



National Campaign Against Torture

[A platform for action of the NGOs committed to stamp out torture in India]

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INDIA: ANNUAL REPORT ON TORTURE 2019

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Abbreviations

ACP	Assistant Commissioner of Police
AFSPA	Armed Forces Special Power Act
AIIMS	All India Institute of Medical Sciences
ASI	Assistant Sub Inspector
AR	Assam Rifles
BSF	Border Security Force
CB-CID	Crime Branch-Crime Investigation Department
CID	Crime Investigation Department
CBI	Central Bureau of Investigation
CJM	Court of Judicial Magistrate
CrPC	Code of Criminal Procedure
CIA	Crime Investigation Agency
CHC	Community Health Centre
CCTV	Closed-circuit television
CRPF	Central Reserved Police Force
CWC	Child Welfare Committee
DGP	Director General of Police
DCP	Deputy Commissioner of Police
FIR	First Information Report
GRP	Government Railway Police
HRF	Human Rights Forum
HRLN	Human Rights Law Network
HSRHC	Haryana State Human Rights Commission
IO	Investigation Officer
IPC	Indian Penal Code
IRBn	Indian Reserve Battalion
JIC	Joint Interrogation Cell
J&K	Jammu and Kashmir
JKSHRC	Jammu and Kashmir State Human Rights Commission
JJ Act	Juvenile Justice (Care and Protection of Children) Act
JJB	Juvenile Justice Board
JE	Judicial enquiry
JFCM	Judicial Magistrate of First Class
LWE	Left Wing Extremism



KSHRC	Karnataka State Human Rights Commission
MPHRC	Madhya Pradesh Human Rights Commission
MSHRC	Maharashtra State Human Rights Commission
ME	Magisterial enquiry
MHA	Ministry of Home Affairs
NCAT	National Campaign Against Torture
NSCN	National Socialist Council of Nagaland
NDPS	Narcotic Drugs and Psychotropic Substances
NGO	Non Governmental organisation
NHRC	National Human Rights Commission
NCRB	National Crime Records Bureau
NoK	Next of kin
NRC	National Register of Citizens
OC	Officer-in-Charge
OHCHR	Office of the UN High Commissioner for Human Rights
PSHRC	Punjab State Human Rights Commission
PMCH	Patna Medical College and Hospital
POCSO	Protection of Children from Sexual Offences
PIL	Public Interest Litigation
RPF	Railway Protection Force
RTI	Right to Information
RR	Rashtriya Rifles
SF	Security force
SI	Sub Inspector
S/o	Son of
SHO	Station House Officer
SHRC	State Human Rights Commission
SIT	Special Investigation Team
SSP	Senior Superintendent of Police
SP	Superintendent of Police
SC	Scheduled Caste
ST	Scheduled Tribe
SC/ST Act	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act
TNSHRC	Tamil Nadu State Human Rights Commission



UN	United Nations
UNCAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
W/o	Wife of

1. TOP 15 TRENDS OF TORTURE AND IMPUNITY IN INDIA DURING 2019

In 2019, National Campaign Against Torture (NCAT) recorded the following 15 top trends of torture in India.

First, number of custodial deaths during 2019 remained over five persons per day. The National Human Rights Commission (NHRC) of India recorded a total of 1,723 cases of death of persons in judicial custody and police custody across the country from January to December 2019. These included 1,606 deaths in judicial custody and 117 deaths in police custody¹ i.e. an average of five deaths daily.

Second, deaths in police custody occur primarily as a result of torture. In 2019, NCAT documented death of 125 persons in 124 cases in police custody across the country. Out of the 125 deaths, 93 persons (74.4%) died during police custody due to alleged torture/foul play while 24 persons (19.2%) died under suspicious circumstances in which police claimed they committed suicide (16 persons), died of illness (7 persons) and death due to injuries after slipping from police station bathroom (1 person); and the reason for the custodial death of five (4%) persons were unknown. Among the States, Uttar Pradesh topped in deaths in police custody in 2019 with 14 cases, followed by Tamil Nadu and Punjab with 11 cases each; Bihar and Madhya Pradesh with 9

cases each; Gujarat with 8 cases; Delhi and Odisha with 7 cases each; Jharkhand with 6 cases; Chhattisgarh, Maharashtra and Rajasthan with 5 cases each; Andhra Pradesh and Haryana with 4 cases each; Kerala, Karnataka and West Bengal with 3 cases each; Jammu & Kashmir, Uttarakhand and Manipur with 2 cases each; and Assam, Himachal Pradesh, Telangana and Tripura with 1 cases each.

Third, the practice of torturing the suspects in police custody to punish them or gather information or extract confessions continued to be rampant. In 2019, NCAT documented several cases in which torture was used to extract confessions from suspects. Some of the victims who were tortured to extract confession during 2019 included a 17-year-old boy (name withheld) in Tamil Nadu who was tortured to death to extract confession in a case of theft; Hira Bajania of Gujarat who was tortured to death to extract confession in a case of theft; Karan Kumar of Punjab who was tortured to death to extract confession in a case of theft; Nesar Ansari of Bihar who was tortured to death to obtain a confession in a case of theft; Rajesh of Kerala who committed suicide unable to bear the torture meted out to him to extract confession in connection with a chain snatching case; Ashok Bansal of Madhya Pradesh who was tortured to extract confession in a case of theft; two Dalit brothers identified as Deepak and Dashrath who were tortured to obtain

¹. See NHRC Monthly Human Rights Cases Statistics from January to December 2019 at <https://nhrc.nic.in/complaints/human-right-case-statistics>

confession in a false case; three persons identified as Prabhunath Yadav, Babu Ahmad and Anand Kumar of Uttar Pradesh who were tortured to extract confessions in a case of theft; Preetam Bhalgat of Maharashtra who was tortured to extract confession in a case of cheating; Monu of Uttar Pradesh who was tortured to extract confession in connection with a murder case; 12 labourers, including women, of Gujarat who were tortured to extract confessions in connection with a case of murder; and Imtiyaz Sabbir Miyan of Gujarat who was tortured to obtain confession in a case of theft; and Sajith Babu of Kerala who was tortured to extract confession in a case of theft.

Fourth, apart from extracting confession, torture is routinely perpetrated to extract bribe from the detainees or their relatives. According to the *India Corruption Survey 2019* conducted by Local Circles in collaboration with Transparency International India, three most corruption prone departments in India were Property Registration & Land Issues, followed by Police and Municipal Corporation.² In 2019, the NCAT documented several cases of torture by the police to extract money/bribes and some of the victims included Baleswar (Uttar Pradesh), Ramkelawan (Uttar Pradesh), Ramvraksh Mallik (Bihar), Gautam Mondal (West Bengal), Manoj Prasad (Bihar), Gurwinder Singh (Punjab), Ravindra Kumar (Uttar

Pradesh), Suresh Rawat (Madhya Pradesh), Aarzudin (Punjab), Lokhi Dhan Chakma (Arunachal Pradesh) Chiko Chakma and three others (Arunachal Pradesh), Pika alias Pike (Haryana) and Anup Rabha (Assam).

Fifth, apart from most common method of torture such as slapping, kicking with boots, beating with sticks, pulling hairs etc, NCAT recorded that torture methods used by the police also included hammering iron nails in the body (victims: Gufran Alam and Taslim Ansari of Bihar), applying roller on legs and burning (victim: Rizwan Asad Pandit of Jammu & Kashmir), ‘falanga’ wherein the soles of the feet are beaten (victim: Rajkumar of Kerala), stretching legs apart in opposite side (victim: Rajkumar of Kerala), hitting in private parts (victims: Brijpal Maurya and Lina Narjinari of Haryana), stabbing with screwdriver (victim: Pradeep Tomar of Uttar Pradesh), electric shock (victims: Yadav Lal Prasad of Punjab; Monu of Uttar Pradesh), pouring petrol in private parts (victim: Monu of Uttar Pradesh), applying chilly power in private parts (victim: Raj Kumar of Kerala) beating while being hand-cuffed (victims: Sajith Babu and Rajesh of Kerala), pricking needle into body (victim: 13-year-old minor of Tamil Nadu), branding with hot iron rod (victim: 13-year-old minor of Tamil Nadu), beating after stripping (victims: Mohammed Tanveer and Lina Narjinari of Haryana; Minuwara Begum, Sanuwara and Rumela of Assam), urinating in mouth (victim: Amit Sharma of Uttar Pradesh), inserting hard blunt object into anus (victim: Diwakar Kumar of Bihar), beating after

². *India Corruption Survey 2019*, P.12, available at <http://transparencyindia.org/wp-content/uploads/2019/11/India-Corruption-Survey-2019.pdf>

hanging upside down with hands and legs tied (victims: Mahavir Bhatia of Rajasthan; and Aaditya Chouhan of Madhya Pradesh), forcing to perform oral sex (victims: Hira Bajania and 12 others of Gujarat), pressing finger nails with pliers (victim: Anup Rabha of Assam), deprivation of food and water (victim: Anup Rabha of Assam), beating with iron rods after victim is suspended between two tables with both hands and legs tied (victims: Aaditya Chouhan and Yashwant Chouhand of Madhya Pradesh), forced to do *Murga* pose or stress position (victim: Lina Narjinari of Haryana), and kicking in belly of pregnant woman (victim: Minuwara Begum of Assam).

Sixth, it is a fact that majority of the victims of police torture belonged to the poor and marginalised sections of the society who are often the soft targets because of their socio-economic status. Out of the deaths of 125 persons in 124 cases of deaths in police custody documented by NCAT in 2019, 75 persons or 60% belonged to the poor and marginalised communities. These included 13 victims from Dalit and tribal communities, 15 victims belonged to Muslim minority community, 37 victims were picked up for petty crimes such as theft/burglary/cheating/selling of liquor illegally, gambling, etc which indicate their economic status, three were farmers, one was labourer, one was a refugee, two were security guards, one was a rag-picker and two worked as drivers.

Seventh, the police made all attempts to destroy incriminating evidence of torture

by not conducting post mortems or cremating the dead bodies of the torture victims in haste without conducting mandatory post-mortem examinations. NCAT recorded at least four such cases including failure to conduct post mortem in the custodial death of a 17-year-old boy (name withheld) from Tamil Nadu; hasty cremation of dead body of Hira Bajania of Gujarat to destroy evidence of torture as well as denying the families to perform the last rite as per their community's custom; cremation of the body of Mangal Das of Tripura forcefully without conducting post-mortem examination; and hasty cremation of the body of Hanuman Koli of Rajasthan without even allowing his children to see his face for the last time without conducting post mortem. There was also manipulation of police records regarding arrest. For example, in the custodial death of Rajkumar (49 years), who was tortured to death in police custody in Kerala on 21 June 2019, investigation by the Crime Branch found evidence for manipulations in police records regarding his arrest. CCTV footages of the police station proved that he was held by police on 12 June 2019 and was held in illegal custody for three days. Police claimed that he was held only on 15 June and produced before the court on the same night.³

³. Kerala custodial death: Two cops arrested, Deccan Herald, 3 July 2019, <https://www.deccanherald.com/national/south/kerala-custodial-death-two-cops-arrested-744468.html>

Eighth, women continued to be tortured or targeted for sexual violence in custody and often, the victims belonged to weaker sections of the society. During 2019, NCAT documented death of at least four women during police custody, one committed suicide at home unable to bear custodial torture and another woman died due to torture outside police station. For example, from 3-7 July 2019, a 35-year-old Dalit woman was allegedly illegally detained, subjected to torture and raped in police custody by nine police personnel at Sardarshahar police station in Churu district, Rajasthan. Beside custodial rape, the victim was also allegedly subjected to torture including plucking of her nails.⁴

Ninth, the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) as amended up to date remains poorly implemented. The lack of implementation of the JJ Act means that children are often illegally detained at police stations and prisons, and subjected to torture. NCAT documented death of four children due to torture during police custody, one case of death due to torture in juvenile home and a number of cases of torture of children in 2019.

The NCRB in its “*Crime in India - 2018*” recorded 3,164 cases of simple hurt and grievous hurt caused by the police on

3,467 minor victims.⁵ The NCRB also recorded 2,030 cases under the JJ Act in 2018 including 650 (32%) cases of offences against children involving 695 victims perpetrated by caretakers/in-charge of juvenile homes. Among the States, Gujarat reported the highest number of offences by caretakers/in-charge of juvenile homes with 439 cases (67.5%) out of the total 650 cases.⁶

Tenth, the condition of prisons across the country remained deplorable despite slews of directions given by the Supreme Court of India in September 2017 to improve living conditions in prisons. The NHRC recorded 1,606 cases of deaths in judicial custody from January to December 2019.⁷ Overcrowding remains one of the biggest problems faced by the prison inmates in India. As per the latest report of the NCRB titled “*Prison Statistics India 2018*”, as on 31 December 2018, there were 4,66,084 prisoners against the total capacity of 3,96,223 prisoners in the country’s 1,339 jails, indicating an overcrowding of 117.63%. Among the States, Uttar Pradesh reported the highest overcrowding (176.5%) followed by Sikkim (157.3%), Delhi (154.3%),

4. Rajasthan: Dalit Woman Gang Raped in Police Custody, The Wire, 16 July 2019, <https://thewire.in/rights/rajasthan-dalit-woman-gang-rape-police-custody>

5. NCRB, Crime In India 2018, Table 4A.2(ii), <http://ncrb.gov.in/StatPublications/CII/CII2018/pdfs/Table%204A.2.pdf>

6. NCRB, Crime In India 2018, Table 4A.2(i), <http://ncrb.gov.in/StatPublications/CII/CII2018/pdfs/Table%204A.2.pdf>

7. See NHRC Monthly Human Rights Cases Statistics from January to December 2019 at <https://nhrc.nic.in/complaints/human-right-case-statistics>

Chhattisgarh (153.3%), Uttarakhand (150%), Maharashtra (148.9%), Madhya Pradesh (147%) and Meghalaya (143.5%). Among Union Territories, Delhi has reported the highest overcrowding (154.3%).⁸ Many deaths in judicial custody took place as a result of torture. However, in large majority of deaths in judicial custody, the prison officials claimed that the causes of deaths were sudden health or medical complications and suicide. Torture and ill-treatment was reported from Tihar jail in New Delhi. On 12 April 2019, Nabbir, an inmate of Tihar jail was allegedly tortured by one of the jail superintendents in the jail premises. The torture was revealed on 17 April after the victim approached a local court, claiming that Jail Superintendent Rajesh Chauhan of Jail No.4 branded the 'Om' symbol into his back before depriving him of food for two days. Nabbir had spoken of the ordeal to his family, who brought the incident to the notice of his counsel. The Court observed the allegations to be of 'serious nature' requiring immediate intervention and ordered an inquiry. The Court also directed that Nabbir be shifted from his cell in jail number 4 to a safer location, away from 'direct or indirect' supervision of the accused Jail Superintendent, Rajesh Chauhan. In its order, the Court said that the jail authorities must conduct Nabbir's medical examination with immediate effect and

necessary CCTV footage must be collected and statements of other inmates taken.⁹

Eleventh, the use of torture by the armed forces consisting of the Indian Army and Central Armed Forces who are deployed in the insurgency affected areas and the border areas continued to be reported. On 6 May 2019, Mungshang Konghay (28 years) was allegedly tortured in the custody of 17th Assam Rifles at Litan in Ukhrul district, Manipur. The victim alleged that he was tortured to make him confess that he is a member of an underground group.¹⁰ On 21 June 2019, Tarun Mondal, (17 years) was allegedly tortured to death in the custody of Border Security Force (BSF) in Murshidabad district, West Bengal. Mondal was spotted by BSF officers when he was smuggling cattle across the border to the territory of Bangladesh. They fired shots at Mondal that hit him below his right knee. When he fell on the ground, BSF officials allegedly hit him with their boots and rifles and left when he fell unconscious. Mondal's dead body was found on the next morning.¹¹

⁸. See Chapter 1 (Prisons – Types and Occupancy), Prison Statistics India 2018

⁹. Tihar official branded and starved me, alleges inmate, The Times of India, 20 April 2019, <https://timesofindia.indiatimes.com/city/delhi/tihar-official-branded-and-starved-me-alleges-inmate/articleshowprint/68961530.cms>

¹⁰. Assam Rifles officer accused of torture, The Hindu, 9 May 2019, <https://www.thehindu.com/news/national/other-states/assam-rifles-officer-accused-of-torture/article27074321.ece>

¹¹. See Urgent Campaign, 1 August 2019, OMCT, 'India: Impunity for Extrajudicial Killings in West Bengal', <https://www.omct.org/urgent->

Twelfth, there is absolute impunity to the perpetrators of torture. The National Crime Records Bureau (NCRB) under the Ministry of Home Affairs, Government of India in its *Crime in India* reports from 2005 to 2018 revealed that with respect to the death of 500 “persons remanded to police custody by court”, 281 cases were registered, 54 policemen were chargesheeted but not a single policeman was convicted as on date. It is clear that in large number of cases, production of any person arrested or detained before the courts within 24 hours of arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate guaranteed under Article 22 of the Constitution of India is not adequate to prevent custodial deaths.

Thirteenth, armed opposition groups continued to be responsible for brutal killings including through torture. On 7 August 2019 night, two youth identified as Arif Sofi of Khudwani and Mehraj Ahmed Dar were abducted by militants from their homes at Hawoorra village in Kulgam district of Jammu & Kashmir (J&K) on the suspicion of being informers. Both the youth were released on 8 August in a serious condition fol. One of them, Arif Sofi succumbed to his injuries in a hospital.¹² The militants also specifically

targeted people from outside J&K, who worked as labourers or linked to the apple trade to create fear following the revocation of the Article 370 of the Constitution by the Government of India. A number of people were killed or injured. On 26 August 2019, Hangkon Solting (32 years) was tortured to death by alleged National Socialist Council of Nagaland (NSCN) (R) militants at Kantang village in Changlang district of Arunachal Pradesh.¹³ The Maoists continued to be responsible for brutal killing and torture of their hostages, including after being subjected to summary trial in so-called “Jan Adalats” (Peoples’ Courts) in full public view to instill fear among the people.

Fourteenth, other non-State actors continued to perpetrate torture. The Dalits (Scheduled Castes) continued to face torture and other inhuman and degrading treatment at the hands of the upper castes. The incidents of caste atrocities continued to remain high with 42,793 reported cases in 2018.¹⁴ During 2019 the Dalits were killed, attacked, tortured, and subjected to other forms of cruel, inhuman or degrading treatment or

[campaigns/urgent-interventions/india/2019/08/d25481/](#)

^{12.} Abducted Kulgam youth tortured to death, Greater Kashmir, 9 August 2019, <https://www.greaterkashmir.com/news/kashmir>

[/abducted-kulgam-youth-tortured-to-death/292942.html](#)

^{13.} Man tortured to death by NSCN (R), The Arunachal Times, 29 August 2019, <https://arunachaltimes.in/index.php/2019/08/29/man-tortured-to-death-by-nscn-r/>

^{14.} NCRB, Crime in India 2018, Table 7A&C, <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

punishment by the members of the upper castes.

Fifteen, the Government of India has no intention to ratify the UNCAT or enact a national law against torture despite the Law Commission of India submitting the draft Prevention of Torture Bill, 2017 for enactment by the parliament in October 2017.¹⁵ The refusal of the Supreme Court in its judgment on 5th September 2019 to issue directions to the Government of India to enact a national anti-torture law further emboldened the government of India not to ratify the UNCAT.¹⁶ Earlier, Union Home Minister Amit Shah while addressing the 50th foundation day of the Bureau of Police Research and Development (BPRD) of the Ministry of Home Affairs on 28th August 2019 stated that *"This is not an age of third- degree [torture], police should stay ahead of crime and criminal-minded people."*¹⁷ Though

Home Minister of India acknowledged the use of torture by the police, the government of India has repeatedly failed to take decisive measures to legally prohibit torture.

Suhas Chakma
Coordinator

¹⁵. LAW COMMISSION OF INDIA Report No.273, "Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment through Legislation", October 2017 available at <http://lawcommissionofindia.nic.in/reports/Report273.pdf>

¹⁶. The judgment of the Supreme Court in *Dr Ashwini Kumar vs Union of India* dated 5 September 2019 is available at <https://indiankanoon.org/doc/19090773/>

¹⁷. Age of third-degree torture is over, Amit Shah tells police, The Hindu, 28 August 2019 available at [https://www.thehindu.com/news/national/age-](https://www.thehindu.com/news/national/age-of-third-degree-over-amit-shah-tells-police/article29277519.ece)

[of-third-degree-over-amit-shah-tells-police/article29277519.ece](https://www.thehindu.com/news/national/age-of-third-degree-over-amit-shah-tells-police/article29277519.ece)

2. TORTURE IN POLICE CUSTODY

2.1 PATTERNS AND PRACTICES OF TORTURE

The National Human Rights Commission (NHRC) recorded 117 deaths in police custody across the country in 2019. These included 9 deaths in the month of January, 10 deaths in February, 12 deaths in March, 11 deaths in April, 9 deaths in May, 10 deaths in June, 14 deaths in July, 9 deaths in August, 12 deaths in September, 7 deaths in October, 10 deaths in November and 4 deaths in December.¹⁸

In 2019, the NCAT documented deaths of 125 persons in 124 cases in police custody across the country as per Table 1 given below. Among the States, Uttar Pradesh topped in deaths in police custody in 2019. Out of the 125 deaths documented by NCAT across the country, Uttar Pradesh reported 14 deaths in police custody, followed by Tamil Nadu and Punjab with 11 deaths each; Bihar and Madhya Pradesh with 9 deaths each; Gujarat with 8 deaths; Delhi and Odisha with 7 deaths each; Jharkhand with 6 deaths;

Chhattisgarh, Maharashtra and Rajasthan with 5 deaths each; Andhra Pradesh and Haryana with 4 deaths each; Kerala, Karnataka and West Bengal with 3 deaths each; Jammu & Kashmir, Uttarakhand and Manipur with 2 deaths each; and Assam, Himachal Pradesh, Telangana and Tripura with 1 death each.

¹⁸. See NHRC Monthly Human Rights Cases Statistics from January to December 2019 at <https://nhrc.nic.in/complaints/human-right-case-statistics>

Table 1: Deaths in police custody recorded by NCAT during 2019

Sl. No.	Name	States	Reason for death
1	Mr R. Murugan	Tamil Nadu	Torture
2	Mr Srinivasulu @ Srinappa	Andhra Pradesh	Torture
3	Mr Mohemmed Abdul Lakhani	Gujarat	Torture
4	Mr Suresh Naik	Odisha	Torture
5	Mr Kulwant	Haryana	Torture
6	Mr Mangal Das	Tripura	Torture
7	Mr Satya Prakash Shukla	Uttar Pradesh	Torture
8	Mr M. Balamurugan	Tamil Nadu	Torture
9	Mr Vijay Singh	Maharashtra	Torture
10	Mr Mitthu Patel	Bihar	Torture
11	Mr Pradeep Tomar	Uttar Pradesh	Torture
12	Mr Aynul Khan	West Bengal	Torture
13	Mr Jagdish Goliyan	Rajasthan	Foul play
14	Mr Brijpal Maurya	Uttar Pradesh	Torture
15	Mr Ranjith Kumar	Kerala	Torture
16	Mr Sushant Behera	Odisha	Torture
17	Mr Mani	Tamil Nadu	Torture
18	Mr Shivakumar	Karnataka	Torture
19	Mr Gurwinder Singh	Punjab	Torture
20	Mr Lokeshan Yadav	Uttar Pradesh	Torture

21	Mr Giriraj Suman	Rajasthan	Torture
22	Mr Reyaz Ahmad Thekri	Jammu & Kashmir	Foul play
23	Mr Veerendra Lodhi	Madhya Pradesh	Torture
24	Mr Nesar Ansari	Bihar	Torture
25	Mr Shivam	Uttar Pradesh	Torture
26	Mr Babul Das	Assam	Torture
27	Mr Hanuman Koli	Rajasthan	Torture
28	Mr Shrikant Singh	Bihar	Torture
29	Mr Aarzudin	Punjab	Torture
30	Mr V Balakrishna	Andhra Pradesh	Torture
31	Mr Suresh Rawat	Madhya Pradesh	Torture
32	Mr Ratikanta Das	Odisha	Torture
33	Mr Jaspreet Singh	Punjab	Torture
34	Mr Nardeep Singh Sethi	Punjab	Foul play
35	Mr Chotu	Uttar Pradesh	Torture
36	Mr Baljinder Singh	Punjab	Foul play
37	Mr Sanjay Rai	Haryana	Torture
38	Mr Sunny Kumar	Punjab	Torture
39	Mr Bandhan Mohanty	Odisha	Torture
40	Mr Rajkumar	Kerala	Torture
41	Mr Shivam Mishra	Madhya Pradesh	Torture
42	Mr Gobardhan Bindhani	Odisha	Torture
43	Mr Deepak Barik	Odisha	Torture
44	Mr Govinda	Delhi	Torture
45	Mr Sumit Massey	Delhi	Torture

46	Mr Omprakash Pandey	Gujarat	Torture
47	Mr Balraj Singh	Delhi	Torture
48	Mr R Narayanan	Tamil Nadu	Torture
49	Mr Ravindra Kumar	Uttar Pradesh	Torture
50	Mr Jaspal Singh	Punjab	Torture
51	Mr Kashyap Rawal	Gujarat	Torture
52	Mr Vinod Verma	Haryana	Foul play/Poisoned
53	Mr Bhoopathy	Tamil Nadu	Torture
54	Mr Gurwinder Singh	Punjab	Torture
55	Mr Avinash	Karnataka	Torture
56	Mr Sanju	Madhya Pradesh	Torture
57	Mr K Karthik	Tamil Nadu	Torture
58	Mr Manoj Prasad	Bihar	Torture
59	Mr Saroop Singh	Punjab	Foul play
60	Mr Karan Kumar	Punjab	Torture
61	Mr Chandrika Prasad Tiwari	Chhattisgarh	Torture
62	Mr Sampath	Telangana	Torture
63	Mr Md Manjur Ahamad	Manipur	Torture
64	Mr Rizwan Asad Pandit	Jammu & Kashmir	Torture
65	Mr Gufran Alam and Mr Taslim Ansari	Bihar	Torture
66	Mr Muneshwar	Uttar Pradesh	Torture
67	Mr Nandu Batham	Madhya Pradesh	Torture
68	Mr Raghuraj Singh Tomar	Madhya Pradesh	Torture
69	Mr Gautam Mondal	West Bengal	Torture

70	Mr Ramvraksh Mallik	Bihar	Torture
71	Mr Heishnam Saratkumar	Manipur	Torture
72	Mr Ramkelawan	Uttar Pradesh	Torture
73	Mr Virender Kumar	Delhi	Torture
74	Mr Dinesh	Rajasthan	Foul play
75	Mr Tika Ram	Uttar Pradesh	Torture
76	Mr Abdul Rahim	Uttar Pradesh	Torture
77	Mr Rajiv Ranjan	Bihar	Torture
78	Mr Baleswar	Uttar Pradesh	Torture
79	Mr Brijesh Savaliya	Gujarat	Alleged suicide
80	Mr Abhinav Kumar Yadav	Uttarakhand	Alleged suicide
81	Mr Charanjeetsingh Gurmelsingh Jat	Gujarat	Alleged suicide
82	Mr Akash Kumar	Himachal Pradesh	Foul play
83	Mr Vinod	Tamil Nadu	Alleged suicide
84	Mr Md. Jasim Ansari	Jharkhand	Alleged suicide
85	Mr Krishna Sarathi	Chhattisgarh	Alleged suicide
86	Mr Dilkhush Kumar	Bihar	Alleged suicide
87	Mr U Nawas	Kerala	Alleged suicide
88	Mr Mangilal	Rajasthan	Alleged suicide
89	Mr Sunil Shrivastava	Chhattisgarh	Alleged suicide
90	Unidentified youth	Andhra Pradesh	Alleged suicide
91	Mr Sunil	Karnataka	Not known
92	Mr Mohammad Shakil	Jharkhand	Alleged suicide
93	Mr Sunil Lodhi	Odisha	Death from alleged injuries

			after slipping from bathroom
94	Mr Sopan Madhukar Deokar	Maharashtra	Alleged heart attack
95	Mr Surjit Singh	Punjab	Alleged cardiac arrest
96	Mr Chinnavellai	Tamil Nadu	Alleged illness/uneasiness
97	Mr S. Ramachandran	Tamil Nadu	Alleged illness/uneasiness
98	Mr Mukesh Kumar	Delhi	Alleged illness/TB attack
99	Mr Ashok Soni	Uttar Pradesh	Alleged illness
100	Mr Kuldas Umbarlal	Maharashtra	Unknown
101	Mr Harisingh Sangha Rathod	Maharashtra	Unknown
102	Mr Patel Haresh Kumar	Gujarat	Unknown
103	Mr Bechan Ganju	Jharkhand	Torture
104	Mr Pika @ Pike	Haryana	Torture
105	Mr Ram Avtar	Uttar Pradesh	Torture
106	Mr Hira Bajania	Gujarat	Torture
107	Mr Ashish Tudu	Jharkhand	Alleged suicide
108	Mr Harichandra Marabi	Chhattisgarh	Alleged suicide
109	Mr Pankaj Kumar Bek	Chhattisgarh	Torture
110	Mr Ganesh Ravidas	Bihar	Torture
111	Mr Gautam Mondal	West Bengal	Torture
112	Mr Leela Adivasi	Madhya Pradesh	Alleged sudden illness

113	Mr Swamidin Baiga	Madhya Pradesh	Torture
114	Mr Dinesh Paswan	Jharkhand	Torture
115	Mr Ramkishore Gond	Madhya Pradesh	Alleged suicide
116	Ms Fameeda	Andhra Pradesh	Torture
117	Ms Shri Bai	Jharkhand	Alleged suicide
118	Ms Leelabai	Tamil Nadu	Foul play
119	Ms Sakina @ Hinesh	Delhi	Unknown
120	17-year-old boy, s/o Mr Phula Desai	Gujarat	Torture
121	17-year-old boy, s/o Mr Brijendra Singh Rana	Uttarakhand	Torture
122	17-year-old boy (name withheld)	Maharashtra	Torture
123	17-year-old boy, s/o Ms M Jaya	Tamil Nadu	Torture
124	Mr Tayyab	Delhi	Alleged suicide

II. 75% victims tortured to death during police custody in 2019

In 2019, the NCAT documented deaths of 125 persons in 124 cases in police custody across the country. Out of the 125 deaths, 93 persons (74.4%) died during police custody due to torture or foul play alleged by family members/local residents, while 24 persons (19.2%) died under suspicious circumstances in which police claimed they committed suicide mostly by hanging with bedsheet, torn blanket, scarf, *lungi*,

shirt, rope, towel, jumping from building, etc (16 persons), died of illness (7 persons) including sudden medical complication such as cardiac arrest, seizure, etc and death due to injuries after slipping from police station bathroom (1 person); and the reason for the custodial death of five (4%) persons were unknown.

III. Use of extreme torture methods

The most common methods of torture employed by the police

included slapping, kicking with boots, beating with sticks, pulling hairs, etc. The police also resorted to extreme torture methods such as hammering iron nails in the body (victims: Gufran Alam and Taslim Ansari of Bihar), applying roller on legs and burning (victim: Rizwan Asad Pandit of Jammu & Kashmir), 'falanga' wherein the soles of the feet are beaten (victim: Rajkumar of Kerala), stretching legs apart in opposite site (victim: Rajkumar of Kerala), hitting in private parts (victims: Brijpal Maurya and Lina Narjinari of Haryana), stabbing with screwdriver (victim: Pradeep Tomar of Uttar Pradesh), electric shock (victims: Yadav Lal Prasad of Punjab; Monu of Uttar Pradesh), pouring petrol in private parts (victim: Monu of Uttar Pradesh), beating while being hand-cuffed (victims: Sajith Babu and Rajesh of Kerala), pricking needle into body (victim: 13-year-old minor of Tamil Nadu), branding with hot iron rod (victim: 13-year-old minor of Tamil Nadu), beating after stripping (victims: Mohammed Tanveer and Lina Narjinari of Haryana; Minuwara Begum, Sanuwara and Rumela of Assam), urinating on mouth (victim: Amit Sharma of Uttar Pradesh), inserting hard blunt object into anus (victim: Diwakar Kumar of Bihar), applying chilli power on private parts (victim: Rajkumar of Kerala); beating after hanging upside down with hands and legs tied (victims: Mahavir Bhatia of Rajasthan; and Aaditya Chouhan of

Madhya Pradesh), forcing to perform oral sex (victims: Hira Bajanina and 12 others of Gujarat), pressing finger nails with pliers (victim: Anup Rabha of Assam), deprivation of food and water (victim: Anup Rabha of Assam), beating with iron rods after victim is suspended between two tables with both hands and legs tied (victims: Aaditya Chouhan and Yashwant Chouhand of Madhya Pradesh), forced to do *Murga* pose or stress position (victim: Lina Narjinari of Haryana), and kicking in belly of pregnant woman (victim: Minuwara Begum of Assam).

IV. Torture to extract money

The police is known to use torture as a means to extract money/bribe from the detainees/victims.

In 2019, the NCAT documented several cases of torture by the police to extract money/bribes and the victims included Baleswar (Uttar Pradesh), Ramkelawan (Uttar Pradesh), Ramvraksh Mallik (Bihar), Gautam Mondal (West Bengal), Manoj Prasad (Bihar), Gurwinder Singh (Punjab), Ravindra Kumar (Uttar Pradesh), Suresh Rawat (Madhya Pradesh), Aarzudin (Punjab), Lokhi Dhan Chakma (Arunachal Pradesh), Chiko Chakma and three others (Arunachal Pradesh), Pika alias Pike (Haryana) and Anup Rabha (Assam).

V. Torture to extract confession

The practice of torturing the suspects in police custody to punish them, gather information or coerce confessions had been rampant and continued to be so during 2019 in India. This has always raised questions about the integrity of the criminal justice and policing system of the country. A 2019 survey by Common Cause & other civil society organizations titled “Status of Policing in India Report 2019” found that “Four out of five personnel believe that there is nothing wrong in the police beating up criminals to extract confessions.”¹⁹

On 14 October 2019, the Telangana High Court expressed concern over the way the Telangana Police were conducting investigation and directed the Director General of Police (DGP) to sensitise officers not just to rely on confession extracted through third-degree torture and instead rely on evidence. The High Court was hearing a habeas corpus petition filed by two women seeking production of their husbands in court. The case pertains to Syed Sohail (19 years) and his brother Syed Mohammed (24 years) who

were picked up by police in connection with a series of thefts in September 2019. They were produced before court on 23 September 2019 after filing of the petition. The court noted, *“This is why several criminal cases are ending up in acquittals.”* The Court observing torture marks on their backs reprimanded the police and said, *“If you torture a person, he will admit to any crime just to escape from the unbearable pain of the torment. That cannot be a piece of evidence.”*²⁰

As stated above, in 2019 torture continued to be widely used to extract confession from the suspects. Some of the victims who were tortured to extract confession during 2019 included 17-year-old boy (name withheld) in Tamil Nadu who was tortured to death to extract confession in a case of theft; Hira Bajania of Gujarat who was tortured to death to extract confession in a case of theft; Karan Kumar of Punjab who was tortured to death to extract confession in a case of theft; Nesar Ansari of Bihar who was tortured to death to obtain a confession in a case of theft; Rajesh of Kerala who committed suicide unable to bear the

¹⁹. The report “Status of Policing in India Report 2019” is available at https://www.commoncause.in/uploadimage/page/Status_of_Policing_in_India_Report_2019_by_Common_Cause_and_CSDS.pdf

²⁰. Confession under third-degree torture not evidence: Telangana high court, The Times of India, 15 October 2019, <https://timesofindia.indiatimes.com/city/hyderabad/confession-under-3rd-degree-torture-not-evidence-hc/articleshowprint/71588022.cms>

torture meted out to him to extract confession in connection with a chain snatching case; Ashok Bansal of Madhya Pradesh who was tortured to extract confession in a case of theft; two Dalit brothers identified as Deepak and Dashrath who were tortured to obtain confession in a false case; three persons identified as Prabhunath Yadav, Babu Ahmad and Anand Kumar of Uttar Pradesh who were tortured to extract confessions in a case of theft; Preetam Bhalgat of Maharashtra who was tortured to extract confession in a case of cheating; Monu of Uttar Pradesh who was tortured to extract confession in connection with a murder case; 12 labourers, including women, of Gujarat who were tortured to extract confessions in connection with a case of murder; Imtiyaz Sabbir Miyan of Gujarat who was tortured to obtain confession in a case of theft; and Sajith Babu of Kerala who was tortured to extract confession in a case of theft.

