



India Torture Update

Special Focus: Haryana



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1. Editorial: Acceptance of India's "diplomatic assurances" does not address the risks of torture

On 10th December 2018, the Westminster Magistrate Court, London ordered extradition of the poster boy of India's economic fugitives, Vijay Mallya. During the hearing, Mallya, inter alia, had submitted that prison conditions in India amount to torture, inhuman and degrading treatment. India provided the evidence of improved prison conditions as directed by the Court and further gave diplomatic assurances to upgrade Mumbai's Arthur jail, where Mallya will be held on his extradition, to European human rights standards.

India's diplomatic assurances effectively means that the *Desi*¹ prisoners can rot in jails like "animals"² while European returnee fugitives shall be provided facilities at par with European human rights standards.

The prohibition of torture under Article 3 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is absolute and it cannot be justified under any circumstances "*whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency*". The prohibition against refoulement at the risks of torture has attained the rank of a peremptory norm of international law, or *jus cogens*.³ "*Even if an individual is not eligible for asylum, the State may not remove him or her to a country where he or she would face a real risk of torture.*"⁴

In a series of judgments such as *Karamjit Singh Chahal v. United Kingdom*⁵, *Nirmal Singh v. Canada*⁶, *Harmander Singh Khalsa et al. v. Switzerland*⁷, *Bachan Singh Sogi v. Canada*,⁸ the European Court of Human Rights and the UN Committee Against Torture held that return/extradition to India shall constitute a breach of Article 3 of the UNCAT considering, *inter alia*, incidents of torture in police custody, widespread impunity for perpetrators, established and foreseeable risk of being tortured. The fact that India is not a ratifying party to the UN Convention against Torture implies that "*the extradited persons would be in danger, not only of being subjected to torture but of no longer having the legal possibility of applying to the Committee Against Torture for protection.*"⁹

The UN Committee Against Torture in *Harmander Singh Khalsa et al. v. Switzerland*¹⁰ held that India not ratifying the UNCAT means that Harmander Singh Khalsa et al "*would be*

in danger, in the event of expulsion to India, not only of being subjected to torture but of no longer having the legal possibility of applying to the UN Committee for protection". The non-ratification of the UNCAT by India has also been the ground for rejection of India's request for extradition of Kim Davy by the High Court of Denmark. Davy is accused of dropping unauthorised arms, including hundreds of AK-47 rifles, anti-tank grenades, pistols, rocket launchers and thousands of rounds of ammunition, from an aircraft in Purulia district of West Bengal on 17 December 1995.

The current risks of torture in India:

Article 3(2) of the UNCAT requires that "*for the purpose of determining whether there are such grounds (of torture), the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights*".

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The European Court of Human Rights and the UN Committee Against Torture cited incidents of torture in police custody and widespread impunity for perpetrators in India as the grounds for rejection of refoulement.

The statements of the Government of India, orders of the National Human Rights Commission (NHRC) and judgments of the Supreme Court of India indeed confirm that the risks of torture in case of extradition to India cannot be underestimated.

On 14 March 2018, Minister of State for Home Affairs Shri Hansraj Gangaram Ahir in the reply to Unstarred Question No. 2135 informed the Rajya Sabha that a total of 1,674 cases of custodial deaths in 334 days (1 April 2017 to 28 February 2018) were registered by the National Human Rights Commission (NHRC) i.e. over five deaths in custody every day.¹¹ There is no count of cases of torture not resulting into death. Torture is “endemic” and regularly used during questioning and in detention centres. This statement of the Government of India can be treated as evidence about the risks of torture in case of refoulement/extradition to India.

Prison conditions in India are totally incompatible with human dignity and amount to torture and other cruel, inhuman or degrading treatment or punishment. Almost all the fugitives raised the issue while opposing India’s extradition requests. Torturous prison conditions have been acknowledged by the Government of India, the NHRC and the Supreme Court of India.

Minister of State in the Ministry of Home Affairs, Government of India Shri Hansraj Gangaram Ahir in his reply to Starred Question No. 303 on 08 August 2017 before the Lok Sabha stated that 149 jails had an overcrowding rate ranging from 200% to staggering 1166.7% as on 31.12.2015.¹² There has not been any improvement of the situation. According to provisional figures provided by the government in Rajya Sabha in April 2018, the country’s 1,412 jails are overall overcrowded by 114% of their capacity, with a count of 4.33 lakh prisoners against a capacity of less than 3.81 lakh until December 31, 2016.¹³

Such inhuman prison conditions led the Supreme Court to remark in March 2018 that prisoners “cannot be kept in jail like animals.”¹⁴ The Supreme Court has been hearing two Writ Petitions, one based on a letter written by former Chief Justice of India Mr R.C. Lahoti on 13 June 2013¹⁵ and the other registered *suo motu*¹⁶ following surprise visit of Supreme Court Justices Adarsh Kumar Goel and U U Lait to the detention facilities in Faridabad, Haryana. The Supreme Court in its judgment dated 25 September 2018 constituted a three member panel on prison reforms to be headed by Justice (Retd.) Amitava Roy as the Chairman but during the hearing on 22 November 2018, the Supreme Court expressed concern about the lack of facilities given to Justice Amitava Roy Committee and directed the Government of India to provide details of the infrastructure provided to the Committee.¹⁷

There is no doubt that the overcrowding itself, not to mention about other prison conditions, do not meet the requirement of the Article 3 of the UNCAT.

Diplomatic assurances: A loophole to escape non-refoulement principle widened by India’s credibility crisis

“Diplomatic assurances” to secure extradition have been described by the UN Committee Against Torture in its General Comment No. 4(2017)¹⁸ as a loophole to undermine the principle of non-refoulement set out in Article 3 of the Convention.¹⁹ Diplomatic assurances have been rejected by the UN Committee Against Torture and the European Court of Human Rights, among others, on the ground that there are “no mechanism for their enforcement”.²⁰

In a number of cases such as *Inass Abichou v Germany*²¹, *Abdussamator et al. v. Kazakhstan*,²² *Ahmed Hussein Mustafa Kamil Agiza v. Sweden*²³ etc, the UN Committee Against Torture unequivocally held that “diplomatic assurances cannot be used as an instrument to avoid the application of the principle of non refoulement” and that “diplomatic assurances were not sufficient grounds to ignore the obvious risks of torture”.

The European Court of Human Rights too in a series of landmark judgments such as *Saadi v Italy*,²⁴ *Ben Khemais v. Italy*,²⁵ *Muminov v. Russia*,²⁶ *Khaydarov v. Russia*,²⁷ *Baysakov and others v. Ukraine*,²⁸ *Koktysh v. Ukraine*,²⁹ *Soldatenko v. Ukrainem*,³⁰ *Sultanov v. Russia*,³¹ *Yuldashev v. Russia*,³² *Ismoilov and others v. Russia*,³³ *Makhmudzhhan Ergashev v. Russia*,³⁴ had rejected extradition or expulsions based on the diplomatic assurances.

The only case relating to expulsion to India adjudicated by the European Court of Human Rights was that of *Chahal v. UK*.³⁵ On India’s diplomatic assurance, the European Court of Human Rights had held that although it did not ‘doubt the good faith of the Indian Government in providing the assurances’, given that the violation of human rights by certain members of the security forces in Punjab and elsewhere in India was ‘a recalcitrant and enduring problem’, the Court was not persuaded that the assurances given ‘would provide Mr Chahal with an adequate guarantee of safety’. The Court rejected the order of expulsion of Chahal.

The UN Committee Against Torture too in a number of cases such as *Nirmal Singh v. Canada*, *Bachan Singh Sogi v. Canada* rejected India’s diplomatic assurances as insufficient for extradition to India.

Further, India faces serious credibility crisis with respect to its diplomatic assurances. The Portugal High Court ordered revocation of the extradition of underworld don Abu Salem on the grounds of violations of the conditions under which he was permitted to be taken to India in November 2005 to face trial in eight cases including 1993 Mumbai blasts.³⁶ After the Lisbon High Court cancelled the deportation order, Portugal’s Supreme Court of Justice questioned the legal rights of the Indian authorities to challenge the cancellation of the

extradition order.³⁷ Abu Salem's petitions on the issue are pending before the European Court of Human Rights and the judgment of the Courts shall have far reaching consequences on India's credibility with respect to its diplomatic assurances.

Further, Bachan Singh Sogi who was repatriated to India from Canada was "beaten and subjected to ill-treatment by the local authorities"³⁸ following extradition in violation of the decisions of the UN Committee Against Torture.

The reliance on India's diplomatic assurances is surely contrary to the ground situation relating to torture in India.

2. Special focus: Custodial torture in Haryana

Custodial torture and custodial deaths are regularly reported from Haryana. The National Human Rights Commission (NHRC) recorded 46 deaths in police custody during 2008-2018 in Haryana. These included 6 in 2008-09; 6 in 2009-10; 3 in 2010-11; 3 in 2011-12; 4 in 2012-13; 6 in 2013-14; 5 in 2014-15; 6 in 2015-16 and 7 in 2017-18.³⁹ The figure for 2016-17 was, however, not available.

2.1 Torture in police custody in Haryana

Torture in police custody is rampant in Haryana and regularly reported. The following emblematic cases establish the patterns of torture in the state.

Case 1: Alleged torture of Rahul Singla at Women Police Station in Yamunanagar district

On 25 December 2018, Rahul Singla, a resident of Khirabad village in Yamunanagar district of Haryana, died at the Civil Hospital at Yamunanagar allegedly due to torture at the Women Police Station in Yamunanagar. Singla was summoned to appear at the Women Police Station

on 25 December 2018 for interrogation regarding a complaint of alleged molestation filed by a woman. According to the police, he fell sick while being interrogated at the police station and had to be rushed to the Trauma Center at Civil Hospital, Yamunanagar. He died soon after admission. However, the deceased's wife, Kavita claimed that the police tortured her husband during interrogation which led to his death.⁴⁰

Case 2: Tortured to death of Rajesh in custody of crime branch in Panipat district

On 14 December 2018, Rajesh (29), a resident of Dalanwala village in Jind district, was allegedly tortured to death in the custody of Crime Investigation Agency (CIA) of Haryana Police at Chandnibagh police station in Panipat district of Haryana. The deceased was arrested by Inspector Yogesh Kataria, in-charge of CIA-2 on 9 December 2018 in connection with the murder of a factory contractor named Santosh (37) who was found dead in a sugarcane field at Diwana village on 3 December 2018. Rajesh died at the Post Graduate Institute of Medical Sciences at Rohtak on 14 December 2018. Shiv Kumar Kashyap, elder brother of

deceased, alleged that his brother was tortured to death by Inspector Yogesh Kataria, Assistant Sub Inspector Ravinder Kundu, constables Praveen and Dharmveer and others in their custody.⁴¹

On 17 December 2018, the accused police personnel namely Inspector Yogesh Kataria, ASI Ravinder Kundu, constables Praveen and Dharmveer were booked under Sections 365 (kidnapping), 302 (murder) and 34 of the IPC for allegedly kidnapping and murdering Rajesh.⁴²

Case 3: Death of Rajesh Kumar, a Dalit, at Jhajjar (urban) police station in Jhajjar district

On 27 November 2018, a Dalit youth identified as Rajesh Kumar (22), s/o late Randhir of Radhaswami colony in Jhajjar township, was picked up by police and he died within a few hours in their custody at Jhajjar (urban) police station in Haryana.⁴³ The police claimed that Rajesh Kumar, an auto-rickshaw driver, was called to the police station as a witness in a case of a missing person but a few hours later his family was told that he had hanged himself using a wire at the police lock-up. Judicial inquiry has been ordered into the custodial death.⁴⁴ On 4 December 2018, Superintendent of Police Pankaj Nain suspended Constable Sandeep Kumar and munshi Dinesh Kumar after they were found guilty of dereliction of duty in a preliminary inquiry.⁴⁵

Case 4: Death of Arun due to torture by police in Kurukshetra district

On 12 August 2018, Arun (29), hailing from Sitarampur village under Munger district of Bihar, was allegedly tortured to death by the police at New Anaj Mandi, Salarpur road under Kurukshetra district of Haryana. The deceased came from Bihar to Anaj Mandi, Kurukshetra on 10 August 2018 along with his wife and children to find employment. The deceased's wife Rinku stated that on 12 August 2018 his husband had a drink with one of his friends and each of them went to sleep. But, after few minutes her husband's friend came back to their hut and pulled her husband out from the hut. Later, the police came and started beating her husband. The deceased was injured in the beating by the police and later died in a hospital. The NHRC has registered a case (Case No.1984/7/11/2018) and issued notice to Director General of Police, Haryana directing the police to conduct an independent enquiry into the case and report to the Commission within four weeks.⁴⁶

