



# India Torture Update: Gujarat



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## 1. Gujarat: Torture & extrajudicial executions with impunity

Gujarat with no insurgency in its history continues to witness high incidence of torture and extrajudicial executions. The State government of Gujarat sought to hide behind the veil of confidentiality on custodial deaths and extrajudicial executions on frivolous grounds. On 9 January 2019, the Supreme Court had rejected the Gujarat government's plea to maintain confidentiality of the final report of Justice H S Bedi Committee appointed by it to investigate 17 police encounters that took place from 2002 to 2006, and ordered that the report be given to the petitioners. In the final 229-page report, the Committee had found 'prima facie evidence of custodial killings' of three persons, Sameer Khan, Kasam Jafar and Haji Haji Ismail in fake encounters'.<sup>1</sup> In Sameer Khan case, Justice H S Bedi Committee stated that it was "obvious that the police officers were close and towering over Sameer Khan and he was probably sitting on the ground and perhaps cringing for his life".<sup>2</sup> In Kasam Jafar case, it found that the police had not been able to establish that he was involved in criminal activities.<sup>3</sup> With respect to Haji Haji Ismail case, the Committee took note of the post-mortem report and said that out of the six wounds of entry, five had blackening round and it meant that these shots were fired from a close range.<sup>4</sup> The Committee also recommended action against nine police officials namely Inspector KM Vaghela and Inspector TA Barot in the killing of Sameer Khan; Sub-Inspector JM Bharwad and Constable Ganeshbhai in the killing of Kasam Jafar; and Inspector KG Erda, PSI[P1] LB Monpara, PSI JM Yadav, PSI SK Shah and PSI Prag P Vyas who were found to be involved in the three custodial killings in these alleged fake encounters.<sup>5</sup>

The National Human Rights Commission (NHRC) recorded 108 deaths in police custody during 2009-2010 to 2018-19 (as on 20.11.2018) in Gujarat<sup>6</sup> while a total of 532 prisoners died in jails of Gujarat during 2008-2018.<sup>7</sup> In 2018, the Gujarat State Human Rights Commission (SHRC) recorded 57 custodial deaths including 46 deaths in judicial custody and 11 deaths in police custody.<sup>8</sup> According to the SHRC, 68 cases of custodial death were under its consideration as of March 2019.<sup>9</sup>

Impunity is the single most important factor for continued high incidence of torture in Gujarat.

On 2 January 2019, 54 persons, including women, were allegedly subjected to custodial torture by police attached to Datha police station in Bhavnagar district of Gujarat. The victims were arrested while taking out a peaceful march against limestone mining by a private firm at Bambhor village in the district. Between 50 to 70 police personnel from Datha police station allegedly beat them mercilessly at the behest of senior police officials. The victims sustained injuries including fracture in the hands, legs and spinal cord. The police allegedly did not take the injured victims, including women, to hospital and kept them in custody till they were produced in the court on 3 January. In the magistrate's court, the 54 victims complained of custodial torture by policemen, allegedly in the presence of Superintendent of Police Mr P L Mal. The victims were granted bail on 10 January on the condition that they will not go near the mining site. According to the victims,

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they recorded their statements about custodial torture before the magistrate at Talaja who forwarded it to the Sessions Court as per the procedure. But no action was taken for three weeks. Later, the victims approached the Gujarat High Court for justice. On 1 February, the Gujarat High Court directed the Judicial Magistrate at Talaja to register first information reports (FIRs) against police personnel accused of custodial torture of the 54 victims. The High Court passed the order after going through medical reports and statements given to the magistrate by the victims.<sup>10</sup>

The failure of the Sessions Court to take action despite the medical reports which formed the basis for interventions by the High Court to register the FIRs indicates that impunity remains the root cause of torture and extrajudicial executions in Gujarat. Unless impunity is addressed, torture and custodial deaths shall continue unabated.

## 2. Special focus: Custodial torture in Gujarat

Torture is regularly reported in police and judicial custody from Gujarat. According to Gujarat State Human Rights Commission, 36,524 complaints of human rights violation, including 629 custodial death cases, were reported till March 2019.<sup>11</sup>

### 2.1 Torture in police custody

The National Human Rights Commission (NHRC) recorded 108 deaths in police custody during 2009-2010 to 2018-19 (as on 20.11.2018) in Gujarat. These included 9 in 2009-10; 9 in 2010-11; 5 in 2011-12; 22 in 2012-13; 10 in 2013-14; 13 in 2014-15; 10 in 2015-16, 10 in 2016-17; 14 in 2017-18; and 6 in 2018-19 (as on 20.11.2018).<sup>12</sup> In 2018, Gujarat State Human Rights Commission recorded 11 deaths in police custody.<sup>13</sup>

The figures show that cases of custodial deaths and torture have remained consistent over the years and indicate that the police have been involved in extra-judicial killings.

The following emblematic cases establish the patterns of torture in the state.

#### **Case 1: Custodial death of Patel Haresh Kumar, Patan district**

On 16 January 2019, Patel Haresh Kumar, aged 40 years, s/o Amaratlal died in the custody of Sidhpur police station in Patan district, Gujarat. The National Human Rights Commission took cognizance of the case following intimation by the Superintendent of Police, Patan on 28 January 2019. Currently, the case is being investigated by the Gujarat State Human Rights Commission, which took cognizance of the case prior to the NHRC on 21 January 2019.<sup>14</sup>

#### **Case 2: Custodial torture of 54 persons including women in Bhavnagar district[P2]**

On 2 January 2019, 54 persons, including women, were subjected to custodial torture by police attached to Datha police station in Bhavnagar district. The victims were arrested

while taking out a peaceful march against limestone mining by a private firm at Bambhor village in the district. Between 50 to 70 police personnel from Datha police station beat them mercilessly at the behest of senior police officials. The victims sustained injuries including fracture in the hands, legs and spinal cord. The police did not take the injured victims, including women, to hospital and kept them in custody till they were produced in the court on 3 January. In the magistrate's court, the 54 victims complained of custodial torture by policemen, allegedly in the presence of Superintendent of Police P L Mal. The victims were granted bail on 10 January on the condition that they will not go near the mining site. According to the victims, they recorded their statements about custodial torture before the magistrate at Talaja who forwarded it to the sessions court as per the procedure. But no action was taken for three weeks. Later, the victims approached the Gujarat High Court for justice. On 1 February, the Gujarat High Court directed the Judicial Magistrate at Talaja to register first information reports (FIRs) against police personnel accused of custodial torture of the 54 victims. The high court passed the order after going through medical reports and statements given to the magistrate by the victims.<sup>15</sup>

#### **Case 3: Custodial death of Babubhai Nathubhai Gohel, Gir Somnath district**

On 28 December 2018, Babubhai Nathubhai Gohel, aged 40 years, died in the custody of Veraval City police station in Gir Somnath district, Gujarat. The NHRC took cognizance of the case following an intimation received from Deputy Superintendent of Police, Gir Somnath on 10 January 2019. Currently, the case is being investigated by the Gujarat SHRC as it has taken cognizance of the case on 5 January 2019, prior to the NHRC.<sup>16</sup>

#### **Case 4: Custodial death of Kabhai @ Kalabhai Laxmanbhai Parmar at Virsad police station, Anand district**

On 28 December 2018, Kabhai @ Kalabhai Laxmanbhai Parmar, aged 40 years, died under mysterious circumstances at Virsad police station in Anand district, Gujarat. The NHRC registered the case following information received from Superintendent of Police, Anand and called for reports on 10 January 2019. On 12 March 2019, the NHRC transferred the case to the Gujarat State Human Rights Commission, where it is currently pending adjudication.<sup>17</sup>

#### **Case 5: Illegal detention and torture of Dalit Umesh Solanki at Kagdapith police station, Ahmedabad district**

On 5 December 2018, Umesh Solanki, aged 33 years, a Dalit was picked up by the police from a shop at Geeta Mandir area of Ahmedabad, Gujarat for questioning regarding a case of gambling against him. He was detained at Kagdapith Police Station in Ahmedabad. Solanki stated that the policemen took him to the police station through the exit where there were no CCTV cameras and he was beaten up

and denied water to drink. The police asked him to pay Rs 70,000 to them but was subjected to further torture when he refused to pay the money. He alleged that constable Prakash Rathod of Behrampur police chowky also beat up his sister who went to the police station to enquire about his arrest. Solanki said he was beaten up the entire night. Next day he was allegedly asked to sign a blank paper and strike a compromise with the police. Solanki sustained severe injuries due to the beatings and he fell unconscious soon after release from illegal detention. His family members who were waiting for him at the police station rushed him to LG Hospital for immediate medical interventions.<sup>18</sup>

**Case 6: Tortured to death of Shamsuddin Shaikh at Vatva police station, Ahmedabad district**

On 4 December 2018, Shamsuddin Shaikh, a resident of Vatva area in Ahmedabad city of Gujarat, was allegedly beaten to death at Vatva police station. He was arrested on 4 December 2018 night for allegedly running a gambling den. He died a few hours after arrest. The police claimed that the deceased died after he suffered convulsions but the family members alleged that Shamsuddin Shaikh died because of custodial torture following arrest. They also alleged that the police informed them about the death only on the next day.<sup>19</sup>

**Case 7: Custodial death of Suraj @ Ramchandra Pawar, Valsad district**

On 29 November 2018, Suraj @ Ramchandra Pawar died in police custody of Salvav, Dungra police station in Vapi in Valsad district, Gujarat. The NHRC took cognizance of the case following information received from the Superintendent of Police, Valsad. Currently, the case is being investigated by the Gujarat SHRC as it took cognizance of the case on 10 December 2018 prior to that of NHRC.<sup>20</sup>

**Case 8: Custodial death of Dineshbhai Manharlal Maheshvary at Kadodara GIDC police station, Surat district**

On 29 October 2018, Dineshbhai Manharlal Maheshvary died under mysterious circumstances at Kadodara GIDC police station in Surat district, Gujarat. On 14 November 2018, the NHRC registered the case following intimation about the custodial death from Commissioner of Police, Surat district and called for reports. However, on 17 January 2019, the NHRC transferred the case to the Gujarat State Human Rights Commission, where the case is currently pending for final adjudication.<sup>21</sup>

**Case 9: Tortured to death of Surubha Jhala at Old Bopal police station, Ahmedabad district**

On 15 October 2018, Surubha Jhala, aged 35 years, an employee of a courier company, was allegedly tortured to death at Old Bopal police station in Ahmedabad, Gujarat, a few hours after he was taken into custody for questioning by the special operations group (SOG) and local crime branch (LCB) in connection with theft of gold worth Rs 2.5 crore.<sup>22</sup> The deceased's family members alleged that Surubha died

after he was allegedly beaten up in police lock up as he had not confessed to the crime.<sup>23</sup>

The State government ordered an investigation by a Special Investigation Team (SIT) headed by Deputy Superintendent of Police, Ahmedabad Rural. The SIT arrested Sub Inspector NA Rayma, Head Constable Mukeshsinh Daulatsinh Jadav – both of SOG and Constable Sadiq Usmanbhai Kotharia of LCB in the custodial death case on 25 October 2018.<sup>24</sup>

But alleging that the SIT was not investigating the case properly, the brother of the deceased filed a petition before the Gujarat High Court which on 7 December 2018 issued summon to the investigating officer, DSP KT Kamaria. The petitioner alleged that the officials probing the case were not doing their job responsibly and demanded that the case be handed over to the Criminal Investigation Department (CID).<sup>25</sup> On 12 December 2018, KT Kamaria, head of the SIT probing the custodial death, appeared before the court and apprised the court that the three SOG personnel who had allegedly tortured Surubha Jhala were arrested. Kamaria further stated that three SOG personnel tortured the victim in the midnight and when his condition deteriorated, he was taken to the primary health centre, where he was declared brought dead. In the next hearing held on 13 December 2018, Justice Sonia Gokani stated that she had gone through the case record and directed the investigation officer not to confine the probe to the three arrested SOG personnel and directed the SIT to submit its report by December 28 after thoroughly investigating the role of 'others' in the case. The court said the investigation should also consider the roles played by other accused.<sup>26</sup>

Case 10: Custodial death of Prakash @ Pakiya Bhaita at Vapi Town police station, Valsad district

On 17 September 2018, Prakash @ Pakiya Bhaita @ Ramesh Nigwal died under mysterious circumstances at Vapi Town police station in Valsad district, Gujarat. The NHRC registered the case following information received from Superintendent of Police, Valsad and called for reports from the state government. The case is currently pending for final adjudication.<sup>27</sup>

Case 11: Custodial torture of Subhan Mirza in Ahmedabad district

On 6 September 2018, Subhan Mirza, aged 62 years, a resident of Danilimda in Ahmedabad, was admitted to VS Hospital after he fell unconscious due to alleged torture by police. In a complaint filed at Danilimda Police station, the victim accused two constables of Ahmedabad police of picking him up on a false tip-off about illegal firearms and then beating him mercilessly with belts when nothing was found on him. Mirza alleged that both he and his brother Mustaq were threatened by the police not to speak about the beating. Mirza alleged that two constables had come in a car and picked him up from near Teen Batti in Danilimda and



took him to a police officer, where they allegedly beat him with belts because of which he fainted. Thereafter, the policemen called his younger brother Mustaq Mirza to take him home while on the way home, the victim fell unconscious and had to be rushed to VS Hospital.<sup>28</sup>

**Case 12: Death of Dalit Lubaram Uttamaram due to alleged torture at Dhanera police station, Banaskantha district**

On 19 August 2018, Lubaram Uttamaram, a Dalit aged 25 years, died under mysterious circumstances, within 15 minutes of his arrest in a vehicle theft case, at Dhanera police station under Banaskantha district of Gujarat. The deceased was a migrant labourer from Barmer district of Rajasthan. Deputy Superintendent of Police (Banaskantha) Pradip Sejal said, "The man was arrested in connection with a vehicle theft case. He was detained at a border check point in Dhanera for around 15 minutes, where he hanged himself with a rope, which he had found at the spot, near a carton of confiscated tiles." But civil rights activists alleged that the deceased was beaten to death. Dalit activist Dalpat Bhatia claimed that Uttamaram was picked up by the police around afternoon and late in the evening, when he was taken to the community hospital in Dhanera, doctors declared him dead on arrival. Human rights activist Vasudev Charupa claimed the police were trying to portray the killing as a case of suicide.<sup>29</sup>

**Case 13: Custodial death of Maldebhai Ramabhai Makadiya, Porbandar district**

On 6 July 2018, Maldebhai Ramabhai Makadiya died in police custody at Kutiyana police station in Porbandar district, Gujarat. The NHRC took cognizance of the case following intimation from the Superintendent of Police, Porbandar. The case is currently being investigated by the Gujarat SHRC as it took cognizance of the case before the NHRC.<sup>30</sup>

**Case 14: Custodial death of Akshay Kumar at Amraiwadi police station, Ahmedabad district**

On 6 May 2018, Akshay Kumar Ramanbhai Patel died under mysterious circumstances at Amraiwadi police station in Ahmedabad district, Gujarat. The National Human Rights Commission registered the complaint and directed state government to submit reports in the custodial death.<sup>31</sup>

**Case 15: Custodial death of Balvant Singh Gohil at Jawahar Nagar Police station, Vadodara district**

On 25 March 2018, Balvant Singh Gohil, aged 45 years, died under mysterious circumstances at Jawahar Nagar police station in Vadodara district, Gujarat. Deceased, Balvant Singh Gohil, a driver by profession was working on contract basis in a private company at Jawahar Nagar. He was arrested by the police on the same day in an inebriated condition and taken to Jawahar Nagar police station. The police claimed Gohil was taken to Community Health Centre at Bajwa, Vadodara for a medical check-up where the doctors declared him dead on arrival.<sup>32</sup>

**Case 16: Custodial death of Thakorbbhai Chandubhai**

**Rathodiya at Varnama police station, Vadodara district**

On 22 March 2019, Thakorbbhai Chandubhai Rathodiya died under mysterious circumstances at Varnama police station in Vadodara district, Gujarat. The NHRC registered the case following information received from Superintendent of Police, Vadodara and called for reports. The NHRC transferred the case to the Gujarat State Human Rights Commission, where it is currently pending adjudication.<sup>33</sup>

**Case 17: Death of Maheshbhai @ Lalo Patel in the custody of Crime Branch, Mehsana district**

On 14 February 2018, Maheshbhai @ Lalo Patel, s/o Mathurbhai Kuberdash Patel died under mysterious circumstances in the custody of Crime Branch, Mehsana district, Gujarat. The NHRC registered the case following intimation from the Superintendent of Police, Mehsana and called for reports on the custodial death. On 16 April 2018, the NHRC transferred the case to the Gujarat State Human Rights Commission, where the case is currently pending final adjudication.<sup>34</sup>

**Case 18: Custodial death of Pankajbhai Pravinbhai Joshi at C Division Police station in Bharuch district**

On 7 February 2018, Pankajbhai Pravinbhai Joshi died under mysterious circumstances at C Division police station in Bharuch district, Gujarat. On 20 February 2018, the NHRC registered the case following information received from Superintendent of Police, Bharuch about the custodial death and called for reports. However, on 24 April 2018, the NHRC transferred the case to the Gujarat State Human Rights Commission, where the case is currently pending for final adjudication.<sup>35</sup>

