



# The State of Torture in Andhra Pradesh



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## 1. Focus: Patterns and practices of torture not resulting to deaths in India in 2018

Torture is rampant in India but cases of torture not resulting into death are seldom recorded. The NHRC registered 525 cases of torture in police custody not resulting into death during 2018.<sup>1</sup> Obviously, this is miniscule given the widespread use of torture in the country.

Torture is often used to extract confession. On 25 December 2018, three youths identified as Ravi Kumar, Yograj and Pappu Kumar were allegedly 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.<sup>2</sup>

Inability to pay bribe is one of the major causes of torture. On 4 April 2018, police allegedly picked up one Naveen Kumar alias Manoj, a resident of Rithala in Delhi, and took him to Metro Vihar police post under Shahbad Dairy Police Station in Northwest Delhi.<sup>3</sup> Family members alleged that after picking up Kumar a few policemen visited their home seeking Rs 5 lakh in cash as bribe to release him and when they expressed inability to pay such big amount, the policemen threatened to implicate Kumar in serious criminal charges. Soon after return from Kumar's family residence, the policemen started beating Kumar with sticks. Kumar sustained injuries on his body including his legs and buttocks. On 7 April, Kumar collapsed inside the court where he was produced and the judge saw the injury marks and asked for an immediate medical report. However, cops refuted the allegations of torture and claimed that Kumar was involved in a firing incident in Shahbad Dairy on the night of 3 April. Investigating officers claimed the injury marks on his body were due to a fall he had from a staircase in his house.<sup>4</sup>

On 29 June 2018 at around 10 PM, two constables allegedly picked up Vinod, a painter by profession and resident of Arogyadas Nagar in DJ Halli in Bengaluru, Karnataka, and detained him at KG Halli Police Station in

Bengaluru. The victim alleged that the constables assaulted him, implicated him in false case of stealing jewellery and cash and wanted him to confess that he committed theft. He sustained injuries due to beating by the cops and was later admitted to Bowring Hospital for treatment. The victim was released only after his father Jayamani allegedly bribed the policemen. In a complaint to the Bengaluru Police Commissioner, the victim's father Jayamani alleged that a Sub Inspector asked to him pay Rs 20,000 to get his son released.<sup>5</sup>

On 9 August 2018, a businessman identified as Ramesh was allegedly tortured by policemen posted at Shakund Police Station in Bhagalpur district of Bihar. The victim alleged that he was tortured for the whole night after he had refused to pay a bribe of Rs 50,000 to the policemen in an old case. In his statement to the court, Ramesh stated that the SHO of Shakund Police Station dragged him outside his shop and thrashed him mercilessly. Thereafter, two constables tore his clothes and put petrol in his private parts. When produced before the court, the magistrate ordered a medical test of the victim.<sup>6</sup>

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On 7 April 2015, Andhra Pradesh Police shot dead twenty suspected woodcutters and many of the bore torture marks

On 9 August 2018, Police Inspector Preetinder Singh, Station House Officer (SHO) of the Sadar Patti Police Station in Tarn Taran district of Punjab, allegedly got one Harbhupinder Singh, a resident of Kamaal Wala village under Aarif Ke Police Station in Ferozpur district, picked up without informing his senior officers and kept him in illegal detention for two days on false charges of peddling drugs. Harbhupinder was released only after he allegedly paid Rs 50,000 to the accused SHO through a head constable. On 12 August 2018, Inspector General, Border Range, SPS Parmar stated before the media that he dismissed the accused SHO and the head constable was apprehended on the spot by Vigilance Bureau while accepting the bribe and the bribe amount was recovered from him.<sup>7</sup>

On 9 August 2018, at around 10 PM, policemen in civvies allegedly picked up Sariful, aged 31 years, and neighbour Feroz, aged 32 years, from their rented accommodation at Kundanahalli Gate in Bengaluru, Karnataka. The victims, who hailed from West Bengal, were working as bus drivers at a private school nearby. After searching at different Police Stations for three days, Sariful's younger brother, Anrull found out that the duo was detained at Begur Police Station in Bengaluru where they were implicated in a false case of selling ganja and allegedly subjected to torture. On 13 August, Anrull, accompanied by social activist Kaleemullah went to the Begur Police Station where they reportedly found the duo injured due to torture. Anrull said police officials demanded Rs 2 lakhs from him to release the duo.<sup>8</sup>

On 22 November 2018, Crime Branch officials allegedly picked up Ishtiyak alias Mushtaq Malahu Khan, owner of Fabia Steel along with his six employees identified as Sumeet Yadav, Abdul Shaheed Salam Khan, Rakesh Gautam, Mohammad Khan, Abdul Khan, and Wasim Khan and kept them in illegal detention for three days in Pune, Maharashtra. Ishtiyak Khan alleged that the crime branch officials subjected

him and his employees to third degree torture including beatings and electric shock. They also threatened him to implicate him and his men in false cases. He alleged that he and his men were released only after he paid Rs 8.5 lakh to the crime branch officials.<sup>9</sup>

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 allegedly kidnapped Pradeep and asked his wife to pay a ransom of 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.<sup>10</sup>

On 5 August 2018, seven Sikh youths were allegedly illegally confined and tortured at Sanaur Police Station in Patiala district, Punjab. Assistant Sub Inspector (ASI) Narinder Singh along with a constable reportedly intercepted the youths, who are all in their 20s, on their way to attend a religious function at Gurdwara Dukhniwaran Sahib in Patiala. Amardeep Singh, one of the victims, alleged that the ASI was in an inebriated state and started misbehaving with them at a petrol pump. When the youths started making video of his unruly behaviour, ASI Narinder Singh broke their mobile phones and then took them to the Sanaur Police Station and kept them in illegal detention. Amardeep Singh claimed that the cop assaulted them with sticks and leather belts. He alleged they were even forced to trim each other's pubic hair and thereafter the cop poured liquor into his mouth. Amardeep had to be admitted to hospital after he fell unconscious in the Police Station.<sup>11</sup> Amidst protests from the opposition parties, the Deputy Commissioner of Patiala ordered a magisterial probe into the custodial torture case.<sup>12</sup> On 8 August, the Patiala police registered an FIR against ASI Narinder Singh under Sections 323 (voluntarily causing hurt) and 342 (wrongful confinement) of the IPC. A departmental probe was also ordered against the SHO of the Sanaur Police Station, Gurinder Singh Bal, for his "negligent" role in the whole issue.<sup>13</sup>



The absence of an anti-torture law and impunity to the police under Section 197 of the Criminal Procedure Code has been perpetuating torture in India.

## 2. Special focus: Custodial torture in Andhra Pradesh

Torture is regularly reported in police and judicial custody from Andhra Pradesh.

### 2.1 Torture in police custody

The National Human Rights Commission (NHRC) recorded 80 deaths in police custody during 2009-2010 to 2018-19 (as on 20.11.2018) in Andhra Pradesh. These included 9 in 2009-10; 14 in 2010-11; 13 in 2011-12; 17 in 2012-13; 7 in 2013-14; 5 in 2014-15; 6 in 2015-16, 2 in 2016-17; 2 in 2017-18; and 5 in 2018-19 (as on 20.11.2018).<sup>14</sup> Data available with the NHRC shows that there were six cases of custodial rapes reported between 2014 and 2016.<sup>15</sup>

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

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

#### Case 1: Alleged torture of Jaani Mastan, Kaja Kareem and Kaja Vali, Kurnool district

On 1 July 2019, Jaani Mastan, Kaja Kareem and Kaja Vali, activists of a political party, were allegedly tortured in police custody at Two-Town police station in Kurnool district. The victims were picked up when they were caught by the police taking pictures of a vehicle which was parked in an area in the evening. They were taken to the police station, where they were tortured for about three hours before they were released. Following a complaint lodged with the Superintendent of Police, Guntur rural district, an inquiry was ordered into the custodial torture and four police personnel identified as Nagarjuna, Ghose, Silar Baasha, Anji and Mohan Krishna were suspended.<sup>16</sup>

#### Case 2: Illegal detention and torture of tribal Peram Anthony and Dalit Giri Sekhar, Guntur district

On 26-30 May 2019, Peram Antony (25) belonging to Schedule Tribe community and Giri Sekhar, a Dalit were illegally detained and tortured at Tadepalli police station in Guntur district. The victims, Peram Antony and Giri Sekhar, both residents of Mahanadu Nagar, Tadepalli area in the district, were arrested by the police on 26 May from their

houses on suspicion of being involved in a theft case. The duo was kept in illegal detention for five days at the police station and subjected to third degree torture before they were released on 30 May. Unable to bear the physical pain and mental trauma, Peram Antony attempted suicide on the same day by consuming poison.<sup>17</sup>

#### Case 3: Death of an unidentified youth in police custody, Vijayawada district

On 16 April 2019, an unidentified youth died under mysterious circumstances at Ajit Singh Nagar police station in Vijayawada district. The deceased youth was taken into custody for trespassing into a house at Basavatarakam colony

in Ajit Singh Nagar. According to the police, the youth, who was in his early twenties, allegedly committed suicide by hanging himself to a ceiling fan in the police station. The deceased reportedly found the rope with which he hanged himself in the washroom.<sup>18</sup>

#### Case 4: Death of a farmer due to alleged police torture, Guntur district

On 18 February 2019, a farmer identified as Pittala Koteswara Rao alias Kotaiah (35) died due to alleged torture by police at Kondaveedu under Guntur district. The deceased was allegedly tortured for refusing to allow his farmland to be used for landing of the helicopter of state's Chief Minister (CM). Police claimed the farmer committed suicide by consuming pesticides hours before the arrival of the CM due to personal reasons. However,

the family members and others refuted the police claim and alleged that the deceased died due to police torture.<sup>19</sup>

#### Case 5: Suicide by a couple due to alleged police harassment, Guntur district

On 31 January 2019, a couple identified as M Udaya Kiran (34) and Helena (28) allegedly committed suicide due to harassment and excesses at Ibrahimpatnam police station in Guntur district. The deceased couple, residents of Navuluru village in the district, was summoned for interrogation for two days at Ibrahimpatnam police station in a cheating case. The deceased were partners in a consultancy firm to provide jobs to unemployed youths. Though, the couple tried to pay back the amount they had collected from the youths the police took the couple to Ibrahimpatnam police station and allegedly harassed them to extract a note and forced them to sign on a blank bank cheque. On 31 January, the couple reportedly committed suicide after returning home late night from the police station. M Subba Rao, father of M Udaya Kiran alleged that his son and his daughter-in-law committed suicide due to

*Torture not resulting into death takes place on daily basis across the country but are seldom reported or recorded. The NHRC registered only 525 cases of torture in police custody not resulting into death during 2018. Obviously, the cases registered by the NHRC do not reflect the extent of torture not resulting into death in the country. Torture is often used for law enforcement, to extract confession, to procure bribes or settle disputes while in the insurgency affected areas, it is part of the counter-terror mechanisms. The absence of an anti-torture law and impunity to the police under Section 197 of the Criminal Procedure Code has been perpetuating torture in India.*

harassment and excesses meted out by police. His son was made to sit from 7 am to 11 pm at the police station for two days. M Subba Rao further alleged that the police snatched his son's mobile phone, cheque book and promissory notes.<sup>20</sup>

**Case 6: Attempted suicide by three youths due to alleged police torture, Krishna district**

On 18-22 January 2019, Nakka Ramanjaneyulu (18), Gandikota Koteswara Rao (20) and Komarathi Pavan (19) were allegedly subjected to undue harassment and cruel treatment during interrogation at Gannavaram police station in Krishna district. The victims, all residents of Buddhavaram village in the district, were taken into police custody following an eve-teasing complaint filed against them on 18 January. The trio alleged that the police summoned them daily to appear at the police station for investigation but they did not question them about the issue. In order to harass them, they were being informally detained at the police station for many hours each day. On 22 January morning, the three distressed trio attempted suicide by consuming pesticide in front of Gannavaram Police Station. The victims were rushed to the nearest government hospital for treatment. Among them, condition of one was critical, and was referred to the Pinnamaneni Siddhartha General Hospital in Chinna Avutupalli.<sup>21</sup>

