



The State of Torture in Jharkhand



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1. Focus: Assam's NRC - 89% of those excluded from the Draft NRC suffered from acute mental torture

The State Coordinator of the National Register of Citizens (NRC), Assam, under the supervision of the Supreme Court of India, has been preparing the controversial NRC with the aim to identify foreigners i.e. those who had allegedly migrated to the State after 24th March 1971. This is part of the implementation of the 2005 tripartite agreement signed by the Government of India, Assam Government and the All Assam Students Union (AASU) to implement the Assam Accord of 1985.

The NRC treats each and every resident of Assam as a suspected “non-citizen” and put the onus of proving citizenship on the individual based on the eligibility criteria and particular admissible evidence (Legacy Data) of the period 1951 to 24th March 1971. Anybody who does not possess admissible evidence is a non-citizen/foreigner. There is no scope for negligence. The poor, illiterate and landless have been the most seriously affected for simply not possessing/retaining the admissible documents or understanding the NRC processes itself.

On the midnight of 31 December 2017, a partial draft of the NRC was released. The complete draft NRC was released on 30 July 2018 in which 40,007,707 persons were excluded from the draft NRC. On 26 June 2019, the NRC authorities further published Additional Draft Exclusion List consisting of 1,02,462 persons whose names had been included earlier in the complete draft NRC published on 30 July 2018. The total number of persons excluded from the draft NRC at present stands at 41,10,169 persons before the publication of the final NRC on 31.08.2019. Exclusion from the final NRC to be published on 31.08.2019 effectively means declaration as foreigners with draconian consequences from imprisonment to deportation or remaining stateless forever with direct impact on the descendants. In the immediate term, exclusion from the draft NRC shall mean filing appeal before the designated Foreigners’ Tribunal constituted under the Foreigners’ (Tribunals) Order, 1964. Once the appeal is lost before the Foreigners’ Tribunal, it implies the denial of all rights and privileges accorded to a citizen, imprisonment and detention including for indefinite period unless the order of the Foreigners’ Tribunal is overturned by the High Court. Once the High Court rejects, a further appeal can be filed in



People registering in the NRC

the Supreme Court. If unable to challenge the orders of the Foreigners’ Tribunal, it can mean deportation, subject to any State accepting him/her as a citizen of that country or else remaining Stateless forever, thereby affecting the descendants too. Challenging before the Foreigners’ Tribunal, the High Court and the Supreme Court is very expensive while those affected are mostly poor, illiterate and landless.

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Given the draconian consequences, exclusion from the draft NRC has been causing mental torture as defined under Article 1 of the UN Convention Against Torture (UNCAT). Numerous studies across the world on immigration and deportation have shown that “apart from often-lifelong physical effects, torture survivors suffer disproportionately from post traumatic stress disorder (PTSD), anxiety, depression, disassociation, disorientation and self-isolation, with grave long-term consequences”.

The NRC process has taken a heavy toll on mental health of those who are excluded from the draft NRC. Each of the four million people has a tale to tell about mental torture, trauma and humiliation of being excluded from the draft NRC

i. Mental Torture: Indian Context

Article 1 of the UN Convention Against Torture states, “For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

The Supreme Court of India in Samar Ghosh vs. Jaya Ghosh, (2007) 4 SCC 511, said, “We have come to a definite conclusion that there cannot be any comprehensive definition of the concept of “mental cruelty”, within which all kinds of cases of mental cruelty can be covered. No court in our considered view should even attempt to give a comprehensive definition of mental cruelty.”

In its Concluding Observations on Chile, the Committee recommended Chile to eliminate the practice of refusing to provide emergency medical care to women suffering complications from illegal abortions, unless the women confessed to information about those who performed the abortions as it constituted a form of torture.¹

The NRC is a process to “extract information” from all persons residing in Assam to prove their citizenship based on certain documents. The NRC makes every person a suspect and inability to proof citizenship leads to denial of the rights entitled to a citizen and subsequently, deportation to Bangladesh.

There is little doubt that the victims had been subjected to mental torture.

ii. State of mental torture in the NRC proces

The National Campaign Against Torture (NCAT) conducted a field survey in Assam from 16 to 20 July 2019 and the researchers visited Garoghutu, Rangapani, NK Angarkata and Shantipur villages under Tamulpur Tehsil in

Baksa district on 17 July 2019; Govindapur, Kharmuza and Goalpara township in Goalpara district on 18 July 2019; and Haulitari and Kahibari villages under Boko Police Station in Kamrup (Rural) district of Assam on 20 July 2019.

The visit was severely hampered by flood in the State and the NCAT researchers were able to interview only 91 respondents including 22 females who have been excluded from the draft NRC as published on 26 June 2019.

Out of the 91 respondents interviewed, 81 stated that they had been suffering from extreme (*babut* in Hindi and Assamese) anxiety, inter alia, due to fear of the prospect of deportation, fear separation from family members and lack of money to appear before the Foreigners’ Tribunals or appeal before the High Court and Supreme Court while nine have been suffering from moderate anxiety and only one person was suffering from mild anxiety. It means that 89% person were suffering from extreme anxiety, 10% were suffering from moderate anxiety and only 1% suffering from mild anxiety.

A total of 41,10,169 persons stand excluded from the draft NRC at present i.e. 40,07,707 persons were excluded from the draft NRC on 30th July 2018 when the draft NRC was published while 1,02,462 persons were excluded on 26 June 2019.²

By extrapolating the survey conducted by the NCAT, it can be said that 36,99,152 persons were suffering from extreme anxiety and 4,11,017 persons were suffering from mild anxiety.

Out of the 91 respondents interviewed, all of them stated that they felt insulted/ashamed of being excluded from the draft NRC, 88 respondents stated that they fear family separation, 81 respondents stated that they fear deportation while 55 respondents stated that they are suffering from trauma and depression.

Out of the 91 respondents interviewed, 77 respondents stated that they have been suffering from sleep disorder as a result of anxiety, 37 respondents stated that it affected their eating habits /appetite loss, 22 respondents stated that it affected their thought process while 24 respondents stated that it affected their work.

Mental torture: testimony of Arup Sarkar

Arup Sarkar (28 years), son of late Ananda Sarkar, resident of NK Angarkata village in Baksa District of Assam, is a daily wage labourer. In 2015, family head Ananda Sarkar had submitted the application for inclusion in the NRC (ARN No. 101832402144233401487) for five family members including himself. Ananda Sarkar had submitted his father Kanda Ram Sarkar’s legacy document (Legacy Data Code: 120-4063-0826) issued by the Office of the State Coordinator of National Registration (NRC), Assam which stated that Sarkar was in the voter list of 1966. But none of his family members were included in the draft NRC. Out of extreme mental stress and harassment, Ananda Sarkar suffered from a heart attack and died on 4th September 2018.

When the NCAT researchers interviewed Arup Sarkar (28 years) at his village on 17th July 2019, he was trembling during the interview. He stated that he was extremely worried about the future of his family, particularly following the death of his father Ananda Sarkar who had suffered a stroke at his home at NK Angarkata and taken to Guwahati Medical College but he died on the way to the hospital. Arup Sarkar further claimed that officials (he did not know their identities) demanded bribe of Rs 70,000 for getting favourable order from the Foreigners' Tribunal in the case against his mother Rajkumari Sarkar. His mother, Rajkumari Sarkar has legacy documents and her four siblings have been included in first draft NRC on the basis of their father's legacy document but Rajkumari Sarkar was excluded.

NCAT researchers have checked the documents produced by Arup Sarkar, which included (1) Legacy Data Code 120-4063-0826 of Kanda Ram Sarkar issued by the Office of the State Coordinator of National Registration (NRC), Assam which stated that he was in 1970 voter list, (2) voter lists of 1966 and 1970 voter list having the names of Arup's grandparents Kanda Ram Sarkar and Sowani Bala Karmakar, (3) Legacy Data Code 120-3027-7851 of Sowani Bala Karmakar issued by the Office of the State Coordinator of National Registration (NRC), Assam which mentioned that her name was in 1970 voter list, (4) order of the Foreigners' Tribunal, Baksa in FT Case No. 841/BAKSA/2017 which declared Ananda Sarkar as genuine Indian citizen, (5) Medical Certificate of Death of Ananda Sarkar issued by the Gauhati Medical College, (6) school certificate of Ananda Sarkar issued by the Headmaster of Dakshin Paka Govt Aided High School, (7) two Land Revenue Payment Receipts issued by Bodoland Territorial Council issued to Ananda Sarkar, (8) PAN Card of Ananda Sarkar, (9) Voter list of 1965 of Binod Bihari Rai, father of Rajkumari Sarkar (mother of Arup Sarkar), (10) Legacy Data Code 120-4072-6682 of Binod Bihar Rai issued by the Office of the State Coordinator of National Registration (NRC), Assam which mentioned that his name was in 1966 voter list, and (11) Certificate of Proof issued to Rajkumari Rai by Gaon Burah Shri Ram Nath Mandal of Nakuchi Pathar village in Barpeta District of Assam dated 18.12.2014.

The Superintendent of Police (B) made a reference against Ananda Sarkar, S/o Late Khandu Ram Sarkar, village Hatiduba under Tamulpur police station in Baksa district, suspecting him to be foreigner. The reference stated that the opposite party (Ananda Sarkar) illegally entered into India from Bangladesh after 25/03/1971 for livelihood and had been living in government land at village Hatiduba and during enquiry the opposite party could not produce any documentary evidence in support of his entry prior to 25/3/1971. But during the trial the opposite party produced sufficient documents to establish himself as Indian citizen. In its order dated 21.3.2018 in FT Case No. 841/BAKSA/2017, the Foreigners' Tribunal, Baksa

stated, "Since the name of the father of the opposite party was entered in the voter lists of 1966, 1970, 1985 and 1989 and having born in India (Assam), the name of the opposite party was entered in the voter lists of 1985 and 1989 along with the name of his father, the evidence of the opposite party are sufficient enough to prove that the opposite party is an Indian citizen and for which the opposite party cannot be termed as a foreigner as suspected by the Referral Authority." The FT declared that Ananda Sarkar "is not a foreigner".

Despite this, Ananda Sarkar and his family members have not been included in the complete draft NRC released on 30th July 2018. On the other hand, Ananda Sarkar's wife Rajkumari (Rai) Sarkar is also facing a foreigners case before the Foreigners' Tribunal despite the fact that the name of her father Binod Bihari Rai was entered in the voter list of 1965 and had Legacy Data Code 120-4072-6682 issued by the Office of the State Coordinator of National Registration, Assam. Rajkumari's four siblings have been included in the draft NRC based on the same legacy data of their father Binod Bihari Rai. The exclusion from the draft NRC and the mental trauma led to the death of Ananda Sarkar by suffering a heart attack on 4th September 2018.

Arup Sarkar described his worries as "extreme" and in fact he was trembling during the interview and could not properly express himself. He said he could not properly eat or sleep due to mental stress. He felt ashamed of being excluded from the draft NRC despite having all the valid documents.

iii. Cases of suicide as a consequence of extreme mental torture

By national and international standards on mental torture, the NRC is a spectacularly cruel programme. Numerous studies across the world on immigration and deportation have shown that apart from often-lifelong physical effects, torture survivors suffer disproportionately from post traumatic stress disorder (PTSD), anxiety, depression, disassociation, disorientation and self-isolation.

Majority of those who had given testimonies include who were excluded from the draft NRC despite already being declared as citizens by the Foreigners' Tribunals and who have the legacy data prior to 25th March 1971.

Extreme mental torture has forced at least 31 persons to commit suicide from 1.7.2015 to present.



Arup Sarkar's father committed suicide under NRC trauma

Most of the victims who committed suicide belonged to extremely poor families. Extreme poverty and inability to hire lawyers have added to the woes of the family members who have been excluded from the draft NRC.

The poor victims who committed suicide include Aklima Bewa, a daily wage labourer; Anwar Hussain, daily wage labourer; Sahimoon Bibi, maid; Hanif Khan, a driver; Gopal Das, daily wage labourer; Balijan Bibi; Abola Roy, daily wage labourer; Rajesh Singh, labourer; Binay Chand; Deepak Debnath, a bicycle mechanic; Samsul Haque, daily wage labourer; Surendra Barman, a daily wage labourer; Bhaben Das, a daily wage labourer; and Noor Nehar Begum, a 17 years old minor whose father is a daily-wage labourer.

An overwhelming majority of the people have been excluded from the draft NRC because of the criminal negligence, dereliction of duty and biases of the NRC officials either of their own or interference of the non-state actors. There were instances where father was included in the draft NRC but children were excluded; father excluded but children included using the documents of the father; one sibling included but another sibling of the same parents excluded; entire family members included but one member declared as a foreigner by the Foreigners Tribunal and excluded from the draft NRC; spelling errors of the father/grandfather in the legacy documents caused exclusion from the draft NRC; Foreigners Tribunals declared as citizens but the NRC officials refused to accept the verdict of the Foreigners Tribunal; people declared a foreigner and kept in illegal detention because of mistaken identity and excluded from the draft NRC; persons born in Assam but parents hailing from other Indian States and therefore, excluded from the NRC because of the lack of legacy documents in Assam; and finally, even the descendants/ kin of freedom fighters, former President of India Fakhruddin Ali Ahmed, first Deputy Speaker of the Assam Legislative Assembly Moulavi Muhammad Amiruddin, and many other eminent personalities excluded from the draft NRC despite having the requisite legacy documents.

The NRC process finally turned out to be an instrument of mass mental torture because of the criminal negligence, dereliction of duty and biases of the NRC officials either of their own or interference of the non-state actors spearheading the ant-foreigners agitation in Assam.

Despite the responsibility of the State, mental torture of the victims had been completely ignored.

2. Special focus: Custodial torture in Jharkhand

Torture is regularly reported in police and judicial custody from Jharkhand.