VI. 60% custodial death victims from poor and marginalised communities

Majority of the victims of police torture belonged to the poor and marginalized sections of the society, who because of their social/economic status become the soft targets. Out of the deaths of 125 persons in 124 cases in police custody documented by the NCAT in 2019, 75 persons or 60% belonged

to the poor and marginalised communities. These included 13 victims from Dalit and tribal communities, 15 victims belonged to Muslim minority community, 37 victims were picked up for petty crimes such as theft/bulglary/cheating/selling of liquor illegally, gambling, etc, three were farmers, one was labourer, one was a refugee, two were security guards, one was a rag-picker and two worked as drivers.

VII. No post-mortem examination or hasty cremation of bodies of torture victims

The police after inflicting torture attempts to hide evidence of torture by conducting cremation of the dead bodies of the torture victims in haste or without conducting post-mortem examination. In 2019, NCAT found at least four cases wherein the police cremated the bodies in haste or without conducting post-mortem examination. The victims included the custodial death of a 17-year-old boy from Tamil Nadu whose post-mortem examination was not conducted; Hira Bajania of Gujarat whose body was cremated in haste without giving the family members to perform the last rites; Mangal Das of Tripura who was cremated forcefully without conducting post-mortem examination; and Hanuman Koli of Rajasthan who was cremated in haste without even allowing his children to see his face for the last

time. There was also manipulation of police records regarding arrest. For example, in the custodial death of Rajkumar (49 years), who was tortured to death in police custody in Kerala on 21 June 2019, investigation by the Crime Branch found evidence for manipulations in police records regarding his arrest. CCTV footages of the police station proved that he was held by police on 12 June 2019 and was held in illegal custody for three days. Police claimed that he was held only on 15 June and produced before the court on the same night.²¹

A. Deaths in police custody

i. Cases of deaths in police custody recorded by NCAT

Out of the 125 deaths of persons in 124 cases in police custody in 2019 documented by the NCAT, 93 persons (74.4%) died during police custody due to torture/foul play as alleged by the victims' family members/local residents.

Case 1: Baleswar, Uttar Pradesh

On 1 January 2019, Baleswar, a 45-year-old e-rickshaw driver, was allegedly tortured to death in the custody of Azizganj police post in

Shahjahanpur district of Uttar Pradesh. Baleswar was forcibly taken to Azizganj police post by police personnel for refusing to pay *hafta* (bribe). The police illegally detained him and seized his e-rickshaw. They beat up Baleswar brutally and when his condition deteriorated, he was taken to a hospital where the deceased died in the night of 1 January 2019.²² Ms Geeta Devi, the deceased's wife, claimed that the police tortured her husband in custody for refusing to pay bribes and he died due to injuries sustained due to beatings by the police. The Police department suspended two constables viz. Tauseem Haider and Gaurav Kumar in connection with the custodial death.²³

²². Beaten by policemen for not paying bribe, e-rickshaw driver dies; two cops suspended, The Times of India, 2 January 2019,

<https://timesofindia.indiatimes.com/city/bareilly/beaten-by-policemen-for-not-paying-bribe-e-rickshaw-driver-dies-two-cops-suspended/articleshowprint/67355271.cms>

²³. Beaten by policemen for not paying bribe, e-rickshaw driver dies; two cops suspended, The Times of India, 2 January 2019,

<https://timesofindia.indiatimes.com/city/bareilly/beaten-by-policemen-for-not-paying-bribe-e-rickshaw-driver-dies-two-cops-suspended/articleshowprint/67355271.cms>

²¹. Kerala custodial death: Two cops arrested, Deccan Herald, 3 July 2019, <https://www.deccanherald.com/national/south/kerala-custodial-death-two-cops-arrested-744468.html>

Case 2: Rajiv Ranjan, Bihar

On 2 January 2019, Rajiv Ranjan (40 years), a resident of Mahthin Tola of Bhojpur district of Bihar, was allegedly tortured to death in the custody of Aayar police station in the district. Ranjan was arrested on 1 January 2019 night from his house in connection with the murder of a vendor under Aayar police station area on 30 December 2018. The police claimed that Ranjan fell down and suffered head injury while trying to escape to avoid arrest. The police took him to Jagdishpur Primary Health Centre (PHC) from where the doctors referred him to Ara Sadar hospital where the deceased died during treatment in the early morning of 2 January 2019.²⁴ However, the family members alleged that Ranjan was tortured by the police while in custody and he died due to injuries sustained in custody.²⁵

²⁴. Mystery shrouds murder accused death in Ara hospital, The Times of India, 3 January 2019, <https://timesofindia.indiatimes.com/city/patna/mystery-shrouds-murder-accused-death-in-ara-hospital/articleshowprint/67354822.cms>

²⁵. Mystery shrouds murder accused death in Ara hospital, The Times of India, 3 January 2019, <https://timesofindia.indiatimes.com/city/patna/mystery-shrouds-murder-accused-death-in-ara-hospital/articleshowprint/67354822.cms>

Case 3: Chinnavellai, Tamil Nadu

On 4 January 2019, Chinnavellai (56 years), an alleged drug peddler, resident of Pudupatti village in Natham taluka under Dindigul district, Tamil Nadu, died under mysterious circumstance in the custody of Kottampati police station in the district. Chinnavellai was arrested by a special team of Madurai district police led by Sub-Inspector Raja along with his accomplice Joseph in Mudurai-Dindigul district border in connection with a case under the Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985. The special team allegedly recovered 1.5 kg *ganja* (cannabis) and Rs 26,000 from them and both of them were subsequently handed over to the Kottampatti police station late on 4 January 2019. The police claimed that during interrogation Chinnavellai complained of uneasiness and fell unconscious. The police took him to PHC at Karungalakudi from where the doctors referred him to the Government Hospital in Melur, where the doctors declared him brought dead.²⁶

²⁶. 56-yr-old man dies in police custody, The Times of India, 5 January 2019, <https://timesofindia.indiatimes.com/city/>

Case 4: Abhishek @ Ramkishore Gond, Madhya Pradesh

On 13 January 2019, Abhishek @ Ramkishore Gond (26 years), a tribal and resident under Vijayraghgarh police station in Katni district of Madhya Pradesh, died under suspicious circumstances in the custody of Vijayraghgarh police station in Katni district. He was arrested in the evening of 12 January 2019 in connection with alleged murder of his girlfriend on 1 January 2019. Gond's body was found hanging in the toilet inside the police station lock up where he was detained during the previous night. Police claimed the Gond hanged himself to death with a part of the blanket which they gave him to put on during the night.²⁷ On 21 January, the NHRC directed its Investigation Department to collect the requisite reports from the state government.²⁸

[madurai/56-yr-old-man-dies-in-police-custody/articleshowprint/67389785.cms](https://timesofindia.indiatimes.com/city/madurai/56-yr-old-man-dies-in-police-custody/articleshowprint/67389785.cms)

²⁷. Madhya Pradesh: 26-yr old rape and murder accused found hanging in lock up, The Times of India, 13 January 2019, <https://timesofindia.indiatimes.com/city/bhopal/madhya-pradesh-26-yr-old-rape-and-murder-accused-found-hanging-in-lock-up/articleshowprint/67510667.cms>

²⁸. See NHRC Case No. 128/12/24/2019-PCD

Case 5: A minor boy, Tamil Nadu

On 13 January 2019, a 17-year-old boy (name withheld) was picked up by a four-member police team led by inspector Alexraj of S.S. Colony in Madurai in Tamil Nadu for questioning in a case of jewellery theft. He was taken to the Thilagar Thidal station where he was kept in illegal custody till 16 January and allegedly tortured to extract a confession to the crime.²⁹ Ms M Jaya, the mother of the deceased, alleged that her son had vomited blood due to the torture.³⁰ It was also alleged that the minor boy was produced before the Judicial Magistrate who directed that the minor be produced before the Juvenile Justice Board (JJB) on 18 January. After a complaint of custodial torture, the magistrate sent him to the Government Rajaji Hospital for treatment where he succumbed to injuries on 24

²⁹. Teenager dies in Madurai, kin allege custodial torture by cops, The Times of India, 24 January 2019; <https://timesofindia.indiatimes.com/city/madurai/teenager-dies-in-madurai-kin-allege-custodial-torture-by-cops/articleshowprint/67676150.cms>

³⁰. Teenager dies in Madurai, kin allege custodial torture by cops, The Times of India, 24 January 2019; <https://timesofindia.indiatimes.com/city/madurai/teenager-dies-in-madurai-kin-allege-custodial-torture-by-cops/articleshowprint/67676150.cms>

January.³¹ Ms Jaya, the mother of the deceased moved the High Court seeking a Crime Branch-Crime Investigation Department (CB-CID) probe into the custodial death and on 20 March, the Madurai Bench of the Madras High Court questioned why the Government Rajaji Hospital did not conduct the post mortem in the first place, despite injury marks on the boy and directed the Dean of the hospital to submit factual reports on the custodial death.³² On 26 March, the High Court transferred the investigation to the CB-CID.³³

Case 6: Patel Haresh Kumar, Gujarat

On 16 January 2019, Patel Haresh Kumar (40 years), son of (S/o) Amaratlal died in the custody of Sidhpur police station in Patan district, Gujarat. The NHRC took

cognizance of the case following intimation by the Superintendent of Police (SP), Patan district on 28 January. Currently, the case is being investigated by the Gujarat State Human Rights Commission, which took cognizance of the case prior to the NHRC on 21 January.³⁴

Case 7: Abdul Rahim, Uttar Pradesh

On 21 January 2019, 38-year-old Abdul Rahim, an undertrial prisoner and a resident of Faizabad district of Uttar Pradesh, died during judicial custody at Gosaiganj jail due to alleged torture by police before being sent to the jail. The deceased was arrested on 14 January 2019 in a case of auto-lifting and sent to Gosaiganj jail. The jail officials claimed that at the time of admission the deceased had told them that he had injuries on shoulder, hips and hands due to torture by police while he was in police custody. They alleged that on 16 January they admitted him to the jail hospital as he was getting fits and on 19 January when the deceased's condition deteriorated, he was sent to Balrampur hospital from where the doctors referred him to King George's Medical University Trauma Center, Lucknow where he died during treatment on 21 January. The deceased's brother Khalil corroborated the claim of the jail

³¹. HC asks Commissioner to probe death of boy, The Hindu, 6 March 2019, <https://www.thehindu.com/news/cities/Madurai/hc-asks-commissioner-to-probe-death-of-boy-madurai/article26448644.ece>

³². HC seeks report from GRH on boy's death, The Hindu, 20 March 2019, <https://www.thehindu.com/news/cities/Madurai/hc-seeks-report-from-grh-on-boys-death-madurai/article26593510.ece>

³³. HC orders CB-CID probe into boy's death, The Hindu, 26 March 2019, <https://www.thehindu.com/news/cities/Madurai/hc-orders-cb-cid-probe-into-boys-death/article26646035.ece>

³⁴. NHRC Case No. 140/6/19/2019-PCD

officials stating that during his meeting with his brother on 18 January he informed the police brutality during interrogation.³⁵

Case 8: Harisingh Sangha Rathod, Maharashtra

On 31 January 2019, Harisingh Sangha Rathod died at Hadgaon police station in Nanded district, Maharashtra. The information about the custodial death was sent to the NHRC by Nanded district SP Sanjay Jadhav. On receipt of the information, the NHRC directed its Director General, Investigation Department to collect facts and requisite reports from the State Government of Maharashtra.³⁶

Case 9: Tika Ram, Uttar Pradesh

On 31 January 2019, Tika Ram (70 years), a resident of Etauwa Kedarnath village in Bareilly district in Uttar Pradesh, succumbed to his injuries while being shifted to the All India Institute of Medical Sciences (AIIMS), New Delhi. The deceased, a retired school principal, was detained illegally by Sub Inspector

(SI) Herpat Singh at Bhojipura police station when Ram went to lodge a complaint against his neighbor on 5 January 2019 after the latter allegedly threw garbage on his boundary wall on the previous evening. Instead of attending the pleas of the septuagenarian, SI Singh tortured him, who sustained severe injuries, including on the head.³⁷ Ram's elder son, Tarachand who accompanied his father to the police station, claimed that the SI did not listen to them and instead started abusing them and then physically attacked his father, injuring him seriously. He said he took his injured father to a nearby private hospital, from where doctors referred him to a hospital in Bareilly. As his condition further deteriorated, the doctors referred Ram to the AIIMS, New Delhi for expert treatment, but he died on the way to Delhi.³⁸

³⁵. Undertrial dies in KGMU, kin allege police torture, The Times of India, 22 January 2019, <https://timesofindia.indiatimes.com/city/lucknow/undertrial-dies-in-kgmu-kin-allege-police-torture/articleshowprint/67633027.cms>

³⁶. NHRC Case No. 257/13/18/2019-PCD

³⁷. Retd school principal beaten up by SI dies, The Times of India, 31 January 2019, <https://timesofindia.indiatimes.com/city/bareilly/retd-school-principal-beaten-up-by-si-dies/articleshowprint/67780853.cms>

³⁸. Retd school principal beaten up by SI dies, The Times of India, 31 January 2019, <https://timesofindia.indiatimes.com/city/bareilly/retd-school-principal-beaten-up-by-si-dies/articleshowprint/67780853.cms>

Case 10: Surjit Singh, Punjab

On 1 February 2019, Surjit Singh (55 years), a resident of GK Estate, Mundian Kalan in Ludhiana district of Punjab, died under mysterious circumstances at the Division No. 7 police station in the district. The deceased came to the police station along with his family in connection with a family dispute. Police claimed that Surjit had suffered a cardiac arrest and died. He was rushed to the hospital but doctors declared him brought dead.³⁹

Case 11: Dinesh Paswan, Jharkhand

On 1 February 2019, Dinesh Paswan @ Dinu, a Dalit, died in police custody at Simariya police station in Chatra district, Jharkhand. Police claimed that Paswan was taken into custody for interrogation in connection with a case of robbery. Paswan's wife alleged that he was mercilessly beaten by police in custody, leading to his death.⁴⁰ The NHRC has launched investigation into this custodial death after it was reported by the SP, Chatra as per the

Commission's guidelines on custodial death/rapes.⁴¹

Case 12: Raghuraj Singh Tomar, Madhya Pradesh

On 4 February 2019, Raghuraj Singh Tomar (26 years), S/o Angad Singh Tomar of Chinte Ka Pura in Morena district of Madhya Pradesh, was found dead under suspicious circumstances at Dimni police station in the district. Tomar was arrested for unauthorised possession of firearms from his house on the previous night. Police claimed that Tomar committed suicide by hanging himself by using the quilt inside the washroom of the police station lock-up.⁴² However, family members of Tomar alleged that he was tortured to death in custody and later the body was hung to make it look like a suicide. They also accused the police of obtaining their signatures on blank papers following the death. Five police personnel including the Station House Officer (SHO) of Dimni police station were suspended for the custodial death.⁴³ On 18

⁴¹. NHRC Case No. 96/34/2/2019-PCD

⁴². Madhya Pradesh: Custodial death triggers protest, 2 injured in violence, The Times of India, 4 February 2019, <https://timesofindia.indiatimes.com/city/bhopal/madhya-pradesh-custodial-death-triggers-protest-2-injured-in-violence/articleshowprint/67832608.cms>

⁴³. See Aaj Tak, 5 February 2019, <https://aajtak.intoday.in/crime/story/mp-morena-dimni-police-station-detainee->

³⁹. Man dies of cardiac arrest at police station, The Tribune, 2 February 2019, <https://www.tribuneindia.com/news/ludhiana/man-dies-of-cardiac-arrest-at-police-station/722504.html>

⁴⁰. See Dainik Bhaskar, 4 February 2019, <https://www.bhaskar.com/jharkhand/kodarma/news/dinesh-paswan>

February, the NHRC directed its Investigation Division to collect facts and requisite reports.⁴⁴

Case 13: Dinesh, Rajasthan

On 6 February 2019, Dinesh Kumar (26 years), S/o Bhagwati Prasad, allegedly committed suicide at Ratangarh police station in Churu district of Rajasthan. The deceased was taken to the police station for interrogation in a case of theft. Police claimed that the deceased committed suicide by hanging himself in the toilet of the police station. However, the deceased's family members alleging foul play protested against the police. Four police personnel identified as Head Constable Dashrath Singh, Constables Lekh Ram, Virendra Kumar and Birbal Ram were suspended following the custodial death. The case is pending with the NHRC.⁴⁵

[suspect-death-murder-ruckus-stone-pelting-1-1059374.html](https://timesofindia.indiatimes.com/city/jaipur/man-dies-in-police-custody-four-suspended-26-shifted/articleshowprint/67891252.cms)

⁴⁴. See NHRC Case No. 294/12/29/2019-PCD

⁴⁵. Man dies in police custody, four suspended; 26 shifted, The Times of India, 8 February 2019, <https://timesofindia.indiatimes.com/city/jaipur/man-dies-in-police-custody-four-suspended-26-shifted/articleshowprint/67891252.cms> & NHRC Case No. 273/20/10/2019-PCD

Case 14: Nandu Batham, Madhya Pradesh

On 9 February 2019, Nandu Batham (23 years), S/o Gendalal, died under suspicious circumstances in the custody of Hazira police station in Gwalior district, Madhya Pradesh. Police claimed that Batham was taken to the police station on the charge of eve-teasing and molestation of a woman. Further, the police claimed Batham ran towards the roof of the police station and jumped to death from there while they were registering an FIR on the insistence of the woman.⁴⁶ However, Batham's family members alleged that he was tortured in custody, resulting in his death and the story of jumping from the roof was created by the police to save themselves. A judicial enquiry was ordered into the death.⁴⁷

Case 15: Virender Kumar, Delhi

On 9 February 2019, Virender Kumar (55 years), a resident of Mangolpuri area in Delhi, died due to alleged torture at Raj Park police station in

⁴⁶. Man Accused Of Molestation Jumps Off Police Station Roof, Dies, NDTV, 9 February 2019, <https://www.ndtv.com/india-news/man-accused-of-molestation-jumps-off-police-station-roof-dies-1991046>

⁴⁷. See Patrika, 10 February 2019, <https://www.patrika.com/gwalior-news/man-death-in-police-station-hazira-in-gwalior-4112212/>

Outer Delhi. Kumar had taken his son to the police station in connection with a case filed by a girl. Kumar was in illegal police custody from 9 am till 2.30 pm when he was subjected to torture. Later, he was released in an unconscious state. He died at his home after release from custody.⁴⁸ On 11 February, the NHRC took suo motu cognizance of media reports of this custodial death case and issued notice to the Commissioner of Delhi Police calling for a report within four weeks along with details of the action taken against the guilty police personnel.⁴⁹

Case 16: Ramkelawan, Uttar Pradesh

On 9 February 2019, Ramkelawan (42 years), S/o Dalla, died under mysterious circumstances at Mihimpurwa police post under Motipur police station in Bahraich district of Uttar Pradesh. Ramkelawan was picked up by the police from his house for selling alleged illegal liquor on the night of 9 February. His wife alleged that the police beat him to death for not paying bribe. The police rushed him to hospital but was declared brought dead by the doctors. Following

protest, two police personnel including In-charge of Mihimpurwa police post were suspended.⁵⁰

Case 17: Heishnam Saratkumar, Manipur

On 17 February 2019, Heishnam Saratkumar (48 years), S/o Heishnam Mani Singh of Khordak Mayai Leikai in Bishnupur district of Manipur, was found dead in suspicious circumstances at Keibul Lamjao police station in the district. Saratkumar was arrested on charges of killing a wild boar inside Keibul Lamjao National Park on 14 February 2019. Police claimed that Saratkumar committed suicide with a torn bed-sheet inside the lockup of the police station. However, the family members and local residents alleged that he was tortured to death in police custody and later the body was hung to make it look like a suicide.⁵¹

⁴⁸. See NHRC Case No. 806/30/0/2019

⁴⁹. NHRC Press Release, 11 February 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-delhi-chief-secretary-and-police-commissioner-over-reported-death>

⁵⁰. See Amar Ujala, 10 February 2019, <https://www.amarujala.com/lucknow/a-man-died-in-police-custody-in-bahraich?pagel=1&pagel=1>

⁵¹. Manipur man 'dies' in custody, locals storm police station, The Times of India, 19 February 2019, <https://timesofindia.indiatimes.com/city/imphal/manipur-man-dies-in-custody-locals-storm-police-station/articleshow/68056677.cms>

Case 18: Gautam Mondal, West Bengal

On 19 February 2019, Gautam Mondal (43 years), a resident of Mahishyapara in Murshidabad district, West Bengal, was allegedly tortured to death in police custody at the Domkal police station in Murshidabad district. On 18 February 2019, the police personnel allegedly forcibly entered the house of Mondal, dragged him to the courtyard where he was pushed to the ground and kicked with boots and beaten with sticks before he was taken to the police station. The police did not provide any reasons for his arrest. When family members arrived at the police station, they allegedly witnessed the police officials slapping and kicking him. On the next day, the family members including Mondal's wife again went to the police station to request for his release. However, the police allegedly demanded bribe in return for his release which the family members could not pay. Later on the same day, Mondal was taken to the court when it was noticed that he was not in a position to walk and he was in pain. Mondal collapsed before entering into the court and he was taken to hospital, where the doctors declared him brought dead. A post-mortem examination declared that

Mondal had died of an unnatural cause.⁵²

Case 19: Mohammad Shakil, Jharkhand

On 21 February 2019, Mohammad Shakil (40 years) died under mysterious circumstances at Saria police station in Giridih district in Jharkhand. 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 Shakil was found dead in the police station lock-up. The police claimed he committed suicide by hanging with a towel inside the lock-up. The doctors at a local hospital declared him brought dead.⁵³

⁵². See Urgent Campaign, 1 August 2019, OMCT, 'India: Impunity for Extrajudicial Killings in West Bengal', <https://www.omct.org/urgent-campaigns/urgent-interventions/india/2019/08/d25481/>

⁵³. 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>

Case 20: Ramvraksh Mallik, Bihar

On 25 February 2019, Ramvraksh Mallik (45 years), S/o Banarasi Mallik, died due to alleged torture at Laheriasarai police station in Darbhanga district, Bihar. The deceased was arrested along with seven other persons from a shop the previous day. Police claimed that on 25 February Mallik suddenly collapsed while he was being taken to the court following which he was rushed to the Darbhanga Medical College and Hospital where he was declared dead. However, the family members of Mallik alleged that he was tortured to death by the police in custody. They also claimed that police had demanded bribe for his release.⁵⁴

Case 21: Muneshwar, Uttar Pradesh

On 3 March 2019, Muneshwar (35 years) died due to alleged torture at Churkhi police station in Jalaun district, Uttar Pradesh. The deceased was picked up by the police for interrogation in connection with a theft case from his house on 27 February 2019. Muneshwar was taken to the Churkhi police station and put in the lockup room. He was found hanging in the lock-up in the

morning of 3 March. Police claimed that the deceased had attempted suicide inside the lockup bathroom and died during treatment after he was admitted to hospital. However, the deceased's father Vakil Singh alleged that his son was tortured to death by the police while in custody.⁵⁵

Case 22: Gufran Alam and Taslim Ansari, Bihar

On 7 March 2019, Gufran Alam (30 years) and Taslim Ansari (32 years) died due to alleged torture at Dumra police station in Sitamarhi district, Bihar. Both the deceased were picked up by police on 6 March 2019 from Ramdiha village in East Champaran district in connection with a case of robbery and murder. Gufran's father stated that five police jeeps from the Chakiya police station stopped at his house when they were all asleep and asked for his son. The police said they wanted to question him in connection with a case. Before the family members could ask anything, the police took Gufran away and thereafter the police picked up fellow villager Ansari. When the families reached Dumra police station, they

⁵⁴. See Jagran, 26 February 2019, <https://www.jagran.com/bihar/muzaffarpur-dmch-worker-died-in-police-custody-in-darbhanga-18991863.html>

⁵⁵. Custodial death: SHO, 2 constables suspended, The Times of India, 4 March 2019, <https://timesofindia.indiatimes.com/city/kanpur/custodial-death-sho-2-constables-suspended/articleshow/68251482.cms>

were told to visit Sadar hospital. At the hospital, they were told that both were dead and their postmortem examination had been conducted. But they were not allowed to see the bodies, which were handed over to them next morning. When the bodies were being washed for the burial, relatives said they noticed the injuries and the extent of torture. According to the family members of the deceased persons, the injury marks were caused by iron nails being hammered into their thighs, soles and wrists. Further, the legs of both the deceased were severely injured.⁵⁶

Case 23: Kuldas Umbarlal, Maharashtra

On 7 March 2019, Kuldas Umbarlal died at Igatpuri police station in Nashik district in Maharashtra. The information about the custodial death was reported to the NHRC by the SP, Nashik district. On receipt of the information, the NHRC directed its Director General, Investigation Division on 12 April to collect facts and requisite reports from the State Government of Maharashtra. The

case is currently pending final adjudication before the Commission.⁵⁷

Case 24: Ms Sakina @ Hinesh, Delhi

On 13 March 2019, Ms Sakina @ Hinesh, wife of Rahman, died in police custody at Badli police station in Delhi. The information of the custodial death was intimated to the NHRC by the Metropolitan Magistrate of the Karkardooma Courts, Delhi. The NHRC directed the Deputy Commissioner of Police (DCP), East Delhi to send the requisite reports, covering all the aspect leading to death including time, place and reason for arrest/detention, inquest report, post mortem report, magisterial enquiry report, etc. The case was pending at the year's end.⁵⁸

Case 25: Rizwan Asad Pandit, Jammu & Kashmir

On 19 March 2019, Rizwan Asad Pandit (29 years), a school principal, died due to alleged torture in police custody in Pulwama district, Jammu & Kashmir. Pandit, a resident of Awantipora, was picked up for interrogation by the security agencies in connection with a terror case registered at the Panthachowk

⁵⁶. Nails 'hammered' into them, two men 'tortured' to death in Bihar police custody, probe ordered, The Indian Express, 12 March 2019, <https://indianexpress.com/article/india/bihar-police-custody-nails-hammered-into-them-two-men-tortured-to-death-probe-ordered-5621645/>

⁵⁷. NHRC Case No. 509/13/19/2019-PCD

⁵⁸. See NHRC Case No. 5729/30/6/2019-PCD

police station on 15 March 2019. According to the initial post-mortem findings, Pandit died because of “extravasation of blood”, the leakage of blood from a vessel into the surrounding tissues caused by multiple injuries. According to media reports, the deceased had cuts and injuries all over his body and had a haematoma, a solid swelling of clotted blood within the tissues, in his left arm and eye. The nature of injuries indicated that a roller may have been applied over his legs, causing the veins and arteries to rupture. The deceased’s family members alleged that there were torture marks all over his body. According to them, his left eye had turned black, the left side of his face was swollen, cut marks and deep burn marks were visible on his thighs and there were stitches on his head. A magisterial inquiry was ordered into the custodial death.⁵⁹

Case 26: Sunil, Karnataka

On 20 March 2019, Sunil, S/o Sangappa Kanaka died in police custody at Holalkera police station in Chitradurga district, Karnataka. The NHRC took cognizance of the matter

on 29 March and called for reports from the state authorities. However, the NHRC transferred the case to the Karnataka State Human Rights Commission (KSHRC) following information that the latter had already taken cognizance of the case prior to the NHRC. Currently, the case is pending with the KSHRC.⁶⁰

Case 27: Md Manjur Ahamad, Manipur

On 30 March 2019, Md Manjur Ahamad (34 years), S/o Bashir, a suspended a police constable of Yairipok Ningthourel in Thoubal district of Manipur, died in police custody at the Joint Interrogation Cell (JIC) in Imphal, Imphal West district of Manipur. Ahamad was suspended after an undertial prisoner fled from custody while being treated at a hospital on 26 March 2019. After the escape of the prisoner from his custody, he was arrested for questioning on 27 March and remanded to police custody on 1 April. The family members of the deceased alleged that he died to torture during interrogation at the JIC.⁶¹

Case 28: Sampath, Telangana

⁵⁹. Custody death: Valley principal had ‘multiple injuries’, says initial probe, The Indian Express, 21 March 2019, <https://indianexpress.com/article/india/custody-death-valley-principal-had-multiple-injuries-says-initial-probe-5636693/>

⁶⁰. NHRC Case No. 292/10/7/2019-PCD

⁶¹. Suspended Constable dies in police custody, The Sangai Express, 30 March 2019, available at: <http://e-pao.net/GP.asp?src=11..310319.mar19>

On 3 April 2019, Sampath (33 years), a murder suspect, died under mysterious circumstances at S R Nagar police station in Hyderabad, Telangana. The deceased, a rag picker, was arrested on 2 April 2019 along with another rag picker from Maithrivanam in Ameerpet of Hyderabad district in connection with murder of a beggar. The police took them to the SR Nagar police station after arrest. Police claimed on 3 April at around 08.30 am, Sampath suffered a seizure during interrogation and he was taken to Gandhi Hospital where he died at around 10.30 am on the same day.⁶² However, an NGO, Human Rights Forum (HRF) claimed that Sampath had died due to police torture and demanded that the Station House Officer (SHO) should be suspended to ensure an impartial inquiry. A fact finding team of the HRF visited the S R Nagar police station and Gandhi Hospital and met the relatives of Sampath. In its report, the HRF stated that the police had refused to share details of the General Dairy of the police station and more suspicious was the non-functioning of the closed circuit cameras in the police station. The doctors at the

⁶². Hyderabad: Murder suspect suffers seizures, dies, The Telangana Today, 4 April 2019, <https://telanganatoday.com/hyderabad-murder-suspect-suffers-seizures-dies>

hospital too did not reveal the torture marks on the deceased's body.⁶³

Case 29: Swamidin Baiga, Madhya Pradesh

On 7 April 2019, 32-year-old tribal identified as Swamidin Baiga, S/o Haridin Baiga died under mysterious circumstances at Tala police station in Umaria district, Madhya Pradesh within hours of his arrest. The deceased was picked up from his residence by the police in the morning of 7 April for interrogation after a case of sexual assault of a minor girl was registered against him. Later in the evening at about 5 pm, the police informed the family of the deceased that he was not well. At about 7 pm, the youth was declared dead by doctors at a hospital.⁶⁴ Family members of the deceased alleged Baiga was brutally beaten at the police station, resulting in his death. They also alleged that police did not inform the reason for his

⁶³. Hyderabad: HRF seeks probe into rag-picker's death, The Telangana Today, 9 April 2019, <https://telanganatoday.com/hyderabad-hrf-seeks-probe-into-rag-pickers-death>

⁶⁴. See Patrika, 9 April 2019, <https://www.patrika.com/umaria-news/magistrates-inquiry-will-be-in-case-of-death-of-youth-police-custody-4401386/>

arrest.⁶⁵ A magisterial inquiry was ordered into the death. The NHRC was also investigating the case.⁶⁶

Case 30: Karan Kumar, Punjab

On 7 April 2019, Karan Kumar (22 years) died due to alleged torture at Janakpuri police station in Ludhiana district, Punjab. The deceased, a resident of Prem colony in the district, was arrested on 6 April 2019 along with his friend in connection with a vehicle theft case. The police took them to Janakpuri police station and kept them in the lock-up room. Police claimed that on 7 April around 04.30 am, Kumar vomited blood and he was taken to the Civil Hospital where the doctors declared him brought dead.⁶⁷ However, the family members of the deceased alleged that he died due to custodial torture by the police to obtain confession to the alleged crime. The family members further alleged he was taken away by the police, without disclosing any reason and later he

was framed in the vehicle lifting case. They reportedly visited the police station several times but they were not allowed to meet him which raised doubts. The next day, the police informed the family members that Kumar committed suicide by consuming poison! The family members alleged that he died due to torture to extract confession of stealing the vehicle.⁶⁸ On 8 April, the NHRC issued a notice to the DGP, Punjab to explain why the custodial death was not reported to the Commission as per its standing guidelines and sought a report within four weeks.⁶⁹

Case 31: Chandrika Prasad Tiwari, Chhattisgarh

On 8 April 2019, Chandrika Prasad Tiwari died in police custody due to alleged police torture at Marwahi police station in Bilaspur district, Chhattisgarh. On 7 April 2019, Tiwari and his son were summoned to the police station in connection with a land dispute case. The police

⁶⁵. News18 Hindu, 8 April 2019, <https://hindi.news18.com/news/madhya-pradesh/umaria-death-of-baga-tribal-in-police-station-beating-chowki-incharge-suspended-hydap-1846066.html>

⁶⁶. NHRC Case No. 733/12/48/2019-PCD

⁶⁷. Accused of theft, youth dies in custody, The Tribune, 8 April 2019, <https://www.tribuneindia.com/news/punjab/accused-of-theft-youth-dies-in-custody/754720.html>

⁶⁸. See NHRC Press Release, 8 April 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-dgp-punjab-over-reported-death-youth-police-custody-due-torture>

⁶⁹. See NHRC Press Release, 8 April 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-dgp-punjab-over-reported-death-youth-police-custody-due-torture>

allegedly verbally and physically abused Tiwari and his son in the police lock-up. According to media reports, both were produced on 8 April before Marwahi Tehsil court at 12 pm and had to wait for their turn till 4 pm. In between, Chandrika's condition deteriorated and he was taken to the hospital from where he was referred to Chhattisgarh Institute of Medical Sciences at Bilaspur where he died. Ms Kalibai Tiwari, the deceased's wife, demanded action against the Town Inspector and Tehsildhar in a written complaint.⁷⁰ Opposition leader in the State Assembly and Bhartiya Janata Party legislator, Dharamlal Kaushik in a letter to the Chief Minister alleged that Tiwari was subjected to brutal torture by police officer named E Ekka in police custody as a result of which he suffered internal injuries and one of his teeth was broken.⁷¹

⁷⁰. BJP demands probe into custodial death of party leader, seeks compensation, The Pioneer, 10 April 2019, <https://www.dailypioneer.com/2019/state-editions/bjp-demands-probe-into-custodial--death-of-party-leader--seeks-compensation.html>

⁷¹. See <https://glibs.in/Politics/madhya+pradesh-news-Kaushik-writes-to-CM-for-examining-death-in-police-custody-raipur-news-57896.html>

Case 32: Saroop Singh, Punjab

On 11 April 2019, Saroop Singh (40 years), a resident of Bokar Dogra village in Ludhiana district of Punjab, died at the Ladhawal police station in Ludhiana district hours after he was arrested u/s 107/151 (preventive detention) of the Code of Criminal Procedure (CrPC) for allegedly threatening to kill his wife. Police claimed that Singh committed suicide by hanging himself in the bathroom of the lock-up at around 06.57 pm on the same day of his arrest. However, the deceased's family members suspected foul play in his death.⁷²

Case 33: 17-year-old boy, Maharashtra

On 13 April 2019, a 17-year-old died at JJ Hospital in Mumbai in the custody of Government Railway Police (GRP), Wadala in Mumbai, Maharashtra. He was apprehended by the Railway Protection Force (RPF), Kurla on 3 April on suspicion of theft and handed over to the GRP a day later. The mother of the boy, a resident of Mankhurd, Mumbai alleged that her son died due to

⁷². Minutes after arrest, ex-serviceman ends life in police lock-up, The Times of India, 13 April 2019, <https://timesofindia.indiatimes.com/city/ludhiana/minutes-after-arrest-ex-serviceman-ends-life-in-police-lock-up/articleshowprint/68856493.cms>

torture by police. She claimed that when she went to meet her son at the Dongri observation home on 5 April, he told her that officers of Kurla RPF had beaten him before handing him over to Wadala GRP. The Wadala GRP had later produced him before the JJB, Mumbai city.⁷³