**Case 7: Death of Shaik Babar Basha due to alleged torture in police custody, Prakasam district**

On 6 October 2018, Shaik Babar Basha (28) died due to alleged torture in police custody at Ulavapadu police station in Prakasam district. The deceased, a resident of Velupadu village of Dagadarthi mandal in Nellore district, was arrested for questioning in connection with a case of theft of a vehicle following a complaint lodged against him by one Santosh at Ulavapadu police station on 4 September 2018. Police claimed that on 6 October when the police along with the deceased was ready to move to Guntur to recover the stolen vehicle the deceased complained of chest pain and was rushed to Ulavapadu Primary Health Centre for first aid. The police said the deceased was subsequently shifted to a hospital at Kandukur town where he died during treatment on the same day.<sup>22</sup>

**Case 8: Death of Gorle Pydi Raju due to alleged police torture, Vishakapatnam district**

On 10 September 2018, Gorle Pydi Raju died due to alleged police torture at Central Crime Station in Vishakapatnam district. The deceased was first picked up by the police in the first week of September 2018 and allegedly used third degree methods during interrogation. Later, the police took Pydi Raju into custody on 10 September 2018 and released on the same day. But Pydi Raju suffered from epilepsy attack and was admitted to a hospital, where he was declared brought dead.<sup>23</sup>

**Case 9: Death of Mora Gurava Reddy in police custody, Vijaywada district**

On 1 July 2018, Mora Gurava Reddy (27), a private employee, died under suspicious circumstances after he was

arrested and detained at Krishnalanka police station in Vijaywada district. On 2 July 2018 evening, the Government Railway Police found Mora Gurava Reddy's body on the tracks and alerted the police. Police claimed that Mora Gurava Reddy committed suicide after his release from police custody. However, the deceased's parents alleged that Mora Gurava Reddy was in the custody of police when his death occurred and he had not committed suicide. Mora Gurava Reddy was picked up by police along his parents and detained in the Krishnalanka police station on 1 July 2018. According to the deceased's father, they were released on the next day but his son was missing from the police custody. The deceased's father further alleged that when they questioned then Circle Inspector (CI) Chandrashekar about the disappearance of Mora Gurava Reddy from the police station, he threatened to file case against them he alleging that they were behind the death. The family also alleged that police tortured Mora Gurava Reddy in front of them and accused CI Chandrashekar for the death.<sup>24</sup>

**Case 10: Alleged illegal detention and torture of Dasari Nagaprasad Babu, Krishna district**

On 13 June 2018, Dasari Nagaprasad Babu, a Central Industrial Security Force (CISF) constable, was arrested on charge of assaulting a police officer during beach festival in Krishna district. The victim's wife alleged that her husband was illegally detained and subjected to severe physical torture by the CISF since the midnight of 11 June. The victim was released on 14 June 2018.<sup>25</sup>

**Case 11: Death of N Raji in police custody, Chittoor district**

On 6 June 2018, N Raji (24) died in police custody at Satyavedu in Chittoor district. The deceased was taken into custody for being involved in a chain snatching case. According to police, a couple identified as Baskar and his wife Anuradha from Tamil Nadu were travelling on a motorcycle to attend a marriage reception at a village near Satyavedu when some persons including the deceased robbed a gold chain from Anuradha. The couple reported the incident to their relatives in the wedding hall and the public caught hold of the deceased. Raji was reportedly beaten up by the public before he was handed over to the police. Police claimed that Raji, who was suffering from some chronic illness, was shifted to hospital after he complained of uneasiness and died while undergoing treatment. However, local residents alleged that Raji was beaten by both police and the public. According to them, a police constable was also seen beating Raji before being shifted to hospital. But police denied that Raji died in police custody.<sup>26</sup>

**Case 12: Death of Parupalli Ramunaidu in police custody, Vishakapatnam district**

On 25 April 2018, Parupalli Ramunaidu (60) of Kondakarla village in Vishakapatnam district allegedly committed suicide in the custody of the Atchutapuram police

station in the district. Police claimed that Ramunaidu hanged himself in the bathroom using a rope. The deceased was arrested in connection with a murder case on 24 April 2018. According to the police, Ramanaidu asked the sentry at the police station to attend nature's call and the sentry accompanied him till the bathroom. As per the police version, the deceased was wearing only a shirt and short at that time but must have carried a rope concealing in his pockets. He was allegedly depressed after the arrest due to fear of not getting bail for which he took the drastic step. When he did not return from the bathroom even after 10 minutes, the sentry suspected something amiss and broke open the door. Ramanaidu was shifted to a hospital with weak pulse and died while undergoing treatment within ten minutes, according to the police.<sup>27</sup>

## 2.2 Torture and deaths in judicial custody

Andhra Pradesh had 112 jails, including 4 central jails, 8 district jails, 98 sub-jails, 1 woman jail and 1 open jail as on 31 December 2016.<sup>28</sup> As per the NHRC data, a total of 765 prisoners died in jails of Andhra Pradesh during 2008-2018. This included 131 deaths in 2008-09; 105 in 2009-10; 92 in 2010-11; 77 in 2011-12; 86 in 2012-13; 122 in 2013-14; 45 in 2014-15; 41 in 2015-16, 30 in 2016-17 and 36 in 2017-18.<sup>29</sup>

The conditions of jails remained deplorable and a number of prisoners have died due to various diseases. For instance, at least 41 prisoners died of diseases in the Central jail, Rajamahendravaram in the last five years from 2015 to July 2019. These included deaths of 8 prisoners in 2015-16, 9 in 2016-17, 3 in 2017-18, 14 in 2018-19, and 7 in 2019 (up to 19 July). It has been reported that the authorities of the Central jail, Rajamahendravaram have to write a letter to the respective police officer requesting him to provide escort to shift the prisoner to government hospital for treatment, which takes a lot of time. Further, there is no cardiology wing since many years in this Central Jail. As a result, the authorities are forced to shift the cardiac patients to government hospital in Kakinada for treatment, which is 70 kms away from Rajamahendravaram. The delay sometimes cost lives of the prisoners in particular in cases of medical emergency.<sup>30</sup>

On 23 January 2019, under-trial prisoner identified as K Basavasankara Rao (56) died at Repalle sub-jail in Guntur district. The deceased was arrested and sent to judicial custody along with 10 other persons in connection with a murder case. He died on the same day at night. Jail officials claimed the deceased suffered a massive heart attack, following which he

was taken to a private hospital. Later, he was shifted to a government hospital in the district, where he was declared dead.<sup>31</sup>

There was also allegation of medical negligence. On 27 March 2018, undertrial prisoner Besipogu Maria Babu lodged at Central Jail Rajamanendravaram died while undergoing treatment at a government hospital. During the last week of February 2018, Maria Babu told the jail authorities that he was suffering from severe stomach ache. After initial treatment, the jail authorities admitted him to the hospital. He underwent a minor surgery at the hospital. But he died

while undergoing treatment. However, the prisoner's wife alleged that her husband died due to the negligence of the jail authorities and hospital staff.<sup>32</sup>

Some inmates died under suspicious circumstances. On 5 January 2018, K Sitham Naidu (62) lodged at Palakonda sub-jail of Srikakulam district died under mysterious circumstances. The deceased, a resident of Navya Nagar of Rajam town in the district, was arrested by the police for allegedly killing his son over property dispute on 29 December 2017. Later, the deceased was remanded to the Palakonda sub-jail. The jail officials claimed the deceased was mentally upset after killing his son and died of heart stroke on 5 January. However, during the post-mortem, the doctors reportedly found knife injuries over the deceased's body.<sup>33</sup>

*Custodial deaths are rampant in Andhra Pradesh. The NHRC had registered 80 deaths in police custody during 2009-2010 to 2018-19 and 765 custodial deaths in judicial custody during 2008-2018. The NHRC further recorded six cases of custodial rapes between 2014 and 2016 while extrajudicial executions remained a part of the anti-Naxal strategy. Cases of rape in police custody are regularly reported while conditions of the jails too remained deplorable including overcrowding. Prisoners regularly die due to various diseases. For instance, at least 41 prisoners died with various diseases in Central jail, Rajamahendravaram in the last five years from 2015 to July 2019.*

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

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

### Case 1: Death of remand prisoner Dasari Guravaiah in judicial custody

This case (No. 970/1/6/2012-JCD) relates to the death of remand prisoner Dasari Guravaiah (67), s/o Seetharamaiah, in the custody of Special Sub Jail, Gurazala, Guntur district on 15 August 2012 due to denial of medical treatment. The prisoner was admitted to the jail with normal health on 22 June 2012. On 13 August 2012, he had complained of stomach pain, vomiting and breathlessness and was provided treatment at local government hospital, Gurazala. Later, he was shifted to Government General Hospital, Guntur and was



admitted there but he died. The magisterial enquiry concluded that the deceased remand prisoner died due to ill health only, no foul play was found on the death of the deceased.

The NHRC referred the case to a forensic medicine expert on the panel of the NHRC. The NHRC having considered the magisterial enquiry report and the opinion of forensic medicine expert came to the conclusion that the deceased had not been provided with adequate treatment for 22 days due to administrative lapses for which the prisoner died and for this administrative negligence the State of Andhra Pradesh is vicariously liable to pay compensation to the next of kin (NoK) of the deceased prisoner. Vide its proceeding dated 20 December 2016, the NHRC recommended to the Government of Andhra Pradesh to pay a compensation of Rs.100,000 to the NoK of the deceased and on 27 August 2018, the Commission closed the case after receiving report of compliance of its recommendation.

#### **Case 2: Death of Vadlapati Satyanarayana in judicial custody**

In this case (No. 1095/1/21/2011-JCD), the NHRC received information from the Superintendent of Jail, Central Jail, Rajahmundry, regarding the custodial death of Vadlapati Satyanarayana (36) on 29 August 2011 while in the custody of Central Jail. The deceased was admitted in the jail on 11 August 2008 for psychiatric illness. He died there while undergoing treatment on 29 August 2011.

The case was examined by a Medical Board of the NHRC which opined that there was evidence of medical negligence at various levels in this case. Considering the chronology of events the Medical Board opined that there were insufficient grounds for advising Modified electroconvulsive therapy (ECT) in this case. Further, the blank consent form itself indicated negligence on the part of doctors who had treated the deceased. The procedure for pre-ECT workup was also inappropriate and the fundus had to be examined for presence of any evidence of raised intracranial pressure. The basic investigation i.e. X-ray chest and ECG were not done which would have revealed presence of any underlying cardiac or pulmonary disease. Further, the cause of death in this case in the opinion of the Medical Board was asphyxia due to respiratory obstruction and not due to cardiac arrest as opined by the doctors who conducted the autopsy. In view of these findings, the Medical Board opined that there was evidence of medical negligence at various levels. The Medical Board also urged the NHRC to issue "Modified Guidelines" for ECT to mentally ill persons for future implementation.

On the basis of the material records, the NHRC concluded that a clear case of violation of human rights of the deceased Vadlapati Satyanarayana was made out and issued notice for payment of compensation of Rs. 300,000 to the NoK of the deceased. Vide proceedings dated 25 June 2018, the NHRC closed the case after the State Government informed that compensation of Rs.300,000 was given to the NoK of the

deceased as per its direction. The NHRC also issued "Modified Guidelines" for ECT to mentally ill persons in prisons to States/UTs for implementation.