Case 5: Tortured to death of Jaleb Singh (52) at City Police Station, Karnal

On 10 May 2018, Jaleb Singh (55), a resident of Mangal colony of Karnal district of Haryana, was allegedly tortured to death at the City Police Station, Karnal. The deceased was arrested on 10 May 2018 for allegedly peddling drugs. Within an hour after being put into the lock-up at the City police station, the victim died under mysterious circumstances. The police officials claimed that after being put into the lock-up, Jaleb Singh complained of chest pain and they rushed him to

Karnal Civil Hospital where the doctors declared him dead on arrival. The family members accused the police of torturing Jaleb which resulted in his death in police custody. On 12 May 2018, three policemen namely City police station's Station House Officer (SHO) Satish Kumar, and head constables Pardeep Kumar and Gurbaksh Singh were suspended in connection with custodial death of the deceased.⁴⁷

Case 6: Torture of Jaswinder Kundora, his minor son and nephew during five days illegal detention in Kurukshetra district

On 13 January 2018, the police picked up Jaswinder Kundora, a Dalit, resident of Jhansa village under Pehowa Tehsil of Kurukshetra district in Haryana, along with his youngest son and his nephew (both minors) in connection with a murder case. They were picked up for interrogation immediately after the mutilated body of a Class X girl of Jhansa village was found at a canal in Jind district. The three were detained illegally for five days at the police lock-up on the pretext of interrogation as Jaswinder's son and the deceased girl were said to be friends. Jaswinder alleged that the policemen stripped him naked, tied him to a bench and forced his head into a bucket of water. He also alleged that the police tortured his minor nephew in the same manner while his minor son was slapped, beaten up and his legs were spread apart and kicked in his private parts as well as given electric shocks. Due to the torture, the three sustained injuries and could hardly walk when they were released.⁴⁸

2.2 Torture and deaths in judicial custody in Haryana

Haryana has 19 prisons including three Central Jails and 16 District Jails.⁴⁹

In the last decade during 2008-2018, at least a total of 438 prisoners died in jails of Haryana. This included 52 deaths in 2008-09; 39 in 2009-10; 42 in 2010-11; 49 in 2011-12; 62 in 2012-13; 48 in 2013-14; 40 in 2014-15; 65 in 2015-16 and 41 in 2017-18.⁵⁰ However, data was not available for the year 2016-17.

More surprisingly 90% prison deaths allegedly took place in Haryana due to hanging (suicide). On 3 July 2018, the Punjab and Haryana High Court directed the Haryana government to file a report on the compliance of directions issued by the Supreme Court on unnatural deaths in jails during 2012 and 2015. The direction came after the amicus curiae, Reeta Kohli, told the Bench of Chief Justice Krishna Murari and Justice Arun Palli that 90 per cent of jail deaths in Haryana were due to hanging. The amicus curiae questioned the authorities' failure to prevent deaths by suicide by hanging in Haryana jails.⁵¹

On 29 November 2018, Ramesh, a resident of Kalan village of Makrauli in Haryana, died under suspicious conditions at Sunaria jail in Rohtak district of Haryana. The deceased was lodged at Sunaria jail to serve a jail term in a case

of death of a person due to rash driving by him. He died on 29 November 2018 at the Post Graduate Institute of Medical Sciences (PGIMS) Hospital, Rohtak. Jail officials claimed that on 28 November 2018 the deceased's health suddenly deteriorated and was rushed to the PGIMS Hospital but he died during treatment.⁵²

On 1 October 2018, Ranbir Singh (62), a resident of Chahar village under Bhiwani district of Haryana, died at Bhiwani jail. According to jail officials, the deceased complained of chest pain and was rushed to Bhiwani civil hospital, where the doctors declared him dead on arrival. The deceased was serving a two-year prison term in a cheque bouncing case. He was lodged at the jail on 29 September 2018, that is, three days before his death.⁵³

On 28 September 2018, Subhash (47), a resident of Kalwad village of Yamunanagar district of Haryana, died under mysterious circumstances at District Jail, Jagadhri in Yamunanagar district. The deceased was lodged at the jail on 21 September 2018 under the Narcotic Drugs and Psychotropic Substances Act, 1985. The jail officials claimed that on 28 September 2018, the deceased felt uneasiness around 07.30 AM and was rushed to the Civil Hospital, Jagadhri but he died on the way to the hospital.⁵⁴

On 26 September 2018, an undertrial prisoner identified as Kuldeep Kumar (24), a resident of Vasant Vihar of Pataudi road, Gurugram in Haryana, died under mysterious circumstances at the Bhondsi jail in Gurugram district. He was sent to judicial remand in July 2018. The Jail officials claimed that the deceased was suffering from fever and his condition deteriorated on 26 September 2018 night and was admitted to the civil hospital in Gurugram. However, family members of the deceased alleged foul play as Kuldeep Kumar had earlier received threats to his life from other prisoners involved in heinous crimes.⁵⁵

On 11 August 2018, Praveen Kumar (35), a resident of Baldev Nagar in Ambala City in Haryana, died under mysterious circumstances at Ambala Central Jail. The deceased was lodged at the central jail for the last several months in connection with a murder case. The jail officials claimed that he had committed suicide by hanging himself with a piece of cloth from the window in the jail toilet. He was immediately rushed to the civil hospital where he was declared brought dead.⁵⁶ Jail Superintendent Lakhbir Singh stated that the deceased was mentally upset and he committed suicide by using a "parna" (mini turban).⁵⁷

On 6 July 2018, Bhupender Sahani (38), resident of Pataudi area of Gurugram district in Haryana, died under mysterious circumstances at Bhondsi jail in Gurugram district. He was arrested by the police in connection with a rape case in May 2018 and lodged at Bhondsi jail. The jail officials claimed that on 6 July 2018 morning the deceased committed suicide in the washroom inside the premises of the jail.⁵⁸

On 15 June 2018, Ms Shoknes (38), an Uzbek national, died at Bhondsi jail in Gurugram district of Haryana under mysterious circumstances. The deceased was arrested along with three other foreign nationals under the Foreigners' Act from the Sahara Mall, Mehrauli-Gurugram Road, Gurugram on 10 June 2018. The jail officials claimed that the deceased complained of chest pain in the early morning of 15 June and was admitted to the Civil Hospital, Gurugram, where she died on the same day.⁵⁹

On 7 April 2018, Irfan (22), a resident of Godhola village in Nuh district of Haryana, died under mysterious circumstances at Bhondsi jail in Gurugram district of Haryana. The jail officials claimed that his body was found hanging by a cloth inside the jail barrack at about 2 AM. He had been arrested and sent to judicial custody in Bhondsi jail by a local court in February 2018 in connection with the suicide of his wife.⁶⁰

On 20 January 2018, Vipin (25), resident of Meerut district of Uttar Pradesh, died under mysterious circumstances at Ambala Central Jail in Haryana. He had been arrested on 5 January 2018 in connection with a theft case registered at Pinjor police station, Panchkula on 23 December 2017. The jail officials claimed that Vipin complained of acute pain in the body and was rushed to Civil Hospital at Ambala city where he died during treatment on 20 January 2018. However, the deceased's family members alleged that Vipin died due to torture by the jail officials in judicial custody.⁶¹

On 3 January 2018, Sonu Singh (27), resident of Dabkheri village in Kurukshetra district of Haryana, died under suspicious conditions at Kurukshetra jail. The deceased was arrested by the police on 27 November 2017 based on a complaint by his relatives after an altercation. The jail officials claimed that Sonu's dead body was found hanging in the bathroom inside the premises of the jail by another jail inmate on 3 January. However, the deceased's family members alleged foul play.⁶²

3. Torture in India during December 2018

Across India, cases of torture in police and judicial custody continue to be reported on regular basis including of women.

3.1 Emblematic cases of torture in police custody

Case 1: Tortured to death of a Dalit youth at Dhanaura police station in Amroha district of Uttar Pradesh

On 26 December 2018, a Dalit youth identified as Bal Kishan (30), a resident of Basi Sherpur village in Amroha district of Uttar Pradesh, was allegedly tortured to death at the Dhanaura police station in Amroha district. The deceased was arrested by the police on 22 December 2018 for interrogation in connection with a vehicle theft case. The police claimed that the deceased fell sick during interrogation and was rushed to the District Hospital, Amroha, where the doctors declared him dead on arrival on

the morning of 26 December 2018. However, Kunti Devi, the deceased's wife, alleged that the police tortured her husband during interrogation which resulted in his death. She claimed to have seen several injury marks on the back and thighs of deceased's body. Kunti Devi further alleged that the accused police personnel had demanded Rs 5 lakhs to release her husband from custody.⁶³

Case 2: Custodial torture of three youths by SI Om Prakash at Sector 61 police post in Chandigarh

On 25 December 2018, three youths identified as Ravi Kumar, Yograj and Pappu Kumar were tortured by Sub-Inspector Om Prakash at Sector 61 police post in Chandigarh city. The victims, all residents of Kumbra village in Mohali, were working at a pizza outlet in Sector 44 in Chandigarh. On 25 December 2018 they were summoned at the Sector 61 police post for interrogation regarding a theft that took place at a house in Sector 52. The victims claimed that during interrogation the in-charge of the police post, Sub-Inspector Om Prakash kept them in illegal detention for many hours and hit them with a stick which led to serious injuries in Yograj's hands. Following the torture, the victims were released in the evening on the same day.⁶⁴

Case 3: Tortured to death of a theft suspect at Esplanade police station in Chennai, Tamil Nadu

On 21 December 2018, M Jayakumar (21), a resident of J J Nagar in Korrapet in Chennai, was allegedly tortured to death in the custody of Esplanade police station in Chennai, capital city of Tamil Nadu. He was taken into custody for questioning in connection with a theft case. The police claimed that during interrogation the deceased had suffered a 'seizure' and collapsed at the police station. He was taken to the Rajiv Gandhi Government General Hospital where the doctors declared him 'brought dead'. The parents of the deceased alleged that the police tortured him to death and filed a complaint in this regard.⁶⁵

Case 4: Torture of nine youngsters including four minors by police in Hyderabad, Telangana

On 18 December 2018, nine youngsters, including a law student, were allegedly beaten up by the police at Bowenpally police station in Telangana's state capital Hyderabad after they were picked up for creating nuisance in the locality. The victims, including four minors, alleged that the police beat them black and blue inside the police station for celebrating a birthday out on the streets. P. Sandeep Kumar (24), a law first year student said that at around 2 p.m. they were celebrating the birthday of one of their friends K Sai Kumar near Seven Temples in Old Bowenpally and suddenly a police patrol car reached at the spot and took them into custody. At the Bowenpally police station they were allegedly tortured for about two hours.⁶⁶ Following a complaint before the State Human Rights Commission by Hyderabad-based NGO, Balala Hakkula Sangham (child rights association), City

Police Commissioner, Anjan Kumar, ordered a departmental inquiry by a Deputy Commissioner into the incident.⁶⁷

Case 5: Brutal torture of Pritam Debbarma leading to his suicide in Khowai district of Tripura

On 20 December 2018, a police team from the Baijalbari police outpost raided the house of Nirad Debbarma at Sonaraibari locality in Khowai district of Tripura and picked up his 23-year-old son Pritam Debbarma on accusations of peddling drugs. At the time of raid, Nirad Debbarma and his wife were away in Agartala, the state capital. Pritam was detained at Baijalbari police outpost where he was allegedly tortured before his parents could secure his release at around 9 pm on 20 December. Pritam had sustained injuries due to the police torture. The next morning (21 December) he allegedly committed suicide at his house in Baijalbari area.⁶⁸ His parents blamed the police for their son's death by "putting him behind bars on false charge and beating him mercilessly".⁶⁹

Later, the police registered an FIR against Baijalbari outpost officer-in-charge Sukanta Debbarma, sub-inspector Subir Debbarma and two constables for allegedly abetting the suicide of the deceased.⁷⁰