**Case 19: Custodial death of Shankar Maniyara at Vadgam police station, Banaskantha district**

On 14 January 2018, Shankar Maniyara, aged 45 years, died at Vadgam police station in Banaskantha district, Gujarat. The deceased, a resident of Kubhariya village of Ambaji town in the district, was arrested by the police attached to Vadgam police station in connection with alleged burglary cases. Maniyara was reportedly caught red-handed by the villagers while attempting to steal and was handed over to the Vadgam police station. Police claimed Shankar Maniyara complained of chest pain and was rushed to the civil hospital at Vadgam, where he was declared dead on admission around 11.45 am.<sup>36</sup>

**Case 20: Custodial death of Maheshbhai @ Batko at Limdi police station, Dahod district**

On 6 January 2018, Maheshbhai @ Batko, s/o Jithrabhai Bhuriya died under mysterious circumstances at Limdi police station in Dahod district, Gujarat. The NHRC registered the case following information received from Superintendent of Police, Dahod regarding the custodial death, and called for reports. The case is currently pending for final adjudication.<sup>37</sup>

**2.2 Torture and deaths in judicial custody**

Gujarat has 27 jails including 4 central jails, 7 district jails, 11 sub jails, 1 woman jail, 2 open jails and 2 special jails at the end of 2016, according to the National Crime Records Bureau.<sup>38</sup> As per NHRC data, a total of 532 prisoners died in jails of Gujarat during 2008-2018. This included 74 deaths in 2008-09; 58 in 2009-10; 66 in 2010-11; 53 in 2011-12; 51 in 2012-13; 47 in 2013-14; 41 in 2014-15; 39 in 2015-16, 53 in 2016-17 and 50 in 2017-18.<sup>39</sup> In 2018, the SHRC recorded 57 custodial deaths, of which 46 deaths took place in jails across the state.<sup>40</sup> According to the SHRC, 68 cases of custodial death were under consideration as of March 2019.<sup>41</sup>

On 25 March 2019, undertrial prisoner, Govind Chhagan Rathore, aged 50 years, lodged at Central Jail, Lalpore in Surat district, Gujarat, died under mysterious circumstances. The deceased was arrested and sent to judicial custody in 2013 in connection with a loot and murder case. Jail officials claimed that on 25 March the health of the deceased suddenly deteriorated, after which he was admitted to the hospital, where he died during the treatment.<sup>42</sup>

On 2 December 2018, an under-trial prisoner named Ajay Mahanto, aged 28 years, died at Lajpore Central Jail in Surat district of Gujarat. He was lodged at Navsari central jail since 13 September 2018 in connection with four cases of looting, robbery and theft. Later, on 30 September 2018 he was shifted to Lajpore central jail. On 2 December 2018 night, he allegedly committed suicide by hanging himself in the toilet inside the Lajpore central jail. Jail officials claimed that the deceased used a piece of cloth to hang himself from the toilet's ceiling hook.<sup>43</sup>

On 23 November 2018, an under-trial prisoner identified as Imtiyaz Bashir Shaikh died in the custody of Navsari sub-jail in Gujarat under suspicious conditions. The deceased, a resident of Dharagiri village under Navsari district, was arrested three months earlier allegedly for demolishing/destroying the pillars in the fencing of the village temple complex. On 23 November 2018 morning, the deceased who was lodged in Barrack No. 9 allegedly committed suicide. The jail officials claimed that the deceased slashed veins of his both hands and legs with a blade leading to profuse bleeding. They said the deceased was immediately rushed to the civil hospital where he died during treatment. However, the jail administration had no answer as to how the blade allegedly used by the deceased reached inside the jail.<sup>44</sup>

On 8 October 2018, a 35-year-old under trial prisoner Sanjay Athwal lodged at Sabarmati Central Jail in Ahmedabad city of Gujarat died at the city's civil hospital. The deceased was arrested on 5 October 2018 on charges of bootlegging and he was sent to the Sabarmati Central Jail next day on judicial remand. Jail officials claimed that the deceased prisoner was an alcohol addict and died due to some illness. However, the family members of the deceased alleged that

Sanjay Athwal died due to torture by the police soon after arrest and then by jail officials.<sup>45</sup>

On 6 February 2018, a woman undertrial prisoner identified as Vijayaben Rana, aged 48 years, died under mysterious circumstances at Sub-jail in Vadnagar town in Mehsana district, Gujarat. The deceased, a resident of Chansole village in Kheralu taluka, was arrested by the police in connection with a murder case registered against her. She was produced before a court in Kheralu which sent her to judicial custody in Vadnagar. The jail officials claimed Vijayaben Rana had committed suicide by hanging herself inside in the women's bathroom at the premises of Sub-jail Vadnagar in the morning.<sup>46</sup>

On 2 January 2018, a jail inmate identified as Zakir Mohammed Shahmadaar, aged 46 years, died at Surendranagar jail under Surendranagar district of Gujarat. The deceased was arrested by the police in connection with a case allegedly related to Indian-made Foreign Liquor (IMFL) on 30 December 2017. Later, the deceased was remanded to the Surendranagar jail. The jail officials claimed the deceased was first taken to the Surendranagar civil hospital from where he was referred to Rajkot Civil Hospital. After the medical examination he was taken back to Surendranagar jail. But the jail authority claimed that in the morning of 2 January 2018, the deceased felt uneasy and died in the jail. However, the deceased's family members alleged Shahmadaar died under suspicious circumstances, and it was an unnatural death.<sup>47</sup>

Among others, the following cases of judicial deaths were reported to the National Human Rights Commission by State's prison authorities from 2018 to early April 2019:

#### **Sabarmati Central Prison Ahmedabad**

The cases of custodial deaths[P3] reported from Sabarmati Central Prison Ahmedabad included Simpoli Shamshidhar Majumdar on 29 March 2019; Pramod Bansilal Patel on 8 February 2019; Harishbhai Savjibhai on 23 January 2019; Keshabhai Ogadbhai Nayak on 5 January 2019; Chamanbhai Jayrambhai Bhil on 26 November 2018; Pratapji Aajbaji Thakor on 23 October 2018; Mahendra Bhikhabhai Vaniya on 16 September 2018; Motilal Dhanjibhai Nagar on 18 August 2018; Bupendra @ Mukesh Rambharose Sharma on 11 July 2018; Kalpeshsingh Pratapsingh Chauhan on 8 July 2018; Jitendra @ Gati Sardarji Thakor on 21 June 2018; Hamirbhai Lilabhai Desai on 17 April 2018; and Dahyabhai Kachrabhai Solanki on 21 March 2018.<sup>48</sup>

#### **Rajkot Central Jail**

The cases of custodial deaths reported to NHRC from Rajkot Central Jail included Narashibhai Vashrambhai Satvara on 2 April 2019; Shivabhai Mohanbhai Patel on 2 February 2019; Ramabhai Somatbhai Bhadarka on 19 June 2018; Dipakbhai Prabhudas Parekh on 19 May 2018; and Valkubhai Ramabhai Lunasara on 31 January 2018.<sup>49</sup>

#### **Surat Central Jail**

The cases of custodial deaths reported to NHRC from Surat Central Jail included Govindbhai Chaganbhai Rathod on 25 March 2019; Dineshbhai Mahendrabhai Jariwala on 14 March 2019; Shree Bhomaram Fataji Raval on 4 December 2018; Ajay Jaykishan Mahanto on 3 December 2018; Jashvantbhai Laljibhai Surti on 16 November 2018; Ganpatbhai Chhanbhai Rathod on 16 October 2018; Rambicharsing @ Ranjitsing s/o Kapildevsing Rajput on 25 May 2018; Sailesh Bhai Bharat Bhai Dantani on 16 April 2018; Ram Prasad @ Ramprakash Ram Murat Bind at 20 April 2018; Saileshbhai Bharatbhai Dantani on 6 April 2018; and Rajubhai Ditabhai Pargi on 3 January 2018.<sup>50</sup>

#### **Vododara Central jail**

The cases of custodial deaths reported to NHRC from Vadodara Boroda Central Jail included Nareshbhai Shankarbhai Thakor on 19 March 2019; Dharmsinh @ Dharmo Harisinh Rathod on 11 March 2019; Devendra Nathubhai Pandya on 15 January 2019; Chimanbhai Maganbhai Rathodiya on 10 September 2018; Govindbhai Shivabhai Jadav on 13 August 2018; Kanu Narisinh Bhai Nayak on 25 April 2018; and Trikambhai Ranchhodbhai Parmar on 6 February 2018.<sup>51</sup>

#### **District and other jails**

The cases of custodial deaths reported from district and other jails included Fatabhai Somabhai Parmar at District Jail Nadiad, Kheda on 3 March 2019; Manojbhai Dhanjibhai Gelabhai Koradiya at District Jail Junagadh on 2 March 2019; Bilalmiya Urge Billu Nurali Saiyad at District Jail Mehsana on 4 February 2019; Ganpatbhai Bhembhai Solanki at District Jail Mehsana on 20 January 2019; Rameshbhai Ukabhai Patadiya at Sub Jail Morbi on 10 January 2019; Mochi Pintubhai s/o Somabhai Mochi at Sub-jail Sujapur Patan on 27 December 2018; Imtiyaz Bashir Shaikh at Sub Jail Navsari on 9 November 2018; Mahesh Rameshchandra Raval at District Jail Junagadh on 30 November 2018; Dudabhai Sagrambhai Charoliya at District Jail Bhavnagar on 29 October 2018; NavalSinh Fatesinh Bariya at Sub-jail Godhra, Panchmahal district on 22 October 2018; Nankukumar Dukharan Chauhan @ Mukhiya at District jail Bhavnagar on 16 October 2018; Shaileshbhai Manibhai Chauhan at District Jail Anand on 25 September 2018; Shaileshbhai Manibhai Chauhan at District Jail Nadiad, Kheda on 25 September 2018; Kalpeshbhai @ Kalo Gavabhai Vaghela at District Jail Bhavnagar on 21 September 2018; a woman prisoner at Mahisagar jail on 10 August 2018; Chadu s/o Rana Viramgama at special jail Porbandar on 3 August 2018; Rameshbhai s/o Manubhai Rathod at District Jail Bharuch on 10 June 2018; Girishbhai Govindbhai Vanpariya at District Jail Junagadh on 4 June 2018; Aashisbhai Pravinbhai Ranpara at Sub Jail Morbi on 6 May 2018; Sekhudin @ Sefudin Nurmahamadbhai Thim at District Jail Bhavnagar on 8 April 2018; Bhupatabhai Lakhbhai Nakiya at Sub Jail Surendranagar on 8 March 2018; and Sunil @ Kano

Ashokbhai Ravjibhai Rathod at District Jail Bhavnagar on 12 February 2018.<sup>52</sup>

### **2.3. Custodial torture and rape of women**

Despite numerous Supreme Court judgements and enactment of the Criminal Law Amendment Act 2013 women continue to face torture and sexual violence at the hands of the law enforcement personnel in Gujarat.

#### **Case 1: Custodial rape and torture of a woman**

On 10 August 2018, constable Minesh Bhunekar posted with the crime branch was booked for rape and torture of an undertrial woman prisoner at Santrampur police station in Mahisagar district of Gujarat. The woman alleged she was tortured and raped after being taken into police custody on the afternoon of 29 May 2018. According to the victim, on that fateful day constable Bhunekar came to the room and told the lady police present there to leave as he wanted to interrogate her in connection with the murder case. She was then tortured by three police personnel. She alleged that she was given electric shocks, was beaten and her hands were pierced with pins. To reduce the swelling on her hands, ice was later applied to them. The police personnel returned after two or three days and constable Bhunekar told her to remove her clothes. She alleged that she did so as she was afraid of being beaten up again and constable Bhunekar then raped her. The two other police personnel kept vigil at the door and left with Bhunekar after the act.<sup>53</sup>

#### **Case 2: Woman arrested after sunset in violation of law**

On 5 March 2019, the Gujarat High Court directed the State government to pay a compensation of Rs 2,500 to a woman, who was arrested after sunset in violation of law in 2012. The high court asked the woman to institute civil proceedings against the concerned police inspector, if she wished to claim more damages from him for the violation of law. The woman, Varshaben Patel had been fighting a legal battle for over seven years after her arrest on the night of 5 November 2012 from her home. She was arrested along with her husband on charges of cheating and forgery over a property dispute. After her arrest, the victim complained before the Magisterial Court in Vadodara that her arrest at night was in violation of provisions of Section 46(4) of the Code of Criminal Procedure, which prohibits arrest of a woman after sunset except in extraordinary circumstances and with prior permission from a judicial magistrate. However, the magisterial court let off the accused police officer with a strict warning. Aggrieved, she moved the high court for action against the police officer.<sup>54</sup>

### **2.4. Supreme Court-appointed panel found three police encounters as custodial killings**

On 9 January 2019, the Supreme Court had rejected the Gujarat government's plea to maintain confidentiality of the final report of the Committee appointed by it to investigate



17 police encounters that took place in Gujarat from 2002 to 2006, and ordered that the report be given to petitioners. The Committee headed by Justice HS Bedi, a former Supreme Court judge, submitted its final report in a sealed cover to the Supreme Court in February 2018. In the final 229-page report, the Committee had found ‘prima facie evidence of custodial killings’ of three persons, Sameer Khan, Kasam Jafar and Haji Haji Ismail in fake encounters. The Committee also recommended action against nine police officials namely Inspector KM Vaghela and Inspector TA Barot in the killing of Sameer Khan; Sub-Inspector JM Bharwad and Constable Ganeshbhai in the killing of Kasam Jafar; and Inspector KG Erda, PSI LB Monpara, PSI JM Yadav, PSI SK Shah and PSI Prag P Vyas in the killing of Haji Haji Ismail who were found to be involved in the three custodial killings in these alleged fake encounters. The petitioners, Javed Akhtar and veteran journalist late BG Verghese had filed two PILs in the Supreme Court in 2007 seeking investigation by an independent agency or the CBI in these cases.<sup>55</sup>

### **I. Custodial killing of Sameer Khan**

In the case of Sameer Khan, the Committee had recommended prosecution of two inspectors KM Vaghela and TA Barot for the offence of murder and other relevant offences. According to the police, Sameer Khan along with his cousin had stabbed a police constable, who died on the spot in May 1996. While his cousin was arrested, he had fled from the spot. The police claimed that Sameer Khan went to Pakistan and took training from terror group Jaish-e-Mohammad (JeM) and re-entered India via Nepal. The report noted that as per police, after the 2002 Akshardham Mandir attack, Sameer Khan was directed by a Pakistan-based JeM operative to go to Ahmedabad and kill the then Chief Minister Narendra Modi. Sameer Khan was arrested by the Crime Branch and when he was taken at the spot where he had stabbed the constable in 1996, he snatched the loaded revolver of inspector Vaghela and fired at him and ran away. As per police, the other two inspectors, Tarun Barot and AA Chauhan (since dead) fired at him and he was later taken to a hospital but was declared dead. However, the Committee had found that he was killed in a fake encounter by the police. Based on the medical and other reports, the Committee had said “It is, therefore, obvious that the police officers were close and towering over the deceased and he was probably sitting on the ground and perhaps cringing for his life.” The Committee also awarded Rs. 10,00,000 to deceased’s family.<sup>56</sup>

### **II. Custodial killing of Kasam Jafar**

In Kasam Jafar’s case, the Committee found that the police had not been able to establish that he was involved in criminal activities. Jafar was picked along with 17 other persons from a hotel in Ahmedabad on 13 April 2006. On the next day, his body was recovered underneath a bridge. The Committee said Sub-inspector JM Bharwad and Constable Ganeshbhai were

involved in the killing and they were needed to be prosecuted for the offence of murder. In its order passed on 21 November 2013, the Committee also awarded Rs. 14,00,000 as compensation to his family.<sup>57</sup>

### **III. Custodial killing of Haji Haji Ismail**

With respect to Haji Haji Ismail case, the Committee questioned police version of the alleged encounter killing in 2005. As per police, Ismail opened fire at the police party which retaliated in self defence and fired 20 shots at him leading to his death at a government hospital. The Committee took note of the post-mortem report and said that out of the six wounds of entry, five had blackening round and it meant that these shots were fired from a close range. The report recommended that the officers involved namely Inspector KG Erda, PSI LB Monpara, PSI JM Yadav, PSI SK Shah and PSI Prag P Vyas should be brought to trial for murder and other offences.<sup>58</sup>

## **2.5. Emblematic cases of custodial violence and award of compensation by NHRC**

The curbing of custodial violence has been a major objective of the National Human Rights Commission ever since it was established. It has been awarding compensation to victims/relatives in numerous cases. The NHRC has awarded compensation in the following emblematic cases of custodial violence filed by Asian Centre for Human Rights reported from Gujarat.