#### **Case 3: Death of Jonnaakutti Srinivasa Rao in judicial custody**

This case (No. 146/1/24/2014-JCD) pertains to the custodial death of remand prisoner Jonnaakutti Srinivasa Rao (35), s/o Peda Venkanna at District Jail Eluru on 15 January 2014. The NHRC examined all the relevant reports relating to the death as furnished by the State authorities. As per the inquest report, no external injury was found on the body of the deceased. The post mortem report (PMR) indicated no external injury on the body of the deceased but the PMR was not carried out as per guidelines of the NHRC. The Forensic Report detected no poisonous substance in the viscera of the deceased. The final cause of death was opined to be due to "Cardio Respiratory Failure". As per the medical treatment records, on 7 January 2014, the deceased complained of fever and was admitted in Government Hospital, Eluru where on 10 January 2014 the deceased was diagnosed HIV+. He was given treatment but he died on 15 January 2014. As per the directions of the NHRC, the medical records of the deceased was placed before the Forensic Expert on the panel of the Commission, which after examining the case record opined that the deceased was not provided with adequate treatment.

Accordingly, the NHRC concluded that the deceased prisoner was a victim of medical negligence and he was deprived of timely and adequate treatment by the medical authorities. It recommended Rs. 300,000 to the NoK of the deceased. Vide proceedings dated 25 July 2018, the NHRC closed the case on compliance of its recommendation.

#### **Case 4: Death of Juturun Krishna in judicial custody**

This case relates to the death of convict prisoner Juturun Krishna Murthy (30), s/o Ranganaykulu, due to alleged suicide in the custody of Central jail, Kadapa on 19 April 2015. Following NHRC intervention (Case No. 556/1/4/2015-JCD), the Superintendent, Central Jail Kadapa reported that the deceased prisoner was found attempting suicide by hanging himself to a mango tree. He was brought down immediately and rushed to the hospital where he was declared brought dead.

The magisterial enquiry report stated that in the evening at the time of committing of suicide by the deceased, the prisoners were permitted to come out from their barracks and at this time the jail authorities did not keep close and constant watch over their movement. This laxity/negligence on the part of the jail officials gave an opportunity to the prisoner to hang himself. Had there been a close watch by the jail authorities, the incident might have been averted. The report, however, did not raise any suspicion in the death of the deceased.

On the basis of the report, the NHRC stated that the jail authorities should exercise all due diligence to ensure that the prisoners' life is protected, and the deceased committed

suicide in the custody of the State for which the State is liable. Therefore, the NHRC issued notice to the State Government of Andhra Pradesh directing to show cause why it should not recommend compensation of Rs. 100,000 to the NoK of the deceased.

In response, the Director General, Jail and Correctional Services, Andhra Pradesh informed that one Jail Officer of the Central Jail, Kadapa, T. Shriniwas was found responsible for the incident and he was punished and it has no objection to the compensation. Accordingly, the NHRC confirmed its recommendation of payment of compensation.

Vide its proceedings dated 12 February 2019, the NHRC noted that the State Government sanctioned compensation of Rs. 1,00,000 to the NoK of the deceased. However, as the compliance report and proof of payment were not submitted, the NHRC issued a reminder to the state government to submit the same.

#### **Case 5: Death of Boya Raju in railway police custody**

The NHRC received an intimation from the Superintendent of Police, Railway, Guntakal Camp at YSR district, Kadappa about the death of Boya Raju (22) in the custody of Railway Protection Force (RPF), Post Dhone in Kurnool district Kurnool on 23 June 2013. He was brought to the RPF Post Dhone for interrogation and during interrogation he went to bathroom to attend call of nature where he poured kerosene and set himself on fire. He was rushed to the hospital where the doctor declared him brought dead.

The NHRC (Case No. 746/1/11/2013-PCD) called for reports. The magisterial enquiry report concluded that due to unsound mind the deceased poured kerosene and self immolated. The NHRC after examining the material on record observed that there was a failure in taking measures for safety and security of the deceased in their custody by the RPF personnel because of the fact that the deceased could procure kerosene for committing suicide in the toilet. The incident could be prevented if the RPF personnel were more vigilant regarding availability of kerosene in toilet. Therefore, the NHRC stated the Railway Administration must bear the liability to pay compensation to the NoK of the deceased. Accordingly, it recommended Rs. 100,000 to be paid to the NoK of the deceased Boya Raju.

In response, the Railway Board, New Delhi initially refused to pay the compensation but later on complied with the order. Vide proceedings dated 24 December 2018, the NHRC closed the case.

#### **Case 6: Death of prisoner Seeram Nagendra in judicial custody**

This case pertains to the custodial death of undertrial prisoner Seeram Nagendra @ Matodu (22) at Central jail, Nellore on 22 August 2014. The NHRC (Case No. 1160/1/15/2014-JCD) on examination of the health screening report of the deceased found that he was normal at the time of his admission in the jail. The magisterial enquiry report did not find any negligence in the death of the deceased. However, NHRC's expert panel of doctors observed that there was medical negligence. The expert panel noted that the medical officer treating him in the jail never investigated this young prisoner even though he was having fever episodes at regular interval. The reason behind this was never identified. At each episode symptomatic drug were given including irrational and repeated use of ciprofloxacin antibiotics. Had they referred him to higher centre for comprehensive medical examination including multidisciplinary approach the clinical outcome could have been different.

On the basis of the expert panel's opinion, the NHRC concluded that there was nothing on the record to differ with the findings of the expert panel and the negligence shown to the deceased prisoner amounted to a gross violation of human rights of the deceased prisoner. Accordingly, the NHRC directed the Chief Secretary, Andhra Pradesh to pay Rs. 300,000 to the NoK of the deceased. Vide proceedings dated 12 February 2019, the NHRC issued summon to the Chief

Secretary for his personal appearance for failure to submit the compliance report. The case is currently pending for final adjudication.

#### **Case 7: Death of Kunche Anand Rao in judicial custody**

On 20 June 2013, the NHRC received an intimation from the Superintendent, District Jail Eluru regarding the custodial death of undertrial prisoner Kunche Anand Rao (56) at the jail on 10 May 2013. The NHRC (Case No. 591/1/24/2013-JCD) examined all the relevant reports relating to the death of the deceased as furnished by the state authorities. The health screening report of the deceased prisoner indicated that he had a history of chest pain and he was taking medicines at the time of the admission in the jail. The magisterial enquiry report concluded that the deceased died due to left ventricular failure.

The NHRC referred the matter to the expert on its panel for his examination and opinion. The expert after examining the materials on record observed that there was no medical

*Death in judicial custody due to denial of medical facilities  
Prisoner Dasari Guravaiah died in judicial custody (NHRC Case No. 970/1/6/2012-JCD) at Special Sub Jail, Gurazala, Guntur district on 15 August 2012. The magisterial enquiry concluded that prisoner Guravaiah died due to ill health. NHRC referred the matter to its forensic department. The NHRC after considering the magisterial enquiry report and the opinion of forensic medicine expert came to the conclusion that the deceased had not been provided with adequate treatment for 22 days due to administrative lapses and therefore, the State of Andhra Pradesh was liable for the custodial death.*

records available in the file. He observed that had the deceased been provided with any treatment due to lack of availability of such facilities in Jail Hospital and the expert opined that the administration had failed to provide any medical treatment to the deceased during his stay in the jail. On the basis of the expert opinion, the NHRC observed that the prisoner was deprived of the basic medical treatment by the jail officials and the denial of treatment to the deceased amounted to a violation of his human rights. Accordingly, the NHRC recommended Rs. 100,000 to the NoK of the deceased. Vide proceedings dated 14 January 2019 the NHRC closed the case on compliance of its recommendation.

#### **Case 8: Death of Lanke Naga Babu in judicial custody**

This case (No. 1085/1/10/2013-JCD) pertains to the death of Lanke Naga Babu, s/o Ramana at Sub Jail, Machilapatnam, Krishna district on 2 October 2013. As per the Magisterial enquiry report, the deceased was suffering from bronchitis and burning maturation or artralgiias or bleeding manifestation. As per the jail doctor, the deceased was treated on several dates from 29.6.2013 for myalgia and lumber pain and was send to Government Hospital on 1.10.2013. As per the forensic science laboratory (FSL) report, the final cause of death was due to multi organ failure.

The NHRC sought the opinion of medical experts on its panel regarding the treatment provided to the deceased before his death. The medical experts had categorically opined that there is a clear evidence of negligence on the part of the Government General Hospital, Machilapatnam, in not investigating properly about the cause of severe anemia in a 19-year-old young male who ultimately died due to complication of severe anemia by multi organ failure.

On the basis of the opinion of the expert panel, the NHRC stated that death of Lanke Naga Babu is the direct result of negligence on the part of doctors at a government hospital. Had proper investigation been done regarding the cause of anemia he might be surviving today and his human rights may not have been violated. The government machinery is responsible for violation of human rights of the deceased Lanke Naga Babu and his family deserves to be provided compensation. It recommended Rs. 1,50,000 to the NoK of the deceased. Vide proceedings dated 5 February 2019, the NHRC issued conditional summon to Collector and District Magistrate, Krishna district appear before it for failure to submit the compliance report. The case is currently pending.

#### **Case 9: Death of remand prisoner P. Sateesh under judicial custody**

This case (No. 1086/1/24/2013-JCD) pertains to the custodial death of P. Sateesh (30), s/o Pantyam, at District Jail, Eluru, West Godavari district. Pursuant to NHRC intervention, the authorities submitted the Inquest Report, Port mortem report, magisterial enquiry report etc. Magisterial Enquiry report concluded that the non-availability of ventilator in District Hospital Eluru and delay in providing

timely treatment by the jail officials cost the life of the prisoner.

On the basis of the magisterial enquiry report, the NHRC concluded that because of apathy and negligence of police and medical authorities P. Sateesh had died and his human rights had been violated. Accordingly, it recommended payment of Rs. 100,000 compensation to the NoK of the deceased. Vide proceedings dated 25 February 2019, the NHRC closed the case on compliance of the recommendation.

#### **Case 10: Death of Korrapadu Bala Kondaiah in judicial custody**

On 29 October 2013, the NHRC received an intimation from the Superintendent Central Jail Kadapa regarding the custodial death of convict prisoner Korrapadu Bala Kondaiah (42) in the jail on 27 October 2013. Following NHRC (Case No. 1183/1/4/2013-JCD) intervention, the medical history report of the deceased was submitted, which indicated that he was treated on 20 September 2013 for skin infection and on 23 September 2013 for allergy and later on 27 October 2013 he came to the Jail Hospital complaining breathlessness and abdominal discomfort. He was referred to RIMS, Kadappa for better treatment where he was declared brought dead by the Doctor.

The magisterial enquiry report did not notice any negligence or foul play in the death of the deceased. However, the NHRC expert panel opined that there was negligence on the part of Doctors treating the prisoner.

The Commission was in complete agreement with the opinion of the expert on its panel and it was of the considered view that it was a clear case of human rights violation by the Jail Medical Officer. The negligence shown to the victim amounted to a gross violation of his human rights. Accordingly, it recommended compensation of Rs. 100,000 to the NoK of the deceased. Vide proceedings dated 18 February 2019 the NHRC closed the case on compliance of the recommendation.

#### **Case 11: Death of Belamkonda Sambashiva Rao in judicial custody**

This case pertains to the death of undertrial prisoner Belamkonda Sambashiva Rao (28) in the Sub-jail Sattenapallin on 10 February 2014. The NHRC (Case No. 197/1/6/2014-JCD) examined all the relevant reports relating to the death of the deceased as furnished by the state authorities. The health screening report of the deceased prisoner indicated that he was not suffering from any disease at the time of his admission in the jail. The magisterial enquiry report concluded that the deceased died due to pulmonary diseases associated with heart and liver failure.

Vide proceedings dated 31 January 2018, the NHRC found that there was medical negligence behind the death of the deceased and the negligence shown to the prisoner amounted to a violation of his human rights. Accordingly, the NHRC recommended compensation of Rs. 300,000 to the



NoK of the deceased. Currently, the case is pending for non-submission of the compliance report by the authorities.