Case 6: Beaten to death of Md Abdul Gafar by Assam Rifles & Manipur Police in Thoubal district, Manipur

On 20 December 2018, combined security forces of 26 Assam Rifles and Manipur Police commandos beat to death 36-year-old Md Abdul Gafar alias Sahit, son of Md Babu Macha, in Thoubal district of Manipur. The deceased, a resident of Lilong Usoipokpi Makha under Lilong police station of Thoubal district, was picked up at around 2.30 AM by a team of combined forces of 26 Assam Rifles and Manipur police commandos on 20 December 2018 without any reason. On the next morning, the family was informed about the death of Gafar and that his body was being deposited at the morgue of Jawaharlal Nehru Institute of Medical Sciences (JNIMS), Imphal at around 8 AM. Hospital sources said that Gafar was declared brought dead at JNIMS hospital.⁷¹

The deceased's wife alleged that the security force did not give any reason nor provided arrest memo when her husband was arrested. Angry over the custodial death, the Lilong residents protested on the street along NH-102 and imposed total blockade. They accused the security forces of torturing Gafar in their custody.⁷²

On 21 December 2018, Manipur Chief Minister N. Biren Singh informed the State Legislative Assembly that the State government has suspended five police personnel in connection with the alleged custodial killing of Md Abdul Gafar. Singh also stated that an FIR has been lodged against those involved and a magisterial enquiry has been initiated to probe the incident. He further informed the House that he has informed the Home ministry about the involvement of personnel of the Assam Rifles and requested to hand over the involved Assam Rifles personnel to the state police.⁷³

Case 7: Torture of a commuter by police for not wearing helmet in Uttar Pradesh

On 14 December 2018, a video showing a police constable beating a commuter on New Berry Road in Lucknow, Uttar Pradesh, went viral on social media. The constable identified as Kamlesh Kumar in uniform was seen beating the youth allegedly for not wearing helmet while riding a scooter. The video also showed a man standing next to Kumar beating the commuter twice with a stick before letting him go. After the video went viral, an FIR was lodged against the accused constable and he was suspended.⁷⁴

Case 8: Kidnapping, illegal detention and demand of ransom by police in North West Delhi

On 6 December 2018, the Delhi Police suspended the Station House Officer of Ranhola Police Station in North West Delhi on accusations of kidnapping and illegal detention of Pradeep Pradhan, a resident of Kanjhawala, North West Delhi and demanding ransom from his family for his release. Three policemen had kidnapped Pradeep and asked his wife to give them Rs 1.5 crore for his release but the accused policemen were caught when the victim's wife went to meet them with her relatives. Confirming the suspension, Special Commissioner of Police (law and order of southern range) R P Upadhyay stated that in a preliminary enquiry police department found that the SHO was aware of the illegal detention of Pradhan by his subordinate colleagues. He said Pradhan was taken twice to Ranhola police station by the three policemen. The case has been transferred to the Crime Branch.⁷⁵

Case 9: Brutal torture of Umesh Solanki in illegal detention at Kagdapith PS in Ahmedabad in Gujarat

On 5 December 2018, Umesh Solanki (33) 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 cameras and he was beaten up and denied water to drink. The policemen asked him to pay Rs 70,000 to them and was subjected to more torture when he refused to pay them any money. He alleged that constable Prakash Rathod of Behrampura 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 told 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.⁷⁶

Case 10: Alleged tortured to death of Jai Lakra at Rajgangpur Police station in Sundargarh district in Odisha⁷⁷

On 5 December 2018, Jai Lakra, a resident of Raika Kachhar village of Sundargarh district of Odisha, was allegedly beaten to death at Rajgangpur Police Station in Sundargarh district and his body hanged inside the bathroom of the police station to look it as suicide. The deceased who was working as a bank agent was arrested on 3 December 2018 following complaints by several people of duping them by collecting money from them on the pretext of depositing in the bank. The police claimed that Jai Lakra was found hanging inside the bathroom of the police station at around 8 PM on 5 December 2018. However, family members accused the police of beating the deceased to death in custody. Mr Buddharam Lakra, father of the deceased, alleged police did not inform his family about the arrest of his son. He alleged that the police kept his son at Rajgangpur police station since 1 December 2018 to 5 December 2018 without producing him in court.

Case 11: Tortured to death of Shamsuddin Shaikh at Vatva police station in Ahmedabad in Gujarat

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.⁷⁸

Case 12: Journalist tortured in illegal detention by police at Chheharta PS, Amritsar district, Punjab

On 4 December 2018, Ranjit Singh Masaun, a journalist working for a web portal, was illegally detained and beaten up at Chheharta Police Station in Amritsar district of Punjab. As a journalist the victim had gone to the police station to cover a protest organised by family members of those who were detained by the police in connection with a firing incident in the area. Ranjit was beaten up by the police for seeking to know the reasons for the detention of the youths.⁷⁹

Case 13: Death of murder suspect under mysterious circumstances in the custody of police in Bengaluru, Karnataka

On 2 December 2018, a retired army man identified as Krishnamurthy Naidu (53) died under mysterious circumstances in the custody of Ramamurthynagar Police Station in Bengaluru, Karnataka. The deceased, working as a lift operator with the Madras Engineering Group in Ulsoor, was arrested on accusation of killing his wife Makaka Devi (50) on 20 November 2018. The police claimed that when Naidu was being taken to the place of the offence on 2 December 2018 he complained of chest pain and was rushed to Koshys private hospital, Bengaluru, where doctors declared him brought dead.⁸⁰

Case 14: Tortured to death of Bittu Shah at Gate

Hakima PS in Amritsar, Punjab

On 2 December 2018, Bittu Shah, resident of Guru Ram Dass Nagar of Sultanwind Road in Amritsar in Punjab, was allegedly tortured to death at the Gate Hakima police station in Amritsar city, Punjab. The deceased was president of the Scheduled Caste wing of the Congress Party from his ward. The family members of the deceased alleged that Bittu Shah was tortured to death by the police personnel of Gate Hakima police station after he was picked up at around 6 PM on 2 December 2018. The family members further alleged that they were informed to come to the police station to take Bittu Shah whose health had deteriorated. But when they reached the police station, he had already died.⁸¹

On 3 December, the police booked Head Constable Avtar Singh and Constable Navtej Singh on charges of culpable homicide not amounting to murder in connection with the custodial death of Shah.⁸²

3.2 Torturous prison conditions and deaths in judicial custody

The conditions of prisons in India remain atrocious. The lack of basic facilities coupled with disproportionate overcrowding, poor sanitation and medical facilities renders the lives of prisoners horrible. The Supreme Court of India observed that among India's prison population, undertrial prisoners accounted for 62% against the world average of 18-20%. The court noted that this statistic raised questions about the humaneness of our system.⁸³

On 29 November 2018, a three-judge bench of the Supreme Court comprising Justices Madan B. Lokur, Abdul Nazeer and Deepak Gupta directed the State Governments which have defaulted in supplying requisite information to the Union of India in respect of conducting speedy trial of cases of undertrial prisoners and juveniles in conflict with the law to deposit Rs 50,000/- each with the Supreme Court Legal Services Committee within four weeks. The court passed the order while hearing Writ Petition(s)(Civil) No(s).749/2018, In Re: Speedy trial of undertrial. In a Note submitted to the Court, the Union of India spelled out possible reasons for the very large number of under-trials in jails which included - (1) Slow trial of cases in Trial Courts, (2) Frequent adjournment of cases, (3) Slow investigation, (4) Deficiencies in legal aid facilities, (5) Inability to furnish sureties, (6) Lack of proper escort for production before courts, (7) Video-conferencing not used adequately where available, (8) Section 436-A not invoked, (9) Under Trial Review Committee meetings not regularly held and where held only petty offenders released and (10) Multiple cases against accused which hinder his/their release. The Note pointed out that there is no meaningful cooperation from the State Governments to expedite the trial of under-trial prisoners in the country.⁸⁴

Earlier, on 22 November 2018, the Supreme Court has lashed out at the Central government and States over pathetic

conditions in the jails across the country, saying that everything has been reduced to a “joke”.

In March 2018, the court's amicus curiae Gaurav Agrawal submitted that 240 jails in the country were housing inmates 150% above their capacity. His report said that out of the 77,000 sanctioned posts in the prisons department, 24,500 were vacant. Mr. Agrawal said Tamil Nadu and Uttar Pradesh were some of the worst cases in the prison staff-inmate ratio. Only 5,000 prison staffers monitored over 92,000 inmates in Uttar Pradesh, and Tamil Nadu had 4,000 prison staffers to monitor 13,000 prisoners.⁸⁵

Cases of deaths and torture in judicial custody

Deaths of prisoners as a result of torture and ill treatment in the jails are a regular phenomenon.

On 27 December 2018, an under-trial prisoner identified as Mangaleshwar Munda (40), s/o Dalu Munda, a resident of Chipu village under Kairo police station area under Lohardaga district of Jharkhand, died under suspicious circumstances in the custody of the Lohardaga sub jail. The deceased was arrested on 17 April 2016 in connection with a case of triple murder at Chipu village in April 2016. The jail officials claimed that on 27 December 2018 the deceased was sitting in the sun after having lunch when he complained of dizziness and later he became unconscious. He was rushed to the Sadar hospital.⁸⁶ However, the doctors at the hospital said that the deceased had already died when he was brought to the hospital. Family members of the deceased stated that they received a call from the jail officials asking them to reach the Sadar Hospital. They alleged that the jail officials failed to provide suitable answers as to how the deceased suddenly fell ill and died although he did not have any health issues.⁸⁷

On 25 December 2018, an undertrial prisoner named Manan (22), s/o Mohd Hasim, a resident of Premnagar of Rohtas district in Bihar, died in the custody of Rohtas district Jail allegedly due to lack of proper medical facilities. He was arrested along with two other persons and sent to judicial custody on 22 October 2018 in connection with a case of alleged theft of iron from the railways. The mother of the deceased stated that on 12 December 2018 she received a letter from the jail authority informing her about her son's failing health at the Narayan Medical College and Hospital in Gaya. She alleged that her son died due to negligence of the jail administration as they had not given him proper and timely treatment. She claimed that the jail administration refused permission to shift the deceased to a private hospital for better treatment.⁸⁸

On 25 December 2018, an undertrial prisoner named Isakkimuthu (27), a resident of Iyyanarkulam near Alangulam under Tirunelveli district in Tamil Nadu, died under mysterious circumstances at Palayamkottai Central Jail in Tamil Nadu. The deceased was a daily-wage labourer who was arrested in connection with his son's murder. The jail officials claimed that the deceased committed suicide and his body was

found hanging from a tree inside the jail premises on 25 December 2018. They rushed him to Tirunelveli Medical College Hospital, Tirunelveli where the doctors declared him brought dead.⁸⁹

On 25 December 2018, a convicted prisoner identified as Satyendra Singh (45), s/o Mahatam Singh, a resident of Swahi village of Siwan police station under Siwan district of Bihar, died in the custody of Siwan Central Jail in Bihar allegedly due to lack of medical treatment. The deceased was serving a prison term in Siwan central jail since 21 April 2016 after conviction in a murder case. He was reportedly suffering from diabetes, high blood pressure and tuberculosis (TB). The deceased's son Amit Singh alleged that his father died due to negligence of the jail administration in giving proper treatment.⁹⁰

On 23 December 2018, an undertrial prisoner named Misri Lal, resident of Pisawan police station area in Sitapur district of Uttar Pradesh, died under suspicious circumstances at Sitapur district jail. He was arrested in connection with a dowry related murder case on 15 May 2018. Jail officials claimed that the deceased Misri Lal, his wife and their son were kept in the same barrack of the Sitapur district jail. On the night of 22 December, the health of the deceased suddenly deteriorated and he was given preliminary treatment. The next morning he collapsed while standing in the queue for food. He was rushed to the district hospital but he died on the way.⁹¹

On 20 December 2018, an under-trial prisoner named Raina Maheldar (45), a resident of Bholsar village of Rasalpur police station under Bhagalpur district in Bihar, died in the custody of the Bhagalpur Central Jail allegedly for want of proper medical treatment. The deceased was arrested in a murder case. The jail officials claimed that the deceased was admitted to Mayaganj Hospital, Bhagalpur after his health deteriorated and he died during treatment.⁹²