### **Case 1: Custodial death of Prakash @ Pakya**

In a matter relating to custodial death of Prakash @ Pakya, s/o Rameshbhai Lohana in Surat, Gujarat on 7 July 2013, the National Human Rights Commission (Case No. 942/6/23/2013-PCD) vide its proceeding dated 3 April 2018 closed the case on compliance of its recommendation for payment of compensation to the next of kin of the deceased. In its earlier proceedings, the NHRC had directed the Chief Secretary, Government of Gujarat to pay a compensation of Rs. 50,000 to the NoK of the deceased Prakash and submit compliance report along with proof of payment.

In response, a report dated 16.02.2018 was received from the Under Secretary, Home Department, Government of Gujarat. Perusal of the report showed that monetary compensation of Rs. 50,000 was paid to the NoK of the deceased and the receipt of proof of payment was enclosed.

### **Case 2: Custodial death of Subhash Ramubhai Patel**

In a case relating to custodial death of Subhash Ramubhai Patel at Vapi Gid police station in Valsad district, Gujarat on 22 June 2013, the National Human Rights Commission (Case No. 897/6/26/2013-PCD) vide its proceedings dated 27 March 2018 closed the case on compliance of its recommendation for payment of compensation to the NoK of the deceased. The NHRC had directed the Chief Secretary, Government of Gujarat to pay a compensation of Rs. 100,000 to the NoK of the deceased accused Subhash Ramubhai Patel

and submit the compliance report along with proof of payment.

In response, the Under Secretary, Home Department, Government of Gujarat submitted a report informing that the compensation of Rs. 100,000 was transferred to the NoK of the deceased. The proof of payment was also submitted.

**Case 3: Custodial death of undertrial prisoner Sikandar Mohd Siddqui Pathan**

The matter (Case No. 1462/6/25/2013-JCD) relates to custodial death of undertrial prisoner Sikandar Mohd Siddque Pathan, aged 54 years, at Boroda Central Jail, Vadodara district in Gujarat on 20 November 2013 due to alleged medical negligence. The National Human Rights Commission had recommended an amount of Rs. 3,00,000 as interim relief to be paid to the NoK of the deceased prisoner. In response, the Under Secretary, Home Department, Government of Gujarat submitted the compliance report. Perusal of the report revealed that Rs. 3,00,000 as recommended by the Commission was paid to Smt. Sitaraben Siqandarkhan Pathan, wife of the deceased prisoner. Proof of payment was also submitted.

On compliance of its recommendation, the NHRC vide its proceedings dated 16 February 2018 observed that no further action was required and closed the case with a copy of proceedings transmitted to the beneficiary for information.

**Case 4: Custodial death of prisoner Sultan Osman Notiyar**

This case relates to custodial death of prisoner identified as Sultan Osman Notiyar at Lalpur in Jamnagar district, Gujarat on 31 October 2012. The National Human Rights Commission (Case No. 1644/6/11/2012-JCD) directed the Chief Secretary, Government of Gujarat to pay a compensation of Rs. 100,000 to the NoK of the deceased Sultan Osman Notiyar and submit the compliance report along with proof of payment. In response to the Commission's directions, a report dated 1 February 2018 was received from the Joint Commissioner of Police, Rajkot City, Rajkot. It was reported that the NoK of the deceased was paid an amount of Rs. 100,000 through cheque. The receipt was also submitted as proof of payment.

On compliance of the recommendation, the NHRC vide its proceedings dated 9 March 2018 closed the case.

**Case 5: Custodial death of Sumar Sindhi Dafer**

In a matter relating to the death of Sumar Sindhi Dafer s/o Alambava at Varahi police station in Patan district, Gujarat on 2 January 2014, the National Human Rights Commission (Case No. 106/6/19/2014-PCD) had recommended to the Government of Gujarat to provide compensation of Rs. 100,000 to the NoK of the deceased. The Chief Secretary, Government of Gujarat was further asked to submit compliance report along with proof of payment within six weeks. In compliance, the Under Secretary, Home Department Government of Gujarat vide communication

dated 16 January 2018 submitted that monetary compensation of Rs. 100,000 was paid to the wife of the deceased on 1 January 2018. He had also forwarded a copy of the receipt regarding payment of compensation amount of Rs. 100,000.

The Commission vide its proceedings dated 28 February 2018 closed the case as its recommendation had been complied with.

**Case 6: Custodial death of Bharatbhai Chamanabhai Majirana**

In this case of custodial death of Bharatbhai Chamanabhai Majirana at Bhabhar police station in Banaskantha district, Gujarat, the National Human Rights Commission (Case No. 1446/6/4/2014-PCD) recommended to the State Government through its Chief Secretary to pay compensation of Rs. 200,000 to the NoK of the deceased. A communication dated 19 January 2018 was received from the Under Secretary, Home Department, Government of Gujarat stating that the amount of compensation as recommended by the Commission was paid to the next of kin of the deceased. A copy of the receipt as proof of payment was also enclosed with the response.

The Commission had perused and considered the report and observed that the recommendations made had been complied with and proper proof of payment submitted by the concerned authority. Accordingly, the Commission vide its proceedings dated 28 February 2018 closed the case noting that no further action was necessary.

**Case 7: Custodial death of Jayesh Kumar**

In this case (No. 1189/6/11/2013-PCD), the National Human Rights Commission directed the Chief Secretary, Government of Gujarat to pay a compensation of Rs. 100,000 to next of kin of Jayesh Kumar s/o Chuni Lal Ghaghada Soni, who died in police custody at Lalpur in Jamnagar district on 19 April 2013. The Commission also called for compliance report along with proof of payment.

In response, a report dated 31 March 2018 was received by the Commission from the Under Secretary, Home Department, Government of Gujarat. It was reported that monetary compensation of Rs. 100,000 was paid to the NoK of the deceased Jayesh Kumar through cheque. The receipt and a copy of the cheque were also enclosed as proof of payment. Vide proceedings dated 9 April 2018, the Commission closed the case on receipt of the compliance report along with proof of payment.

**Case 8: Death of undertrial prisoner Tanasingbhai Titariyabhai Paramar**

This matter pertains to the death of undertrial prisoner, Tanasingbhai Titariyabhai Paramar, aged 50 years, while in the custody of District Jail Dahod on 1 April 2014. The National Human Rights Commission (Case No. 1082/6/9/2014-JCD) found that there was medical negligence behind the death of the deceased and therefore issued notice to the Chief Secretary,



Government of Gujarat u/s 18 (a) (i) of SC/ST Act to show cause as to why a monetary compensation of Rs 300,000 should not be recommended to be paid to NoK of the deceased.

In response to the notice, a report dated 1 January 2018 was received from the Under Secretary, Home Department Government of Gujarat along with a report by SP, Dahod. The substance of the report was that the statements of witnesses recorded during enquiry indicated that the death of the deceased was a natural death due to cardiac failure. Therefore, there was no negligence of any public servant behind the death of the deceased. The Commission further considered the contents of the report on 31.1.2015 when it observed and directed as under: "At the outset it might be indicated that the state of health of a prisoner could be justified by the statements of others who were either seen him or known him. The Commission vide its proceedings dated 12.6.2017 considered the materials on record and held as follows:- "Admittedly there was no doctor or any paramedical staff at the Sub jail Dahod for which health screening of the prisoner could not be done. There was no provision of any vehicle at the jail. Article 21 of the Constitution mandated the State authorities to provide timely and adequate medical facilities to the prisoner for the preservation of his life. But as seen in this case since there was no health screening of the prisoner by any doctor at the time of his entry in the jail. The seriousness of his condition could not be visualized by the jail authorities at the relevant time so no treatment was provided to him though the clinical condition of the prisoner required an urgent treatment. By the time the prisoner was taken to the Hospital it was too late. Thus the Commission found that there was a gross negligence on the part of the prison authorities to ensure the safety and security of the prisoner for which the state was vicariously liable. The loss of life suffered by the family of the deceased was a precious loss and the same amounted to a violation of human rights of the deceased."

In view of the aforesaid findings of the Commission, the reply furnished by the State authorities rejected. The Commission therefore directed the Chief Secretary to pay a compensation of Rs. 300,000 to the next of kin of the deceased and submit compliance along with proof of payment positively. However, no such report was submitted. The Commission again considered the matter on 4 April 2018 when it issued a notice to the Chief Secretary calling upon him to submit requisite report before the Commission in person on 26/27 April 2018 at Gujarat Police Academy, Gandhinagar during the Camp Sitting of the Commission.

The matter was taken up on 26 April 2018 during the Camp Sitting at Gujarat Police Academy, Gandhinagar. The Superintendent of Police, Dahod had submitted a report dated 7 April 2018 in person which revealed that an amount of Rs. 3,00,000 was paid on 3 April 2018 to the wife of the

deceased. Upon proof of payment received, the case was closed on the same day.

#### **Case 9: Death of convict prisoner Kishorbhai Hirabhai Solanki**

This matter relates to the death of convicted prisoner Kishorbhai Hirabhai Solanki (36) in the judicial custody of Central Jail, Lajpore, Surat on 24 July 2014. The National Human Rights Commission (Case No: 802/6/23/2015-JCD) found that the enquiring magistrate in his report concluded that due to mental illness the deceased prisoner with an intention to commit suicide jumped from the second floor of the administrative building and fell down accidentally. Therefore, the Commission was of the considered view that the prisoner should have been provided adequate medical care in the appropriate mental hospital but instead he was not sent to one for which there was a gross violation of human rights of the prisoner.

Accordingly, the Commission recommended to the Chief Secretary, Government of Gujarat u/s 18 (a) (i) of PHR Act, 1993 to pay a monetary compensation of Rs. 100,000 to be paid to NoK of the deceased. However, the direction was not complied with. On 4 April 2018, the Commission further considered the matter when it issued a notice to the Chief Secretary, calling upon him to submit requisite report before the Commission in person on 26/27 April 2018 at Gujarat Police Academy, Gandhinagar during the Camp Sitting of the Commission. On compliance of the recommendation, the Commission closed the case during the Camp Sitting on 26 April 2018.

#### **Case 10: Death of undertial prisoner Anwar Chand Bhai Rangrej**

This case (No. 2384/6/1/08-09-JCD) relates to the death of undertial prisoner identified as Anwar Chand Bhai Rangrej in judicial custody on 18 December 2008. The National Human Rights Commission directed the State Government of Gujarat to pay a compensation of Rs. 2,00,000 to the next of kin of the deceased undertial prisoner Anwar Chandhai Rangraj. The Chief Secretary was directed to submit the compliance report along with proof of payment.

In response, the Additional Police Commissioner (Administration), Ahmedabad City vide his letter dated 30 May 2018 informed that an amount of Rs. 2,00,000 was paid to Sheikh Nsiranbibi, wife of deceased Anwarbhai Chandbhai Rangrej, vide e-payment in account on 25 May 2018. The Commission closed the case following receipt of the compliance report along with proof of payment on 12 July 2018.

#### **Case 11: Death of prisoner Abu Bakar Siddique Dangariya**

This case relates to death of convict prisoner 36-year-old Abu Bakar Siddique Dangariya in judicial custody at Central Jail Ahmedabad, Gujarat on 28 January 2013 due to alleged medical negligence of the jail administration. The National

Human Rights Commission (Case No. 161/6/1/2013-JCD) had recommended an amount of Rs.3,00,000 as interim relief to be paid to the next of kin of the deceased convict prisoner. In response, Additional Commissioner of Police (Administration), Ahmedabad City, Gujarat vide communication dated 4 September 2018 had submitted the compliance report. Perusal of the report revealed that an amount of Rs. 3,00,000 was deposited in the bank A/c No.01700100009257 of Smt. Samimben Abubakar, wife of the deceased convict prisoner through E-payment on 23 August 2018. The proof of payment was also submitted.

Vide its proceedings dated 23 October 2018, the Commission stated that no further action was required as the recommendation had been complied with.

#### **Case 12: Illegal detention and torture of Ajaybhai**

##### **Kishoribhai Makwana**

In a matter relating to illegal detention and torture of Ajaybhai Kishoribhai Makwana by police at A-Division police station in Trikon Baug in Rajkot district of Gujarat on 21 March 2015, the National Human Rights Commission (Case No. 577/6/21/2015) had recommended an amount of Rs. 25,000 as interim relief to be paid to the victim. In response, the Under Secretary, Home Department, Government of Gujarat, Gandhinagar vide communication dated 1 October 2018 had submitted the compliance report. Perusal of the report revealed that an amount of Rs. 25,000 as recommended by the Commission was deposited in the bank A/c No.20110805263 of the victim Ajaybhai Kishoribhai Makwana on 1 September 2018. Proof of payment was also submitted.

The Commission further noted that the delinquent police officials had already been punished departmentally. As such, the Commission vide its proceedings dated 17 December 2018 concluded that no further action was required and accordingly closed the case.

#### **Case 13: Death of prisoner Kantibhai Chhitabhai Vasava**

The case pertains to the death of prisoner Kantibhai Chhitabhai Vasava at Baroda Central Jail, Vadodara, Gujarat on 10 April 2014. Vide its proceedings dated 29 May 2018, the National Human Rights Commission (Case No. 467/6/25/2014-JCD) recommended to the Government of Gujarat through its Chief Secretary to pay compensation of Rs. 200,000 to the NoK of the deceased. A communication No. G/HSB/16508/2018 dated 23 August 2018 was submitted by the Commissioner of Police, Vadodara City stating that monetary relief of Rs. 200,000 had been paid vide Cheque No. 135554 to the son of the deceased, Manishbhai K Vasava on 8 August 2018, through Police Inspector of Manjalpur Police Station of Vadodara City.

In view of the compliance of the recommendations made by the Commission, the case was closed on 14 September 2018.

#### **Case 14: Death of undertrial prisoner Ashik Ismail**

##### **Modan**

In this case (No. 991/6/1/2014-JCD) pertaining to the death of Ashik Ismail Modan, who died in judicial custody at Central Jail, Ahmedabad on 5 July 2014, the National Human Rights Commission had recommended an amount of Rs.1,00,000 as interim relief to be paid to the next of kin of the deceased undertrial prisoner. In response, Additional Commissioner of Police (Administration), Ahmedabad City, Gujarat vide communication dated 4 September 2018 had submitted the compliance report. Perusal of the report revealed that the compensation amount as recommended by the Commission had been deposited in the bank A/c No.038810007009 of Ismailbhai Shahbhaui Modan, father of the deceased undertrial prisoner through E-payment on 23 August 2018.

Vide proceedings dated 25 October 2018 the Commission closed the case in view of compliance of its recommendation.

#### **Case 15: Death of female undertrial prisoner Jyotsana Ben**

This case concerns the death of female undertrial prisoner Jyotsana Ben, aged 42 years, wife of Virahibhai Asoda while in the custody of Sub-jail Himmatnagar, Gujarat on 18 May 2017. The National Human Rights Commission (Case No. 470/6/22/2017-JCD) took cognizance of the case on 26 May 2017 and called for reports from concerned authorities. Upon consideration of the reports received from concerned authorities, the Commission vide proceedings dated 23 July 2018 recommended to the Government of Gujarat to pay a sum of Rs. 2,00,000 to the next of kin of deceased UTP Jyotsana Ben. The Superintendent of Police (SP), Himmatnagar was also directed to submit the report regarding the status of investigation of case crime No. 59/17.

In response, the Home Department, Government of Gujarat vide communication dated 6 November 2018 had confirmed the payment of 2,00,000 to the next of kin of deceased UTP Jyotsana Ben. The SP, Himmatnagar had also informed that charge sheet was filed in case crime No. 59/17 and the matter is pending trial in the court. The Joint Secretary, SHRC, Gujarat had also informed that they too are monitoring custodial death of UTP Jyotsana Ben after taking cognizance of the incident on 23 May 2017.

In view of compliance of the recommendation, the Commission closed the case vide its proceedings dated 15 March 2019.

#### **Case 16: Death of Vikubhai Tihabhai Pargi in police custody**

This matter (Case No. 1510/6/9/2014-PCD) pertains to death of Vikubhai Tihabhai Pargi in police custody of Fatepura police station in Dahod district on 2 December 2014. The deceased allegedly committed suicide under mysterious circumstances. The NHRC issued notice u/s 18 a (i) of the PHR Act, 1993 to the Chief Secretary, Government of Gujarat directing him to show cause within four weeks

to why the Commission should not recommend payment of compensation of Rs. 1,00,000/- to the NoK of the deceased Vikubhai (Vikaram Bhai) Tihabhai Pagri who lost his life because of the negligence of the police officials, while in custody.