#### Case 12: Death of J. Durga in judicial custody

This case concerned the death of undertrial prisoner J. Durga Rao (25) in District Jail, Vijaywada on 20 January 2014. The Jail officials claimed that the prisoner complained of breathlessness and he was admitted to the Government Hospital Vijayawada where he died during treatment. The Commission (Case No. 81/1/10/2014-JCD) examined all the relevant reports relating to the death of the deceased as furnished by the state authorities. The health screening report of the deceased prisoner indicated that he was not suffering from any disease at the time of the admission in the jail. The inquest as well as PM report did not notice any external injury on the person of the deceased. The magisterial enquiry report also concluded no foul play in the death of the deceased.

Thereafter, the NHRC referred the case record to the medical expert on its panel for his examination and opinion on the adequacy of treatment provided to the prisoner. After examining the case records, the medical expert of the NHRC held his opinion as follows:

“in my opinion, the deceased prisoner was not extended due medical care prior to his deterioration of his health on 20.1.2014. Even though he had serious incapacitating illness which should have been notice by the jail authorities. Had they identified the same in the initial stages and extended reasonable care including timely referral to Higher Centre, the outcome could have been different. Further it was appalling to note that the duty Doctor was found negligent when the prisoner was taken to Government Hospital on OPD 10.00 AM on 20.1.2014. He failed to extend due medical care in the form of basic professional clinical examination to detect the serious underlying health problems in the prisoner. Hence there is negligence on the part of jail officials and also the duty officer who treated him on OPD basis.”

Vide proceedings dated 16 January 2018, the Commission recommended Rs. 300,000 to the NoK of the deceased. On 27 February 2019, the Commission issued reminder to submit compliance report. Presently, the case is pending.

#### Case 13: Illegal detention and alleged rape of a minor girl

This case related to the illegal detention and alleged rape of a minor girl at S.R. Puram police station in Chittoor district in February 2013. According to information submitted to the

NHRC (Case No. 315/1/3/2013-PCR), on 1 February 2013, Sub Inspector (SI) of Police, S.R. Puram police station, took the daughter of Sampath, the complainant, and his elder sister-in-law to the police station, detained them on the pretext of a case and threatened them severely and asked them to sleep there itself during the night of 2 February 2013 and went away to his house. In the night Constable Gopi, who was on sentry duty, switched off the lights and taking advantage of the darkness raped the minor girl and threatened her not to reveal about the incident anyone. Sampath produced clothes of the victim girl which contained the semen of the accused constable but the SI reportedly did not take notice of his complaint.

After the matter was reported to the seniors, the accused Constable Gopi was arrested and suspended from duty. The SI was also suspended for detaining the victim and others illegally. However, no FIR was registered against the other police staff of the said police station. The Circle Inspector of Police was also chargesheeted for lack of supervision. The District Magistrate, Chittoor, sanctioned Rs. 60,000/- as compensation to the victim under the provisions of SC/ST Act.

Vide proceedings dated 1 February 2018 the Commission observed that the police of police station S. R. Puram illegally detained the minor girl, where she was raped by a police constable, along with her aunt in the station during night on 15 February 2013 violating their human rights. The

NHRC also directed the Superintendent of Police, Chittoor to forward the status report of the case registered against Constable T. Gopi and the outcome of departmental action against the concerned police officials. The Chief Secretary, Government of Andhra Pradesh was also directed to explain as to why a criminal case was not registered against the SI and five others for detaining the victim girl illegally in the police station. On 14 May 2018, the NHRC recommended to the Government of Andhra Pradesh to pay Rs.50,000 each to the minor girl and her aunt Smt. Hamsa. The case was closed on 8 August 2018 on compliance of the recommendation.

#### Case 14: Death of P. Manohar in judicial custody

This case (No. 1655/1/3/2014-JCD) pertains to the death of remand prisoner P. Manohar (28) in the custody of Special Sub-Jail Tirupati in Chittoor district on 13 December 2014. He was admitted to the jail on 23 December 2013. At the time of admission to jail, the prisoner was not suffering from any disease. The post mortem report stated that two injuries

*Undertrial prisoner Pendra Muthaiah died at Sub-Jail Nuzvid, Krishna district on 3 November 2013. He was normal at the time of admission in jail. He was rushed to Government General Hospital on 26 October 2013. Jail authorities claimed that he fell down in the bathroom. The Inquest Report revealed no visible external injuries except swelling on the head. The Forensic Expert of the NHRC however opined that the injuries mentioned in the Post-Mortem Report were not possible by a simple fall in the bathroom i.e. the deceased prisoner was subjected to torture. Further, deceased prisoner was recommended for admission under neurology doctor but admitted in psychiatry ward on 28 October 2013.*

of ante mortem in nature were found on mid occipital region of scalp and subarachnoid haemorrhage over right frontal lobe of the brain. The final opinion of the cause of death was given as death due to myocardial infarction with septic shock.

The Magisterial Enquiry report did not suspect any foul play or slackness on the part of jail authorities. Thereafter, the NHRC referred the matter to a medical expert on its panel, who opined that there was negligence on the part of jail officials in providing adequate treatment to the prisoner who was diagnosed with anaemia with hypoproteinemia and thereafter acute kidney disease.

Vide its proceedings dated 21 June 2018, the NHRC recommended to the Government of Andhra Pradesh to pay Rs. 300,000 as compensation to the NoK of the deceased. In response, the Director General, Prisons and Correctional Services, Andhra Pradesh, vide communication dated 14 December 2018 informed compliance of the recommendation. The Commission closed the case on 20 February 2019 after receiving the compliance report.

#### **Case 15: Death of Renimani Anjankumar in judicial custody**

This case (No. 294/1/4/2014-JCD) pertains to the death of undertrial prisoner, Renimani Anjankumar in the custody of Central Jail, Kadapa on 24 February 2014. He was admitted in the jail on 19 November 2013. On 24 February 2014, he complained of giddiness and was shifted to RIMS Hospital, Kadapa, where he was declared brought dead by the Doctor. The magisterial enquiry report did not find any suspicion of foul play in the death of the deceased and concluded that he died due to chronic lung disease.

The NHRC on examination of the records noted that there is no mention of any disease in the treatment record, and hence, sought an opinion of the Medical Expert on its panel on the adequacy of treatment provided to the deceased. The Medical Expert, after considering the material on record, opined that the cause of death being attributed to chronic lung disease can be misleading as sufficient evidence is not found in the histopathological analysis of the lung. The Expert further opined that there is inadequacy of the treatment provided by the authorities to the deceased.

Thus, on view of the Expert opinion, the NHRC concluded that no attempt was made to provide the undertrial prisoner adequate medical care. Hence, prima facie, a case of violation of human rights is made out and the State, being vicariously liable, is under duty to compensate the next-of-kin of the deceased. On 18 June 2018, the NHRC recommended Rs. 300,000 as compensation to the NoK of the deceased. The case is currently pending for compliance.

#### **Case 16: Death of Dulipudi Krishna in police custody**

The case concerned the death of Dulipudi Krishna, s/o Subhadrayya at Coringa police station in East Godavari district on 28 August 2013. On 28 August 2013, the police while conducting raids to apprehend gamblers arrested nine

persons. The case was registered on the same day and accused were released on bail one hour later. While the accused were leaving the station one of them namely Dulipudi Krishna suddenly collapsed and became unconscious. He was rushed to hospital but he died on the way. On the intervention of the NHRC (Case No. 1005/1/5/2013-PCD), relevant documents including post-mortem report, magisterial enquiry report etc were submitted. The post-mortem report revealed two external injuries on the left forehead and lower abdomen of the body of the deceased. On internal examination there was a radish contusion on scalp on left frontal area corresponding to the external injury on forehead. The magisterial enquiry report concluded that the death of Dulipudi Krishna was caused due Vaso-Vagal sock due to flight and fight as the injuries on his body were simple in nature and non-fatal and no lapse were found on the part of any authority or person.

There were also allegations of torture. The NHRC referred the matter to a doctor on its medical panel for his opinion to ascertain whether the accused died due to torture or otherwise. The expert noted that the injuries found on the body of the deceased were not sufficient to cause death in ordinary course of nature. However, even the simple injuries mentioned in the post-mortem examination report in relation to the victim, who was suffering from cardiac pathologies, could take a serious dimension as they theoretically made him susceptible to sudden cardiac death due to fatal cardiac arrhythmias. Therefore, the clear inference here is that though the injuries were not sufficient by themselves to cause death in the ordinary course of nature, in this particular case because of the pathologies of the victim those injuries precipitated his condition leading to the death. The expert also said that as there were allegations of torture, which may have also contributed to the death.

The Commission recommended Rs. 100,000 as compensation to the NoK of the deceased, which was accepted by the State government. But, the compliance report is yet to be submitted to the Commission. Currently, the case is pending.

#### **Case 17: Death of Kathi Lakshmiah in judicial custody**

This case concerned the custodial death of undertrial prisoner Kathi Lakshmiah (32) at Central jail, Nellore on 8 October 2014. The prisoner was admitted in the jail on 21 February 2014. The NHRC (Case No. 1376/1/15/2014-JCD) examined all the relevant reports relating to the death of the deceased as furnished by the state authorities. The health screening report of the deceased prisoner indicated that he was not suffering from any disease at the time of the admission in the jail.

The inquest as well as post-mortem report did not notice any external injury on the person of the deceased. According to the detail report submitted by the Superintendent of the Jail, the deceased complained of pedel edema, vomiting and accordingly he was treated in the jail Hospital. Thereafter he

was referred to DSR Government Hqr. Hospital where he was further referred to SBRR General Government Hospital Tirupati, but on 8 August 2014 after he was sent to SBRR Government Hospital the doctor declared him brought dead. Magisterial enquiry report concluded that no one was responsible for the death of the deceased and the deceased died due to heart attack.

The Commission after taking note of the contents of the aforesaid reports referred the matter to the medical expert on its panel for his examination and opinion. The medical expert after examining the materials on record observed that there was evidence of negligence in the case. Based on the expert opinion, the Commission observed that there was negligence on the part of the jail authorities in providing necessary treatment to the deceased prisoner and vide proceedings dated 23 July 2018 recommended the state government to pay compensation of Rs. 300,000 to the NoK of the deceased. The Commission closed the case on 29 May 2019 after receiving report of compliance of its recommendation.

#### Case 18: Torture of M Danial

##### Pradeep by a drunken police official

In his complaint to the NHRC, (Case No. 1053/1/4/2015), M. Danial Pradeep alleged that he along with his friends were subjected to severe beating and abused in filthy language by a drunken police official while they were approaching to board a private bus to go to Hyderabad on 21 August 2015. The complainant also alleged that the police official also attempted to kill him and subsequently he was taken for medical examination and after that he and his associates were implicated in a false case and sent to judicial custody at the instance of the accused police official.

Pursuant to the intervention of the Commission, the police submitted a report. In the report, it was intimated that the allegations made by the complainant was enquired into by the SDPO Kadapa which disclosed that two cases were registered. In the first case the complainant and his associates were arrested and sent to judicial custody and subsequently chargsheeted on 23 September 2015, in the second case the erring police official, his wife and daughter were arrested and released on bail, but no evidence was found against the SI P. Moinuddin. After investigation the case was chargsheeted.

In the meantime, the complainant furnished his comments and enclosed the medical reports to the Commission. The Commission took note of the contents of the said reply and it was found that the allegations made by the complainant were

prima facie substantiated. So the Commission held that the conduct of the erring Police official amounted to a gross violation of the human rights of the complainant and his associates. Accordingly, the Commission issued notice asking as to why the complainant should not be given compensation. In response to the notice, a report dated 23 January 2018 was received from the Secretary to Government of Andhra Pradesh. It was stated that the complainant had three occasions to disclose about the incident of assault on him by the Police official. The first occasion when he was sent for medical examination he did not say anything to the Doctor. Secondly when he was produced before the Court he did not say anything there. Next when he was in the jail, he did not

also say anything about his physical pain etc. there. Apart from that the allegations levelled by the complainant against the I.O. was proved false and baseless during course of investigation and it was stated that the Police officials had acted in accordance with law and in public interest and they were never indulged in violation of human rights, so it was not reasonable to pay any compensation to the complainant.