Case 34: Sopan Madhukar Deokar, Maharashtra

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

the night of 13 April where he died during treatment on the next day.⁷⁴

Case 35: Manoj Prasad, Bihar

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

⁷³. Mumbai: 17-yr-old theft suspect dies, family alleges torture by cops, The Indian Express, 15 April 2018, available at <https://indianexpress.com/article/cities/mumbai/mumbai-boy-theft-suspect-dies-family-alleges-torture-by-cops-5137790/>

⁷⁴. Arrested bootlegger dies, cops suspect heart attack, The Pune Mirror, 16 April 2019, <https://punemirror.indiatimes.com/pune/others/arrested-bootlegger-dies-cops-suspect-heart-attack/articleshow/68896486.cms>

7,700/- to the police for release of the motorcycle.⁷⁵

Case 36: K Karthik, Tamil Nadu

On 15 April 2019, 36-year-old K. Karthik, a resident of Kempatty Colony in Coimbatore district, Tamil Nadu, died while in the custody at the Big Bazaar Street police station in Coimbatore district. Karthik was picked up for questioning from T.K. Market on the evening of 15 April for alleged possession of *ganja*. According to the police, Karthik developed fits and became unconscious around 9.15 pm when they were about to produce him before a magistrate. Thereafter, he was rushed to Coimbatore Medical College Hospital where doctors declared him brought dead. Following the death, Karthik's relatives thronged the hospital and alleged that he had died of custodial torture. On the other hand, police denied the allegation of custodial torture and claimed that Karthik, who was also earlier booked in several cases, had a habit of injuring himself and pretending ill in police custody.⁷⁶

⁷⁵. Prabhat Kabar, 14 April 2019, <https://www.prabhathkhabar.com/news/champaran-east/story/1272748.html>

⁷⁶. Relatives cry foul as man dies in police custody, The Hindu, 17 April 2019, <https://www.thehindu.com/news/cities/C>

Case 37: Leela Adivasi, Madhya Pradesh

On 15 April 2019, 50-year-old tribal identified as Leela Adivasi, S/o Tantu Adivasi died under mysterious circumstances during police custody at the Maharajpur police station in Sagar district, Madhya Pradesh. The deceased tribal, a labourer, was arrested by the police under the Arms Act from Maharajpur police station area. On 15 April morning, he was taken to a hospital for medical examination, where the doctor had reportedly found him in good health. The police claimed that the deceased was being produced before a local court when his health suddenly deteriorated at the court premises, and he vomited blood from his mouth and ears and died. Following the death, action was being initiated against Santkumar Rathore, SHO of the Maharajpur police station.⁷⁷ The NHRC also took cognizance of the custodial death.⁷⁸

[coimbatore/relatives-cry-foul-as-man-dies-in-police-custody/article26859473.ece](https://www.bhaskar.com/mp/sagar/new-s/mp-news-in-order-to-take-action-on-the-charge-of-maharajpur-police-station-the-sp-wrote-a-letter-to-the-election-commission-085601-4362320.html)

⁷⁷. See Dainik Bhaskar, 17 April 2019, <https://www.bhaskar.com/mp/sagar/new-s/mp-news-in-order-to-take-action-on-the-charge-of-maharajpur-police-station-the-sp-wrote-a-letter-to-the-election-commission-085601-4362320.html>

⁷⁸. NHRC Case No. 810/12/37/2019-PCD

Case 38: Unidentified youth, Andhra Pradesh

On 16 April 2019, an unidentified youth died under mysterious circumstances at Ajit Singh Nagar police station in Vijayawada district in Andhra Pradesh. The deceased youth was taken into custody for trespassing into a house at Basavatarakam colony in Ajit Singh Nagar. According to the police, the youth, who was in his early twenties, allegedly committed suicide by hanging himself to a ceiling fan in the police station. The deceased reportedly found the rope with which he hanged himself in the washroom.⁷⁹

Case 39: Sanju, Madhya Pradesh

On 23 April 2019, 22-year-old Sanju, S/o Hindu Singh, died due to alleged torture at Gandhi Nagar police station in Indore district, Madhya Pradesh. The deceased, a resident of Gandhi Nagar in the district, was brought to the police station by police for questioning in a theft case. The deceased's mother was also beaten up by the police and had to be hospitalised. Police claimed on 23

April Sanju suddenly fell ill during interrogation at the police station, after which a doctor was called and his blood pressure was found low. Thereafter, he was rushed to a hospital where he was declared brought dead. However, the family members accused the police of torturing him to death. Family members also alleged the deceased's 60-year-old mother identified as Ms Nadibai was also brutally beaten up by the police and detained in police lock up.⁸⁰

Case 40: Avinash, Karnataka

On 26 April 2019, Avinash (28 years) died due to alleged torture in police custody at Nuggehalli police station in Channarayapatna taluk in Hassan district, Karnataka. The deceased, a resident of Belaguli village in the district, was arrested on the same day from National Highway 75 along with another person in connection with a theft case. The police claimed that Avinash suddenly fell unconscious in the police vehicle while being transported to the Nuggehalli police station and died. Police claimed the death was natural. However, the family members of the deceased alleged he was tortured to

⁷⁹. Youth ends life in Ajit Singh Nagar police station, The New Indian Express, 17 April 2019, <http://www.newindianexpress.com/cities/vijayawada/2019/apr/17/youth-ends-life-in-ajit-singh-nagar-police-station-1965304.html>

⁸⁰. See Amar Ujala, 24 April 2019, <https://www.amarujala.com/madhya-pradesh/a-man-allegedly-died-in-police-custody-at-indore-s-gandhi-nagar-police-station>

death by the police in their custody. As evidence, the family members claimed that there were injury marks on the body of the deceased.⁸¹

Case 41: Gurwinder Singh, Punjab

On 5 May 2019, 20-year-old Gurwinder Singh alias Goldy eloped with a girl from Issru village in Ludiana district of Punjab. The next day, i.e. 6 May, the police traced the couple and the girl was handed over to her family. But, Singh was kept in custody. His brother, Gurjit Singh alleged that police had demanded a bribe of Rs. 50,000 for his release. Later, Singh's body was recovered from a field near a police post in Issru. Family members of the deceased alleged that he was beaten to death by the police at the behest of the girl's family. Following protest by the deceased's family, an FIR was registered against 10 persons, including four police personnel, in connection with the case at Khanna Sadar police station. The four accused police personnel, who were booked for murder, were Issru police post In-charge and Assistant Sub Inspector (ASI) Karamjit Singh, ASI Harbhajan Singh, Head Constable

Jaswant Singh and a home guard jawan Avatar Singh.⁸²

Case 42: Sunil Shrivastava, Chhattisgarh

On 7 May 2019, Sunil Shrivastava (49 years) died under mysterious circumstances in the custody of Panduka police station in Raipur district, Chhattisgarh. The deceased, a salesman of a firm selling tractors and a resident of Panduka in the district, was arrested on 6 May 2019 in connection with a cheating case under section 420 of Indian Penal Code (IPC). Police claimed Shrivastava committed suicide in the bathroom of the police station by hanging himself using his shirt. According to the deceased's family members, they met Shrivastava following his arrest at the police station and found him to be in good health/normal state of mind.⁸³

⁸¹. Theft suspect dies in custody, Deccan Herald, 27 April 2019, <https://www.deccanherald.com/state/top-karnataka-stories/theft-case-suspect-dies-in-custody-731043.html>

⁸². Punjab: Family alleges youth died in police custody, four cops among 10 booked for murder, The Indian Express, 9 May 2019, <https://indianexpress.com/article/cities/chhattisgarh/punjab-family-alleges-youth-died-in-police-custody-four-cops-among-10-booked-for-murder-5718306/>

⁸³. Youth commits suicide in police station, The Pioneer, 8 May 2019, <https://www.dailypioneer.com/2019/state-editions/youth-commits-suicide-in-police-station.html>

Case 43: Gautam Mondal, West Bengal

On 7 May 2019, Gautam Mondal (27 years), a physically challenged Dalit man and a resident of Deganga Chatra in North 24 Parganas district of West Bengal, died due to alleged torture in police custody. Mondal was arrested along with others by police on 3 May 2019 on accusation of vandalizing Barasat Railway Station over the cancellation of trains following the warning of cyclonic 'Fani'. On 4 May, Mondal was sent to judicial custody and lodged at Dum Dum Central jail. Jail officials claimed Mondal already had injuries on his body when he was sent to the jail, and he suddenly fell ill and was admitted at a hospital where he died on the evening of 7 May during treatment. The family members alleged he was tortured in police custody, leading to his death.⁸⁴

Case 44: Bhoopathy, Tamil Nadu

On 8 May 2019, a Sri Lankan Tamil refugee identified as Bhoopathy (35 years) died due to alleged torture in the custody of Uthangarai police

station in Krishnagiri district, Tamil Nadu. According to the police, the deceased, who lived in Ettayapuram town in Thoothukudi district, was caught by the public while allegedly burgling into a house at Uthangarai and beaten up by the public. The police further claimed that the house owner of the deceased took him in injured condition to hospital where he later died. However, it was alleged that the deceased was first taken to the police station where he was tortured.⁸⁵

Case 45: Vinod Verma, Haryana

On 8 May 2019, Vinod Verma (48 years) died under mysterious circumstances in the custody of Adarsh Nagar police station in Ballabgarh in Faridabad district, Haryana. The deceased, a resident of Subedar colony in Ballabgarh in the district, was detained in Adarsh Nagar police station on 5 May 2019 in connection with an alleged case of cheating. Police claimed the deceased was a patient of heart disease and he was undergoing treatment in the hospital. However, the family members alleged foul play and suspected the hand of the police in the death. The deceased's son

⁸⁴. Man With Disabilities Dies In Custody, Protesters Block Trains In Bengal, NDTV, 10 May 2019, <https://www.ndtv.com/india-news/west-bengal-man-with-disabilities-dies-in-custody-protesters-block-trains-2035373>

⁸⁵. Police deny man died in custody, The Hindu, 8 May 2019, <https://www.thehindu.com/news/cities/Coimbatore/police-deny-man-died-in-custody/article27073177.ece>

Sourabh Verma alleged that on 5 May 2019 his father was detained at the police station for questioning. He said that he also reached the police station at that time and he was not allowed to enter the police station. But, after few minutes his father's condition suddenly worsened. He further alleged that thereafter his father was taken to the civil hospital, Faridabad from where he was referred to BK Hospital, but the police took the Verma to Sarvodaya Hospital in Sector-8, Faridabad, where he died on 8 May.⁸⁶

Case 46: Kashyap Rawal, Gujarat

On 9 May 2019, Kashyap Rawal (38 years) died due to alleged torture in the custody of B Division police station at Surendranagar in Surendranagar district, Gujarat. The deceased, a car dealer, was arrested for allegedly not paying the amount for the car he had purchased from a car dealer. Police claimed when the deceased reached to the police station for purpose of investigation, he complained of chest pain, after which he was rushed to the hospital where he was declared dead. However, the deceased's father

⁸⁶. See Navbharat Times, 9 May 2019, <https://navbharattimes.indiatimes.com/state/punjab-and-haryana/faridabad/accused-of-killing-person-in-custody-poisoning-police/articleshow/69237808.cms>

Himanshu Rawal lodged a complaint against the police accusing them of custodial torture that resulted in his son's death. The family members also made a representation before the Surendranagar district collector, demanding an inquiry against the accused police personnel.⁸⁷

Case 47: Mangilal, Rajasthan

On 13 May 2019 afternoon, Mangilal (40 years) was arrested in a case of theft in a temple and detained at Pisangan police station in Ajmer district of Rajasthan. He died under mysterious circumstances at the police station later in the night. Police claimed the theft accused committed suicide by hanging himself with the bedsheet he was given to sleep in the bathroom of the police station. A judicial inquiry was ordered and five police personnel including the station house officer of the police station were suspended.⁸⁸

⁸⁷. Custodial death puts Surendranagar police in the dock, The Times of India, 11 May 2019, <https://timesofindia.indiatimes.com/city/rajkot/custodial-death-puts-surendranagar-police-in-the-dock/articleshow/69275103.cms>

⁸⁸. Probe begins in Ajmer custodial death case, The Times of India, 15 May 2019, <https://timesofindia.indiatimes.com/city/ajmer/probe-begins-in-ajmer-custodial-death-case/articleshowprint/69332968.cms>

Case 48: S. Ramachandran, Tamil Nadu

On 16 May 2019, S. Ramachandran (31 years) was taken to Sivakasi East police station in Virudhunagar district, Tamil Nadu for questioning in a case of theft of copper wire. The theft suspect died under mysterious circumstances in the police station on 17 May. According to the police, Ramachandran complained of uneasiness and collapsed in the police station at about 9 am. He was taken to Government Hospital in an autorickshaw, but declared dead by doctors within minutes of arrival. Police also claimed the suspect was a drug addict and two criminal cases were pending against him. A magisterial inquiry was ordered into the death and a case of custodial death was registered under the provisions of the CrPC.⁸⁹

Case 49: Jaspal Singh, Punjab

On 19 May 2019, Jaspal Singh (23 years) died due to alleged torture in the custody of Crime Investigation Agency (CIA) in Faridkot district, Punjab. Jaspal, a resident of Panjawa village in Muktsar district, was picked up by Inspector Narinder

Singh of the Faridkot unit of the CIA on 18 May. Police claimed Jaspal committed suicide in the custody, but his family alleged he was beaten to death. CCTV footage showed the Inspector putting Jaspal's dead body in a vehicle, and then disposing it off. Police also claimed that CIA Inspector also committed suicide following the custodial death.⁹⁰

Case 50: Ravindra Kumar, Uttar Pradesh

On the night of 20 May 2019, Ravindra Kumar died due to alleged police torture while in custody at Thatiya police station in Kannauj district, Uttar Pradesh. Kumar and his brother Devendra were brought to the police station following a property dispute. According to the deceased's wife, Ms Rambeti, the police released Devendra after his family bribed them. However, Kumar was detained and tortured as he could not pay the bribe. Following the torture, Kumar, who was sick by then, was dumped outside his house in an unconscious state by two police personnel at Bathuniya village in

⁸⁹. Suspect dies in police custody in Sivakasi, The Hindu, 17 May 2019, <https://www.thehindu.com/news/cities/Madurai/suspect-dies-in-police-custody-in-sivakasi/article27164241.ece>

⁹⁰. Faridkot custodial death: Call for protest tomorrow. The Times of India, 28 May 2019, <https://timesofindia.indiatimes.com/city/amritsar/faridkot-custodial-death-call-for-protest-tomorrow/articleshowprint/69535396.cms>

Thatiya. He died when the family was taking him to the hospital in Kannauj. Ms Rambeti alleged that her husband was brutally beaten with batons and straps and his entire back had turned blue. Following protest, a case was registered against three police personnel identified as Surendra Singh (In-charge of the police station) and two constables, Sachin and Praveen.⁹¹ On 22 May, the NHRC took suo motu cognizance of media reports of the custodial death and issued notice to the DGP, Uttar Pradesh calling for a detailed report in the matter.⁹²

Case 51: U Nawas, Kerala

On 21 May 2019, U Navas (27 years), S/o Sasi died under mysterious circumstances in the custody of Manarcadu police station in Kottayam district, Kerala. The deceased was picked up by the Station House Officer Shiji of Manarcadu police station at around

10:30 pm on 20 May after a complaint was lodged against him. The police claimed that on the morning of 21 May at around 10.30 am the deceased was found hanging inside the toilet of the police station. He was taken to the Government Medical College Hospital, Kottayam where the doctors declared him brought dead.⁹³

Case 52: R Narayanan, Tamil Nadu

On 23 May 2019, R Narayanan (32 years) died due to alleged torture at Guduvanchery police station in Chengalpattu taluk of Kanchipuram district, Tamil Nadu. The deceased, a resident of Jayankondam in Ariyalur district, was arrested along with two other persons by a patrolling police team on 23 May on suspicion of their involvement in a vehicle theft case. They were taken to the police station for interrogation. The police claimed that during interrogation on the night of 23 May around 8.30 pm Narayanan complained of uneasiness and the police took him to a private hospital where the doctors declared him to be fit and hence he was brought back to police station. But few hours later, the deceased allegedly fell unconscious and was

⁹¹. UP man dies in police lock-up, wife alleges brutality, Hindustan Times, 22 May 2019, <https://www.hindustantimes.com/india-news/up-man-dies-in-police-lock-up-wife-alleges-brutality/story-fG1TxX3w8sxkVuHcJkOICL.html>

⁹². See NHRC media release dated 22 May 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-director-general-police-uttar-pradesh-over-reported-death-man-due>

⁹³. Arrested person found dead at police station, The Hindu, 22 May 2019, <https://www.thehindu.com/news/national/kerala/arrested-person-found-dead-at-police-station/article27200139.ece>

declared brought dead by the doctors at the Chengalpattu Government Hospital. The family members alleged that the deceased was tortured to death by the police while in custody.⁹⁴

Case 53: Balraj Singh, Delhi

On 26 May 2019, Balraj Singh (58 years), a labourer, died at Bawana police station in outer Delhi. He was picked up for questioning from his residence as one of his sons was wanted in criminal cases. Police claimed that the deceased committed suicide by jumping from the third floor of the police station.⁹⁵ The deceased's wife alleged that her husband was tortured and pushed to death. On 28 May, the NHRC took suo motu cognizance of media reports about the custodial death and issued notice to the Commissioner of Police, Delhi calling for report. The Commission also observed that the

allegations levelled by the family members appear serious in nature and questioned the police version that the deceased after questioning went to have water before leaving, which is when he jumped to death from the third floor of the police station.⁹⁶

Case 54: Omprakash Pandey, Gujarat

On 1 June 2019, Omprakash Pandey succumbed to his injuries sustained due to alleged custodial torture at Khatodara police station in Surat district, Gujarat. Pandey was detained at the police station along with two others on suspicion of being involved in a burglary on 31 May 2019. All the three were allegedly tortured in custody, while Pandey suffered serious brain injuries and died at a private hospital. A case of murder was registered against eight accused police personnel, seven of them were identified as Inspector M B Khileri and detection staff personnel Hareshbhai, Kanaksinh, Pareshbhai, Ashish, Kalpeshbhai and Dilubhai.⁹⁷

⁹⁴. Chennai: Man held for vehicle theft dies in custody, The Deccan Chronicle, 25 May 2019,

<https://www.deccanchronicle.com/nation/crime/250519/chennai-man-held-for-vehicle-theft-dies-in-custody.html>

⁹⁵. Father of murder accused found dead at Bawana police station, The Hindu, 28 May 2019,

<https://www.thehindu.com/news/cities/Delhi/father-of-murder-accused-found-dead-at-bawana-police-station/article27268665.ece>

⁹⁶. See NHRC media release dated 28 May 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-delhi-police-commissioner-over-reported-death-man-inside-bawana>

⁹⁷. Custodial torture: Murder case against eight absconding cops, The Business

Case 55: Sumit Massey, Delhi

On 4 June 2019, Sumit Massey (25 years) died due to alleged torture at Delhi Cantonment police station in South-West District of Delhi. Massey was picked up along with another person from East Delhi for questioning in a cheating case. Police claimed that Massey complained of restlessness and he was taken to a hospital where doctors tried to revive him by giving Cardiopulmonary resuscitation but without success. The family members alleged he died due to custodial torture in the police station.⁹⁸

Case 56: Ashok Soni, Uttar Pradesh

On 5 June 2019, Ashok Soni (40 years) died under mysterious circumstances in the custody of Hujurpur police station in Bahraich district of Uttar Pradesh. The deceased was detained at the police station on the night of 5 June for

questioning regarding his involvement in a theft case which was reported against him almost 15 days earlier. Police claimed that Soni complained of feeling unwell and he was taken to a community health centre from where he was referred to Sadar (district) hospital. But he died on the way to the district hospital.⁹⁹

Case 57: Govinda, Delhi

On 6 June 2019, Govinda, a suspect in a smuggling case, died in police custody at Nand Nagri police station in North East Delhi. He was picked up along with another person in connection with a case of smuggling of illegal liquor. Police claimed the suspect was taken to a hospital after he fell ill, where the doctors declared him dead. Family members of the deceased alleged that he was tortured to death.¹⁰⁰

Standard, 2 June 2019, https://www.business-standard.com/article/pti-stories/custodial-torture-murder-case-against-eight-absconding-cops-119060200433_1.html

⁹⁸. Delhi: Detained for cheating, man dies in police custody, The Indian Express, 6 June 2019, <https://indianexpress.com/article/cities/delhi/delhi-detained-for-cheating-man-dies-in-police-custody-5767475/>

⁹⁹. UP: Theft suspect dies of illness in custody, say police; SHO suspended, The Indian Express, 7 June 2019, <https://indianexpress.com/article/cities/lucknow/up-theft-suspect-dies-of-illness-in-police-custody-sho-suspended-5769037/>

¹⁰⁰. Man dies in police custody; family claims 'he was beaten, killed', The Business Standard, 7 June 2019, <https://www.business-standard.com/article/news-ani/man-dies-in-police-custody-family-claims->

Case 58: Deepak Barik, Odisha

On 7 June 2019, Deepak Barik (25 years) died at Kaniha police station in Angul district, Odisha. The deceased, resident of Badgunduri village in the district, was asked to appear at Kaniha police station on the same day for questioning in connection with a domestic violence complaint filed by his wife. Police claimed that during interrogation the deceased complained of uneasiness and was taken to hospital at Kaniha and then referred to the District Headquarters Hospital, Angul where the doctors declared him dead on arrival. However, the family members of the deceased alleged that the deceased was tortured to death by the police in custody.¹⁰¹

Case 59: Dilkhush Kumar, Bihar

On 9 June 2019, Dilkhush Kumar (26 years) died under mysterious circumstances at Kahalgaon police station in Bhagalpur district of Bihar. The deceased, a resident of Kahalgaon in the district, was arrested by police on 8 June 2019 pursuant to a complaint filed by his

[he-was-beaten-killed-119060700167_1.html](http://www.newindianexpress.com/states/odisha/2019/jun/09/youth-dies-in-custody-family-files-plaint-1987922.html)

¹⁰¹. Odisha youth dies in police custody, family files complaint, The New Indian Express, 9 June 2019, <http://www.newindianexpress.com/states/odisha/2019/jun/09/youth-dies-in-custody-family-files-plaint-1987922.html>

mother for allegedly beating up his family members in an inebriated condition. After arrest the deceased was kept in the lockup room at the police station. The police claimed that the deceased was found hanging in the lock-up room at the police station.¹⁰²

Case 60: Gobardhan Bindhani, Odisha

On 15 June 2019, Gobardhan Bindhani (62 years) died due to alleged torture at Kodinga police station in Nabarangpur district of Odisha. Gobardhan was picked up by police from Khatiguda market over his alleged involvement in gambling. He was detained at Kodinga police station and later taken to the District Headquarters Hospital as his health condition deteriorated. According to the police, Gobardhan died while being shifted to Visakhapatnam from Nabarangpur for treatment. However, the family members of the deceased alleged he died due to torture. The Inspector-in-Charge of the police station was suspended over the custodial death.¹⁰³

¹⁰². Man who beat up mother after drinking found hanging in lock-up in dry Bihar, The India Today, 9 June 2019, <https://www.indiatoday.in/crime/story/dry-man-dry-state-bihar-police-lock-up-suicide-1545660-2019-06-09>

¹⁰³. DGP suspends Kosagumuda PS IIC, The Pioneer, 18 June 2019, <https://www.dailypioneer.com/2019/state>

Case 61: Shivam Mishra, Madhya Pradesh

On 18 June 2019, Shivam Mishra (25 years) died due to alleged torture at Bairagarh police station in Bhopal district, Madhya Pradesh. The deceased, a resident of Bhopal, was detained along with his friend identified as Govind Sharma after their car had met with an accident in the bus rapid transit corridor in Bairagarh area. According to the police, the condition of the Mishra deteriorated at the Bairagarh police station and doctors of a nearby hospital declared him brought dead. However, the family members of the deceased alleged that he died as a result of torture at the police station. Five police personnel were suspended in connection with the custodial death.¹⁰⁴

Case 62: Rajkumar, Kerala

On 21 June 2019, Rajkumar (49 years) died due to alleged torture in police custody at Nedumkandam police station in Idukki district, Kerala. He was arrested by the police

on 12 June 2019 in connection with a case of cheating. He was lodged at the police station illegally for three days and subjected to brutal beating before he was produced before the court. Rajkumar's arrest was recorded on 15 June and he was produced before the court on the same day. The court remanded him to judicial custody and he was lodged at Peermade sub-jail. He died at Peermade taluk hospital on 21 June. The post-mortem report conducted at the Kottayam Medical College Hospital reportedly found as many as 32 injuries on the deceased's body. Chilli powder was even suspected to be applied on his private parts by the police. Investigation by the Crime Branch found evidence for manipulations in police records regarding his arrest. CCTV footages of the police station proved that he was held by police on 12 June and was in illegal custody for three days. The Crime Branch invoked murder charges against the two police personnel, apart from illegal detention, destruction of evidence and concealing crime.¹⁰⁵

[-editions/dgp-suspends-kosagumuda-ps-iic.html](#)

¹⁰⁴. Family alleges man beaten to death in custody; 5 Bhopal cops suspended, The New Indian Express, 19 June 2019, <http://www.newindianexpress.com/nation/2019/jun/19/family-alleges-man-beaten-to-death-in-custody-5-bhopal-cops-suspended-1992330.html>

¹⁰⁵. Kerala custodial death: Two cops arrested, Deccan Herald, 3 July 2019, <https://www.deccanherald.com/national/south/kerala-custodial-death-two-cops-arrested-744468.html>

Case 63: Krishna Sarathi, Chhattisgarh

On 26 June 2019, Krishna Sarathi (30 years) died under mysterious circumstances at Chandoura police station in Surajpur district, Chhattisgarh. The deceased, a resident of Domhat village in Balrampur district, was arrested on the same day from his village after a complaint was filed against him by his father-in-law for allegedly beating up his wife. After arrest the deceased was kept in the lockup room at the Chandoura police station. The police claimed Sarathi committed suicide using a bedsheet given to him in the lock-up.¹⁰⁶

Case 64: Bandhan Mohanty, Odisha

On 3 July 2019, Bandhan Mohanty (20 years) died in police custody at Naugaon police station in Jagatsinghpur district, Odisha. The deceased was arrested by police on 2 July 2019 night in connection with an altercation with a local shopkeeper. On the same day, the deceased was admitted in a government community health centre in a critical

condition. He died on the next morning. Police claimed that the deceased was beaten up by the public before he was rescued. However, the deceased's family members alleged that on 2 July 2019 he was taken into custody and was tortured by the police, leading to serious bodily injuries and his eventual death.¹⁰⁷

Case 65: Sunny Kumar, Punjab

On 5 July 2019, Sunny Kumar (25 years) died in a hospital in Chandigarh during judicial custody at the Central Jail in Ludhiana in Punjab in a case of drug smuggling. He was reportedly arrested by the police of the Koom Kalan police station with 25-gram drug powder on 25 June 2019 along with another person. The family members of the deceased alleged that the deceased was tortured in custody at the Koom Kalan police station. The deceased's brother Harpreet claimed that during a visit a few days before the death, his brother (the deceased) told him that the police had beaten him badly in custody. The police, however, denied that Kumar was beaten up at the police station and stated that he

¹⁰⁶. Ten policemen suspended over custodial death, The Pioneer, 27 June 2019, <https://www.dailypioneer.com/2019/state-editions/ten-policemen-suspended-over-custodial-death.html>

¹⁰⁷. Naugaon tense over 'custodial death', The New Indian Express, 4 July 2019, <http://www.newindianexpress.com/states/odisha/2019/jul/04/naugaon-tense-over-custodial-death-1999338.html>

was already suffering from a disease.¹⁰⁸

Case 66: Md. Jasim Ansari, Jharkhand

On 5 July 2019, Md. Jasim Ansari died under mysterious circumstances at Muffassil police station in Giridih district, Jharkhand. 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.¹⁰⁹ The custodial death is being investigated by the NHRC after it was reported to it by the SP, Giridih.¹¹⁰

Case 67: Tayyab, Delhi

On 9 July 2019, Tayyab (23 years), a suspect of shooting at journalists and chain-snatching cases, allegedly committed suicide while in police custody by jumping from the fifth floor of Saket Court Complex in South District, Delhi. Tayyab, who was arrested on 26 June 2019, was taken

to the Saket District Court for a hearing in connection with the chain-snatching cases. Police claimed that the suspect committed suicide by jumping from the building after he managed to set himself free from the clutches of the police personnel accompanying him.¹¹¹

Case 68: A minor, Uttarakhand

On 11 July 2019, a 17-year-old minor (name withheld), son of Brijendra Singh Rana, died due to alleged torture at Sidcul police station in Rudrapur city in Udham Singh Nagar district, Uttarakhand. The deceased, a resident of Sisona in the district, was picked up on 10 July 2019 and detained at Sidcul police station for questioning in connection with an alleged theft case. The deceased was detained at the police station for the whole night and allegedly subjected to torture during interrogation. He was reportedly found dead at the police station the next morning. The police claimed the minor boy committed suicide in the lock-up by hanging with his shirt. However, the family members of the deceased

¹⁰⁸. Family members accuse Koom Kalan police of torture, cops deny charge, The Tribune, 7 July 2019, <https://www.tribuneindia.com/news/ludhiana/ludhiana-jail-inmate-dies-at-pqi/798306.html>

¹⁰⁹. See Jagran, 13 August 2019, <https://www.jagran.com/jharkhand/giridih-suicide-in-hajat-no-one-is-guilty-19484330.html>

¹¹⁰. NHRC Case No. 917/34/8/2019-PCD

¹¹¹. Suspect nabbed for shooting at journos on Barapullah flyover kills self at court, Hindustan Times, 10 July 2019, <https://www.hindustantimes.com/delhi-news/suspect-nabbed-for-shooting-at-journos-on-barapullah-flyover-kills-self-at-court/story-sB3baAUb3lBqYAwpt2O8BO.html>

alleged the deceased was tortured to death in the lock-up.¹¹²

Case 69: Ganesh Ravidas, Bihar

On 11 July 2019, Ganesh Ravidas (52 years), a leader of a political party and belonging to the lower caste Mahadalit community of Bihar, died due to alleged torture at the Nagarnausha police station in Nalanda district, Bihar. The deceased was picked up by the police on 10 July on suspicion of being involved in a kidnapping case. After arrest the deceased was taken to the Nagarnausha police station and died in police custody on 11 July. The police claimed the deceased committed suicide in the toilet of the police station. The deceased was rushed to a PHC, where the doctors declared him brought dead. However, the deceased's family members alleged that the deceased was tortured by the police in the custody, which led to his death.¹¹³ There were allegedly cut marks on

the body of the deceased suggesting torture in police custody. On 15 July, the NHRC issued notice to the DGP, Bihar calling for reports including Inquest Report, Post-mortem Report, Magisterial Enquiry Report etc in the matter.¹¹⁴

Case 70: Vinod, Tamil Nadu

On 11 July 2019, Vinod (24 years) died in police custody in Cuddalore district, Tamil Nadu. The deceased, a resident of Oorithiraisolai area in the district, was arrested on charges of ATM theft. Police claimed Vinod committed suicide by hanging himself from the window of the toilet using his own lungi. According to the police, Vinod was taken to the station at 9:45 am, and after a few minutes, told the police that he wanted to urinate. But in the bathroom, he allegedly hung himself from the window of the toilet using a lungi.¹¹⁵ He was rushed to the hospital, where he was declared dead. On 12 July, the NHRC directed the DGP, Tamil Nadu

¹¹². See Jagran, 12 July 2019, <https://www.jagran.com/uttarakhand/udhamsingh-nagar-minor-student-death-in-suspected-circumstances-in-police-custody-19391518.html>

¹¹³. JD(U) Mahadalit leader commits suicide in Bihar's Nalanda district, The Hindutan Times, 12 July 2019, <https://www.hindustantimes.com/india-news/jd-u-mahadalit-leader-commits-suicide-in-bihar-s-nalanda-district/story-eYCh47egvmZ1Fe0LsvNYRO.html>

¹¹⁴. NHRC Press Release dated 15 July 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-dgp-bihar-over-reported-suicide-nalanda-police-station-15072019>

¹¹⁵. Cop transferred for 'negligence' as man dies in custody, The New Indian Express, 12 July 2019, <http://www.newindianexpress.com/states/tamil-nadu/2019/jul/12/cop-transferred-for-negligence-as-man-dies-in-custody-2002635.html>

to submit reports regarding the custodial death.¹¹⁶

Case 71: Sunil Lodhi, Odisha

On 20 July 2019, Sunil Lodhi, a resident Madhya Pradesh, died in the custody of Dharaudihi police station in Sundergarh district, Odisha. The deceased was arrested for allegedly buying a minor girl from Sundergarh district and later marrying her forcefully. A ligature mark was found on the neck of the deceased. Police claimed he died due to injuries after slipping in the bathroom of the police station.¹¹⁷

Case 72: Mukesh Kumar, Delhi

On 21 July 2019, Mukesh Kumar (25 years) died in the custody of Delhi Police while he was being brought to Delhi from Jaipur, Rajasthan in connection with a kidnapping case. Police claimed that Kumar died

allegedly after he suffered an “attack of tuberculosis”. Kumar, a resident of the JJ colony, Bakkarwala village in outer Delhi, was detained by the police on 21 July and alerted their counterparts in Delhi, who reached there to take him into their custody. As per the police, Kumar was being brought back in a car from Jaipur but when they were about to enter Delhi, he started coughing and vomiting and he was taken to a nearby hospital where he was declared brought dead.¹¹⁸

Case 73: Pankaj Kumar Bek, Chhattisgarh

On 21 July 2019, Pankaj Kumar Bek (30 years), a tribal, died under mysterious circumstances in the custody of Ambikapur police station’s cyber cell in Surguja district of Chhattisgarh. The deceased, a resident of Surajpur district, was arrested by the police along with another person in connection with alleged case of theft on 11 July 2019. On 21 July, they were taken into custody for interrogation. According to the Police, the deceased asked for permission to go to the toilet and then fled from their custody. Later,

¹¹⁶. NHRC issues notice to TN DGP over suicide of man in police custody, The Business Standard, 12 July 2019, https://www.business-standard.com/article/news-ani/nhrc-issues-notice-to-tn-dgp-over-suicide-of-man-in-police-custody-119071201183_1.html

¹¹⁷. Man accused of ‘buying’ minor girl from Odisha dies in police custody, The Odisha Sun Times, 20 July 2019, <https://odishasuntimes.com/man-accused-of-buying-minor-girl-from-odisha-dies-in-police-custody/>

¹¹⁸. ‘Kidnapper’ dies in custody, cops blame TB, The Times of India, 22 July 2019, <https://timesofindia.indiatimes.com/city/delhi/kidnapper-dies-in-custody-cops-blame-tb/articleshowprint/70336714.cms>

he was found hanging from the window cooler of a private hospital, about 300 metre from the cyber cell. But the family members of the deceased alleged that he was tortured to death in police custody and there were injuries on the body.¹¹⁹

Case 74: Harichandra Marabi, Chhattisgarh

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

himself in the bathroom of the Excise Department Office.¹²⁰

Case 75: Sanjay Rai, Haryana

On 15 July 2019, Sanjay Rai (32 years) died due to alleged torture in the custody of Faridabad cyber crime cell, Sector 30 in Faridabad district of Haryana. The deceased, a resident of Sector 22, Faridabad, was picked up by the police on 15 July in connection with an alleged cheating case of life insurance policies. After arrest the deceased was taken to the Faridabad cyber crime cell and died in police custody on the same day. The police claimed that during interrogation the deceased suddenly collapsed and was rushed to a hospital, where the doctors declared him brought dead. However, the deceased's family members alleged that he was tortured by the police in the custody, resulting in his death.¹²¹

¹¹⁹. Five policemen suspended in connection with custodial death, The Pioneer, 23 July 2019, <https://www.dailypioneer.com/2019/state-editions/five-policemen-suspended-in-connection-with-custodial-death.html>

¹²⁰. Judicial probe ordered into Kabirdham custodial death, The Pioneer, 25 July 2019,

<https://www.dailypioneer.com/2019/state-editions/judicial-probe-ordered-into-kabirdham-custodial-death.html>

