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A Study Analysis on Psychological Consequences of Custodial Torture on Victim Exploring Long Term Effect and Potential Strategies in Tamil Nadu

VEDHAGIRINATH I.¹

ABSTRACT

Custodial violence includes various kinds of torture that a person in prison, police custody as well as judicial custody undergoes due to various reasons. In developing countries like India custodial violence seems to be a serious problem as the majority of the population is still uneducated when it comes to various laws that protect their basic human rights. The objective of this research is To know the experience of victims who committed long term crime and facing custodial torture, to know some long term psychological consequences of custodial torture on victims, to analyze more about laws that preventing the custodial torture. This research follows an Empirical type of research and the sampling method used in this survey is a Convenient sampling method. The primary data which has been analyzed using SPSS with 200 samples collected. Independent variables like age, gender, education, occupation and dependent variables are victims may experience long term as the crime committed against them, categories of psychological torture, solitary confinement alone in the cell for days on end with minimum environmental stimulation and social interaction effectiveness of law preventing in custodial death, the brazen bull is one of most brutal form of torture and psychological torture includes solitary confinement and sleep deprivation. Even though the establishment of the National Human Rights Commission has provided a mechanism which can be easily accessed by the poor and helpless victims to get quick relief yet many cases of custodial violence have not been reported due to lack of awareness amongst the major population.

Keywords: Custodial Violence, Crime, Causes, Prevention, Consequences, Torture, Police Custody.

I. INTRODUCTION

Violence encompasses various forms of aggressive behavior that inflict physical or

¹ Author is a student at Saveetha School of Law, Saveetha Institute of Medical and Technical Sciences (SIMATS), India.

psychological harm on individuals, often using excessive force or coercion. It includes acts such as torture, abuse, or the use of physical force to extract information, obtain confessions, or impose punishment. The International Rehabilitation Council for Torture Victims (IRCT) plays a crucial role globally, uniting more than 140 independent organizations across 70 countries, dedicated to supporting victims of such violence through rehabilitation and advocating for its prevention. In countries like India, custodial violence presents a significant issue, particularly due to widespread unawareness of legal protections among the general population. Despite the presence of institutions like the National Human Rights Commission, which provides avenues for victims to seek assistance, many cases go unreported due to a lack of awareness and accessibility, especially among marginalized communities. This study aims to deeply investigate the root causes of custodial violence and explore effective strategies for its prevention, focusing specifically on the context of Tamil Nadu. It seeks to illuminate the enduring psychological impacts on victims and evaluate various rehabilitation strategies' potential effectiveness. By shedding light on these critical aspects, the study aims to contribute to broader discussions on human rights and justice, particularly in regions where custodial violence remains a persistent challenge.

(A) Objectives:

- Understanding the experiences of individuals who have committed long-term crimes and subsequently faced custodial torture.
- Exploring the enduring psychological effects of custodial torture on victims.
- Analyzing existing laws aimed at preventing custodial torture.

(B) Review of literature:

(Committee on Causes and Consequences of High Rates of Incarceration et al. 2014)

Custodial violence involves some kind of torture inflicted on a person. The internationally accepted definition of torture states any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him for a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having , or intimidating or coercing him or third person. **(Gerrity, Keane, and Tuma 2012)** Custodial violence can be classified into physical, psychological and sexual torture. Physical torture Methods of physical torture includes punching, slapping, beating, forced body positions, stretching limbs, suspension, constraint of movement, burning with cigarettes and caustic substance, cutting with sharp instruments, electric shocks, mutilating body parts, chemical exposures in wounds, dental torture and starvation. **(Gerrity, Keane, and**