2.1 Torture in police custody

The National Human Rights Commission (NHRC) recorded 49 deaths in police custody during 2009-2010 to

2018-19 (as on 20.11.2018) in Jharkhand. These included 5 in 2009-10; 6 in 2010-11; 4 in 2011-12; 5 in 2012-13; 6 in 2013-14; 5 in 2014-15; 5 in 2015-16, 5 in 2016-17; 6 in 2017-18; and 2 in 2018-19 (as on 20.11.2018).³

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: Death of a minor during security forces search operation, Palamu district

In the intervening night of 23-24 August 2019, a 3-year-old girl, d/o Babita Devi died after she was flung by a security personnel during a search operation by a joint team of Central Reserved Police Force (CRPF) and police personnel at Bakoria village in Palamu district of Jharkhand. According to the deceased's mother, in the intervening night of 23-24 August 2019 a joint team of CRPF and police personnel attached to Manika police station conducted a raid at her house in search of her husband Binod Singh whom the police claimed to be a member of the Jharkhand Jan Mukti Parishad (JJMP), a banned organisation. During the raid, they identified themselves as personnel from CRPF and Manika police of Latehar district in Jharkhand while knocking at the door. When she did not open the door, one of them entered into her house through a ventilator and opened the door. After entering into the house, one of them forcefully snatched her three-year-old daughter from her and flung her into the ground. As a result, the minor girl died on the spot. When Babita Devi started crying, the personnel asked her to keep quiet at gun point and thereafter they left.⁴

Case 2: Death of Nesar Ansari due to alleged torture at Ratu police station, Ranchi district

On 23 August 2019, Nesar Ansari (23) died due to alleged torture at Ratu police station in Ranchi district. The deceased was arrested by the police on 20 August 2019 in a theft case. He was kept in the lock-up at the police station where he was found dead on the morning of 23 August. The police claimed the deceased tore the blanket and used it to hang himself from the ventilator of the bathroom in the station. However, Nusrat Parveen, the deceased's wife accused the police of torturing her husband to death. She alleged that the deceased was subjected to brutal beatings by the police in order to obtain a confession to the crime. She further alleged that her husband was not produced before the court despite arresting him on 20 August.⁵

Case 3: Death of Ashish Tudu at Sikaripara police station, Dumka district

On 5 August 2019, Ashish Tudu (30) died under mysterious circumstances at Sikaripara police station in Dumka district of Jharkhand. The deceased, a resident of Piparjori village in Pakur district, was arrested by police on the same day along with his friend for allegedly planning to

execute a robbery. After being arrested they were taken to the Sikaripara police station. Ashish Tudu died in the police custody on the same night. According to the police, both accused were kept at a vacant flat of a three-storied police quarters for questioning, where the deceased committed suicide by hanging himself from the ceiling of the kitchen. Police quoting deceased's family members also claimed the deceased was mentally ill and under treatment of a local doctor.⁶

Case 4: Death of Md. Jasim Ansari at Muffassil police station, Giridih district

On 5 July 2019, Md. Jasim Ansari died under mysterious circumstances at Muffassil police station in Giridih district. Ansari, a resident of Gajingar village in Barwadih in the district, was arrested by police after his wife committed suicide in the morning. According to police, Ansari committed suicide at the police station in the evening.⁷ The custodial death is being investigated by the National Human Rights Commission after it was reported to it by the Superintendent of Police, Giridih.⁸

Case 5: Rape, trafficking and forcing a minor girl by four police officials

On 15 May 2019, a complaint was lodged against four police officials and others at the Telco police station in Jamshedpur, Jharkhand in connection with the rape and trafficking of a 15-year-old girl. According to the complaint filed by the Child Welfare Committee (CWC), the minor girl from Jamshedpur was allegedly raped and abused by several people, including four police personnel, and forced her into sex trade in two states of Odisha and Chhattisgarh in the past one-and-half-months. The victim was rescued by police from a hotel on 7 May 2019 and handed over to the CWC. The victim identified the accused police personnel by their uniforms and the photographs shown to her.⁹

Case 6: Death of Mohammad Shakil at Saria police station, Giridih district

On 21 February 2019, Mohammad Shakil (40) died under mysterious circumstances at Saria police station in Giridih district. The deceased, a truck driver and a resident of Delhi, was allegedly caught by the local residents of Bogadih village in the district on 20 February 2019 suspecting him to be a thief. The deceased was handed over to the police and detained at the lock up of the Saria police station in the evening of 20 February. In the morning of 21 February, the deceased was found dead in the police lock-up. The police claimed the deceased committed suicide by hanging with a towel inside the lock-up. He was rushed to a local government health centre, where the doctors declared him brought dead.¹⁰

Case 7: Death of Dinesh Paswan in police custody, Chatra district

On 2 February 2019, Dinesh Paswan @ Dinu, s/o of Babulal Paswan, died in police custody in Chatra district. The custodial death is being investigated by the National Human

Rights Commission after it was reported to it by the Superintendent of Police, Chatra.¹¹

Case 8: Death of Sunil Kachhap at Jagarnathpur police station, Ranchi district

On 17 June 2018, Sunil Kachhap (25), s/o Madhu Kachhap died in police custody at Jagarnathpur police station in Ranchi district. Sunil, arrested for allegedly assaulting his wife, reportedly banged his head on the wall of the lock-up till he collapsed. He was declared brought dead at a hospital. There were reportedly seven policemen present at the police station but none among them reportedly stop him from harming himself. Police claimed that Sunil committed suicide at the police station. Madhu Kachhap, father of the deceased, stated that police picked up his son on 15 June 2018 after his wife, Sumi Devi, sustained head injuries and claimed he attacked her. Sunil was in the lock-up for two days. The State government had ordered a judicial inquiry into the custodial death following protest by local residents and family members.¹² The custodial death is also being investigated by the National Human Rights Commission after it was reported to it by the Senior Superintendent of Police, Ranchi.¹³

Case 9: Death of a woman at Sadar police station, Hazaribagh district

On 3 April 2018, Manju Devi, wife of Late Ghanshyam Mahto, died in police custody at Sadar police station in Hazaribagh district. Manju Devi was arrested on the charge of murder of her husband. Police claimed that Manju Devi committed suicide by hanging herself with her saree from the ventilator of the toilet of the police station. According to the police, the woman went to the toilet in the morning along with a lady constable. When the woman did not come out, the door was broke open but she was already dead by then. The police also claimed that the deceased woman was summoned at the police station for questioning in connection with the case on 1 April 2018 and she was arrested on 2 April 2019. However, she could not be sent to judicial custody due to Bharat Bandh, following which she was kept the Sadar police station under the care of two woman police personnel.¹⁴ The custodial death is being investigated by the National Human Rights Commission.¹⁵

2.2 Torture and deaths in judicial custody

Jharkhand has 29 jails, including 5 central jails, 17 district jails, 5 sub-jails, 1 Borstal school and 1 open jail as on 31 December 2016.¹⁶

As per NHRC data, a total of 552 prisoners died in jails of Jharkhand during 2009-10 and 2017-18. This included 61 deaths in 2008-2009; 70 in 2009-10; 54 in 2010-11; 46 in 2011-12; 52 in 2012-13; 51 in 2013-14; 44 in 2014-15; 64 in 2015-16; 60 in 2016-17, and 50 in 2017-18.¹⁷ In other other words, an average of five prisoners dies in the state every month.

On 22 June 2019, Tabrez Ansari (24), an undertrial prisoner, died in judicial custody at District Jail, Saraikela in

Saraikele Kharsawan district. Ansari was beaten by a mob for allegedly stealing a motorcycle on 17 June 2019. The police reached the spot in the morning and sent him to jail after administering first aid. His condition deteriorated in jail on the same day, following which he was taken to the Sadar Hospital, and subsequently referred to another hospital, where he succumbed to his injuries. Ansari's family alleged that there was negligence in providing him timely treatment.¹⁸ The National Human Rights Commission is currently investigating the matter.¹⁹

On 25 June 2019, Manoj Singh (34) died at Ghaghidih Central Jail in East Singhbhum district. The deceased prisoner died during lathicharge by jail officials after a clash broke out between prisoners inside the jail. Manoj sustained injuries all over his body including in the head. The post-mortem report stated that Manoj was fatally hit in the head, which led to his death. Further, the left hand, both the knees and left thigh bone of Manoj were broken in the police action.²⁰

On 9 June 2019, Santosh Kumar (35) died at Central Jail, Hazaribagh. The deceased, a convict, was undergoing a 10-year sentence since May 2017. Jail officials claimed that on 3 June 2019, the deceased was admitted in a government hospital as he was suffering from gangrene (septic) in his right foot. Later, on 6 June he was admitted in Rajendra Institute of Medical Sciences (RISM) Hospital, Ranchi, where he died on 9 June during treatment.²¹

On 12 April 2019, undertrial Tulsi Uraon (20) died due to alleged torture at Gumla district jail. The deceased, a resident of Sarjama village in Garhwa district, was sent to judicial custody four months ago in a murder case. Jail officials claimed that in the night of 12 April the deceased suddenly complained of chest pain and breathing problem. Jail officials further claimed that he was taken to the hospital where he died during treatment. However, the family members of the deceased alleged Tulsi Uraon died due to torture by the jail officials. They also claimed the deceased was declared brought dead by the doctors at the hospital which contradicted the version of the jail officials.²²

On 18 March 2019, undertrial Mobin Ansari (35), s/o Aseem Ansari died due to alleged torture at District Jail, Lohardaga. The deceased was sent to jail in December 2018. Jail officials claimed that on 18 March the health of the deceased suddenly deteriorated and he was taken to the district hospital, Lohardaga, where he was declared dead. However, the family members of the deceased alleged that Mobin Ansari died due to torture. The family members also claimed that the deceased had informed them many times that he was being assaulted in the jail.²³

On 23 February 2019, Lalmohan Mahato (50) died at Ghaghidih Central Jail, Jamshedpur city. The deceased was sent to judicial custody in 2003 in connection with a murder case. The jail officials claimed the deceased was not well for the past several days and on 17 February 2019, he was

admitted to the MGM Medical College & Hospital, Jamshedpur where he died during treatment on 23 February.²⁴

On 22 February 2019, undertrial prisoner Gyani Singh (30) died under suspicious circumstances at Modinagar Central Jail in Palamu district. The deceased was sent to judicial custody in the jail on 2 July 2018. Jail officials claimed that on the midnight of 21 February 2019, the health of the deceased suddenly deteriorated, after which he was rushed to the Sadar Hospital, where he died the next day. However, the mother of the deceased alleged that her son was killed by the jail officials inside the jail and demanded proper investigation into the case.²⁵

On 27 December 2018, undertrial prisoner identified as Mangaleshwar Munda (40), s/o Dalu Munda, died at Lohardaga Mandal Kara Jail. The deceased, a resident of Chipo village in Lohardaga district, was arrested on 17 April 2016. Jail officials claimed that on 27 December the deceased after having lunch complained of dizziness and became unconscious. He was rushed to the hospital, where the doctors declared him dead. However, the doctors said that the deceased had already died when he was brought to the hospital. Family members of the deceased said that suddenly on 27 December the jail authorities informed them that the deceased was sick and told them to reach Sadar Hospital. They said the deceased was already dead when they reached the hospital. They alleged that the authorities could not give them any suitable response when asked how the deceased suddenly fell ill and died although he did not have any health issues.²⁶

On 9 December 2018, Devnarayan Manjhi (44), a convict, died at Saraikele Kharsawan district jail. The deceased was arrested and sent to judicial custody in 2015 in connection with a rape case. Jail officials claimed on 9 December 2018 evening, the deceased was admitted in Saraikele Sadar Hospital after a sudden heart attack came to him, where he died during treatment. However, the wife of the deceased, Sandhya Manjhi alleged that her husband died due to negligence of the jail administration.²⁷

On 21 November 2018, undertrial prisoner identified as Govardhan Pujahar died under suspicious circumstances at Dumka Central Jail in Jharkhand. The deceased was arrested and sent to judicial custody on 19 November 2018 in connection with a case of beating and physical assault. The deceased allegedly committed suicide by hanging himself. Jail officials claimed the undertrial was suffering from epilepsy. On 21 November evening during counting before bedtime the jail administration found one inmate missing. On checking and searching the jail premises, the dead body of the deceased was found hanging by a rope inside the under-construction jail hospital building.²⁸

On 5 November 2018, undertrial Joan Tudu (50) died at Dumka district Jail. The deceased Joan Tudu, a resident of Kormo village of Gopikandar block in the district, was sent to

judicial custody on 10 October 2018 in connection with a case of fraud. The jail officials claimed that on 4 November 2018 morning the deceased was admitted to the ICU ward of Sadar Hospital, Dumka after he complained of acute chest pain. He died during treatment due to heart failure. However, the family members accused the jail authorities of being negligent and not providing timely treatment.²⁹

On 12 October 2018, undertrial prisoner identified as Mahendra Besra died under suspicious circumstances at Godda sub-jail. The deceased, a resident of Poreyahat station area in the district was lodged at the Godda sub-jail since 28 September 2018. The family members of the deceased alleged that the jail authorities had not given any information to them about the death of the deceased. They claimed that the son and daughter of the deceased who came to meet their father were made to wait a whole day but were not informed about the death of the deceased although their father was lying dead. They alleged that the jailer forcibly took signatures of the children on a plain paper and thereafter post mortem was conducted on the body of the deceased.³⁰

On 26 June 2018, undertrial Mahaveer Mandal died at Madhupur sub divisional jail in Deoghar district. The deceased was arrested by the police in connection with a cyber crime case. On 20 June 2018, he was produced before the court which sent him to judicial custody. Jail officials claimed on 26 June evening, the undertrial complained of abdominal pain and was rushed to the jail hospital. When his condition deteriorated the doctors referred him to Deoghar Sadar Hospital, where he died on the same day. The villagers, angry with the custodial death protested, and clashed with the police personnel.³¹

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 Jharkhand.

Case 1: Custodial death of Charan Soren due to inadequate medical treatment

This case concerned the custodial death of undertrial prisoner Charan Soren in District Jail, Pakur on 17 July 2016. Pursuant to intervention of the National Human Rights Commission (Case No. 1015/34/14/2016-JCD), reports were submitted. The post-mortem report of the deceased revealed no external injury on his body and it said the deceased died due to disease of pancreas, brain, lungs and heart. The material on record including the post-mortem report was examined by the Medical Expert on the panel of NHRC. The Expert found that the authorities failed to provide adequate medical treatment to the deceased prisoner.