¹²¹. Custodial death being probed – Kin claim torture, cops deny charge, The Tribune, 16 July 2019, <https://www.tribuneindia.com/news/haryana/custodial-death-being-probed/802677.html>

Case 76: Baljinder Singh, Punjab

On 19 July 2019, Baljinder Singh (28 years) died in police custody at the City Bus Stand police post in Amritsar district in Punjab. Singh, a resident of Khanwala village in the district, was detained under preventive custody for questioning in connection with a case. Police claimed Baljinder committed suicide by hanging himself with a belt from the iron rod of a window in the lock-up. He was rushed to the Civil Hospital in Amritsar where he was declared brought dead. However, the family of Baljinder alleged foul play in his death.¹²²

Case 77: Chotu @ Vinay, Uttar Pradesh

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

the jail hospital. When his condition deteriorated, he was shifted to the district hospital where the doctors declared him brought dead on 22 July. The deceased's uncle Tilak Singh alleged that Chotu died due to torture by Sub-Inspector Sohanpal Singh of Mainpuri Kotwali police station as well as the jail officials of Mainpuri jail. He further claimed that several injury marks were found on the deceased's body. The media reported that as per the post-mortem report, the deceased had suffered 17 internal injuries and the liver was badly damaged.¹²³

Case 78: Ashish Tudu, Jharkhand

On 5 August 2019, Ashish Tudu (30 years), a tribal, 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. Tudu died in the police custody on the same night. According to the police, both accused were kept

¹²². See Punjab Kesari, 21 July 2019, <https://punjab.punjabkesari.in/punjab/news/amritsar-hindi-news-1027577>

¹²³. Man dies in police custody, cop suspended in Uttar Pradesh, The Times of India, 22 July 2019, <https://timesofindia.indiatimes.com/city/aagra/man-dies-in-police-custody-cop-suspended-in-uttar-pradesh/articleshowprint/70327110.cms>

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.¹²⁴

Case 79: Nardeep Singh Sethi, Punjab

On 6 August 2019, Nardeep Singh Sethi (46 years), a doctor by profession, died in the custody of Samrala police station in Ludhiana district, Punjab. The victim, a 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.¹²⁵

Case 80: Jaspreet Singh, Punjab

On 6 August 2019, Jaspreet Singh (32 years), 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

¹²⁴. 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-xQCmu6z8TdR/ANQGc4sgcK.html>

¹²⁵. 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>

deceased told him that he was brutally beaten up by the police. He 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 at the Civil Hospital, Singh was already declared dead.¹²⁶

Case 81: Ratikanta Das, Odisha

On 8 August 2019, Ratikanta Das, a hotel owner, died in police custody in Balasore district of Odisha. He was picked up by the police on the previous day for his alleged involvement in illegal liquor trade. According to the police, Das fell ill at the police station and he was taken to the SCB Medical College and Hospital in Cuttack where he died. Das' death sparked outrage among the locals and they resorted to road blockade at Remuna Golei Chhak accusing the police responsible for his death.¹²⁷ Das's mother alleged

that his son sustained injury on his head during police custody.¹²⁸

Case 82: Suresh Rawat, Madhya Pradesh

On 10 August 2019, Suresh Rawat (55 years), a farmer, died due to alleged torture at Belgarha police station in Gwalior district, 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 Rawat. According to the police, after few hours 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 ASI, were suspended in connection with the custodial death.¹²⁹

¹²⁶. 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>

¹²⁷. 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/](#)

¹²⁸. 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>

¹²⁹. Nine Madhya Pradesh cops suspended in two cases of custodial death, The New Indian Express, 12 August 2019,

Case 83: V Balakrishna, Andhra Pradesh

On 15 August 2019, V Balakrishna (45 years) died due to alleged torture at Jupadubangla Mandal headquarters police station in Kurnool district, Andhra Pradesh. The deceased, a resident of Thudicherla village in the district, was repeatedly summoned to the police station for questioning for four days from 12-15 August 2019 for his alleged involvement in the illegal sale of liquor. 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 he died due to custodial torture during interrogation and demanded action against Sub-Inspector Tirupalu.¹³⁰

<http://www.newindianexpress.com/nation/2019/aug/12/nine-madhya-pradesh-cops-suspended-in-two-cases-of-custodial-death-2017771.html>

¹³⁰. 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>

Case 84: Hira Bajania, Gujarat

On 15 August 2019, Hira Bajania (65 years), a de-notified nomadic tribe man belonging to the Nat Bajania de-notified tribe of Gujarat, was tortured to death at C Division police station in Gandhigram area in Junagadh District, Gujarat. The police personnel picked up 12 men from Nat Bajaniya tribe including the deceased on the night of 14 August 2019 on the suspicion of being involved in theft of cellphones and tortured them in custody. During their detention, all the suspects were allegedly subjected to torture and forced to perform oral sex among themselves and asked them to admit to theft of 12 cellphones. One of the victims identified as Shankar Bajania speaking to the media stated, *"On August 14, police came and clicked three people's photograph, including mine. Then, they came at about 2 in the night on Independence Day and took us all to the police station. There they took us one by one and began beating us, Hirabapa most of all. By morning, when they came to take him again for another round of thrashing, he was dead."* After the death of Hira Bajania due to torture, the police hurriedly cremated his body allegedly to destroy evidence of the torture. The rest of the victims were released from illegal detention after

taking their signatures on blank papers on 17 August.¹³¹

Case 85: Aarzudin, Punjab

On 17 August 2019, Aarzudin (30 years) died due to alleged torture by police at Division Number 2 police station in Ludhiana district, Punjab. The deceased, a resident of Jamalpur in the district, was picked up by the police on 15 August 2019 over his alleged involvement in a mobile phone theft case. The police took the victim to 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 an ASI demanded bribe and they paid Rs 30,000 for the release of the Aarzudin on 17 August. But he died within hours of his release due to alleged torture.¹³²

¹³¹. 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>

¹³². 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>

Case 86: Ms Leelabai, Tamil Nadu

On 18 August 2019, a Dalit woman identified as Ms Leelabai (55 years) died under mysterious circumstances at Valliyoor All Women police station in Tirunelveli district, Tamil Nadu. The deceased, a resident of Kanniyakumari district, was arrested by the police on the previous night for interrogation in connection with a sexual harassment case against one Kristopher. Police claimed the deceased knew the whereabouts of Kristopher and hence her detention was necessary. The police claimed that on the morning of 18 August she was taken to Kanniyakumari to trace the whereabouts of Kristopher, where she suffered breathing problems and later died at the Government Medical College Hospital in Aasaripallam. However, the family members of the deceased blamed the police for her death. They further stated that it was illegal to arrest a woman at night and claimed that the deceased was innocent.¹³³

¹³³. Woman taken to Valliyoor All Women Police Station in sexual harassment case dies in police custody, The New Indian Express, 19 August 2019, <http://www.newindianexpress.com/states/tamil-nadu/2019/aug/19/woman-taken-to-valliyoor-all-women-police-station-in-sexual-harassment-case-dies-in-police-custody-2020776.html>

Case 87: Shrikant Singh, Bihar

On 21 August 2019, Shrikant Singh (45 years) died under mysterious circumstances at Indrapuri police station in Rohtas district, 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 Shrikant committed suicide by hanging himself from the roof of the lock-up of the police station with the *nada* (drawstring) of his pyjama.¹³⁴ However, the deceased's wife, Ms Reena Devi suspected foul play and alleged that he was tortured to death.¹³⁵

Case 88: Hanuman Koli, Rajasthan

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

¹³⁴. One commits suicide in police lock-up, UNI, 21 August 2019, <http://www.uniindia.com/~one-commits-suicide-in-police-lock-up/States/news/1704157.html>

¹³⁵. 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

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, Ms 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.¹³⁶

Case 89: Babul Das, Assam

On 23 August 2019, Babul Das (22 years) died due to alleged torture at Rakhyasmari police station in Sonitpur district, 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

¹³⁶. 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-hydak-2365471.html>

torture. He sustained serious injuries on his body and succumbed to his injuries at the Tezpur Medical College & Hospital.¹³⁷

Case 90: Nesar Ansari, Bihar

On 23 August 2019, Nesar Ansari (23 years) died due to alleged torture at the Ratu police station in Ranchi district, Jharkhand. 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 given to him and used it to hang himself from the ventilator of the bathroom of the police station. However, Ms 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.¹³⁸

¹³⁷. Situation tense in Rakhyasmari 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-rakhyasmari-under-dhekiajuli-following-the-death-of-a-youth/>

¹³⁸. See Dainik Bhaskar, 24 August 2019, <https://www.bhaskar.com/jharkhand/ranchi/news/ranchi-news-accused-of-theft->

Case 91: Ram Avtar, Uttar Pradesh

On 25 August 2019, a Dalit youth identified as Ram Avtar (35 years), S/o Ram Abhilakh died due to alleged torture at Inhauna police chowki under Shivratananj 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 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 (CHC), 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.¹³⁹

[suicide-in-police-custody-in-ratu-police-station-01623959.html?utm_exp=YYfY3_SZRPiFZGHcA1W9Bw.0&utm_referrer=https%3A%2F%2Fwww.google.com%2F](https://www.jagran.com/uttar-pradesh/amethi-death-19518747.html)

¹³⁹. See Jagran, 27 August 2019, <https://www.jagran.com/uttar-pradesh/amethi-death-19518747.html>

Case 92: Shivam, 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. His 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.¹⁴⁰

Case 93: Veerendra Lodhi, Madhya Pradesh

On 30 August 2019, Veerendra Lodhi (22 years) died under mysterious circumstances in the custody of Bhagwan police station in Chhatarpur district of Madhya Pradesh. The deceased, a resident of Bada Malehra town in Chhatarpur district, was arrested on 29 August

2019 for allegedly abducting and raping a minor girl. The police claimed that in the evening of 30 August 2019 the deceased was taken to the CHC for collecting Deoxyribonucleic acid (DNA) sample. They further claimed that the deceased went inside the toilet and when he didn't come out for a long time, the police broke open the door of the toilet and found him hanging by using his scarf. However, the deceased's father accused the police personnel of murdering his son in custody. He claimed that the police informed him about the death of his son only in the morning of 31 August while his son allegedly died in the previous night.¹⁴¹

Case 94: Reyaz Ahmad Thekri, Jammu & Kashmir

On 5 September 2019, Reyaz Ahmad Thekri (24 years) died under mysterious circumstances in police custody at Qalamabad police station in Handwara district, Jammu & Kashmir. Police claimed the man committed suicide by hanging himself in the police lock-up. He was arrested a day before in connection

¹⁴⁰. 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>

¹⁴¹. Rape accused commits suicide in MP police custody, The Hindustan Times, 1 September 2019, <https://www.hindustantimes.com/india-news/rape-accused-commits-suicide-in-mp-police-custody/story-4fhUlbC4FaGiNCmJAXGV6H.html>

with a 2018 case involving theft and violation of the forest act. The local residents suspected foul play and staged a protest.¹⁴²

Case 95: Giriraj Suman, Rajasthan

On 5 September 2019, Giriraj Suman (22 years) reportedly died due to alleged torture in the custody of Mangrole police station in Baran district, Rajasthan. The deceased, a resident of Rawal-Jawal village in the district, had allegedly eloped with a married woman around a fortnight ago and the duo surrendered at the Mangrole police station on 5 September. Police claimed the deceased consumed poison in custody and was declared brought dead in hospital. However, the family members alleged that the deceased was tortured to death in custody.¹⁴³

Case 96: Lokeshan Yadav, Uttar Pradesh

On 8 September 2019, Lokeshan Yadav (35 years) died due to alleged torture in the custody of Ghosi police

station in Mau district, Uttar Pradesh. The deceased, a resident of Tilai Buzurg village in the district, was picked up by police on 7 September 2019 and detained at the police station in connection with a case of theft of a tractor. Police claimed the health of the deceased suddenly deteriorated while negotiations were ongoing between the tractor owner and him in the police station. He was taken to the nearby Community Health Centre where he was declared dead. However, the family members alleged that the deceased was tortured to death in custody.¹⁴⁴

Case 97: Gurwinder Singh, Punjab

On 10 September 2019, Gurwinder Singh (21 years) died in police custody after he was summoned at Shimlapuri police station in Ludhiana district, Punjab. Gurwinder Singh, a resident of Mallakpur village, was booked for kidnapping a minor girl on the pretext of marriage in December 2018. He was arrested and later released on bail. On 10 September, the police added Section 376 (rape) after receiving the medical report of the girl. The family members of the accused took him to the police station in response to the police summon at around noon. At about 11.30 PM, the father of the accused received a call from the police station informing that

¹⁴². Kashmir suspect dies in custody, The Telegraph, 7 September 2019; <https://www.telegraphindia.com/india/kashmir-suspect-dies-in-custody/cid/1703134>

¹⁴³. Man dies in police custody in Baran, Times of India, 6 September 2019, <https://timesofindia.indiatimes.com/city/jaipur/man-dies-in-police-custody-in-baran/articleshowprint/71002548.cms>

¹⁴⁴. NHRC Complaint dated 9 September 2019 filed by Campaign Against Torture

Gurwinder's health had deteriorated and they were taking him to the hospital. When the family reached the hospital, they were informed that Gurwinder had died. The family members alleged that Gurwinder was tortured to death and that he was completely fine with no health issues when he went to the police station.¹⁴⁵

Case 98: Shivakumar, Karnataka

On 15 September 2019, Shivakumar died due to alleged torture at the Gabbur police station in Raichur district, Karnataka. He was summoned to the police station for questioning related to an incident of clash. The local residents alleged that Shivakumar was beaten during custodial interrogation and he succumbed to the injuries in a hospital. Following protests over the death, three police personnel were suspended.¹⁴⁶

¹⁴⁵. Custodial death: Kin take up cudgels against police, The Times of India, 12 September 2019, <https://timesofindia.indiatimes.com/city/udhiana/custodial-death-kin-take-up-cudgels-against-police/articleshowprint/71088524.cms>

¹⁴⁶. Custodial death in Hubballi: SP suspends PSI and other staff, The Times of India, 16 September 2019, <https://timesofindia.indiatimes.com/city/hubballi/custodial-death-sp-suspends-psi-and-other-staff/articleshowprint/71147101.cms>

Case 99: Mani, Tamil Nadu

On 17 September 2019, Mani alias Kundumani (54 years) died due to alleged torture by the police at the Office of Traffic Police Wing in Ariyalur in Ariyalur district, Tamil Nadu. The deceased, a resident of Kanjamalaipatti village in the district, was arrested on 16 September 2019 by a special police team in connection with a theft case. After arrest, police took him at the Office of Traffic Police Wing for interrogation, where he died on 17 September. Police claimed that on 17 September the deceased complained of chest pain and suffered diarrhea and he was taken to a private hospital, where the doctors declared him brought dead. However, the family members alleged the deceased died due to torture in custody.¹⁴⁷

Case 100: Sushant Behera, Odisha

On 18 September 2019, Sushant Behera alias Manguli (38 years) died due to alleged torture at Pattamundai police station in Kendrapara district, Odisha. The deceased, a resident of Aradapalli village in the district, was arrested

¹⁴⁷. Man dies in police custody in Tamil Nadu, The Times of India, 18 September 2019; <https://timesofindia.indiatimes.com/city/chennai/man-dies-in-police-custody-in-tamil-nadu/articleshowprint/71187866.cms>

on the charges of alleged selling of illicit liquor. After arrest, the police took him to Pattamundai police station for interrogation, where he died on 18 September. Police claimed that on 18 September the deceased fell ill and he was taken to a government hospital, where he died. The family members alleged that Sushant Behera died due to brutal beating by the police in custody. They also accused the police of not informing about his arrest.¹⁴⁸

Case 101: Ms Shri Bai, Jharkhand

On 21 September 2019, a 45-year-old woman identified as Shri Bai, W/o Sukna Ram, died under mysterious circumstances in police custody at the Mahila police station in Ranchi district, Jharkhand. Police claimed that the woman was found roaming aimlessly at the Railway Colony at 12.30 am and taken to the Mahila police station shelter room but she committed suicide by hanging herself around 5.30 am. According to the police, there were two other women inmates in the room and Shri Bai used her sari to make a noose to hang herself from

the ceiling of the asbestos roof.¹⁴⁹ It remained inexplicable as to why a helpless woman would commit suicide after she was rescued and given shelter.

Case 102: Ranjith Kumar, Kerala

On 1 October 2019, Ranjith Kumar died due to alleged torture in custody of officials of Excise Department in Guruvayur town in Thrissur district of Kerala. The deceased, a resident of Malappuram Tirur Triprangode in the district, was arrested on 1 October by a special team of Excise Department in connection with an alleged possession of *ganja* (cannabis). The excise officials claimed that Kumar was taken to a hospital after he fell unconscious and showed symptoms of seizure. However, the hospital authorities stated that Kumar was brought dead to the hospital. Postmortem report revealed the presence of multiple internal injuries,¹⁵⁰ indicating torture.

¹⁴⁸. Odisha: Youth's Death Triggers Tension At Pattamundai Police Station, Odia mail, 19 September 2019, <https://odiamail.tv/odisha-youths-death-triggers-tension-at-pattamundai-police-station/>

¹⁴⁹. Woman dies at Mahila police station, The Telegraph, 24 September 2019, <https://www.telegraphindia.com/states/jharkhand/woman-dies-at-mahila-police-station-in-chutia/cid/1707053>

¹⁵⁰. One more officer held in excise custodial death, The New Indian Express, 13 October 2019, <http://www.newindianexpress.com/states/kerala/2019/oct/13/one-more-officer-held-in-excise-custodial-death-2046798.html>

Case 103: Brijjal Maurya, Uttar Pradesh

On 3 October 2019, a farmer identified as Brijjal Maurya (40 years) died due to alleged torture in custody of a revenue lock-up in Sahaswan Tehsil under Baduan district, Uttar Pradesh. Brijjal was arrested on 23 September 2019 in a false case of power theft and non-payment of electricity dues. Brijjal was kept in the lock-up for 11 days. The revenue officials claimed that on 3 October night Brijjal complained of uneasiness and stomach pain, following which he was taken to a local government health centre. The doctors referred him to the district hospital in Baduan, but he died on the way. Mahesh, the deceased's brother alleged that his brother had visible signs of injuries on his head and private parts,¹⁵¹ indicating torture in custody.

Case 104: Jagdish Goliyan, Rajasthan

On 6 October 2019, Jagdish Goliyan (47 years), an Right to Information activist, died in the custody of Pachpadra police station in Barmer

¹⁵¹. A week on, no FIR into suspicious death of farmer in Budaun, The Times of India, 10 October 2019, <https://timesofindia.indiatimes.com/city/bareilly/a-week-on-no-fir-into-suspicious-death-of-farmer-in-budauns-revenue-jail/articleshow/71510587.cms>

district, Rajasthan. The deceased was picked up along with his two cousins on 5 October 2019 in connection with a land dispute case. Police claimed Jagdish's health began to deteriorate even before he could be produced before the executive magistrate at the tehsil office on 6 October. He was taken to a government hospital, where doctors declared him brought dead.¹⁵² The deceased's mother suspected foul play and blamed the police for her son's death.¹⁵³

Case 105: Aynul Khan, West Bengal

On 14 October 2019, Aynul Khan (55 years) died due to alleged torture in the custody of English bazar police station in Malda district, West Bengal. The deceased was arrested on 13 October 2019 along with seven others during raids conducted by the police to crack down against gambling. Police claimed when the

¹⁵². Rajasthan: RTI activist dies 'in police custody', The Indian Express, 7 October 2019, <https://indianexpress.com/article/india/rajasthan-rti-activist-dies-in-police-custody-6056899/>

¹⁵³. 8 Rajasthan cops booked for RTI activist's death in custody, The Times of India, 7 October 2019, <https://timesofindia.indiatimes.com/india/8-rajasthan-cops-booked-for-rti-activists-death-in-custody/articleshow/71471394.cms>

arrested persons were brought to the Milki police outpost, Aynul Khan started feeling unwell and was taken to the Malda Medical College and Hospital where he was declared dead on arrival. But the local residents alleged that the deceased died due to custodial torture.¹⁵⁴

Case 106: Pradeep Tomar, Uttar Pradesh

On 14 October 2019, Pradeep Tomar (35 years), a security guard, died due to alleged torture in police custody at Chijarsi police outpost in Hapur district, Uttar Pradesh. The deceased was picked up by police on 13 October 2019 for questioning in connection with a murder case. Deceased's family members alleged that Pradeep was tortured for over five hours, which led to his death. Pradeep's minor son, who accompanied him to the outpost alleged that his father was detained and brutally beaten by at least 8-10 police personnel during interrogation. The minor also claimed that the police stabbed his father using screwdrivers. There were several injury marks on his

body including visible stab marks, blackening on lower hip area and hands. After his condition deteriorated, the police shifted him to a local hospital in Hapur and later to a higher centre in Meerut where he succumbed to the torture inflicted on him.¹⁵⁵

Case 107: Mitthu Patel, Bihar

On 18 October 2019, Mitthu Patel (30 years) died due to alleged torture in police custody at the Shikarpur police station in West Champaran district, Bihar. The deceased, a resident of Narkatiaganj in the district, was arrested by the police on 13 October 2019 on the charges of consuming alcohol. He was illegally detained at Shikarpur police station till he was sent to judicial custody at Bettiah jail on 15 October 2019. Jail officials claimed on 16 October 2019 the deceased's health suddenly deteriorated, after which he was taken to the Government Medical College, Bettiah where he died on 18 October 2019. The deceased's wife Sita Devi alleged that her husband was beaten at the time of arrest on 13 October 2019 and further tortured at the Shikarpur police

¹⁵⁴. Bengal police post set ablaze, cops thrashed after alleged custodial death, Hindustan Times, 14 October 2019, <https://www.hindustantimes.com/india-news/bengal-police-post-set-ablaze-cops-thrashed-after-alleged-custodial-death/story-Xpo9ReOYS6C6MHh8OdoAZI.html>

¹⁵⁵. UP cops torture man to death in thana as son, 10, sits outside, The Times of India, 15 October 2019, <https://timesofindia.indiatimes.com/city/meerut/man-dies-after-being-tortured-for-5-hours-at-police-outpost/articleshowprint/71586574.cms>

station during his illegal police custody. She also alleged that her husband was not given proper medical treatment in the Bettiah jail.¹⁵⁶

Case 108: Ms Fameeda, Andhra Pradesh

On 22 October 2019, Fameeda, a 75-year-old woman, died under mysterious circumstances in police custody at Rayadurgam police station in Anantapur district of Andhra Pradesh. Police summoned Fameeda, a petty shopkeeper, after two packets of prohibited chewing tobacco products were found in her shop during raids. Fameeda was brought dead to a hospital. Family members of the deceased alleged that police acted inhumanely and police harassment led to her death. However, police denied the allegation of torture.¹⁵⁷

¹⁵⁶. See Jagran, 18 October 2019, <https://www.jagran.com/bihar/muzaffarpur-fiercely-protest-against-death-of-prisoner-at-narkatiyaganj-in-bihar-wife-said-police-beaten-19678690.html>

¹⁵⁷. Mystery shrouds 75-year-old woman's death at Rayadurgam police station, The Times of India, 23 October 2019, <https://timesofindia.indiatimes.com/city/vijayawada/mystery-shrouds-75-year-old-womans-death-at-rayadurgam-police-station/articleshowprint/71725908.cms>

Case 109: M. Balamurugan, Tamil Nadu

On 25 October 2019, M. Balamurugan (22 years), S/o P Muthukaruppan, died due to alleged torture in the custody of Avaniyapuram police station in Madurai district, Tamil Nadu. Balamurugan was arrested in connection with a case of kidnapping. Police claimed Balamurugan was admitted at the Government Rajaji Hospital, Madurai when he developed health complications. The deceased's father alleged that his son Balamurugan died due to custodial torture and moved the Madras High Court seeking proper investigation.¹⁵⁸

Case 110: Vijay Singh, Maharashtra

On 27 October 2019 at about 10 pm, Vijay Singh (26 years) along with his friend Ankit Mishra had gone to fill petrol at a petrol pump near RTO office in Wadala (East) in Mumbai city district, Maharashtra. At the petrol pump, Vijay Singh had a clash with a couple over some issue. The police was called and both Vijay

¹⁵⁸. Custodial death: Autopsy conducted on kidnap accused, The Times of India, 27 October 2019, <https://timesofindia.indiatimes.com/city/madurai/custodial-death-autopsy-conducted-on-kidnap-accused/articleshowprint/71780834.cms>

Singh and Ankit Mishra were taken to Wadala truck terminal police station for questioning in the assault case. According to Ankit Mishra, the police beat up Vijay Singh on the spot and thereafter both of them were beaten up at the police station. In between, Vijay Singh complained of chest pain and even asked for water but the police refused. Later at around 2 am, Vijay Singh fell unconscious, following which he was rushed to a hospital where he was declared brought dead. The family members alleged that Vijay Singh was beaten to death in police custody. However, police denied the allegation of torture and claimed Vijay Singh was released after he complained of chest pain and collapsed at the gate of the police station.¹⁵⁹

Case 111: Satya Prakash Shukla, Uttar Pradesh

On 29 October 2019, Satya Prakash Shukla (50 years) died due to alleged torture at Peeparpur police station in Amethi district, Uttar Pradesh. The deceased was detained along with his two sons by the police in the night of 28 October 2019 in

connection with a case of looting Rs 26 lakh from a bank employee in Peeparpur area in Amethi on 5 October 2019. Police claimed the deceased's consumed poison in custody and died at a hospital during treatment. However, the family members of the deceased alleged that he was tortured in police custody, resulting in his death.¹⁶⁰

Case 112: Pika, Haryana

On 29 October 2019, Pika alias Pike (27 years), a Dalit, died at Sunaria jail in Rohtak district, Haryana. The relatives and community members of the deceased alleged that Pika died due to torture in police custody after he was arrested on 16 October 2019. According to them, Pika died in the jail due to the torture inflicted on him in police custody after a court sent him to judicial custody for 14 days. They also alleged that a police official demanded Rs. 500,000 for his release. The police and jail authorities claimed that while lodged in jail, Pika complained of chest pain and died during treatment at a local hospital where he was admitted. Following protest, an FIR under Sections 304-A of the IPC and SC/ST Act was registered and a Special

¹⁵⁹. Mumbai: Man dies in 'custody' at Wadala police station, cops deny charge, The Indian Express, 28 October 2019, <https://indianexpress.com/article/cities/mumbai/mumbai-man-dies-in-custody-at-wadala-police-station-cops-deny-charges-6091724/>

¹⁶⁰. Man dies in police custody, kin demands probe, Outlook, 29 October 2019, <https://www.outlookindia.com/newscroll/man-dies-in-police-custody-kin-demands-probe/1650757>

Investigation Team (SIT) was constituted to investigate the custodial death.¹⁶¹

Case 113: Mangal Das, Tripura

On 31 October 2019, Mangal Das (19 years) died due to alleged torture in police custody at Radhakishorepur police station in Gomati district of Tripura. The deceased Mangal Das, S/o Arati Das, hailing from Amarnagar village of Matabari sub-division in the district, was arrested by police on the charges of theft on 23 October 2019. Police claimed Mangal Das was taken to hospital for routine medical checkup, where he complained of an illness, and died during treatment. However, Mangal Das' mother Arati Das alleged that her son was tortured by police in custody, leading to his death. She also alleged that police did not hand over the body to them and forcefully cremated the body without conducting post-mortem examination.¹⁶²

¹⁶¹. SIT to look into custodial death, The Tribune, 31 October 2019, <https://www.tribuneindia.com/news/haryana/sit-to-look-into-custodial-death/854178.html>

¹⁶². Custodial death puts Tripura police in row, ANI, 2 November 2019, <http://www.uniindia.com/custodial-death-puts-tripura-police-in-row/east/news/1777321.html>

Case 114: Akash Kumar, Himachal Pradesh

On 1 November 2019, Akash Kumar (22 years) died under mysterious circumstances in the custody of Damtal police station in Kangra district of Himachal Pradesh. The deceased, a resident of Bhadroya village of Indora sub-division in the district, was arrested by police on 30 October 2019 under the NDPS Act. Police claimed the deceased committed suicide by hanging with a blanket in the police station lock up. He was declared brought dead at a local hospital. However, the family members accused the police of foul play and protested outside the police station.¹⁶³

Case 115: Kulwant, Haryana

On 1 November 2019, Kulwant (65 years) died due to alleged torture in the custody of Crime Investigation Agency-1 of the Haryana Police in Panipat district of Haryana. The deceased, a resident of Urlana Kalan under the district, was picked up by the CIA-1 personnel from his house on 1 November 2019 on the allegation of smuggling opium. The

¹⁶³. HP man held for peddling drugs ends life in lock-up, Hindustan Times, 1 November 2019, <https://www.hindustantimes.com/chandigarh/hp-man-held-for-peddling-drugs-ends-life-in-lock-up/story-OX2TvpXl8ldffoYlgOWeyl.html>

family members of the deceased alleged the police personnel raided their home on 1 November 2019 and picked him up on the suspicion of being involved in smuggling opium. They had informed the police that the deceased was a heart patient at the time of arrest but the police refused to listen. The family members further alleged that the deceased was tortured in the custody of the CIA police personnel due to which he died in their custody.¹⁶⁴

Case 116: Abhinav Kumar Yadav, Uttarakhand

On 30 November 2019, Abhinav Kumar Yadav (24 years) died under mysterious circumstances at Sahaspur police station in Dehradun district, Uttarakhand. Yadav, a resident of Uttar Pradesh, was arrested by police on 29 November in an attempt to rape case. According to police, Yadav tore the blanket which was given to him for the night and used it as noose to hang himself from the nails in the lock up.¹⁶⁵

¹⁶⁴. See News18, 2 November 2019, <https://hindi.news18.com/news/haryana/panipat-in-panipat-a-65-year-old-man-dies-in-police-custody-family-members-make-serious-allegations-against-police-hydns-2569738.html>

¹⁶⁵, Post-mortem report awaited in custodial death of inmate, The Pioneer, 2 November 2019, <https://www.dailypioneer.com/2019/state>

Case 117: Suresh Naik, Odisha

On 21 November 2019, Suresh Naik (35 years) died due to alleged torture at Barbil police station in Keonjhar district, Odisha. The deceased, a resident of Shedding Basti in the district, was detained by the police on 18 November 2019 after a complaint was registered against him for allegedly killing his wife. However, Naik was formally arrested only on 20 November. Police claimed that in the morning of 21 November the deceased attempted to commit suicide by using his loincloth inside the lock up. He was rescued in a critical condition by them and taken to hospital, where he was declared brought dead on arrival by the doctors. However, the local residents refuting the police version alleged that Naik was tortured to death in police custody. As Naik was formally arrested on 20 November, he was illegally detained and not produced before the court.¹⁶⁶

[-editions/post-mortem-report-awaited-in-custodial-death-of-inmate.html](#)

¹⁶⁶. Odisha man, detained for murder, kills self in police custody, The New Indian Express, 22 November 2019, <https://www.newindianexpress.com/states/odisha/2019/nov/22/odisha-man-detained-for-murder-kills-self-in-police-custody-2065282.html>

Case 118: Bechan Ganju, Jharkhand

On 24 November 2019, Bechan Ganju (45 years), a tribal, died due to alleged torture in the custody of Vashisht Nagar police station in Chatra district, Jharkhand. The deceased, a resident of Kedi Moh village in the district, was arrested by the police on 24 November and detained at the police station on the suspicion of being a Maoist supporter. Police claimed the health of Bechan suddenly deteriorated after his arrest and he was taken to a local government health centre. He was referred to another hospital where he was declared brought dead. However, the family members of Bechan alleged that he was tortured to death in custody. The deceased's son, Satyendra Ganju alleged that the police picked up his father on the pretext of guiding them in the forest to arrest some Naxalites. But the deceased was taken to the police station and tortured. According to the family, Bechan was fine at the time of his arrest and that they were not allowed to meet him in the police station. This custodial death was not reported to the NHRC within the stipulated 24 hours of the occurrence of the death in spite of specific directions by the state authorities.¹⁶⁷

¹⁶⁷. See NHRC press release dated 26 November 2019, <https://nhrc.nic.in/media/press-release/nhrc-notice-dgp-jharkhand->

Case 119: Charanjeetsingh Gurmelsingh Jat, Gujarat

On 28 November 2019, Charanjeetsingh Gurmelsingh Jat (24 years) died under mysterious circumstances in police custody at Adesar police station in Kutch district, Gujarat. The deceased, a truck driver and a resident of Punjab, was arrested on 27 November 2019 by the Gujarat Police following a scuffle between police and truck drivers at Adesar police checkpost on the night of 20 November 2019. Following arrest, the truck driver was produced before a local court, which sent him to police remand till 29 November 2019. On 27 November at around 7.30 pm, he was shifted to Adesar police station lockup. Next day, he was found hanging with a bedsheet from an open washroom in the police station. Police claimed he committed suicide after he made a rope from the bedsheet he was provided and hanged himself in the washroom.¹⁶⁸

over-reported-death-suspected-naxalite-supporter

¹⁶⁸. Punjab driver found hanging in police lockup in Kutch, Ahmedabad Mirror, 29 November 2019, <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/punjab-driver-found-hanging-in-police-lockup-in-kutch/articleshow/72285520.cms>

Case 120: Mohemmed Abdul Lakhani, Gujarat

On 29 November 2019, Mohemmed Abdul Lakhani (55 years) died due to alleged torture in police custody at Talaja police station in Bhavnagar district, Gujarat. The police had summoned Lakhani for questioning in connection with a case of cow slaughter. Police claimed the deceased complained of asphyxiation and chest pain, following which he was admitted in a local hospital but died shortly. However, the family members alleged Lakhani died due to torture in police custody.¹⁶⁹

Case 121: Srinivasulu @ Srinappa, Andhra Pradesh

On 13 December 2019, Srinivasulu alias Srinappa, a farmer, died due to alleged torture by Head Constable identified as Balu at Paltoor police station in Anantapur district, Andhra Pradesh. Deceased Srinappa, a resident of Paltoor village in the district, was arrested by the accused Head Constable Balu following an altercation with another farmer identified as Purosotham in connection with a land dispute. The

deceased's brother Obulesu claimed that during interrogation his brother Srinivasulu was brutally beaten up with a fibre lathi (stick) by Head Constable Balu in custody, following which he collapsed at the police station unable to bear the pain. He was rushed to a local hospital by the family members. But his condition deteriorated, following which he was shifted to another hospital, where the doctors declared him brought dead.¹⁷⁰

Case 122: R. Murugan, Tamil Nadu

On 15 December 2019, R. Murugan (55 years) died due to alleged torture in police custody at Samayapuram police station in Tiruchirappalli district in Tamil Nadu. The deceased, a resident of E.B. Road in the district, was arrested on 14 December 2019 for interrogation in connection with a case of theft of gold jewellery from a jeweller. The police claimed that on 14 December 2019 when the deceased was being taken to Preambulur, he suddenly developed chest pain and was taken to a private hospital in Preambulur where the doctors declared him brought dead. However, the family members of the

¹⁶⁹. Man dies after questioning by cops in cow slaughter case, The Times of India, 30 November 2019, <https://timesofindia.indiatimes.com/city/rajkot/man-dies-after-questioning-by-cops-in-cow-slaughter-case/articleshow/72300415.cms>

¹⁷⁰. Farmer dies in police custody, kin stage protest at Paltoor, The New Indian Express, 14 December 2019, <https://www.newindianexpress.com/state/s/andhra-pradesh/2019/dec/14/farmer-dies-in-police-custody-kin-stage-protest-at-paltoor-2076040.html>

deceased alleged that Murugan died due to torture in police custody.¹⁷¹

Case 123: A minor, Gujarat

On 23 December 2019, a 17-year-old minor (name withheld), S/o Phula Desai of Sabarmati area in Ahmedabad district, Gujarat died allegedly due to police torture. The deceased minor, a Class 10th student, was arrested on 19 December 2019 in connection with a case of theft. The deceased's father, who worked as a security guard, alleged that his son died due to torture in police custody before he was sent to the juvenile home. According to him, police personnel from Sabarmati police station barged into his home on 19 December 2019 and started beating his son at the time of arrest. The minor was kept at the Khanpur Juvenile Protection Home where his health deteriorated and later died in a hospital.¹⁷²

¹⁷¹. Death of suspect in custody triggers protest, The Hindu, 17 December 2019, <https://www.thehindu.com/news/cities/Tiruchirapalli/death-of-suspect-in-custody-triggers-protest/article30324072.ece>

¹⁷². Ahmedabad: Class X boy dies in custody, family alleges torture, The Times of India, 24 December 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/class-x-boy-dies-in-custody-family-alleges-torture/articleshow/72946257.cms>

Case 124: Brijesh Savaliya, Gujarat

On 30 December 2019, Brijesh Savaliya (20 years) died under mysterious circumstances at Varachha police station in Surat district of Gujarat. The deceased, a resident of Kohinoor Society in Surat city, was arrested by the crime branch police on 27 December 2019 along with three others identified as Mahesh Rathod (23 years), Vijay alias Jadyo Chandravnashi (26 years), and Vinod alias Batko Tiwari (26 years) in connection with a case of theft registered at Varachha, Katargam and Chowk Bazaar police stations. After being arrested, the suspects were handed over to Varachha police station for further investigation on 27 December. On 30 December 2019, Brijesh Savaliya was found hanging inside the toilet of Varachha police station. The police claimed the deceased hanged himself from the toilet window by using a bedsheet.¹⁷³

¹⁷³. Surat: 20-year-old theft accused hangs self inside Varachha police station, The Times of India, 30 December 2019, <https://timesofindia.indiatimes.com/city/surat/surat-20-year-old-theft-accused-hangs-self-inside-varachha-police-station/articleshow/73023857.cms>

ii. Torture resulting in death outside police station

A number of people committed suicides outside police station unable to bear torture, harassment, humiliation, etc during police custody. Many others died due to police excesses outside police stations. Some of the cases documented by NCAT during 2019 are as under:

Case 1: 50-year-old Sadhu baba, Punjab

On 12 January 2019, a 50-year-old Sadhu baba (holy man) was allegedly tortured to death by ASI Attar Singh posted at the Mohkamura police station in Amritsar Rural district of Punjab. The deceased Baba had come to pay obeisance at a temple on the occasion of Maghi Purnima Festival. The deceased had come in front of the accused's car, which enraged him. Thereafter, the ASI, who was in an inebriated condition, beat and kicked the Baba accusing him as an agent of the Pakistan's spy agency Inter-Services Intelligence. The Baba was grievously injured and died while being taken to the hospital.¹⁷⁴

¹⁷⁴. ASI beats up sadhu to death, The Tribune, 14 January 2019, <https://www.tribuneindia.com/news/punjab/asi-beats-up-sadhu-to-death/713239.html>

Case 2: M Udaya Kiran and Helena, Andhra Pradesh

On 31 January 2019, a couple identified as M Udaya Kiran (34 years) and Helena (28 years) allegedly committed suicide due to harassment and excesses at the Ibrahimpatnam police station in Guntur district, Andhra Pradesh. The deceased couple, residents of Navuluru village in the district, was summoned for interrogation for two days at Ibrahimpatnam police station in connection with a cheating case. The deceased were partners in a consultancy firm offering jobs to unemployed youths. Though, the couple tried to pay back the amount they had collected from the youths the police took the couple to Ibrahimpatnam police station and allegedly harassed them to extract a note and forced them to sign on a blank bank cheque. On 31 January night, the couple reportedly committed suicide after returning home late night from the police station. M Subba Rao, father of M Udaya Kiran's alleged that his son and his daughter-in-law committed suicide due to harassment and excesses meted out by police. His son was made to sit from 7 am to 11 pm at the police station for two days. M Subba Rao further alleged that the police snatched his son's mobile

phone, cheque book and promissory notes.¹⁷⁵

Case 3: Elguri Mallesh, Telangana

On 14 February 2019, Elguri Mallesh (35 years) committed suicide unable to bear alleged police torture at Kashnapalli village of Nennal mandal in Mancherla district, Telangana. Mallesh was accused in a case of a forest-related crime and injuring a youth in his village in October 2018. The deceased allegedly took the extreme step by consuming pesticide after he was allegedly tortured by police in the name of investigation.¹⁷⁶

Case 4: Pittala Koteswara Rao, Andhra Pradesh

On 18 February 2019, a farmer identified as Pittala Koteswara Rao alias Kotaiah (35 years) died due to alleged torture by police at Kondaveedu under Guntur district, Andhra Pradesh. The deceased was allegedly tortured for refusing to allow his farmland to be used for

landing of the helicopter of state's chief minister. Police claimed the farmer committed suicide by consuming pesticides hours before the arrival of the chief minister due to personal reasons.¹⁷⁷ However, the family members and others refuted the police claim and alleged that the deceased died due to police torture.¹⁷⁸

Case 5: Saleem Ahmed, Uttar Pradesh

On 5 March 2019, Saleem Ahmed (35 years), a rickshaw puller, died of heart attack after police allegedly beat him up at Civil Lines area in Bijnor district, Uttar Pradesh. Saleem was trying to pacify two groups of shopkeepers who were fighting over money. Police were called but they beat up Saleem and asked him to appear before the police station.