Tuma 2012; Atabay 2014) Psychological torture A person is put through mental torture by threatening to harm or kill the victim or his relatives or friends, forcing him to hear or witness others being tortured, forcing him to harm others, violation of religious beliefs and humiliation.⁵ Sexual torture Custodial rape is another kind of torture faced by victims. **(United Nations Office on Drugs and Crime 2011)** The police authorities work under a lot of stress as they have to handle a lot of cases at the same moment and also under the pressure to finish a certain volume of cases within a particular time frame. In our justice system, an accused is presumed to be innocent until and unless he is proven guilty for the commission of an offense, beyond reasonable doubts and proving an accused guilty requires evidence against him, which they must collect against the accused. **(Neier and Rothman 1991)** Failure in achieving the results may lead to the officer being transferred, which creates a lot of pressure in the minds of the police officers due to which they Resort to techniques which involve torture against the accused in order to get confession from him. **(Williams, 2003)** Punitive action by police Some police officials believe that punishing the criminals is the only way through which the criminals can be prevented from committing more crimes. They say prisons no longer have a deterrent effect on criminals as they remain happy there. **(Barnes, and Huysse 2003)** To obtain quick results According to the report of the National Police Commission, 37% of the time is spent by police on investigation and the rest of their time VIP security, law and order duty, court attendance and other work. **(Sweetman 2001; Bloomfield, Barnes, and Huysse 2003; Human Rights Manual for District Magistrate 2007)** To extract money Some greedy policemen misuse their powers to extract money from honest and innocent men by threatening to implicate them in cases such as dacoity as the courts. **(Chakraborty 2017)** The police are not equipped with skills required for proper investigation due to which they resort to use of force against the accused to obtain information and confession. They need to be trained in such a manner so that they act polite and respectfully towards the public and abstain from unnecessary brutality and harassment. **(Pérez-Sales 2018)** Police must be imparted with knowledge of human rights which might motivate them to protect human rights. Lack of supervision The police investigation is not generally supervised by their superior police officers, which gives them a sense of freedom and they think they are immune from actions being taken against them for commission of custodial crimes. **(Aston 2020)** Some police officials also often go unpunished due to the lack of evidence against them. Psychological issues The personality of the police officer also plays an important role in determining what kind of approach he might use during the investigation. Investigating officer with a sadistic attitude would inflict pain on the victims for his own pleasure and a lustful person might abuse his powers and sexually exploit the victim. **(Amnesty International 1992)**

Physical consequences include pain in various parts of the body and swelling which results in the victim not being able to carry out the day to day work which is to be done by him. In middle class families these effects may cause serious financial difficulties. **(Lokaneeta 2014)** Psychological consequences post traumatic stress disorder signs and symptoms such as depression, anxiety, flashbacks, nightmares, sleeping problems, phobia and feeling may prevail among the victims which may prevent them from living a normal life. Economic consequences: The victims of custodial violence have to also take up the burden of the expenses incurred during attending inquiry and investigation. **(Alam and Akter 2016)** The victim also has to spend a lot of money on fighting the case for his compensation. Social consequences: the victim and his family are generally re-victimized by the society. They may be alienated and treated as criminals, due to which the victims remain withdrawn from social gatherings which may cause further depression. **(Connell, Pradhan, and Lander 2017)** A confession made to the police officer cannot be proved against a person accused of any offence.³⁷ A confession made by a person in police custody shall not be proved against such person, unless it is made in the immediate presence of a magistrate. This spirit of the provision is to prevent the police from forcefully obtaining confession from the accused. **(Krishna Kumar 2009)** The Code of Criminal Procedure, 1973 Section 46 and 49 of the Code protect those under custody from torture who are not accused of an offence punishable with death or imprisonment for life. After the amendment of 2005, **(D’Cruz 2023)** Section 49 of CrPC is another important safeguard on power of arrest. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape in other words he must not be subjected to torture or violence in the name of effecting arrest. **(Aggarwal 2021)** Meaning of human rights is provided in Sec. 2(1) (d) of the Protection of Human Rights Act. Changing social conditions and emerging trends in the nature of crime and violence called for providing efficient and effective methods for dealing with the situation bringing in transparency and greater accountability. **(Shylo, Glynska, and Marochkin 2020)** That is perhaps the reason why the Supreme Court has termed the National Commission as a unique expert body. Creating awareness: Creating awareness about Prisoners rights in a community which is complex and textured as our Indian society, can be a challenging task but is extremely important. **(Heide et al. 2018)** custodial violence must be made as a punishable offence by a special law enacted for the same purpose. The awareness must be created among the public for proper enforcement of constitutional and statutory provisions protecting the rights of prisoners and the rules established by the Supreme Court.