In response, a report dated 29 June 2018 had been submitted to the Commission by Under Secretary, Home Department enclosing the report of SP, Dahod. The report of SP, Dahod reads as under: “As the accused was taken outside from the custody at about 08.30 AM on 02.12.2014 during this the accused had gone for toilet and due to mysterious reasons accused had hanged himself with the piece of blanket on the rod of toilet window and due to the death of the accused accidental death was registered. As the said incident has occurred in the police custody post-mortem of dead body of deceased has been carried out in camera at Vadodara SSG Hospital by penal of doctors and for the Magisterial Inquiry Report has been sent to the District Magistrate, Dahod and District & Sessions Judge, Dahod. In this regard the Judicial Magistrate First Class, Fatepura has recorded the statement of the relatives of the accused and submitted the detailed report to the Hon’ble Principal District & Sessions Judge, Dahod. Considering the statement of witnesses, P.M. Note and report of Forensic Science Laboratory, Judicial Magistrate First Class (JMFC), Fatepura has come to the conclusion that the cause of death of the deceased (accused) is “Asphyxia following hanging” Hence, I am of the opinion that as the accused has committed suicide, therefore, not entitled for any compensation”.

The Commission rejected the contention of the state government and drew the attention of the of the Chief Secretary to the report of JMFC, Fatehpura, in particular the following: “However from the facts on record, it appears that death of accused Viku Tiha is suicidal but it is also to take note of the fact that accused being with knife succeeded to commit suicide and how the knife deceased accused had got has no answer. It appears to this Court that it is not possible for accused to keep with him any such dangerous weapon without being there sheer negligence of responsible officer. If we do not take the other view, then it appears that this is nothing but gross carelessness on the part of the then officer in charge of police station which resulted to death of deceased accused Vikram alias Viku Tihabhai Pargi”

Vide its proceedings dated 13 July 2018, the Commission once again reiterated its recommendation and directed the Government of Gujarat to pay a compensation of Rs. 1,00,000 to the NoK of the deceased Vikubhai (Vikarmbhai) Tihabhai Pargi, who lost his life because of the negligence of the police official, while in custody. The Chief Secretary was further directed to submit the compliance report alongwith proof of payment. The case is currently pending for final adjudication.

### 3. Torture in India during April 2019

Across India, cases of torture in police and judicial custody continue to be reported on regular basis. During April 2019, the following emblematic cases were reported.

#### 3.1 Emblematic cases of torture in police custody

##### Case 1: Death of theft suspect due to alleged torture in police custody, Karnataka

On 25 April 2019, Avinash, aged 28 years, resident of Belaguli village in Hassan district of Karnataka, died under mysterious circumstances in police custody at at Nuggehalli in Channarayapatna taluk in Hassan district. The deceased, a theft suspect, was taken into custody along with another accused identified as Pavan. According to the police, the suspect died when he was being taken to the Nuggehalli police station in a vehicle. But the parents of Avinash alleged foul play as they claimed to have seen injury marks on his body.<sup>59</sup>

##### Case 2: Death of Sanju due to alleged torture and brutal beating of his 60-year-old mother at Gandhi Nagar police station, Madhya Pradesh

On 23 April 2019, 22-year-old Sanju, s/o Hindu Singh died due to alleged torture at Gandhi Nagar police station in Indore district, Madhya Pradesh. The deceased, a resident of Gandhi Nagar in the district, was brought to the police station by police for questioning in a theft case. The deceased’s mother was also beaten up by the police and had to be hospitalised. Police claimed on 23 April Sanju suddenly fell ill during interrogation at the police station, after which a doctor was called and his blood pressure was found low. Thereafter, he was rushed to a hospital where he was declared brought dead. However, the family members accused the police of torturing Sanju to death. Family members also alleged the deceased’s mother identified as Nadibai, aged 60 years, was also brutally beaten up by the police and detained in police lock up.<sup>60</sup>

##### Case 3: Death of 55-year-old woman due to alleged police torture in Punjab

On 19 April 2019, a 55-year-old woman identified as Kulwant Kaur, w/o Maha Singh of Madauli Khurd village in Ropar district, Punjab died after she was subjected to torture by a police team which raided her house to arrest her son in connection with a case. The police team did not find her son and allegedly tortured her while questioning the whereabouts of her son. Later, she succumbed to her injuries. According to the deceased woman’s husband, the police tortured his wife when he was carrying wheat to the grain market. He also stated that the police had been harassing the family by conducting raids in the house for the last six months to arrest his son who is absconding. He further alleged that when they fail to give the whereabouts of his son, the police used to rebuke or insult them and sometimes beat them. On 20 April, the police had formed a Special Investigation Team (SIT) to



investigate into the death following a complaint lodged by the deceased's husband.<sup>61</sup>

**Case 4: Death of youth at Ajit Singh Nagar police station in Andhra Pradesh**

On 16 April 2019, an unidentified youth died under mysterious circumstances at Ajit Singh Nagar police station in Vijayawada district in Andhra Pradesh. The deceased youth was taken into custody for trespassing into a house at Basavatarakam colony in Ajit Singh Nagar. According to the police, the youth, who was in his early twenties, allegedly committed suicide at by hanging himself with a rope tied to a ceiling fan in the police station's washroom.<sup>62</sup>

**Case 5: Death of Leela Adivasi in police custody in Sagar district, Madhya Pradesh**

On 15 April 2019, a 50-year-old tribal identified as Leela Adivasi, s/o Tantu Adivasi died under mysterious circumstances during police custody of Maharajpur police station in Sagar district, Madhya Pradesh. Deceased Leela Adivasi, a labourer, was arrested by the police under the Arms Act from Maharajpur police station area. On 15 April morning, he was taken to a hospital for medical examination, where the doctor had reportedly found him in good health. The police claimed that as Leela Adivasi was being produced before a local court, his health suddenly deteriorated at the court premises, and he vomited blood from his mouth and ears and died. Following the death, action was being initiated against Santkumar Rathore, SHO of the Maharajpur police station.<sup>63</sup> The NHRC also took cognizance of the custodial death.<sup>64</sup>

**Case 6: Death of K Karthik at Big Bazaar Street police station, Tamil Nadu**

On 15 April 2019, 36-year-old K. Karthik, a resident of Kempatty Colony in Coimbatore district, Tamil Nadu, died while in the custody of Big Bazaar Street Police. Karthik was picked up from T.K. Market on the evening of 15 April for alleged possession of ganja. According to the police, Karthik developed fits and became unconscious around 9.15 pm when they were about to produce him before a magistrate. Thereafter, he was rushed to Coimbatore Medical College Hospital where doctors declared him brought dead. Following the death, Karthik's relatives thronged the hospital and alleged that he had died of custodial torture. On the other hand, police denied the allegation of custodial torture and claimed that Karthik, who was also earlier booked in several cases, had a habit of injuring himself and pretending ill in police custody.<sup>65</sup>

**Case 7: Death of Niranjana Sahu in police custody in Bolangir, Odisha**

On 15 April 2019, Niranjana Sahu, aged 25 years, died due to alleged brutal lathi charge and torture by the police in Bolangir in Odisha. The deceased, a resident of Phatamunda village in Agalpur block in the district, was brutally lathi-charged and tortured by the police on the allegations that he

was part of the group that threw eggs at the election vehicle of Odisha Chief Minister Naveen Patnaik during a roadshow in Bolangir on 15 April. The condition of the deceased deteriorated and he was taken to the Community Health Centre at Dunguripalli in neighboring Subarnapur district where he was declared brought dead by the doctors. Nakula Sahu, the deceased's brother, alleged that the deceased was detained and tortured in custody.<sup>66</sup>

**Case 8: Death of Manoj Prasad due to alleged torture at Darpa police station, Bihar**

On 14 April 2019, Manoj Prasad alias Manoj Jayaswal, aged 32 years, died due to alleged torture in the custody of Darpa Police station in East Champaran district, Bihar. Police claimed the deceased was arrested on 13 April 2019 in connection with a case of selling liquor and was sent to judicial custody on 14 April 2019. But, the doctors of the Central Jail, East Champaran returned him from the jail on the ground that he was found to be unfit for admission into the jail and referred him to Sadar hospital where he died on the same day. The family members of the deceased alleged that he was arrested without any reason while he was returning home in a motorcycle. They further alleged that he was tortured to death at Darpa Police station. Vinay Shankar Prasad, cousin of the deceased, claimed that he even had to pay a bribe of Rs 7,700/- to the police for release of the motorcycle.<sup>67</sup>

**Case 9: Custodial death of Sopan Madhukar Deokar at Sinhagad Road police station, Maharashtra**

On 14 April 2019, Sopan Madhukar Deokar, aged 60 years, died at Sinhagad Road police station in Pune district, Maharashtra. The deceased, a resident of Ambegaon Khurd in Pune, was arrested on 10 April 2019 for allegedly selling liquor illegally. After arrest the deceased was detained at the Sinhagad Road police station. According to the police, on 12 April 2019 the deceased complained of uneasiness and was taken to Sassoon General Hospital, Pune and again sent back to the police lock-up after a medical examination. However, the deceased's condition worsened and he was once again admitted at Sassoon General Hospital, Pune on the night of 13 April 2019 where he died during treatment on 14 April 2019.<sup>68</sup>

**Case 10: Custodial death of Saroop Singh at Lodhowal police station, Punjab**

On 11 April 2019, Saroop Singh, aged 40 years, died at Lodhowal police station in Ludhiana district, Punjab. The deceased, a resident of Bokar Dogra village in the district of Punjab, was arrested on the evening of 11 April under Section 107/151 (preventive detention) of the CrPC for allegedly threatening to kill his wife Manjeet Kaur. The police detained him at the Lodhowal police station after arrest. Police claimed that on 11 April 2019 around 06.57 pm, Saroop Singh committed suicide by hanging himself in the bathroom of the

lock-up room. However, the deceased's family members suspected foul play in his death.<sup>69</sup>

**Case 11: Custodial torture of Mohammed Tanveer at DJ Halli police station, Karnataka**

On 9 April 2019, Mohammed Tanveer, aged 23 years, was allegedly tortured by Sub-Inspector Santosh and Constable Ayyappa at DJ Halli police station in Bangalore, Karnataka. According to the victim's brother Mohammed Musaveer, the victim and his friend Danish were going to a drug store to buy medicines when they were stopped by Constable Ayyappa near Lavanya Bakery at M.M. Layout, Bangalore, for riding motorcycle while talking on the mobile phone on the night of 9 April. The victim and his friend Danish were taken to the DJ Halli police station where the victim was stripped and tortured till he fell unconscious. Sub-Inspector Santosh and Constable Ayyappa reportedly beat him with lathis (sticks) for many hours before they were released on the next day. The family members stated that the kidneys of the victim were damaged due to the custodial torture and he was fighting for his life at a private hospital.<sup>70</sup>

**Case 12: Alleged tortured to death of Karan Kumar at Janakpuri police station, Punjab**

On 7 April 2019, Karan Kumar, aged 22 years, died due to alleged torture at Janakpuri police station in Ludhiana district, Punjab. The deceased, a resident of Prem colony in the district, was arrested on 6 April 2019 along with his friend identified as Gautam, aged 20 years, in connection with a vehicle theft case. The police took them to Janakpuri police station and kept them in lock-up room. Police claimed that on 7 April around 04.30 am, Karan Kumar vomited blood and he was taken to the Civil Hospital where the doctors declared him brought dead.<sup>71</sup>

However, the family members of the deceased alleged that Karan Kumar died due to custodial torture by the police to obtain confession to the alleged crime. The family members further alleged that Karan Kumar was taken away by the police, without disclosing any reason and later he was framed in the vehicle lifting case. They reportedly visited the police station several times and requested a meeting with Karan Kumar but they were not allowed. The next day, the family members were informed that the victim had committed suicide by consuming poison. As alleged by the family of the deceased, he was tortured by the police to extract confession of stealing the vehicle. As per police version, a judicial probe has been ordered and on the basis of the autopsy report, action will be taken.<sup>72</sup>

On 8 April 2019, the National Human Rights Commission (NHRC) issued a notice to the Director General of Police (DGP) seeking a detailed report of the custodial death within four weeks. The NHRC noted that the custodial death amount to serious issue of violation of right to life of the victim. The NHRC also directed the DGP to explain as to

why the custodial death was not reported to it as per its guidelines.<sup>73</sup>

**Case 13: Death of Chandrika Prasad Tiwari due to alleged torture at Marwahi police station, Chhattisgarh**

On 8 April 2019, Chandrika Prasad Tiwari died in police custody due to alleged police torture at Marwahi police station in Bilaspur district, Chhattisgarh. On 7 April 2019, Tiwari and his son were called at the police station in connection with a land dispute case. At the police station, the police allegedly used abusive language and physically assaulted both Tiwari and his son in police lock-up. On 8 April, they were produced before Marwahi Tehsil court at 12 pm. They had to wait there till 4 pm. In between, Chandrika's condition deteriorated and he was taken to the hospital. As he was in a critical condition, the doctors referred him to CIMS, Bilaspur, where he passed away.<sup>74</sup> The opposition leader in the State Assembly and Bhartiya Janata Party legislator, Dharamlal Kaushik in a letter to the Chief Minister while demanding judicial inquiry into the death alleged that Tiwari was subjected to brutal beating by police officer E Ekka in custody, and as a result he suffered internal injuries, including one of his teeth was also broken.<sup>75</sup>

**Case 14: Death of a tribal youth due to alleged torture at Tala police station, Madhya Pradesh**

On 7 April 2019, 32-year-old tribal identified as Swamidin Baiga, s/o Haridin Baiga died under mysterious circumstances at Tala police station in Umaria district, Madhya Pradesh within hours after his arrest. The deceased youth was picked up from his residence by the police in the morning of 7 April for interrogation after a case of sexual assault of a minor girl was registered against him. Later in the evening at about 5 pm, the police informed the family of the deceased that he was not well. At about 7 pm, the youth was declared dead by doctors at a hospital.<sup>76</sup> Family members of the deceased alleged Swamidin was brutally beaten at the police station, resulting in his death. They also alleged that police did not inform the reason for his arrest.<sup>77</sup> A magisterial inquiry was ordered into the death. The NHRC is also investigating the case.<sup>78</sup>

**Case 15: Death of Sampath due to alleged torture at SR Nagar police station, Telangana**

On 3 April 2019, a rag picker identified as Sampath, aged 33 years, a murder suspect, died under mysterious circumstances at S R Nagar police station in Hyderabad, Telangana. The deceased was arrested on 2 April 2019 along with another rag picker identified as Gunjolla Raju, aged 23 years, from Maithrivanam in Ameerpet of Hyderabad district in connection with a case of murder of a beggar. The police took them to the SR Nagar police station after arrest. Police claimed on 3 April 2019 around 08.30 am, Sampath suffered a seizure during interrogation and he was taken to Gandhi Hospital where he died at around 10.30 am on the same day.<sup>79</sup>

However, an NGO, Human Rights Forum (HRF) claimed that Sampath had died due to police torture and demanded that the Station House Officer should be suspended for proper enquiry. A fact finding committee of the HRF visited the S R Nagar police station and Gandhi Hospital and met the relatives of Sampath. In its report, the Committee stated that the police had refused to share details of the General Dairy of the police station and more suspicious was the non-functioning of the closed circuit cameras in the police station. The doctors at the hospital too did not reveal about the torture marks on the body of Sampath.<sup>80</sup>

**Case 16: Torture of Monu at Bithoor police station, Uttar Pradesh**

On 2 April 2019, 40-year-old Monu was allegedly tortured by the police at Bithoor police station in Kanpur district, Uttar Pradesh. The victim, a resident of Unnao district, was arrested on 1 April 2019 along with another person identified as Sonu in connection with a murder case. The police took them at Bithoor police station following their arrest. The victim Monu alleged that on the night of 2 April 2019, Station House Officer (SHO) Sudhir Kumar Panwar beat him up badly during interrogation to obtain a confession. He also alleged that the police officer poured petrol in his private part and as he was given electric shock suddenly the petrol caught fire and he received severe burn injuries. Following which, the victim was taken to a private hospital in Mandhana town in Kanpur district.<sup>81</sup>

**Case 17: Torture of Preetam Bhalgat at Faraskhana police station, Maharashtra**

On 29 March - 3 April 2019, Preetam Bhalgat, aged 41 years, was arrested and allegedly subjected to torture during police remand at Faraskhana police station in Pune city of Maharashtra. He was arrested in connection with a cheating case filed against him by one Dinesh Oswal of Kondhwa. The police produced him before a court which sent him to police remand for four days upto 3 April 2019. Preetam alleged he was tortured by the police to obtain a confession to the crime during interrogation. The medical reports reportedly found multiple injuries on the victim. The victim also managed to send his blood-stained vest in the tiffin box to his wife, which was produced in the court by his wife as evidence of the torture.<sup>82</sup>

### 3.2 Torturous prison conditions and deaths in judicial custody

Conditions of prisons remain torturous across the country.

In its latest prison report of 2016, the National Crime Record Bureau (NCRB) revealed how prisons have fallen off the state governments' priority list as many jails remained over crowded, and understaffed. According to the report, out of 4,33,003 prisoners lodged in the 1,400 jails across the country as on 31 December 2016, there are 2,93,058 undertrials, 1,35,683 convicts and 3,089 detenues. In other words, the

undertrials comprised more than 67% of the total prisoners. Uttar Pradesh accounted for highest number of undertrials and convicts in jails.<sup>83</sup>

As per the report, the top five states where maximum deaths of inmates in prison were reported in 2016 were - Uttar Pradesh (429), Madhya Pradesh (146) Punjab (152), Maharashtra (121) and Rajasthan (97).<sup>84</sup>

Deaths of prisoners as a result of torture, ill treatment, lack of medical facilities, etc in the jails continued to be reported.