On 15 December 2018, a convicted prisoner named Hifzul Hasan (60), a resident of Thalia Nagla village under Musajhag Police Station in Budaun district of Uttar Pradesh, died in the custody of the Kasganj district jail in Uttar Pradesh allegedly for want of proper and timely medical treatment. The deceased was sentenced to 20 years of imprisonment in a murder case. Jail officials claimed that the health of the deceased was deteriorating since some days for which he was admitted to Agra Medical College, where he died on 15 December 2018 afternoon.⁹³

On 11 December 2018, an under-trial prisoner named Vhuja Birja, a resident of Khoribari of Siliguri in West Bengal, died under mysterious circumstances at the Siliguri Sub Divisional Jail. The deceased was arrested by the state excise officials in connection with a case of smuggling country made liquor on the same day. He was sent to judicial custody where he allegedly hanged himself at Siliguri Sub Divisional Jail.⁹⁴

On 9 December 2018, a convicted prisoner named Devnarayan Manjhi (44), a resident of Sindri village under Saraikela Kharsawan district in Jharkhand, died under suspicious circumstances in the custody of Saraikela Kharsawan district jail. The deceased was arrested and sent to judicial custody in 2015 in connection with a rape case. Jail officials claimed that on 9 December 2018 evening, the deceased was admitted at Saraikela Sadar Hospital following a heart attack where he died during treatment. However, the wife of the deceased, Sandhya Manjhi alleged that her husband died due to negligence of the jail administration.⁹⁵

On 9 December 2018, an under-trial prisoner named Sukhpreet Singh (24) died under mysterious circumstances in the custody of Nabha Central Jail in Patiala district of Punjab. The deceased, a baptized Sikh and a member of Babbar Khalsa, was arrested by the Mohali police in May 2017 under the Arms Act and sections 18, 19 and 20 of Unlawful Activities (Prevention) Act. The jail officials claimed that Sukhpreet suffered a seizure and fainted following which he was rushed to a government civil hospital in Nabha, where he died during treatment. However, the doctors of the hospital claimed that Sukhpreet was brought dead.⁹⁶ The family of the deceased accused the jail authorities of torture and not providing adequate medical help. Sukhpreet's elder brother claimed the deceased was a kabaddi player and was implicated in a false case by the Mohali police in June 2017.⁹⁷

On 9 December 2018, a 38-year-old undertrial prisoner died in the custody of Ludhiana Central Jail of Punjab allegedly for want of timely medical treatment. The deceased was arrested and sent to judicial custody in 2017 in connection with a drug peddling case. Jail officials claimed that the deceased had HIV positive and was also suffering from TB and hepatitis. On 9 December 2018 morning when his condition deteriorated, he was admitted to the civil hospital, Ludhiana where he died during treatment. However, the family members of the deceased alleged that he died as he was not given the necessary medical treatment. The sister of the deceased alleged that despite her requests, her brother was not provided required medical attention due to which his condition deteriorated resulting in his death.⁹⁸

On 6 December 2018, a convicted prisoner named Shrikrishna alias Ram Krishna (42), s/o Nanku Lal, a resident of Madhotanda under Pilibhit district of Uttar Pradesh, died under suspicious circumstances in the custody of the Pilibhit district jail. The deceased was arrested on 5 February 2018 in connection with rape of a minor under the Protection of Children from Sexual Offences Act (POCSO). Jail officials claimed that on 6 December 2018, the deceased was found in a critical condition inside the jail's bathroom and was rushed to the Pilibhit District Hospital where doctors declared him dead. The family members of the deceased alleged that the deceased was murdered. Rama Devi, the deceased's wife, stated that her husband was not suffering from any ailment.⁹⁹

On 5 December 2018, a convicted prisoner identified as Jagadish Raye, s/o Lal Chand, a resident of Atari village in Muktsar district of Punjab, died in the custody of the Faridkot district Modern jail in Punjab. The deceased was convicted in a rape case and sent to 10 years of imprisonment on 17 October 2010. He died on 5 December 2018 at Guru Govind Singh Medial College Hospital in Faridkot during treatment. Jail officials claimed that the deceased was admitted to the jail hospital for treatment of tuberculosis on 29 October 2018. As his health did not improve he was admitted to Faridkot Civil Hospital on 27 November 2018. When his health deteriorated further, he was referred to Guru Govind Singh Medical College Hospital, where he died on 5 December 2018.¹⁰⁰

On 3 December 2018, an under-trial prisoner identified as T Paramasivam (49), a resident of J J Nagar near Udangudi in Tuticorin district in Tamil Nadu, died in the custody of Perurani district jail under Pudukkottai district of Tamil Nadu. The deceased was arrested on 1 November 2018 for alleged involvement in peddling of ganja. The jail officials claimed that the deceased was unwell and on 3 December 2018 morning, he suffered from high blood pressure and vomited blood. They said the deceased was rushed to Thoothukudi Government Medical College and Hospital, but he died on the way to the hospital.¹⁰¹

On 2 December 2018, an under-trial prisoner named Ajay Mahanto (28) died at Lajpore Central Jail in Surat district of Gujarat. He was initially lodged at Navsari central jail since 13 September 2018 in connection with four cases of loot, robbery and theft. Later, on 30 September 2018 he was shifted to Lajpore central jail. He died on 2 December 2018 night 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.¹⁰²

On 2 December 2018, an under-trial prisoner named Imamuddin, a resident of Kotwali city area of Bijnor Police station in Uttar Pradesh, died under suspicious circumstances in the custody of Bijnor district jail. The deceased had been lodged at Bijnor district jail for three months in connection with a case of attempt to murder. Jail officials claimed that on 2 December 2018 his health deteriorated and was admitted to the Bijnor district hospital, where he died on the same day. However, the family members alleged that the deceased died due to negligence on the part of jail administration in providing timely treatment. They alleged that they were never informed about health condition of the deceased before admission to hospital.¹⁰³

On 2 December 2018, a convicted prisoner identified as Lali alias Ram Shankar (75), a resident of Nevarna village of Achalganj thana area under Unnao district of Uttar Pradesh, died in the custody of Unnao district jail allegedly for want of adequate medical attention. The deceased was serving jail term for murder. Jail officials claimed that on 2 December

2018, the health of the deceased suddenly deteriorated and he was admitted to the Unnao district hospital, where he died during treatment.¹⁰⁴

On 2 December 2018, a 29-year-old under-trial prisoner identified as Riyaz Ahmed, s/o Mohammad Raza, a resident of Lalganj Village in Gorakhpur district of Uttar Pradesh, died in the custody of the Gorakhpur district Jail allegedly for want of adequate medical treatment. The deceased was arrested on 18 March 2017 in connection with a murder case. On 2 December 2018 evening he died at Baba Raghav Das (BRD) Medical College, Gorakhpur during treatment. Jail officials claimed that on 30 November 2018, the health of the deceased suddenly deteriorated and he was admitted to the Gorakhpur district hospital. The doctors referred him to the Baba Raghav Das (BRD) Medical College, Gorakhpur where he died during treatment.¹⁰⁵

On 2 December 2018, Laxman Nayak (78), a resident of Baliguda area of Kandhamal district in Odisha, died in the custody of Phulbani jail in Kandhamal district. The deceased was convicted in a rape case and lodged in Phulbani jail since May 2013. The jail authorities claimed that the deceased was attacked and killed by another prisoner inside the jail. He was taken to Phulbani district headquarters hospital (DHH) from where he was referred to the MKCG Medical College and Hospital at Brahmapur in Ganjam district where he died on 2 December 2018.¹⁰⁶

On 1 December 2018, an undertrial prisoner named Teru (40), s/o Haw Singh, a resident of Jharadabar village in Jhabua district of Madhya Pradesh, died in the custody of the Jaora Sub Jail under Ratlam district of Madhya Pradesh allegedly for want of adequate medical treatment. Teru was arrested and sent to judicial custody on 13 October 2018 under the Narcotic Drugs and Psychotropic Substances Act (NDPS Act). Jail officials claimed that the deceased was suffering from tuberculosis and he was under treatment from DOTs Center at the Civil Hospital. On 30 November 2018, when his health deteriorated he was rushed to the Ratlam district hospital for treatment. The next day (1 December), he was sent back to the jail following which he was admitted to the Civil Hospital, where he died during treatment.¹⁰⁷

3.3 Torture and rape of women in custody

Despite numerous Supreme Court judgments 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.

On 2 December 2018, The Times of India reported about the case of alleged tortured to death of a Dalit woman identified as Pushpa Devi (65) at Firozabad police station under Firozabad district of Uttar Pradesh on 30 November 2018. Umashankar Lal, son of the deceased, alleged that a police team took him, his mother Pushpa Devi and his wife to the police station after their neighbour, Akash Dayal lodged a

false complaint, alleging that his family was involved in selling illicit liquor. He further claimed that the police personnel tortured his mother Pushpa Devi in front of him and she died at the police station. However, the police claimed that the woman complained of chest pain and died at a hospital.¹⁰⁸

3.4 Judiciary's action against torture

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.

The emblematic cases are given below.

Case 1: Gujarat High Court's intervention for proper investigation in custodial death of Surubha Jhala

On 15 October 2018, Surubha Jhala (35), an employee of a courier company, was allegedly tortured to death at the 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.¹⁰⁹ 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.¹¹⁰ The State government ordered an investigation by a Special Investigation Team (SIT) headed by Deputy Superintendent of Police, Ahmedabad Rural, Shri KT Kamaria. 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 2018.¹¹¹

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).¹¹²

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 have been 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.¹¹³

On 17 December 2018, the Ahmedabad rural police issued a public notice which stated, "Any person who has any evidence regarding the custodial death case of Surubha Jhala, can approach special investigating team (SIT) office at Bopal."¹¹⁴

Case 2: The District Court convicts 20 accused for torture of Dalit woman in Bihar

On 1 December 2018, a District and Sessions court in Bihar awarded seven-year prison term to five accused and two-year term to 15 others who were earlier held guilty of assaulting and parading a Dalit woman naked in Bhojpur district of Bihar.¹¹⁵

The Dalit woman was thrashed and paraded naked by a mob on 20 August 2018 on the suspicion of murdering one Bimlesh Sao, 19, whose body was found on a railway track at Bihiya town, some 25 km from Arrah, district headquarters of Bhojpur, Bihar.¹¹⁶ Earlier on 28 November 2018, all the 20 accused were convicted in this case under the SC/ST (Prevention of Atrocities) Act following a police investigation into the matter after a video of the inhumane treatment of the Dalit woman started doing rounds on social media. Additional District and Sessions Judge Ramesh Chandra Dwivedi also slapped a fine of Rs 10,000 each to the five accused convicted for seven years and the rest 15 accused were asked to pay a fine of Rs 2,000 each.

3.5 Interventions by the NHRC/SHRCs

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 6832 fresh cases while it disposed of a total of 5980 cases (Fresh + Old) during November 2018. A total of 20,886 cases (Fresh + Old) were under consideration of the commission till end of the November 2018.¹¹⁷ A large number of complaints relate to torture.

In November 2018, the NHRC has awarded a total of Rs 1,49,00,000 in 55 cases of human rights violations, including 17 cases of deaths in judicial custody and two cases of deaths in police custody; 4 cases of abuse of power; one case of illegal arrest, one case of rape in police custody among others.¹¹⁸

Some of the emblematic cases of interventions are given below.

Tamil Nadu: SHRC asks State government to initiate disciplinary action against two policemen for custodial torture¹¹⁹

On 19 December 2018, the Tamil Nadu State Human Rights Commission directed a police inspector and sub inspector (SI) in Villupuram district to pay compensation of Rs 50,000 to V. Ramamoorthi, president of village panchayat of Theevanur village in Villupuram district, for illegal detention and custodial torture in 2015. The SHRC also

recommended that the state government initiate disciplinary proceeding against the policemen.

In his petition, V. Ramamoorthi submitted that on 5 November 2015, Senthilkumar, Inspector, Roshanai police station, Villupuram district asked him to come to the police station. When the victim sought to know the reasons, Sathish, Sub Inspector, abused him and the police dragged him to the police station. On reaching the police station, Senthilkumar abused the victim and demanded a bribe of Rs 3 lakh and documents of a property. The policemen made him sit without a shirt in the police station and kicked him with boots.

In their reply, Senthilkumar and Sathish denied the charges. They submitted that a case was registered against the petitioner and others based on a complaint from one Porchilai in connection with a land dispute.