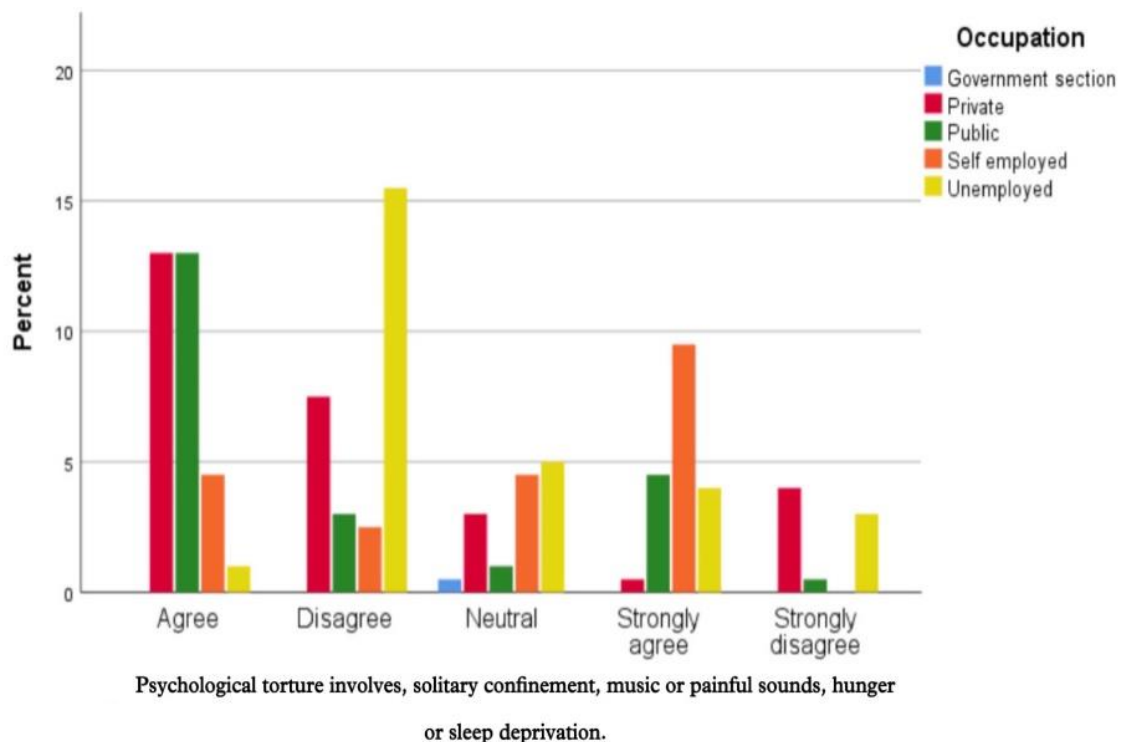
(C) Research Methodology:

This research follows an Empirical type of research and the Convenient Sampling method is

used in this survey. This study used both primary and secondary data. The secondary data used from government documents, unpublished thesis websites, journals etc. The primary data was collected from the respondents using Convenient sampling method with structured questionnaire, occupation etc were also collected. The current paper is based on a Convenient sampling and the sample size is limited to 200. This paper also includes various secondary sources to get through the current issues but the result will be focused mainly on the association of independent variables like age, gender, education, occupation and dependent variables are victims may experience long term as the crime committed against them, categories of psychological torture, solitary confinement alone in the cell for days on end with minimum environmental stimulation and social interaction effectiveness of law preventing in custodial death, the brazen bull is one of most brutal form of torture and psychological torture includes solitary confinement and sleep deprivation and some long term consequences of custodial torture.