¹⁷⁵. Couple end lives, kin allege police harassment, The New Indian Express, 1 February 2019, <http://www.newindianexpress.com/states/andhra-pradesh/2019/feb/01/couple-end-lives-kin-allege-police-harassment-1932783.html>

¹⁷⁶. Man kills self for alleged torture by cops, Telangana Today, 15 February 2019, <https://telanganatoday.com/man-kills-self-for-alleged-torture-by-cops>

¹⁷⁷. Andhra Pradesh Farmer's Mysterious Death Sparks Row, BJP Writes to Centre Seeking Probe, News18, 20 February 2019,

<https://www.news18.com/news/india/andhra-pradesh-farmers-mysterious-death-sparks-row-bjp-writes-to-centre-seeking-probe-2042271.html>

¹⁷⁸. Tension after ryot's death during Andhra CM Chandrababu Naidu's Guntur visit, The Indian Express, 19 February 2019,

<http://www.newindianexpress.com/states/andhra-pradesh/2019/feb/19/tension-after-ryots-death-during-cms-visit-1940764.html>

When Saleem reached home he complained of chest pain. He was immediately rushed to the hospital but doctors declared him brought dead. The family members of Saleem alleged he died following the torture. Police, however, denied the torture charge.¹⁷⁹

Case 6: Madanpal Singh, Uttar Pradesh

On 6 March 2019, Madanpal Singh (60 years) died due to alleged torture by police at Makhyali village in Muzaffarnagar district, Uttar Pradesh. In the late night of 6 March, a police team from Nai Mandi police station had gone to Makhyali village to arrest the deceased's son Monu in connection with a case. Omwati Devi, the deceased's wife stated that the police personnel entered their house by jumping the boundary wall and started beating the family members including herself, Monu, and deceased Madanpal Singh. The police also threatened to kill Monu, an alleged gangster, in an encounter. Following the torture, harassment and threat to kill his son, Madanpal

Singh suffered a heart attack and died on the way to hospital.¹⁸⁰

Case 7: Rajesh, Kerala

On 6 March 2019, Rajesh (30 years) committed suicide unable to bear the alleged custodial torture meted out to him by the police at Melukavu police station in Kottayam district, Kerala. The deceased took the extreme step after he was released on bail on 28 February 2019 following his arrest in a chain snatching case registered at the police station. Before committing suicide, the deceased had circulated a video on the social media wherein he held Sub Inspector Sandeep and two other constables of Melukavu police station solely responsible for his death. He stated that before sending him to judicial custody he was tortured by the police to extract confessions at the police station.¹⁸¹

¹⁷⁹. Rickshaw puller dies of heart attack after cops allegedly thrashed him, The Times of India, 7 March 2019, <https://timesofindia.indiatimes.com/city/meerut/rickshaw-puller-dies-of-heart-attack-after-cops-allegedly-thrashed-him/articleshowprint/68292809.cms>

¹⁸⁰. Man dies of heart attack after police said his son would be shot dead, The Times of India, 8 March 2019, <https://timesofindia.indiatimes.com/city/meerut/man-dies-of-heart-attack-after-police-said-his-son-would-be-shot-dead/articleshowprint/68309803.cms>

¹⁸¹. Kerala man alleges custodial torture by cops in video, ends life, The News Minute, 8 March 2019, <https://www.thenewsminute.com/article/kerala-man-alleges-custodial-torture-cops-video-ends-life-97990>

Case 8: Niranjana Sahu, Odisha

On 15 April 2019, Niranjana Sahu (25 years) died due to alleged beating with lathi (stick) by the police in Bolangir District, Odisha. The deceased, a resident of Phatamunda village in Agalpur block in the district, was brutally beaten by the police on the allegations that he was part of the group that threw eggs at the election vehicle of Odisha Chief Minister Naveen Patnaik during a roadshow in Bolangir on 15 April. The condition of the victim deteriorated and he was declared as brought dead at the Community Health Centre at Dunguripalli in neighboring Subarnapur district. Nakula Sahu, the deceased's brother, alleged that Niranjana died due to the torture.¹⁸²

Case 9: Banti, Haryana

On 1 August 2019, 23-year-old Banti alias Bittu died after he allegedly consumed poison following three days of police torture in Hisar district, 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 earlier. A case was registered at the Bawani Khara 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 ASI Rajbir. As per the police complaint, five police personnel had picked up Bittu and kept in illegal detention for three days and tortured him to get information about his brother's location.¹⁸³

Case 10: A. Sathyamoorthy, Tamil Nadu

On 2 August 2019, A Sathyamoorthy (19 years) 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 non-governmental organisation (NGO)

¹⁸². Family Suspects Police Excesses In Death Of Youth In Sonepur, The Odisha Bytes.com, 26 April 2019, <http://www.odishabytes.com/youth-thrashed-to-death-brother-blames-cops/>

¹⁸³. 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>

claimed that police had tortured the deceased, 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 were injuries all over his body. But the police denied allegation of custodial torture.¹⁸⁴

Case 11: Rahul Bansal, Uttar Pradesh

On 13 August 2019, Rahul Bansal (32 years), 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 police 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.¹⁸⁵

¹⁸⁴. 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>

¹⁸⁵. UP: Paan vendor dies after assault by cop over payment, The Indian Express, 19 August 2019,

Case 12: Ginlam Munluo, Manipur

On 1 September 2019, Ginlam Munluo alias Ginzalam (40 years) allegedly committed suicide unable to bear custodial torture at Singngat police station in Churachandpur district of Manipur. The deceased, a resident of Singngat sub-division in Churachandpur district of Manipur, was arrested on the charges of dealing with illegal drugs. After arrest, the police detained the deceased at Singngat police station where he was subjected to torture by the five police personnel identified as SI T Lalbiakmuan, ASI H Muanthianlal, Constables T Doulalven, S James Ngaihte and Pauchinmuan Ginlam Munluo. Local residents alleged that Ginzalam committed suicide after his release due to torture by the police. Following protests, the accused police personnel were suspended.¹⁸⁶

Case 13: Bhur Singh, Madhya Pradesh

On 2 September 2019, Bhur Singh (55 years), a resident of Bayadiya

<https://indianexpress.com/article/cities/lucknow/up-paan-vendor-dies-after-assault-by-cop-over-payment-5913793/>

¹⁸⁶. Five Manipur cops suspended for 'torturing drug peddler', The Times of India, 5 September 2019; <https://timesofindia.indiatimes.com/city/imphal/five-manipur-cops-suspended-for-torturing-drug-peddler/articleshowprint/70992263.cms>

village under Sendwa police station in Alirajpur district of Madhya Pradesh, committed suicide after he was allegedly tortured by police. The family members alleged that Bhur Singh was forced to take the extreme step after he was tortured by police to extract information about his missing son. On 27 August 2019, a police team had gone to the deceased's house to pick up his son, Dhirendra, on charges of theft from a local liquor shop. Dhirendra later jumped into a river, fearing police action.¹⁸⁷

iii. At least 60% custodial deaths victims belong to poor and marginalised communities

It is a fact that majority of the victims of police torture belonged to the poor and marginalized sections of the society, who because of their social/economic status become the soft targets. Out of the deaths of 125 persons in 124 cases in police custody documented by the NCAT in 2019, 76 persons or 60.8% belonged to the poor and marginalised communities. These included 13

victims from Dalit and tribal communities, 15 victims belonged to Muslim minority community, 37 victims were picked up for petty crimes such as theft/bulglary/cheating/selling of liquor illegally, gambling, etc, three were farmers, one was labourer, one was a refugee, two were security guards, one was a rag-picker and two worked as drivers. The details of the victims are given in Table 2 below:

¹⁸⁷. 55-year-old commits suicide after alleged police torture, angry relatives ransack local station, The India Today, 3 September 2019; <https://www.indiatoday.in/india/story/55-year-old-commits-suicide-after-alleged-police-torture-angry-relatives-ransack-local-station-1594837-2019-09-03>

Table 2: Socio-economic background of the torture victims

Sl No	Name	Community/social status/reason for arrest
1	17-year-old boy	Theft
2	17-year-old boy	Theft
3	17-year-old boy	Theft
4	Ms Leelabai	Dalit
5	Mr Abhishek alias Ramkishore Gond	Tribal
6	Mr Swamidin Baiga	Tribal
7	Mr Leela Adivasi	Tribal
8	Mr Ganesh Ravidas	Dalit
9	Mr Pankaj Kumar Bek	Tribal
10	Mr Harichandra Marabi	Tribal
11	Mr Hira Bajania	Denotified tribe
12	Mr Pika alias Pike	Dalit
13	Mr R. Murugan	Theft
14	Mr Srinivasulu alias Srinappa	Farmer
15	Mr Mohemmed Abdul Lakhani	Muslim
16	Mr Bechan Ganju	Tribal
17	Mr Mangal Das	Theft
18	Mr Mitthu Patel	Consuming alcohol
19	Mr Pradeep Tomar	Security guard
20	Mr Aynul Khan	Muslim

21	Mr Brijjal Maurya	Farmer
22	Mr Sushant Behera alias Manguli	Selling of illegal liquor
23	Mr Mani alias Kundumani	Theft
24	Mr Lokeshan Yadav	Theft
25	Mr Reyaz Ahmad Thekri	Muslim
26	Mr Nesar Ansari	Muslim
27	Mr Shivam	Theft
28	Mr Ram Avtar	Dalit
29	Mr Shrikant Singh	Theft
30	Mr Aarzudin	Muslim
31	Mr V Balakrishna	Sale of liquor
32	Mr Suresh Rawat	Farmer
33	Mr Ratikanta Das	Illegal liquor trade
34	Mr Jaspreet Singh	Illicit liquor smuggling
35	Mr Chotu alias Vinay	Illicit liquor trade
36	Mr Baljinder Singh	Theft
37	Mr Sanjay Rai	Cheating
38	Mr Rajkumar	Cheating
39	Mr Gobardhan Bindhani	Gambling
40	Mr Govinda	Illegal liquor smuggling
41	Mr Ashok Soni	Theft
42	Mr Sumit Massey	Cheating
43	Mr Omprakash Pandey	Burglary
44	Mr Balraj Singh	Labourer

45	Mr R Narayanan	Theft
46	Mr S Ramachandran	Theft
47	Mr Gautam Mondal	Dalit
48	Mr Vinod Verma	Cheating
49	Mr Bhoopathy	Sri Lanka Tamil refugee
50	Mr Avinash	Theft
51	Mr Sanju	Theft
52	Mr Manoj Prasad alias Manoj Jayaswal	Selling liquor
53	Mr Karan Kumar	Theft
54	Mr Sampath	Rag picker
55	Mr Md Manjur Ahamad	Muslim
56	Mr Rizwan Asad Pandit	Muslim
57	Mr Gufran Alam (30 years) and Taslim Ansari	Muslims
58	Mr Muneshwar	Theft
59	Mr Ramkelawan	Selling illegal liquor
60	Mr Dinesh Kumar	Theft
61	Mr Abdul Rahim	Muslim
62	Mr Baleswar	e-rickshaw driver
63	Mr Brijesh Savaliya	Theft
64	Mr Charanjeetsingh Gurmelsingh Jat	Truck driver
65	Mr Ashish Tudu	Tribal
66	Mr Vinod	Theft
67	Mr Md. Jasim Ansari	Muslim

68	Mr Mangilal	Theft
69	Mr Sunil Shrivasa	Cheating
70	Mr Sopan Madhukar Deokar	Selling liquor illegally
71	Mr Mohammad Shakil	Muslim
72	Ms Fameeda	Muslim
73	17-year-old minor boy	Theft
74	Ms Sakina @ Hinesh	Muslim
75	Mr Tayyab	Muslim

B. Torture not resulting to deaths

There are no statistics on torture not resulting to deaths. Unlike custodial deaths in which the District Magistrates and Superintendents of Police of every districts are required to report every death in the custody within 24 hours of its occurrence to the NHRC, the authorities are not required to report cases of torture not resulting in death. The NHRC do record cases of torture not resulting in death but the data do not reflect the actual situation. For example, in 2013-14, the NHRC recorded 303 cases of torture, 431 cases in 2014-15 and 493 cases in 2015-16.¹⁸⁸

¹⁸⁸. See Lok Sabha Unstarred Question No.1466, 26 July 2016 at <https://mha.gov.in/MHA1/Par2017/pdfs/par2016-pdfs/ls-260716/1466%20E.pdf>

During 2019, NCAT documented the following cases of torture not resulting to deaths.

Case 1: Nakka Ramanjaneyulu and two others, Andhra Pradesh

On 18-22 January 2019, Nakka Ramanjaneyulu (18 years), Gandikota Koteswara Rao (20 years) and Komarathi Pavan (19 years) were allegedly subjected to undue harassment and cruel treatment during interrogation at Gannavaram police station in Krishna district, Andhra Pradesh. The victims, all residents of Buddhavaram village in the district, were taken into police custody following an eve-teasing complaint filed against them on 18 January. The trio alleged that the police summoned them daily to appear at the police station for investigation but they did not

question them about the issue. In order to harass them, they were being informally detained at the police station for many hours each day. On 22 January morning, the three distressed trio attempted suicide by consuming pesticide in front of Gannavaram police station. The victims were rushed to the nearest government hospital for treatment. Among them, condition of one was critical, and was referred to the Pinnamaneni Siddhartha General Hospital in Chinna Avutupalli.¹⁸⁹

Case 2: Mentally challenged man, Odisha

On 19 February 2019, a mentally challenged man (name unknown) was subjected to alleged torture and ill-treatment by police personnel attached to Sarankul police station in Nayagarh district, Odisha. The victim, a resident of Biligorada village in the district, was picked up by three constables from his house after he reportedly beat up his father. While taking him to the police station, the constables allegedly kicked and dragged the victim and tied his limbs and tapped his mouth. While

transporting the victim in an auto-rickshaw, the constables allegedly sat over his body including in the head, legs and back in the entire stretch of around 10 km from Biligorada to the police station.¹⁹⁰

Case 3: Sampad Rout, Odisha

On the night of 20 February 2019, Sampad Rout (21 years) and Biswas Pradhan (22 years) were allegedly tortured by two police personnel identified as HK Seth and Anil Panda attached to Jeypore Town police station at Gandhinagar square in Koraput district, Odisha. At about 11.30 pm, the two victims were going towards Gandhinagar Square to withdraw money from ATM kiosk when they were stopped and beaten up by the police personnel. The accused police personnel were patrolling in the locality allegedly in an inebriated condition. The victims were tortured without any reason. The victims were rescued by their relatives, who admitted them to the hospital.¹⁹¹

¹⁸⁹. Alleging police harassment, three youngsters from Vijayawada attempt suicide, The New Indian Express, 23 January 2019, <http://www.newindianexpress.com/cities/vijayawada/2019/jan/23/alleging--police-harassment-3-attempt-suicide-1928923.html>

¹⁹⁰. Mentally challenged person faces police torture, The Orissa Post, 21 February 2019, <http://www.orissapost.com/mentally-challenged-person-faces-police-torture/>

¹⁹¹. Topsy cops assault two youths in public, The Orissa Post, 21 February 2019, <http://www.orissapost.com/topsy-cops-assault-two-youths-in-public/>

Case 4: Harkirat Singh Mangat, Punjab

On 11 September 2019, Punjabi singer Harkirat Singh Mangat, popularly known as Elly Mangat, was arrested by police from Sector 88, Mohali, Punjab. He had come from Canada to settle a dispute with his rival singer Rami Randhawa following argument on the social media. After two days of police remand, Mangat was sent to 14-day judicial custody. He was released on bail on 18 September. On his release, Mangat in a complaint with the Director General of Police, Punjab alleged that he was tortured in police custody and demanded an enquiry and action against the accused police officials.¹⁹² The singer also approached the Punjab State Human Rights Commission (PSHRC) in October 2019. In his complaint to PSHRC, he also sought a departmental inquiry against two doctors alleging that they had given false report of medical tests conducted on him when he was in three days police remand. According to him, the two doctors mentioned no injury in his medical reports of 12 September, 13 September and 14 September, but they reported seven clear cut injury marks a day later.

¹⁹². Mohali: Elly Mangat alleges torture, The Times of India, 24 September 2019, <https://timesofindia.indiatimes.com/city/chandigarh/mohali-elly-mangat-alleges-torture/articleshow/71273764.cms>

Pursuant to the complaint, the PSHRC summoned the Senior Superintendent of Police (SSP), Mohali to reply on the allegations.¹⁹³

Case 5: Yadav Lal Prasad, Punjab

On 25 November 2019, Yadav Lal Prasad (64 years), a resident of Guru Nanak Colony in Dafarpur village in Mohali district of Punjab, was picked up by police and subjected to alleged third-degree torture at Mubarikpur police chowki (post). According to the victim, he was brutally beaten and given electric shock. He was taken into custody following a complaint against him from a woman. The victim sustained injuries including in his tongue and had to be hospitalised.¹⁹⁴

Case 6: Bobby Krishna Yadav, Gujarat

On 27 November 2019, Bobby Krishna Yadav (21 years), a resident of Godadara in Gujarat and employed

¹⁹³. Rights panel summons Mohali police chief over singer's torture charge, The Tribune, 23 October 2019, <https://www.tribuneindia.com/news/chandigarh/rights-panel-summons-mohali-police-chief-over-singer-s-torture-charge/850924.html>

¹⁹⁴. See Amar Ujala, 27 November 2019, <https://www.amarujala.com/punjab/mohali/mubarikpur-police-beaten-and-electric-current-on-a-man-mohali-news-pkl3580793150>

as a computer operator in a private firm, was detained by police under Section 151 of the CrPC. Bobby was detained after a woman, who was caught for theft of Rs. 1.5 lakh informed police that the amount was given to Bobby for safe keeping. On 29 November 2019, victim's father Kirshna Yadav approached a local court and submitted that he was not being allowed by police to meet his son since 27 November and also alleged that his son was being tortured in custody and had been wrongfully detained for over 100 hours. Based on the complaint, the court asked police to present the victim before it on 27 November. Bobby also told the court that he was tortured in custody after which he was sent for medical examination at New Civil Hospital. Bobby had alleged injury marks on his thighs and buttocks.¹⁹⁵

Case 7: Dada Babasaheb Arvade and two others, Maharashtra

On 18 December 2019, three youths identified as Vaibhav alias Dada Balasaheb Arvade (19 years), Mithun alias Amol Ananda Chorghule (23 years) and Yogesh Keshav Machale

(24 years) allegedly attempted to commit suicide by consuming poison during their custodial interrogation after they were arrested by police at Shirur in Pune (rural) district, Maharashtra. They were arrested in a dacoity case. The police claimed the trio took out bottles of poison (insecticide) which they had hidden in their pockets and consumed it at around 4 pm when they were taken from the detention room (custody) to the detection chamber for interrogation. Following which, they were immediately shifted to a hospital for treatment. However, the family members of the victims alleged that they were subjected to custodial torture. On being questioned as to how they managed to access poison while in custody for the last three days, the police stated the poison was passed onto them by their relatives who had come to meet them at the police station.¹⁹⁶

¹⁹⁵. Man 'tortured' in custody for helping theft suspect, The Times of India, 30 November 2019, <https://timesofindia.indiatimes.com/city/surat/man-tortured-in-custody-for-helping-theft-suspect/articleshowprint/72300223.cms>

¹⁹⁶. Pune: Three held for dacoity attempt suicide by consuming poison during interrogation in Shirur police custody, Mumbai Mirror, 18 December 2019, <https://mumbaimirror.indiatimes.com/mumbai/crime/pune-three-held-for-dacoity-attempt-suicide-by-consuming-poison-during-interrogation-in-shirur-police-custody/articleshowprint/72875037.cms?prtpage=1>

A number of persons were subjected to torture to extract confession.

Case 1: Ashok Bansal, Madhya Pradesh

On 10 February 2019, Hindi news channel *News18* reported custodial torture of a youth identified as Ashok Bansal at Bamhani police Outpost under Churhat police station in Sidhi district of Madhya Pradesh. The outpost In-charge, Dharmendra Singh brought the youth to the outpost in connection with a case of theft. The youth was subjected to brutal beating by the police to obtain a confession in custody. Unable to obtain the confession, the police gave Rs. 100 to the youth and was released. The victim's family members admitted him to a hospital and filed a complaint with the Superintendent of Police of Sidhi district.¹⁹⁷

Case 2: Deepak and Dashrath, Rajasthan

On 13 February 2019, two Dalit brothers identified as Deepak, aged 23 years, and Dashrath were taken to Govindgarh police station in Jaipur district, Rajasthan in an alleged trump up case of damaging the

statues in a temple. The two were illegally kept in detention for four days at the police station and tortured to obtain confessions in the false case. Deepak was beaten with wooden sticks and had sustained severe injuries on his buttocks. The victims' other family members including their mother were also beaten up by plainclothes police personnel who came to take them into custody. The custodial torture of the Dalit brothers was exposed by NGO, Human Rights Law Network (HRLN) who conducted a fact-finding investigation into the case. The police initiated action following the fact-finding report and a committee was set up to look into the matter. A team of three government doctors also conducted a medical examination of the two youths. Deepak, who sustained serious injuries, was referred to a hospital on 25 February.¹⁹⁸

Case 3: Prabhunath Yadav and two others, Uttar Pradesh

On 5 March 2019, three persons identified as Prabhunath Yadav, Babu Ahmad and Anand Kumar, were allegedly tortured at Chetganj police

¹⁹⁷. See *News18*, 10 February 2019, <https://hindi.news18.com/videos/madhya-pradesh/sidhi-a-young-man-beaten-by-police-for-accept-theft-incident-in-sidhi-hydrs-1686935.html>

¹⁹⁸. Police probe torture of two Dalit youths in custody after NGO report, *The Times of India*, 26 February 2019, <https://timesofindia.indiatimes.com/city/jaipur/police-probe-torture-of-2-dalit-youths-in-custody-after-ngo-report/articleshow/68159675.cms>

station in Varanasi district, Uttar Pradesh. The victims were picked up for questioning by police after a complaint of theft was lodged by the owner of an auto-mobile shop where they work on 4 March. During interrogation the victims were allegedly subjected to torture to extract confessions. Following the torture, the victims were unable to stand or sit properly and had to be admitted to the hospital.¹⁹⁹

Case 4: Preetam Bhalgat, Maharashtra

On 29 March - 3 April 2019, Preetam Bhalgat (41 years) was arrested and allegedly subjected to torture during police remand at Faraskhana police station in Pune city, Maharashtra. He was arrested in connection with a cheating case filed against him by one Dinesh Oswal of Kondhwa. The police produced him before a court which sent him to police remand for four days upto 3 April 2019. Preetam alleged he was tortured by the police to obtain a confession to the crime during interrogation. The medical reports reportedly found multiple injuries on the victim. The victim also

managed to send his blood-stained vest in the tiffin box to his wife, which was produced in the court by his wife as evidence of the torture.²⁰⁰

Case 5: Monu, Uttar Pradesh

On 2 April 2019, 40-year-old Monu was allegedly tortured by the police at Bithoor police station in Kanpur district, Uttar Pradesh. The victim, a resident of Unnao district, was arrested on 1 April 2019 along with another person identified as Sonu in connection with a murder case. The police took them at Bithoor police station following their arrest. The victim Monu alleged that on the night of 2 April 2019, SHO Sudhir Kumar Panwar beat him up badly during interrogation to obtain a confession. He also alleged that the police officer poured petrol in his private part and as he was given electric shock suddenly the petrol caught fire and he received severe burn injuries. Following torture the victim was taken to a private hospital in Mandhana town in Kanpur district.²⁰¹

¹⁹⁹. Three 'tortured' over theft in Chetganj police lock-up, The Times of India, 7 March 2019, <https://timesofindia.indiatimes.com/city/varanasi/three-tortured-over-theft-in-chetganj-police-lock-up/articleshowprint/68292111.cms>

²⁰⁰. Man alleges beating in police custody to extract confession, The Pune Mirror, 6 April 2019, <https://punemirror.indiatimes.com/pune/crime/man-alleges-beating-in-police-custody-to-extract-confession/articleshowprint/68746138.cms?prtpage=1>

²⁰¹. Navbharat Times, 3 April 2019, <https://navbharattimes.indiatimes.com/st>

Case 6: Khunna Naam, Arunachal Pradesh

On 23-28 May 2019, Khunna Naam (40 years) was allegedly illegally detained and tortured by police at Longding police station in Longding district, Arunachal Pradesh. The victim, a resident of Nginu village in the district, was arrested by police led by SI Chopgang Lowang of Wakka police station in Longding on 23 May on suspicion of being involved in a murder case. The victim's wife alleged that the police did not inform her about her husband's arrest until she met him at the hospital on 28 May. The victim's wife further alleged that her husband was kept in the lockup at the Longding police station for five days illegally and subjected to torture during interrogation. After five days of illegal detention, the victim was produced before the local court on 28 May and was admitted to a local government health centre in a critical condition. Following the torture, the victim even could not stand on his own feet.²⁰²

[ate/uttar-pradesh/kanpur/accusation-on-up-police-of-giving-current-after-pouring-petrol-in-private-part-of-a-murder-accused/articleshow/68696527.cms](https://arunachaltimes.in/index.php/2019/07/07/10/complaint-of-human-rights-violation-lodged-with-nhrc/)

²⁰². Complaint of human rights violation lodged with NHRC, The Arunachal Times, 10 July 2019, <https://arunachaltimes.in/index.php/2019/07/07/10/complaint-of-human-rights-violation-lodged-with-nhrc/>

Case 7: 12 labourers including women, Gujarat

On 12-13 June 2019, 12 daily wage labourers, including women, were allegedly illegally detained and tortured by the police at Sabarmati Riverfront (West) police station in Ahmedabad district, Gujarat. The victims were identified as Nayan Remsingh Bhuriya (22 years), Dharu Mavi (30 years), Rakesh Damor (32 years), Anil Damor (25 years), Dita Ninama (40 years), Shambhu Mavi (32 years), Sanjay Damor (19 years), Usha (20 years), Wife of (w/o) Sajay Damor, Manu Atila (28 years), Surekha Atila (30 years), w/o Manu Atila, Dalpat Mudel (32 years), and Shailesh Hajaria (24 years) hailing from Dahod district. The police allegedly tortured them to extract confessions in connection with a case of murder. Some of the victims alleged that they were given electric shocks to their private parts with a hand-held battery device.²⁰³

[9/07/10/complaint-of-human-rights-violation-lodged-with-nhrc/](https://timesofindia.indiatimes.com/city/ahmedabad/12-labourers-allege-torture-by-cops/articleshow/69795952.cms)

²⁰³. Ahmedabad: 12 labourers allege torture by cops, The Times of India, 15 June 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/12-labourers-allege-torture-by-cops/articleshow/69795952.cms>

Case 8: Imtiyaz Sabbir Miyan, Gujarat

On 13 July 2019, Imtiyaz Sabbir Miyan (36 years) was allegedly tortured in police custody at Champaner police chowki in Vadodara district, Gujarat. The victim, an employee of a car repair showroom and a resident of Wadi locality in the district, was picked up by the police on 11 July on the suspicion of being involved in a case of car theft from the repair showroom. The victim was released after two hours but on 13 July he was again arrested by the police for further interrogation. The victim alleged that during interrogation on 13 July the police subjected him to torture at Champaner police chowki. The victim's wife also alleged that her husband was tortured in police custody in order to extract confession to the crime.²⁰⁴

Case 9: Shravan Jhala and four others, Gujarat

On 19 August 2019, five persons identified as Shravan Jhala (34 years), Dharmendra Jhala, Talubha Jhala, Vipulji Thakor and Mahipat

Jhala were allegedly tortured in police custody at Vithlapur police station in Ahmedabad district, 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 SI 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.²⁰⁵

Case 10: Sajith Babu, Kerala

On 15 August 2019, Sajith Babu (23 years) was allegedly tortured in police custody at Nedumangad police station in Thiruvananthapuram district, 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

²⁰⁴. Gujarat: Man says police 'tortured' him to 'force' him confess to theft, The Indian Express, 18 July 2019, <https://indianexpress.com/article/cities/ahmedabad/gujarat-man-says-police-tortured-him-to-force-him-confess-to-theft-5834851/>

²⁰⁵. 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>

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.

Some were tortured to extract money or for their inability to pay bribe.