On 28 April 2019, a convict identified as Shivadhar Yadav, s/o Duja Yadav died due to alleged lack of proper medical care at Arrah jail in Bhojpur district, Bihar. The deceased was serving his life imprisonment since 2014 in connection with a murder case. Jail officials claimed the deceased died due to brain hemorrhage. The family members of the deceased alleged that the deceased was not given proper treatment. They stated that on 18 April 2019 the deceased was admitted to the Sadar Hospital, and next day he was taken to the Patna Medical College & Hospital (PMCH). He was brought back to the Sadar Hospital on 25 April. This time the doctors advised that the patient be shifted to PMCH to take the service of neurosurgeon, but the family members alleged that the jail officials refused to take him to Patna citing lack of security guards and he died at Sadar Hospital on 28 April.<sup>85</sup>

On 26 April 2019, Mohammed Ramzan, aged 60 years, a convict lodged at Baran district jail in Rajasthan, who was admitted at the New Medical College Hospital, Kota for treatment of liver diseases, including hepatitis, died after he was tortured by two police personnel accompanying him. A video, which surfaced before Ramzan's death, shows him telling that three police guards had beaten him with metal pipes. He said in the video, recorded by a family member during his treatment in Jaipur, that the guards were inebriated and would thrash him when he cried in pain. The family members also alleged that the jail authorities did not give proper medical treatment to Ramzan when he fell sick.<sup>86</sup>

On 26 April 2019, an undertrial prisoner identified as Maharaja Haldar, aged 36 years, died under mysterious circumstances at Presidency Jail of Kolkata in West Bengal. The deceased was arrested and sent to judicial custody in 2016 in connection with a murder case. Jail officials claimed the deceased's health deteriorated and he was admitted to the Presidency Jail hospital on 19 April 2019 and he was kept at Ward No. 5, bed No. 26 where he allegedly committed suicide by hanging himself. However, the family members of the deceased refuted the suicide theory of the jail officials and alleged that the deceased was too sick to even get up from his bed so he could not have committed suicide. They alleged he was murdered.<sup>87</sup>

On 25 April 2019, undertrial prisoner identified as Rahul alias Moti, aged 24 years, died under mysterious circumstances at Bhondsi Jail in Gurugram district, Haryana. The deceased, a resident of Jhalandar in Punjab, was arrested



by the police and sent to judicial custody on 15 April 2019 in connection with a theft case. Jail officials claimed on 25 April the deceased committed suicide in the jail's bathroom by hanging with a bed sheet.<sup>88</sup>

On 23 April 2019, undertrial prisoner identified as Ajay Tiwari, aged 35 years, died due to alleged torture at Circle Jail, Datia in Madhya Pradesh. The deceased, a resident of Bhandar town in Datia district, was arrested and sent to judicial custody on 1 December 2017 in connection with a case under the Dowry Act. Jail officials claimed the undertrial was suffering from tuberculosis and as a result of which he suddenly died in the morning of 23 April in the jail. However, the family members of the deceased alleged he was tortured to death by the jail officials. Family members further alleged that the deceased was absolutely healthy when they met him in the jail four days before his death.<sup>89</sup>

On 22 April 2019, undertrial prisoner identified as Arjun, aged 32 years, s/o Nandalal Patidar died under suspicious circumstances at Mandsaur district jail in Madhya Pradesh. The deceased, a resident of Rawati village in the district, was arrested and sent to judicial custody in connection with a case of opium smuggling. Jail officials claimed the undertrial died due to infection in his kidney while undergoing treatment at a hospital. However, the family members of the deceased alleged Arjun died due to medical negligence. The family members also claimed they had approached a court to provide medicines to Arjun, but the jail administration allegedly did not allow them to provide medicines.<sup>90</sup>

On 19 April 2019, undertrial prisoner identified as Md Wasim, aged 50 years, s/o Md Yasin died under mysterious circumstances at Fatehgarh district Central Jail in Uttar Pradesh. The deceased, a resident of Safdarganj Maholla in Kannauj district of the state, was undergoing trial in a case of murder of one jail inmate while he was serving a 10-year jail term in connection with the murder of his wife which he completed in 2018. Jail officials claimed the deceased was suffering from Tuberculosis and went into depression as a result of which he committed suicide in the jail's toilet by hanging himself with a lungi (cloth worn by male around their waist). Rejecting the suicide claim, the family members of the deceased demanded proper investigation.<sup>91</sup>

On 15 April 2019, undertrial prisoner C Rama, aged 22 years, died under mysterious circumstances in the custody of Jeypore sub-jail in Koraput district, Odisha. The deceased, a resident Andhra Pradesh, was arrested under the Narcotic Drugs and Psychotropic Substances Act, 1985 and lodged at Jeypore sub-jail. Jail officials claimed the prisoner was found dead inside his prison cell on 15 April.<sup>92</sup>

On 14 April 2019, a convict identified as Mannu alias Manohar Ahirwar, aged 52 years, died under mysterious circumstances in the custody of Sagar district Central jail in Madhya Pradesh. The deceased, a resident of Barkheda Sikandar village in the district, was sentenced to life

imprisonment in June 2018 in connection with a case of gang rape. Jail officials claimed the deceased suffered from heart attack and while being taken to the jail hospital he had collapsed in the morning of 14 April. Later, he was taken to the district hospital, where he died on the same day.<sup>93</sup>

On 12 April 2019, Nabbir, an inmate of Tihar jail, New Delhi was allegedly tortured by one of the jail superintendents in the jail premises. Nabbir was arrested under the Arms Act in 2017. The torture was revealed on 17 April after the victim approached a local court, claiming that Jail Superintendent Rajesh Chauhan of Jail No.4 burned the 'Om' symbol into his back before depriving him of food for two days. Nabbir had spoken of the ordeal to his family, who brought the incident to the notice of his counsel. The Court observed the allegations to be of 'serious nature' requiring immediate intervention and ordered an inquiry. The Court also directed that Nabbir be shifted from his cell in jail number 4 to a safer location, away from 'direct or indirect' supervision of the accused Jail Superintendent, Rajesh Chauhan. In its order, the Court said that the jail authorities must conduct Nabbir's medical examination with immediate effect and necessary CCTV footage must be collected and statements of other inmates taken.<sup>94</sup>

On 12 April 2019, an undertrial prisoner identified as Tulsi Uraon, aged 20 years, died due to alleged custodial torture in the custody of Gumla district jail in Jharkhand. The deceased, a resident of Sarjama village in Garhwa district, was arrested and sent to judicial custody four months earlier in connection with a murder case. Jail officials claimed that on the night of 12 April 2019 the deceased suddenly complained of chest pain and breathing problem. Jail officials further claimed that he was taken to the hospital where he died during treatment. However, the family members of the deceased alleged Tulsi Uraon died due to brutal beating by the jail officials inside the jail. They also claimed that the deceased was declared brought dead by the doctors at the hospital which contradicted the version of the jail officials.<sup>95</sup>

On 10 April 2019, an undertrial prisoner identified as Livtar Singh died inside Ludhiana Central Jail in Punjab. The deceased was lodged in the jail since past one year. He was found dead inside the bathroom of barrack number 1 of the jail. The draw-string of his pyjama was found around his neck. An autopsy report had said that the undertrial was strangled to death. Livtar's family had alleged that he was murdered by the jail inmates. A Special Investigation Team was formed and a magisterial inquiry was ordered to investigate the details of the custodial death.<sup>96</sup>

On 9 April 2019, a convict identified as Dharmaraj, aged 65 years, s/o Bherodin, died under mysterious circumstances in the custody of Naini Central Jail in Allahabad district, Uttar Pradesh. The deceased, a resident of Kaushambi district, was sentenced to life imprisonment in connection with a murder case. Since then, he was serving his jail term in Naini Central

Jail. The jail officials claimed the health of the deceased suddenly deteriorated, after which he was undergoing treatment in the Jail Hospital where he died.<sup>97</sup>

On 7 April 2019, Amrit Das, aged 70 years, a suspected foreigner, died in the custody of Foreigner Detention Camp in Goalpara district jail of Assam. The deceased, a resident of Barpeta district, had been lodged at the Foreigner's Detention Camp in Goalpara district jail since 20 May 2017, after he was declared as foreigner by the foreigner's tribunal despite figuring in voters' lists from 1961 onward. The jail officials claimed that Amrit Das was taken to a hospital after he complained of unease, where he died. But family members of Amrit Das alleged that he died without treatment after developing asthma due to sleeping on the cold floor of the jail.<sup>98</sup>

On 7 April 2019, undertrial prisoner identified as Gulfam, aged 40 years, died under mysterious circumstances in the custody of Muzaffarnagar district jail in Uttar Pradesh. The deceased was arrested in 2012 in connection with a murder case and lodged at the district jail. The jail officials claimed Gulfam was a tuberculosis patient and when his health conditions deteriorated he was rushed to a hospital on 7 April 2019 where he passed away on the same day. A judicial enquiry was ordered into the death.<sup>99</sup>

On 7 April 2019, a murder convict identified as Santu Dhritlahare, aged 47 years, died under mysterious circumstances at Mungeli district Sub-Jail in Chhattisgarh. The deceased, a resident of Thelka Nawagaon village in Bilaspur district, was serving jail term from the last two years. Jail officials claimed the deceased committed suicide by hanging with his towel in the toilet of the jail. He was rushed to the district hospital, where he was declared brought dead.<sup>100</sup>

On 6 April 2019, undertrial prisoner Bharat Mandal, aged 40 years, died under mysterious circumstances at Choudwar Circle Jail in Cuttack district, Odisha. The deceased, a resident of Telenga Bazar under Purighat police station in the district, was arrested on 28 March 2019 and was sent to judicial custody in the Choudwar Circle Jail. The jail officials claimed Bharat Mandal had been ill for some days and was admitted at Medical College and Hospital in Cuttack on the night of 5 April and died the next day. However, the family members of the deceased alleged Bharat Mandal was tortured to death at the jail.<sup>101</sup>

### 3.3 Judiciary's action against torture during April 2019

The judiciary regularly adjudicates cases of illegal, unjustified and unwarranted arrests, extracting confession from innocent persons for offences which they have never committed, by way of custodial violence, which often results in death.

Some of the emblematic cases of judicial action during April 2019 are given below:

#### **Case 1: Rajasthan High Court directs State Government to submit detailed report on custodial deaths in the State**

On 11 April 2019, a division bench of Rajasthan High Court asked the state government of Rajasthan to furnish the details on the number of custodial deaths, number of post-mortems done in such cases and also in how many cases judicial enquiry was done. The reply is returnable by 15 May 2019. The order was passed by the High Court in a suo motu cognizance relating to the usage of mobile phones in jails, complaints of women inmates and custodial deaths. The bench comprising acting Chief Justice Mohammad Rafiq and Justice Goverdhan Bardhar also asked the state government to provide a detailed jail wise report on the deaths and asked them on the kind of ex-gratia given in these cases.<sup>102</sup>

Earlier, the High Court had issued 45 directions to the State Government covering various aspects of jail administration, including general hygiene and sanitation, vocational training, health, food and recreation. The directions included screening of a movie every fortnight for the entertainment of the inmates. It also asked the government to sanction Rs 50,000 per annum for the purchase of sports material to conduct sports activities. For the benefit of mental health of the inmates, the court asked the jail administration to introduce yoga and meditation on a regular basis.<sup>103</sup>

#### **Case 2: Manipur High Court awards compensation in two fake encounter killings[P4]**

On 11 April 2019, the Manipur High Court ordered the Central Government to pay compensation of Rs. 500,000 each to two women whose husbands were allegedly killed by Assam Rifles personnel in a fake encounter in 2009. The order was passed by a division bench of the high court comprising Chief Justice Ramalingam Sudhakar and Justice MV Muralidaran following two petitions filed by Laishram Prema Devi and Seram Sunita Devi, the widows. Laishram Keshorjit Singh and Seram Priyokumar Meitei of the Urup Litanmakhong area in Imphal East district were picked up by the personnel of 20 Assam Rifles on 1 June 2009 from Tengenoupal check post in then Chandel district (now Tengenoupal district). Later, the two were killed in a fake encounter at the nearby place on the same day. Earlier, the Thoubal district judge conducted an inquiry into the killings and established that the two were killed in a fake encounter.<sup>104</sup> The NHRC also awarded a compensation of Rs. 500,000 each to the next of kin of the two deceased acting on a complaint filed by the Asian Centre for Human Rights.<sup>105</sup>

#### **Case 3: Gujarat High Court transfers custodial death case to CID**

On 9 April 2019, the Gujarat High Court transferred investigation in a custodial death case to State's Crime Investigation Department (CID) from the Crime Branch of Ahmedabad. The case relate to the death of 21-year-old Vivek Rana due to alleged torture at Maninagar police station in Ahmedabad district, Gujarat on 16 November 2014. The High Court ordered the CID to conduct a thorough investigation of the custodial death. As per the case details, Rana was wanted by Maninagar police in connection with a riot case. He surrendered before the city crime branch. His custody was handed over to Maninagar police, which allegedly beat him so much that he died in custody on 16 November 2014. Rana's sister Renuka Thapa complained that Rana had died due to custodial torture and named Assistant Commissioner of Police (ACP) Reema Munshi, Inspector Vishnudan Gadhvi, Sub-Inspector Narens Chaudhary and Constable Bharat Italiya.<sup>106</sup>

A judicial inquiry was conducted in the custodial death and the metropolitan court ordered registration of an FIR on murder charge in 2017. The Special Operation Group of Crime Branch registered the FIR and undertook investigation. On 31 January 2019, the Crime Branch filed a chargesheet exonerating all four police officials of murder charge, though the charge of beating was mentioned in the probe report. However, the reason for Rana's death was attributed to his epileptic seizures. This was not acceptable to the victim's sister and she moved the High Court. It was argued before the High Court that there were discrepancies in investigation report with regard to the cause of death. The autopsy report and report on medical treatment did not match with the reason put forth by the investigating agency. The deceased had 36 injury marks on his body and evidence revealed that ACP Reema Munshi and three other police personnel had allegedly beaten him severely with belts.<sup>107</sup>

#### **Case 4: Manipur High Court revokes NSA against journalist Kishorchandra Wangkhem**

On 8 April 2019, Manipur High Court revoked the detention of television journalist Kishorchandra Wangkhem, aged 39 years, under the National Security Act (NSA) for allegedly criticising the State's Chief Minister N Biren Singh and other leaders of a political party. The High Court also ordered his immediate release. The journalist was released on the next day after spending over four months in jail. He was detained under the NSA at the orders of the Imphal West District Magistrate on sedition charges on 21 November 2018 and sent to jail for 12 months. Wangkhem had moved court against his detention on 20 December 2018.<sup>108</sup>

#### **Case 5: Court frames charges against nine policemen in 26-year-old fake encounter case in Punjab**

On 4 April 2019, the court of Ropar Additional District and Session Judge Ravdeep Singh Hundal framed charges of murder and criminal conspiracy against nine police personnel including a former superintendent of police in a 26-year-old

fake encounter case in Ropar district of Punjab. The accused had allegedly killed a 20-year-old constable Paramjit Singh in July 1993 and then registered a case of the encounter between the police and the deceased along with his unidentified accomplice during the peak of militancy in Punjab. The court maintained the murder and criminal conspiracy charges against the then Chamkaur Sahib SHO Harpal Singh, who later retired as superintendent of police, Assistant Sub Inspectors (ASIs) Santokh Singh and Gurnam Singh; retired Constables Parmail Singh and Rajinder Singh; Head Constable Iqbal Mohammad, Constables Mohinder Singh, Sukhwinder Lal, and Jaswinder Singh. In addition, a woman identified as Mohinder Kaur of Maujlipur village was also booked for murder as Paramjit Singh was allegedly killed at her house. Earlier, all the accused were placed under arrest by the court of Ropar judicial magistrate Harish Kumar under sections of murder and the case was committed to additional district and sessions judge for framing of charges. The Court also rejected the bail application filed by the accused. The case was filed in 1998 by Paramjit's grandfather Daljit Singh who passed away in 2009.<sup>109</sup>

#### **Case 6: Haryana Court sentenced five policemen to five years imprisonment for custodial death**

On 1 April 2019, the court of Additional District and Sessions judge, Fatehabad in Hayana sentenced five police personnel to five years imprisonment for the custodial death of Dalbir Singh on 20 May 2008. The Court also imposed a fine of Rs. 21,000 on each of the five guilty police personnel. The guilty police personnel were identified as Rajendra Kumar, Sriram, Ranbir Singh, Ram Bhatt and Bijay Singh attached to the GRP police station, Jakhal. According to the petition filed by deceased's brother Samsher Singh, a false case was filed against Dalbir Singh on 16 May 2008 by GRP Jakhal and he was beaten with sticks in custody. Later, Dalbir Singh was admitted at PGI hospital, Rohtak where he succumbed to his injuries on 29 May 2008. Samsher Singh claimed that he saw injury marks on his brother's body.<sup>110</sup>

### **3.4 Interventions by the NHRC/SHRCs during April 2019**

The National Human Rights Commission (NHRC) and the State Human Rights Commissions (SHRCs) are mandated to address human rights violations and continue to intervene in cases of torture. As per latest data available, the National Human Rights Commission registered a total of 5,722 fresh cases, including 12 relating to death in police custody and 115 relating to deaths in judicial custody, while it disposed of a total of 5,720 cases (Fresh + Old), including 12 cases of death in police custody and 122 cases of death in judicial custody, during March 2019. A total of 20,118 cases (Fresh + Old), including 379 cases of death in police custody and 3,450 cases of death in judicial custody, were under consideration of the Commission as in March 2019.<sup>111</sup>



In March 2019, the NHRC has awarded a total of Rs 59,15,000 in 34 cases of human rights violations, including 6 cases of death in judicial custody, one case of harassment of prisoner; one case of arbitrary use of power, three cases of failure in taking lawful action, one case of abuse of power, two cases of illegal arrest, two cases of unlawful detention, among others.<sup>112</sup>

Some of the emblematic cases of interventions during April 2019 are given below.