On the basis of the opinion of the medical expert, the Commission concluded that prima-facie a case of violation of human rights of the deceased is made out and State Government is vicariously liable to pay monetary compensation to the next of kin (NoK) of the deceased. Vide proceedings dated 11 December 2018, the Commission recommended to the State government of Jharkhand to pay compensation of Rs. 300,000 to the NoK of the deceased and to submit compliance report. However, the state government failed to submit the compliance report. Vide proceedings dated 5 August 2019, the Commission directed the Chief Secretary, Jharkhand to submit compliance report alongwith proof of payment within six weeks positively.

Case 2: Rape of a woman by two police personnel

On 13 March 2018, a woman was raped by two police constables identified as Deepak Kumar Pandey and Vikas Kumar Pandey in a village under Tundi police station in Dhanbad district. Pursuant to the directions of the Commission (Case No.388/34/4/2018-WC), a report dated 26 July 2018 was submitted by the Inspector General of Police (Human Rights), Jharkhand which stated that a case was registered against the two police constables and after completion of investigation, a charge sheet was submitted against them.

Observing that the human rights of the woman was violated by the accused police constables and the State is vicariously liable to provide compensation to the victim, the Commission vide proceedings dated 11 December 2018 recommended to the State Government to pay compensation of Rs. 2,00,000 to the victim and submit compliance report. The case is currently pending for non-submission of the compliance report.

Case 3: Custodial death of Korneliyus Tigga due to medical negligence

The case (No.993/34/10/2016-JCD) relates to the custodial death of undertrial prisoner Korneliyus Tigga, s/o Phillip Tigga of Sakin Jarda under Dumri police station in Gumla district at District Jail Gumla on 7 July 2015. The Enquiry Magistrate did not find any foul play or medical negligence in the case and opined that the deceased died due to disease of brain.

On the basis of the reports received from the state authorities and opinion given by a medical expert, the Commission observed that the deceased was mentally retarded but no treatment was provided to him for his psychiatric illness for about three years. Accordingly, the Commission concluded that there was medical negligence due to which the human rights of the deceased was violated and said that the State is vicariously liable for the lapse of the authorities to provide proper treatment to the prisoner who was in their custody.

On 1 January 2019, the Commission recommended the State Government to pay compensation of Rs. 300,000 to the

NoK of the deceased and submit compliance report. However, there is delay in submitting the compliance report and the case is pending final adjudication.

Case 4: Custodial death of Kishnu Munda due to denial of adequate and timely treatment

This case concerns the death of undertrial prisoner, Kishnu Munda (45) in the custody of Lok Nayak Jai Prakash Narayan Central Jail, Hazaribagh on 18 July 2013. At the time of admission on 20 September 2005, the prisoner was having normal health. The cause of death was said to be due to cardio respiratory failure due to syncope and vasovagal attack. The Enquiry Magistrate conducted an enquiry and ruled out any foul play or medical negligence in the death of the deceased.

On the basis of the reports received from the state authorities and opinion given by a medical expert, the Commission observed that the deceased was denied adequate and timely treatment. On 19 February 2019, the Commission recommended to the State Government to pay compensation of Rs. 200,000 to the NoK of the deceased and submit compliance report. The case is currently pending for want of compliance report.

Case 5: Death of Rajesh Bodra due to alleged police torture

On 13 November 2013, the NHRC (Case No.1430/34/6/2013) received a complaint regarding the death of Rajesh Bodra on 12 November 2013 due to alleged torture by Police Sub-Inspector (SI) Vijay Singh of Potka police station in East Singhbhum district. According to the police, Rajesh Bodra had gone to the house of his co-villager and climbed on the roof after knocking the door/window of the said house. On seeing Rajesh Bodra, the owner of the house informed the police, following which SI Vijay Singh with his staff reached the spot. Later on, the police caught hold of Rajesh Bodra and brought him to his house. The police left him at his house after his mother and neighbours told the police that he was of unsound mind and later committed suicide.

The post mortem report revealed ligature mark on high up right side of neck, bruise on left thigh, scratch abrasion on front upper part of left thigh, abrasions on left lower leg and left side of back of abdomen on the body of the deceased. All the injuries were ante mortem and caused by hard and blunt object except the ligature mark, and the cause of death was due to asphyxia as a result of hanging. The magisterial enquiry report concluded that the death of the deceased was due to asphyxia as a result of hanging.

However, finding prima facie that deceased Rajesh Bodra was beaten up by the police or the villagers when he was caught from the house of villager and committed suicide due to fear of further torture at the hands of the police, the Commission vide its proceedings dated 8 February 2018 issued to the State Government regarding payment of compensation to the NoK of the deceased.

In response to the show cause notice, Joint Secretary to the State Government vide communication dated 6 July 2018 objected to the payment of any monetary compensation to the NoK of the deceased on the ground that the deceased was not subjected to any torture by the police. Vide proceedings dated 18 February 2019, the Commission rejected the response and recommended the State Government to pay Rs. 300,000 to the NoK of the deceased.

Case 6: Torture of Promod Prasad by a police officer

On 6 June 2015, Promod Prasad was brutally beaten up by Assistant Sub-Inspector (ASI) Narayan Khadia, posted at Picket Thana, at his house at Sinariya. The victim reported the matter to the Superintendent of Police two days later but no action was taken. The Commission (Case No. 875/34/2/2015) intervened into the matter pursuant to a petition by the victim seeking justice.

In response to the Commission's directions, a report was submitted by the Inspector General of Police (Human Rights), Jharkhand. It was reported that Promod Prasad refused to keep his wife at his home as a result of which the ASI, Narayan Khadia perhaps slapped him twice. The Superintendent of Police intervened to resolve the matter. The allegations against accused ASI Narayan Khadia could not be substantiated and he was transferred. However, the victim stated that the facts were ignored during enquiry. In a report dated 15 February 2018, the Inspector General of Police (Human Rights), Jharkhand again denied the allegations of brutal beating of the Promod Prasad by the ASI Narayan Khadia by saying the same could not be substantiated. The report reiterated that he was slapped twice by the accused police officer, which was against the departmental rules and disciplinary action had been initiated against him.

On consideration of the reports, the Commission observed, "Admittedly, the complainant was slapped by the ASI. The police has no authority to commit any illegal act. In the instant case, the slapping of the complainant by the ASI is clear act of violation of human rights. Departmental action against the accused ASI, Mr. Narayan Khadia makes this an established case of violation of human rights. The state is liable to compensate the victim."

On 21 February 2019, the Commission recommended to the State Government to pay an amount of Rs.25,000 as compensation to the victim Pramod Prasad. The case is currently pending for final adjudication.

Case 7: Illegal detention of Baby Turi, Sushila Ekka and Satish

This case (No. 1598/34/16/2012) relates to the illegal detention of Satish (16), Baby Turi and Sushila Ekka, who were picked up by the police from Hatiya railway station near Ranchi on 8 December 2012. The three were detained along with Aparna Marandi and her four year old son. They were illegally detained and mentally tortured. Baby Turi, Sushila

Ekka and Satish were released on 9 December 2012, but Aparna Marandi and her son were allegedly detained illegally for more than 24 hours without being produced before the Magistrate.

The NHRC noting that Baby Turi, Sushila Ekka and Satish were not accused in FIR No. 52/12 of Kathikund police station, Dumka district directed the Director General of Police, Jharkhand to explain under what law they were taken into custody. However, no response was received from the Director General of Police. Therefore, the Commission observed that the three victims were illegally detained, violating their human rights, for which the State is vicariously liable to make reparations to them, issued notice for award of compensation.

In response, the Additional Secretary, Department of Home, Prison & Disaster Management, Government of Jharkhand submitted a report dated 26 March 2019. As per the report, on information, Aparna Marandi, a Naxalite, was arrested on 8 December 2012. Baby Turi, Sushila Ikka and Satish Marandi were also taken to the police station along with Aparna Marandi. They were not arrested and since they were not found involved in the case, they were permitted to go. Hence, there was no violation of human rights of these persons and they are not entitled to get any compensation for the same.

Vide proceedings dated 26 April 2019, the Commission rejected the reply submitted by the Additional Secretary, Department of Home, Prison & Disaster Management. Further, the Commission recommended to the State Government to pay Rs.10,000 each to the three victims as compensation for violation of their human rights by the Police. The case is currently pending.

Case 8: Custodial death of Kailash Chitrakar due to medical negligence

The NHRC received an intimation from the Superintendent, District Jail Dhandbad, Jharkhand regarding the custodial death of undertrial prisoner Kailash Chitrakar (24) on 17 January 2013. As per the information, the prisoner was admitted to a hospital on 15 January 2013 where he died while undergoing treatment. The magisterial enquiry report concluded that no carelessness was found on the part of the jail administration and the death of the deceased seemed to be due to disease.

However, the Commission found that negligence on the part of the prison officials was the reason behind the death of the deceased which amounted to a violation of his human rights. Therefore, the Commission issued show cause notice to the Chief Secretary, Jharkhand asking as to why a compensation of Rs. 100,000 should not be paid to the next of the kin of the deceased.

In response, the State's Home Department stated that there was no negligence in the treatment of the prisoner, hence refused to pay compensation to the NoK. But, the

Commission rejected the contention of the State government and recommended it to pay Rs. 100,000 to the NoK of the deceased. On 18 September 2018, the Commission closed the case following submission of compliance report.

Case 9: Custodial death of Umakant Mandal due to medical negligence

This case pertains to the death of Umakant Mandal (30) on 31 January 2012 in the custody of Sarath police station in Deoghar district. On consideration of the reports submitted, the NHRC (Case No. 239/34/3/2012-PCD) observed that the deceased Uma Kant Mandal was arrested by police on 30 January 2012 when he was already badly beaten by the mob. The police sent him to PHC, Sarath for treatment where he was discharged by the Medical Officer in the evening in what was stated to be normal condition. However, he died the very next morning at around 5.30 AM on 31 January 2012. The treatment record sent by the authorities only show that he was attended to in the PHC on 30 January 2012 but did not describe any specific treatment. As per the post mortem report, the cause of death was Hemorrhage as a result of injuries. Thus it showed negligence on the part of Medical authorities who failed to provide him proper treatment, resulting in the death of 30 years old youth.

The Chief Secretary, Government of Jharkhand was directed to show cause as to why a monetary compensation of Rs. 300,000 should not be recommended to be paid to the NoK of the deceased. In response, the Joint Secretary to the Home Department, Jharkhand stated that since necessary treatment was given to the prisoner by the PHC medical officers, the NoK of the deceased were not entitled to any compensation. However, the Commission dismissed the contentions of the state authorities. It observed "The replies furnished by the State authorities indicated that the prisoner was provided only treatment at the Primary Health Centre at Sarath. The treatment provided to him said to be made the prisoner fit for discharge by the PHC. The Police team took him back to the PS at 5.00 pm on 30.1.2012. It was not known who the concerned treating Doctor found the prisoner to be fit for a discharge. Then again on the next day the prisoner was admitted to the PHC when his condition became critical. From the materials on record it could be concluded that the prisoner became a subject matter of toss between the PHC officials and the local Police officials. No attempt was made by the Police officials to protect the life of the prisoner because considering the nature of injuries sustained by the prisoner his treatment should have been undertaken at higher centre which was the minimum that was required to be done by the Police. A PHC which has no provision of any such treatment kept the patient at the PHC from 9 am to 5 pm on 30.1.2012 and it was not known how the treating Doctor felt to discharge the patient. It was not revealed after the prisoner was discharged where he was kept, what was his condition till he was again brought back to the PHC. Thus the entire

materials on record indicated that there was gross negligence on the part of the medical officer(s) as well as the Police officials who risked the life of the prisoner and brought him back to the PS at the first instance then again taking him to the PHC when the condition of the prisoner became critical. Thus in the circumstances, there was medical negligence behind the death of the deceased so the state was vicariously responsible.”

The Commission recommended to the State Government to pay compensation of Rs. 300,000 to the NoK of the deceased. Pursuant to the directions, the Deputy Commissioner, Devghar, Govt. of Jharkhand vide communication dated 18 December 2018 informed compliance of the recommendation. The case was closed on 8 January 2019.

Case 10: Illegal detention and torture of a minor

The NHRC received a complaint, forwarded by the National Minority Commission, regarding alleged illegal detention and torture of 16-year-old Aadil Ansar, s/o Mohd. Alamgir Ansari. As per the complaint, the minor was picked up by the police personnel of Tilaiya police station in Koderma district on 26 October 2012. He was taken to the police station; money was demanded for release and tortured. He was released two days later on 28 October 2012. After his release from the police station, he was taken to hospital, where the doctor prescribed medicine for 2 days.

Pursuant to the Commission’s intervention (Case No. 81/34/12/2013), a report was submitted by the Inspector General of Police, (HR), Jharkhand. The report denied custodial torture and claimed exaggeration of facts in the complaint.

Not satisfied with the response, the Commission ordered for a fresh inquiry by CBCID. In response, the Inspector General of Police, Human Rights, Jharkhand submitted the enquiry report of State CID, Jharkhand. Perusal of the same revealed that the victim was kept in illegal detention and subjected to custodial torture at Tilaiya police station. The records were fabricated and a false entry was recorded in the station diary of the police station to show that the victim was brought to the police station for questioning on 28 October 2012 and was let off. Further, the then Superintendent of Police, Koderma, the Sub-Divisional Officer Police, Koderma were found blameworthy for trying to save the delinquent police personnel. The new Superintendent of Police, Koderma was also found blameworthy for recommending only minor penalty against the delinquent police officer.

On the basis of the CID report, the Commission observed “The minor Mohd. Adil Ansari (16 yrs.) was admittedly kept in illegal detention for two days and subjected to custodial violence by the police of Police Station Tilaiya for no reasons. The delinquent police personnel including Inspector, Arun Kumar, subordinate officers namely Ranjit Singh and Vijay have taken law in their own hands. Three senior police officers

including former and present Superintendent of Police, Koderma and Sub Divisional Officer Police, Koderma have also been indicted by the Range, Deputy Inspector General of Police, Uttari Chhota Nagpur, Hazari Bagh for covering up of the acts of commissions/omissions of the delinquent police personnel and for diluting the gravity of offence. Such type of brutality cannot be accepted in a society governed by rule of law. The police officers of Koderma District police have abused their power and authority and have violated Human Rights of the victim. In these circumstances, let a notice u/s 18 of the Protection of Human Rights Act, 1993 be sent to the Government of Jharkhand through its Chief Secretary to show cause as to why an amount of Rs. 50,000/- (Rupees fifty Thousand only) be not recommended to be paid to the victim within six weeks. The Chief Secretary, Government of Jharkhand and the Director General of Police, Jharkhand are also directed to submit the details of legal and departmental action taken against all the delinquent police officers including the Supervisory Officers as above within this period.”

