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PRESS STATEMENT

People's Watch condemns continuous custodial deaths arising of custodial torture in police stations in Madurai City

People Watch condemns the continuous occurrence of custodial deaths arising out of brutal, unquestioned, police torture within the jurisdiction of the Madurai Police Commissionerate, headed by an officer of the rank of an Inspector General of Police assisted by four other IPS Officers as Deputy Commissioners, five Assistant Commissioners and 25 Law and Order police stations. Custodial violence in the form of brutal torture unknown to the Constitution of the country has been a regular occurrence in the city of Madurai almost on a daily basis in all police stations and the last custodial death took place on 29th June 2019 at the Karimedu Police Station resulting in the death of Mr. Manickandan from Palanganatham solely due to torture by the Madurai City Police.

Earlier to this, is the case of Muthu Karthick, 17 years old, cited to have been taken into custody on 13th January 2019 and who died on 24th January 2019 and the case is now pending investigation by the Crime Branch CID (CB-CID) pursuant to the orders of the Madurai bench of the Madras High Court a few weeks back.

Manikandan's custodial death has arisen only due to the torture by a team of police officers led by the Inspector of Police, Karimedu Police Station which first resulted in Crime No.540 of 2018 in the evening of 29.06.2019 in a case under Section 75 of the City Police Act. It is unbelievable that a person has to be tortured by the police even for a case under Section 75 of the City Police Act. After he was taken to the Police Station family members were threatened to come to the Police Station from calls made from this Police Station mobile phones on two occasions that night. He was never taken for medical treatment.

It was the total careless attitude of the Karimedu Police Station in not following the provisions of Criminal Procedure Code under Section 41B, 41C, 41D, 50, 50A and 60A of the Criminal Procedure Code and equally of all Senior Officers of the rank of Assistant Commissioner of Police, Deputy Commissioner of Police and Commissioner of Police fully aware of the circumstances of the case and choosing not to intervene in the matter by advising their subordinates suitably that has resulted in the death of Manikandan.

To add fuel to the fire, the Senior Police Officers have all ensured the presence of police in large numbers at the admission ward of the Government Rajaji Hospital thereby intimidating and preventing the family members from having any access to Manikandan and supported in their actions by the hospital and ward staff that resulted in the family members running from pillar to posts and even medical staff including Doctors on duty at the emergency ward misguiding the family members. These all resulted with the body of Manikandan been moved from the accident ward to the mortuary clandestinely and scrupulously to prevent the family members from having access to him while he might have still been alive.

People Watch notes with pain the conspiracy between the hospital authorities, the District Collector and the Commissioner of Police for the second time since January 2019 in ensuring that hospital post-mortem in the case of Manikandan was performed between 11:00 to 11:30 p.m., that same night contrary to all known medico-legal procedures normally followed in cases of post-mortems.

People's Watch painfully points out the violent manner in which they misguided and misinformed the parents and family members of Manikandan who were handled by the Madurai Police - all within the knowledge of Commissioner of Police, the Deputy Commissioner (L&O) and several Assistant Commissioners of Police from the time of his death till the time of his cremation in Thathaneri.

The same night the family of Manikandan had assessed land to bury Manikandan but the local police with the full directions of the Senior police officers forcibly threatened and guided the family to take the body of Manikandan after post mortem accompanied over 30 police vehicles and several hundred armed policeman directly to Thathaneri contrary to all proposals made by the family that they would take him to Palanganatham.

It is important to note that this is the second case after that of Muthu Karthick where the Commissioner of Police, the District Collector, the team at Government Rajaji Hospital have conspired against the interests of a poor family only to show that justice is not done to the family of Manikandan.

People Watch further sees that while the opposition parties in Kerala recently staged a walk out in the legislature in discussing the custodial death at Nedumkandam Police Station of Kerala, the Tamil Nadu opposition parties has not raised the issue in the Tamil Nadu assembly. It is strongly apprehended that the police have played this only to prevent this issue from figuring in the ongoing session of Tamil Nadu legislative assembly.

In all matters of custodial violence arising out of torture, People Watch reminds senior police officers of the rank of Commissioners, Deputy Commissioners, Assistant Commissioners those who give commands to lower officials in cases of such torture leading to death have a duty to carry responsibility for the case and face consequences together with their lower officials. It is the gross negligence of all the senior officers in preventing torture in the Police Station of Madurai City and the joint conspiracy of the Commissioner of Police together with the District Collector and the Administration team in Rajaji Hospital to ensure that the post-mortem was not carried out and body handed over as in the case of Muthu Karthick in January or orders obtained for compulsory post-mortem to be carried out at 11:00 p.m. in the night and ensure disposal of the body through cremation. This is clear negligence of the Senior Officer which makes them culpable under the offences committing torture resulting in death on them, and for their initiating steps for causing disappearance of evidence of offence and giving false information in respect of an offence.

People Watch calls upon the Tamil Nadu Leader of the Opposition in state assembly to raise this issue of continues with custodial deaths in the state and in Madurai in particular in the legislative assembly and ensure that action is ensured against all those responsible for the offence.

People Watch calls upon the new Director General of Police (DGP) who has just taken over to direct all police stations in this state to refrain from of torture and show zero tolerance to custodial deaths. We demand the DGP to implement in effect the

provisions of Sections 41B, 41C, 41D along with Section 50A, 54 and 60A of the Criminal Procedure Code.

People Watch demands the District Legal Services Authority of Madurai to perform its duty under Section 12 of the Legal Services Authorities Act, 1987 and immediately ensure that free legal-aid is provided to the family of the deceased by a Senior Lawyer of the choice of the family immediately till necessary actions are initiated in all courts of law including the High Court under Section 12G of the Legal Service Authorities Act.

The Commissioner of Police needs to apologies to the citizen of Madurai for the continuous use of force and torture in the city contrary to our constitutional provisions and the judgements of the Supreme Court in various cases. The Police have to learn that they cannot undertake recourse to torture under any circumstances.

The UN Convention against torture 1993 that India is yet to ratify inspite of the recommendation of the Law Commission of India and its assurance in the first, second and third United Nations' Universal Periodical Reviews still remains to be fulfilled.

We will not allow torture in Madurai City at any cost. We appeal to the District Legal Services Authority and the State Legal Services Authority to ensure through pro-active means efforts at engaging young members of the bar to be appointed on a 24 hours duty in every Police Station with their mobile numbers disclosed to ensure that professional legal assistance is available to all persons in any Police Station at any time of the day or night and assistance of a lawyer is provided in by the Legal Services Authority.



(Henri Tiphagne)

Advocate & Executive Director – People's Watch