**Case 1: Tamil Nadu SHRC orders State Government to pay compensation to businessman for police harassment**

On 15 April 2019, Tamil Nadu State Human Rights Commission recommended the State Government to pay a compensation of Rs. 75,000 to a businessman who was harassed by police in a civil dispute case in 2012. The SHRC also asked the State Government to recover the same from the two accused police personnel. In his complaint to the SHRC, businessman Mohammed had alleged that he was harassed by Inspector N Thiruppathi and Head Constable A Perumal attached to Tankasi police station. In 2011, one Salavudeen borrowed Rs 3 lakh from him, promising to pay back within a month. Shahul Hameed, a relative of Nainar, was also present when Salavudeen provided a post-dated cheque for Rs 3 lakh. However, as Salavudeen had not repaid the debt, Nainar deposited the cheque in a bank. The cheque was returned due to insufficient funds in the account. Subsequently, a legal notice was issued by Nainar to Salavudeen, who, in turn, lodged a criminal complaint against Nainar and Hameed with the Tenkasi police. Inspector Thiruppathi, who summoned Nainar and Hameed, ordered them to return the cheque issued by Salavudeen and also threatened that if Nainar failed to return the cheque, he would be foisted with criminal cases and sent to jail. The SHRC in its order observed that Thiruppathi and Perumal had exceeded their police power and acted in favour of Salavudeen violating human rights.<sup>113</sup>

**Case 2: Tamil Nadu SHRC orders a police inspector to pay Rs. 50,000 to torture victim**

On 9 April 2019, Tamil Nadu State Human Rights Commission directed an inspector from Tiruchendur in Thoothukudi district to pay a compensation of Rs 50,000 to an activist on charge of arresting him after foisting a case against him and subjecting him to torture in police custody in October 2012. In his complaint, the victim identified as R. Ramesh of Nalayiramudayarkulam, Thoothukudi district, submitted that he had filed a number of complaints to the government against illegal tapping of water from borewells by a factory. However, on the instigation of the factory owner, Inspector Thillai Nagarajan registered a case against him and remanded him in prison on 6 October 2012. Besides abusing him, Thillai Nagarajan and three other constables had also assaulted him with a cricket stump, palmyrah stick and lathis. In its order, the SHRC observed that when an innocent

person is falsely implicated, he not only suffers from loss of reputation but also from mental tension, and his personal liberty is seriously impaired. Therefore, Thillai Nagarajan failed to follow the procedures laid down in law in arresting Ramesh, and hence, Thillai Nagarajan violated the guidelines issued by the NHRC and SHRC and the judgment of the Supreme Court.<sup>114</sup>

**Case 3: Haryana SHRC directs State Government to pay compensation of Rs. 20,000 to torture victim**

In first week of April 2019, the Haryana State Human Rights Commission directed the State Government to pay a compensation of Rs. 20,000 to Mahender Singh, who was tortured at a police station in Sonapat district in September 2016. The Commission asked the State Government to recover the amount from the guilty head constable identified as Sushil Rawal. The victim, a resident of Bhora Rasulpur village in Sonapat district had complained that he had sought police help to resolve a dispute with his brother, Subhas fearing that it might escalate. Subsequently, ASI Ramesh took Mahender and his brother to the police station in Ganaur, and went for patrol duty. Later that night, Head Constable Sushil Rawal came to the police station in an inebriated state. After inquiring from Mahender about the election to the post of sarpanch, the head constable began beating him up with a stick and an electric wire while abusing him in the name of his caste. Following the Commission's intervention, a police inquiry report stated that the head constable had shown "indiscipline and dereliction towards his duty" and a departmental inquiry had been initiated against him. In its order, the Commission stated that the complainant produced photographs showing injury marks on his back and a copy of the medico-legal report. It also observed that the head constable had beaten up Mahender without any reason and his action was unjustified and a violation of human rights.<sup>115</sup>

**Case 4: Tamil Nadu SHRC directs State Government to pay compensation of Rs. 2 lakh to torture victim**

On 5 April 2019, The Indian Express reported that the Tamil Nadu SHRC directed the State Government to pay a compensation of Rs. 25,000 to a torture victim and initiate disciplinary action against the guilty police officer. The victim identified as Thirunavukkarasu, a daily wage labourer from Thanjavur was picked up by the police for investigation in a case in April 2015. Karthi, then Sub-Inspector of the Taluk police station at Kumbakonam, detained the victim illegally in the station and subjected him to torture and threatened to put him in prison. Later, Thirunavukkarasu underwent treatment in the government headquarters hospital at Kumbakonam and lodged a complaint with the SHRC, seeking suitable action against the police officer for violation of human rights. On the basis of oral and documentary evidence, the SHRC in its order held that the gruesome act committed by the SI was the worst example of cruelty and lawlessness amounting to a violation of human rights of the complainant. The SHRC asked the State

Government to recover the compensation from the police officer and initiate disciplinary action against him.<sup>116</sup>

**Case 5: Odisha HRC directs SP, Jajpur district to submit report on illegal detention and torture of social activist**

On 5 April 2019, local English daily, The Orissa Post reported that the Odisha Human Rights Commission (OHRC) directed the Superintendent of Police, Jajpur district to submit a report within four weeks regarding an alleged police torture and detention of a social activist in the district. The OHRC also deputed a team to Jajpur to investigate the incident. The social activist, Tapan Padhi was allegedly picked up by police from his resident at Choudwar in Cuttack district on 17 March 2019 and detained him at Panikoili police station. The activist was kept in custody for two days and allegedly tortured before sending him to jail. The incident came to light when a group from the civil society met the social activist in Jajpur sub-jail on 21 March 2019. Subsequently, a group of activists had met OHRC member Justice Das and raised the issue.<sup>117</sup>

**Case 6: NHRC issued notice to Assam Government over payment of compensation in custodial death**

On 4 April 2019, the National Human Rights Commission issued show cause notice to the Chief Secretary, Assam in the custodial death of Nikhil Mandal, s/o Ashwini Mandal in Chirang district of the State on 5 May 2018. In the notice, the NHRC asked why it should not recommend a compensation of Rs. 10,00,000 to the next of kin of the deceased. The NHRC took cognizance of the case on 29 May 2018 following intimation received from Superintendent of Police, Chirang district. As per reports submitted to the Commission, Nikhil Mandal allegedly committed suicide with the help of a piece of cloth (gamocha) which he was wearing in the lock-up of Panbari Forest Range Office. The Magisterial Enquiry Report, however, observed that negligence of duty on part of Pranab Kumar Das, In-charge of the Forest Range Officer and other officials cannot be ruled out.<sup>118</sup>

On the basis of the Magisterial Enquiry Report, the Commission noted “In custodial death cases, it is the embodied duty of the State to protect the life and liberty of a person under its custody in which it failed. The Magisterial Enquiry Report concluded that precautionary measures were not taken to station a guard outside lock-up to avoid such untoward incident and negligence of duty on part of I/c Panbari Forest Range Officer and other officials is established, hence State is vicariously liable to compensate the NoK of the deceased Nikhil Mandal.”<sup>119</sup>

**Case 7: Maharashtra SHRC directs State Government to compensate an elderly woman for delay in registering FIR**

On 3 April 2019, The Times of India reported that the Maharashtra State Human Rights Commission directed the State Government to pay Rs. 200,000 to an elderly woman due to unreasonable delay of four years in registering an FIR

by police in a case of forgery against a builder. In its order, the SHRC observed that due to serious lapse by a police officer for not registering the FIR immediately, the human rights of the complainant had been violated. The SHRC also directed the State’s Director General of Police to circulate the Supreme Court guidelines on registration in case of serious offences to ensure police register FIRs promptly. The guidelines make it mandatory for police to register an FIR when a cognizable offence is reported. In her complaint, the 75-year-old woman, resident of Vile Parle, stated that police had failed to register an FIR against a builder and others over forgery in a slum rehabilitation project. The woman had named a senior police inspector and a sub-inspector and said she was made to “run from pillar to post” since July 2014. She said her house was demolished and she was left stranded. In November 2018, the SHRC issued a showcause notice asking why no action should be initiated against the errant officer under the Protection of Human Rights Act.<sup>120</sup>

**Case 8: Tamil Nadu SHRC directs a police inspector to pay compensation to torture victim and directs State Government to initiate disciplinary action**

On 2 April 2019, the Tamil Nadu State Human Rights Commission (SHRC) imposed a fine of Rs. 50,000 on a police inspector on the charge of harassment and filing false case against an owner of a company. The SHRC also recommended the State Government to initiate disciplinary action against him. In his petition, K. Gnanavel @ Tamilselvan stated that he was running a Profit Trading Academy and giving training and awareness to people about online share market. A local resident P.S. Manohar joined as a member in the Fortune Trading Corporation and invested a sum of Rs 1 lakh. Due to the inflation, Manohar lost his amount. In order to collect the amount from Gnanavel, he lodged a false complaint to the Trichy Government Hospital police station against the trainer. On 2 December 2014, two sub-inspectors and two constables came to his office and directed him to appear before the Crime Branch Police, Woraiyur. When he visited the police station, Kennedy, inspector of police (Crime), Woraiyur police station, Trichy city, abused him. His office manager Madava Prakash also came to the police station. Kennedy assaulted Prakash and sustained injuries. Gnanavel assured the cop that he would pay Rs 55,000 shortly. Gnanavel said the action of Kennedy not in accordance with law and he ill-treated him and had violated his human rights. In the reply, Kennedy denied all the allegations in the complaint.<sup>121</sup>

However, SHRC judge D. Jayachandran said the action on the part of Kennedy was in not in accordance with law and he interfered in the civil matter, called upon complainant to the police station and tortured him to execute a letter to pay a sum of Rs 55,000 to Manohar for reasons best known to him. Therefore, Kennedy had violated the human rights of Gnanavel and accordingly passed the order.<sup>122</sup>

#### Case 9: Arunachal Pradesh pays Rs. 50,000 to minor for illegal detention in compliance with NHRC order

On 1 April 2019, the National Human Rights Commission closed the case of illegal detention of a minor boy at Diyun police station in Changlang district of Arunachal Pradesh after the State government paid Rs. 50,000 in compliance with its order. The 16-year-old minor victim was arrested and detained at the lock-up of the police station for nearly one month in August 2012. Following intervention by the NHRC, the police conducted an inquiry and found that two police officials attached to Diyun police station had violated the Juvenile Justice Act and disciplinary action was initiated against them. However, there was delay in payment of the compensation to the victim. The case was filed by Asian Centre for Human Rights.<sup>123</sup>

### 4. International Action against Torture during April 2019

#### 4.1 UNCAT's 66th session from 23 April to 17 May 2019

On 23 April 2019, the United Nations Committee against Torture opened its sixty-sixth session, and adopted its agenda and programme of work for the session, which will run from 23 April to 17 May 2019. The Committee will review reports presented by the Democratic Republic of the Congo, Mexico, Germany, South Africa, Benin and the United Kingdom. During the session, the Committee would consider 12 individual complaints and eight discontinuances, consider the reports on reprisals and its annual report, hold its second meeting with the United Nations Working Group on arbitrary detention, among others.<sup>124</sup>

On 25 April 2019, the Committee concluded its consideration of the second periodic report of the Democratic

Republic of the Congo submitted under the optional reporting procedure (CAT/C/COD/2).<sup>125</sup>

These six States under review are among the 166 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and are therefore required to undergo regular reviews on how they are implementing the Convention and the Committee's previous recommendations. The Committee, which comprises of 10 members who are independent human rights experts, will publish its findings on the respective States on 17 May 2019.<sup>126</sup>

#### 4.2 UN Subcommittee on Torture

##### I. Subcommittee concludes maiden visit to Sri Lanka

From 2 to 12 April 2019, the United Nations Subcommittee on Prevention of Torture completed its first visit to Sri Lanka, where it examined the treatment of people deprived of their liberty and the safeguards in place for their protection against torture and ill-treatment. The four-member delegation received good cooperation during the 10-day visit, having access to all places of detention, getting all relevant information and performing confidential interviews. The delegation held meetings with the Government representatives, Sri Lanka's Human Rights Commission and civil society representatives. The Subcommittee will submit its confidential report to the Government of Sri Lanka, containing its observations and recommendations arising from the visit.<sup>127</sup>

#### 4.3 Interventions by UN Experts

##### I. UN High Commissioner for Human Rights voices alarm at Bahrain decision to strip 138 of nationality

On 18 April 2019, UN High Commissioner for Human Rights Michelle Bachelet expressed alarm at Bahrain's decision to revoke the nationalities of 138 people convicted in a mass



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## ASIAN CENTRE FOR HUMAN RIGHTS

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trial on terrorism charges. On 16 April 2019, a Bahraini court handed 139 men - many of them tried in absentia - to prison terms of three years to life imprisonment. It stripped all but one of them of their nationality. The UN human rights office said it had received information that 17 of those convicted were minors between the ages of 15 and 17. The UN High Commissioner for Human Rights said that the convictions give rise to serious concerns about the application of the law, particularly through a mass trial that reportedly lacked the procedural safeguards necessary to ensure a fair trial.<sup>128</sup>

She also expressed concern at reports of torture or other ill-treatment of some of those convicted, and urged Bahrain authorities to take 'immediate steps' to prevent such violations and to ensure that allegations of torture are fully investigated and perpetrators brought to justice. According to the UN human rights office, around 980 people have been stripped of their Bahraini nationality since 2012 so far.<sup>129</sup>

## II. UN report says Afghanistan witnessed progress in torture eradication

In its report on the treatment of conflict-related detainees in Afghanistan, published on 17 April 2019, the United Nations documented an encouraging reduction in the number of cases of torture since 2016 but noted that its ongoing concern at the high number of detainees who continue to report torture and ill-treatment. The joint report by the UN Assistance Mission in Afghanistan (UNAMA) and the UN Human Rights Office, issued on the first anniversary of Afghanistan's accession to the Convention Against Torture's Optional Protocol, revealed that nearly a third of conflict-related detainees interviewed provided credible and reliable accounts of having been subject to torture or ill-treatment. The report is based on interviews with 618 detainees held in 77 facilities in 28 provinces across the country between 1 January 2017 and 31 December 2018. According to the report, the most common form of torture and ill-treatment reported was beatings and the vast majority of detainees said they had been tortured or ill-treated to force them to confess and that the treatment stopped once they did so.<sup>130</sup>

The report acknowledged progress made by the Government in implementing Afghanistan's National Plan on the Elimination of Torture, and highlighted that this enforcement has had tangible results, with a reduction in torture or ill-treatment of conflict-related detainees across different security entities in the country. The report also highlighted instances of unlawful and arbitrary detention, including following mass arrests. The report further raised concern about poor conditions of detention, including overcrowding, inadequate lighting, the use of solitary confinement as the sole disciplinary measure and restrictions on family visits and access to lawyers.<sup>131</sup>

## III. Israel urged to protect Issa Amro and other HRDs

On 10 April 2019, two UN human rights experts urged Israel to fully honour and implement the rights and

obligations contained in the UN's Declaration on human rights defenders, and in particular end the use of criminal, legal and security tools to obstruct the legitimate work of human rights defenders. The statement was made after the latest hearing on 7 April in the case of Issa Amro, a human rights defender and founder of Youth Against Settlements, a Hebron-based group which seeks to end settlement expansion through non-violent civil resistance. The case of Issa Amro is emblematic of the sophisticated array of obstacles faced by Palestinian human rights defenders who engage in non-violent activities. Mr. Amro was first put on trial in an Israeli military court in 2016 on 18 charges dating back to 2010, including incitement, entering a closed military zone, and participating in a march without a permit. He had been taking part in a peaceful protest calling for the re-opening of Shuhada Street, the former commercial centre of Hebron. The two UN experts, along with other human rights experts, have sent several letters to Israel seeking clarification about Issa Amro's case.<sup>132</sup>