On 27 December 2018, the Commission closed the case after the amount of interim relief of Rs. 50,000 as recommended was paid to the victim, and three delinquent police personnel were punished departmentally.

Case 11: Custodial death of Daso Gope due to medical negligence

This case relates to custodial death of a convicted prisoner, Daso Gope on 23 December 2013 while under the custody of Central Jail, Hazaribagh. Inquest report and post-mortem report revealed no external injury on the body of the deceased. The Enquiry Magistrate did not find any foul play or medical negligence in the death. Based on reports submitted, the NHRC (Case No. 1578/34/11/2013-JCD) found gross negligence on the part of the jail authorities by not sending the patient to the hospital for expert treatment as repeatedly recommended by the doctors where he was admitted.

Accordingly, the Commission held the State vicariously liable to pay adequate compensation to the NoK of the deceased. On 3 January 2018, the Commission recommended to the State Government to pay compensation of Rs. 200,000 to the NoK of the deceased. Pursuant to the directions of the Commission, a report dated 5 March 2019 was submitted stating that the requisite amount of compensation was paid to the NoK of the deceased person. In view of the compliance report, the case was closed on 1 April 2019.

Case 12: Death of Azam Hussain in police custody

This case concerns the death of Azam Hussain due to alleged suicide in police custody at Kujju Out Post under Mandu police station in Ramgarh district in September 2012. Pursuant to the directions of the Commission (Case No.1168/34/23/2012-PCD), the authorities submitted various reports including post-mortem, magisterial enquiry etc. The post-mortem report mentioned an abrasion on right

side of face, which was black in colour along with a ligature mark around his neck. The cause of death was opined to be asphyxia as a result of hanging. The deceased's family members alleged that he was tortured to death in the lockup.

On the basis of the reports, the Commission observed that "the abrasion on the right face of the deceased mentioned in his post mortem report is suggestive of torture in police custody." However, the Commission noted "it is prima facie established that the deceased had committed suicide inside the lockup due to the negligence of the sentry, who was on duty. Due to this lapse on the part of police, the State is vicariously liable for the death of the deceased as he was under the care and custody of the State and it was also the responsibility of the State to take all precautionary measures to ensure that a person under its custody does not try to harm himself."

Vide proceedings dated 9 May 2018, the Commission directed the Chief Secretary, Jharkhand to pay Rs. 200,000 to the NoK of the deceased Azam Hussain and submit compliance report along with proof of payment. Departmental proceedings were also initiated against a police constable, who was found guilty. The case was closed on 22 April 2019 on submission of compliance report.

Case 13: Death of juvenile in jail due to alleged suicide

This case (No. 276/34/21/2012-JCD) concerns the death of an undertrial prisoner, Sagar Munda, a minor, who allegedly committed suicide by hanging himself with his gamcha in the toilet in Birsa Munda Central Jail, Ranchi on 2 August 2015. The juvenile prisoner was admitted to the jail on 27 July 2015. The deceased was a juvenile but instead of sending him to a juvenile home, he was admitted in the jail. The deceased was not suffering from any disease at the time of admission to the jail. The Enquiry Magistrate conducted an enquiry and concluded the death as a suicidal case by hanging and no foul play was suspected in the case.

Following intervention, the NHRC during an enquiry found that the age of the deceased at the time of admission to the Jail, i.e., on 27 January 2015, was 17 years, 6 months and 18 days. It noted that the undertrial prisoner, being minor, should have been admitted to a juvenile home instead of jail, and the Police failed to ascertain the correct age of the accused during investigation and as a result the deceased, a juvenile, could not bear the atmosphere of the Jail and committed suicide. Accordingly, the Commission issued notice asking why it should not recommend compensation to the NoK of the deceased.

In response, the Joint Secretary, Department of Home, Prisons and Disaster Management, Government of Jharkhand stated that the prisoner committed suicide and hence it would not be justified to give compensation to the NoK of the deceased.

Vide proceedings dated 12 June 2018, the Commission rejected the contention of the State government and recommended it to pay compensation of Rs. 300,000 to the NoK of the deceased undertrial prisoner Sagar Munda. The case is currently pending for final adjudication.

Case 14: Illegal detention of two juveniles in police station

In this case, two minors, aged 12 and 15 years respectively, were brought to Baghbera police station in East Singhbhum district in connection with a case of theft, where they were tied with a rope by police and were not produced before a juvenile court in May 2017. Pursuant to NHRC intervention (Case No. 811/34/6/2015), the police submitted a report, which stated that on confession of an accused Badshah, the two minors were brought to the police station who were detained and tied with a rope on the request of the mother of one of the minors so that they could not flee.

The Commission observed "Both the juveniles were taken to PS alongwith accused persons relating to a case of theft. Even if the mother of juvenile.....asked the SO, PS, Baghbera to keep him tied with a rope in the PS, there is no reason for juvenile.....to be tied, who was a co-accused. The act of the police is illegal as no juvenile can be detained in the PS by tying his legs with a chain against the guidelines of the Apex Court. A illegal work could not be done even on advice of the family members of the juveniles. By this act of police, human rights of the juveniles were violated, for which the State is vicariously to pay compensation to them and the police personnel liable for this act should be taken to task."

The Commission issued notice as to why it should not recommend compensation to the victims and also directed the police to submit a report on action taken against the erring police officials.

In response, the Senior Superintendent of Police, East Singhbhum district in a report dated 3 February 2018 admitted that the two juveniles were arrested, tied with a rope and kept in the police station before producing them before the Court. The report also admitted that the action of the Police was against the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000, and the Enquiry Officer recommended disciplinary action against the police personnel responsible for this act. A Departmental Enquiry was already initiated against the police personnel identified as Constables Ram Pravesh Singh, Jumrati Ansari and Hari Shankar Singh.

In view of the police report, the Commission vide proceedings dated 4 July 2018 recommended to the State Government to pay Rs. 25,000 each to both the juveniles for violation of their human rights. The case is currently pending due to non-receipt of the compliance report.

Case 15: Death of Chhaku Singh in police custody

The NHRC had taken cognizance of this case (No.784/34/15/2014-PCD) regarding the custodial death of Chhaku Singh while in police custody of Satbarwa police station in Palamu district on receipt of an intimation from Superintendent of Police of the district. As per the information, on 30 June 2014 Chhaku Singh, a suspect in a case, was brought to the police station, he fell sick and was got

admitted in Sadar Hospital, Daltanganj. Later, in the evening after treatment he was discharged by hospital. However, on 31 June 2014 while formalities were being completed for his arrest, his condition became serious and was rushed to local hospital at Tamhagarha, who referred him to another hospital but died enroute.

On consideration of reports, the Commission concluded that there was negligence in providing medical treatment to the accused and recommended Rs. 300,000 to the NoK of the deceased. Initially, the State Government requested to exempt from payment of the compensation citing that the death was natural and there was no torture or medical negligence. However, the Commission vide proceedings dated 8 August 2018 rejected the appeal and directed the State's Chief Secretary to submit compliance report along with proof of payment. The case is currently pending.

Case 16: Beating of a minor by a police officer

In this case, a minor boy of 8-years (name withheld) was beaten by a police officer attached to Gua police station in Paschimi Singhbhum district on 25 April 2016. As a result, the minor sustained a grievous injury on his ear and he had been burning sensation in one of his eyes. Pursuant to NHRC intervention (Case No. 704/34/18/2016), the Superintendent of Police, Paschimi Singhbhum, in a report stated that station Incharge Vikas Kumar Sharma denied the allegation of physical assault and threats but admitted that the boy was slapped 2-4 times. The victim was treated at a health centre for swelling and pain in the neck, and was given painkillers and antibiotic medicines.

The Commission found the allegations of physical assault on the minor boy by a police officer true and correct. Vide proceedings dated 15 February 2018, the Commission issued notice to the Chief Secretary, Jharkhand to show cause as to why it should not recommend payment of Rs. 10,000 as compensation to the victim for violation of his human rights. The Superintendent of Police, West Singhbhum was also directed to take appropriate departmental action against the delinquent police personnel. Subsequently, the Commission confirmed its recommendation for compensation. The case is currently pending.

Case 17: Custodial death of Konda Mardi due to inadequate treatment

This case (No. 60/34/6/2011-JCD) concerned the death of undertrial prisoner Konda Mardi (35), a tribal, at Sub-jail Ghatshila in East Singhbhum district on 17 December 2010. The prisoner was admitted to the jail on 10 June 2010. His condition deteriorated on 17 December 2010, after preliminary treatment he was shifted to a hospital, from where he was shifted to another hospital, where he died.

The NHRC found that the deceased prisoner was not provided with adequate treatment. It observed "The prisoner was in the custody of the State and the State is duty-bound to protect the life of the prisoner. In this case the State has failed

to provide the prisoner adequate treatment, therefore, the State is vicariously liable for the death of the deceased UTP Konda Mardi." Subsequently, the Commission recommended Rs. 100,000 to NoK of the deceased. The case was closed on 4 June 2019 on compliance of the recommendation.

Case 18: Custodial death of Suraj Dubey due to medical negligence

In this case, undertrial prisoner Suraj Dubey (55) died in the custody of District Jail, Garhwa on 21 October 2013. He was admitted to the jail on 19 June 2013 and in the initial health screening report at the time of admission to the jail, it is revealed that the deceased was unconscious and unable to stand. Head injury was noticed at the time of admission to the Jail. The Doctor referred the prisoner to Garhwa Hospital on the same day. The inquest report revealed external injury on the body of the deceased. The post-mortem examination report also indicated multiple bruises and other serious injuries. The cause of death was given as "shock and haemorrhage due to head injury". The Enquiry Magistrate stated that the undertrial sustained injuries due to the beating by the public which ultimately resulted in his death.

The NHRC (Case No. 811/34/7/2013-JCD) found that the prisoner died due to medical negligence as the illness of the undertrial prisoner was not taken seriously by the Jail Doctors and the Doctors from the Referral Hospital treating him. For the head injury, the specific investigations were not performed, meant for the treatment. These lapses on the part of the Doctors resulted in death of the undertrial prisoner. Thus the human rights of the undertrial prisoner were violated for which the State is vicariously liable to make reparations to the NoK of the deceased undertrial prisoner Suraj Dubey. In its subsequent order, the Commission recommended Rs. 200,000 compensation to the NoK of the deceased. The case is currently pending.

Case 19: Torture of two persons by police officers

In this case (No. 1383/34/16/2016), two persons namely Upendra and Chandan were mercilessly beaten by some police officers at Morabadi in Ranchi district in October 2016. Pursuant to NHRC's intervention, the Senior Superintendent of Police, Ranchi submitted an enquiry report, which confirmed that the two were tortured by Sub Inspector Deepak Uraon, injuring them seriously.

On consideration of the reports, the Commission noted that there is dereliction of duty on the part of police official SI, Deepak Uraon for which the State is vicariously liable. Therefore, it deemed it appropriate to issue show cause notice to the Chief Secretary, Jharkhand as to why a compensation of Rs. 50,000 each be not paid to both the victims. The Commission also directed the Senior Superintendent of Police, Ranchi to report about the disciplinary action taken against the erring police official.

The Senior Superintendent of Police, Ranchi vide letter dated 31 May 2018 informed that a penalty of withholding

increment for six month along with adverse entry in his service book was imposed upon Deepak Uraon, Sub-Inspector for the misconduct committed by him. However, no information about payment of compensation was submitted. Following reminders, Additional Secretary, Department of Home, Prisons and Disaster Management, Jharkhand, vide letter dated 8 March 2019 had asked the Deputy Commissioner, Ranchi the compensation amount was sanctioned to make payment to the two victims. The case is currently pending for final adjudication.

3. Torture in India during August 2019

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

3.1 Emblematic cases of torture in police custody

The law enforcement personnel continued to resort to torture across the country.

A new report titled “Inside Haryana Prisons”, prepared by the Commonwealth Human Rights Initiative (CHRI) released on 10 August 2019, revealed shocking details of torture, degrading and inhuman treatment during police remand in the State of Haryana. The study, commissioned by the Haryana State Legal Services Authority (HSLSA) found that out of 475 inmates in Haryana Jails the CHRI team interviewed, 227 (47.78%) said that they had been subjected to degrading and inhuman treatment, including torture during police remand. The study also disclosed the details of the torture methods and techniques used by the police, which included verbal abuse, slapping, electric shocks, water boarding, sleep deprivation and harm to sexual parts of the body. The report noted that some of the methods such as beating the soles of the feet with a baton, water boarding, hanging upside down, and rolling baton on the thighs, giving electric shocks, etc do not leave visible marks on the body, making it difficult for victims to prove it. The report found that the Criminal Investigation Agency (CIA) of Haryana Police was responsible for most of these incidents of torture.³²

The brutality of the police is not confined to Haryana but a norm all over the country. During August 2019, some of the emblematic cases of torture are given below:

Case 1: Death of Shivam due to alleged custodial torture, Uttar Pradesh

On 27 August 2019, 25-year-old Shivam died due to alleged torture at Pannuganj police station in Sonbhadra district, Uttar Pradesh. He was arrested on 26 August 2019 for stealing mustard seeds. Police claimed Shivam fell ill on 27 August after which he was taken to the district hospital where he died. Shivam’s family alleged that he was mercilessly beaten in the police station, leading to his death. Shivam’s father Umapati Shukla also stated that he was fine when the family had met him on 27 August evening around 5 PM, and within

two hours at around 7 PM they were informed through the village head that Shivam was taken ill.³³

Case 2: Death of Dalit Ram Avtar due to alleged custodial torture, Uttar Pradesh

On 25 August 2019, a Dalit youth identified as Ram Avtar (35), s/o Ram Abhilakh died due to alleged torture at Inhauna police chowki under Shivratanganj police station in Amethi district of Uttar Pradesh. The deceased was taken into custody on 23 August 2019 in connection with an alleged theft case. Police claimed Ram Avtar died after he suffered a heart attack. According to police, at around 9 AM on 25 August a police guard posted at the Inhauna police choki took the deceased to the toilet to defecate. When the deceased did not come out for long, the guard entered the door by breaking the latch and saw the deceased was lying in unconscious state. Thereafter, the deceased was immediately taken to a local community health centre, where the doctor declared him brought dead. However, the family members alleged that the deceased was brutally beaten up by the police personnel in custody, due to which he died.³⁴

Case 3: Alleged illegal detention and torture of seven Irula tribals, Tamil Nadu

On 25 August 2019, seven tribals identified as R Babu (22), M Velu (29), S Ramu (30), V Velu (29), R Vijayakumar (30), V Shankar (30) and K Manikandan (35) were allegedly illegally detained and tortured by police at Ulundurpet police station in Kallakurichi district of Tamil Nadu. The victims, belonging to Irula tribal community and residents of Ulundurpet and Kaatunemili areas in Kallakurichi district, works as labourers in brick kilns. Police arrested them in the early morning of 25 August at around 3 AM in connection with an alleged theft case. The family members of the victims alleged that they were arrested without giving any reason and explanation to them or their family members, and kept them in detention illegally. The family members claimed that during raid the police took them away in an inhuman way and subjected to verbal abuse.