Case 1: 54 persons including women, Gujarat

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

victims, they recorded their statements about custodial torture before the magistrate at Talaja who forwarded the case to the sessions court as per the procedure. But no action was taken for three weeks. Later, the victims approached the Gujarat High Court for justice. On 1 February, the Gujarat High Court directed the Judicial Magistrate at Talaja to register FIRs against police personnel accused of custodial torture of the 54 victims. The high court passed the order after going through medical reports and statements given to the magistrate by the victims.²⁰⁶

Case 2: Satlej Karambale, Maharashtra

On 7 January 2019, Satlej Karambale (18 years), S/o Chandrakant Karambale was allegedly subjected to torture by police personnel attached to Kherwadi police station in Mumbai, Maharashtra. According to the victim's father, on 7 January his son Satlej was detained by police personnel attached to the police station when he was returning from Chetana College in Bandra on a motorcycle. Satlej was stopped

²⁰⁶. Guj HC asks seeks FIR against police for assaulting agitators, Business Today, 1 February 2019, <https://www.businesstoday.in/pti-feed/guj-hc-asks-seeks-fir-against-police-for-assaulting-agitators/story/316213.html>

allegedly for not wearing a helmet and was hit by wooden batons on his head till he fell unconscious on the spot. The victim suffered head injuries and had to be admitted in the Intensive Care Unit of a hospital. The victim could not sit for his Higher Secondary Certificate examinations due to the head injuries and lost one academic year. The victim's father had to approach the Bombay High court after the police refused to register an FIR against the accused police officials.²⁰⁷

Case 3: Nakka Ramanjaneyulu, Andhra Pradesh

During 18-22 January 2019, police meted out harassment to three youths identified as Nakka Ramanjaneyulu (18), Gandikota Koteswara Rao (20) and Komarathi Pavan (19) at Gannavaram police station in Krishna district, Andhra Pradesh. The victims, all residents of Buddhavaram village in Krishna district, were taken into police custody following an eve-teasing complaint filed against them on 18 January 2019 by a girl. The trio alleged that the police summoned them daily to appear at the police

station for investigation but they did not question them about the issue. As harassment, they were being informally detained at the police station for many hours each day. On 22 January 2019 morning the three distressed trio attempted suicide by consuming pesticide in front of Gannavaram Police Station. The victims were rushed to the nearest government hospital for treatment. Condition of one among them turned critical, and was referred to the Pinnamaneni Siddhartha General Hospital in Chinna Avutupalli.²⁰⁸

Case 4: Raghupathi, Telangana

On 23 January 2019, Raghupathi (33 years), a manager of Achala Chit Fund's Balasamudram branch in Warrangal town, Telangana, was tortured at Subedari police station. After subjecting him to torture, the police tied the victim to a wooden log inside the premises of Subedari police station. The victim was summoned to appear at Subedari police station in connection with a complaint filed against him about a property mortgaged by a chit fund member B. Naganna accusing the Achala Chit Fund company of not

²⁰⁷. Man moves HC against police for allegedly beating up son, *The Hindu*, 3 May 2019, <https://www.thehindu.com/news/cities/mumbai/man-moves-hc-against-police-for-allegedly-beating-up-son/article27017088.ece>

²⁰⁸. 3 youths attempt suicide in front of police station, allege torture, *The Times of India*, 23 January 2019; available at: <https://timesofindia.indiatimes.com/city/vijayawada/3-youths-attempt-suicide-in-front-of-police-station-allege-torture/articleshow/67651231.cms>

releasing his mortgaged papers despite repayment of entire amount of the loan he had taken from the company in lieu of his property as mortgage.²⁰⁹

Case 5: Vijayakanth, Tamil Nadu

On 24 February 2019, 24-year-old Vijayakanth, mason by profession, was allegedly illegally detained and tortured in police custody for three days in Thanjavur district, Tamil Nadu. In a petition filed with the Tamil Nadu State Human Rights Commission, the victim's wife stated that Vijayakanth, a resident of Kuruvadipatti in Thanjavur, had gone for fishing on 24 February along with his 13-year-old brother Ayush (name changed), cousin Amar (13 years, name changed) and two other relatives identified as Arathkumar (8 years, name changed) and Ajay (10 years, name changed) when two unidentified police personnel approached them and beaten up Vijayakanth before forcibly taking him to the police quarters behind the university police station. Vijayakanth was allegedly chained in the police quarters. Later in the day, the police also picked up minors, Ayush and Amar and took them to the police

quarters where they were subjected to torture. The petition alleged that Ayush was pricked with a needle and Amar was branded with a hot iron rod by the police who also made castiest remarks on the minors.²¹⁰

Case 6: Mohd Ibrahim, Delhi

On 14 March 2019, a shopkeeper identified as Mohd Ibrahim (44 years), was subjected to beating by three police officials at Sarita Vihar in South East District, Delhi. The torture came to light after a video emerged. The video showed the shopkeeper being held by two officers and beaten up with a stick by a third. One of the police officers was identified as SHO of Sarita Vihar police station, Ajab Singh. The victim was allegedly beaten up for refusing to shut his shop. The Delhi Police had ordered an enquiry into the incident.²¹¹

²⁰⁹. Action against cops as photo goes viral, The Hindu, 24 January 2019; <https://www.thehindu.com/todays-paper/tp-national/tp-telangana/action-against-cops-as-photo-goes-viral/article26075303.ece>

²¹⁰. Narikurava woman moves SHRC over 'illegal custody' of hubby in Thanjavur, The New Indian Express, 28 February 2018, <http://www.newindianexpress.com/cities/chennai/2019/feb/28/narikurava-woman-moves-shrc-over-illegal-custody-of-hubby-in-thanjavur-1944620.html>

²¹¹. Delhi: SHO caught on CCTV 'beating up man', police say will probe, The Indian Express, 17 March 2019, <https://indianexpress.com/article/delhi/delhi-sho-caught-cctv-beating-man-police-probe-5630083/>

Case 7: Mohammed Tanveer, Karnataka

On 9 April 2019, Mohammed Tanveer (23 years) was allegedly tortured by Sub-Inspector Santosh and Constable Ayyappa at DJ Halli police station in Bangalore, Karnataka. According to the victim's brother Mohammed Musaveer, the victim and his friend Danish were going to a drug store to buy medicines when they were stopped by Constable Ayyappa near Lavanya Bakery at M.M. Layout, Bangalore, for talking on the mobile phone while riding the motorcycle on the night of 9 April. They were taken to the DJ Halli police station where the victim was stripped and tortured till he fell unconscious by the two accused police personnel. The victim was tortured by several hours before they were released the next day. The victim's family members stated that the kidneys of the victim were damaged due to the custodial torture and he was fighting for his life at a private hospital.²¹²

²¹². FIR against DJ Halli police for custodial torture of youth, The Hindu, 24 April 2019, <https://www.thehindu.com/news/cities/bangalore/fir-against-dj-halli-police-for-custodial-torture-of-youth/article26926707.ece>

Case 8: Shantanu Surve, Maharashtra

On the intervening night of 12-13 May 2019, Shantanu Surve (27 years), a software engineer, was allegedly subjected to brutal beating by a police constable at Z-bridge under Deccan police station in Pune district, Maharashtra. The victim along with five of his friends had gone to the area for dinner when a police team attached to the Deccan police station arrived on the spot at about 12.15 am to act against illegal business. The victim was beaten up when he questioned constable Vinayak Bhangre, who was deflating the tyres of his motorcycle parked nearby. The victim was reportedly beaten with a baton, then dragged to a dark spot and beaten again by the constable. Later, other police personnel also joined Bhangre in beating the victim and his friends. The police brutality was stopped only when a police officer intervened. As a result of the torture, the victim suffered injuries all over his body and was not able to walk.²¹³

²¹³. 27-year-old techie mercilessly thrashed and abused by Deccan PS constable for questioning a tyre puncture on his two-wheeler, The Pune Mirror, 15 May 2019, <https://punemirror.indiatimes.com/pune/crime/cop-brutalises-techie-found-dining-at-illegal-late-night-food-stall/articleshowprint/69332853.cms?prtpage=1>

Case 9: Devidas Kandalwar, Maharashtra

On 27 April 2019, Devidas Kandalwar (35 years) was allegedly tortured by Assistant Police Inspector (API) Anil Alande, Officer-in-Charge of the Pittiguda police station in Chandrapur district, Maharashtra. The victim, a resident of Ambezari village, allegedly in an inebriated state had created ruckus at his village following which the matter was reported to the police. Anil Alande, Officer-in-Charge of the police station reached the village and barged into the house of the victim with three other police personnel and started beating the victim. Thereafter, the victim was dragged out of his house and tortured. Assistant Police Inspector Anil Alande allegedly tonsured the head of the victim and peeled off the skin from the scalp of the victim in the process, which left him bleeding profusely. When the victim's wife rushed to help her husband, she too was beaten up by the police. Later, the police rushed the victim to a hospital and attempted to hush up the matter.²¹⁴

²¹⁴. Chanda cops thrash, tonsure drunkard, peel off skin on scalp, The Times of India, 29 April 2019, <https://timesofindia.indiatimes.com/city/nagpur/chanda-cops-thrash-tonsure-drunkard-peel-off-skin-on-scalp/articleshowprint/69087095.cms>

Case 10: Karamjit Singh, Punjab

On 9 June 2019, Karamjit Singh, an accused in a murder case, alleged third-degree torture during interrogation by the CIA-1 staff in Bathinda district of Punjab. Karamjit was taken to the Civil Hospital after he complained of pain in the body. Karamjit alleged that besides internal injuries, he had sustained injuries on hand and head during police custody. However, a CIA official denied the torture charge. The doctor, who conducted medical tests of Karamjit, said there were some injuries and a fracture in the hand.²¹⁵

Case 11: Rajesh, Kerala

On 9 June 2019, Rajesh (30 years), an autorickshaw driver, was allegedly beaten up by police at Anchal police station in Kollam district, Kerala. Due to the custodial torture, the victim, who is affected by cancer, sustained injury to his shoulder bone. The victim was caught by a home guard at the RO Junction in Anchal who took him and his three-wheeler into custody. Thereafter, he was taken to the police station, where two police

²¹⁵. Gangster alleges third-degree torture, The Tribune, 9 June 2019, <https://www.tribuneindia.com/news/bathinda/gangster-alleges-third-degree-torture/785396.html>

personnel handcuffed him and beat him up.²¹⁶

Case 12: Rahul Kubde, Maharashtra

On 10 June 2019, Rahul Kubde (28 years) was allegedly illegally detained and tortured by police at Imamwada police station in Nagpur district, Maharashtra. The victim, a resident of Siraspeth in Nagpur, was asked by the police to appear at the police station on 10 June in connection with a domestic issue with his wife. The victim claimed that he was kept in illegal detention and kept with criminals from 1.30 am to 4.45 pm at the police station without registering any case against him. The victim was allegedly subjected to third degree torture by Police Sub-Inspector (PSI) Patwadkar, including being beaten with a belt and slapped. The police also allegedly threatened him to file a false case against him. He was released on 11 June.²¹⁷

²¹⁶. Police brutally beat up cancer affected auto driver, The Mathrubhumi, 12 June 2019,

<https://english.mathrubhumi.com/news/kerala/police-brutally-beat-up-cancer-affected-auto-driver-1.3866163>

²¹⁷. 28-year-old man alleges torture, intimidation by cops, The Times of India, 20 June 2019, <https://timesofindia.indiatimes.com/city/nagpur/28-year-old-man-alleges-torture-intimidation-by-cops/articleshowprint/69865546.cms>

Case 13: Amit Sharma, Uttar Pradesh

On 11 June 2019, a journalist identified as Amit Sharma (38 years) was subjected to torture and ill-treatment by SHO Rakesh Kumar and constable Sanjay Pawar belonging to Government Railway Police in Shamli district of Uttar Pradesh. According to the victim, the incident took place at around 9 pm when he went to cover derailment of a goods train near Dhimanpur in Shamli. The victim alleged that SHO Rakesh Kumar and a constable Sanjay Pawar mercilessly beat him when he was covering the incident and locked him up at the local Government Railway Police station, Shamli. In the lock up, the victim was allegedly stripped and urinated on his mouth by the SHO Rakesh Kumar.²¹⁸

Case 14: Sarabjeet Singh, Delhi

On 16 June 2019, Sarabjeet Singh, an auto driver, and his minor son were brutally beaten by Delhi Police personnel after their vehicle

²¹⁸. Uttar Pradesh: Journalist beaten, stripped and locked up by Shamli GRP SHO; DGP suspends SHO, constable, The Times of India, 12 June 2019, <https://timesofindia.indiatimes.com/city/meerut/shamli-journalist-beaten-stripped-and-locked-up-by-shamli-grp-sho-dgp-suspends-sho-constable/articleshowprint/69750932.cms>

allegedly bumped into a police van in Mukherjee Nagar area in Northwest Delhi. The auto driver was allegedly beaten with a stick and was kicked in the face and dragged to the Mukherjee Nagar police station by a group of police personnel. The son pleaded with the police not to beat up his father, but the police personnel refused to listen. Following the accident, an argument between the driver and a police personnel turned violent. The police claimed that the auto driver chased a police officer and attacked him on the head with a sword. A video which went viral in social media showed at least 11 police personnel were involved in beating up the driver and his minor son.²¹⁹ On 19 June, the Delhi High Court said that the assault on the driver and his minor son by Delhi Police was “evidence of police brutality”. The court after perusing the videos observed “How can you justify assault of a 15-year-old boy? If this is not evidence of police brutality then what more do you need?” The court also said that if a uniformed force would act in this manner, it would “scare the citizens” who need

to feel that police is there to ensure their safety.²²⁰

Case 15: Jaani Mastan and two others, Andhra Pradesh

On 1 July 2019, Jaani Mastan, Kaja Kareem and Kaja Vali, activists of a political party, were allegedly tortured in police custody at Two-Town police station in Kurnool district, Andhra Pradesh. The victims were picked up when they were caught by the police taking pictures of a vehicle which was parked in an area in the evening. They were taken to the police station, where they were tortured for about three hours before they were released. Following a complaint lodged with the Superintendent of Police (SP), Guntur rural district, an inquiry was ordered into the custodial torture and four police personnel identified as Nagarjuna, Ghouse, Silar Baasha, Anji and Mohan Krishna were suspended.²²¹

²¹⁹. Delhi's Mukherjee Nagar clash: What followed after video went viral, The 18 June 2019, <https://timesofindia.indiatimes.com/city/delhi/we-didnt-start-the-fire-charges-sparks-fly/articleshowprint/69833458.cms>

²²⁰. Mukherjee Nagar incident: Delhi HC says assault on tempo driver, minor son is 'evidence of police brutality', Firstpost, 19 June 2019, <https://www.firstpost.com/india/mukherjee-nagar-incident-delhi-hc-says-assault-on-tempo-driver-minor-son-is-evidence-of-police-brutality-6848731.html>

²²¹. Custodial torture gets five cops suspended, The Times of India, 3 July 2019, <https://timesofindia.indiatimes.com/city/>

Case 16: Shayam Joshi, Uttar Pradesh

On 16 July 2019, a journalist identified as Shayam Joshi (38 years) was allegedly tortured by the Post-in-charge Rajendra Singh, SI Yashpal Singh, constables Dharmendra Kumar and Rohit Kumar of Adig police post at Jamunavata Chowk in Govardhan area in Mathura district, Uttar Pradesh. The victim stated that on the night of 16 July he was beaten up by the police personnel belonging to the Adig post when he had requested the police personnel on duty to not park their vehicles in the middle of a road since people were already pained by traffic congestion. Four police personnel were found guilty in the case by a government appointed committee, and they were suspended.²²²

Case 17: Akhil Bose, Kerala

On 16 July 2019, Akhil Bose (32 years), a cancer patient, was allegedly tortured at Pala police station in Kottayam district, Kerala.

vijayawada/custodial-torture-gets-five-cops-suspended/articleshowprint/70047584.cms

²²². Four Policemen Suspended for 'Assaulting' Journalist in Mathura, News 18, 17 July 2019, <https://www.news18.com/news/india/four-policemen-suspended-for-assaulting-journalist-in-mathura-2235475.html>

The victim's brother stated that Akhil was beaten by the ASI identified as Joby George in custody. Police claimed that Akhil was booked for drunken driving while the victim had told the police that he had consumed only medicines for cancer and had insisted on a medical test. Because of the torture, the victim had to be hospitalised. Following the incident, the accused police officer was suspended.²²³

Case 18: Shera, Punjab

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

²²³. ASI suspended for assault at station, The Times of India, 18 July 2019, <https://timesofindia.indiatimes.com/city/tiruvananthapuram/asi-suspended-for-assault-at-station/articleshowprint/70268175.cms>

continuous torture and harassment by the police, Shera attempted to take the extreme step.²²⁴

Case 19: 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 SI and Sahabnagar Police Post In-Charge Rajkumar Kushwaha, Head Constable Vimal Sharma, and Constables Dharmesh and Ravindra Singh were suspended on 20 August.²²⁵

²²⁴. Harassed' by police, youth attempts suicide, The Tribune, 26 July 2019, <https://www.tribuneindia.com/news/amritsar/-harassed-by-police-youth-attempts-suicide/808027.html>

²²⁵. 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>

Case 20: Five youth, 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.²²⁶

Case 21: Mahavir Bhatia, Rajasthan

From 25-29 August 2019, Mahavir Bhatia (42 years) and four others were kept in illegal detention for five days in the custody of Gendoli police station in Bundi district, Rajasthan. Bhatia claimed that he and four others were picked up by the police on 25 August 2019 and tortured in police custody during their illegal detention up to 29 August. The police claimed that Bhatia was a known criminal and a suspect in a case of idol stealing from Banskhedra

²²⁶. 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>

village about 4-5 months ago. Bhatia alleged that the police personnel tied his hands and legs with a rope, hanged him downward and beat him with sticks and heavy beams. He further stated that before producing them before the court on 29 August 2019, the SHO threatened them not to disclose the custodial torture to anyone.²²⁷

Case 22: Chiko Chakma and four other students, Arunachal Pradesh

On the night of 7 September 2019, four students identified as Chiko Chakma (21 years), Subash Chakma (22 years), Premojyoti Chakma (21 years) and Jyoti Chakma were subjected to custodial torture at Chongkham police station in Namsai district, Arunachal Pradesh. They were taken into custody and tortured for protesting against manhandling and attempt to arrest a woman and her 14-year-old son by a police team led by Officer-in-Charge (OC) Ajay Kumar. They were slapped and beaten with sticks and as a result they sustained injuries in their bodies, including in the back, head, temple, etc. They were released

allegedly on payment of Rs. 5000/- each as bribe. Later, the victims were admitted to the local hospital, where the doctors confirmed the torture on the victims.²²⁸

Case 23: Lokhi Dhan Chakma, Arunachal Pradesh

On 12-13 September 2019, Lokhi Dhan Chakma, s/o Nagendra Lal Chakma (36 years) was allegedly tortured by DV Choudhary, the in-charge of IRBn (Indian Reserve Battalion) outpost at Kokila in Papum Pare district, Arunachal Pradesh. The victim, a resident of Chakma Block No. 9 under Balijan police station in the district, had a quarrel with his brother regarding a land dispute on 12 September. In a fit of rage, he attacked his brother with a *dao* and surrendered to the nearest IRBn outpost located at Kokila. No complaint was filed by his brother or his family against him. Without conducting any investigation into the claims of Lokhi Dhan Chakma who voluntarily surrendered, the IRBn personnel led by outpost incharge DV Choudhary tied up Lokhi Dhan Chakma and brutally tortured him at the IRBn outpost. Later on the same day, Lokhi Dhan's father Nagendra Lal Chakma went to the IRBn outpost and Lokhi Dhan was allowed to go home with his father, after signing a bond that he will not commit any mischief and will present himself at

²²⁷. Man alleges torture by cops in custody, SP assures probe, The Times of India, 1 September 2019; <https://timesofindia.indiatimes.com/city/jaipur/man-alleges-torture-by-cops-in-custody-sp-assures-probe/articleshowprint/70929746.cms>

²²⁸. See NHRC Diary No. 10823/IN/2019

the IRBn outpost next morning. The next morning (13 September), Lokhi Dhan Chakma and his father, Nagendra Lal Chakma came to the IRBn outpost. The outpost in-charge, DV Choudhary allegedly extorted Rs 1,000/- from Nagendra Lal Chakma. Nagendra Lal Chakma was allowed to go home after agreeing to the demand that his son (Lokhi Dhan) shall come to the IRBn outpost every day and render free labour for 15 days for the IRBn. IRBn outpost in-charge DV Choudhary further asked Nagendra Lal Chakma to pay a fine of Rs 4,000 more at the earliest. Fearing more punishment, Nagendra Lal agreed to all the demands and returned home silently. Lokhi Dhan Chakma was kept in the custody and forced to work in the IRBn outpost for the whole day on 13 September and in the evening he begged to go home. Angered by this request to go home, the IRBn outpost in-charge DV Choudhary started torturing the victim who was already exhausted due to forced labour. The victim was kicked on the chest repeatedly, beaten up with stick all over the body including on the leg bones. He was released after his condition deteriorated and he collapsed after reaching home. But he was poor and too frightened even to go to a doctor/hospital or report the matter to the police.²²⁹

²²⁹ . Information received by the Campaign Against Torture from local contacts on 15 September 2019

Case 24: Diwakar Kumar, Bihar

On 14 September 2019, Diwakar Kumar (30 years) was allegedly tortured by police at Mufassil police station in Samastipur district, Bihar. The victim, a resident of Jitwarpur village in the district, was arrested from his house on 14 September in connection with his alleged dealing in illegal liquor. The victim's wife alleged that her husband was subjected to third-degree torture, including a hard blunt substance was inserted into his anus, in custody. She further accused the SHO Bikram Acharya of forcing the doctors at a government hospital to issue a medical fitness certificate for the victim on 15 September, which the doctors refused. Thereafter, the victim was taken to a private hospital to get a medical fitness certificate. Following the torture, the victim had to be hospitalized again and was in critical condition.²³⁰

²³⁰. NHRC Complaint dated 23 September 2019 filed by Campaign Against Torture, also

<https://navbharattimes.indiatimes.com/state/jammu-and-kashmir/jammu/sick-inmate-dies-in-hospital-in-jammu/articleshow/71243577.cms>

Man struggles for life, wife alleges torture in police station, The Times of India, 21 September 2019; <https://timesofindia.indiatimes.com/city/patna/man-struggles-for-life-wife-alleges-torture-in-police-station/articleshowprint/71224880.cms>

2.2 CUSTODIAL TORTURE OF DALITS AND TRIBALS

The Scheduled Tribes (also called 'tribals' or 'adivasis') and Scheduled Castes (SCs) (also known as Dalits) are disadvantaged sections of the society and face caste/ethnic-based violence both from the police/security forces as well as upper caste/general category people. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 (SC/ST Act) makes crimes against these two disadvantage sections of the population punishable and non-bailable. Crimes witnessed a marginal decrease against the SCs and STs in 2018 over 2017, as per the latest report "*Crime in India 2018*" of the NCRB. The NCRB has registered 42,793 cases of crimes against SCs in 2018 over 43,203 cases in 2017²³¹, while 6,528 cases of crimes were registered against STs in 2018 as against 7,125 cases in 2017.²³² However, these are only the reported cases, several crimes

against SCs and STs go unreported to police.

NCAT documented 13 cases of death of Dalit and tribal people in police custody during 2019. These included eight tribals and five Dalits. (See the section 'Death in police custody' for details of the cases)

NCAT documented the following cases of torture not resulting in deaths of tribals and Dalits in 2019.

Case 1: Pradeep K V, Karnataka

On 10 February 2019, Pradeep K V (23 years), a Dalit, was allegedly subjected to torture during his illegal detention at Konanur police station in Hassan district, Karnataka. The victim, a vegetable seller, was on the way to meet one of his customers at Konanur when he noticed a group youths fighting among themselves. As he stopped his bike, two constables reached the place, forcing the gathering to flee the place. Then the police caught him for no reason and beat him up severely. When the police learnt that the victim belonged to Dalit community, they hurled abuses on his caste, pushed him to the ground and stood on his chest. Later, the police took him to Konanur police station, where he was again tortured throughout the night. He was released on the evening of the next day. The victim also claimed that the police staff had a party in the police station, where they had food

²³¹. NCRB, *Crime in India 2018*, Table 7A&C, <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

²³². NCRB, *Crime in India 2017*, Table 7C.1, available at <http://ncrb.gov.in/StatPublications/CII/CII2017/pdfs/Table%207C.1.pdf>

and liquor and in an inebriated state, tortured him throughout the night.²³³

Case 2: Two Dalit brothers Deepak and Dashrath

On 13 February 2019, two Dalit brothers identified as Deepak (23 years) and Dashrath were taken to Govindgarh police station in Jaipur district, Rajasthan in an alleged trump up case of damaging the statues in a temple. The two were kept in illegal detention for four days at the police station and tortured to obtain confessions in the false case. Deepak was beaten with wooden sticks and had sustained severe injuries on his buttocks.²³⁴ (See 'B. Torture not resulting in death' referred above for details of the case)

²³³. Dalit youth alleges torture at police station in Arkalgud taluk, The Hindu, 13 March 2019, <https://www.thehindu.com/news/national/karnataka/dalit-youth-alleges-torture-at-police-station-in-arkalgud-taluk/article26518660.ece>

²³⁴. Police probe torture of two Dalit youths in custody after NGO report, The Times of India, 26 February 2019, <https://timesofindia.indiatimes.com/city/jaipur/police-probe-torture-of-2-dalit-youths-in-custody-after-ngo-report/articleshow/68159675.cms>

Case 3: Peram Antony, Andhra Pradesh

On 26-30 May 2019, Peram Antony (25 years), a tribal, and Giri Sekhar, a Dalit, were illegally detained and tortured at Tadepalli police station in Guntur district, Andhra Pradesh. The victims, Peram Antony and Giri Sekhar, both residents of Mahanadu Nagar, Tadepalli area in the district, were arrested by the police on 26 May from their houses on suspicion of being involved in a theft case. The duo was kept in illegal detention for five days at the police station and subjected to third degree torture before they were released on 30 May. Unable to bear the physical pain and mental trauma, Peram Antony attempted suicide on the same day by consuming poison.²³⁵

Case 4: Raju, Uttar Pradesh

On 5 July 2019, 41-year-old Raju, a Dalit, was allegedly tortured by the police at Bichhwan police station in Mainpuri district, Uttar Pradesh. The victim, a resident of Bulandshahr district, alleged that the police personnel of Bichhwan police station tortured him when he went to file a complaint about the kidnapping of his 38-year-old wife by three

²³⁵. HRF alleges torture of ST youth by police, The Hindu, 14 June 2019, <https://www.thehindu.com/news/cities/Vijayawada/hrf-alleges-torture-of-st-youth-by-police/article27902718.ece>

unidentified persons from the Aligarh-Kanpur highway on the night of 5 July 2019. The victim alleged that when he approached police station for help, the police officials instead of helping him assaulted him. Hours later, the wife of the torture victim reported to the police that she had been gang raped after abduction. The victim reportedly suffered injuries on his back and legs due to police torture.²³⁶

Case 5: Ramesh Makwana, Gujarat

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

caste line. Following the complaint, both the accused were booked.²³⁷

Case 6: Anup Rabha, Assam

On 5 August 2019, 26-year-old tribal Anup Rabha, S/o Bhabani Rabha, was allegedly tortured by police at Tangla police station in Udalguri district, 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 SI Jon Khangkeo and OC 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

²³⁶. Assaulted, wife 'abducted, raped', Dalit says went to UP Police, was tortured, The Indian Express, 8 July 2019, <https://indianexpress.com/article/india/assaulted-wife-abducted-raped-dalit-says-went-to-up-police-was-tortured-5819951/>

²³⁷. Two policemen booked for assaulting Dalit man, The Times of India, 18 July 2019, <https://timesofindia.indiatimes.com/city/rajkot/two-policemen-booked-for-assaulting-dalit-man/articleshowprint/70267349.cms>

water, as a result, he was unable to stand with his feet.²³⁸

Case 7: Aaditya Chouhan and four others, Madhya Pradesh

On 9 August 2019, five tribals were tortured by police in custody of Nanpur police station in Alirajpur district, 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. The victims who were released on bail by a local court claimed that they were brutally beaten up by the police in custody and forced to drink urine when they asked for water in custody.²³⁹ The victims were identified as Aaditya Chouhan (18

years), Vikas (19 years); Yashwant Chouhan (20 years), Rahul Chouhan (18 years), 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 an inquiry found the allegation of custodial torture to be true and four police personnel, including the in-charge of the Nanpur police station were suspended and a departmental inquiry was initiated against them.²⁴⁰

²³⁸. 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>

²³⁹. 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/>

²⁴⁰. 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/>

Case 8: Shankar Bajania and 10 others, Gujarat

On the intervening night of 14-15 August 2019, 11 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, 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. Shankar Bajania, a suspect, alleged that on 14 August 2019 evening the police came and clicked their photograph and again they came back in the night at around 2 am 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.²⁴¹

²⁴¹. 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>

Case 9: R Babu and six others, Tamil Nadu

On 25 August 2019, seven tribals identified as R Babu (22 years), M Velu (29 years), S Ramu (30 years), V Velu (29 years), R Vijayakumar (30 years), V Shankar (30 years) and K Manikandan (35 years) were illegally detained and allegedly tortured by the police at the Ulundurpet police station in Kallakurichi district, Tamil Nadu. The victims, belonging to Irula tribal community and residents of Ulundurpet and Kaatunemili areas in Kallakurichi district, were labourers at 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 the victims were arrested by the police without giving any reason and explanation and took them away in an inhuman way and subjected to verbal abuse at the time of arrest.²⁴²

²⁴². Cops in Tamil Nadu's Villupuram flayed for abusing family members of detained tribal men, The New Indian Express, 29 August 2019, <https://www.newindianexpress.com/states/tamil-nadu/2019/aug/29/cops-in-tamil-nadus-villupuram-flayed-for-abusing-family-members-of-detained-tribal-men-2025907.html>

2.3 CUSTODIAL TORTURE OF WOMEN

The National Crime Records Bureau (NCRB) in its '*Crime in India - 2018*' recorded an increasing trend of crimes against women, including rape, in the country. According to the report, 3,78,277 cases of crimes were reported against women in 2018 over 3,59,849 cases in 2017. Uttar Pradesh continued to report the highest number of crimes against women in the country and the NCRB data indicates increasing trends over the years – 59,445 cases in 2018, 56,011 cases in 2017, 49,262 cases in 2016 and 35,908 cases in 2015.²⁴³

Torture of women in custody including rape is reported regularly in India. Custodial rape remains one of the worst forms of torture perpetrated on women by law enforcement personnel.

During 2019, NCAT documented four cases of death of women during police custody. (See the section 'Death in police custody' for details of the cases).

A. Death due to torture outside police station

NCAT documented the following two cases of death of women who died due to police torture outside police station in 2019.

Case 1: Ms Kulwant Kaur, Punjab

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

²⁴³. NCRB, Crime In India 2018, Table 3A.1, <http://ncrb.gov.in/StatPublications/CII/CII2018/pdfs/Table%203A.1.pdf>

complaint lodged by the deceased's husband.²⁴⁴

Case 2: Ms Amita Devi, Rajasthan

On 6 August 2019, a Dalit woman identified as Ms Amita Devi (35 years) committed suicide due to alleged torture by police personnel of Sewar police station in Bharatpur district, 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.²⁴⁵

B. Torture not resulting to death

NCAT documented the following cases of torture of women not resulting in death during 2019.

Case 1: Yadha, Punjab

On 19 January 2019, police personnel allegedly tortured Yadha, a law student at Guru Nanak Dev University and her husband Gurnor Singh Baweja in Amritsar, Punjab. Yadha stated that she called at helpline 181 to register her complaint against misconduct by a relative and after sometime a group of police personnel from Cantonment police station in Amritsar reached the spot. But instead of attending her case, the police started hurling abuses and misbehaving with her. Yadha's husband Baweja stated that said the police misbehaved and assaulted his wife as they grabbed her by hair and slapped her. As he protested, the police also thrashed

²⁴⁴. Woman dies after 'police torture'; SIT formed, The Times of India, 20 April 2019, <https://timesofindia.indiatimes.com/city/udhiana/woman-dies-after-police-torture-sit-formed/articleshowprint/68969895.cms>

²⁴⁵. 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>

him.²⁴⁶ Pursuant to a complaint by Yadha, DCP (Law and order) directed ACP (West) to conduct an inquiry into the incident and file a report.²⁴⁷

Case 2: Saraswati, Karnataka

On 19 January 2019, Ms Saraswati (45 years), a resident of Chittoor in Andhra Pradesh, was tortured by police at Kumaraswamy Layout police station in Bengaluru, Karnataka. The police took the victim to the Kumaraswamy Layout police station from a hotel where her daughter Rakeswari works, to resolve a family dispute in respect of her daughter who fled the home of her husband in Chittoor. Saraswati wanted her daughter to return home but Rakeswari refused citing domestic violence by her husband and in-laws. Saraswati allegedly tried to force her daughter to accompany them to Chittoor. At this, Assistant Sub-Inspector Renukaiah slapped, punched and pushed away Saraswati

and her relatives out of the police station premises.²⁴⁸

Case 3: Gangamma, Karnataka

On 14 February 2019, 40-year-old woman identified as Gangamma was allegedly tortured at Talaghattapura police station in Bengaluru, Karnataka. The woman was picked up by two plainclothes police personnel after her employer, where she work as domestic maid, filed a complaint accusing her of theft. In her complaint to the KSHRC, the victim stated that she was picked up by the police from her house on the pretext of offering her a job but instead she was taken to the police station, where she was tortured for four hours. She alleged that there was no female police personnel and she was taken to a room where her hands were tied to a rod and beaten on chin, back and lower body. She fell unconscious due to the torture. The victim also accused the police of forcing her to sign an undertaking that the wounds were old ones.²⁴⁹

²⁴⁶. Couple thrashed at police station; inquiry marked, The Tribune, 23 January 2019; available at: <https://www.tribuneindia.com/news/amritsar/couple-thrashed-at-police-station-inquiry-marked/718022.html>

²⁴⁷. Couple thrashed at police station; inquiry marked, The Tribune, 23 January 2019; available at: <https://www.tribuneindia.com/news/amritsar/couple-thrashed-at-police-station-inquiry-marked/718022.html>

²⁴⁸. ASI suspended for manhandling woman, The Hindu, 30 January 2019; available at: <https://www.thehindu.com/news/cities/bangalore/asi-suspended-for-manhandling-woman/article26123000.ece>

²⁴⁹. Protest outside apartment after maid alleges torture by police, The Hindu, 18 February 2019, <https://www.thehindu.com/news/cities/b>

Case 4: Nadibai, Madhya Pradesh

On 23 April 2019, a 60-year-old woman, Nadibai, wife of Hindu Singh, was allegedly tortured by police at Gandhi Nagar police station in Indore district, Madhya Pradesh. Police had picked up the victim's 22-year-old son identified as Sanju in connection with a case of theft. Nadibai also went to the police station, where she was allegedly detained and tortured, leading to her hospitalisation. Police also tortured her son, leading to his death.²⁵⁰

Case 5: Lina Narjinari, Haryana

On 3 September 2019, Lina Narjinari (30 years), a woman from Assam and working as domestic help in Gurgaon, Haryana, was tortured at the DLF Phase-1 police station in Gurgaon district. On 3 September at around 9.30 AM, the victim along with two others were picked up by the police in connection with a jewellery theft case from Kothi No. 9/7, H-Block in DLF, Gurgaon, where she had been working for the last two months. After arrest they were taken to the DLF Phase 1 police

station, Gurgaon. The two others were released after questioning but she was kept in the lockup for further questioning. The victim claimed that she was on leave when the jewellery theft incident happened. The victim alleged she was brutally beaten up by the police personnel identified as SHO Sawit Kumar, ASI Madhubala, Head Constable Anil Kumar and a lady constable Kavita during her detention at the police station. She said that the accused police personnel stripped her naked and she was forced to do *Murga* pose (stress position) in front of them and mercilessly beaten all over her body, including in her private parts, buttock and knees. The victim was released after signing some papers at around 7 PM when her husband came to the police station to enquire about her condition. The victim was even unable to walk due to the torture.²⁵¹

Case 6: Dhana Devi Chakma, Arunachal Pradesh

On the night of 7 September 2019, a woman identified as Dhana Devi

[angalore/protest-outside-apartment-after-maid-alleges-torture-by-police/article26298836.ece](#)

²⁵⁰. See Amar Ujala, 24 April 2019, <https://www.amarujala.com/madhya-pradesh/a-man-allegedly-died-in-police-custody-at-indore-s-gandhi-nagar-police-station>

²⁵¹. Gurugram cops face action as woman alleges torture, The Times of India, 5 September 2019; <https://timesofindia.indiatimes.com/city/gurgaon/2-cops-suspended-sho-shunted-out-as-woman-alleges-torture-in-police-stn/articleshowprint/70984694.cms>

Chakma (35 years), W/o Dayal Chandra Chakma of Chakma Basti-1 village in Chongkham circle in Namsai district, was allegedly manhandled by police personnel who attempted to arrest her. The police team led by OC Ajay Kumar went to the house of the victim to arrest one of her sons in a drug related case. As the suspect was not found at home, the police attempted to pick up another sibling, a minor boy of 14 years. While the minor boy was being dragged to the police jeep, his mother protested and the minor was so frightened that he ran away. At this Ajay Kumar, OC, became angry and started dragging Dhana Devi Chakma to the police jeep to be taken to the police station. No female police personnel were present at that time. The police left her only after intervention of some students who protested against the manhandling, ill-treatment and attempt to arrest her at night.²⁵²

Case 7: Minuwara Begum and two others, Assam

On 8 September 2019, a pregnant woman identified as Minuwara Begum (28 years) and her two sisters, Sanuwara (30 years) and Rumela (18 years) were tortured at Burha police out-post in Darrang district of Assam. The police picked up the three sisters from their home at Six mile area in Guwahati on 8

September night in connection with a kidnapping case and took them to Burha police outpost. In custody, the three victims were allegedly stripped and tortured the entire night by OC of Burha police outpost, Mahendra Sarma and a lady constable Binita Boro. The pregnant victim was kicked in her belly, following which she started bleeding and suffered miscarriage and lost her unborn baby. The victims were released on the next day.²⁵³

C. Sexual assaults including custodial rape

According to the latest report "Crime in India 2018" of the NCRB, a total of 60 cases of rape in custody were registered across the country in 2018, a decrease over 2017 (89 cases). These included 16 cases registered against police personnel under Section 376(2)(a) of the IPC, 15 cases against public servants [Section 376(2)(b)], three cases against member of armed forces [Section 376(2)(c)], 19 against management/staff of jail/remand home/place of custody (under

²⁵². See NHRC Diary No. 10823/IN/2019

²⁵³. Assam horror: Pregnant woman, sisters stripped, tortured inside police outpost, The New Indian Express, 17 September 2019; <http://www.newindianexpress.com/nation/2019/sep/17/assam-horror-pregnant-woman-sisters-stripped-tortured-inside-police-outpost-2035005.html>

Section 376(2)(d) of IPC), and seven against management/staff of Hospital [under Section 376(2)(e)].²⁵⁴

Among the States, Madhya Pradesh topped with 23 cases of rape in custody; followed by Uttar Pradesh (11); Andhra Pradesh (6); Rajasthan (4); Chhattisgarh and Chandigarh (3 each); Delhi (2); and Assam, Gujarat, Maharashtra, Manipur, Meghalaya, Punjab, Tamil Nadu, and Andaman & Nicobar Islands (1 each).²⁵⁵

Out of 16 cases of custodial rape by police personnel, Madhya Pradesh reported the highest with five cases; followed by Andhra Pradesh and Chhattisgarh (3 each); Rajasthan (2); and Assam, Meghalaya and Chandigarh (1 each).²⁵⁶ In respect to rape in custody by members of the armed forces, Rajasthan reported two cases and Andaman & Nocober

Islands reported one case.²⁵⁷ Out of the 19 cases of rape in custody by management/staff of jail/remand home/place of custody, Madhya Pradesh reported the highest number of 14 cases while Andhra Pradesh, Gujarat, Manipur, Chandigarh and Delhi reported one case each.²⁵⁸

During 2019, NCAT documented a number of cases of rape of women by police, including three cases of custodial rape.

