United Nations Convention Against Torture, the police raids in Felix's house and thereafter in his office yesterday and seizure of costly equipment during the search and seizure operation is a very mean ploy to stop the Redfix media from operating. JAACT therefore condemns these shameful acts narrated above used by the police including the escorting of a man by women police from Chennai to Tiruchirappalli.

The first vocation bench of the Madras High Court last week had taken up the custodial torture of Savukku Shankar in Coimbatore Central prison and passed necessary orders in that regard however the continued custody of should immediately take up these custodial torture cases and obtain reports expeditiously and take legal action. The continued custody of Savukku Shankar in Coimbatore prison where the Superintendent of Prisons is Senthil Kumar and the actions emanating from his command narrated above are all against the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules 2015).

While being transported to the court, Shankar's message to the media that there is a threat to his life in Coimbatore jail has to be taken seriously by the Director General of Prisons Tamil Nadu and JAACT calls from Immediate steps being taken to shift him to another prison. Given the track record of Senthil Kumar in terms of Prison custody violations and torture.

JAACT calls for immediate disciplinary actions against police inspector Veeramani and his team for the illegal arrest of Felix Gerald in Delhi as well as all higher officials including the superintend of police of Trichirapalli on the principle of command responsibility. The Madras High Court Has to necessarily immediately initiate a disciplinary action against the Judicial Magistrate who remanded Felix Gerald to judicial custody contrary to the directions of the apex court in Arnesh Kumar vs state of Bihar. Therefore, he should be immediately shifted to another prison to provide security for his life.

JAACT appeals that the general mindset of the public in Tamil Nadu justifying that the police have been given full freedom to commit torture and engage in cruel, inhuman and degrading punishment amounts to a complete violation of the customary international law on the prevention of torture. This mindset being prevalent in sections of the media, police as well as the judiciary is not a true and genuine reflection of the government's social justice principles.

- *Henri Tiphagne, Legal Advisor; Thiyagu, Coordinator; and M.T. Pandian, Secretary*

<https://www.counterview.net/2024/05/custodial-torture-not-justified-even-in.html>