

Custodial torture victims are threatened, says People's Watch: Tamil Nadu

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In the latest conundrum over custodial torture in the southern state of Tamil Nadu, People's Watch, a human rights organisation based in the state has petitioned Ms. P. Amutha IAS, Principal Secretary of Rural Development & Panchayat Raj Department, the High Level Inquiry Officer who has been appointed by the state government to inquire into allegations of incidents of torture in Ambasamudram Police Sub Division, Tirunelveli district on March 12. This happened after some of the victim survivors of the torture, as reported by *The Hindu*, denied that Ambasamudram Assistant Superintendent of Police Balveer Singh had subjected them to inhuman treatment. It was then that the People's Watch Executive Director Henri Tiphagne said the statement from the victim was expected as the victims were being threatened by the local police officers. The cases of torture have reportedly arisen due to the actions of the Assistant Superintendent of Police [ASP] Mr. Balveer Singh IPS assisted by his gunman and other police officers and policemen/women of Ambasamudram, V.K Puram and Kallidaikurichi Police Stations— all within Ambasamudram Police Sub Division in Tamil Nadu.

People's Watch had earlier condemned the inhuman treatment meted out to a group of persons accused in an attempt to murder case by a team of police officers, led by Balveer Singh, who is under suspension now. "Why did the Tirunelveli Superintendent of Police not take control of the CCTV footage at the police station; it will speak more than anything else. Why the District Collector, in his capacity as the District Police Complaint Authority, did not initiate any action?" he asked.

Tiphagne also questioned why no suo motu action was initiated by the District Judge, the District Prosecutor and the SP and why protection was not given to the victims under the Witness Protection Scheme. The victims and the witnesses should have been given adequate protection, he said.

The custodial torture incident was a fit matter, like the earlier, Sattankulam incident, for the High Court to initiate suo motu proceedings rather than leave it to an official of the government. The Cheranmahadevi Judicial Magistrate, like the then Sattankulam Judicial Magistrate, had failed to notice the grievous injuries resulting out of torture while remanding the accused. The Judicial Magistrates could not mechanically remand the accused, he said. Ironically it was pointed out by People's Watch that, as part of the bail conditions imposed on the accused, they had to appear and sign before the very same police personnel who tortured them. They were being threatened and tutored by the local police officer to go back on their statements, he added.

The detailed, 12-13 page memorandum by People's Watch states that there has been a failure of the District Magistrate and District Collector, Tirunelveli to follow the Tamil Nadu Police (Reforms) Act 2013i which under Chapter IV titled "Police Accountability" provides for the constitution and functions of the District Police Complaints Authority under section 14 and 15 and details the procedures to be followed by the District Police Complaints Authority in the disposal of complaints under Section 16.

Quoting from judicial precedents in the Supreme Court, and the directions issued in *Paramvir Singh Saini Vs Baljit Singh & Others* dated December 2, 2020, the memorandum states that:

- Every police station should have CCTV cameras installed at – all entry and exit points; main gate of the police station; - all lock-ups;
 - all corridors;
 - lobby / the reception area; - all verandas/outhouses,
 - Inspector's room;
 - Sub Inspector's room;
 - areas outside the lock-up room; - station hall;
 - in front of the police station compound; - outside (not inside) washrooms/toilets; - Duty Officer's room;
 - back part of the police station etc.
- The CCTV cameras should be equipped with night vision and consist of audio as well as video footages and internet systems to be been stored shall be preserved for 18 months.
- Every police station to prominently display larger posters in English and Tamil languages, at the entrance and inside areas of the police stations/offices of investigative/enforcement agencies about the coverage of the concerned premises by CCTV as well as the right of a person to complain about Human Rights violations to the NHRC, Human Rights Court or to the Commissioner/ Superintendent of Police of the concerned District and also about the preservation of the CCTV footage for a period which shall not be less than six months and the victim has a right to have the CCTV footages secured in the event of a violation of human rights.

Meanwhile, in a statement, People's Union for Civil Liberties (PUCL) has also strongly condemned the custodial torture. Its president S. Sankaralingam and general secretary A. John Vincent said it was pertinent to note that India signed the Convention against Torture in 1997, but still it had not ratified it.

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