Case 1: Rape of 15-year-old girl, Odisha

On 10 February 2019, Banamali Kuanra, ASI of Sohela police station in Bargarh district, Odisha was suspended and arrested on the charge of rape of a 15-year-old girl. On 8 February, the minor girl was allegedly abducted by one Kaibalya Nag when she had gone for tuition classes. The abductor took her to the rented house of ASI Banamali Kuanra at Sohela and sexually assaulted her. Later, he locked her in the house and

²⁵⁴. See Crime in India 2018, NCRB, Table 3A.11 [Cases Registered under Rape (Section-wise) – 2018], http://ncrb.gov.in/StatPublications/CII/CII_2018/pdfs/Table%203A.11.pdf

²⁵⁵. See Crime in India 2018, NCRB, Table 3A.11 [Cases Registered under Rape (Section-wise) – 2018], http://ncrb.gov.in/StatPublications/CII/CII_2018/pdfs/Table%203A.11.pdf

²⁵⁶. See Crime in India 2018, NCRB, Table 3A.11 [Cases Registered under Rape (Section-wise) – 2018], http://ncrb.gov.in/StatPublications/CII/CII_2018/pdfs/Table%203A.11.pdf

²⁵⁷. See Crime in India 2018, NCRB, Table 3A.11 [Cases Registered under Rape (Section-wise) – 2018], http://ncrb.gov.in/StatPublications/CII/CII_2018/pdfs/Table%203A.11.pdf

²⁵⁸. See Crime in India 2018, NCRB, Table 3A.11 [Cases Registered under Rape (Section-wise) – 2018], http://ncrb.gov.in/StatPublications/CII/CII_2018/pdfs/Table%203A.11.pdf

left from there, following which ASI Kuanra brought the minor girl to his official quarters in Sohela police station premises and allegedly raped her. On 9 February, the accused ASI brought the victim to his rented house and later dropped her at a bus stand.²⁵⁹

Case 2: Rape of mentally-ill minor girl inside a police post, Uttar Pradesh

On 16 February 2019, a mentally-ill minor girl, daughter of a sanitation worker, was raped by constable Amit Yadav at Mansachapur police outpost under Jahata Bazaar police station in Kushinagar district of Uttar Pradesh. The accused constable dragged the victim inside the police outpost when she had gone to fetch water from a handpump located near the outpost around 6 pm and raped her. A case was registered against the accused constable after the victim's family protested outside the police outpost.²⁶⁰

²⁵⁹. Police among 2 arrested for teen gang rape in Odisha's Bargarh district, The Times of India, 12 February 2019, <https://timesofindia.indiatimes.com/city/bhubaneswar/police-among-2-arrested-for-teen-gang-rape-in-odishas-bargarh-district/articleshow/67948594.cms>

²⁶⁰. See Navbharat Times, 16 February 2019, <https://navbharattimes.indiatimes.com/state/uttar-pradesh/others/policemen->

Case 3: Illegal detention, torture and custodial rape of a Dalit woman, Rajasthan

From 3-7 July 2019, a 35-year-old Dalit woman was allegedly illegally detained, tortured and raped in police custody by nine police personnel including the SHO identified as Ranveer Singh at the Sardarshahar police station in Churu district, Rajasthan. The victim stated that on 3 July 2019 she was picked up by the police after her brother-in-law was arrested in a theft case on 30 June 2019, who subsequently died in custody. She alleged that she was illegally detained and kept at the Sardarshahar police station on 3 July 2019. During her detention she was allegedly gang-raped by nine police personnel including SHO Ranveer Singh of Sardarshahar police station. The victim's husband alleged that after seven days his wife came back home on 10 July 2019 in a bad condition. The victim's husband further alleged that beside custodial rape of his wife, she was subjected to torture including plucking of her nails, for which she had to be admitted to hospital.²⁶¹

[raped-minor-girl-in-kushinagar/articleshow/68022063.cms](https://navbharattimes.indiatimes.com/state/uttar-pradesh/others/policemen-)

²⁶¹. Rajasthan: Dalit Woman Gang Raped in Police Custody, The Wire, 16 July 2019, <https://thewire.in/rights/rajasthan-dalit-woman-gang-rape-police-custody>

Case 4: Rape of a woman prisoner in moving train during police custody

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.²⁶²

²⁶². 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/>

Case 5: Rape of a 32-year-old woman, Maharashtra

On 9 February 2019, a constable identified as Madhukar Avhad (48 years) was arrested for allegedly raping a 32-year-old married woman at a lodge in Mumbai, Maharashtra. The woman was allegedly caught stealing chocolates from a departmental store on 6 February 2019. The woman told the police that the accused, attached with the Maharashtra Industrial Development Corporation (MIDC) police station in Andheri, threatened to take action against her if she disclosed the matter to anyone. The incident came to light when the woman's husband found that her objectionable pictures were shared on her WhatsApp account. She narrated her ordeal to her husband, who then approached the police.²⁶³

Case 6: Rape of a woman, Maharashtra

On 27 April 2019, police constable identified as Sachin Koli was suspended for alleged rape charges in Pune district, Maharashtra. The accused constable, posted at

²⁶³. Constable held for raping theft accused, The Times of India, 11 February 2019, <https://timesofindia.indiatimes.com/city/mumbai/constable-held-for-raping-theft-accused/articleshowprint/67935312.cms>

Chandanagar police station in the district, was arrested on 24 April when a woman filed a complaint of rape against him. The woman had alleged that Koli promised to marry her and had allegedly raped her. He has also allegedly stolen some documents from the victim and extorted Rs 185,000 from the victim. According to the police, the rapes took place between 27 May 2017 and 15 April 2019.²⁶⁴

Case 7: Rape and trafficking of a 15-year-old girl, Jharkhand

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.²⁶⁵

Case 8: Rape of a woman under duress, Uttar Pradesh

On 16 May 2019, an FIR was registered against SI Santosh Kumar posted at Makanpur police outpost in Kanpur district, Uttar Pradesh for allegedly raping a woman and forcing her to undergo abortion. In her complaint, the victim stated that she had gone to lodge a complaint at a family redressal cell in Hansapuram police outpost of Naubasta in Kanpur District where she met the accused SI Santosh Kumar, who on the pretext of helping her took her phone number. Thereafter, the accused started summoning her to the police outpost frequently on one pretext or the other. He allegedly threatened to book her husband in a fake case and forced her to enter into a physical relationship with him. When she became pregnant, he forced her to undergo an abortion. She further accused that even after the abortion

²⁶⁴. Three policemen suspended in rape, corruption cases, The Pune Mirror, 27 April 2019, <https://punemirror.indiatimes.com/pune/crime/three-policemen-suspended-in-rape-corruption-cases/articleshowprint/69075094.cms?prtpage=1>

²⁶⁵. 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-wBntf74db92E8m1NUkBg0I.html>

he continued to blackmail and sexually exploited her.²⁶⁶

Case 9: Rape of a woman on the pretext of investigation, Uttar Pradesh

On 9 July 2019, a SI was suspended after a 23-year-old woman accused him of raping her in the Civil Lines area in Meerut district, Uttar Pradesh. According to police, the victim alleged that the accused SI identified as Vijay visited her house on the pretext of an investigation and raped her. On the basis of a written complaint by the victim, a case was registered against Vijay.²⁶⁷

Case 10: Repeated rape of a woman under duress, Uttar Pradesh

On 11 July 2019, an FIR was lodged against two sub-inspectors attached to Awagadh police station in Etah district, Uttar Pradesh on the charge

of repeated rape of a 27-year-old married woman. The action was taken a day after the victim and her husband approached the police with a complaint. The accused police personnel identified as Yogesh Tiwari and Prem Kumar Gautam were booked under IPC sections 376(2)(A)(1) (police officer commits rape within limits of police station to which he is appointed), 506 (criminal intimidation) and 120B (criminal conspiracy). According to the complaint filed by the victim, she became three-months pregnant following the repeated rape by the accused. She claimed that she was raped several times by the two accused in the absence of her husband and filmed the acts. The accused threatened to kill her husband and shared the video of the sexual assault in public domain to humiliate her. The victim also alleged that prior to filing of the complaint the accused had forced her and her husband to sign on a blank Rs 50 stamp paper.²⁶⁸

²⁶⁶. Kanpur: Cop accused of rape, FIR registered, The Times of India, 18 May 2019,

<https://timesofindia.indiatimes.com/city/kanpur/kanpur-cop-accused-of-rape-fir-registered/articleshowprint/69384626.cms>

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²⁶⁷. Sub-Inspector suspended post accusation of rape in UP, United News of India, 9 July 2019, <http://www.uniindia.com/sub-inspector-suspended-post-accusation-of-rape-in-up/north/news/1659123.html>

²⁶⁸. Pregnant complainant accuses Etah cops of rape, The Times of India, 12 July 2019,

<https://timesofindia.indiatimes.com/city/aagra/Pregnant-complainant-accuses-Etah-sub-inspectors-of-rape/articleshowprint/70182339.cms>

2.4 CUSTODIAL TORTURE OF CHILDREN

Across India, the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended upto date remains poorly implemented. The Act protects the rights of the “juveniles in conflict with law” and the “child in need of care and protection”. The lack of implementation of the JJ Act means that children are often illegally detained at Police Stations and prisons, and subjected to torture.

The NCRB in its “*Crime in India - 2018*” recorded 3,164 cases of torture on children everyday in India in 2018. These include 3,467 victims of torture, including in police custody. In other words, over nine children per day were subjected to torture, including by the police under Section 330 and 331 of the IPC. The top five states with highest number of cases of torture (i.e. hurt and grievous hurt) of children, including by the police, were reported from Madhya Pradesh (1,133 cases involving 1,166 victims) followed by Bihar (378 cases involving 484 victims), Chhattisgarh (356 cases involving 377 victims), Maharashtra (328 cases involving 349 victims) and Kerala (229 cases involving 245 victims).²⁶⁹

²⁶⁹. NCRB, Crime In India 2018, Table 4A.2(ii),

A. Offences against children in juvenile homes

The NCRB in its latest report reported offences against children in juvenile homes. As per the report, 2,030 cases were reported across the country under the Juveniles Justice (Care and Protection of Children) Act in 2018. Of the total 2,030 cases, 650 (32%) cases of offences against children involving 695 victims were perpetrated by caretakers/in-charge of juvenile homes. Among the States, Gujarat reported the highest number of offences by caretakers/in-charge of juvenile homes with 439 cases (67.5%) out of the total 650 cases, followed by Kerala (33 cases), Assam and Madhya Pradesh (27 cases each), Maharashtra (22 cases), Rajasthan (24 cases), among others.²⁷⁰

B. Illegal detention and torture of children

Illegal detention and torture of children were common place. NCAT documented death of four children due to torture during police custody. (See the section ‘Death in police custody’ for details of the cases).

<http://ncrb.gov.in/StatPublications/CII/CII2018/pdfs/Table%204A.2.pdf>

²⁷⁰. NCRB, Crime In India 2018, Table 4A.2(i),

<http://ncrb.gov.in/StatPublications/CII/CII2018/pdfs/Table%204A.2.pdf>

NCAT also documented one case of death of a minor due to alleged torture in juvenile home and a number of cases of torture of children not resulting in death in 2019 as highlighted below:

Case 1: Death of 14-year-old boy due to alleged torture in a juvenile home, Bihar

On 11 February 2019, 14-year-old boy (name withheld), an inmate of Gai Ghat remand home died during treatment at Nalanda Medical College and Hospital in Patna, Bihar. The deceased boy was lodged in the remand home two years ago for his alleged involvement in a rape case. The family members alleged that the minor was beaten up by the remand home caretaker and other inmates, resulting in his death.²⁷¹

Case 2: Third degree torture of two minors, Tamil Nadu

On 24 February 2019, two cousins (names withheld), both aged 13 years were picked up by two unidentified police personnel and took them to the police quarters behind the university police station in Thanjavur district, Tamil Nadu. At

the police quarters, both the minors were subjected to third-degree torture. The family of one of the victims petitioned before the State Human Rights Commission on 26 February alleging that one of them was pricked with a needle and the other victim was branded with a hot iron rod by the police.²⁷²

Case 3: Illegal detention and torture of a 17-year-old student, Uttar Pradesh

On 21 May 2019, 17-year-old Class XII student (name withheld), S/o Shripal Sharma, was picked up by a police team from his school in Meerut district, Uttar Pradesh. His 25-year-old cousin was also picked up from his home on suspicion of aiding abduction of a minor girl. The police registered an FIR against the two on the next day on 22 May. The minor was tortured for five days during illegal detention by the SHO and his subordinate police personnel. The minor was produced before the court only on 26 May stating that the minor was caught at a crossing in the

²⁷¹. Remand home inmate dies at Patna hospital, The Times of India, 11 February 2019, <https://timesofindia.indiatimes.com/city/patna/remand-home-inmate-dies-in-hospital/articleshowprint/67947779.cms>

²⁷². Narikurava woman moves SHRC over 'illegal custody' of hubby in Thanjavur, The New Indian Express, 28 February 2018, <http://www.newindianexpress.com/cities/chennai/2019/feb/28/narikurava-woman-moves-shrc-over-illegal-custody-of-hubby-in-thanjavur-1944620.html>

area. However, CCTV footage from the school showed a police team arriving at the school and taking the minor into custody on 21 May. Later, a court-ordered medical examination revealed injuries at five places on the minor's body. Based on a complaint by the minor's father, a departmental inquiry was initiated by SP (Rural) and the inquiry report dated 23 July found that the allegations of torture and illegal detention for five days to be true and indicted SHO Dharmendra Kumar. However, no action was taken against the SHO and other police personnel despite the inquiry report found the accused guilty. Due to lack of action, the victim's father was forced to approach a court for seeking registration of an FIR against the SHO and other accused police personnel under Section 156 (3) of the CrPC.²⁷³

Case 4: Torture of 14-year-old boy, Uttar Pradesh

On 28 June 2019, a 14-year-old boy (name withheld) was apprehended on suspicion of theft and allegedly tortured in police custody at Telibagh police station in Lucknow

district, Uttar Pradesh. Based on the medical reports of the boy, the SSP Kalanidhi Naithani suspended Telibagh police station in-charge Rajneesh Verma, Head Constable Dinesh Tripathi, and Head Constable Sandeep Singh with immediate effect. The victim claimed that he was beaten by a constable inside Telibagh police station and forced to accept that he had stolen the e-rickshaw lost by one person. The victim further said a police constable beat him with a stick on his legs and stood on his fingers when he denied his involvement in the theft. According to the victim, there were four other police officials including the station incharge who watched while he was subjected to torture by the police constable.²⁷⁴

Case 5: Sexual assault on 7-year-old boy, Uttar Pradesh

On 23 July 2019, a 7-year-old boy (name withheld) was allegedly sexually assaulted by police constable Kuldeep Singh Jatav at his rented accommodation in Govardhan area of Mathura district in Uttar Pradesh. The accused constable was

²⁷³. Meerut: Four months on, no action against cops for torturing school boy, The Times of India, 2 December 2019, <https://timesofindia.indiatimes.com/city/meerut/4-months-on-no-action-against-cops-found-guilty-of-torturing-student-father-moves-court/articleshowprint/72322410.cms>

²⁷⁴. Lucknow: 14-yr-old boy allegedly tortured in police custody; 3 officers suspended, Business Standard, 30 June 2019, https://www.business-standard.com/article/news-ani/lucknow-14-yr-old-boy-allegedly-tortured-in-police-custody-3-officers-suspended-119063000197_1.html

attached to Govardhan police station. According to the victim's father, on 23 July the accused committed unnatural sexual act with his minor son at his rented accommodation. The incident came to light when the victim was crying for help and the local residents gathered at the spot and caught the accused police constable.²⁷⁵

Case 6: Torture of a minor boy, Chhattisgarh

On 9 August 2019, a minor boy (name withheld) was allegedly subjected to torture by three constables identified as Anil Rajput, Mukesh Thakur and Krishna Rajpoot near the Sarona railway station under Amanaka police station in Raipur district of Chhattisgarh. The victim was apprehended on the charges of stealing a mobile phone at the Sarona railway station. In the video that went viral in social media, three constables were seen beating the minor, pulling his hair, twisting his ears and one of the constables was touching the survivor's private parts. After the video emerged, the three accused constables were

suspended and a departmental inquiry was ordered against them.²⁷⁶

Case 7: Custodial torture of 17-year-old girl, Telangana

In October 2019, a 17-year-old girl (name withheld), employed as housemaid at the house of a police officer identified as DCP AR Srinivas, was allegedly tortured at Raidurgam police station in Hyderabad district of Telangana. The minor was taken to the police station for questioning in a case of theft of Rs. 35,000 reported from his employer's house on 20 October 2019. According to the victim, she had worked at the home of the police officer for three months for Rs. 7,000 per month. However, when she wanted to go back home, she was coerced into accepting a crime she had not committed. Later, the minor was rescued on 22 October by the District Child Protection Unit (DCPU) of Women Development and Child Welfare, Rangareddy unit, and a complaint was lodged against the police officer for employing a 17-year-old girl as a housemaid.²⁷⁷

²⁷⁵. UP cop booked for sodomising minor in Mathura, The Times of India, 23 July 2019, <https://timesofindia.indiatimes.com/city/aagra/up-cop-booked-for-sodomising-minor-in-mathura/articleshowprint/70351108.cms>

²⁷⁶. 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-KI0TFFBQkFy0tsLBesBxaM.html>

²⁷⁷. Telangana Cop booked for 'torture' of teen maid, The New Indian Express, 25 October 2019

3. TORTURE IN JUDICIAL CUSTODY

According to the National Human Rights Commission, 1,606 cases of deaths in judicial custody were registered across the country in 2019. These included 201 deaths in the month of January, 104 deaths in February, 115 deaths in March, 136 deaths in April, 160 deaths in May, 133 deaths in June, 140 deaths in July, 155 deaths in August, 101 deaths in September, 135 deaths in October, 136 deaths in November and 130 deaths in December.²⁷⁸

As per the latest 'Prison Statistics Report-2018 of the NCRB, 1,845 prisoners had died across the country's jails in 2018. These included 1,639 natural deaths and 149 un-natural deaths and 57 deaths in which cause of death were unknown. As per the report, out of the 149 un-natural deaths, 129 prisoners committed suicides, 10 prisoners died due to attack by fellow prisoners, while no prisoners

died due to excess/negligence by jail officials.²⁷⁹

Many deaths in judicial custody i.e. in the prison or jail took place as a result of torture. In prisons, torture remains endemic, institutionalised and central to the administration of justice. However, in large majority of custodial deaths the prison officials claimed that the causes of custodial deaths were sudden health or medical complications and suicide.

A. Deaths due to alleged torture

Some of the below given cases documented by NCAT during 2019 depict the pattern, practice & prevalence of torture in Indian prisons and the excuses such as sudden health or medical complications, given by the prison authorities in cases of tortured to deaths:

Case 1: Anil Kumar, Uttar Pradesh

On 6 January 2019, convicted prisoner identified as Anil Kumar (50 years), S/o Dinanath of Makarandpur village under Deoria police station in

²⁷⁸. See NHRC Monthly Human Rights Cases Statistics from January to December 2019 at <https://nhrc.nic.in/complaints/human-right-case-statistics>

²⁷⁹. See Table – 8 (Deaths and Illness in Prisons), Prison Statistics India 2018, NCRB

Pilibhit district of Uttar Pradesh, died under mysterious circumstances in Pilibhit district Jail. The jail officials claimed that on 6 January at around 4:00 am, the prisoner complained of body pain for which he was given medicine by the prison's doctor. Later he was taken to the nearby district hospital where he died. However, the family members alleged that the deceased was murdered by the jail staffs inside the jail. Ms Laxmi Devi, the wife of the deceased, alleged that her husband was completely healthy when she had met him on 30 December 2018 and therefore he could not have died due to any illness as claimed by the jail officials.²⁸⁰

Case 2: Gaurav Tamboli, Chhattisgarh

On 9 January 2019, an under-trial prisoner Gaurav Tamboli, S/o Panchram of Karnod village of Bamhanidih police station area under Janjgir district of Chhattisgarh, died under suspicious circumstances in the custody of Janjgir district Jail. The deceased was arrested and sent to judicial custody on 5 August 2018 in connection with a case of cheating.

Jail officials claimed that on the early morning of 9 January, the prisoner was admitted to the district hospital after he suffered chest pain and he died during treatment. However, the deceased's family members have stated that Gaurav was completely healthy and he did not have any health problem. So, they suspected foul play in his death.²⁸¹

Case 3: Yogesh Rathod, Maharashtra

On 19 January 2019, an under-trial prisoner Yogesh Rathod (29 years), a resident of Bharamba Tanda in Kannad tehsil of Aurangabad district, Maharashtra, was allegedly tortured to death in the custody of Aurangabad Central Jail. The deceased was arrested some days earlier in a case of house trespass and sent to jail. The jail officials claimed that on 19 January 2019 evening the deceased was found unconscious in his cell and rushed to a government hospital where the doctors declared him brought dead. However, the family members of the deceased alleged that Yogesh Rathod was tortured to death by the

²⁸⁰. Convict dies in dist jail, 3rd since Nov 7, The Times of India, 6 January 2019; available at: <https://timesofindia.indiatimes.com/city/bareilly/convict-dies-in-dist-jail-3rd-since-nov-7/articleshowprint/67410678.cms>

²⁸¹. Vicharadhin bandi ki jail me maut, pariyanon ne jail me prasashan ke khilap utaye sawal, ibc24.in, 9 January 2019; available at: <https://www.ibc24.in/news/prisoners-death-45983>

police/jail officials in their custody.²⁸²

Case 4: Dhiren Behera, Odisha

On 14 February 2019, undertrial prisoner Dhiren Behera (52 years) died under suspicious circumstances in Kendrapara sub-jail in Odisha. The deceased, a resident of Patalipanka village in Kendrapara district was in jail since 2017. The jail authorities claimed that Behera was rushed to the hospital after he complained of chest pain and died during treatment. However, Behera's wife alleged that he was beaten up either by jail personnel or prisoners as the body bore injury marks on the neck, legs and face. She also accused the police and jail officials of trying to hush-up the matter.²⁸³

Case 5: Nikhil Singh Rajawat, Rajasthan

On 18 February 2019, Nikhil Singh Rajawat alias Bhawani (25 years), a

convict, died under suspicious circumstances at Central Jail, Kota, Rajasthan. The deceased was serving life imprisonment since July 2016 in connection with an attempt to murder case. Jail officials claimed that the health of the deceased suddenly deteriorated, after which he was rushed to the hospital, where he was declared dead. However, the deceased's father, Doulat Singh alleged that his son was tortured to death by the jail officials for failing to pay bribe of Rs. 100,000 demanded by them. Doulat Singh further alleged that his son had some stitches marks on the head, indicating torture.²⁸⁴

Case 6: Leelaram Gour, Chhattisgarh

On 21 February 2019, Leelaram Gour (30 years), a tribal, died due to alleged torture in custody at Sub-Jail Gariaband district in Chhattisgarh. The deceased, a resident of Rasela village in the district, was arrested and sent to judicial custody on 10 February 2019 in connection with a forest case. Jail officials claimed that on 18 February at around 2 pm the health of the deceased suddenly deteriorated, following which he was admitted at the district hospital. Later, he was referred to another hospital as there was no

²⁸². Under-trial prisoner dies, family alleges custodial torture, Business Standard, 20 January 2019, https://www.businessstandard.com/article/pti-stories/under-trial-prisoner-dies-family-allegescustodial-torture-119012000402_1.htm

²⁸³. UTP dies in district hospital, The New Indian Express, 15 February 2019, <http://www.newindianexpress.com/states/odisha/2019/feb/15/utp-dies-in-district-hospital-1939149.html>

²⁸⁴. See Dainik Bhaskar, 19 February 2019, <https://www.bhaskar.com/rajasthan/kota/news/kota-prison-death-in-doubtful-condition-01490664.html>

improvement in his health, where he died during treatment. However, the family members of the deceased alleged that he was tortured in judicial custody, resulting in his death. They also claimed that Leelaram was implicated in a false case by the forest department and he was absolutely fine at the time of arrest.²⁸⁵

Case 7: Gyani Singh, Jharkhand

On 22 February 2019, undertrial prisoner Gyani Singh (30 years) died under suspicious circumstances at Modinagar Central Jail in Palamu district, Jharkhand. 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.²⁸⁶

²⁸⁵. Complaint dated 23 February 2019 to NHRC by Campaign Against Torture, NHRC Case Dairy No. 2316/IN/2019

²⁸⁶. See Live Hindustan, 22 February 2019, <https://www.livehindustan.com/jharkhand/ranchi/story-prisoner-death-in-palamu-central-jail-2418446.html>

Case 8: Sundararajan, Tamil Nadu

On 22 February 2019, undertrial prisoner identified as Sundararajan, who was lodged at Central Jail Salem in Tamil Nadu, attempted to commit suicide by slitting his throat and wrist with a piece of blade at the District Court Complex, Salem alleging harassment by the jail officials. The undertrial was taken there to be produced before the court for a hearing. The prisoner alleged that he took the extreme step unable to bear the harassment by prison staff. He also said they were not providing him proper food and he was being ill-treated. Sundararajan also alleged that the jail officials used to harass his family members whenever they visited the prison to meet him.²⁸⁷

Case 9: Vijay Rana, Delhi

On 9 March 2019, Vijay Rana alias Vijay Kumar (40 years), a convict, died under suspicious circumstances at Tihar Jail in Barrack number 4 in New Delhi. The deceased, an auto driver by profession and resident of Ghaziabad (Uttar Pradesh) was convicted in a case of road accident

²⁸⁷. Undertrial slits throat, wrist at court alleging harassment by jail staff, The Times of India, 23 February 2019, <https://timesofindia.indiatimes.com/city/salem/undertrial-slits-throat-wrist-at-court-alleging-harassment-by-jail-staff/articleshowprint/68119153.cms>

four months earlier. Jail officials claimed the deceased did not wake up from sleep, following which he was taken to the hospital where he was declared dead. However, the family members of Vijay Rana alleged that his health was perfectly normal when they spoke to him two days prior to his death, and accused the jail officials of killing him. The family members further alleged that they were not allowed to see the body of the deceased by the jail administration.²⁸⁸

Case 10: Subhranshu Das, Odisha

On 9 March 2019, Subhranshu Das (35 years), a convict, died due to alleged torture in the custody of Choudwar Circle Jail in Cuttack district, Odisha. The deceased was serving life imprisonment in connection with a murder case in 2013. Jail officials claimed the deceased complained of breathlessness and chest pain after which he was taken to SCB Medical College and Hospital, Cuttack where the doctors declared him dead on the same day. However, the family members of the deceased alleged that the deceased was tortured to death at the Choudwar Circle Jail.²⁸⁹

²⁸⁸. See Amar Ujala, 11 March 2019, <https://www.amarujala.com/delhi-ncr/prisoner-found-dead-in-barrack-family-charged-murder-in-delhi>

²⁸⁹. Man Serving Life Imprisonment Dies In Jail, Family Alleges Foul Play, The Kalinga

Case 11: Firoz, Uttarakhand

On 13 March 2019, an undertrial prisoner identified as Firoz (32 years), S/o Nasibuddin died due to alleged torture at District Jail, Dehradun, Uttarakhand. The deceased was arrested and sent to judicial custody for 14 days on 10 March 2019 in connection with an alleged drug smuggling case. Jail officials claimed the health of the deceased suddenly deteriorated on 12 March 2019 and he was admitted to the jail hospital. On 13 March, he was referred to the Government Doon Medical College, Dehradun, where he died during the treatment. The family members of the deceased and villagers, however, alleged that Firoz died due to custodial torture.²⁹⁰

Case 12: Mobin Ansari, Jharkhand

On 18 March 2019, undertrial Mobin Ansari (35 years), S/o Aseem Ansari died due to alleged torture at the District Jail, Lohardaga, Jharkhand. The deceased was sent to jail in December 2018 in a domestic violence case. Jail officials claimed that on 18 March the health of the

TV, 10 March 2019, <https://kalingatv.com/state/man-serving-life-imprisonment-dies-in-jail-family-alleges-foul-play/>

²⁹⁰. See Jagran, 14 March 2019, <https://www.jagran.com/uttarakhand/dehradun-city-prisoner-died-in-hospital-19044175.html>

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.²⁹¹

Case 13: Ramhet, Madhya Pradesh

On 19 March 2019, Ramhet, a convict, died under mysterious circumstances at Central Jail, Gwalior in Madhya Pradesh. The deceased, a resident of Bhind district, was serving life imprisonment for the last 12 years in connection with a murder case. Jail officials claimed the deceased suddenly fell down while he was doing Surya Namaskar (yoga) exercise. Thereafter, he was taken to the Jayarogya Hospital, Gwalior, where he died. However, the family members of the deceased alleged that Ramhet died due to torture inside the jail and that he was already dead before arrival in hospital. Further, the family

members claimed they saw signs of torture in the deceased's body.²⁹²

Case 14: Bharat Mandal, Odisha

On 6 April 2019, undertrial prisoner Bharat Mandal (40 years) died under mysterious circumstances at Choudwar Circle Jail in Cuttack district, Odisha. The deceased, a resident of Telenga Bazar under Purighat police station in the district, was arrested on 28 March 2019 and was sent to judicial custody in the Choudwar Circle Jail. The jail officials claimed Bharat Mandal had been ill for some days and was admitted at Medical College and Hospital in Cuttack on the night of 5 April and died the next day. However, the family members of the deceased alleged Bharat Mandal was tortured to death at the jail.²⁹³

Case 15: Tulsi Uraon, Jharkhand

On 12 April 2019, undertrial Tulsi Uraon (20 years) died due to alleged torture at Gumla district jail,

²⁹¹. 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>

²⁹². See News 18 Hindi, 19 March 2019, <https://hindi.news18.com/news/madhya-pradesh/gwalior-prisoners-death-in-gwalior-central-jail-in-madhya-pradesh-hydr-1777924.html>

²⁹³. Undertrial prisoner dies while undergoing treatment at SCB, The Pragativadi, 6 April 2019, <http://www.pragativadi.com/undertrial-prisoner-dies-while-undergoing-treatment-at-scb/>

Jharkhand. 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 Tulsī 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.²⁹⁴

Case 16: Ajay Tiwari, Madhya Pradesh

On 23 April 2019, undertrial prisoner identified as Ajay Tiwari (35 years) died due to alleged torture at Circle Jail, Datia in Madhya Pradesh. The deceased, a resident of Bhandar town in Datia district, was arrested and sent to judicial custody on 1 December 2017 in connection with a case under the Dowry Act. Jail officials claimed the undertrial was suffering from tuberculosis and as a result of which he suddenly died in the morning of 23 April in the jail.