The Commission vide proceedings dated 18 July 2018 observed that “a Police official found scuffling and scolding a person in open public glare under the cover of his official position can never be said to be part of his duty. Similarly, the conduct of the SI of Police while taking up investigation into the matter could also not be said to be proper. In the circumstances, reply furnished by the State authorities was

not acceptable.” Accordingly, it recommended Rs. 25,000 as compensation to be paid to the victims. In a reply dated 15 April 2019, the Secretary to the Government of Andhra Pradesh stated that the recommended amount was placed at the disposal of the Collector & DM, YSR District, Kadappa and he was requested to furnish proof of payment directly to the Commission. Currently, the case is pending for compliance of the recommendation.

#### Case 19: Death of Thota Chenchu Maddilety

This case (No. 1108/1/4/2013-JCD) pertains to the death of convict prisoner Thota Chenchu Maddilety @ Maddelagaddus, s/o Machu Nagadu in the custody of Central jail, Kadapa on 7 October 2013. Pursuant to the directions of the Commission, the authorities submitted the Inquest Report, Post-Mortem Report, Viscera Report, Health Screening Report, Treatment records and Magisterial Enquiry Report. The Inquest Report did not reveal any injury on the body of the deceased. The Post-Mortem Examination Report

*On 6 October 2018, Shaik Babar Basha (28) died due to alleged torture in police custody at Ulavapadu police station in Prakasam district of Andhra Pradesh. The deceased, a resident of Velupadu village of Dagadarthi mandal in Nellore district, was arrested for questioning in connection with a case of theft of a vehicle following a complaint lodged against him by one Santosh at Ulavapadu police station on 4 September 2018. Police claimed on 6 October when the police along with the deceased was ready to move to Guntur to recover the stolen vehicle the deceased complained of chest pain and was rushed to Ulavapadu Primary Health Centre for first aid.*



also indicated no injury on the body of the deceased. The final cause of death was opined to be, "Chronic lung disease (natural death)".

The Health Screening Report of the deceased prisoner indicates that his health was normal at the time of admission to the Jail. The treatment records indicated that the deceased was treated in the Jail Hospital many times for cold, cough and fever as outpatient and referred to high centre. The magisterial enquiry report did not raise any suspicion over the death of the convict.

The Commission perused the record and observed that the deceased was 41 years old prisoner and died due to, "Chronic lung disease" which is curable if diagnosed in time and treated properly. Therefore, the Commission directed to obtain opinion of the forensic expert on the panel of the Commission to ascertain as to whether there was any medical negligence in diagnosis and treatment of the prisoner. On the basis of the expert opinion, the Commission concluded that there was medical negligence in the treatment of the prisoner, therefore, the State is vicariously liable for the negligence of the public servant. On 26 November 2018, the Commission recommended Rs. 200,000 to the NoK of the deceased for violation of his human rights. The State government agreed to pay the compensation. Currently, the case is pending for want of the compliance report.

#### **Case 20: Tortured to death of Pendra Muthaiah in judicial custody**

This case (No. 1209/1/6/2013-JCD) pertains to custodial death of undertrial prisoner Pendra Muthaiah (25), s/o Mugaiah at Sub-Jail Nuzvid, Krishna district on 3 November 2013. The Health Screening Report of the deceased indicated he was normal at the time of admission in jail. The treatment records of the deceased indicated he was rushed to Government General Hospital, Nuzvid on 26 October 2013 where he fell down in the bathroom in the morning of the same day. He was referred to GGH Guntur on 28 October 2013. He died on 3 November 2013.

The Inquest Report revealed no visible external injuries. However, there was swelling on the head due to fall. The Panchayatdar opined that the deceased fell down on 26 October 2013 and got injury on the head and back. He was treated for the injuries etc. and died while availing treatment. However, the relatives of the deceased alleged police torture causing death of the prisoner.

The magisterial enquiry report had concluded that the deceased died due to head injury. The Commission referred the matter to the Forensic Expert on its panel for his opinion. The Forensic Expert opined that the deceased was not provided any treatment from 26 October 2013 to 28 October 2013. In respect to the manner of injury sustained by the deceased, he was of considered opinion that the injuries mentioned in the Post-Mortem Report were not possible by a simple fall in the bathroom i.e., the deceased prisoner was

subjected to torture while in jail. Further, it was noted that deceased prisoner was recommended for admission in 'Prison Ward' under neurology doctor. However, the deceased was admitted in Psychiatry ward on 28 October 2013.

Accordingly, the Commission concluded that due to physical injuries caused to the deceased while in jail and subsequent negligence of the public servants in treating him, the prisoner died. Further, he was admitted in wrong ward. And he was also not provided any treatment after his fall in the bathroom. This is a clear case of violation of human rights on the part of the public authorities which had resulted in death of the prisoner.

Vide proceedings dated 26 November 2018, the Commission recommended Rs. 500,000 to the NoK of the deceased for violation of his human rights. Currently, the case is pending for want of the compliance report.

#### **Case 21: Death of Nalabai Subrhamanyam in judicial custody**

This case (No. 1359/1/15/2015-JCD) pertains to death of a remand prisoner Nalabai Subrhamanyam @ Chinnodu, (34) in the custody of Special Sub-jail, Gundur on 23 October 2015. He was admitted in the Special Sub-jail, Gundur, Andhra Pradesh on 31.10.2015. Due to his stomach pain he was referred to Government Area Hospital, Gundur for treatment where he died.

The health screening report of the deceased revealed that he was not suffering from any disease at the time of his admission in the jail. Inquest was held and post mortem was conducted. There was no external injury. The cause of death was due to myocardial infarction. The Magisterial enquiry report stated that there was lapse on the part of doctors who provided treatment to the subject and also lapse on the part of the Superintendent, Special Sub-jail Gundur, as he did not inform the family members of the deceased regarding his illness.

On examination of the reports, the Commission stated that the human rights of the deceased as well as his close relatives were violated by the lapse of the public servants for which the State is vicariously liable. The Commission vide proceedings dated 14 November 2018 recommended Rs. 100,000 to the NoK of the deceased for violation of his human rights. Currently, the case is pending for want of compliance report.

#### **Case 22: Death of R Sivaji in judicial custody**

This case (No. 890/1/3/2013-JCD) pertains to the death of undertrial prisoner R. Sivaji (23) in the custody of Sub Jail, Madanapalli on 29 July 2013. He was admitted to the jail on 18 January 2013 and at the time of admission to the jail, he was normal. The prisoner was treated at Area Hospital, Madanapalli on 28-29 July 2013 for vomiting, dehydration and abdominal pain. The inquest and post-mortem reports did not reveal any external injury on the body of the deceased. The cause of death was opined that the deceased seem to have

died of severe dehydration, leading to Dyselectrolytaemia which ultimately taken to cardio respiratory failure.

The Commission referred the matter to a forensic expert, who opined that there was clear negligence in this case by the attending doctor of jail who instead of providing intravenous fluid referred without basic management. From the opinion of the forensic expert, the Commission inferred that by not providing adequate medical care to the deceased, prima-facie it is established that no attempt was made to provide timely treatment to the deceased. Hence, a case of violation of human rights is made out and the State government is liable to compensate the NoK of the deceased. Accordingly, it asked the State government as to why it should not recommend compensation.

In response, DG of Prisons & Correctional Services, Andhra Pradesh stated that there was no delay in providing treatment, hence compensation to the NoK of the deceased would not be justifiable. The Commission vide proceedings dated 6 December 2018 rejected the contention and recommended Rs. 100,000 to the NoK of the deceased. Currently, the case is pending for want of compliance by the State government.

### 3. Torture in India during July 2019

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

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

The law enforcement continued to resort to torture including in custody across the country. During July 2019, some of the emblematic cases are as under:

##### Case 1: Attempted suicide by Shera due to alleged police torture, Punjab

On 24 July 2019, Shera (25) attempted to commit suicide due to alleged torture and other forms of harassment by the police personnel of Fatehgarh police Chowki in Amritsar district of Punjab. The victim, a resident of Nangli Bhatha village in the district was allegedly subjected to torture and harassment by the police personnel of Fatehgarh police chowki for the last two months in connection with an elopement case. The victim's father alleged that the police continuously harassed them for the last two months in the name of investigation of the case. He further alleged that his son was falsely implicated in the case of the girl's elopement.

Because of continuous torture and harassment by the police, Shera attempted to take the extreme step.<sup>34</sup>

##### Case 2: Death of tribal Harichandra Marabi in Excise police custody, Chhattisgarh

On 24 July 2019, Harichandra Marabi (25), a tribal, died under mysterious circumstances in the custody of Excise Department Office in Kawardha town under Kabirdham district, Chhattisgarh. The deceased, a resident of Benda village in Kabirdham district, was picked up by the officials of Excise Department on 23 July 2019 from his house for interrogation in connection with alleged selling of illicit liquor. After arrest the deceased was detained at the Excise Department Office in Kawardha town, where he died in their

custody on the next day. According to the police, on 24 July morning, the deceased allegedly committed suicide by hanging himself in the bathroom of the Excise Department Office.<sup>35</sup>

##### Case 3: Death of Chotu due to alleged torture, Uttar Pradesh

On 22 July 2019, Chotu alias Vinay (20) died due to alleged torture at Mainpuri Kotwali police station in Mainpuri district jail in Uttar Pradesh. The deceased was arrested by the police along with his brother on 21 July in connection with alleged illicit liquor trade. After arrest they were kept at the Mainpuri Kotwali police station and sent to judicial custody in Mainpuri district jail. On 22 July, the deceased Chotu died in the District Hospital, Mainpuri. The jail officials claimed that on 21 July the deceased fell ill and he

was taken to the jail hospital. When his condition deteriorated, he was shifted to the district hospital where the doctors declared him brought dead on 22 July. The deceased's uncle Tilak Singh alleged that Chotu died due to torture by Sub-Inspector Sohanpal Singh of Mainpuri Kotwali police station as well as the jail officials of Mainpuri jail. The deceased's uncle further claimed that several injuries marks were found on the deceased's body. According to the post-mortem report, the deceased had suffered 17 internal injuries and the liver was badly damaged.<sup>36</sup>

##### Case 4: Custodial death of Mukesh Kumar, Delhi

On 21 July 2019, Mukesh Kumar (25) died in the custody of Delhi Police while he was being brought to Delhi from Jaipur, Rajasthan in connection with a kidnapping case. Police claimed that Kumar died allegedly after he suffered an "attack of tuberculosis". Kumar, a resident of the JJ colony, Bakkarwala village in outer Delhi, was detained by Jaipur police on 21 July and alerted their counterparts in Delhi, who reached there to take him into their custody. As per the police,

*A minor girl was raped by constable named Gopi at S.R. Puram police station in Chittoor district, Andhra Pradesh on 15 February 2013 after being held in illegal detention. Though, the Constable was arrested and suspended from duty, no FIR was registered against the other police staff of the said police station. On 1 February 2018, the NHRC directed the Chief Secretary, Government of Andhra Pradesh to explain as to why a criminal case was not registered against the Sub-Inspector and five others for detaining the victim girl illegally in the police station. NHRC recommended to pay Rs.50,000 each to the minor girl and her aunt Smt. Hamsa but it was too meagre.*

Kumar was being brought back in a car from Jaipur but when they were about to enter Delhi, he reportedly started coughing and vomiting. The police team stopped there, but Kumar's health continued to deteriorate following which he was taken to a nearby hospital. He was declared dead.<sup>37</sup>