Case 4: Death of Babul Das due to alleged torture, Assam

On 23 August 2019, Babul Das (22) died due to alleged torture at Rakhyasmari police station in Sonitpur district of Assam. The deceased was arrested by police after a complaint was lodged against him by his own brother at the police station in connection with a family dispute. After arrest the police detained him at the police station where he was allegedly subjected to torture. He sustained serious injuries on his body, and was admitted at the Tezpur Medical College & Hospital, where he died during treatment.³⁵

Case 5: Death of Hanuman Koli due to alleged custodial torture, Rajasthan

On 23 August 2019, Hanuman Koli (40), s/o Bhairulal Kol, died due to alleged torture at Mahaveer Nagar police station in Kota district of Rajasthan. The deceased was

arrested by the police on the night of 22 August 2019 on charges of breach of peace. After arrest, the police detained the deceased at Mahaveer Nagar police station, where he died. Police claimed that the deceased complained of uneasiness and he was taken to the New Medical College Hospital, where the doctor declared him dead. However, Nathi Bai, the deceased's wife alleged that her husband was tortured to death in custody. She also alleged that after the death of her husband the police called the family members to sign some papers and then informed them about the death of her husband. She further accused the police of cremating the body in haste without even allowing his children to see his face.³⁶

Case 6: Death of Shrikant Singh due to alleged custodial torture, Bihar

On 21 August 2019, Shrikant Singh (45) died under mysterious circumstances at Indrapuri police station in Rohtas district of Bihar. The deceased, a resident of Hurka village under Tilouthu police station area in Rohtas district, was arrested on the night of 20 August 2019 in connection with a case of alleged theft of a tractor. Police claimed the deceased committed suicide by hanging himself from the roof of the lock-up of the police station with the nada (drawstring) of his pyjama.³⁷ However, the deceased's wife, Reena Devi suspected foul play and alleged that he was tortured to death.³⁸

Case 7: Alleged torture of five persons, Gujarat

On 19 August 2019, five persons identified as Shravan Jhala (34), Dharmendra Jhala, Talubha Jhala, Vipulji Thakor and Mahipat Jhala were allegedly tortured in police custody at Vithlapur police station in Ahmedabad district of Gujarat. The victims, all residents of Dadhana village in Ahmedabad district, were arrested on the same day on the charge of running a gambling den. A police team picked them up from the house of Shravan Jhala and taken to Vithlapur police station, where all of them were allegedly tortured by Sub Inspector B S Chauhan and a constable. They all allegedly suffered internal injuries. One of victims, Shravan Jhala alleged that while the constable held his hands behind his back, Sub-Inspector Chauhan beat him up severely with his belt to extract confession to the crime. Shravan Jhala suffered serious injuries and had to be hospitalised.³⁹

Case 8: Alleged third-degree torture of Neeraj Sharma, Uttar Pradesh

On 19 August 2019, Neeraj Sharma was allegedly subjected to third-degree torture for three hours by four police officials in custody at Sahabnagar police post in Modinagar, Gaziabad district of Uttar Pradesh. The victim, a resident of Sikri Kalan village, was dumped by the accused police officials when his condition deteriorated. The victim alleged that the accused got agitated after an argument broke out during a checking drive. The accused identified as Sub-Inspector and Sahabnagar Police Post In-Charge Rajkumar Kushwaha, Head Constable Vimal Sharma, and Constables Dharmesh and Ravindra Singh were suspended on 20 August.⁴⁰

Case 9: Death of Aarzudin due to alleged custodial torture, Punjab

On 17 August 2019, Aarzudin (30) died due to alleged torture by police at Division Number 2 police station in Ludhiana district of Punjab. The deceased, a resident of Jamalpur in the district, was picked up by the police on 15 August 2019 over suspicion in involvement in a mobile phone theft case. The police took the victim at the Division Number 2 police station, where he was allegedly subjected to torture. The family members alleged that when they went to the police station the Assistant Sub Inspector demanded bribe and they paid Rs 30,000 for his release. He was released on 17 August. But he died within hours of his release, following which the family alleged custodial torture.⁴¹

Case 10: Alleged torture of five youth in police custody, Maharashtra

On 16 August 2019, five youth were allegedly subjected to third degree torture in custody by police officials of Deonar police station in Mumbai, Maharashtra. They were arrested on charges of assault and rioting. The police produced them in the court on 17 August, where they complained to the magistrate that officials of Deonar police station tortured them the entire night. Following the complaint, the magistrate ordered medical examination of the victims.⁴²

Case 11: Death of V Balakrishna due to alleged torture, Andhra Pradesh

On 15 August 2019, V Balakrishna (45) died due to alleged torture at Jupadubangla Mandal headquarters police station in Kurnool district of Andhra Pradesh. The deceased, a resident of Thudicherla village in the district, was repeatedly summoned to the police station for three days from 12-15 August 2019 for his alleged involvement in the sale of liquor illegally at his village. Police claimed that on 15 August the deceased collapsed after he suffered epileptic fit in the police station following which he was taken to the Government Hospital in Nandikotkur, where the doctors declared him dead. However, the deceased's family members alleged that Balakrishna died due to custodial torture during interrogation for three days and demanded action against Sub-Inspector Tirupalu.⁴³

Case 12: Custodial torture of Sajith Babu, Kerala

On 15 August 2019, Sajith Babu (23) was allegedly tortured in police custody at Nedumangad police station in Thiruvananthapuram district of Kerala. The victim was picked up by police on the same day on the suspicion of his involvement in a motorcycle theft case. The family members alleged that the victim was hand-cuffed and subjected to third-degree torture for three hours in police custody to obtain confession to the crime. The victim was allegedly tortured till he lost his consciousness. The victim suffered spinal fracture due to the torture.

Case 13: 12 Nomadic tribe men tortured, one dies and forced to perform oral sex in custody, Gujarat

On the intervening night of 14-15 August 2019, 12 persons belonging to de-notified nomadic tribe were picked up on the suspicion of being involved in theft of cellphones and detained at Junagadh police station in Junagadh district of Gujarat. They were allegedly illegally detained till 17 August 2019, when they were released after being made to sign on blank papers. During their illegal detention, all the suspects, who belonged to Nat Bajaniya de-notified tribe of the State, were allegedly subjected to torture for about 12 hours and forced by the police to perform oral sex among themselves. One Hira Bajania (65) died due to the alleged torture on 15 August 2019. Shankar Bajania, another suspect alleged that on 14 August 2019 evening the police came and clicked the victim's photograph including his and again they came back in the night at around 02.00AM and picked up all the victims one by one and taken to the Junagadh police station, where they were tortured and forced to perform oral sex for hours to obtain confession to the crime. Shankar Bajania further alleged that after the death of Hira Bajania, the police called the family members of the deceased to the crematorium at the dead of night and cremated the body in haste in order to destroy the evidence of custodial torture. Due to this police action, the family members were even denied to perform the last rite of the deceased as per their community's custom.⁴⁴

Case 14: Death of Rahul Bansal due to beating by a police constable, Uttar Pradesh

On 13 August 2019, Rahul Bansal (32), a paan vendor, died due to beatings by constable Yogendra Chaudhary posted at Firozabad Police Lines in Mathura district of Uttar Pradesh. The deceased, a resident of Dholi Pyahu locality in the district, was brutally assaulted on the head with a blunt object by the accused constable Yogendra Chaudhary on 12 August 2019 allegedly for asking to pay for paan masala. The victim received serious injuries on his head and on the next day i.e. 13 August he was taken to a hospital after he complained of stomach pain. He died on the same day during treatment.⁴⁵

Case 15: Death of farmer Suresh Rawat due to alleged torture, Madhya Pradesh

On 10 August 2019, Suresh Rawat (55), a farmer, died due to alleged torture at Belgarha police station in Gwalior district of Madhya Pradesh. The victim, a resident of Bajna village in the district, had an altercation with another farmer in connection with a land dispute. Both of them went to Belgarha police station to submit complaints against each other. The police booked Suresh Rawat. According to the police, after few hours Suresh Rawat was found hanging through the grill of the lock-up. He was taken to a hospital, where doctors declared him dead on arrival. The deceased's brother alleged that the police demanded a bribe of Rs. 20,000 from the deceased to lodge his complaint against the farmer and when he refused to pay the bribe, the police tortured him to death in custody. Five policemen, including an

assistant sub-inspector (ASI), were suspended in connection with the custodial death.⁴⁶

Case 16: Five tribals forced to drink urine and tortured in custody, Madhya Pradesh

On 9 August 2019, five tribals were tortured by police in custody of Nanpur police station in Alirajpur district of Madhya Pradesh. The victims, all of them residents of Nanpur area in the district, allegedly assaulted a police officer and were booked under Section 353 of IPC (assault or criminal force to deter public servant from discharge of his duty). After arrest, the victims were brought to Nanpur police station. Later, the victims were released on bail by a local court. The victims claimed that they were brutally beaten up by the police in custody. The victims also alleged that they were forced to drink urine when they asked for water in custody.⁴⁷ The victims were identified as Aaditya Chouhan (18), Vikas (19); Yashwant Chouhan (20), Rahul Chouhan (18), and a minor, a Class 10 student. The five had injuries all over their bodies, while three suffered fractures in their hands and legs. Aaditya Chouhan was subjected to extreme torture method. The police took him to a room on the station premises from the lock-up, where his hands and legs were reportedly tied, suspended between two tables using a thick rod and took turns in beating him up using pipes, rods and belts. The others were also allegedly beaten up for nearly one-and-a-half hours. Accordingly to Yashwant Chouhan, who was also suspended like his brother Aaditya Chouhan, all through the police personnel kept drinking and beat them when they would finish a peg. They banged the head of the minor against the wall. The Superintendent of Police, Alirajpur district stated that the allegation of custodial torture was found to be true and four police personnel, including the in-charge of the Nanpur police station were suspended and a departmental inquiry initiated against them.⁴⁸

Case 17: Death of Ratikanta Das in police custody, Odisha

On 8 August 2019, Ratikanta Das, a hotel owner, died in police custody in Balsore district of Odisha. He was picked up by the police on the previous day for his alleged involvement in illegal liquor trade. Das was taken ill in the police station and rushed to SCB Medical College and Hospital in Cuttack after his health condition deteriorated. He succumbed while undergoing treatment. Das's death sparked outrage among locals and they resorted to road blockade at Remuna Golei Chhak accusing the police responsible for his death.⁴⁹ Das's mother alleged that his son sustained injury on his head during police custody.⁵⁰

Case 18: Death of Jaspreet Singh due to alleged custodial torture, Punjab

On 6 August 2019, Jaspreet Singh (32), a resident of Subhash Nagar area in Ludiana district of Punjab, died due to alleged torture by the police at Tibba police station in the district. The deceased, was arrested in the morning by the

police in connection with a case of smuggling of illicit liquor. After being arrested the deceased was taken to the police station for interrogation and he died in custody in the evening. Police claimed that on 6 August evening the deceased suddenly fell unconscious and he was taken to the Civil Hospital, Ludhiana where he died. However, Jagtar Singh, the deceased's brother, alleged that on 6 August evening at around 5 PM he met his brother at the police station and during this meeting, the deceased told him that he was brutally beaten up by the police. Jagtar Singh further claimed that soon after he reached home from the police station, he got a phone call from the police station informing that his brother was taken to the hospital. When the family members reached the Civil Hospital, Jaspreet Singh was already declared dead.⁵¹

Case 19: Custodial death of Dr. Nardeep Singh Sethi, Punjab

On 6 August 2019, Nardeep Singh Sethi (46 years), a doctor by profession, died under mysterious circumstances in the custody of Samrala police station in Ludhiana district of Punjab. The victim, resident of Manjali Kalan village in the district, was arrested on 6 August by the police from his clinic at Bagli village under the Narcotic Drugs and Psychotropic Substances (NDPS) Act. The deceased was taken to the Samrala police station for questioning, where he died on the same day. Police claimed the deceased committed suicide by shooting himself inside the police station with the pistol of Investigation Officer (IO) ASI Gurjar Singh when the IO went out for some time and left his pistol at his drawer. However, Amanjot, the deceased's son alleged that his father was killed by the police in custody and demanded strict action against the accused police officials. A judicial inquiry was ordered to investigate the custodial death.⁵²

Case 20: Custodial torture of Anup Rabha, Assam

On 5 August 2019, 26-year-old Anup Rabha, s/o Bhabani Rabha, was allegedly tortured by police at Tangla police station in Udalguri district of Assam. The victim, a resident of Tangla town in the district, was picked up by the police led by Sub-Inspector Jon Khangkeo on the same day following a complaint filed against him by his friend Jeet Malakar at the police station. At the police station, Sub-Inspector Jon Khangkeo and Officer-in-Charge, Durga Kingkar Sarmah subjected him to alleged torture by hitting him with wooden sticks and pressing his finger nails with pliers. The victim's father Bhabani Rabha stated that on 5 August evening at around 9 PM he met his son at the police station and during meeting, his son told him that he was brutally beaten up by the Sub-Inspector Jon Khangkeo and Officer-in-Charge Durga Kingkar. Bhabani Rabha also alleged that the accused police officers demanded bribe for the release of his son and on his refusal his son was further tortured and kept without food and water, as a result, he was unable to stand with his feet.⁵³