## IV. Special Rapporteur on Torture says expelling Julian Assange poses threats to his human rights

On 5 April 2019, the UN Special Rapporteur on Torture Nils Melzer was alarmed by reports that Julian Assange may be expelled imminently from the Embassy of Ecuador in London, saying he intended to personally investigate the case. The Special Rapporteur feared that expelling Assange could expose him to a real risk of serious violations of his human rights, including his freedom of expression, his right to a fair trial and the prohibition of cruel, inhuman or degrading treatment or punishment. He urged the Government of Ecuador to abstain from expelling Assange from its Embassy in London.<sup>133</sup> However, on 11 April 2019, Assange was arrested by British Police after Ecuador withdrew his asylum and invited authorities into the embassy, citing Wikileaks founder's bad behaviour.<sup>134</sup>

## V. UN rights experts dismayed at India's continued forced deportation of Rohingyas

On 2 April 2019, a group of five United Nations human rights experts condemned the Indian Government's decision to deport three more Rohingyas to Myanmar and urged the authorities to stop such forced deportations which are prohibited under international law. The three Rohingyas deported, a father and his children, had been imprisoned since 2013, on charges related to lack of documentation. Earlier on 3 January 2019, India separated and forcibly returned five other members of their family to Myanmar.<sup>135</sup>

The experts expressed their dismay at the decision of the Indian Government to continue forced returns of Rohingyas to Myanmar, where they face high risk of attacks, reprisals and other forms of persecution because of their ethnic and religious identity. Under international law, the principle of non-refoulement prohibits States from forcing individuals to return to countries when there are substantial grounds for

believing that they would be at risk of persecution, torture, ill-treatment or other serious human rights violations.<sup>136</sup>

They also said that the systemic use of indefinite detention of Rohingya in India, which is indicative of the unacceptable conditions of discrimination and intolerance they face in the country where they have sought refuge, is a matter of concern.<sup>137</sup>

#### **VI. UN High Commissioner urged Brunei to halt entry into force of draconian revised Penal Code**

On 1 April 2019, UN High Commissioner for Human Rights, Michelle Bachelet urged the Government of Brunei to halt the entry into force of the revised Penal Code, terming it as draconian. The Penal Code, if implemented in its current form, would enshrine in legislation cruel and inhuman punishments that seriously breach international human rights law, including death by stoning. Brunei currently retains the death penalty in law but the country has been abolitionist in practice, with the last execution carried out in 1957.<sup>138</sup>

The revisions, due to enter into force on 3 April 2019, stipulate the death penalty for offences such as rape, adultery, sodomy, extramarital sexual relations for Muslims, robbery, and insult or defamation of the Prophet Mohammad, among others. It introduces public flogging as a punishment for abortion, and amputation for theft. It also criminalises exposing Muslim children to the beliefs and practices of any religion other than Islam. The High Commissioner said the move would mark a serious setback for human rights protections for the people of Brunei and the revised penal code may also encourage violence and discrimination against women, on the basis of sexual orientation, and against religious minorities in Brunei.<sup>139</sup>

#### **4.4 EU's action against torture**

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) continued with its efforts for prevention of torture.

##### **I. CPT's annual report urges police to improve interviewing practices to prevent ill-treatment**

In its annual report 2018, published on 26 April 2019, the CPT stressed the need for police forces to improve the way suspects are interviewed when carrying out criminal investigations. The report indicated that in some countries police interviewing is still aimed at obtaining confessions, thus increasing the risk of ill-treatment, whereas it should be focused on obtaining accurate and reliable information about matters under investigation. The CPT underlined that the infliction of ill-treatment during police interviews remains a very serious problem in a significant number of countries. According to the report, within the last ten years, in almost one third of Council of Europe member states the Committee received allegations of police ill-treatment that could be qualified as torture. During 2018, the CPT organised 18 visits to member states carried out to examine specific issues, which

included eight regular visits and ten ad hoc visits. In 2020, the Committee will carry out regular visits to Azerbaijan, Finland, Germany, Republic of Moldova, Monaco, Serbia, Spain and Sweden.<sup>140</sup>

##### **II. CPT publishes report on its visit to Andorra**

On 16 April 2019, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report on its 2018 visit to Andorra, together with the response of the Andorran authorities. During the visit (its fourth visit) from 29 January to 2 February 2018, the CPT was able to certify that most of the recommendations it had made following the previous visit in 2011 had been implemented. The delegation found no indications of ill-treatment by the police and reported that all safeguards against ill-treatment (the rights to notify a close relative of one's situation, to have access to a lawyer and a doctor as well as to be informed of one's rights) were in operation. In La Comella, the country's only prison, the delegation received no allegations of physical ill-treatment by prison staff, and relations between staff and detainees were generally serene.<sup>141</sup>

##### **III. Periodic visit to Denmark**

From 3 to 12 April 2019, a delegation of the CPT carried out a periodic visit to Denmark to review the measures taken by Danish authorities in response to the recommendations made by the Committee after its previous visit in 2014. It was the Committee's sixth periodic visit to this country. During the visit, the Committee paid particular attention to the legal safeguards against police ill-treatment as well as to the situation in prisons and establishments for detained migrants, notably in respect of treatment, material conditions and health care. In addition, the delegation visited for the first time the new Secure Department of Slagelse Psychiatric Hospital. It also paid a targeted visit to the hospital's two intensive civil psychiatric wards in order to examine the legal procedures and safeguards in the context of involuntary hospitalisation. At the end of the visit, the delegation presented its preliminary observations to the Danish authorities.<sup>142</sup>

##### **IV. Ad hoc visit to Ukraine**

From 2 to 11 April 2019, a delegation of the CPT carried out an ad hoc visit to Ukraine to examine the treatment of residents of Psycho-neurological Institutions (Internats) and, to assess the progress made as regards the implementation of previous CPT's recommendations. The delegation visited the "Internat" in Viktorivka (Cherkasy Region) and two "Internats" in Odesa Region, in Velykorybalske and Baraboi. In the course of the visit, the delegation had meetings and consultations officials including staff of the National Preventive Mechanism (NPM) Department. At the end of the visit, the delegation presented its preliminary observations to the Ukrainian authorities.<sup>143</sup>

##### **V. Periodic visit to Greece**

From 28 March to 9 April 2019, a delegation of the CPT carried out a periodic visit to Greece to review the progress in the implementation of the Committee's recommendations since its previous visits in 2013 and 2015 in relation to prison matters, notably in respect of overcrowding, inter-prisoner violence, staffing levels, material conditions and health care. Particular attention was also paid to the treatment and conditions of detention of persons deprived of their liberty by the police. Further, the CPT delegation examined the transport of prisoners around the country and the situation of prisoners held in transfer establishments managed by the Hellenic Police. It also looked into the way in which investigations into allegations of ill-treatment by police officers are carried out. At the end of the visit, the delegation presented its preliminary observations to the Greek authorities.

## Endnotes :

1. 3 Gujarat Encounters Fake, Says Probe Panel; 9 Police Officials Indicted, NDTV, 12 January 2019, <https://www.ndtv.com/india-news/3-gujarat-encounters-fake-says-probe-panel-9-police-officials-indicted-1976717>
2. 3 Gujarat Encounters Fake, Says Probe Panel; 9 Police Officials Indicted, NDTV, 12 January 2019, <https://www.ndtv.com/india-news/3-gujarat-encounters-fake-says-probe-panel-9-police-officials-indicted-1976717>
3. 3 Gujarat Encounters Fake, Says Probe Panel; 9 Police Officials Indicted, NDTV, 12 January 2019, <https://www.ndtv.com/india-news/3-gujarat-encounters-fake-says-probe-panel-9-police-officials-indicted-1976717>
4. 3 Gujarat Encounters Fake, Says Probe Panel; 9 Police Officials Indicted, NDTV, 12 January 2019, <https://www.ndtv.com/india-news/3-gujarat-encounters-fake-says-probe-panel-9-police-officials-indicted-1976717>
5. 3 Gujarat Encounters Fake, Says Probe Panel; 9 Police Officials Indicted, NDTV, 12 January 2019, <https://www.ndtv.com/india-news/3-gujarat-encounters-fake-says-probe-panel-9-police-officials-indicted-1976717>
6. See Annual Reports of the National Human Rights Commission from 2008-2009 to 2015-2016, & Lok Sabha Unstarred Question No.218 answered by Minister of State for Home Affairs, Hansraj Gangaram Ahir on 11 December 2018, <http://164.100.47.190/loksabhaquestions/annex/16/AU218.pdf>
7. See Annual Reports of the National Human Rights Commission from 2008-2009 to 2015-2016 and Annexure to Rajya Sabha Unstarred Question No.2321 answered by Minister of State for Home Affairs Hansraj Gangaram Ahir on 2 January 2019, <http://164.100.47.5/qsearch/QResult.aspx>
8. For 9 years, Ahmedabad recorded most custodial deaths in Gujarat: RTI info, The Times of India, 14 January 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/for-9-years-ahmedabad-recorded-most-custodial-deaths-in-gujarat-rti-info/articleshowprint/67518249.cms>
9. Complaints received/processed till March, 2019, GSHRC, <https://gshrc.gujarat.gov.in/statistics.htm>
10. Guj HC asks seeks FIR against police for assaulting agitators, Business Today, 1 February 2019, <https://www.businesstoday.in/pti-feed/guj-hc-asks-seeks-fir-against-police-for-assaulting-agitators/story/316213.html>
11. Complaints received/processed till March, 2019, GSHRC, <https://gshrc.gujarat.gov.in/statistics.htm>
12. See Annual Reports of the National Human Rights Commission from 2008-2009 to 2015-2016, & Lok Sabha Unstarred Question No.218 answered by Minister of State for Home Affairs, Hansraj Gangaram Ahir on 11 December 2018, <http://164.100.47.190/loksabhaquestions/annex/16/AU218.pdf>
13. For 9 years, Ahmedabad recorded most custodial deaths in Gujarat: RTI info, The Times of India, 14 January 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/for-9-years-ahmedabad-recorded-most-custodial-deaths-in-gujarat-rti-info/articleshowprint/67518249.cms>
14. NHRC Case No. 140/6/19/2019-PCD
15. Guj HC asks seeks FIR against police for assaulting agitators, Business Today, 1 February 2019, <https://www.businesstoday.in/pti-feed/guj-hc-asks-seeks-fir-against-police-for-assaulting-agitators/story/316213.html>
16. NHRC Case No. 21/6/0/2019-PCD
17. NHRC Case No. 16/6/3/2019-PCD
18. Dalit man in hospital after 'cops thrash him all night', The Ahmedabad Mirror, 8 November 2018, <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/dalit-man-in-hospital-after-cops-thrash-him-all-night/articleshowprint/66993761.cms?prtpage=1>
19. Gambling den operator dies in police custody, The Times of India, 6 December 2018, <https://timesofindia.indiatimes.com/city/ahmedabad/gambling-den-operator-dies-in-policecustody/articleshowprint/66960985.cms>
20. NHRC Case No. 1864/6/26/2018-PCD
21. NHRC Case No. 1730/6/23/2018-PCD
22. Gujarat High Court summons police officials over custodial death, The Daily News and Analysis, 8 December 2018, <https://www.dnaindia.com/ahmedabad/report-gujarat-high-court-summons-police-officials-overcustodial-death-2693458>
23. Victim's family raises doubts on investigation by SIT, Ahmedabad Mirror, 8 December 2018, <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/victimsfamily-raises-doubts-on-investigation-by-sit/articleshow/66993815.cms>
24. More arrests likely in Bopal custodial death: DySP, Ahmedabad Mirror, 26 October 2018, <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/more-arrests-likely-in-bopal-custodial-deathdydsp/articleshow/66377010.cms>
25. Gujarat High Court summons police officials over custodial death, The Daily News and Analysis, 8 December 2018, <https://www.dnaindia.com/ahmedabad/report-gujarat-high-court-summons-policeofficials-over-custodial-death-2693458>
26. Probe role of 'others' in Bopal custodial death case: Gujarat High Court to SIT, DNA, 14 December 2018, <https://www.dnaindia.com/ahmedabad/report-probe-role-of-others-in-bopal-custodial-death-case-gujarat-highcourt-to-sit-2695876>
27. NHRC Case No. 1911/6/26/2018-PCD
28. 62-year-old man says policemen tortured him, The Times of India, 7 September 2018; available at: <https://timesofindia.indiatimes.com/city/ahmedabad/62-year-old-man-says-policemen-tortured-him/articleshow/65712432.cms>



29. Gujarat: Dalit man dies in police custody, activists claim he was beaten to death, Scroll.in, 20 August 2018, <https://scroll.in/latest/891202/gujarat-dalit-man-dies-in-police-custody-activists-claim-he-was-beaten-to-death>
30. NHRC Case No. 1224/6/20/2018-PCD
31. NHRC Case No. 911/6/1/2018-PCD
32. Drunk driver dies in police custody, The Times of India, 27 March 2018, <https://timesofindia.indiatimes.com/city/vadodara/drunken-driver-dies-in-police-custody/articleshow/63472518.cms>
33. NHRC Case No. 430/6/25/2019-PCD
34. NHRC Case No. 206/6/15/2018-PCD
35. NHRC Case No. 182/6/5/2018-PCD
36. Burglar dies in police custody, The Times of India, 16 January 2018, [https://timesofindia.indiatimes.com/city/rajkot/burglar-dies-in-police-custody/articleshow/62514629.cms?utm\\_source=nyooz&utm\\_medium=post](https://timesofindia.indiatimes.com/city/rajkot/burglar-dies-in-police-custody/articleshow/62514629.cms?utm_source=nyooz&utm_medium=post)
37. NHRC Case No. 47/6/9/2018-PCD
38. Prison Statistics India -2016, National Crime Records Bureau, <http://ncrb.gov.in/StatPublications/PSI/Prison2016/TABLE-1.1.pdf>
39. See Annual Reports of the National Human Rights Commission from 2008-2009 to 2015-2016 and Annexure to Rajya Sabha Unstarred Question No.2321 answered by Minister of State for Home Affairs Hansraj Gangaram Ahir on 2 January 2019, <http://164.100.47.5/qsearch/QResult.aspx>
40. For 9 years, Ahmedabad recorded most custodial deaths in Gujarat: RTI info, The Times of India, 14 January 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/for-9-years-ahmedabad-recorded-most-custodial-deaths-in-gujarat-rti-info/articleshowprint/67518249.cms>
41. Complaints received/processed till March, 2019, GSHRC, <https://gshrc.gujarat.gov.in/statistics.htm>
42. See Patrika, 25 March 2019, <https://www.patrika.com/surat-news/central-prison-prisoner-dies-in-unconscious-4330628/>
43. Undertrial hangs to death in Lajpore jail, The Times of India, 4 December 2018, <https://timesofindia.indiatimes.com/city/surat/undertrial-hangs-to-death-in-lajpore-jail/articleshowprint/66927556.cms>
44. See Patrika, 25 November 2018; <https://www.patrika.com/surat-news/suicides-by-the-prisoner-in-question-3759845/>
45. Guj: Undertrial dies in judicial custody, kin allege torture, The Business Standard, 9 October 2018; available at: [https://www.business-standard.com/article/pti-stories/guj-undertrial-dies-in-judicial-custody-kin-allege-torture-118100901270\\_1.html](https://www.business-standard.com/article/pti-stories/guj-undertrial-dies-in-judicial-custody-kin-allege-torture-118100901270_1.html)
46. Woman ends life in Vadnagar sub-jail, The Times of India, 7 February 2018, <https://timesofindia.indiatimes.com/city/rajkot/woman-ends-life-in-vadnagar-sub-jail/articleshow/62811675.cms>
47. Undertrial suffers heart attack in jail, dies, The Times of India, 3 January 2018, <https://timesofindia.indiatimes.com/city/rajkot/undertrial-suffers-heart-attack-in-jail-dies/articleshow/62343600.cms>
48. See case proceedings available at NHRC website <https://www.hrcnet.nic.in/HRCNet/public/SearchComplaint.aspx>
49. See case proceedings available at NHRC website <https://www.hrcnet.nic.in/HRCNet/public/SearchComplaint.aspx>
50. See case proceedings available at NHRC website <https://www.hrcnet.nic.in/HRCNet/public/SearchComplaint.aspx>
51. See case proceedings available at NHRC website <https://www.hrcnet.nic.in/HRCNet/public/SearchComplaint.aspx>
52. See case proceedings available at NHRC website <https://www.hrcnet.nic.in/HRCNet/public/SearchComplaint.aspx>
53. Three Mahisagar cops booked for custodial rape, The Times of India, 12 August 2018, <https://timesofindia.indiatimes.com/city/vadodara/three-mahisagar-cops-booked-for-custodial-rape/articleshow/65370357.cms>
54. Compensate woman for arrest at night: Gujarat HC to govt, The Times of India, 5 March 2019, <https://timesofindia.indiatimes.com/india/compensate-woman-for-arrest-at-night-gujarat-hc-to-govt/articleshowprint/68262664.cms>
55. Gujarat Encounters : Justice Bedi Finds Foul Play In 3 Cases; Recommends Action Against 9 Cops, Live Law, 12 January 2019, <https://www.livelaw.in/top-stories/gujarat-encounters-justice-bedi-suspects-foul-play-in-3-cases-recommends-action-against-9-cops-142050>
56. Gujarat Encounters : Justice Bedi Finds Foul Play In 3 Cases; Recommends Action Against 9 Cops, Live Law, 12 January 2019, <https://www.livelaw.in/top-stories/gujarat-encounters-justice-bedi-suspects-foul-play-in-3-cases-recommends-action-against-9-cops-142050>
57. Gujarat Encounters : Justice Bedi Finds Foul Play In 3 Cases; Recommends Action Against 9 Cops, Live Law, 12 January 2019, <https://www.livelaw.in/top-stories/gujarat-encounters-justice-bedi-suspects-foul-play-in-3-cases-recommends-action-against-9-cops-142050>
58. Gujarat Encounters : Justice Bedi Finds Foul Play In 3 Cases; Recommends Action Against 9 Cops, Live Law, 12 January 2019, <https://www.livelaw.in/top-stories/gujarat-encounters-justice-bedi-suspects-foul-play-in-3-cases-recommends-action-against-9-cops-142050>
59. Theft case suspect dies in custody, Deccan Herald, 27 April 2019, <https://www.deccanherald.com/state/top-karnataka-stories/theft-case-suspect-dies-in-custody-731043.html>
60. See Amar Ujala, 24 April 2019, <https://www.amarujala.com/madhya-pradesh/a-man-allegedly-died-in-police-custody-at-indore-s-gandhi-nagar-police-station>
61. Woman dies after 'police torture'; SIT formed, The Times of India, 20 April 2019, <https://timesofindia.indiatimes.com/city/ludhiana/woman-dies-after-police-torture-sit-formed/articleshowprint/68969895.cms>
62. Youth ends life in Ajit Singh Nagar police station, The New Indian Express, 17 April 2019, <http://www.newindianexpress.com/cities/vijayawada/2019/apr/17/youth-ends-life-in-ajit-singh-nagar-police-station-1965304.html>
63. See Dainik Bhaskar, 17 April 2019, <https://www.bhaskar.com/mp/sagar/news/mp-news-in-order-to-take-action-on-the-charge-of-maharajpur-police-station-the-sp-wrote-a-letter-to-the-election-commission-085601-4362320.html>
64. NHRC Case No. 810/12/37/2019-PCD
65. Relatives cry foul as man dies in police custody, The Hindu, 17 April 2019, <https://www.thehindu.com/news/cities/Coimbatore/relatives-cry-foul-as-man-dies-in-police-custody/article26859473.ece>
66. Family Suspects Police Excesses In Death Of Youth In Sonepur, The Odisha Bytes.com, 26 April 2019, <http://www.odishabytes.com/youth-thrashed-to-death-brother-blames-cops/>
67. Prabhat Kabhar, 14 April 2019, <https://www.prabhatkhabar.com/news/champaran-east/story/1272748.html>
68. Arrested bootlegger dies, cops suspect heart attack, The Pune Mirror, 16 April 2019, <https://punemirror.indiatimes.com/pune/others/arrested-bootlegger-dies-cops-suspect-heart-attack/articleshow/68896486.cms>