**Case 5: Death of tribal Pankaj Kumar Bek due to alleged torture, Chhattisgarh**

On 21 July 2019, Pankaj Kumar Bek (30), a tribal, died under mysterious circumstances in the custody of Ambikapur police station's cyber cell in Surguja district of Chhattisgarh. The deceased, a resident of Surajpur district, was arrested by the police along with another person identified as Imran Khan in connection with an alleged case of theft on 11 July 2019. On 21 July, they were taken into custody for interrogation. According to the Police, the deceased asked for permission to go to the toilet and then fled from their custody. Later, he was found hanging from the window cooler of a private hospital, about 300 metre from the cyber cell. But the family members of the deceased alleged that he was tortured to death in police custody and there were injuries on the body.<sup>38</sup>

**Case 6: Death of Sunil Lodhi in police custody, Odisha**

On 20 July 2019, Sunil Lodhi, a resident Madhya Pradesh, died in the custody of Dharaudihi police station in Sundergarh district, Odisha. The deceased was arrested for allegedly buying a minor girl from Sundergarh district and later marrying her forcefully. A ligature mark was found on the neck of the deceased. Police claimed he died due to injuries after slipping in bathroom.<sup>39</sup>

**Case 7: Death of Baljinder Singh due to alleged torture, Punjab**

On 19 July 2019, Baljinder Singh (28) died in police custody at the City Bus Stand police post in Amritsar district in Punjab. Baljinder, a resident of Khanwala village in the district, was detained under preventive custody for questioning in connection with a case. Police claimed Baljinder committed suicide by hanging himself with a belt from the iron rod of a window in the lock-up. He was rushed to the Civil Hospital in Amritsar where he was declared brought dead. However, the family of Baljinder alleged foul play in his death.<sup>40</sup>

**Case 8: Alleged torture of journalist Shayam Joshi, Uttar Pradesh**

On 16 July 2019, a journalist identified as Shayam Joshi (38) was allegedly tortured by the Post-in-charge Rajendra Singh, Sub Inspector Yashpal Singh, constables Dharmendra Kumar and Rohit Kumar of Adig police post at Jamunavata Chowk in Govardhan area in Mathura district, Uttar Pradesh. The victim stated that on the night of 16 July he was beaten up by the police personnel belonging to the Adig post when he had requested the police personnel on duty to not park their vehicles in the middle of a road since people were already pained by traffic congestion. Four police personnel were found guilty in the case by a government appointed

committee, and they were suspended.<sup>41</sup>

**Case 9: Custodial torture of cancer patient Akhil Bose, Kerala**

On 16 July 2019, Akhil Bose (32), a cancer patient, was allegedly tortured at Pala police station in Kottayam district, Kerala. The victim's brother stated that Akhil was beaten by the Assistant Sub Inspector identified as Joby George in custody. Police claimed that Akhil was booked for drunken driving while the victim had told the police that he had consumed only medicines for cancer and had insisted on a medical test. Because of the torture, the victim had to be hospitalised. Following the incident, the accused police officer was suspended.<sup>42</sup>

**Case 10: Death of Sanjay Rai due to alleged police torture, Haryana**

On 15 July 2019, Sanjay Rai (32) died due to alleged torture in the custody of Faridabad cyber crime cell, Sector 30 in Faridabad district of Haryana. The deceased, a resident of Sector 22, Faridabad, was picked up by the police on 15 July 2019 in connection with an alleged cheating case of life insurance policies. After arrest the deceased was taken to the Faridabad cyber crime cell and died in police custody on the same day. The police claimed that during interrogation the deceased suddenly collapsed and was rushed to a hospital, where the doctors declared him brought dead. However, the deceased's family members alleged that the deceased was tortured by the police in the custody, resulting in his death.<sup>43</sup>

**Case 11: Custodial torture of Dalit Ramesh Makwana, Gujarat**

On 14 July 2019, Ramesh Makwana (28), a Dalit and resident of Paldi village in Una Taluka in Gir-Somnath district, Gujarat, was subjected to torture by two police personnel at Una police station. In his complaint, the victim alleged that he was tortured by the two accused policemen identified as Ajitsinh and Jairajsinh for demanding the case papers of an accident involving his elder brother. As the police refused to give the papers, an argument ensued between them following which he was beaten up with sticks and abused on caste line. Following the complaint, both the accused were booked.<sup>44</sup>

**Case 12: Alleged custodial torture of Imtiyaz Sabbir Miyan, Gujarat**

On 13 July 2019, Imtiyaz Sabbir Miyan (36) was allegedly tortured in police custody at Champaner police chowki in Vadodara district, Gujarat. The victim, an employee of a car repair showroom and a resident of Wadi locality in the district, was picked up by the police on 11 July on the suspicion of being involved in a case of car theft from the repair showroom. The victim was released after two hours but on 13 July he was again arrested by the police for further interrogation. The victim alleged that during interrogation on 13 July the police subjected him to torture at Champaner police chowki. The victim's wife also alleged that her husband was tortured in police custody in order to confess to the crime.<sup>45</sup>



### Case 13: Death of Ganesh Ravidas due to alleged torture, Bihar

On 11 July 2019, Ganesh Ravidas (52), a leader of a political party and belonging to the lower caste Mahadalit community of Bihar, died due to alleged torture at the Nagarnausha police station in Nalanda district, Bihar. The deceased was picked up by the police on 10 July on suspicion of being involved in a kidnapping case. After arrest the deceased was taken to the Nagarnausha police station and died in police custody on 11 July. The police claimed the deceased committed suicide in the toilet of the police station. The deceased was rushed to a primary health centre, where the doctors declared him brought dead. However, the deceased's family members alleged that the deceased was tortured by the police in the custody, which led to his death.<sup>46</sup> There were allegedly cut marks on the body of the deceased suggesting of torture in police custody. On 15 July, the National Human Rights Commission (NHRC) issued notice to the Director General of Police, Bihar calling for reports including Inquest Report, Post-mortem Report, Magisterial Enquiry Report etc in the matter.<sup>47</sup>

### Case 14: Death of minor Dhiraj Singh Rana due to alleged torture, Uttarakhand

On 11 July 2019, a minor boy identified as Dhiraj Singh Rana (17), s/o Brijendra Singh Rana died due to alleged torture at Sidcul police station in Rudrapur city in Udham Singh Nagar district, Uttarakhand. The deceased, a resident of Sisona in the district, was picked up on 10 July 2019 and detained at Sidcul police station for questioning in connection with an alleged theft case. The deceased was kept in police custody at the police station for the whole night and allegedly subjected to torture during interrogation. He was reportedly found dead at the police station the next morning. The police claimed the minor boy committed suicide in the lock-up by hanging with his shirt. However, the family members of the deceased alleged the deceased was tortured to death in the lock-up.<sup>48</sup>

### Case 15: Death of Vinod in police custody, Tamil Nadu

On 11 July 2019, Vinod (24) died in police custody in Cuddalore district, Tamil Nadu. The deceased, a resident of Oorithiraisolai area in the district, was arrested on charges of ATM theft. Police claimed he committed suicide by hanging himself from the window of the toilet using his own lungi. According to the police, Vinod was taken to the station at 9:45 am, and after a few minutes, told the police that he

wanted to urinate. But in the bathroom, he allegedly hung himself from the window of the toilet using a lungi.<sup>49</sup> On 12 July, the NHRC directed to the Director General of Police (DGP), Tamil Nadu to submit reports pertaining to this case.<sup>50</sup>

### Case 16: Custodial torture of Dalit Raju, Uttar Pradesh

On 5 July 2019, 41-year-old Raju, a Dalit, was allegedly tortured by the police at Bichhwan police station in Mainpuri district, Uttar Pradesh. The victim, a resident of Bulandshahr district, alleged that the police personnel of Bichhwan police station tortured him when he went to file a complaint about the kidnapping of his 38-year-old wife by three unidentified persons from the Aligarh-Kanpur highway on the night of 5 July 2019. The victim alleged that when he approached police station for help, the police officials instead of helping him assaulted him. Hours later, the wife of the torture victim reported to the police that she had been gang raped after abduction. The victim reportedly suffered injuries on his back and legs due to police torture.<sup>51</sup>

### Case 17: Death of Sunny Kumar due to alleged torture, Punjab

On 5 July 2019, Sunny Kumar, a 25-year-old prisoner, lodged at the Central Jail, Ludhiana in Punjab for drug smuggling, died at the PGIMER, Chandigarh under mysterious circumstances. The deceased was undergoing treatment at the PGIMER since 3 July 2019. He was arrested by police of the Koom Kalan police station in June 2019 with 25-gram drug powder along with his aide identified as

Joginder. The kin of the deceased accused the Koom Kalan police of beating him in police custody after he was arrested on 25 June 2019 and since then, his health deteriorated. According to deceased's brother Harpreet, when he had gone to meet his brother recently his brother told him that the police had beaten him badly in custody. The police, however, denied that Sunny was beaten up at the police station and stated that he was already suffering from a disease.<sup>52</sup>

### Case 18: Death of Bandhan Mohanty in police custody, Odisha

On 3 July 2019, Bandhan Mohanty (20) died in police custody at the Naugaon police station in Jagatsinghpur district, Odisha. The deceased was arrested by the police on the night of 2 July 2019 in connection with an altercation with a local shopkeeper. On the same day, the deceased was admitted to a government community health centre in a critical condition and died the next morning. The police claimed that the deceased was beaten up by the public before

*It is not only police but any authority which is empowered to arrest, resort to torture. On 24 July 2019, Harichandra Marabi (25), a tribal, died in the custody of Excise Department Office in Kawardha town under Kabirdham district, Chhattisgarh. The deceased, a resident of Benda village in Kabirdham district, was picked up by the officials of Excise Department on 23 July 2019 from his house for interrogation in connection with alleged selling of illicit liquor. After arrest the deceased was detained at the Excise Department Office in Kawardha town, where he died in their custody on the next day. The police claimed that the deceased committed suicide.*

he was taken into custody. However, the deceased's family members alleged that on 2 July the deceased was tortured in police custody leading to serious injuries and eventual death.<sup>53</sup>

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

Conditions of prisons remained torturous across the country. In its latest prison report of 2016, the National Crime Record Bureau (NCRB) revealed how prisons have fallen off the state governments' priority list as many jails remain over crowded, and understaffed. According to the report, out of 4,33,003 prisoners lodged in the 1,400 jails across the country as on 31 December 2016, there are 2,93,058 under trials, 1,35,683 convicts and 3,089 detainees. In other words, the undertrials comprised more than 67% of the total prisoners.<sup>54</sup>

As per the NCRB report, the top five states where maximum deaths of inmates in prison were reported in 2016 were - Uttar Pradesh (429), Madhya Pradesh (146) Punjab (152), Maharashtra (121) and Rajasthan (97).<sup>55</sup>

While deaths of prisoners as a result of torture, ill treatment, lack of medical facilities, etc in the jails continued to be reported. During July 2019, some of the cases documented included are as under:

On 29 July 2019, undertrial prisoner Ajit Yadav (20) died in the custody of Barh jail in Patna district of Bihar. The deceased was arrested and sent to judicial custody in connection with a kidnapping case. Jail officials claimed the deceased's health suddenly deteriorated for which he was taken to the hospital. After preliminary treatment he was referred to the Patna Medical College and Hospital (PMCH) where he died. However, the family members of the deceased accused the jail administration of negligence in providing treatment, resulting in the death.<sup>56</sup>

On 28 July 2019, undertrial prisoner Chinnaswamy (35) died under mysterious circumstances in the custody of Parappana Agrahara Central Prison in Bangaluru, Karnataka. The deceased was arrested in a murder case. The jail officials claimed that on 28 July morning, the deceased had an accidental fall from the passage of the barrack where he was lodged and his body was found lying in a pool of blood. The deceased was rushed to the hospital, where the doctors declared him brought dead.<sup>57</sup>

On 24 July 2019, undertrial prisoner Chandrika Ram (40) died under suspicious circumstances in the custody of Bettiah Divisional jail in West Champaran district, Bihar. The deceased was arrested and sent to judicial custody on 23 July 2019 in connection with an alleged alcohol related case. Jail officials claimed that in the morning of 24 July the deceased's health suddenly deteriorated, after which he was taken to the Government Medical College, Bettiah where he died on the same day. However, the family members alleged that the deceased was absolutely healthy when he was taken to the

custody. They also alleged denial of proper treatment in the hospital.<sup>58</sup>