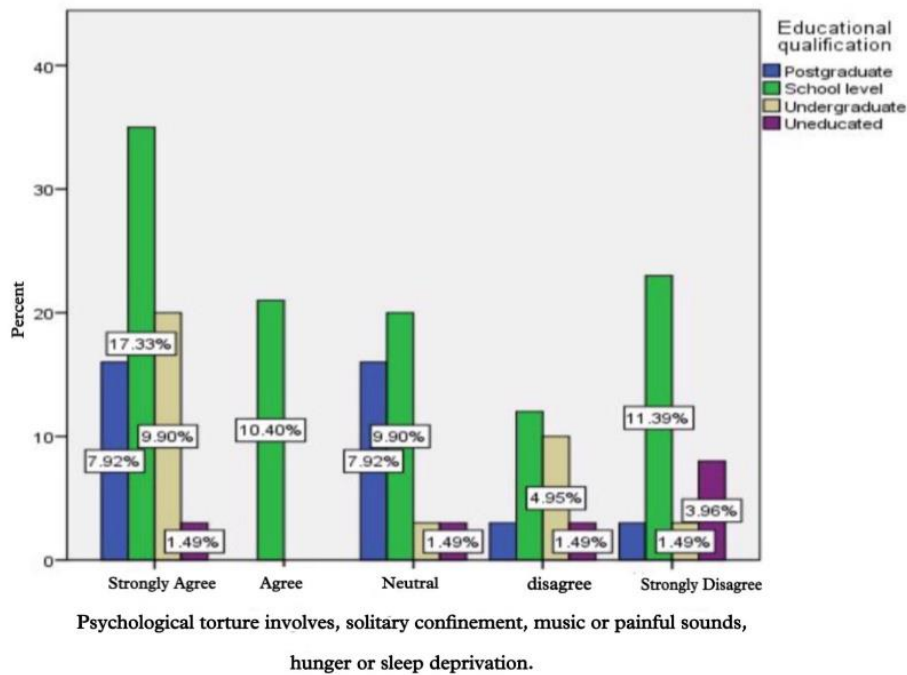
II. ANALYSIS

Figure 1



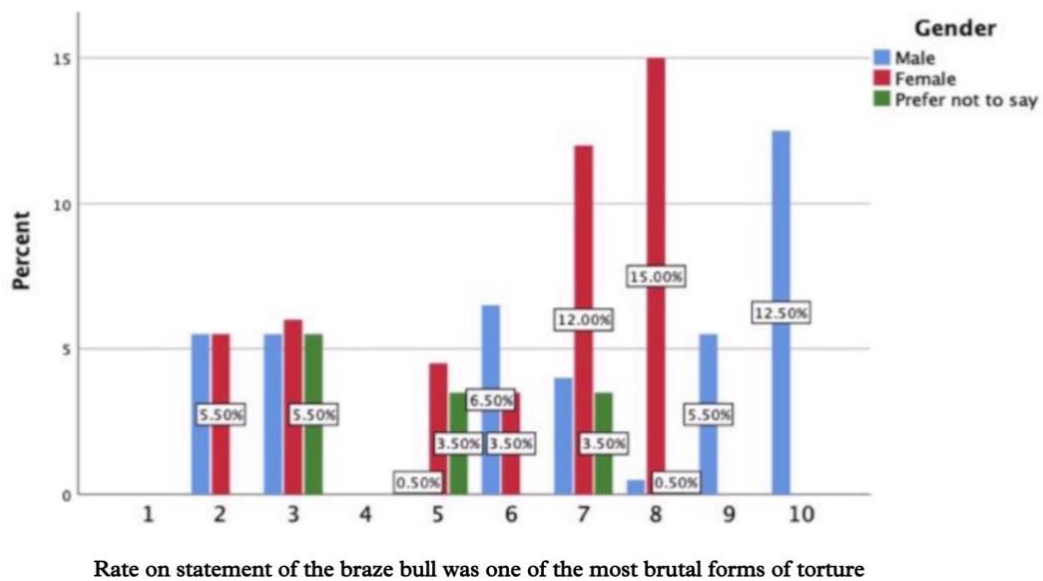
Legend: Figure 1 shows the distribution of Occupation pertaining to Psychological torture involves, solitary confinement, music or painful sounds, hunger or sleep deprivation.