69. Minutes after arrest, ex-serviceman ends life in police lock-up, The Times of India, 13 April 2019, <https://timesofindia.indiatimes.com/city/ludhiana/minutes-after-arrest-ex-serviceman-ends-life-in-police-lock-up/articleshowprint/68856493.cms>

70. FIR against DJ Halli police for custodial torture of youth, The Hindu, 24 April 2019, <https://www.thehindu.com/news/cities/bangalore/fir-against-dj-halli-police-for-custodial-torture-of-youth/article26926707.ece>

71. Accused of theft, youth dies in custody, The Tribune, 8 April 2019, <https://www.tribuneindia.com/news/punjab/accused-of-theft-youth-dies-in-custody/754720.html>

72. See NHRC Press Release, 8 April 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-dgp-punjab-over-reported-death-youth-police-custody-due-torture>

73. See NHRC Press Release, 8 April 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-dgp-punjab-over-reported-death-youth-police-custody-due-torture>

74. BJP demands probe into custodial death of party leader, seeks compensation, The Pioneer, 10 April 2019, <https://www.dailypioneer.com/2019/state-editions/bjp-demands-probe-into-custodial-death-of-party-leader-seeks-compensation.html>

75. See <https://glibs.in/Politics/madhya+pradesh-news-Kaushik-writes-to-CM-for-examining-death-in-police-custody-raipur-news-57896.html>

76. See Patrika, 9 April 2019, <https://www.patrika.com/umaria-news/magistrates-inquiry-will-be-in-case-of-death-of-youth-police-custody-4401386/>

77. News18 Hindu, 8 April 2019, <https://hindi.news18.com/news/madhya-pradesh/umaria-death-of-baga-tribal-in-police-station-beating-chowki-in-charge-suspended-hydrabad-1846066.html>

78. NHRC Case No. 733/12/48/2019-PCD

79. Hyderabad: Murder suspect suffers seizures, dies, The Telangana Today, 4 April 2019, <https://telanganatoday.com/hyderabad-murder-suspect-suffers-seizures-dies>

80. Hyderabad: HRF seeks probe into rag-picker's death, The Telangana Today, 9 April 2019, <https://telanganatoday.com/hyderabad-hrf-seeks-probe-into-rag-pickers-death>

81. Navbharat Times, 3 April 2019, <https://navbharattimes.indiatimes.com/state/uttar-pradesh/kanpur/accusation-on-up-police-of-giving-current-after-pouring-petrol-in-private-part-of-a-murder-accused/articleshow/68696527.cms>

82. Man alleges beating in police custody to extract confession, The Pune Mirror, 6 April 2019, <https://punemirror.indiatimes.com/pune/crime/man-alleges-beating-in-police-custody-to-extract-confession/articleshowprint/68746138.cms?prtpage=1>

83. Prison Statistics India 2016, NCRB, <http://ncrb.gov.in/StatPublications/PSI/Prison2016/PrisonStat2016.htm>

84. Prison Statistics India 2016, NCRB, <http://ncrb.gov.in/StatPublications/PSI/Prison2016/PrisonStat2016.htm>

85. Complaint dated 29 April 2019 of Campaign Against Torture filed with the NHRC

86. Ailing jail inmate dies in police custody in Kota, family cries foul, The Hindu, 28 April 2019, <https://www.thehindu.com/news/national/other-states/ailing-jail-inmate-dies-in-police-custody-in-kota-family-cries-foul/article26974243.ece>

87. Complaint dated 29 April 2019 of Campaign Against Torture with NHRC

88. See Dainik Bhaskar, 26 April 2019, [https://www.bhaskar.com/hararyana/gurgaon/news/prisoner-hangs-up-the-sheet-](https://www.bhaskar.com/hararyana/gurgaon/news/prisoner-hangs-up-the-sheet-hangs-the-prison-073021-4430378.html)

[hangs-the-prison-073021-4430378.html](https://www.bhaskar.com/hararyana/gurgaon/news/prisoner-hangs-up-the-sheet-hangs-the-prison-073021-4430378.html)

89. See Udaipur Kiran, 23 April 2019, <https://udaipurkiran.in/hindi/1193797/>

90. See Dainik Bhaskar, 24 April 2019, <https://www.bhaskar.com/mp/neemuch/news/mp-news-death-during-treatment-of-a-prisoner-in-question-082504-4413604.html>

91. See Amar Ujala, 19 April 2019, <https://www.amarujala.com/uttar-pradesh/farrukhabad/191555692569-farrukhabad-news>

92. Under-trial prisoner dies in Jeypore sub-jail, The Pragativadi News, 15 April 2019, <http://www.pragativadi.com/under-trial-prisoner-dies-in-jeypore-sub-jail/>

93. See <https://punjabkesari.com/other-states/madhya-pradesh-prisoners-death-in-central-jail/>

94. Tihar official branded and starved me, alleges inmate, The Times of India, 20 April 2019, <https://timesofindia.indiatimes.com/city/delhi/tihar-official-branded-and-starved-me-alleges-inmate/articleshowprint/68961530.cms>

95. Zee News, 14 April 2019, <https://zeenews.india.com/hindi/india/bihar-jharkhand/prisoners-death-in-suspicious-manner-in-gumla/516243>

96. SIT to probe alleged murder of inmate inside Ludhiana jail, The Times of India, 12 April 2019, <https://timesofindia.indiatimes.com/city/ludhiana/sit-to-probe-alleged-murder-of-inmate-inside-ludhiana-jail/articleshow/68856282.cms>

97. See <https://inextlive.jagran.com/murder-dead-in-jail-211616>

98. Jolt for BJP as man dies in Assam detention camp for foreigners, The Hindu, 7 April 2019, <https://www.thehindu.com/elections/lok-sabha-2019/jolt-for-bjp-as-man-dies-in-assam-detention-camp-for-foreigners/article26763449.ece>

99. Undertrial inmate of UP jail dies, judicial probe recommended, The Business Standard, 8 April 2019, [https://www.business-standard.com/article/pti-stories/undertrial-inmate-of-up-jail-dies-judicial-probe-recommended-119040800149\\_1.html](https://www.business-standard.com/article/pti-stories/undertrial-inmate-of-up-jail-dies-judicial-probe-recommended-119040800149_1.html)

100. See <https://www.bhaskar.com/chhattisgarh/bilaspur/news/chhattisgarh-news-hanged-prisoner-hanging-in-mungali-sub-jail-on-charges-of-killing-brother-072013-4294797.html>

101. Undertrial prisoner dies while undergoing treatment at SCB, The Pragativadi, 6 April 2019, <http://www.pragativadi.com/undertrial-prisoner-dies-while-undergoing-treatment-at-scb/>

102. Give details on custodial death: Court, The Times of India, 12 April 2019, <https://timesofindia.indiatimes.com/city/jaipur/give-details-on-custodial-death-court/articleshowprint/68840859.cms>

103. Give details on custodial death: Court, The Times of India, 12 April 2019, <https://timesofindia.indiatimes.com/city/jaipur/give-details-on-custodial-death-court/articleshowprint/68840859.cms>

104. 'Pay Rs 5 lakh each to wives of 2 fake encounter victims', The Times of India, 15 April 2019, <https://timesofindia.indiatimes.com/city/imphal/pay-rs-5-lakh-each-to-wives-of-2-fake-encounter-victims/articleshowprint/68884330.cms>

105. NHRC Case No. 11/14/2/09-10-PF

106. Custodial death: Gujarat HC transfers probe to CID, The Times of India, 10 April 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/custodial-death-hc-transfers-probe-to-cid/articleshowprint/68802781.cms>

107. Custodial death: Gujarat HC transfers probe to CID, The Times of India, 10 April 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/custodial-death-hc-transfers-probe-to-cid/articleshowprint/68802781.cms>

108. Manipur journalist detained under NSA walks out of jail, The Times of India, 10 April 2019, <https://timesofindia.indiatimes.com/india/manipur-journalist-detained-under-nsa-walks-out-of-jail/articleshowprint/68821150.cms>

109. Court frames charges in 26 year old fake encounter against 9 cops, The

Times of India, 5 April 2019, <https://timesofindia.indiatimes.com/city/ludhiana/court-frames-charges-in-26-yr-old-fake-encounter-against-9-cops/articleshowprint/68730669.cms>

110. See Dainik Saver Times, 2 April 2019, <https://www.dainiksaveratimes.com/crime/news/sentenced-to-death-during-detention-five-police-personnel-arrested-230190>

111. Monthly Salient Statistics of Cases registered/disposed by NHRC during March 2019, National Human Rights Commission, data as on 08.04.2019, <http://nhrc.nic.in/complaints/human-right-case-statistics>

112. Monthly Salient Statistics of Cases registered/disposed by NHRC during March 2019, National Human Rights Commission, data as on 08.04.2019, <http://nhrc.nic.in/complaints/human-right-case-statistics>

113. Pay Rs 75K to businessman for harassment by police: State Human Rights Commission, The Indian Express, 16 April 2019, <http://www.newindianexpress.com/cities/chennai/2019/apr/16/pay-rs-75k-to-businessman-for-harassment-by-police-shrc-1964856.html>

114. SHRC fines cop Rs 50,000 for assaulting activist, The Deccan Chronicle, 9 April 2019, <https://www.deccanchronicle.com/nation/current-affairs/090419/shrc-fines-cop-rs-50000-for-assaulting-activist.html>

115. Beaten up by cop, Sonapat man to get Rs 20K relief - Human rights commission wants govt to recover money from head constable, The Tribune, 8 April 2019, <https://www.tribuneindia.com/news/haryana/beaten-up-by-cop-sonapat-man-to-get-rs-20k-relief/754950.html>

116. Tamil Nadu Human Rights Commission directs SI to pay Rs 25000 to man injured during police probe, The New Indian Express, 5 April 2019, <http://www.newindianexpress.com/states/tamil-nadu/2019/apr/05/tamil-nadu-human-rights-commission-directs-si-to-pay-rs-25000-to-man-injured-during-police-probe-1960391.html>

117. OHRC seeks report on police torture, The Orissa Post, 5 April 2019, <http://www.orissapost.com/ohrc-seeks-report-on-police-torture/>

118. NHRC Case No. 115/3/0/2018-PCD

119. NHRC Case No. 115/3/0/2018-PCD

120. Police delay FIR, rights panel orders Rs 2 lakh relief to woman, The Times of India, 3 April 2019, <https://timesofindia.indiatimes.com/city/mumbai/police-delay-fir-rights-panel-orders-rs-2-lakh-relief-to-woman/articleshowprint/68697918.cms>

121. SHRC fines cops Rs 50,000 on charges of harassment, filing false case, The Deccan Chronicle, 3 April 2019, <https://www.deccanchronicle.com/nation/current-affairs/030419/shrc-fines-cops-rs-50000-on-charges-of-harassment-filing-false-case.html>

122. SHRC fines cops Rs 50,000 on charges of harassment, filing false case, The Deccan Chronicle, 3 April 2019, <https://www.deccanchronicle.com/nation/current-affairs/030419/shrc-fines-cops-rs-50000-on-charges-of-harassment-filing-false-case.html>

123. NHRC Case No. 18/2/4/2012

124. Committee against Torture opens its sixty-sixth session, OHCHR, 23 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24506&LangID=E>

125. Committee against Torture examines the situation in the Democratic Republic of the Congo, OHCHR, 24 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24522&LangID=E>

126. UN Committee Against Torture to review Benin, the Democratic Republic of the Congo, Germany, Mexico, South Africa, and the United Kingdom, OHCHR,

17 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24499&LangID=E>

127. UN torture prevention body concludes visit to Sri Lanka, OHCHR, 12 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24477&LangID=E>

128. UN human rights chief deeply concerned by mass terrorism convictions in Bahrain, OHCHR, 18 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E>

129. UN human rights chief deeply concerned by mass terrorism convictions in Bahrain, OHCHR, 18 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24502&LangID=E>

130. Afghanistan: Progress in torture eradication, but a long way to go - UN report, OHCHR, 17 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24496&LangID=E>

131. Afghanistan: Progress in torture eradication, but a long way to go - UN report, OHCHR, 17 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24496&LangID=E>

132. Israel must ensure protection for Issa Amro and other human rights defenders, say UN experts, OHCHR, 10 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24468&LangID=E>

133. UN expert on torture alarmed at reports Assange may soon be expelled from Ecuador embassy, OHCHR, 5 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24454&LangID=E>

134. Police arrest Julian Assange at Ecuadorian Embassy in London, CNN, 11 April 2019, <https://edition.cnn.com/2019/04/11/uk/julian-assange-arrested-gbr-intl/index.html>

135. India: UN human rights experts condemn Rohingya deportations, OHCHR, 2 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24437&LangID=E>

136. India: UN human rights experts condemn Rohingya deportations, OHCHR, 2 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24437&LangID=E>

137. India: UN human rights experts condemn Rohingya deportations, OHCHR, 2 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24437&LangID=E>

138. Bachelet urges Brunei to stop entry into force of "draconian" new penal code, OHCHR, 1 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24432&LangID=E>

139. Bachelet urges Brunei to stop entry into force of "draconian" new penal code, OHCHR, 1 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24432&LangID=E>

140. Police should improve interviewing practices to prevent ill-treatment, says Council of Europe's anti-torture committee, Council of Europe, 26 April 2019, <https://www.coe.int/en/web/cpt/-/police-should-improve-interviewing-practices->



to-prevent-ill-treatment-says-council-of-europe-s-anti-torture-committee

141. Anti-torture Committee publishes a report on Andorra, Council of Europe, 16 April 2019, <https://www.coe.int/en/web/portal/-/le-comite-anti-torture-publie-un-rapport-sur-l-andorre>

142. Council of Europe anti-torture Committee visits Denmark, Council of Europe, 18 April 2019, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-denmark>

143. Council of Europe anti-torture Committee visits Ukraine, Council of Europe, 15 April 2019, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-ukrai-2>