SHRC judge D. Jayachandran held that the complainant had proved that Senthilkumar and Sathish had violated his human rights and recommended that the state government should initiate disciplinary action against them.¹²⁰

Tamil Nadu: SHRC orders payment of Rs 10,000 to torture victim¹²¹

In the first week of December 2018, the Tamil Nadu State Human Rights Commission ordered the State government of Tamil Nadu to pay a compensation of Rs 10,000 to a senior citizen (woman) who was slapped by a police inspector when she went to the police station to lodge a complaint. The complainant M Vasuki submitted that she had filed a complaint at the Kasimedu police station in March 2017. Since no action was taken even after six months of her complaint, she went to the station to meet police inspector Chidambara Barathi. However, Barathi began to threaten her and slapped her.

Chidambara Barathi, however, denied the allegations. But based on the available documents, SHRC member D Jayachandran concluded that Vasuki had proved that she was slapped and threatened by the police officer and her human rights, including her right to dignity, had been violated. The Commission recommended the state government to pay a compensation of Rs 10,000 to Vasuki and recover the amount from the police inspector.

J&K: SHRC seeks report from State govt

On 7 December 2018, the State Human Rights Commission (SHRC) of Jammu and Kashmir issued a notice to the State government asking it to file a detailed compliance report within a week in the case of torture of Tariq Ahmad Sheikh of Pulwama by the security forces on 4 December 2018. The notice was issued by the SHRC member Dilshada Shaheen to the state government, through the Home Secretary, J&K Director General of Police and Senior Superintendent of Police Pulwama. According to the petition filed by Muhammad Ahsan Untoo, on the intervening night of 3-4 December 2018 army soldiers

entered the house of the victim Tariq Ahmed Sheikh of Othora, Pulwama and “All the family members were detained and kept in one separate room and thereafter the victim was ruthlessly beaten by the forces with iron rod and tried to burn him alive by open the knob of gas pipe. The victim suffered grave injuries due to the severe torture inflicted on him.”¹²²

4. International Action against Torture in December 2018

4.1 UN's action against torture

A. Committee against Torture (CAT)

CAT adopts Concluding Observations on the Reports of Canada, Guatemala, Maldives, the Netherlands, Peru and Viet Nam

The Committee against Torture on 7 December 2018 concluded its sixty-fifth session after adopting concluding observations and recommendations on the periodic reports of Canada, Guatemala, Maldives, the Netherlands, Peru and Viet Nam on the implementation of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).¹²³

The concluding observations contain positive aspects of the respective State's implementation of the UNCAT as well as matters of concern and recommendations made.¹²⁴

During the session the Committee had discussed follow-up to articles 19 and 22 and in relation to reprisals, and had adopted decisions on 15 communications: two violations, six non-violations, two inadmissibility decisions and had discontinued five cases.¹²⁵

The Committee also adopted programmes of work for future sessions, deciding to review the reports of Benin, Democratic Republic of the Congo, Germany, Mexico, South Africa and the United Kingdom at its next session from 23 April to 17 May 2019; the reports of Greece, Poland, Togo and Bangladesh in the absence of initial report at the sixty-seventh session in July and August 2019; and the reports of Burkina Faso, Cyprus, Latvia, Niger, Portugal and Uzbekistan at the sixty-eighth session in November and December 2019.¹²⁶

CAT considers follow-up to concluding observations, individual communications and reprisals

The Committee against Torture has on 6 December 2018 discussed follow-up to concluding observations, individual communications and reprisals under the UNCAT.¹²⁷

The Rapporteur on follow-up to concluding observations under article 19 of the Convention, Abdelwahab Hani, has said that the Committee had considered reports from eight States parties, for which it had adopted a total of 25 recommendations, in five distinct categories: the culture of impunity, confessions under torture and ill treatment, and registry of complaints of acts of torture; reprisals against human

rights defenders; the death penalty and corporal punishment; national prevention mechanisms and national human rights institutions; and police violence, conditions of detention, deaths in custody, and fundamental legal safeguards.¹²⁸

The Rapporteur pointed out that 56 per cent of the recommendations issued to States parties were partially implemented or in an advanced state of implementation, and was alarmed that in 44 per cent of the cases, implementation was either entirely lacking or the Committee did not have sufficient information to assess the state of implementation. Mr. Hani informed that the Committee had decided to send requests for additional follow up information to two States, Turkmenistan and Saudi Arabia; from the latter, the Committee had requested additional information also on the disappearance of Jamal Kashoggi, which, in the Committee's view, seemed to be an extrajudicial execution and involved acts of torture. The Committee was currently assessing additional information received from Governments and civil society organizations from Ireland and Lebanon, and it had called upon States reviewed during the sixty-second session to provide their follow up reports: Bosnia and Herzegovina, Bulgaria, Cameroon, Italy, Mauritius, Republic of Moldova and Timor-Leste.¹²⁹

Claude Heller Roussant, Rapporteur on follow-up to individual communications informed that during the session, the Committee had considered eight communications and had decided to close on merit the case concerning Denmark, while the case concerning deportation by Sweden of an Iranian citizen had been successfully resolved with Sweden's implementation of the Committee's decision. There were five additional cases where the Committee had decided to wait for additional information from States parties, namely on two cases involving Morocco, and one case each from Australia, Canada and Mexico. The Rapporteur remarked that over the past several years, there was a trend of States parties not responding to the Committee's communications.¹³⁰

B. Sub-committee on Prevention of Torture (SPT)

SPT to visit Bulgaria, Cabo Verde, Ghana and the United Kingdom in 2019

On 5 December 2018, the UN's Subcommittee on Prevention of Torture (SPT) announced that in the coming months it will visit Bulgaria, Cabo Verde, Ghana and the United Kingdom. Visits to Costa Rica, Senegal and Switzerland have already been announced earlier. The visits were decided during the Subcommittee's confidential session held in Geneva in November.¹³¹

The SPT has so far completed more than 65 visits and in 2018 the subcommittee visited Belize, Kyrgyzstan, Liberia, Poland, Portugal and Uruguay. Confidential reports on the visits to Uruguay and Portugal have been sent to the States authorities as well as to the National Preventive Mechanism of these countries.¹³²

4.2 EU's action against torture

(i) Council of Europe anti-torture Committee visits Bulgaria

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc visit to Bulgaria from 10 to 17 December 2018.¹³³

The objective of the visit was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation. The CPT's delegation visited Border Police detention facilities in Elhovo, Sofia Airport and Svilengrad (Kapitan Andreevo) and carried out follow-up visits to the Special Homes for Temporary Accommodation of Foreigners in Busmantsi and Lyubimets. In Busmantsi, the delegation also paid a visit to the Closed-Type Premises run by the State Agency for Refugees (SAR).¹³⁴

During the visit, the delegation held consultations with Deputy Minister of Internal Affairs Krasimir Tsipov and other senior officials from the Ministry, the National Police, the Border Police and the Migration Directorate. The delegation also met Maya Manolova, Ombudsperson, and staff of the National Preventive Mechanism (NPM). The team also held meetings with the Representative of the United Nations High Commissioner for Refugees (UNHCR) and with members of non-governmental organisations active in areas of concern to the CPT.¹³⁵

At the end of the visit, the delegation presented its preliminary observations to the Bulgarian authorities and a detailed report on the visit will be submitted to the Government.¹³⁶

(ii) Council of Europe anti-torture Committee visits Albania

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a periodic visit to Albania from 20 to 30 November 2018.¹³⁷

The main objective of the visit was to review progress made as regards the implementation of recommendations made by the Committee after its previous visits. The team primarily focused on the treatment and conditions of detention of persons in police custody and of inmates in several prison establishments, as well as to the situation of forensic psychiatric patients and mentally-ill prisoners. To that effect, the delegation carried out visits to civil psychiatric establishments and, for the first time in Albania, to an immigration detention facility.¹³⁸

The delegation had consultations with Etilda Gjonaj, Minister of Justice, Toni Gogu, Deputy Minister of Justice, Romina Kuko, Deputy Minister of the Interior, Adriana Jaku, Deputy Minister of Health and Social Protection, and Stefan Çipa, Director General of Prisons, as well as with other senior officials from the above-mentioned ministries. The delegation also held discussions with representatives of the Office of the

People's Advocate, including the Head of the National Preventive Mechanism set up under the Optional Protocol to the United Nations Convention against Torture (OPCAT).¹³⁹

At the end of the visit, the delegation presented its preliminary observations to the Albanian authorities.¹⁴⁰

(iii) Council of Europe anti-torture Committee visits France

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc visit to France from 23 to 30 November 2018.¹⁴¹

The main objective of the visit was to examine the treatment and conditions of detention of persons deprived of their liberty under immigration and asylum law. During the visit, the delegation held consultations with senior officials of the Ministry of the Interior and of the Ministry of Solidarity and Health. The delegation also held meetings with Adeline Hazan, General Controller of Places of Deprivation of Liberty, and Jacques Toubon, Defender of Rights, as well as with members of associations and non-governmental organisations active in areas of concern to the CPT.¹⁴²

At the end of the visit, the delegation presented its preliminary findings to the French authorities during a meeting with Laurent Nuñez, Secretary of State to the Minister of the Interior.¹⁴³

(iv) Council of Europe anti-torture Committee visits Hungary

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a periodic visit to Hungary from 20 to 29 November 2018. The delegation's main focus of the visit was on the situation of persons in police custody, prisoners placed in HSR units (special regime units for inmates serving long sentences, including whole life sentences), juvenile prisoners and persons placed in social care homes. The visit marked the CPT's tenth visit to Hungary.¹⁴⁴

During the visit, the delegation held consultations with Károly Papp, Director General for Public Safety, Tamás Tóth, Head of the Prison Service, and other representatives of the Ministry of the Interior responsible for police, prisons and immigration issues, as well as with senior officials of the Ministry of Human Capacities in charge of social care matters.

The delegation also held meetings with László Székely, Commissioner for Fundamental Rights (Ombudsman) and staff of the National Preventive Mechanism, as well as with members of the Regional Representation for Central Europe of the United Nations High Commissioner for Refugees (UNHCR) and of non-governmental organisations active in areas of concern to the CPT.¹⁴⁵

At the end of the visit, the delegation presented its preliminary findings to the competent authorities.¹⁴⁶

(v) Council of Europe calls on Greece to reform its law on torture

The Council of Europe has called on Greece to improve its law and practice on the prosecution of torture. In a decision¹⁴⁷ issued on 6 December 2018, the Committee of Ministers increased the pressure on Greece to implement the decisions of the European Court of Human Rights in *Zontul Necati v Greece*¹⁴⁸ and several other cases.¹⁴⁹

Way back in 2012, the ECHR decided in favour of victim Necati, recognising that rape can be a particularly cruel form of torture, and that Greece did not adequately punish the perpetrators or afford redress to Necati. It concluded that Greece had breached Article 3 of the European Convention on Human Rights. The case also found that Greek law was incompatible with the country's international obligations to prevent and prosecute torture.¹⁵⁰

Through the decision issued on 6 December 2018, the Committee of Ministers issued a very strong decision seeking a detailed set of information from Greece by September 2019. The Committee called upon the authorities to intensify their ongoing efforts to eradicate all forms of ill-treatment by law enforcement officials, taking due account of the CPT's recommendations, and invited them to provide the Committee with concrete and detailed information on the measures.¹⁵¹

Greece is now obliged to provide documented information about the effectiveness of the Ombudsman as an Independent Complaints Mechanism. This relates not only to the reopening of investigations in old cases, but also to reviewing new complaints. Greece must also amend its legislation to bring the definition of torture in line with international standards and prevent the conversions of imprisonment imposed for torture and other ill-treatment into fines. The state must also provide information on the investigation of possible racist motives when ill-treatment occurs in the context of law enforcement; and, finally, implement its commitment to issue written apologies to the victims.¹⁵²

It is hoped that the required reforms would provide greater access to justice for the victims of torture and ill-treatment in Greece, particularly migrants and refugees. Greece is a major point of entry for those trying to reach Europe. The decision of the Committee also welcomed the news that the Greek government will seek to apologise formally to the victims of torture and ill-treatment.¹⁵³

5. Maldives' anti-torture law shows India's failure to criminalise torture

On 23 December 2013, the Maldives enacted an Anti-Torture Act to criminalize torture. The Anti-Torture Act, 2013 recognizes torture as a distinct criminal offence. The term "torture" is defined in section 10 of the Anti-Torture Act as *"Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, by or at the instigation of or with the consent or acquiescence (knowledge) of a*

public official or any other person for any of the following purposes: To obtain information or confession from him or a third person; to inflict punishment not mentioned in any law, on him for an act he or a third person has committed or is suspected of having committed; to intimidate or humiliate him or a third person for an act he or a third person has committed or is suspected of having committed; to intimidate or humiliate a third person for an act committed by him or suspected of having committed; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted."¹⁵⁴

The term "torture" includes physical and mental torture and also acts of cruel, inhuman or degrading treatment or punishment. Section 13 (b) of the Anti-Torture Act stipulates the various acts of torture which falls under physical torture, such as beating, kicking, electric shocks, pouring hot oil, pouring acid, sexual acts, etc. Section 14 (b) of the Anti-Torture Act stipulates the various acts of torture which falls under mental torture such as blindfolding, detaining in a secret place, questioning for prolonged time without breaks, solitary confinement, ill-treatment of family members or relatives.¹⁵⁵

Section 3(a) of the Anti-Torture Act establishes torture as a separate criminal offence in the Maldives. Section 21 expressly states that, "in all circumstances, it is a criminal offence to commit acts of torture, other cruel, inhuman or degrading treatment or punishment against any person".