On 22 July 2019, Santosh Kumar (28) died under mysterious circumstances in the custody of Faridabad district jail in Haryana. The deceased, a convict, was lodged at the district jail since March 2019. The jail officials claimed that in the early morning of 22 July the deceased committed suicide by using his shirt in the bathroom of his barrack.<sup>59</sup>

On 22 July 2019, undertrial prisoner identified as Ms Chintala Saroja (24), w/o Chintala Bhaskar died under mysterious circumstances at the Sangareddy district jail in Telangana.<sup>60</sup> The deceased, a resident of Ganesh Nagar in Siddipet district of Telangana, was arrested by the police in May 2019 in connection with alleged killing of her two sons. The jail officials claimed that on 22 July the deceased committed suicide by hanging from the ceiling of the jail bathroom. The deceased was rushed to the Government Hospital in Sangareddy where the doctors declared her brought dead.<sup>61</sup>

On 21 July 2019, undertrial prisoner identified as Gurbinder Singh (29) died in the custody of Central jail in Amritsar district of Punjab. The deceased, a resident of Amritsar district, was arrested by the customs officials on 30 June 2019 and sent to judicial custody on 2 July 2019 in connection with an alleged drugs smuggling case. Jail officials claimed on 18 July the deceased was admitted to the jail hospital after his health deteriorated. On 21 July he was referred to the Guru Nanak Dev Hospital in Amritsar in critical condition where he died on the same day. The state government ordered a magisterial inquiry into the custodial death.<sup>62</sup>

On 21 July 2019, undertrial prisoner identified as Radhe Dhimar (35) died in the custody of Central jail in Bhopal district of Madhya Pradesh. The deceased was a resident of Rewa district in the state. Jail officials claimed the deceased was taken to the Hamidia Hospital, Bhopal on 1 July 2019 after his health deteriorated. He died at the same hospital on 21 July 2019.<sup>63</sup>

On 21 July 2019, undertrial prisoner identified as Shri Kumar (40) died in the custody of Central jail in Bhopal, Madhya Pradesh. The deceased, a resident of Begumganj in Raisen district, was arrested and sent to judicial custody under Protection of Children from Sexual Offences Act, 2012. Jail officials claimed that at around 5:30 pm of 21 July, the health of the deceased suddenly deteriorated, and he was taken to the hospital, where he died on the same day.<sup>64</sup>

On 20 July 2019, undertrial prisoner identified as Praveen Ram (27) died in Beur Central Jail of Patna district in Bihar. The deceased, a resident of slums near Bhikhari Thakur bridge under the Gardanibagh police station area in the district, was arrested on 17 July 2019 in an inebriated state. Jail officials claimed the deceased was a liquor addict. On 19 July 2019, the deceased was injured in prison custody under mysterious

circumstances and was admitted to the Patna Medical College and Hospital (PMCH) where he died the next day.<sup>65</sup>

On 18 July 2019, undertrial prisoner identified as Priyaranjan Singh alias Bholu (30) died under mysterious circumstances at Darbhanga Divisional Jail of Darbhanga district, Bihar. The deceased was lodged at Darbhanga Divisional Jail from August 2018 in connection with a theft case. The jails officials claimed that on 18 July morning at around 2 am, the deceased was found hanging from the ceiling of a cell.<sup>66</sup>

On 16 July 2019, undertrial prisoner identified as Judgebir Singh (27) died due to alleged torture at Central jail in Amritsar district, Punjab. The deceased was arrested in a narcotic related case in June 2019 and sent to judicial custody in Central Jail, Amritsar. He died in the Civil Hospital, Amritsar on 16 July. Jail officials claimed that on 16 July morning the deceased complained of breathlessness and was admitted to the Civil Hospital where he died on the same day. The deceased's family members alleged that Judgebir Singh died due to torture in the jail.<sup>67</sup>

On 16 July 2019, a convict identified as Vadla Venkatesh (62) died under mysterious circumstances at Nizamabad Central Jail in Nizamabad district, Telangana. The deceased, a resident of Argonda village in Kamareddy district of the state, was convicted in connection with a murder case. The jail officials claimed the deceased was found hanging in the bathroom window rods of the jail.<sup>68</sup>

On 14 July 2019, a convict identified as Hari Yadav died at Begusarai district jail in Bihar. The deceased, a resident of Phulwaria village in the district, was serving life imprisonment in the jail from 2013 in connection with a murder case. Jail officials claimed that on 13 July the deceased's health suddenly deteriorated, after which he was admitted at Sadar Hospital, Begusarai, where he died on 14 July during treatment. However, the family members of the deceased accused the jail administration of negligence in providing timely medical treatment at the jail as well as denial of proper treatment in the hospital by the doctors.<sup>69</sup>

On 13 July 2019, undertrial prisoner identified as Tarlochan (52) died under mysterious circumstances at Muktsar jail in Sri Muktsar Sahib district, Punjab. The deceased was arrested on 14 April 2019 in connection with a rape case and subsequently lodged in Muktsar jail. The jails officials claimed that the deceased committed suicide with a cloth tied to a window in the jail.<sup>70</sup>

On 10 July 2019, undertrial prisoner identified as Pagulu Khandei (35) died under mysterious circumstances at Nilagiri sub-jail in Balasore district, Odisha. The deceased, a resident of Nuasahi village under Nilagiri town in the district, was arrested in connection with an excise case and subsequently lodged in Nilagiri jail. The jails officials claimed that the prisoner developed fits and was rushed to hospital, where he was declared dead. However, the deceased's family members alleged delay in initiating treatment by the jail officials, which led to his death.<sup>71</sup>

On 8 July 2019, a convict identified as Bhagwan Yadav (43) died at Buxar Central jail in Buxar district, Bihar. The deceased, a resident of Kharua village in Rohtas district, was serving life imprisonment in connection with a murder case.

He was shifted from Rohtas district jail to Buxar Central Jail in 2005. Jail officials claimed that deceased's health was not good for the last several months and he was undergoing treatment at the central jail. Jail officials further claimed one month ago, when the health of the deceased deteriorated he was admitted to Sadar Hospital, Buxar where he died on 8 July.<sup>72</sup>

On 7 July 2019, undertrial prisoner Kamlesh Mishra (45), s/o Ramji Mishra died at Ballia district jail in Uttar Pradesh. The deceased, a resident of Sikandarpur in the district, was arrested and sent to judicial custody on 2 November 2018 in connection with a case of selling of liquor illegally. Jail officials claimed that the deceased was suffering from epilepsy disease and in the night of 6 July the deceased's health suddenly deteriorated, after which he

was taken to the district hospital. Later, he was referred to Varanasi in critical condition, where he died on 7 July.<sup>73</sup>

On 6 July 2019, an undertrial prisoner identified as Jaswinder Singh alias Soni (30) died under mysterious circumstances at Central Jail Hoshiarpur in Punjab. The victim, a resident of Gill Patti in Ludhiana district, was arrested and booked under the Narcotic Drugs and Psychotropic Substances (NDPS) Act in March 2019. Since then he had been lodged in Central jail, Hoshiarpur. Jail officials claimed that on 5 July morning the deceased committed suicide by hanging with his turban. He was declared brought dead in the hospital.<sup>74</sup>

On 3 July 2019, a Nigerian national identified as Kumbha Roderick (26) died under mysterious circumstances at Mathura jail in Uttar Pradesh. The deceased was arrested in September 2018 by police in Mathura under section 14 of the Foreigners Act, various sections under IPC and the IT Act.

*From 3-7 July 2019, a 35-years-old Dalit woman was allegedly illegally detained and subjected to torture and rape in police custody by nine police personnel including Station House Officer identified as Ranveer Singh of Sardarshahar police station in Churu district of Rajasthan. She was picked up by the police after her brother-in-law was arrested in a theft case on 30 June 2019, who subsequently died in custody. She was illegally detained and kept at the Sardarshahar police station on 3 July 2019. During her detention she was allegedly gang-raped by nine police personnel and further subjected to torture including plucking her nails, for which she had to be admitted to hospital.*



Since then the deceased had been lodged in Mathura jail. Jail officials claimed that on 2 July 2019 the deceased complained of uneasiness and was admitted at jail hospital. When his condition started deteriorating he was taken to the district hospital, Mathura, where he died on the morning of 3 July.<sup>75</sup>

### 3.3. Torture and sexual violence against women and children

Despite numerous Supreme Court judgements and enactment of the Criminal Law Amendment Act 2013 women continue to face torture and sexual violence at the hands of the law enforcement personnel. During July 2019, some of the reported cases are as under:

From 3-7 July 2019, a 35-years-old Dalit woman was allegedly illegally detained and subjected to torture and rape in police custody by nine police personnel including Station House Officer identified as Ranveer Singh of Sardarshahar police station in Churu district of Rajasthan. The victim stated that on 3 July 2019 she was picked up by the police after her brother-in-law was arrested in a theft case on 30 June 2019, who subsequently died in custody. She alleged that she was illegally detained and kept at the Sardarshahar police station on 3 July 2019. During her detention she was allegedly gang-raped by nine police personnel including Station House Officer Ranveer Singh of Sardarshahar police station. The victim's husband alleged that after 7 days his wife came back home on 10 July 2019 in a bad condition. The victim's husband further alleged that beside custodial rape of his wife, she was subjected to torture including plucking of her nails, for which she had to be admitted to hospital.<sup>76</sup>

On 23 July 2019, a minor boy (7) was allegedly sexually assaulted by police constable Kuldeep Singh Jatav at his rented accommodation in Govardhan area of Mathura district in Uttar Pradesh. The accused constable was attached to Govardhan police station. According to the victim's father, on 23 July the accused committed unnatural sexual act with his minor son at his rented accommodation. The incident came to light when the victim was crying for help and the local residents gathered at the spot and caught the accused police constable.<sup>77</sup>

On 11 July 2019, an FIR was lodged against two sub-inspectors attached to Awagadh police station in Etah district, Uttar Pradesh on the charge of repeated rape of a 27-year-old married woman. The action was taken a day after the victim and her husband approached the police with a complaint. The accused police personnel identified as Yogesh Tiwari and Prem Kumar Gautam were booked under IPC sections 376(2)(A)(1) (police officer commits rape within limits of police station to which he is appointed), 506 (criminal intimidation) and 120B (criminal conspiracy). According to the complaint filed by the victim, she became three-months pregnant following the repeated rape by the accused. She claimed that she was raped several times by the two accused in

the absence of her husband and filmed the acts. The accused threatened to kill her husband and shared the video of the sexual assault in public domain to humiliate her. The victim also alleged that prior to filing of the complaint the accused had forced her and her husband to sign on a blank Rs 50 stamp paper.<sup>78</sup>

On 9 July 2019, a Sub-Inspector was suspended after a 23-year-old woman accused him of raping her in the Civil Lines area in Meerut district, Uttar Pradesh. According to police, the victim alleged that the accused Sub-Inspector identified as Vijay visited her house on the pretext of an investigation and raped her. On the basis of a written complaint by the victim, a case was registered against Vijay.<sup>79</sup>

### 3.4 Judiciary's action against torture

The judiciary regularly adjudicates cases of illegal, unjustified and unwarranted arrests, extracting confession from persons by way of custodial violence, which often results in death.

