

## Violence in Custody

CUSTODIAL VIOLENCE IS SO endemic in Indian penal system that even human rights bodies look tired of producing voluminous reports on deaths in police lock-ups. Jails and police lock-ups are living hells, hellish enough to degrade human beings. For all practical purposes torture victims are on the rise. The International Court of Justice has suggested that the victims of violence be compensated. The Government of India has accepted the suggestion in principle without showing any political will to implement it in action. As for torture in custody—they usually resort to third degree methods, a legacy left by the British police administration—it is business as usual.

The crux of the problem is they still dangerously depend on the outdated practice of getting oral evidence as opposed to circumstantial evidence during investigation. Interrogation without torture is unthinkable in Indian police culture. They do 'Abu Gharab' throughout the year.

While speaking at a seminar on 'Custodial Justice', held in New Delhi on 30 & 31 March 2006, Justice A S Anand, Chairperson, National Human Rights Commission, urged the Union Government to immediately ratify the UN convention on torture, which it had signed in 1997. Justice Anand went to the extent of accusing the government of showing lukewarm attitudes in the matter.

All are in agreement with the concept that custodial torture, a naked violation of human dignity, ruins the victim physically and mentally. Agony of tortured souls gets compounded when the judiciary responds rather naively to the cry of the public for custodial justice.

The all important March seminar was inaugurated by Shivraj Patil, Union Home Minister, who went on record to state that 'the Government is considering enacting legislation to provide compensation to victims of custodial violence'.

Currently they run some kind of treatment centres for helping the tortured victims medically.

The hard reality is that nobody is talking about total elimination of torture mechanism in custody. They would be happy to see the victims get adequately compensated. So long as members of police force enjoy 'unwritten and illegal' authority to resort to criminal violence to extract statement, custodial violence will remain in place, no matter whether they organise dozens of seminars on 'inhuman treatment of prisoners'. The policemen do hardly bother about justifying the power of arrest though it is mandatory.

True, Human Rights Movement has appeal to wider sections of civic society but human rights bodies, even official ones, have limitations and wrongs cannot be righted simply by occasionally raising some bone-chilling events of custodial

violence. What is needed is active political intervention but political parties have vested interests in not going too far, at least not beyond seminar halls. ✍️✍️✍️