Figure 2



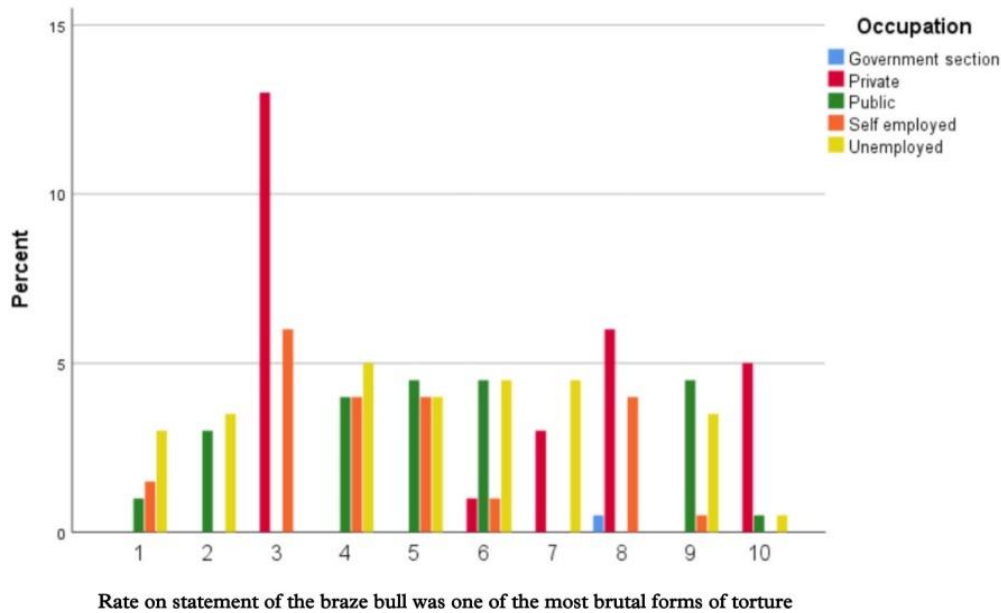
Legend: Figure 2 shows the distribution of Educational qualification pertaining to Psychological torture involves, solitary confinement, music or painful sounds, hunger or sleep deprivation.