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

#### Case 1: Supreme Court seeks governments' reply on establishment of human rights courts

On 8 July 2019, the Supreme Court issued notice to the Union Home Ministry and State/UT governments on a Public Interest Litigation (PIL) seeking directions from the apex court to establish human rights courts for each district across the country and to appoint special public prosecutors to compulsorily conduct speedy trials of offences arising out of human rights violations within a specified time frame. Section 30 of the Protection of Human Rights Act, 1993 mandates the establishment human rights courts for each district. The PIL referred to various human rights violations including torture reported by the NHRC and other national and international media. The PIL was heard by a three-judge bench comprising Chief Justice Ranjan Gogoi, Justices Deepak Gupta and Aniruddha Bose.<sup>80</sup>

#### Case 2: Madras High Court seeks action against police in a custody death case

On 2 July 2019, the Madras High Court, while hearing a petition that sought disciplinary action against police in a 2011 custodial death case, asked why there was delay in disposing of the disciplinary proceedings. The Madurai Bench of the High Court directed the Home department to file a counter in the case. The petition filed in 2015 by C. Poomayil, wife of the deceased, Markandeyan who allegedly committed suicide in the police station due to torture and harassment. In 2011, Markandeyan, along with his wife, had gone to the police station to file a complaint after their 19-year-old daughter went missing. Later, Markandeyan was detained at Oomachikulam police station, where he was found dead, hanging in the police station with injury marks on his body. The petitioner sought disciplinary action against the police

personnel involved and appropriate compensation to the family.<sup>81</sup>

### Case 3: Orissa High Court directs State government to provide information on custodial deaths

On 1 July 2019, Orissa High Court directed the State Government of Odisha to provide information on custodial deaths under the Right to Information Act and dismissed a petition filed by the State government challenging an order issued by the State Information Commission to provide information under RTI Act. The State authorities rejected an application seeking information on custodial deaths in police stations and prisons between 1 January 1989 and 31 December 2006 filed by RTI activist Biswapriya Kanungo. The application was rejected on 14 May 2007 citing that the information did not come under purview of RTI Act.<sup>82</sup>

### Case 4: Landmark ruling by Kerala High Court in an illegal detention case

On 8 July 2019, the Kerala High Court told the state government of Kerala and Police that “a good end will not justify bad means, especially when an individual’s right to freedom and privacy are violated”, while upholding a single bench’s finding that being Maoist is not a crime in a case of illegal detention. Declining to interfere with the compensation of Rs 100,000 ordered by a single bench in 2015 for illegal detention and house search without a warrant by alleging Maoist link, a division bench comprising chief justice Hrishikesh Roy and justice AK Jayasankaran Nambiar said as the guardian of fundamental rights, the high court reviews the state’s action on the doctrine of proportionality to see whether the restriction on a citizen’s liberty was strictly required by the exigencies of the situation.<sup>83</sup>

The judgment authored by Justice Jayasankaran Nambiar stated, “When we apply the said tests to the case at hand, we have no hesitation in holding that, in view of the primacy that is accorded under our Constitution to a person’s fundamental right to privacy and personal liberty, the action of the police authorities in detaining and interrogating the petitioner and thereafter searching his residence, without following the procedure mandated under the Code of Criminal Procedure, was wholly unjustified. It may be that the police entertained a suspicion and the action taken was to a good end, but it is fundamental in our law that the means which are adopted to this end are lawful means. A good end does not justify a bad means more so when the means adopted are such that violate the personal freedom and privacy of individuals.”<sup>84</sup>

### Case 5: Punjab court sentences 11 police personnel to life for custodial death

On 9 July 2019, a court in Amritsar, Punjab sentenced 13 people, including 11 former police personnel, to life imprisonment in a 2014 custodial death case of prisoner Bikramjit Singh. In May 2014, Bikramjit Singh, a life convict, was abducted by 11 police personnel along with two others when he was under treatment at a hospital. He was later tortured to death at a tractor agency in Batala. Following Bikramjit’s abduction, the police had registered a case against him on 6 May 2014 alleging that he had escaped from police custody from the hospital premises. Later, a complaint was filed by his family members who alleged that he was kidnapped by a police team.<sup>85</sup>

*On 8 July 2019, the Kerala High Court upheld a single bench's finding that being an alleged Maoist is not a ground for illegal detention and not following the procedures of the law.*

*Declining to interfere with the compensation of Rs 100,000 ordered by a single bench in 2015 for illegal detention and house search without a warrant by alleging Maoist link, a division bench comprising chief justice Hrishikesh Roy and justice AK Jayasankaran Nambiar, "the action of the police authorities in detaining and interrogating the petitioner and thereafter searching his residence, without following the procedure mandated under the Code of Criminal Procedure, was wholly unjustified."*

### 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 NHRC has registered a total of 4,997 fresh cases, including 10 cases relating to death in police custody and 133 cases relating to deaths in judicial custody, while it disposed of a total of 5,347 cases (Fresh + Old), including 12 cases of death in police custody and 149 cases of death in judicial custody, during June 2019. A total of 19,550 cases (Fresh + Old), including 367 cases of death in police custody and 3,216 cases of death in judicial custody,

were under consideration of the Commission as in June 2019.<sup>86</sup>

During the same period, the NHRC has awarded a total of Rs 84,60,000 in 30 cases of human rights violations, including 4 cases of death in judicial custody, 1 cases of death in police custody, 1 case of rape in judicial custody, among others.<sup>87</sup>

During July 2019, some of the interventions by SHRCs are given below.

On 26 July 2019, Jammu & Kashmir State Human Rights Commission (SHRC) directed the state government to register a case in the custodial death of Junaid Ahmad Khuroo and also provide a compensation of Rs 500,000 to the NoK of the deceased. In its order the SHRC stated that it was proved that the deceased had died in police custody. The Commission also asked the police to dissuade Inspector Gazanfar Syeed and Sub-Inspector Nisar Ahmad from their

regular police duty so that they should not interfere in the investigation. It also urged the State's Chief Secretary and Director General of Police to implement the order in letter and spirit.<sup>88</sup>

On 19 July 2019, the Tamil Nadu SHRC directed the Tamil Nadu government to pay Rs 500,000 as compensation to the NoK of Mithun Chakravarthy, who was killed in a fake encounter in Thanjavur district in April 2008. The SHRC also recommended disciplinary action against the police team involved. Terming custodial violence an anathema in any civilised society, the SHRC stated that the police should make a conscious effort to banish the evil practice from their organisation. The Commission also said that a sustained publicity campaign should be undertaken to educate the public and police about the sanctity of human rights, which should be a positive campaign and not a negative one to denigrate police. The Commission's recommendations were in response to a petition by P Devi of Maruthanallur village in the district. In her petition, she stated that her stepson, Mithun Chakravarthy, a commerce graduate, was shot dead by police in April 2008, after arresting him in a foisted case. Devi alleged that police had continually foisted false cases against him due to the enmity between his maternal uncle and a police inspector. In response, police submitted that it was not a fake encounter as alleged and held that the deceased had several criminal cases against him. While a police team tried to nab him, he had flung a country bomb at them forcing them to open fire to save their lives. After perusing the submissions, the Commission held that the complainants had proved that the victim was killed in a fake encounter and police had not followed the laid down procedures.<sup>89</sup>

On 4 July 2019, the Karnataka High Court issued notice to the State government while hearing a suo-motu petition seeking to implement directions given by the Supreme Court for identifying cases of unnatural death in prisons and grant compensation to next of kin of the deceased. A division bench of Chief Justice Abhay Oka and Justice H T Narendra Prasad observed that the position taken by the State government that it would grant compensation only when the SHRC recommends cannot be sustained. The High Court stated, "prima facie it appears to us that compensation will have to be fixed by this court and not by the state human rights commission and paid in all cases of unnatural death." The Court further observed that it will pass directions to fix the adhoc compensation amount. As per state government, 48

cases of unnatural deaths were reported in the jails from 2012 to 2017. The Court also rejected the stand of the government that cases of suicide are not to be considered as unnatural deaths. It stated that the Apex Court had already concluded that suicide committed by a prisoner was an unnatural death.<sup>90</sup>

#### *Interventions against death sentence in absentia in Bahrain*

*UN mechanisms regularly intervene against gruesome cases of torture and death sentences around the world.*

*On 26 July 2019, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions Ms Agnes Callamard intervened with the Government of Bahrain to halt the imminent execution of Ali Mohamed Ali Mohamed Hakeem al-Arab and Ahmed Isa Ahmed Isa al-Malali. The duo were arrested following a security operation, tortured and forced to confess the crimes, prevented from attending their trial and then sentenced to death in absentia.*

## 4. International Action against Torture during July 2019

### 4.1 UN Committee against Torture

From 22 July to 9 August 2019, the UN Committee Against Torture will review the human rights situation under the Convention against Torture in Bangladesh, Greece, Poland, and Togo. There countries are among the 166 States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and are required to undergo regular reviews on how they are implementing the Convention. The Committee is scheduled to publish its findings on the respective States on 9 August. The Committee against Torture monitors a State's adherence to the Convention.<sup>91</sup>

### 4.2 UN Torture prevention body announces upcoming visits

On 1 July 2019, the UN Subcommittee on Prevention of Torture announced its upcoming visit to Australia, Croatia, Lebanon, Madagascar, Nauru and Paraguay. The visits were decided during the Subcommittee's confidential session held in Geneva from 17 to 21 June 2019. During its session, the Subcommittee also expressed concern with respect to a recent decree affecting the position of 11 members of Brazil's National Mechanism to Prevent and Combat Torture and to cease remunerating those working for the Mechanism. The Subcommittee stated that these measures appear to weaken Brazil's preventive mechanism and with it, torture prevention in the country. The Subcommittee also decided to add Mongolia to the list of States that are significantly overdue in establishing a National Preventive Mechanism against torture (NPM) in their country. Mongolia ratified the Optional Protocol in February 2015 and should have established its NPM one year after ratification.<sup>92</sup>

### 4.3 Interventions by UN Experts

#### I. Imminent execution of two men in Bahrain

On 26 July 2019, Ms Agnes Callamard, United Nations Special Rapporteur on extrajudicial, summary or arbitrary



executions urged Bahrain to halt the imminent execution of Ali Mohamed Ali Mohamed Hakeem al-Arab and Ahmed Isa Ahmed Isa al-Malali who were sentenced to death on the basis of confessions allegedly obtained through torture, and after trials which appear not to have fulfilled guarantees of fairness and due process. The two were reportedly arrested on 9 February 2017 during a security operation. They were allegedly subjected to torture, prevented from attending their trial and sentenced to death in absentia.<sup>93</sup>

## II. Arrest of two persons in Cambodia

On 26 July 2019, a group of five UN experts called on the Cambodian authorities to release and drop charges against Kong Raiya and Soung Neakpaon, who were arrested in connection with activities marking the third anniversary of the murder of political analyst and social activist Kem Ley. Kong Raiya was arrested on 9 July 2019 over Facebook posts selling t-shirts featuring the image of Kem Ley and providing details for a taxi service to the commemoration service the following day. Soung Neakpaon was arrested on 10 July 2019 while attempting to participate in the commemoration service. Both men were charged with ‘incitement to commit a felony’. The experts expressing concern stated that Kong Raiya and Soung Neakpaon were engaged in the legitimate exercise of their freedom of speech. The experts have also previously expressed concern about the ongoing crackdown on civil society and the enjoyment of fundamental freedoms.<sup>94</sup>

### 4.4 EU's action against torture

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) continued with its efforts for prevention of torture in Europe. In July 2019, the CPT, among others, carried out the following activities:

#### I. Report on Bulgaria

On 11 July 2019, the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report on its December 2018 ad hoc visit to Bulgaria, together with the response of the Bulgarian Government. The objective of the visit was to examine the treatment and conditions of detention of foreign nationals detained under alien legislation. The report included a number of recommendations. In response, the Bulgarian authorities provided information on the measures taken to implement the recommendations made in the CPT's report.<sup>95</sup>

#### II. Report on the Czech Republic

On 4 July 2019, the CPT published the report on its October 2018 periodic visit to the Czech Republic. During the visit, the CPT delegation assessed the treatment and safeguards afforded to persons deprived of their liberty by the police and examined the situation in several prisons and in a psychiatric hospital, as well as in a social care home. It paid particular attention to the measures taken by the authorities to

implement the recommendations made by the Committee after previous visits. The report included a number of key findings.<sup>96</sup>

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