Case 21: Suicide by A. Sathyamoorthy due to alleged police torture, Tamil Nadu

On 2 August 2019, 19-year-old, A Sathyamoorthy was found hanging at his house in Varushanadu in Theni district, Tamil Nadu. The youth was allegedly picked up by the police on the basis of a complaint of theft of petrol from a two-wheeler. The police conducted an inquiry at the station after which Sathyamoorthy was sent home on night of 1 August 2019. However, Sathyamoorthy allegedly committed suicide after returning to his house. Relatives of the deceased alleged that he took the extreme step due to police torture and threat. A fact-finding team from Evidence, a Madurai-based NGO claimed that police had tortured, leading him to commit suicide. According to the NGO, the youth was picked up from his house by a police officer, who arrived in plainclothes, kept in the police station for a whole day and beaten up. There are injuries all over his body. Police denied allegation of custodial torture.⁵⁴

Case 22: Suicide by Banti due to alleged police torture, Haryana

On 1 August 2019, 23-year-old Banti alias Bittu died after he consumed poison following three days of police torture in Hisar district of Haryana. Bittu, a resident of Barsi Jatan village, was allegedly subjected to torture over the disappearance of his elder brother and a girl four months back. A case was registered at Bawani Khera police station in Bhiwani on 2 August on the complaint of Vikash, a cousin of Banti, against accused police personnel including Sub-Inspector Jagbir and Assistant Sub-Inspector Rajbir. As per the police complaint, five police personnel had picked up Bittu for three days and tortured him to reveal his brother's location following a complaint by the girl's relatives.⁵⁵

3.2 Torturous prison conditions and deaths in judicial custody

Conditions of jails remain torturous across the country. In its latest prison report of 2016, the National Crime Record Bureau (NCRB) revealed how prisons have fallen off the state governments' priority list as many jails remained overcrowded, 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 were 2,93,058 undertrials, 1,35,683 convicts and 3,089 detainees. In other words, the undertrials comprised more than 67% of the total prisoners.⁵⁶ In Haryana, the CHRI study found that 11 of the State's 19 jails had overcrowding ranges from 170% to 22.8%.⁵⁷

Overcrowding and poor jail conditions had health implications on the jail inmates. As per the NCRB report, the top five states where maximum deaths of inmates in jails were reported in 2016 were - Uttar Pradesh (429), Madhya Pradesh (146) Punjab (152), Maharashtra (121) and Rajasthan (97).⁵⁸

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

across the country. Some of the illustrative cases during August 2019 given below:

Deaths under mysterious circumstances/due to alleged torture

On 20 August 2019, undertrial Lal Bahadur Prasad (45), s/o Baliram Prasad, died due to alleged torture in the custody of Siwan Central Jail in Siwan district of Bihar. The deceased, a resident of Gour village in the district, sent to judicial custody on 17 August 2019 in connection with a case of consumption of alcohol, which is banned in Bihar. Jail officials claimed that on 20 August 2019 the deceased's health suddenly deteriorated, after which he was taken to the Sadar Hospital, Siwan. He was referred to Patna Medical College and Hospital (PMCH) but he died at Sadar Hospital, Siwan before being taken to PMCH. However, the family members accused the jail guards of killing the deceased. The deceased's wife alleged that she saw the jail guards beating her husband whose both hands were cuffed while legs were tied to the bed with a rope at the Sadar Hospital. She further alleged that security guards forcefully removed her from the ward when she asked them not to beat her husband.⁵⁹

On 17 August 2019, Feroz Khan, a 24-year-old life convict, died while in the judicial custody at Cherlapally jail in Telangana. Jail officials claimed that the prisoner committed suicide by hanging from the exhaust fan with a towel in the bathroom of a government mental care hospital, where he was admitted for treatment. According to the jail officials, Feroz was brought to the jail on 24 July 2019 and was shifted to the hospital on 5 August 2018 as he was suffering with depression and was showing suicidal tendencies. The reason for the suicide was unknown, but police suspect that Feroz got into depression after being convicted for murder.⁶⁰

On 7 August 2019, undertrial prisoner Hasam Pathan (28), s/o Iqbal Pathan died due to alleged torture in the custody of Junagadh Central Jail, Junagadh in Gujarat. The deceased, was arrested under Prohibition Act and sent to the central jail. Jail officials claimed on 6 August 2019 the deceased complained of chest pain and fell unconscious, after which he was taken to the Junagadh Civil Hospital where he died on the night of 7 August. However, Iqbal Pathan, the deceased's father alleged that his son died due to physical torture in the jail by the jail authorities and demanded strict action against the accused jail officials.⁶¹

On 5 August 2019, undertrial Ankur (35) died at Muzaffarnagar district jail in Uttar Pradesh under mysterious circumstances. According to jail officials, the undertrial, arrested in a murder case in 2012, committed suicide by hanging from the ceiling of his barrack. A judicial inquiry was ordered to investigate the custodial death.⁶²

On 2 August 2019, Rahul Amin, a prime accused in a multi-core fraud case, died in judicial custody at the Guwahati Central Jail, Assam. He was sent to judicial custody on 10 July 2019. Jail officials claimed that Amin died due to illness. However,

Amin's wife who visited him a just a day ago, found him fine. She alleged that her husband was murdered in custody.⁶³

Deaths due to alleged medical negligence

On 23 August 2019, Patnaik Harijan (45), an undertrial prisoner, died at Bhawanipatna jail in Kalahandi district of Odisha. Patnaik, a resident of Rengapalli village under Lanjigarh block in the district, was arrested by the police in connection with a clash between the villagers and security personnel of the Vedanta Aluminium Refinery on 18 March 2019 when villagers staged a demonstration demanding employment for locals in the refinery. The deceased was sent to judicial custody at Bhawanipatna jail where he died on the night of 23 August. The jails officials claimed that Patnaik died due to illness during treatment. However, the villagers alleged that the deceased was not given adequate and timely treatment, which led to his death.⁶⁴

On 20 August 2019, undertrial HM Raju (42) died at Mangalore Jail in Dakshina Kannada district of Karnataka. The deceased, a resident of Sakleshpur in Hassan district, was sent to judicial custody in connection with a case of rioting in 2015. Jail officials claimed on 20 August 2019 the deceased suddenly complained of dizziness, after which he was taken to the Government Wenlock Hospital, Mangalore where doctors declared him brought dead. A case of unnatural death was registered following a complaint.⁶⁵

On 17 August 2019, Virendra Yadav, a convict serving life imprisonment since 2010, died at Gopalganj district jail, Bihar. Jail officials claimed the deceased was suffering from hypertension, diabetes, etc. On 17 August, he was admitted in the jail hospital after he complained of chest pain. When the deceased's condition worsened he was taken to the Sadar Hospital, Gopalganj where he died during treatment. However, the family members of the deceased accused the jail administration of medical negligence. They alleged that they were not informed when the deceased's health deteriorated and that the deceased died at the jail. But, the jail officials took the dead body to Government Hospital, Gopalganj just to show that the deceased died while being taken to hospital. Family members also alleged the jail officials went away from the hospital leaving the dead body there.⁶⁶

On 16 August 2019, undertrial prisoner Dinesh Yadav (32), s/o Late Bhagwat Yadav died at District Jail, Nawada in Bihar. The deceased, a Panchayat President, was sent to judicial custody on 26 June 2019 after he surrendered himself before the court on 12 June 2019. Jail officials claimed that on 16 August the deceased was found in an unconscious state in the jail's bathroom, after which he was taken to the Sadar Hospital where the doctors declared him dead. However, the family members of the deceased alleged the jail administration of medical negligence due to which the deceased died. According to the family members, the deceased was suffering from some stomach disease but the jail administration refused proper treatment despite several requests from the family members.⁶⁷

On 7 August 2019, a convict identified as Yantra Prakash Shukla (48), s/o Shakti Prasad Shukla died at Raisen district jail in Madhya Pradesh. The deceased was sentenced to 5 years jail on 6 February 2019 by a local court in a drug smuggling case. Jail officials claimed that in the morning of 7 August the deceased suddenly complained of chest pain, after which he was taken to the hospital where the doctors declared him dead. However, the family members of the deceased alleged the jail administration of delaying in taking the deceased to the hospital. The family members also alleged that the deceased had chest pain at 5:30 AM, but he was taken to the hospital after 45 minutes.⁶⁸

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.

A report 'Inside Haryana Prisons' by the CHRI released on 8 August 2019 revealed shocking details of torture and sexual abuse faced by women in police custody in Haryana. The study stated how women inmates faced custodial torture, rape threats and molestation by the police personnel as well jail staff. The study included testimony of a woman, Reema (name changed) who alleged that drunk male police personnel touched her private parts while she lay naked on the floor of the cell. If she resisted, she was punished with severe physical torture in the form of electric shocks, her face immersed in water and beaten with sticks. She also accused the police of keeping her in illegal detention for seven days without being produced before the magistrate.⁶⁹

As per the report, 39-year-old Zainab (name changed) claimed that she was kept in police custody for 15-16 hours, where she was given rape threats and asked to remove her salwar in the presence of police personnel. Another woman, Indu (name changed) faced torture for all three days she was in police custody. While another woman inmate Anchal (name changed) alleged that one police personnel put his foot on her thigh and threatened to strip her and to put chilies in her vagina, according to the CHRI report. Anchal further claimed that she was beaten continuously for three days and given electric shocks, and out of fear and threats she did not disclose her ordeal before the magistrate or even the doctor during the medical examination.⁷⁰

During August 2019, some of the reported cases of torture and sexual violence against the women and children are as under:

Case 1: Death of Dalit woman Leelabai in police custody, Tamil Nadu

On 18 August 2019, a Dalit woman identified as Leelabai (55) died under mysterious circumstances at the Valliyoor All Women Police Station in Tirunelveli district of Tamil Nadu. The deceased, a resident of Kanniyakumari district, was

arrested by the police on the night of 17 August 2019 for interrogation in connection with a sexual harassment case against one Kristopher. The police claimed that the deceased knew the whereabouts of Kristopher. After being arrested the police took her at the Valliyoor All Women Police Station in Tirunelveli where she died on the morning of 18 August. The police claimed that on the morning of 18 August the deceased was taken to Kanniyakumari to trace the whereabouts of Kristopher, where she allegedly suffered breathing difficulties and died at the Government Medical College Hospital in Aasaripallam. However, the deceased's family members blamed the police for the death of the deceased. They also alleged that the police did not follow the rules before taking a woman to a police station in the late night. The family members further claimed that Leelabai was innocent and demanded action against the guilty police personnel.⁷¹

Case 2: Torture and sexual assault of a minor boy by three police constables, Chhattisgarh

On 9 August 2019, a minor boy was allegedly subjected to torture and sexually assaulted by three constables identified as Anil Rajput, Mukesh Thakur and Krishna Rajpoot near a railway station under Amanaka police station in Raipur district of Chhattisgarh. On 9 August, an unidentified man chased two minor boys, including the victim, at the Sarona railway station accusing them of stealing a mobile phone. The three accused police constables caught the victim, while the other boy ran away. In a video which had gone viral in social media, the three accused police personnel were seen beating the minor, pulling his hair, twisting his ears and one of the constables was touching his private parts. The three constables were suspended and a departmental enquiry was ordered against them.⁷²

Case 3: Suicide by a Dalit woman unable to bear alleged police torture, Rajasthan

On 6 August 2019, a Dalit woman identified as Amita Devi (35) committed suicide due to alleged torture by police personnel of Sewar police station in Bharatpur district of Rajasthan. The deceased, a resident of Bhandor village in the district, was picked up on 5 August 2019 evening for questioning after her husband's alleged elopement with another woman from the neighbourhood in July 2019. The deceased's family members alleged that she was subjected to torture and humiliated by the police during interrogation regularly since July 2019. On 5 August 2019, she was summoned by the police for further interrogation about the whereabouts of her husband. The deceased sister's claimed that her sister was "assaulted and threatened" by the police, and unable to bear the humiliation and torture she took the extreme step to end her life in her house at Bhandor village after returning from the police station.⁷³

Case 4: Custodial rape of woman prisoner in a moving train

On 3 August 2019, a woman prisoner lodged in Tihar Jail, Delhi was allegedly raped by a Head Constable of Delhi Police in a moving train while in police custody. The victim alleged

that the incident took place when she was returning to Delhi from West Bengal after attending a court hearing. Delhi Police registered an FIR of rape against the accused Head Constable. There were five police personnel including two women and the accused who were present with her. According to the victim at about 1.30 AM, she wanted to go to the washroom but the two women personnel were asleep. So, the accused Head Constable offered to take her to the washroom. The victim alleged that she was in the washroom when the accused barged inside and raped her. She was threatened not to inform anyone. She disclosed the incident to the jail Superintendent when she returned to Tihar Jail, following which an FIR was registered.⁷⁴

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 sometimes results in death.