Figure 3



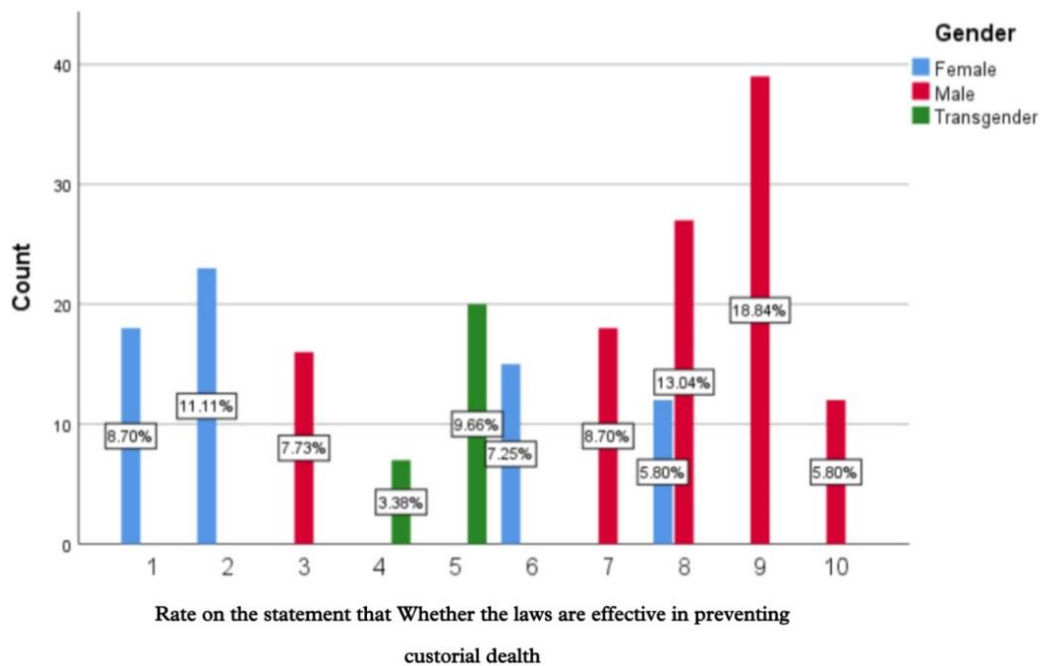
Legend: Figure 3 shows the distribution of Gender pertaining to rating scale brazen Bull was one of the most brutal forms of torture.

Figure 4



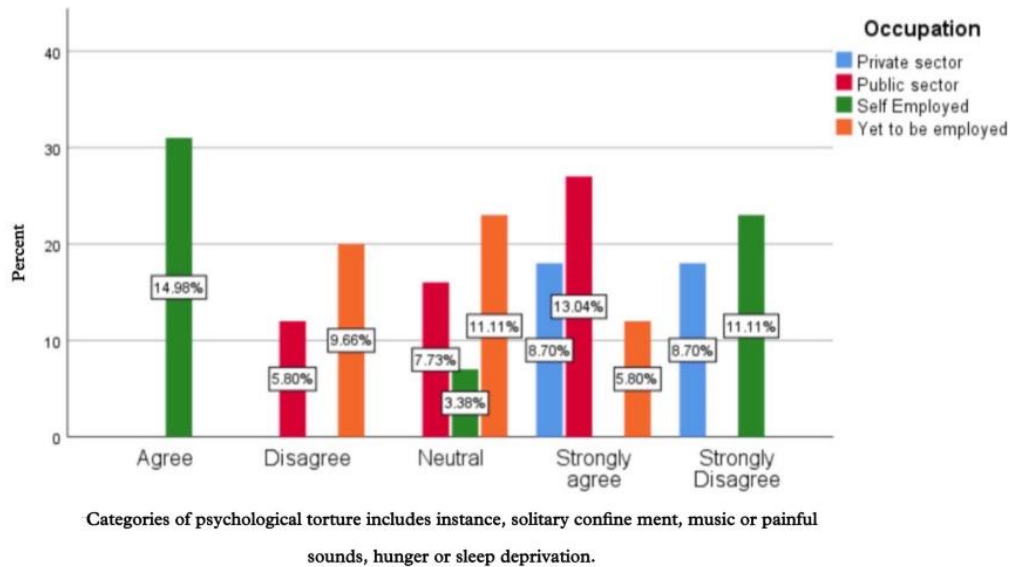
Legend: Figure 4 shows the distribution of occupation pertaining to rating scale brazen Bull was one of the most brutal forms of torture.