According to Anti-Torture Act, it shall take precedence over all other laws in conflict with the Act and all other legislations providing for similar offences.

The Anti-Torture Act also provides for the punishments for those who commit acts of torture. Section 23 states that "these punishments depend on the grave nature of torture, and ranges from 5-25 years of imprisonment". Section 24 of the Anti-Torture Act stipulates *"any person, who is an accomplice or assistant for such an act of torture, will also be charged with offence of torture"*.

As per Section 18 of the Anti-Torture Act, *"HRCM has the power to carry out independent and impartial investigation of the complaints"*.

Section 42 of the Anti-Torture Act incorporates Article 3 of the UNCAT into the domestic legislative framework. In a torture situation, extradition will be governed by the provisions of the Anti-Torture Act. Section 42 of the Anti-Torture Act *"prohibits the extradition of a person from Maldives to another country or returning to the person's native country, if there are substantial grounds for the relevant Government authorities to believe on the basis of reasonable proof or evidence that he/she would be in danger of being subjected to torture"*.

Impunity for torture

The Maldives Government under President Abdulla Yameen submitted its Initial report (CAT/C/MDV/1) to the UN Committee against Torture under article 19 of the UNCAT on 17 October 2017 elucidating the measures

taken to give effect to Maldives' undertaking under the Convention. But its own report has been rejected by the new government of President Ibrahim Mohamed Solih.¹⁵⁶

No one has been prosecuted under the Anti-torture Act as yet due to impunity enjoyed by the officials. In its Initial Report submitted to the Committee against Torture, the Maldives Government itself admitted that no official has been prosecuted for torture due to "lack of evidence." It stated, "*Out of the 118 cases investigated by HRCM [Human Rights Commission of the Maldives] under the Anti-Torture Act, 4 cases were sent for prosecution by HRCM. However, due to lack of evidence, those 4 cases were not prosecuted. Under the Act, only one has been sent for prosecution by NIC [National Integrity Commission]. The main reason for limited number of cases been prosecuted and convicted is lack of reliable and relevant evidence, procedural irregularities during investigation and lack of resources. Most cases of torture sent for prosecution are against officials of Maldives Police Service and in the absence of credible evidence; the outcome of case wholly depends on the testimony of colleagues of the accused person or other persons in the police detentions.*"¹⁵⁷

During the consideration of the Maldives' Initial report (CAT/C/MDV/1) on 27-28 November 2018, the Committee's most serious concern was impunity for torture. Since the Anti-Torture Law had come into force, the Human Rights Committee of the Maldives investigated 275 torture allegations, mostly against police officers and prison correction officers, but there had been no convictions. The Committee opined that "*the low number of complaints and cases investigated is due in part to the reluctance to cooperate of the authorities, in particular the police, with the Human Rights Commission of the Maldives and with the National Integrity Commission.*"

The Committee recommended that the State party should promptly, impartially, and effectively investigate all complaints of torture and ill-treatment.

Torture continued to take place after enactment of Anti-Torture Act

Although the Anti-Torture Act has put an absolute prohibition on torture including during the state of emergency, torture continued to take place. The Committee was seriously concerned that many allegations of torture were reported in connection with actions taken by the Maldives Police Service and the Maldives National Defense Force during the State of Emergency introduced by the previous Government in February 2018, despite the fact that article 255(b)(12) of the Constitution stipulates that measures adopted during a state of emergency cannot restrict article 54 of the Constitution, which prohibits torture and that Section 16 of the Anti-Torture Act stipulates that a state of war, political unrest, increased rate of crime, or state of emergency cannot excuse or justify acts of torture, cruel, inhuman or degrading treatment or punishment.

The Committee was seriously concerned about the practice of "judicial flogging" administered under a restrictive and/or hard line interpretation of sharia penalties, which is also allowed under the Penal Code, mostly as punishment for consensual extramarital sex. Under the sharia law, even minors can be sentenced to flogging including in cases when they are the victims (such as rape) and for fornication. "*It is gravely concerned that this corporal punishment is also used against survivors of sexual abuse and assault and that 85 per cent of persons punished in this way are women and girls,*" the Committee stated while recommending that the State party should immediately enact a moratorium on flogging and other corporal punishment and should consider reviewing its laws with a view to prohibiting the practice as a matter of priority.

The Committee was concerned that the 23 deaths in custody investigated by the Human Rights Commission of the Maldives, all of which are alleged to have resulted from natural causes, do not reflect the total number of actual deaths in custody that have occurred during the relevant time period. Additionally, the Committee is seriously concerned that seven cases of unexplained deaths in custody were reported to the Human Rights Commission of the Maldives between August 2016 and October 2017 and at reports of deaths in custody due to lack of medical care and medicines. The Committee recommended that the State party should investigate promptly, thoroughly and impartially all deaths in custody and ensure that perpetrators are punished appropriately and that families of the deceased receive compensation.

Appropriate penalties for torture

The Committee welcomed the adoption of the Anti-Torture Act, which establishes torture as a separate criminal offence, includes accomplice liability and takes precedence over all other national laws in conflict with the Act, including the Penal Code. However, the Committee noted with concern that the Act appears to contemplate imprisonment for torture only in cases in which victims suffer injuries necessitating at least 90 days hospitalization. The Committee recommended that "*The State party should revise the Anti-Torture Act to ensure that it provides for punishments commensurate with the gravity of the offense of torture and does not condition punishments on the duration of the victim's hospitalization, noting that some forms of torture may not inflict physical suffering at all.*"

Statute of limitations and accountability for acts of torture

The Committee also expressed concerns that the first amendment to the Penal Code has introduced provisions that may amount to the introduction of a statute of limitations for charges under the Anti-Torture Act. In this regard, the Committee drew the State party's attention to paragraph 5 of its general comment No. 2 (2007) on the implementation of article 2 of the Convention by States

parties, in which it states that amnesties or other impediments which preclude or indicate unwillingness to provide prompt and fair prosecution and punishment of perpetrators of torture or ill-treatment violate the principle of non-derogability. The Committee was also concerned that *“the Anti-Torture Act requires that the perpetrator of torture be convicted before civil liability can be awarded in favor of the victim, as confirmed by the delegation during the dialogue.”* The Committee has recommended that the State party should amend the Penal Code in order to ensure that there is no statute of limitations for the crime of torture, and the State party should amend the Anti-Torture Act to allow for civil liability of the perpetrator in favor of the victim, even if the perpetrator has not been prosecuted or convicted.

Endnotes :

1. Desi means national / country origin.
2. SC slams State Govts on 600% overcrowding of Jails: Prisoners cannot be kept in jail like “Animals”. Read Order, Latestlaws, 30 March 2018 available at <https://www.latestlaws.com/latest-news/sc-slams-state-govts-on-600-overcrowding-of-jails-prisoners-cannot-be-kept-in-jail-like-animals/>
3. See, for example, International Criminal Tribunal for the former Yugoslavia (ICTY), Prosecutor v. Anto Furundzija, Trial Chamber, Judgement of 10 December 1998, at paragraphs 134–164. See also the judgement of the House of Lords in Pinochet Ugarte, re. [1999] 2 All ER 97, at paragraphs 108–109.
4. Report No.273 titled “Implementation of ‘United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment’ through Legislation”, Law Commission of India, 17 October 2017 available at <http://lawcommissionofindia.nic.in/reports/Report273.pdf>
5. Chahal v. The United Kingdom, 70/1995/576/662, Council of Europe: European Court of Human Rights, 15 November 1996, available at: <https://www.refworld.org/cases,ECHR,3ae6b69920.html>
6. Nirmal Singh v. Canada, CAT/C/46/D/319/2007, UN Committee Against Torture (CAT), 8 July 2011, available at: <https://www.refworld.org/cases,CAT,4eeb376e2.html>
7. Harminder Singh Khalsa et al. v. Switzerland, CAT/C/46/D/336/2008, UN Committee Against Torture (CAT), 7 July 2011, available at: <https://www.refworld.org/cases,CAT,4eeb365c2.html>
8. Bachan Singh Sogi v. Canada, CAT/C/39/D/297/2006, UN Committee Against Torture (CAT), 16 November 2007, available at: http://www.worldcourts.com/cat/eng/decisions/2007.11.16_Bachan_Singh_Sogi_v_Canada.htm
9. Harminder Singh Khalsa et al. v. Switzerland, CAT/C/46/D/336/2008, UN Committee Against Torture (CAT), 7 July 2011, available at: <https://www.refworld.org/cases,CAT,4eeb365c2.html>, Para 11.7
10. UN Committee Against Torture Decision No. CAT/C/46/D/336/2008
11. Response of Minister of State for Home Affairs Hansraj Gangaram Ahir to Unstarred Question No. 21351 in Rajya Sabha on 14 March 2018, <https://mha.gov.in/MHA1/Par2017/pdfs/par2018-pdfs/ls-14032018/2135.pdf>
12. Reply of the Ministry of Home Affairs to Starred Question No. 303 answered on 08.08.2017 before the Lok Sabha available at <http://164.100.47.190/loksabhaquestions/annex/12/AS303.pdf>
13. Jails at 14 per cent over capacity, two in three prisoners undertrials, Indian Express, 10 April 2018 available at <https://indianexpress.com/article/explained/overcrowding-in-jails-prisons-reforms-tihar-jails-police-ncrb-5130869/>
14. SC slams State Govts on 600% overcrowding of Jails: Prisoners cannot be kept in jail like “Animals”. Read Order, Latestlaws, 30 March 2018 available at <https://www.latestlaws.com/latest-news/sc-slams-state-govts-on-600-overcrowding-of-jails-prisoners-cannot-be-kept-in-jail-like-animals/>
15. Writ Petition (Civil) No. 406 of 2013
16. Writ Petition (Civil) NO. 749 of 2018
17. Supreme Court slams primeval conditions in jails, observation homes, The Hindu, 22 November 2018; Available at: <https://www.thehindu.com/news/national/supreme-court-slams-primeval-conditions-in-jails-observation-homes/article25569788.ece>
18. UN Committee Against Torture (CAT), General Comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22, 9 February 2018, available at: <http://www.refworld.org/docid/5a903dc84.html> [accessed 13 October 2018], para.20
19. Agiza v. Sweden, para. 13.4, supra fn. 3; and communications No. 538/2013, Tursunov v. Kazakhstan, decision of 8 May 2015, para. 9.10; and No. 747/2016, H.Y. v. Switzerland, decision adopted on 9 August 2017, para. 10.7.
20. Ahmed Hussein Mustafa Kamil Agiza v. Sweden, CAT/C/34/D/233/2003, UN Committee Against Torture (CAT), 24 May 2005, para 13.4, available at: <http://www.refworld.org/cases,CAT,42ce734a2.html> [accessed 13 October 2018]
21. Abichou vs Germany, Communications No 430/2010, UN Doc. CAT/C/50/D/430/2010, 21 May 2013
22. CAT communication No. 444/2010
23. Ahmed Hussein Mustafa Kamil Agiza v. Sweden, CAT/C/34/D/233/2003, UN Committee Against Torture (CAT), 24 May 2005, available at: <http://www.refworld.org/cases,CAT,42ce734a2.html> [accessed 13 October 2018]
24. Saadi v. Italy, Appl. No. 37201/06, Council of Europe: European Court of Human Rights, 28 February 2008, available at: <https://www.refworld.org/cases,ECHR,47c6882e2.html>
25. Ben Khemais v. Italy, Application no. 246/07, European Court of Human Rights, 24 February 2009
26. Muminov v. Russia, Appl. no. 42502/06, Council of Europe: European Court of Human Rights, 11 December 2008, available at: <https://www.refworld.org/cases,ECHR,49413f202.html>
27. Khaydarov v. Russia, Application no. 21055/09, Council of Europe: European Court of Human Rights, 20 May 2010, available at: <https://www.refworld.org/cases,ECHR,4bf661112.html>
28. Baysakov and Others v. Ukraine, Application no. 54131/08, Council of Europe: European Court of Human Rights, 18 February 2010, available at: <https://www.refworld.org/cases,ECHR,4cbeb81c2.html>
29. Koktysh v Ukraine App no 43707/07 (ECtHR, 10 December 2009)
30. Soldatenko v. Ukraine, Appl. no. 2440/07, Council of Europe: European Court of Human Rights, 23 October 2008, available at: <https://www.refworld.org/cases,ECHR,4906f2272.html>
31. Sultanov v Russia App no 15303/09 (ECtHR, 4 November 2010) para 73
32. Yuldashev v. Russia, Application no. 1248/09, Council of Europe:

- European Court of Human Rights, 8 July 2010, available at: <https://www.refworld.org/cases,ECHR,4c3716732.html>
33. Ismoilov and others v Russia App no 2947/06 (ECtHR, 24 April 2008) para 127;
34. Makhmudzhan Ergashev v. Russia, Application no. 49747/11, Council of Europe: European Court of Human Rights, 16 October 2012, available at: <https://www.refworld.org/cases,ECHR,512643102.html>
35. CASE OF CHAHAL v. THE UNITED KINGDOM, Application no. 22414/93, European Court of Human Rights, 15 November 1996, available at: <http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/alddfiles/Chahal.pdf>
36. Portugal high court terminates Abu Salem's extradition, Rediff.com, 27 September 2011, <https://www.rediff.com/news/report/slide-show-1-abu-salem-extradition-terminated-portugal-court/20110927.htm>
37. Thanks to extradition treaty with Portugal, Abu Salem escapes the hangman's noose for role in 1993 Mumbai blasts case, The New Indian Express, 7 September 2017, <http://www.newindianexpress.com/nation/2017/sep/07/thanks-to-extradition-treaty-with-portugal-abu-salem-escapes-the-hangmans-noose-for-role-in-1993-m-1653790.html>
38. Bachan Singh Sogi v. Canada, CAT/C/39/D/297/2006, UN Committee Against Torture (CAT), 16 November 2007, available at: http://www.worldcourts.com/cat/eng/decisions/2007.11.16_Bachan_Singh_Sogi_v_Canada.htm
39. Source: Annual Reports of the National Human Rights Commission from 2008-2009 to 2015-2016 Reply of Minister of State for Home Affairs Shri Hansraj Gangaram Ahir to Unstarred Question No. 2135 in Rajya Sabha on 14 March 2018
40. Molestation suspect dies; wife cries foul, The Tribune, 26 December 2018; Available at: <https://www.tribuneindia.com/news/haryana/molestation-suspect-dies-wife-cries-foul/703983.html>
41. Kin protest youth's death in police custody, The Tribune, 16 December 2018; Available at: <https://www.tribuneindia.com/news/haryana/kin-protest-youth-s-death-in-police-custody/698916.html>
42. 4 cops booked for youth's murder, The Tribune, 18 December 2018; Available at: <https://www.tribuneindia.com/news/haryana/4-cops-booked-for-youth-s-murder/699848.html>
43. Haryana: Politics heats up over death of youth in police custody, The Times of India, 2 December 2018; also see, Jhajar thane me rickshaw chalak ke suicide mamle me do police karmi suspend, 4 December 2018, available at: <https://haryana.punjabkesari.in/haryana/news/two-policemen-suspended-in-rickshaw-drivers-suicide-case-914037>
44. In custodial death of Dalit youth, Kejriwal demands CBI probe, The Hindustan Times, 4 December 2018, <https://www.hindustantimes.com/india-news/in-custodial-death-of-dalit-youth-kejriwal-demands-cbi-probe/story-P5RQJAWCEDGqEzUJ2EvgeL.html>
45. 2 cops suspended for custodial death, The Tribune, 5 December 2018, <https://www.tribuneindia.com/news/haryana/2-cops-suspended-for-custodial-death/693501.html>
46. NHRC Case No.1984/7/11/2018
47. Death in custody: SHO among 3 suspended, The Tribune, 14 May 2018; available at: <https://www.tribuneindia.com/news/haryana/death-in-custody-sho-among-3-suspended/588794.html>
48. Jind rape-murder: Dead boy's family says they were tortured by police, The Indian Express, 20 January 2018; Available at: <https://indianexpress.com/article/india/jind-rape-murder-dead-boys-family-says-they-were-tortured-by-police-5032029/>
49. Table – 1.2 State/UT-wise Distribution of Different Types of Jails in the Country at the end of 2015; available at: <http://ncrb.gov.in/StatPublications/PSI/Prison2015/TABLE-1.2.pdf>
50. Source Annual Reports of the National Human Rights Commission from 2008-2009 to 2015-2016 Reply of Minister of State for Home Affairs Shri Hansraj Gangaram Ahir to Unstarred Question No. 2135 in Rajya Sabha on 14 March 2018
51. HC seeks compliance report on unnatural deaths in jails, The Tribune, 4 July 2018
52. Sunariya jail me band bandi ki bimari ke karan maut, Amar Ujala, 30 November 2018; available at: <https://www.amarujala.com/haryana/rohtak/crime/71543524251-rohtak-news>
53. Debt-ridden Punjab farmer jailed for bounced cheque dies, Times of India, 3 October 2018; available at: <https://timesofindia.indiatimes.com/city/gurgaon/debt-ridden-farmer-jailed-for-bounced-cheque-dies/articleshowprint/66047289.cms>
54. 47-year-old inmate dies in Y'nagar jail, The Tribune, 28 September 2018; available at: <https://www.tribuneindia.com/news/haryana/47-year-old-inmate-dies-in-y-nagar-jail/659796.html>
55. Bhondsi jail me kaidi ki maut, parivar ne bataya sandigd, Navbharattimes.com, 27 September 2018; available at: <https://navbharattimes.indiatimes.com/state/punjab-and-haryana/gurgaon/under-trial-prisoner-died-in-bhondsi-jail/articleshow/65984654.cms>
56. Jail inmate commits suicide in Ambala, The Business Standard, 11 August 2018
57. Undertrial commits suicide in Ambala jail, The Tribune, 12 August 2018
58. Man accused of raping 12-year-old daughter hangs himself inside jail, The Hindustan Times, 7 July 2018; available at: <https://www.hindustantimes.com/delhi-news/man-accused-of-raping-12-year-old-daughter-hangs-himself-inside-jail/story-FcrXjDnsCiP0JhashS25qO.html>
59. Uzbek woman falls ill in jail, dies in hospital, The Times of India, 16 June 2018; available at: <https://timesofindia.indiatimes.com/city/gurgaon/uzbek-woman-falls-ill-in-jail-dies-in-hospital/articleshow/64608573.cms>
60. Inmate hangs self in jail, probe ordered, The Times of India, 8 April 2018; <https://timesofindia.indiatimes.com/city/gurgaon/inmate-hangs-self-in-jail-probe-ordered/articleshow/63661983.cms>
61. Undertrial prisoner dies in hospital Ambala, Times of India, 20 January 2018; available at: http://timesofindia.indiatimes.com/articleshow/62582654.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
62. Another undertrial commits suicide in Kurukshetra jail, The Times of India, 4 January 2017; available at: <https://timesofindia.indiatimes.com/city/chandigarh/another-undertrial-commits-suicide-in-kurukshetra-jail/articleshow/62358455.cms>
63. Dalit man dies in custody in UP's Amroha, The Telegraph, 27 December 2018; Available at: <https://www.telegraphindia.com/india/dalit-man-dies-in-custody-in-up-s-amroha/cid/1680080>
64. Youths allege torture by cops, The Tribune, 27 December 2018; Available at: <https://www.tribuneindia.com/news/chandigarh/youths-allege-torture-by-cops/704632.html>
65. Chennai man dies in police station, kin allege custodial death, The New Indian Express, 22 December 2018; Available at: <http://www.newindianexpress.com/cities/chennai/2018/dec/22/chennai-man-dies-in-police-station-kin-allege-custodial-death-1915092.html>
66. Youth 'bashed up' in police station, The Hindu, 22 December 2018;