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

Case 1: Supreme Court fines 7 States for failure to file responses on setting up of human rights courts

On 13 August 2019, the Supreme Court fined seven states namely Telangana, Rajasthan, Uttarakhand, Uttar Pradesh, Odisha, Meghalaya and Mizoram for failing to file responses on setting up human rights courts despite its direction in 2018. Rajasthan and Uttarakhand were fined Rs. 100,000 each and Telangana, Uttar Pradesh, Odisha, Meghalaya and Mizoram were fined Rs. 50,000 each. These seven states will have to file responses within one month. The Supreme Court had on 4 January 2018 directed the states to file their responses on the issue of setting up of human rights courts.⁷⁵

Case 2: Madras High Court enhances compensation in custodial death case

In August 2019, the Madurai Bench of the Madras High Court directed the State Government of Tamil Nadu to enhance the compensation to the family of Markandeyan, who committed suicide at the Oomachikulam police station in 2011. The order was passed by the court while hearing a petition filed by the deceased's wife C. Poomayil in 2015. In her petition, she alleged that her husband committed suicide after he was tortured and harassed at the police station. The State Government paid Rs. 100,000 to the deceased's family. However, the court felt that the compensation was not sufficient as the family was struggling to make ends meet.⁷⁶

Case 3: Orissa High Court constitutes SIT in Kunduli rape-cum-suicide case

On 2 August 2019, Orissa High Court constituted a three-member Special Investigation Team (SIT) to investigate the alleged rape of a minor girl in December 2017 and her subsequent suicide in January 2018. The 14-year-old girl from

Kunduli in Koraput district had alleged that she was gang raped by four unknown security personnel on 10 October 2017. In December 2017, police, citing medical reports, had ruled out rape. She hanged herself to death on 22 January 2018. Following statewide public outcry, the state government had then ordered separate Crime Branch and judicial inquiries into the incident. However, doubts were raised over the ongoing investigation by the Crime Branch and no tangible progress of the judicial inquiry. Following which two PILs, one by the victim's mother, seeking an investigation by the Central Bureau of Investigation, were filed.⁷⁷

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 7,868 fresh cases, including 14 cases relating to death in police custody and 140 cases relating to death in judicial custody, while it disposed of a total of 7,068 cases (Fresh + Old), which included 13 cases of death in police custody and 214 cases of death in judicial custody, during July 2019. A total of 19,352 cases (Fresh + Old), including 366 cases of death in police custody and 3,070 cases of death in judicial custody, were under consideration of the Commission as in July 2019.⁷⁸

During the same period, the NHRC has awarded a total of Rs 1,38,00,000 in 25 cases of human rights violations, including 6 cases of death in judicial custody, 1 cases of death in police custody, 1 case of custodial torture, 1 case of rape outside police station, 1 case of illegal arrest, among others.⁷⁹

4. International Action against Torture during July 2019

4.1 UNCAT's findings on Bangladesh, Greece and Poland

On 9 August 2019, the UN Committee Against Torture published its findings on the human rights record under the Convention against Torture of four countries - Bangladesh, Greece, Poland, and Togo, which it examined during its latest session held in Geneva, Switzerland from 22 July to 9 August 2019.⁸⁰

The Committee made the following important recommendations on Bangladesh, Greece and Poland:⁸¹

I. Bangladesh

The Committee against Torture considered the initial report of Bangladesh on 30 and 31 July 2019, which was overdue for two decades. Among others, the Committee adopted the following concluding observations on 8 August 2019.⁸²

Allegations of widespread use of torture and ill-treatment: The Committee recommended that the government publicly

acknowledge that torture will not be tolerated under any circumstances, and to apply the Torture and Custodial Death (Prevention) Act, 2013 to all law enforcement agencies. It recommended that officials who commit acts of torture and ill-treatment are prosecuted and punished with penalties commensurate to the crime of torture, including those with superior or command responsibility. The country was urged to ensure that law enforcement officials receive and apply in practice training in forensic, non-coercive investigation methods, and ensure all law enforcement officials are aware that it is unacceptable to engage in torture and ill-treatment to pressure criminal suspects to confess to crimes. The Committee also recommended taking measures to ensure that confessions obtained from criminal suspects through torture or ill-treatment are not accepted in practice as evidence of guilt. It further urged Bangladesh to systematically collect statistical data at the national level on the implementation of the Torture and Custodial Death (Prevention) Act, including information on the number of complaints, investigations, prosecutions, trials and the number of convictions in cases of torture or ill-treatment; the punishments meted out to perpetrators of torture and ill-treatment found guilty; and on measures of redress, particularly compensation and rehabilitation afforded to victims.

Inadequate investigation of complaints of torture: The Committee recommended Bangladesh to ensure that its authorities, preferably independent bodies, carry out prompt, impartial, effective criminal investigations into all complaints of torture, ill-treatment, unacknowledged detention, disappearances, and death in custody. It also recommended an independent inquiry into such allegations raised against RAB members, and to stop the practice of seconding military personnel to serve in the RAB and ensure that it is a purely civilian force and that members of the RAB, like other law enforcement officers, are subject to criminal prosecution and penalties, rather than merely internal disciplinary action. The Committee further recommended that an independent vetting procedure guided by the UN be established for all proposed peacekeepers and ensure that no person or unit implicated in the commission of torture, extrajudicial killing, disappearances or other serious human rights violations is selected for service.

Limited mandate of NHRC: The Committee recommended amendment of the National Human Rights Commission Act of 2009 to broaden the mandate of the NHRC so that it can investigate directly all alleged acts of torture and ill-treatment by State military, police and security forces including allowing it to access all places where persons are deprived of their liberty.

Violence against HRDs: The Bangladesh government was urged to investigate all allegations of unlawful or arbitrary arrest, harassment, torture or ill-treatment or violence against human rights defenders including civil society actors, lawyers

and journalists. The government was also asked to amend legislation or provisions that have provided a basis for arresting and prosecuting individuals who have publicized allegations of torture, disappearance, extra-judicial killing or ill-treatment or criticized the State party's response to such allegations.

Conditions of detention: Numerous improvements of prison conditions were suggested, including decreasing overcrowding, "zero tolerance" policy against custodial death, torture or any other forms of ill-treatment, allowing independent monitoring bodies to carry out visits etc.

Redress and rehabilitation: The government was urged to ensure that all victims of torture obtain redress and have an enforceable right to fair and adequate compensation, including by way of amending the Torture and Custodial Death (Prevention) Act to provide appropriate compensation for victims of torture and ill-treatment.

II. Greece

The Committee against Torture considered the seventh periodic report of Greece on 24 and 25 July 2019, and adopted the following concluding observations on 7 August 2019. Some of the major recommendations made to Greece with respect to torture are as under:⁸³

Definition and criminalization of torture: Greece was urged to bring the contents of article 137A of the Criminal Code into line with article 1 of the Convention, among others, by identifying discrimination of any kind among the purposes for inflicting torture; ensuring that the infliction of torture by or at the instigation of or with the consent or acquiescence of a public official or any other person acting in an official capacity is included in the definition; and, eliminating all superfluous elements, such as the requirement that the infliction of severe pain has to be "planned" in advance.

Statute of limitations: The Committee recommended that the offence of torture is not subject to any statute of limitations, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators.

Fundamental legal safeguards: The country was asked to ensure that all persons who are arrested or detained are afforded in practice all fundamental legal safeguards against torture from the very outset of their deprivation of liberty.

Prompt, thorough and impartial investigations: The Committee recommended that all complaints of torture and ill-treatment are promptly investigated in an impartial manner by an independent body.

Redress: Greece was asked to ensure that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for full rehabilitation.

Coerced confessions: The Committee recommended Greece to take effective steps to ensure in practice that confessions obtained under torture or ill-treatment are ruled inadmissible and investigated.

Conditions of detention: A number of suggestions were given to improve conditions of detention and alleviate overcrowding of penitentiary institutions including through the application of noncustodial measures.

III. Poland

The Committee against Torture considered the seventh periodic report of Poland on 23 and 24 July 2019, and adopted the following concluding observations on 5 August 2019.⁸⁴

Definition of torture as a separate crime in the Criminal Code: The Committee reiterated its previous recommendations to Poland to take effective legislative measures to include torture as a separate and specific crime in its Penal Code; to adopt a definition of torture that covers all the elements contained in article 1 of the Convention.

Use of evidence obtained by illegal means: Among others, the country was urged to take effective steps to enact legislation that explicitly prohibits the admissibility of evidence obtained as a result of torture and ill-treatment in all judicial proceedings and repeal article 168a of the Code of Criminal Procedure, which does not consider inadmissible in criminal proceedings evidence gathered illegally.

Fundamental legal safeguards: The Committee recommended that Poland should take effective measure to guarantee that all detained persons are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, in accordance with international standards.

Pre-trial detention: Ensure that pretrial detention is used as an exception and to establish a maximum period prescribed by law and that it can be monitored by a court of law.

Police brutality: Poland was urged to ensure that all allegations of torture and ill-treatment by law enforcement officials and all deaths in custody are investigated promptly, effectively and impartially.

Conditions of detention: The Committee urged Poland to ensure adequate material conditions in all police detention units, including sufficient ventilation and lighting, clean bedding and appropriate sanitary conditions.

Investigation of acts of torture and an independent complaints mechanism: The Committee recommended that all reports of torture or ill-treatment are investigated and establish an investigative mechanism that is capable of carrying out independent and effective criminal investigations and prosecutions of allegations of torture and ill-treatment committed by public officials and which operates independently.

4.2 Interventions by UN Experts

I: Human Rights Committee faults Nepal in a case of torture and forced child labour

On 27 August 2019, the United Nations Human Rights Committee urged Nepal to remove all existing obstacles that hinder victims of torture and forced labour in filing

complaints. The Committee's decision came in response to an individual complaint from Bholi Pharakka (pseudonym), a member of an indigenous group who was a domestic worker in Kathmandu from the age of 9. He was forced to work every day from 4 AM until 10 PM, not allowed to go to school and never received payment for his work. He was also subjected to physical and psychological abuse. After two years, he escaped, but soon thereafter was falsely accused of theft by his former master, arrested and tortured during police interrogation. After the victim and his family's multiple attempts to file complaints failed, his case made its way to the Committee via a Swiss NGO (TRIAL International), which assisted him in bringing his petition to the international level.⁸⁵

In its decision, the Committee found that Nepal violated a number of provisions of the International Covenant on Civil and Political Rights and called on Nepal to amend its legislation and statutes of limitations in accordance with international standards and to criminalize torture and slavery with sanctions and remedies commensurate with the gravity of such crimes. The Committee urged Nepal to report back within 180 days detailing the measures it had taken to remedy the situation.⁸⁶

II. UN experts document sexual torture in Myanmar

In a new report published on 22 August 2019 the UN Independent International Fact-Finding Mission on Myanmar said that soldiers routinely and systematically employed rape, gang rape and other violent and forced sexual acts against women, girls, boys, men and transgender people in blatant violation of international human rights law. The Mission conducted interviews with hundreds of survivors and witnesses of sexual violence in Kachin and Shan States in the north, and in Rakhine State in the west, where the military's "clearance operations" that began on 25 August 2017 led to more than 700,000 Rohingya fleeing to Bangladesh. The report also documented cases of sexual torture of men and boys.⁸⁷

III. UN High Commissioner concerned after Sri Lanka appoints new army commander accused of war crimes

On 19 August 2019, UN High Commissioner for Human Rights Michelle Bachelet expressed serious concerns after Sri Lanka appointed Lieutenant-General Shavendra Silva, who has been accused in a number of UN reports for alleged war crimes and crimes against humanity, as the country's new army commander. Lieutenant-General Silva commanded Sri Lanka's 58th Division during the final stages of the military campaign against the Liberation of Tamil Tigers Ealam (LTTE) in 2009. Successive UN investigations have implicated the 58th Division in alleged serious violations of international humanitarian and human rights law.⁸⁸

4.3. ECHR orders Russia to pay compensation in Sergie Magnitsky custodial death case

The European Court of Human Rights (ECHR) on 27 August 2019 found that Russia committed multiple violations against Sergei Magnitsky, an anti-corruption lawyer who died

in custody in 2009. In its ruling, the court in Strasbourg said the treatment of Magnitsky's pancreatitis and other medical problems was manifestly inadequate and unreasonably put his life in danger. The court ruled unanimously that Magnitsky had been ill-treated by guards and been unjustly held for too long in pretrial detention. It also criticised an inherently unfair posthumous trial that found Magnitsky guilty. In its order, Russia asked to pay 34,000 Euros to Magnitsky's wife and mother. The court ruling was based on a complaint originally filed by Magnitsky himself in 2009, and later taken over by his family. Magnitsky spent almost a year in Moscow's Butyrka prison before he was transferred to another detention center, where he died in November 2009. He was arrested and charged with tax evasion in November 2008.⁸⁹

Endnotes :

1. UN Doc. CAT/C/CR/32/5 (14 June 2004), §§6(j)
2. Ahead of July deadline, one lakh more people excluded from NRC?in Assam, The Hindustan Times, 26 June 2019 available at <https://www.hindustantimes.com/india-news/one-lakh-more-people-excluded-from-nrc-in-assam/story-Hx4ewmewcw3hk3cvi7bnPM.html>
3. See Annual Reports of the NHRC, 2008-2009 to 2015-2016, & Lok Sabha Unstarred Question No.218 answered by Minister of State for Home Affairs, Hansraj Gangaram Ahir on 11 December 2018, <https://mha.gov.in/MHA1/Par2017/pdfs/par2018-pdfs/ls-11122018/218.pdf>
4. Jharkhand cops, CRPF men booked for minor's death, The Hindustan Times, 27 August 2019; <https://www.hindustantimes.com/india-news/jharkhand-cops-crpf-men-booked-for-minor-s-death/story-4tKCJHl3GhVkpZJ1LGWIZI.html>
5. See Dainik Bhaskar, 24 August 2019, https://www.bhaskar.com/jharkhand/ranchi/news/ranchi-news-accused-of-theft-suicide-in-police-custody-in-ratu-police-station-01623959.html?utm_expid=YYfY3_SZRPIFZGHcA1W9Bw.0&utm_referrer=https%3A%2F%2Fwww.google.com%2F
6. Arrested man dies in police custody in Dumka, The Hindustan Times, 7 August 2019, <https://www.hindustantimes.com/ranchi/arrested-man-dies-in-police-custody-in-dumka/story-xQCmu6z8TdRANQGC4sgcK.html>
7. See Jagran, 13 August 2019, <https://www.jagran.com/jharkhand/giridih-suicide-in-hajat-no-one-is-guilty-19484330.html>
8. NHRC Case No. 917/34/8/2019-PCD
9. Four policemen among suspects in rape, trafficking of minor in Jamshedpur, Hindustan Times, 17 May 2019, <https://www.hindustantimes.com/india-news/four-policemen-among-suspects-in-rape-trafficking-of-minor/story-wBntf74db92E8m1NUkBg0J.html>
10. Truck driver kills self in police custody in Giridih, The Times of India, 22 February 2019, <https://timesofindia.indiatimes.com/city/ranchi/truck-driver-kills-self-in-police-custody-in-giridih/articleshowprint/68099779.cms>
11. NHRC Case No. 96/34/2/2019-PCD
12. Inquiries into lock-up death, The Telegraph, 19 June 2018, <https://www.telegraphindia.com/states/jharkhand/inquiries-into-lock-up-death/cid/1371797>
13. NHRC Case No. 96/34/2/2019-PCD
14. See Jagran, 4 April 2018, <https://www.jagran.com/jharkhand/hazaribagh-woman-hanging-in-bathroom-of-police-station-17768654.html>
15. NHRC Case No. 413/34/11/2018-PCD
16. Prison Statistics India 2016, National Crime Records Bureau, Govt. of India
17. See Annual Reports of the National Human Rights Commission from 2008-2009 to 2015-2016 and Annexure to Rajya Sabha Unstarred Question No.2321 answered by Minister of State for Home Affairs Hansraj Gangaram Ahir on 2 January 2019, <http://164.100.47.5/qsearch/QResult.aspx>
18. 11 Arrested for Death of Jharkhand Man Assaulted on Suspicion of Theft, Two Police Officers Suspended, News18, 25 June 2019, <https://www.news18.com/news/india/3-arrested-for-death-of-jharkhand-man-assaulted-on-suspicion-of-theft-police-negligence-being-probed-2201653.html>
19. NHRC Case No. 737/34/20/2019-JCD
20. See Jagran, 27 June 2019, <https://www.jagran.com/jharkhand/jamshedpur-manoj-was-died-due-to-head-injury-19348368.html>
21. See Udaipur Kiran, 9 June 2019, <https://udaipurkiran.in/hindi/?s=santosh+kumar>
22. See Zee News, 14 April 2019, <https://zeenews.india.com/hindi/india/bihar-jharkhand/prisoners-death-in-suspicious-manner-in-gumla/516243>
23. See Dainik Bhaskar, 18 March 2019, <https://www.bhaskar.com/jharkhand/ranchi/news/jharkhand-news-lohardaga-prisoner-died-under-suspicious-condition-relatives-accused-jail-a-01500994.html>
24. See Prabhat Kabar, 24 February 2019, <https://www.prabhatkhabar.com/news/jamshedpur/story/1254208.html>
25. See Live Hindustan, 22 February 2019, <https://www.livehindustan.com/jharkhand/ranchi/story-prisoner-death-in-palamu-central-jail-2418446.html>
26. See Dainik Bhaskar, 29 December 2018, <https://www.bhaskar.com/jharkhand/gumla/news/death-in-prison-pending-in-mandal-kara-with-brain-hemorrhage-033058-3527887.html>
27. See Dainik Bhaskar, 10 December 2018, <https://www.bhaskar.com/jharkhand/jamshedpur/news/saraikela-prisoner-death-in-suspect-circumstances-01382684.html>
28. See News 11, 22 November 2018, <http://news11.live/suspected-death-prisoner-central-jail-hanging-trap/>
29. See Dainik Bhaskar, 6 November 2018, <https://www.bhaskar.com/jharkhand/jamtara/news/death-of-johan-tudu-in-dumka-prison-023530-3139996.html>
30. See News 11, 13 October 2018, <http://news11.live/accused-death-prisoner-godda-mandal-kin-charges-prisonadministration/>
31. Uproar in Deoghar as inmate dies in jail ward Deoghar, UNI, 27 June 2018, <http://www.uniindia.com/uproar-in-deoghar-as-inmate-dies-in-jail-ward/states/news/1272491.html>
32. 'Inside Haryana Prisons', 10 August 2019, CHRI, <https://www.humanrightsinitiative.org/publication/inside-haryana-prison>