Figure 5



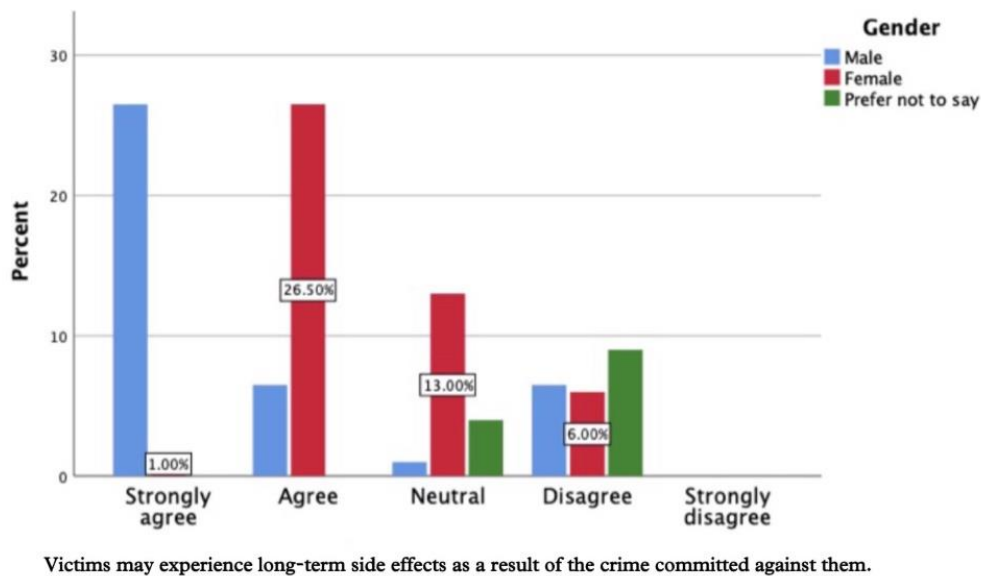
Legend: Figure 5 shows the distribution of gender pertaining to rating scale on the statement that whether the laws are effective in preventing custodial death.

Figure 6

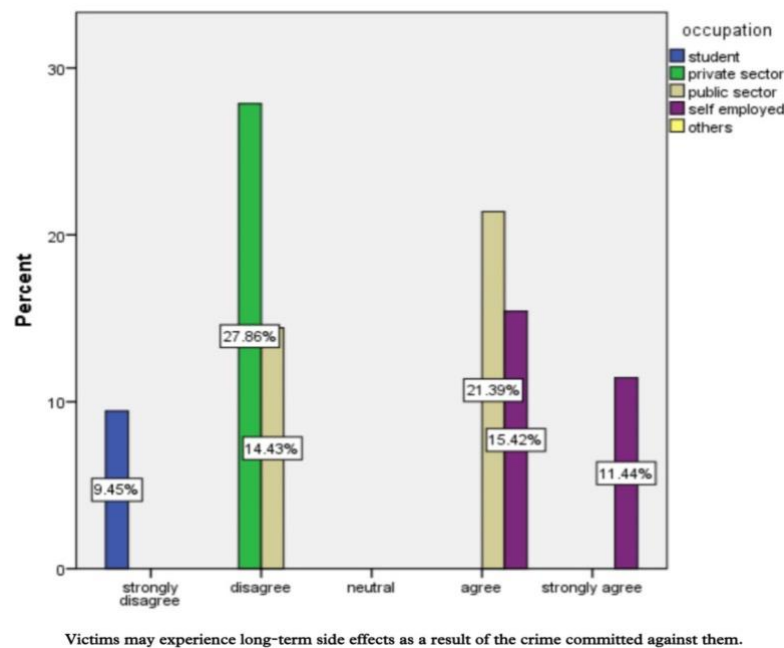


Legend: Figure 6 shows the distribution of occupation pertaining to categories of psychological torture includes instances, solitary confinement, music or painful sounds, hunger and deprivation.

Figure 7



Legend: Figure 7 shows the distribution of gender pertaining to victims may experience long-term side effects as a result of the crime committed against them.