- Available at; <https://www.thehindu.com/news/cities/Hyderabad/youth-bashed-up-in-police-station/article25792280.ece>
67. Telangana: Cops to face probe for beating minor boys at party, The Bangalore Mirror, 22 December 2018; Available at; <https://bangaloremirror.indiatimes.com/news/india/telangana-cops-to-face-probe-for-beating-minor-boys-at-party/articleshowprint/67194618.cms?prtpage=1>
 68. Tripura Youth commits suicide after Police allegedly tortured him in Lockup; Tripurainfoways.com, 24 December 2018; Available: <http://tripurainfoways.com/news-details/TN/99532/tripura-youth-commits-suicide-after-police-allegedly-tortured-him-in-lockup.html>
 69. 4 Tripura policemen booked for tribal youth's death, The Hindu, 25 December 2018, available at: <https://www.thehindu.com/news/national/other-states/4-tripura-cops-booked-for-tribal-youths-death/article25823163.ece>
 70. *ibid*
 71. Custodial death triggers protest in Manipur, The Nagaland Post, 20 December 2018; Available at; <http://nagalandpost.com/custodial-death-triggers-protest-in-manipur/187473.html>
 72. *ibid*
 73. Manipur: Five police personnel suspended over custodial killing of man, The Indian Express, 21 December 2018; Available at; <https://indianexpress.com/article/north-east-india/manipur/manipur-five-police-personnel-suspended-over-custodial-killing-of-man-5504388/>
 74. UP cop booked for thrashing man after video goes viral, The Times of India, 15 December 2018; Available at; <https://timesofindia.indiatimes.com/city/lucknow/cop-booked-for-thrashing-man-after-video-goes-viral/articleshowprint/67101771.cms>
 75. Delhi: SHO aware of man's detention, finds probe, The Indian Express, 8 December 2018; Available at; <https://indianexpress.com/article/cities/delhi/station-house-officer-aware-of-mans-detention-finds-probe-5483857/>
 76. Dalit man in hospital after 'cops thrash him all night', The Ahmedabad Mirror, 8 November 2018; Available at; <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/dalit-man-in-hospital-after-cops-thrash-him-all-night/articleshowprint/66993761.cms?prtpage=1>
 77. Youth's 'custodial death' in police station in Sundargarh; probe underway, The Pragativadi, 6 December 2018; Available at; <http://pragativadi.com/custodial-death-youth-found-hanging-in-police-station-in-sundargarh/>
 78. Gambling den operator dies in police custody, The Times of India, 6 December 2018; Available at; <https://timesofindia.indiatimes.com/city/ahmedabad/gambling-den-operator-dies-in-police-custody/articleshowprint/66960985.cms>
 79. Scribe 'manhandled' at police station, The Tribune, 5 December 2018; Available at; <https://www.tribuneindia.com/news/amritsar/scribe-manhandled-at-police-station/693546.html>
 80. 53-year-old murder suspect dies in Police Custody, The Deccan Herald, 4 December 2018; Available at; <https://www.deccanherald.com/city/53-year-old-murder-suspect-706319.html>
 81. Cong worker dies in custody- Kin pelt policemen with stones, two injured, The Tribune, 3 December 2018; Available at; <https://www.tribuneindia.com/news/punjab/cong-worker-dies-in-custody/692588.html>
 82. Day after custodial death, 2 Amritsar cops booked, The Tribune, 4 December 2018; Available at; <https://www.tribuneindia.com/news/punjab/day-after-custodial-death-2-amritsar-cops-booked/692974.html>
 83. Supreme Court slams primeval conditions in jails, observation homes, The Hindu, 22 November 2018; Available at; <https://www.thehindu.com/news/national/supreme-court-slams-primeval-conditions-in-jails-observation-homes/article25569788.ece>
 84. Order passed by the Supreme Court of India in Writ Petition(s)(Civil) No(s).749/2018, In Re: Speedy trial of undertrial, 29 November 2018; available at: https://www.sci.gov.in/supremecourt/2018/23760/23760_2018_Order_29-Nov-2018.pdf
 85. Supreme Court slams primeval conditions in jails, observation homes, The Hindu, 22 November 2018; Available at; <https://www.thehindu.com/news/national/supreme-court-slams-primeval-conditions-in-jails-observation-homes/article25569788.ece>
 86. Lohardaga Mandalkara me band vicharadhin kaidi ki sandehaspad maut; <https://www.jagran.com/jharkhand/lohargaga-prisoners-death-in-mandalakarara-18794732.html>
 87. *Ibid*
 88. Gaya me hui kaidi ki maut se pariyan aahat, Dainik Jagaran, 27 December 2018; available: <https://www.jagran.com/bihar/rohtas-prisoners-death-18793071.html>
 89. Remand prisoner commits suicide, The Times of India, 26 December 2018; Available at; <https://timesofindia.indiatimes.com/city/madurai/remand-prisoner-commits-suicide/articleshowprint/67248907.cms>
 90. Hatya ki saja cut rahe kaidi ki maut, ilaz me kotahi ka arop, Dainik Bhaskar, 26 December 2018; available at: <https://www.bhaskar.com/bihar/patna/news/death-sentence-of-murder-convicts-accusations-of-treatment-050638-3504262.html>
 91. Jail me kaidi ki maut, post mortem ne sabko hila kar rakh diya, Patrika.com, 23 December 2018; available at: <https://www.patrika.com/sitapur-news/prisoner-death-in-the-sitapur-prison-3876404/>
 92. Central Jail ke kaidi ki ilaz ke dauran hui maut, Dainik Bhaskar, 21 December 2018, available at: Dainik Bhaskar: <https://www.bhaskar.com/bihar/bhagalpur/news/central-prison-prisoner-died-during-treatment-023642-3467603.html>
 93. Badaun ke kaidi ki Agra medical college me maut, 16 December 2018, Available at: <https://www.jagran.com/uttar-pradesh/badaun-murder-accused-death-in-agra-medical-collage-badaun-up-18755639.html>
 94. Under trial found hanging in Siliguri jail, two wardens under scanner; Available at; <http://www.uniindia.com/under-trial-found-hanging-in-siliguri-jail-two-wardens-under-scanner/east/news/1436056.html>
 95. Saraikela jail me kaidi ki maut, pariyo ne kiya hungama; available at <https://hindi.news18.com/news/jharkhand/saraikela-kharsawan-prisoner-death-in-saraikela-jail-hydak-1613403.html>
 96. Undertrial's death: Family accuses jail officials of torture, The Times of India, 11 December 2018; Available at; <https://timesofindia.indiatimes.com/city/chandigarh/undertrials-death-family-accuses-jail-officials-of-torture/articleshowprint/67032475.cms>
 97. *Ibid*
 98. HIV+ inmate dies, kin accuse jail of negligence, The Times of India, 10 December 2018; available at: <https://timesofindia.indiatimes.com/city/chandigarh/hiv-inmate-dies-kin-accuse-jail-of-negligence/articleshowprint/67017731.cms>
 99. Prisoner dies in jail in mysterious conditions, The Times of India, 6 December 2018; Available at; <https://timesofindia.indiatimes.com/city/bareilly/prisoner-dies-in-jail-in-mysterious-conditions/articleshowprint/66977317.cms>
 100. Upcharadhin kaidi ki aspatal me maut, Dainik Jagaran, 5 December 2018;

- available at: <https://www.jagran.com/punjab/faridkot-faridkot-death-in-hospital-18717340.html>
101. Remand prisoner dies in Tuticorin, The Times of India, 3 December 2018; Available at: <https://timesofindia.indiatimes.com/city/madurai/remand-prisoner-dies-in-tuticorin/articleshowprint/66922517.cms>
 102. Undertrial hangs to death in Lajpore jail, The Times of India, 4 December 2018; available at: Available at: <https://timesofindia.indiatimes.com/city/surat/undertrial-hangs-to-death-in-lajpore-jail/articleshowprint/66927556.cms>
 103. College clerk dies in jail, kin blame authorities, The Times of India, 2 December 2018; Available at: <https://timesofindia.indiatimes.com/city/meerut/college-clerk-dies-in-jail-kin-blame-authorities/articleshowprint/66911269.cms>
 104. Vriddha kaidi ki bigri halat, ilaz ke dauran maut; Available: <https://www.sanjeevnitoday.com/state/old-prisoners-condition-worsened-death-during-treatment/20181202/186587>
 105. Hatya ke mamle me band vicharadhin kaidi ki medical college me maut, Dainik Jagaran, available at: <https://www.jagran.com/uttar-pradesh/gorakhpur-city-prisoner-death-in-medical-college-18708045.html>
 106. Prisoner attacks, kills 78-year-old inmate; The Hindu, 3 December 2018: <https://www.thehindu.com/news/national/other-states/prisoner-attacks-kills-78-year-old-inmate/article25650469.ece>
 107. Complaint filed by CAT to the NHRC dated 3 December 2018
 108. Elderly Dalit woman dies in Firozabad police station, family alleges torture by cops, The Times of India, 2 December 2018; Available at: <https://timesofindia.indiatimes.com/city/agra/elderly-woman-dies-in-firozabad-police-station-family-alleges-torture/articleshowprint/66900166.cms>
 109. 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-over-custodial-death-2693458>
 110. Victim's family raises doubts on investigation by SIT, Ahmedabad Mirror, 8 December 2018, <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/victims-family-raises-doubts-on-investigation-by-sit/articleshow/66993815.cms>
 111. 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-death-dyvsp/articleshow/66377010.cms>
 112. 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-over-custodial-death-2693458>
 113. 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-high-court-to-sit-2695876>
 114. Bopal custodial death: Ahmedabad cops seek public help, Times of India, 17 December 2018, <https://timesofindia.indiatimes.com/city/ahmedabad/bopal-custodial-death-ahmedabad-cops-seek-public-help/articleshow/67121030.cms>
 115. Bihar court sentences 20 men to prison for thrashing, parading Dalit woman naked on the streets, available at <https://www.timesnownews.com/mirror-now/society/article/bihar-arah-assault-parade-woman-naked-streets-court-imprisonment-mob-lynching/324279>
 116. In Bihar town, woman thrashed, paraded naked on suspicion of killing youth, The Hindu, 21 August 2018, <https://www.thehindu.com/news/national/other-states/woman-thrashed-paraded-naked-in-bihar-on-suspicion-of-murder-of-a-youth/article24743315.ece>
 117. Monthly Salient Statistics of Cases registered/disposed by NHRC during November 2018, National Human Rights Commission, data as on 18.12.2018, http://nhrc.nic.in/complaints/Monthly%20Statistics?field_date_value%5Bvalue%5D%5Bmonth%5D=11&field_date_value%5Bvalue%5D%5Byear%5D=2018
 118. ibid
 119. Chennai: Cops to pay man Rs 50,000 for harassing him 3 years ago, Deccan Chronicle, 19 December 2018, <https://www.deccanchronicle.com/nation/current-affairs/191218/chennai-cops-to-pay-man-rs-50000-for-harassing-him-3-years-ago.html>
 120. Pay Rs 50,000 to panchayat chief: Tamil Nadu human rights body, The New Indian Express, 19 December 2018, <http://www.newindianexpress.com/states/tamil-nadu/2018/dec/19/pay-rs-50k-to-panchayat-chief-shrc-1913418.html>
 121. Cop to pay Rs 10K to elderly woman for slapping her - Chidambara Barathi, in his counter affidavit, denied the allegations, The New Indian Express, 12 December 2018, <http://www.newindianexpress.com/cities/chennai/2018/dec/12/cop-to-pay-rs-10k-to-elderly-woman-for-slapping-her-1910280.html>
 122. SHRC asks government to file report within a week on torture of Pulwama man, Kashmir Reader, 7 December 2018, <https://kashmirreader.com/2018/12/07/shrc-asks-government-to-file-report-within-a-week-on-torture-of-pulwama-man/>
 123. Committee against Torture closes sixty-fifth session, OHCHR, 7 December 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23995&LangID=E>
 124. Concluding Observations available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1237&Lang=en
 125. Committee against Torture closes sixty-fifth session, OHCHR, 7 December 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23995&LangID=E>
 126. Committee against Torture closes sixty-fifth session, OHCHR, 7 December 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23995&LangID=E>
 127. Committee against Torture considers follow-up to concluding observations, individual communications and reprisals, OHCHR, 6 December, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23987&LangID=E>
 128. ibid
 129. ibid
 130. ibid
 131. UN torture prevention body to visit Bulgaria, Cabo Verde, Ghana and the United Kingdom in 2019, OHCHR, 5 December 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23975&LangID=E>
 132. ibid
 133. Council of Europe anti-torture Committee visits Bulgaria to assess the situation of foreign nationals detained under aliens legislation, Council of Europe, 18 December 2018, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-bulgaria-to-assess-the-situation-of-foreign-nationals-detained-under-alien-legislation>

134. *ibid*
135. *ibid*
136. *ibid*
137. Council of Europe anti-torture Committee visits Albania, Council of Europe, 4 December 2018, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-alban-1>
138. *ibid*
139. *ibid*
140. *ibid*
141. Council of Europe anti-torture Committee visits France, Council of Europe, 4 December 2018, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-fran-1>
142. *ibid*
143. *ibid*
144. Council of Europe anti-torture Committee visits Hungary, Council of Europe, 30 November 2018, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-hungary>
145. *ibid*
146. *ibid*
147. Decision available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016808fddda
148. In 2001, Necati Zontul, a Turkish man, was travelling on a boat with other migrants when he was intercepted by Greek coastguards. The coastguards then detained the passengers in a disused school in Crete. A week into Necati's detention a coastguard trapped him in a toilet and raped him with a truncheon, while another guard kept lookout. Following a flawed domestic investigation and prosecution of the Coast guard officers responsible for his treatment, REDRESS helped Necati to bring a case against Greece at the European Court of Human Rights. The ECHR heavily criticised the Greek authorities for their internal investigation of the incident, in which they falsified Necati's evidence, and for the lenient penalty imposed on the perpetrator of the rape – a suspended sentence commuted to a small fine
149. Council of Europe calls on Greece to reform its law on torture, REDRESS, 6 December 2018, <https://redress.org/news/council-of-europe-torture-reform-needed-in-greece/>
150. Zontul c. Grèce, 12294/07, Council of Europe: European Court of Human Rights, 17 January 2012, available at: <https://www.refworld.org/cases,ECHR,4f16cabe2.html>
151. Supervision of the execution of the European Court's judgments, 1331st meeting, 4-6 December 2018 (DH), Reference document\CM\Notes\1331\H46-13, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016808fddda
152. Torture and ill-treatment by police officers in Greece, European Implementation Network, 12 December 2018, <http://www.einnetwork.org/ein-voices/2018/12/12/ill-treatment-by-police-officers-in-greece-the-makaratzis-group-of-cases>
153. Council of Europe calls on Greece to reform its law on torture, REDRESS, 6 December 2018, <https://redress.org/news/council-of-europe-torture-reform-needed-in-greece/>
154. Initial report submitted by Maldives under article 19 of the UNCAT to the UN Committee Against Torture on 17 October 2017 (CAT/C/MDV/1)
155. Initial report submitted by Maldives under article 19 of the UNCAT to the UN Committee Against Torture on 17 October 2017 (CAT/C/MDV/1)
156. Opening Statement of Head of Delegation of Maldives, Ahmed Naseem, Minister at the President's Office, made during the consideration of the Maldives' Initial report submitted to the Committee Against Torture, 27 November 2018, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MDV/INT_CAT_STA_MDV_33106_E.pdf
157. CAT/C/MDV/1, para 101



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C-3/441-C, Janakpuri, New Delhi-110058, India; Phone/Fax: +91-11-25620583, 45501889

Email: director@achrweb.org; Website: www.achrweb.org