33. UP: Man dies in police custody, family alleges torture, Deccan Herald, 28 August 2019, <https://www.deccanherald.com/national/north-and-central/up-man-dies-in-police-custody-family-alleges-torture-757557.html>
34. See Jagran, 27 August 2019, <https://www.jagran.com/uttar-pradesh/amethi-death-19518747.html>
35. Situation tense in Rakhysmari under Dhekiajuli following the death of a youth, The Sentinel, 24 August 2019; <https://www.sentinelassam.com/north-east-india-news/assam-news/situation-tense-in-rakhysmari-under-dhekiajuli-following-the-death-of-a-youth/>
36. See News18 Hindi, 28 August 2019, <https://hindi.news18.com/news/rajasthan/kota-young-man-died-in-police-custody-ci-suspends-all-staff-of-the-police-station-attached-with-police-line-in-kota-hydrabad-2365471.html>
37. One commits suicide in police lock-up, UNI, 21 August 2019, <http://www.uniindia.com/~lone-commits-suicide-in-police-lock-up/States/news/1704157.html>
38. Man found hanging in police lockup in Bihar, Business Standard, 21 August 2019, https://www.business-standard.com/article/pti-stories/man-found-hanging-in-police-lockup-in-bihar-119082100900_1.html
39. Gambling suspects allege torture by Ahmedabad rural cops, The Times of India, 21 August 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/gambling-suspects-allege-torture-by-ahmedabad-rural-cops/articleshowprint/70761514.cms>
40. 4 cops suspended for torture, others shifted for dereliction, The Times of India, 22 August 2019, <https://timesofindia.indiatimes.com/city/ghaziabad/4-cops-suspended-for-torture-others-shifted-for-dereliction/articleshowprint/70778234.cms>
41. Residents accuse cops of beating man in custody, The Times of India, 19 August 2019, <https://timesofindia.indiatimes.com/city/ludhiana/residents-accuse-cops-of-beating-man-in-custody/articleshowprint/70729149.cms>
42. Head-banging drama in court as 5 allege third degree by Mumbai cops, The Times of India, 18 August 2019; <https://timesofindia.indiatimes.com/city/mumbai/head-banging-drama-in-court-as-5-allege-third-degree-by-mumbai-cops/articleshowprint/70720618.cms>
43. Kurnool man dies in PS, kin allege torture, stage protest, The New Indian Express, 16 August 2019; <http://www.newindianexpress.com/states/andhra-pradesh/2019/aug/16/kurnool-man-dies-in-ps-kin-allege-torture-stage-protest-2019614.html>
44. 12 nomadic tribesmen thrashed, one dead, Ahmedabad Mirror, 23 August 2019; <https://ahmedabadmirror.indiatimes.com/ahmedabad/crime/12-nomadic-tribesmen-thrashed-one-dead/articleshow/70794081.cms>
45. UP: Paan vendor dies after assault by cop over payment, The Indian Express, 19 August 2019, <https://indianexpress.com/article/cities/lucknow/up-paan-vendor-dies-after-assault-by-cop-over-payment-5913793/>
46. Nine Madhya Pradesh cops suspended in two cases of custodial death, The New Indian Express, 12 August 2019, <http://www.newindianexpress.com/nation/2019/aug/12/nine-madhya-pradesh-cops-suspended-in-two-cases-of-custodial-death-2017771.html>
47. Madhya Pradesh: Tribals made to drink urine in custody, four policemen suspended, The Indian Express, 13 August 2019, <https://indianexpress.com/article/india/tribals-made-to-drink-urine-in-custody-four-madhya-pradesh-policemen-suspended-5899845/>
48. A night at a police station, The Indian Express, 18 August 2019; <https://indianexpress.com/article/india/a-night-at-a-police-station-madhya-pradesh-tribals-police-5913499/>
49. Death of hotel owner in police custody sparks tension in Balasore, Pragativadi, 10 August 2019, <http://www.pragativadi.com/death-of-hotel-owner-in-police-custody-sparks-tension-in-balasore/>
50. Death In Police Custody Sparks Tension In Balasore, Odisha TV, 10 August 2019, <https://odishatv.in/odisha/death-in-police-custody-sparks-tension-in-balasore-392505>
51. Custodial death: Kin accuses police for beating man to death in Ludhiana, The Times of India, 6 August 2019, <https://timesofindia.indiatimes.com/city/ludhiana/custodial-death-kin-accuses-police-for-beating-man-to-death-in-ludhiana/articleshowprint/70559920.cms>
52. Charged in drugs case, RMP 'shoots self' in police station - Kin block Ludhiana-Chandigarh highway | Judicial probe ordered, The Tribune, 7 August 2019, <https://www.tribuneindia.com/news/punjab/charged-in-drugs-case-rmp-shoots-self-in-police-station/813899.html>
53. Assam: Victim's father seeks DGP's intervention in custodial torture by Tangla police, The North East Now, 7 August 2019, <https://nenow.in/north-east-news/assam-victims-father-seeks-dgps-intervention-in-custodial-torture-by-tangla-police.html>
54. Youth picked for police inquiry ends life, The Hindu, 2 August 2019, <https://www.thehindu.com/news/cities/Madurai/youth-picked-for-police-inquiry-ends-life/article28799594.ece>
55. Hisar: Man ends life after three days of 'police torture', family refuses to take body, The Times of India, 3 August 2019, <https://timesofindia.indiatimes.com/city/gurgaon/bhiwani-man-ends-life-after-3-days-of-police-torture-family-refuses-to-take-away-body/articleshowprint/70505775.cms>
56. Prison Statistics India 2016, NCRB, <http://ncrb.gov.in/StatPublications/PSI/Prison2016/PrisonStat2016.htm>
57. 'Inside Haryana Prisons', 10 August 2019, CHRI, <https://www.humanrightsinitiative.org/publication/inside-haryana-prison>
58. Prison Statistics India 2016, NCRB, <http://ncrb.gov.in/StatPublications/PSI/Prison2016/PrisonStat2016.htm>
59. See Prabhat Khabar, 21 August 2019, <https://www.prabhatkhabar.com/news/siwan/relatives-beaten-the-soldiers-posted-in-security-after-the-death-of-the-prisoner-during-the-treatment/1320148.html>
60. Life convict commits suicide in hospital, The Times of India, 19 August 2019; <https://timesofindia.indiatimes.com/city/hyderabad/life-convict-commits-suicide-in-hospital/articleshowprint/70729159.cms>
61. Prisoner dies; kin allege death due to custodial torture, The Times of India, 9 August 2019, <https://timesofindia.indiatimes.com/city/rajkot/prisoner-dies-kin-allege-death-due-to-custodial-torture/articleshowprint/70592911.cms>
62. Undertrial commits suicide in Muzaffarnagar jail, The Week, 5 August 2019, <https://www.theweek.in/wire-updates/national/2019/08/05/nrg18-up-undertrial-suicide.html>
63. Prisoner Mysteriously Dies in Guwahati Jail, Pratidin Time, 2 August 2019, <https://www.pratidintime.com/prisoner-mysteriously-dies-in-guwahati-jail/>
64. Villagers protest outside Vedanta refinery against 'death in custody', The Hindu, 25 August 2019; <https://www.thehindu.com/news/national/other-states/villagers-protest-outside-vedanta-refinery-against-death-in-custody/article29251588.ece>
65. Undertrial complains of dizziness, dies, The Hindu, 21 August 2019;

- <https://www.thehindu.com/news/cities/Mangalore/undertrial-complains-of-dizziness-dies/article29186110.ece>
66. See Sanmarg Live, 19 August 2019, <https://sanmarglive.com/gopalganj-16/117360/>
67. See News4nation, 16 August 2019, <https://news4nation.com/news/sudden-deteriorating-prisoner-in-nawada-mandal-prison-died-in-hospital-during-treatment-702579>
68. See Dainik Bhaskar, 7 August 2019, https://www.bhaskar.com/mp/raisenews/mp-news-prisoner39s-chest-ache-at-530-am-reached-hospital-after-45-minutes-at-615-pm-death-132005-5185778.html?utm_expid=.YYfY3_SZRPIFZGHcA1W9Bw.0&utm_referrer=
69. 'Inside Haryana Prisons', 10 August 2019, CHRI, <https://www.humanrightsinitiative.org/publication/inside-haryana-prison>
70. 'Inside Haryana Prisons', 10 August 2019, CHRI, <https://www.humanrightsinitiative.org/publication/inside-haryana-prison>
71. Woman taken to Valliyoore All Women Police Station in sexual harassment case dies in police custody, The New Indian Express, 19 August 2019, <http://www.newindianexpress.com/states/tamilnadu/2019/aug/19/woman-taken-to-valliyoore-all-women-police-station-in-sexual-harassment-case-dies-in-police-custody-2020776.html>
72. 3 constables suspended for thrashing boy in Raipur, The Hindustan Times, 14 August 2019, <https://www.hindustantimes.com/india-news/3-constables-suspended-for-thrashing-boy-in-raipur/story-KI0TFBQkFy0tsLBesBxaM.html>
73. Dalit woman ends life after 'torture' by Bharatpur cops, The Times of India, 7 August 2019, <https://timesofindia.indiatimes.com/city/jaipur/dalit-woman-ends-life-after-torture-by-bharatpur-cops/articleshowprint/70563135.cms>
74. Delhi: Woman inmate alleges rape by head constable on train, FIR filed, The Indian Express, 7 August 2019, <https://indianexpress.com/article/cities/delhi/delhi-woman-inmate-alleges-rape-by-head-constable-on-train-fir-filed-5883970/>
75. SC fines Telangana, 6 other states for laxity on HR courts, The Deccan Chronicle, 14 August, 2019; <https://www.deccanchronicle.com/nation/current-affairs/140819/sc-fines-telangana-6-other-states-for-laxity-on-hr-courts.html>
76. Enhance compensation to family of custodial death victim: HC, The Hindu, 14 August 2019, <https://www.thehindu.com/news/cities/Madurai/enhance-compensation-to-family-of-custodial-death-victim-hc/article29093429.ece>
77. Orissa high court-constituted SIT to probe Kunduli 'rape-suicide', The Times of India, 3 August 2019, <https://timesofindia.indiatimes.com/city/cuttack/orissa-high-court-constituted-sit-to-probe-kunduli-rape-suicide/articleshowprint/70506829.cms>
78. Monthly salient statistics of cases registered/disposed by NHRC during July 2019, data as on 08.08.2019, http://nhrc.nic.in/sites/default/files/Monthly_Salient_Statistics_2019_07.pdf
79. Monthly salient statistics of cases registered/disposed by NHRC during July 2019, data as on 08.08.2019, http://nhrc.nic.in/sites/default/files/Monthly_Salient_Statistics_2019_07.pdf
80. See OHCHR Press Release dated 9 August 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24884&LangID=E>
81. Togo is excluded as UNCAT's concluding observations were in French
82. See CAT/C/BGD/CO/R.1
83. See CAT/C/GRC/CO/R.7
84. See CAT/C/POL/CO/R.7
85. See OHCHR Press Release dated 27 August 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24921&LangID=E>
86. See OHCHR Press Release dated 27 August 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24921&LangID=E>
87. See OHCHR Press Release dated 22 August 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24907&LangID=E>
88. See OHCHR Press Release dated 19 August 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24908&LangID=E>
89. See ECHR Press Release dated 27 August 2019, <http://hudoc.echr.coe.int/eng-press?i=003-6486375-8551786>



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