Figure 8

Legend: Figure 8 shows the distribution of occupation pertaining to victims may experience long-term side effects as a result of the crime committed against them.

III. RESULT

From **figure 1** it is observed that the unemployed responded that Psychological torture does not involves, solitary confinement, music or painful sounds, hunger or sleep deprivation and second highest responses from the both private and public sector people. From **figure 2** it is observed that school level peoples strongly agreed that Psychological torture involves, solitary confinement, music or painful sounds, hunger or sleep deprivation and second highest responses from the undergraduate people. From **figure 3** it is observed that female gender responded 8 out of 10 in rating scale for on brazen bull was one of the most brutall form of torture. From **figure 4** it is observed that the private sector people responded 3 out of 10 in rating scale for on brazen bull was one of the most brutall form of torture. From **figure 5** it is observed that male gender responded 9 out of 10 on rating scale for the statement that whether the laws are effective in preventing custodial death. From **figure 6** it is observed that self employed agreed that categories of psychological torture includes instances, solitary confinement, music or painful sounds, hunger and deprivation. From **figure 7** it is observed that the female gender agreed that victims may experience long-term side effects as a result of the crime committed against them. From **figure 8** it is observed that the private sector people disagreed that victims may experience long-term side effects as a result of the crime committed against them.

IV. DISCUSSION

The aim of the present study was to investigate the psychological consequences of custodial torture and psychological consequences. Five research questions were included: first Psychological torture involves, solitary confinement, music or painful sounds, hunger or sleep deprivation, second rating scale brazen Bull was one of the most brutal forms of torture, Third rating scale on the statement that whether the laws are effective in preventing custodial death, fourth categories of psychological torture includes instances, solitary confinement, music or painful sounds, hunger and deprivation and fifth victims may experience long-term side effects as a result of the crime committed against them. From **figure 1 and 2** it is observed that the unemployed and school level peoples responded that Psychological torture does not involves, solitary confinement, music or painful sounds, hunger or sleep deprivation because they may unaware of custodial torture affect the mental health of the Victim. From **figure 3 and 4** it is observed that the females and private sector people responded 3 & 8 out of 10 in rating scale for on brazen bull was one of the most brutall form of torture because they may be educated or aware about the torture by way of social media. From **figure 7 and 8** it is observed that the female gender & private sector people disagreed that victims may not experience long-term side effects as a result of the crime committed against them because they thought of many rehabilitation center or they may believe in laws that protect the Human from Custodial torture.

V. LIMITATION

The Major limitation of the study is the sample frame. The restrictive area of sample size is yet another drawback of the research. Collection of data via online platforms is limiting the researcher to collect data from the field. Since the data is collected on an online platform wherein the respondent is not known, the original opinion of the respondent is not found. The researcher could only come to an approximate conclusion of what the respondent is feeling to convey.

VI. CONCLUSION AND SUGGESTIONS

Custodial violence includes various kinds of torture that a person in prison, police custody as well as judicial custody undergoes due to various reasons. In developing countries like India custodial violence seems to be a serious problem as the majority of the population is still uneducated when it comes to various laws that protect their basic human rights. Even though the establishment of the National Human Rights Commission has provided a mechanism which can be easily accessed by the poor and helpless victims to get quick relief yet many cases of custodial violence have not been reported due to lack of awareness amongst the major

population. Anxiety, PTSD and depression are all important to enquire about, but it is also important to acknowledge that many survivors of torture will experience mental health problems through somatic symptoms. Many individuals try to deal with their trauma through substance misuse, so screening for this is also essential. The law enforcement agencies are expected to maintain the law and order and protect the rights of individuals but police brutality against under trials, suspects and convicts have been increasing at a shocking rate. In spite of various International conventions, constitutional and statutory provisions protecting such victims, their inhuman treatment has not come to an end. In this context, a study that focuses on raising the awareness among the common man of the rights remedies available to the victims of custodial violence is the need of the hour.

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