²⁹⁴. See Zee News, 14 April 2019, <https://zeenews.india.com/hindi/india/bihar-jharkhand/prisoners-death-in-suspicious-manner-in-gumla/516243>

However, the family members of the deceased alleged he was tortured to death by the jail officials. Family members further alleged that the deceased was absolutely healthy when they met him in the jail four days before his death.²⁹⁵

Case 17: Mohammed Ramzan, Rajasthan

On 26 April 2019, Mohammed Ramzan (60 years) a convict lodged at Baran district jail in Rajasthan, who was admitted at the New Medical College Hospital, Kota for treatment of liver diseases, including hepatitis, died after he was tortured by two police personnel accompanying him at the hospital. A video which surfaced before Ramzan's death, recorded him telling that three police guards had beaten him with metal pipes and that the guards in an inebriated state would beat him whenever he cried in pain. The family members of the deceased also alleged that the jail authorities did not give proper medical treatment to Ramzan.²⁹⁶

²⁹⁵. See Udaipur Kiran, 23 April 2019, <https://udaipurkiran.in/hindi/1193797/>

²⁹⁶. Ailing jail inmate dies in police custody in Kota, family cries foul, The Hindu, 28 April 2019, <https://www.thehindu.com/news/national/other-states/ailing-jail-inmate-dies-in-police-custody-in-kota-family-cries-foul/article26974243.ece>

Case 18: Wahid Aqueel Shaikh, Maharashtra

On 30 April 2019, a prisoner identified as Wahid Aqueel Shaikh (25 years) died allegedly due to torture at Byculla jail, Mumbai, Maharashtra. The deceased, a resident of Cheetah Camp in Mankhurd, Mumbai, was serving three months jail term following his conviction in a theft case and was lodged at Byculla jail. Jail officials claimed the deceased was suffering from breathing problem and was admitted to JJ Hospital couple of times. On 26 April, again the deceased was admitted at JJ Hospital where he died during treatment on 30 April. However, the family members of the deceased alleged the deceased was tortured to death by the jail officials. The family members also claimed they were not informed by the jail authorities that Wahid had been taken to hospital.²⁹⁷

Case 19: Kanhaiya Lal, Rajasthan

On 7 May 2019, undertrial prisoner, Kanhaiya Lal (30 years) died in the custody of Sagwara sub-jail in

²⁹⁷. Man arrested for stealing phones dies in prison, The Mumbai Mirror, 1 May 2019, <https://mumbaimirror.indiatimes.com/mumbai/crime/man-arrested-for-stealing-phones-dies-in-prison/articleshowprint/69122168.cms?ptpage=1>

Dungarpur district, Rajasthan. The deceased, a resident of Bhudar village in Udaipur district, was sent to judicial custody in connection with a chain snatching case in April 2019. Jail officials claimed the deceased fell ill, vomited blood following which he was admitted to the hospital where he died during treatment. However, the family members alleged that the deceased was tortured to death in judicial custody.²⁹⁸

Case 20: Taiyab Ali, Uttar Pradesh

On 14 May 2019, undertrial prisoner identified as Taiyab Ali (42 years), S/o Risal Ahmed died under mysterious circumstances in the custody of Balrampur district jail, Uttar Pradesh. The deceased, a resident of Utraula town in the district, was arrested in connection with a murder case and sent to judicial custody in 2014. Jail officials claimed in the night of 13 May 2019 the deceased's health suddenly deteriorated and he was admitted to the District Combined Hospital in Balrampur but he died the next morning. However, the family members of the deceased alleged that the deceased died due to torture

²⁹⁸. Undertrial jail inmate dies, kin seeks probe, The Times of India, 8 May 2019, <https://timesofindia.indiatimes.com/city/udaipur/undertrial-jail-inmate-dies-kin-seeks-probe/articleshowprint/69225438.cms>

in judicial custody. They further claimed that his health was absolutely fine and his death was mysterious.²⁹⁹

Case 21: Baldev Singh, Punjab

On 24 June 2019, an undertrial prisoner identified as Baldev Singh (57 years) died under suspicious circumstances in the custody of Amritsar Central Jail in Amritsar, Punjab. The deceased, an auto driver, was arrested and sent to judicial custody some days earlier under the NDPS Act, 1985. Jail officials claimed the deceased was in poor health and he died in the hospital. However, the family members of the deceased alleged that he was murdered inside the jail and demanded independent investigation into the circumstances leading to the death.³⁰⁰

Case 22: Manoj Singh, Jharkhand

On 25 June 2019, a convict identified as Manoj Singh (34 years) died in Ghaghidih Central Jail in East Singhbhum district of Jharkhand. The deceased was undergoing ten years sentence in connection with a dowry related murder case. He was about to be released from jail in 15 days as his sentence was almost complete. Jail

officials claimed that he was critically injured during a fight with another prisoner Sumit Singh in the jail premises and died. However, the deceased's father Anurodh Singh alleged that his son Manoj might have been beaten to death as he was also beaten six months earlier by the jail officials.³⁰¹ The post-mortem report reportedly revealed that Manoj was injured in the head and his left hand, both knees and left thigh bone were broken.³⁰²

Case 23: Vinod Mukhiya, Bihar

On 25 June 2019, an undertrial prisoner identified as Vinod Mukhiya (32 years) died due to alleged torture in the custody of Madhubani district jail of Bihar. The deceased, a resident of Rampatti village in Madhubani district, was arrested and sent to judicial custody on 23 June 2019 in connection with a case of smuggling. Jail officials claimed that on 24 June the deceased suddenly fell unconscious in his ward, after which he was admitted in the jail hospital. Later, when his health deteriorated

²⁹⁹. See Mnews, 14 May 2019, <https://www.mnewsindia.com/state-news/jila-jail-me-band-bandi-kee-maut-macha-hadakamp.html>

³⁰⁰. Complaint dated 26 June 2019 of Campaign Against Torture with the NHRC

³⁰¹. See Haribhoomi, 26 June 2019, <https://www.haribhoomi.com/jharkhand/jharkhand-one-dead-after-a-fight-broke-out-among-inmates-inside-the-ghaghidih-central-jail-293169>

³⁰². See Jagran, 27 June 2019, <https://www.jagran.com/jharkhand/jams-hedpur-manoj-was-died-due-to-head-injury-19348368.html>

he was taken to Sadar Hospital, but he died on the way. However, the family members of the deceased alleged Vinod was beaten up inside the jail, which led to his death.³⁰³

Case 24: Judgebir Singh, Punjab

On 16 July 2019, undertrial prisoner identified as Judgebir Singh (27 years) died due to alleged torture at Central jail in Amritsar district, Punjab. The deceased was arrested in a narcotic related case in June 2019 and sent to judicial custody in Central Jail, Amritsar. He died in the Civil Hospital, Amritsar on 16 July. Jail officials claimed on 16 July morning the deceased complained of breathlessness and was admitted to the Civil Hospital where he died on the same day. The deceased's family members alleged that Judgebir Singh died due to torture in the jail.³⁰⁴

Case 25: Rahul Amin, Assam

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 earlier, found him fine. She alleged that her husband was murdered in custody.³⁰⁵

Case 26: Ankur, Uttar Pradesh

On 5 August 2019, Ankur (35 years), an undertrial prisoner, died at Muzaffarnagar district jail in Uttar Pradesh under mysterious circumstances. According to jail officials, the deceased was arrested in a murder case in 2012 and he committed suicide by hanging from the ceiling of his barrack. A judicial inquiry was ordered to investigate the custodial death.³⁰⁶

Case 27: Hasam Pathan, Gujarat

On 7 August 2019, undertrial prisoner Hasam Pathan (28 years), S/o Iqbal Pathan died due to alleged torture in the custody of Junagadh Central Jail, Junagadh in Gujarat. The deceased, was arrested under the Prohibition Act and sent to the

³⁰³. See Prabhat Khabar, 26 June 2019, <https://www.prabhatkhabar.com/news/madhubani/story/1299353.html>

³⁰⁴. Prisoner dies in hospital, family alleges custodial torture, The India Today 17 July 2019, <https://www.indiatoday.in/crime/story/prisoner-dies-hospital-family-alleges-custodial-torture-1570197-2019-07-17>

³⁰⁵. Prisoner Mysteriously Dies in Guwahati Jail, Pratidin Time, 2 August 2019, <https://www.pratidintime.com/prisoner-mysteriously-dies-in-quwahati-jail/>

³⁰⁶. 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>

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.³⁰⁷

Case 28: Feroz Khan, Telangana

On 17 August 2019, Feroz Khan (24 years), a 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 from 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.³⁰⁸

Case 29: Lal Bahadur Prasad, Bihar

On 20 August 2019, undertrial Lal Bahadur Prasad (45 years), 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

³⁰⁷. 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>

³⁰⁸. 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>

alleged that security guards forcefully removed her from the ward when she asked them not to beat her husband.³⁰⁹

Case 30: Baishyanath Reang, Tripura

On 22 August 2019, undertrial Baishyanath Reang (35 years) died under mysterious circumstances at Sub-jail Dharmanagar in North Tripura district. According to police, the undertrial, who was arrested for having links with drug peddling on 4 May 2019, was found unconscious inside the jail. He was declared brought dead in a hospital.³¹⁰

Case 31: Veerpal, Uttar Pradesh

On 31 August 2019, an under-trial prisoner identified as Veerpal (25 years) died due to alleged torture in the custody of Shahjahanpur district jail in Uttar Pradesh. The deceased, a resident of Khuthar village in Shahjahanpur district in Uttar Pradesh, was arrested on 28 August

2019 and sent to judicial custody the next day in connection with a case of making and selling illicit liquor. On 31 August 2019, Veerpal died at King George Medical University, Lucknow and the jail officials claimed that he died because he was an alcoholic. However, the deceased's mother Nanda Devi alleged that her son died due to custodial torture by jail officials. She further alleged that her son was framed in a false case and refuted the police allegation that her son was an alcoholic.³¹¹

Case 32: Devaraju, Karnataka

On 9 September 2019, Devaraju (35 years), an undertrial, died in the custody of Hassan jail, Karnataka. The Jail Superintendent claimed Devaraju developed health complications, after which he coughed up blood and was rushed to Hassan Institute of Medical Sciences, where he died. However, deceased's relatives alleged that he was tortured by the jail authorities.³¹²

³⁰⁹. 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>

³¹⁰. Undertrial found dead in Tripura jail, United News of India, 23 August 2018, <http://www.uniindia.com/undertrial-found-dead-in-tripura-jail/states/news/1328116.html>

³¹¹. Shahjahanpur undertrial dies while being treated in Lucknow hospital, Times of India, 2 September, 2019, <https://timesofindia.indiatimes.com/city/bareilly/shahjahanpur-undertrial-dies-while-beingtreated-in-lucknow-hospital-kin-cry-foul-play/articleshowprint/70939395.cms>

³¹². Undertrial dies in hospital, The Hindu, 10 September 2019; <https://www.thehindu.com/news/national>

Case 33: Amod Rai, Bihar

On 14 September 2019, Amod Rai, (32 years), an undertrial lodged at Hajipur district jail, died allegedly after coming in contact with a live wire in the prisoners' ward. He was taken to the Sadar hospital with severe burn injuries, where he died during treatment. However, relatives alleged that Amod was beaten up badly in the jail and his body was dumped at the hospital.³¹³

Case 34: Gagan Nayak, Jharkhand

On 2 October 2019, undertrial prisoner Gagan Nayak (40 years) died due to alleged torture in judicial custody at Birsa Munda Central Jail in Ranchi, Jharkhand. The deceased was arrested in connection with a robbery case. Jail officials claimed that on 1 October 2019 the deceased's health suddenly deteriorated after which he was taken to the hospital, where he died the next day. However, the family members alleged that deceased died due to torture in the jail. They claimed that they found several

injury marks on his body. They further claimed that he was quite healthy when they met him in the jail few days before his death.³¹⁴

Case 35: Rakesh Valmiki, Uttar Pradesh

On 5 October 2019, Rakesh Valmiki (28 years), a convict lodged at Aligarh district jail, Uttar Pradesh, died under mysterious circumstances. According to the jail officials, the prisoner's health suddenly deteriorated, after which he was taken to hospital. However, the family members alleged that Rakesh was killed in the jail. The deceased's brother Suresh claimed that Rakesh was absolutely fine and healthy when he visited him in the jail on 3 October 2019.³¹⁵

Case 36: Khuda Baksh, Jammu and Kashmir

On 8 November 2019, undertrial prisoner identified as Khuda Baksh (40 years) died at Hira Nagar jail in

[/karnataka/undertrial-dies-in-hospital/article29386268.ece](#)

³¹³. Undertrial dies in Hajipur district jail, probe ordered, The Times of India, 15 September 2019; <https://timesofindia.indiatimes.com/city/patna/undertrial-dies-in-jail-probe-ordered/articleshowprint/71129882.cms>

³¹⁴. Inmate of Birsa Munda jail dies during treatment, family cries foul, Reporter Post, 2 October 2019, <http://reporterpost.in/article/jharkhand/7531/inmate-of-birsa-munda-jail-dies-during-treatment-family-cries-foul/>

³¹⁵. See Amar Ujala, 7 October 2019, <https://www.amarujala.com/uttar-pradesh/aligarh/convicted-prisoner-died-of-illness-aligarh-news-ali2155400170>

Kathua district of Jammu and Kashmir. The deceased was arrested about three months ago in connection with a drug-related case. Jail officials claimed the undertrial was undergoing treatment at a government hospital after he had complained of chest pain. The family members staged demonstration demanding an inquiry alleging that Khuda Baksh died due to torture.³¹⁶

Case 37: Savitri Suman, Rajasthan

On 13 November 2019, undertrial prisoner identified as Savitri Suman (34 years), W/o Nandlal, died under mysterious circumstances in the custody of Kota central jail under Kota district in Rajasthan. The deceased was sent to judicial custody in April 2019 in connection with a murder case under section 302 of the IPC. Jail officials claimed the deceased committed suicide by hanging herself with her dupatta (scarf) to the window's iron angle on the second floor roof inside the premises of Kota Central jail. Jail officials further claimed that she was suffering from mental illness and was

undergoing psychiatric treatment in the jail.³¹⁷

Case 38: Nand Kishore, Uttar Pradesh

On 26 November 2019, undertrial prisoner Nand Kishore Awasthi died under suspicious circumstances during judicial custody in Bahraich district jail, Uttar Pradesh. Jail officials claimed the deceased prisoner, who was in the jail in connection with a murder case since 46 days, suddenly developed chest pain and was admitted to the jail hospital. Later, he was referred to the district hospital, where he died during treatment. However, the family members of the deceased stated that he did not have any health problem and demanded a high level inquiry alleging the jail administration of murder.³¹⁸

³¹⁶. See Jagran dated 10 November 2019, <https://www.jagran.com/jammu-and-kashmir/jammu-protest-against-prisoners-death-jammu-19742062.html>

³¹⁷. Undertrial woman hangs self in Kota jail, The Times of India, 14 November 2019,

<https://timesofindia.indiatimes.com/city/jaipur/undertrial-woman-hangs-self-in-kota-jail/articleshow/72046934.cms>

³¹⁸. Prisoner dies in mysterious circumstances in UP jail, UNI News, 27 November 2019,

<http://www.uniindia.com/prisoner-dies-under-mysterious-circumstances-in-up-jail/north/news/1802743.html>

Case 39: Deb Prakash Behera, Odisha

On 9 December 2019, undertrial prisoner Deb Prakash Behera (21 years) died due to alleged torture in Choudwar Circle Jail in Cuttack district, Odisha. According to the jail officials, the deceased undertrial committed suicide by using a towel to hang from a tree in the jail premises in the afternoon. The doctors declared him brought dead on arrival. The family members alleged he was tortured both physically and mentally, leading to his death. They also alleged that the deceased prisoner had earlier informed them about the harassment inside the jail.³¹⁹

Case 40: Yanbamo Mozhui, Nagaland

On 26 December 2019, an undertrial prisoner identified as Yanbamo Mozhui (40 years), S/o Yisamo Mozhui of Bhandari village in Wokha district of Nagaland, died due to alleged torture in judicial custody at Wokha sub-jail in Wokha district. The deceased was sent to judicial custody in connection with an alleged case of assault on security

guards of a Bank at Bhandari town. The jail officials claimed that on 23 December 2019 an incident of jail break took place at Wokha sub-jail in which one prisoner escaped and later he was arrested on 25 December 2019. The jail officials suspected that the deceased was involved in the jail breaks with a purpose to escape from the jail. Following the jail break incident the jail officials were infuriated and the deceased Yanbamo Mozhui was subjected to torture which led to his death on 26 December 2019.³²⁰

B. Deaths due to denial or lack of medical treatment

Many cases of deaths in the jails are due to denial of timely and appropriate medical facilities to the prisoners.

Case 1: Munna Yadav, Bihar

On 18 February 2019, Munna Yadav (25 years), an undertrial prisoner died at Bhagalpur central jail in Bihar allegedly due to lack of proper medical treatment. The jail officials claimed that the deceased, a murder

³¹⁹. Rape accused ends life in Choudwar jail, The Pioneer, 11 December 2019, <https://www.dailypioneer.com/2019/state-editions/rape-accused-ends-life-in-choudwar-jail.html>

³²⁰. 5 suspended after under-trial beaten to death in Nagaland jail, The Hindu, 31 December 2019, <https://www.thehindu.com/news/national/other-states/5-suspended-after-under-trial-beaten-to-death-in-nagaland-jail/article30436872.ece>

accused, who was suffering from blood cancer and receiving treatment from Mayanganj Hospital, Bhagalpur, died during treatment. However, the family members of the deceased accused the jail administration of being negligent in providing treatment.³²¹

Case 2: Deb Majhi, Odisha

On 26 March 2019, Deb Majhi (40 years), an undertrial prisoner, died at Sub-jail, Umerkote in Nabarangpur district, Odisha. The deceased, an accused in a murder case had been lodged in the sub-jail since December 2018. The jail officials claimed that Majhi had been ill for some days and was admitted at Nabarangpur District Headquarters Hospital on 25 March and died during treatment the next day. But the deceased's family members alleged that the deceased died due to medical negligence.³²²

³²¹. See Dainik Bhaskar, 19 February 2019, <https://www.bhaskar.com/bihar/bhagalpur/news/central-prison-inmate39s-death-from-blood-cancer-charges-of-negligence-in-treatment-031135-3937488.html>

³²². Undertrial prisoner dies while undergoing treatment; kin alleges medical negligence, The Pragativadi, 26 March 2019, <http://www.pragativadi.com/undertrial-prisoner-dies-while-undergoing-treatment-kin-alleges-medical-negligence/>

Case 3: Amrit Das, Assam

On 7 April 2019, Amrit Das (70 years) a suspected foreigner, died in the custody of Foreigner Detention Camp in Goalpara district jail of Assam. The deceased, a resident of Barpeta district, had been lodged at the Foreigner's Detention Camp in Goalpara district jail since 20 May 2017, after he was declared as foreigner by the foreigner's tribunal despite figuring in voters' lists from 1961 onward. The jail officials claimed that Amrit Das was taken to a hospital after he complained of unease, where he died. But family members of Amrit Das alleged that he died without treatment after developing asthma due to sleeping on the cold floor of the jail.³²³

Case 4: Arjun, Madhya Pradesh

On 22 April 2019, undertrial prisoner identified as Arjun (32 years), S/o Nandalal Patidar, died under suspicious circumstances at Mandsaur district jail in Madhya Pradesh. The deceased, a resident of Rawati village in the district, was arrested and sent to judicial custody in connection with a case of opium

³²³. Jolt for BJP as man dies in Assam detention camp for foreigners, The Hindu, 7 April 2019, <https://www.thehindu.com/elections/lok-sabha-2019/jolt-for-bjp-as-man-dies-in-assam-detention-camp-for-foreigners/article26763449.ece>

smuggling. Jail officials claimed the undertrial died due to infection in his kidney while undergoing treatment at a hospital. However, the family members of the deceased alleged Arjun died due to medical negligence. The family members also claimed they had approached a court to provide medicines to Arjun, but the jail administration allegedly did not allow them to provide medicines.³²⁴

Case 5: Shivadhar Yadav, Bihar

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

shifted to PMCH to take the service of neurosurgeon, but the family members alleged that the jail officials refused to take him to Patna citing lack of security guards and he died at Sadar Hospital on 28 April.³²⁵

Case 6: Rishikesh Kumar, Bihar

On 3 May 2019, undertrial prisoner identified as Rishikesh Kumar alias Ritek Kumar (40 years), S/o Ravindra Kumar died under mysterious circumstances in the custody of Beur Central Jail, Patna in Bihar. The deceased was sent to judicial custody on 1 May 2019 in connection with a case of consumption of liquor which is prohibited in the state. Jail officials claimed the deceased was already intoxicated and on 2 May he was admitted to the Patna Medical College and Hospital (PMCH), where he died the next morning. However, the family members of the deceased accused the jail administration of negligence in providing treatment. They also alleged that they were not informed about the deceased's hospitalization.³²⁶

³²⁴. See Dainik Bhaskar, 24 April 2019, <https://www.bhaskar.com/mp/neemuch/news/mp-news-death-during-treatment-of-a-prisoner-in-question-082504-4413604.html>

³²⁵. Complaint dated 29 April 2019 of Campaign Against Torture filed with the NHRC

³²⁶. See Dainik Bhaskar, 4 May 2019, <https://www.bhaskar.com/bihar/patna/news/dead-in-pmch-of-prisoner-in-beur-jail-084558-4478787.html>

Case 7: Irfan, Karnataka

On 16 May 2019, an undertrial prisoner identified as Irfan (30 years) died under mysterious circumstances in the custody of Central Jail in Shivamogga district, Karnataka. The deceased was in judicial custody under Protection of Children from Sexual Offences (POCSO) Act. Jail officials claimed the deceased complained of uneasiness, after which he was taken to the hospital, where he died after few hours of admission. However, the family members alleged the deceased died due to negligence by the jail authorities.³²⁷

Case 8: Ranjit Patnaik, Odisha

On 19 May 2019, undertrial prisoner identified as Ranjit Patnaik (30 years) died under suspicious circumstances in the custody of Bargarh district jail in Odisha. The deceased was arrested and sent to judicial custody on 4 May 2019 for allegedly misbehaving with a minor girl. Jail officials claimed the deceased was suffering from illness and died during treatment at the

hospital. However, the family members alleged that the deceased died due to negligence in providing timely medical treatment by the jail authorities.³²⁸

Case 9: Tabrez Ansari, Jharkhand

On 22 June 2019, Tabrez Ansari (24 years), an undertrial prisoner, died during judicial custody at District Jail, Saraikela Kharsawan district, Jharkhand. 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.³²⁹

³²⁷. Undertrial prisoner dies in Shivamogga central jail, The New Indian Express, 16 May 2019, <http://www.newindianexpress.com/states/karnataka/2019/may/16/undertrial-prisoner-dies-in-shivamogga-central-jail-1977750.html>

³²⁸. Undertrial prisoner dies while undergoing treatment in Burla, The Pragativadi News, 20 May 2019, <http://www.pragativadi.com/undertrial-prisoner-dies-while-undergoing-treatment-in-burla/>

³²⁹. 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->

Case 10: Pagulu Khandei, Odisha

On 10 July 2019, undertrial prisoner identified as Pagulu Khandei (35 years) died under mysterious circumstances at Nilagiri sub-jail in Balasore district, Odisha. The deceased, a resident of Nuasahi village under Nilagiri town in the district, was arrested in connection with an excise case and subsequently lodged in Nilagiri jail. The jails officials claimed the prisoner developed fits and was rushed to hospital, where he was declared dead. However, the deceased's family members alleged delay in initiating treatment by the jail officials, which led to his death.³³⁰

Case 11: Chandrika Ram, Bihar

On 24 July 2019, undertrial prisoner Chandrika Ram (40 years) died under suspicious circumstances in the custody of Bettiah Divisional jail in West Champaran district, Bihar. The deceased was arrested and sent to judicial custody on 23 July 2019 in connection with an alleged alcohol related case. Jail officials claimed in

the morning of 24 July the deceased's health suddenly deteriorated, after which he was taken to the Government Medical College, Bettiah where he died on the same day. However, the family members alleged that the deceased was absolutely healthy when he was taken into the custody. They also alleged denial of proper treatment in the hospital.³³¹

Case 12: Ajit Yadav, Bihar

On 29 July 2019, undertrial prisoner Ajit Yadav (20 years) died in the custody of Barh jail in Patna district of Bihar. The deceased was arrested and sent to judicial custody in connection with a kidnapping case. Jail officials claimed the deceased's health suddenly deteriorated for which he was taken to the hospital. After preliminary treatment he was referred to the PMCH where he died. However, the family members of the deceased accused the jail administration of negligence in providing treatment, resulting in the death.³³²

[assaulted-on-suspicion-of-theft-police-negligence-being-probed-2201653.html](#)

³³⁰. Under-trial prisoner found dead in Nilgiri sub-jail under mysterious circumstances, UNI News, 10 July 2019, <http://www.uniindia.com/under-trial-prisoner-found-dead-in-nilgiri-sub-jail-under-mysterious-circumstances/east/news/1661221.html>

³³¹. See Jagran, 25 July 2019, <https://www.jagran.com/bihar/west-champaran-hindrance-on-prisoner-death-19429898.html>

³³². See News State, 29 July 2019, <https://www.newsstate.com/states/bihar/bihar-baadh-prison-death-of-sick-prisoner-prisoner-death-in-jail-bihar-police-99133.html>

Case 13: Yantra Prakash Shukla, Madhya Pradesh

On 7 August 2019, a convict identified as Yantra Prakash Shukla (48 years), 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.³³³

Case 14: Dinesh Yadav, Bihar

On 16 August 2019, undertrial prisoner Dinesh Yadav (32 years), 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.³³⁴

Case 15: Virendra Yadav, Bihar

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

³³³. See Dainik Bhaskar, 7 August 2019, https://www.bhaskar.com/mp/raisen/new-s/mp-news-prisoner39s-chest-ache-at-530-am-reached-hospital-after-45-minutes-at-615-pm-death-132005-5185778.html?utm_expid=.YYfY3_SZRPiFZ_GHcA1W9Bw.0&utm_referrer=

³³⁴. See News4nation, 16 August 2019, <https://news4nation.com/news/sudden-deteriorating-prisoner-in-nawada-mandal-prison-died-in-hospital-during-treatment-702579>

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.³³⁵

Case 16: Patnaik Harijan, Odisha

On 23 August 2019, Patnaik Harijan (45 years), 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 jail officials claimed that Pattnaik 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.³³⁶

Case 17: Ram Naresh, Madhya Pradesh

On 4 September 2019, Ram Naresh (41 years), a convict, died in the custody of District Jail, Katni in Madhya Pradesh. The deceased was undergoing a one-year sentence since 17 July 2019. Jail officials claimed that the deceased's spine was already damaged before he was brought to the jail and he received treatment at the District Hospital, Katni as well as Jabalpur Medical College. However, the deceased's son Arvind Srivas alleged that his father died due to negligence in the treatment by the jail administration. The family members alleged that they were not even informed of the death on time.³³⁷

³³⁶. 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>

³³⁷. NHRC Complaint dated 6 September 2019 filed by Campaign Against Torture, also, <https://www.bhaskarhindi.com/news/prisoner-dies-in-hospital-second-death-in-one-month-83642>

³³⁵. See Sanmarg Live, 19 August 2019, <https://sanmarglive.com/gopalganj-16/117360/>

Case 18: Dulal Chandra Pal, Assam

On 13 October 2019, Dulal Chandra Pal (65 years) died in the custody of foreigners detention centre at Tezpur in Assam. The deceased, a resident of Alisinga village in Sonitpur district in the State, was lodged in detention centre at Tezpur since 11 October 2017 as alleged foreigner. According to the police, the deceased was admitted at the Guwahati Medical College and Hospital (GMCH) on 28 September 2019 and he died on 13 October. The family members claimed that Dulal was mentally unstable but the authorities failed to provide adequate and necessary treatment.³³⁸

Case 19: Vijay Sahu, Jharkhand

On 20 October 2019, undertrial prisoner identified as Vijay Sahu (50 years) died under suspicious circumstances at Gumla district Jail in Jharkhand. The deceased was arrested on 10 October 2019 for alleged gambling and sent to judicial custody on 11 October 2019. Jail officials claimed the deceased was admitted to the Sadar hospital,

Gumla after his health deteriorated. He died in the hospital on 20 October 2019 during treatment. However, the family members alleged that the deceased's health was not good from the day he was sent to the jail and he was not given proper treatment.³³⁹

Case 20: Oghad Raibari, Rajasthan

In the intervening night of 23-24 October 2019, undertrial prisoner identified as Oghad Raibari (40 years) died at Chabda sub jail under Baran district of Rajasthan. The deceased was in judicial custody since 19 October 2019. Jail officials claimed on the night of 19 October 2019 the deceased complained of chest pain and was admitted to the local Community Health Centre (CHC), where he died. However, the family members alleged the deceased was not in good health from the day he was sent to the judicial custody and the jail officials failed to provide proper treatment.³⁴⁰

³³⁸. Man Declared Foreigner Dies In Assam, Family Refuses To Accept Body, NDTV, 14 October 2019, <https://www.ndtv.com/india-news/man-declared-foreigner-dies-in-assam-family-refuses-to-accept-body-2116629>

³³⁹. See Prabhat Kabar, 20 October 2019, <https://www.prabhatkhabar.com/news/gumla/death-of-the-prisoner-under-consideration-family-uproar-in-gumla-jharkhand/1341366.html>

³⁴⁰. Undertrial dies during treatment, probe begins, The Times of India, 25 October 2019, <https://timesofindia.indiatimes.com/city/jaipur/undertrial-dies-during-treatment-probe-begins/articleshowprint/71747591.cms>

Case 21: Dinesh Singh, Jharkhand

On 28 October 2019, undertrial prisoner identified as Dinesh Singh (30 years), S/o Amrit Singh, died at Garhwa district Jail in Jharkhand. The deceased was sent to judicial custody in 2017. Jail officials claimed deceased's health deteriorated suddenly and was admitted to the Sadar hospital, Garhwa where he died on the same day. However, the family members alleged that the deceased died due to denial of timely treatment by the jail officials.³⁴¹

Case 22: Aslam, Uttar Pradesh

On 10 November 2019, undertrial prisoner identified as Aslam (about 35 years), S/o Isaad died at Kasganj district jail in Uttar Pradesh. The deceased was sent to judicial custody in August 2019 in connection with a criminal case. Jail officials claimed that the undertrial was declared dead on arrival at a hospital, where he was taken after his health suddenly deteriorated on 9 November 2019. However, the family members alleged the deceased died due to negligence by the jail administration, and that no

information was given to them about his illness.³⁴²

C. Deaths due to alleged suicide in prisons

NCAT has documented a number of alleged suicides in judicial custody during 2019. It needs to be pointed out that in a number of cases, the family members have alleged foul play and/or torture as the cause of the deaths.

Case 1: Surendra, Haryana

On 20 January 2019, an under-trial prisoner Surendra (43 years), a resident of Khanpur Kalan village of Sonipat district of Haryana died under suspicious circumstances in the custody of Sonipat Jail. The deceased was arrested and sent to judicial custody on 30 December 2018 in connection with a murder case. Jail officials claimed that the deceased hanged himself in the bathroom of the jail.³⁴³

³⁴¹. See Jagran, 29 October 2019, <https://www.jagran.com/jharkhand/garhwa-gadhawa-news-19707712.html>

³⁴². See Amar Ujala dated 11 November 2019, <https://www.amarujala.com/uttar-pradesh/agra/two-prisoner-dies-in-kasganj-district-jail-in-one-day>

³⁴³. Sonipat jail ke bathroom me kaidi ne lagai pansi, hatya ke arop me tha band; News18, 21 January 2019; available at: <https://hindi.news18.com/news/haryana/sonipat-prisoner-commit-suicide-in-sonipat-jail-hrrm-1661476.html>

Case 2: Ms Sakshi Nimse, Maharashtra

On 27 January 2019, a woman undertrial prisoner identified as Ms Sakshi Nimse (34 years) died under suspicious circumstances in the custody of Adharwadi jail in Kalyan city, Maharashtra. The deceased was facing trial for allegedly killing her husband in April 2018. On 27 January 2019, the deceased was allegedly found hanging inside the toilet in the jail premises. Jail officials claimed that the deceased hanged herself by using a nylon rope.³⁴⁴

Case 3: Ahmed, Karnataka

On 3 February 2019, Ahmed alias Amarnath (32 years), an undertrial, was found dead under mysterious circumstances at the District Prison, Udupi in Karnataka. Police claimed the deceased, a resident of Kidiyur village, committed suicide by hanging from the hook of a fan at Conference Hall. Ahmed was in the prison since 31 October 2018 in connection with a case registered with the Women's Police Station.³⁴⁵

³⁴⁴. Sena neta's wife under trial for his murder found dead in jail, The Tribune, 27 January 2019, <https://www.tribuneindia.com/news/news/nation/sena-neta-s-wife-under-trial-for-his-murder-found-dead-injail/719706.htm>

³⁴⁵. Undertrial found dead in Udupi district prison, The Hindu, 4 February 2019,

Case 4: M. Jaishankar, Karnataka

On 27 February 2019, M. Jaishankar was reportedly found dead in his cell at the Central Jail Parappana Agrahara, Karnataka. According to officials, Jaishankar, a serial sexual offender, allegedly committed suicide by slitting his throat with a shaving blade. Jaishankar was kept in an isolated cell, as prison authorities had observed aggressive behaviour on his part and deemed him a threat to other prisoners. On 10 March 2019, the NHRC issued a notice to the Prisons Department for alleged negligence on the part of officials.³⁴⁶

Case 5: Paramjit Singh, Punjab

On 2 March 2019, Paramjit Singh (35 years), an undertrial prisoner, died under mysterious circumstances at the Central Jail, Ferozepur in Punjab. The deceased was arrested and sent to judicial custody on 11 January 2019 in connection with murder of

<https://www.thehindu.com/news/cities/Mangalore/undertrial-found-dead-in-udupi-district-prison/article26169633.ece>

³⁴⁶. Bengaluru: Psycho Shankar, dreaded serial killer and rapist, slits throat with shaving blade, dies, India Today, 28 February 2019, <https://www.indiatoday.in/crime/story/bengaluru-serial-killer-rapist-psycho-shankar-kills-himself-using-shaving-blade-inside-prison-1179307-2018-02-28>

his wife and two children. The jail officials claimed the deceased committed suicide by hanging himself inside the bathroom of the prison.³⁴⁷

Case 6: Seikh Mehmood, Odisha

On 3 March 2019, Seikh Akbar Mehmood, an undertrial prisoner, died under mysterious circumstances at District Jail Puri in Odisha. The deceased, a resident of Saradhapur in Khurda district, was arrested and sent to judicial custody in connection with a gang rape case. Jail officials claimed the deceased committed suicide by hanging himself with his towel inside the prison toilet. However, the family members of the deceased alleged foul play and demanded a proper investigation.³⁴⁸

Case 7: Vinod, Uttar Pradesh

On 9 March 2019, an undertrial prisoner named Vinod (25 years),

S/o Hulasiram, died under suspicious circumstances at Kasganj district jail of Uttar Pradesh. The deceased was arrested and sent to judicial custody on 7 January 2019 in connection with an alleged murder case. Jail officials claimed the deceased was found hanging by a towel at the jail barrack. However, the family members of the deceased accused the jail administration of killing Vinod.³⁴⁹

Case 8: M.J. Jacob, Kerala

On 21 March 2019, M.J. Jacob, an undertrial prisoner lodged at Sub-jail Mavelikara in Alappuzha district of Kerala, died under mysterious circumstances. The deceased was arrested and sent to judicial custody on 20 March 2019 in connection with a cheating case registered at the Thirilla police station. Jail officials claimed that the deceased committed suicide by swallowing a handkerchief.³⁵⁰

³⁴⁷. Accused of killing wife, kids, undertrial hangs self in jail, The Times of India, 3 March 2019, <https://timesofindia.indiatimes.com/city/amritsar/accused-of-killing-wife-kids-undertrial-hangs-self-in-jail/articleshow/68238058.cms>

³⁴⁸. Under-trial prisoner found hanging in Puri jail, The Odisha Sun Times, 3 March 2019, <https://odishasuntimes.com/under-trial-prisoner-found-hanging-in-puri-jail/>

³⁴⁹. See Patrika, 10 March 2019, <https://www.patrika.com/kasganj-news/dead-body-of-prisoner-found-in-jail-big-news-4256810/>

³⁵⁰. Alappuzha: DIG visits Mavelikara jail after inmate's death, Deccan Chronicle, 25 March 2019, <https://www.deccanchronicle.com/nation/current-affairs/250319/alappuzha-dig-visits-mavelikara-jail-after-inmates-death.html>

Case 9: Masthi Kumar, Karnataka

On 4 April 2019, Masthi Kumar (32 years) died under mysterious circumstances at Central Jail at Parappana Agrahara, Karnataka. Kumar was convicted in a dowry death case and had served 10 months of his sentence. According to jail officials, Kumar committed suicide by hanging himself inside the jail.³⁵¹

Case 10: Santu Dhritlahare, Chhattisgarh

On 7 April 2019, a murder convict identified as Santu Dhritlahare (47 years) died under mysterious circumstances at Mungeli district Sub-Jail in Chhattisgarh. The deceased, a resident of Thelka Nawagaon village in Bilaspur district, was serving jail term from the last two years. Jail officials claimed the deceased committed suicide by hanging with his towel in the toilet of the jail. He was rushed to the district hospital, where he was declared brought dead.³⁵²

³⁵¹. Inmate of Central Jail commits suicide, The Hindu, 6 April 2018, <https://www.thehindu.com/news/cities/bangalore/inmate-of-central-jail-commits-suicide/article23459218.ece>

³⁵². See <https://www.bhaskar.com/chhattisgarh/bilaspur/news/chhattisgarh-news-hanged-prisoner-hanging-in-mungali-sub-jail->

Case 11: Livtar Singh, Punjab

On 10 April 2019, an undertrial prisoner identified as Livtar Singh died inside Ludhiana Central Jail in Punjab. The deceased was lodged in the jail since past one year. He was found dead inside the bathroom of barrack number 1 of the jail. The draw-string of his *pyjama* was found around his neck. An autopsy report had said that the undertrial was strangled to death. Livtar's family had alleged that he was murdered by the jail inmates. A Special Investigation Team was formed and a magisterial inquiry was ordered to investigate the details of the custodial death.³⁵³

Case 12: Md Wasim, Uttar Pradesh

On 19 April 2019, undertrial prisoner identified as Md Wasim (50 years), S/o Md Yasin died under mysterious circumstances at Fatehgarh district Central Jail in Uttar Pradesh. The deceased, a resident of Safdarganj Maholla in Kannauj district of the state, was undergoing trial in a case of murder

[on-charges-of-killing-brother-072013-4294797.html](https://timesofindia.indiatimes.com/city/ludhiana/sit-to-probe-alleged-murder-of-inmate-inside-ludhiana-jail/articleshow/68856282.cms)

³⁵³. SIT to probe alleged murder of inmate inside Ludhiana jail, The Times of India, 12 April 2019, <https://timesofindia.indiatimes.com/city/ludhiana/sit-to-probe-alleged-murder-of-inmate-inside-ludhiana-jail/articleshow/68856282.cms>

of one jail inmate while he was serving a 10-year jail term in connection with the murder of his wife which he completed in 2018. Jail officials claimed the deceased was suffering from Tuberculosis and went into depression as a result of which he committed suicide in the jail's toilet by hanging himself with a *lungi* (cloth worn by male around their waist). Rejecting the suicide claim, the family members of the deceased demanded proper investigation.³⁵⁴

Case 13: Rahul, Haryana

On 25 April 2019, undertrial prisoner identified as Rahul alias Moti (24 years) died under mysterious circumstances at Bhondsi Jail in Gurugram district, Haryana. The deceased, a resident of Jhalandar in Punjab, was arrested by the police and sent to judicial custody on 15 April 2019 in connection with a theft case. Jail officials claimed on 25 April the deceased committed suicide in the jail's bathroom by hanging with a bed sheet.³⁵⁵

³⁵⁴. See Amar Ujala, 19 April 2019, <https://www.amarujala.com/uttar-pradesh/farrukhabad/191555692569-farrukhabad-news>

³⁵⁵. See Dainik Bhaskar, 26 April 2019, <https://www.bhaskar.com/haryana/gurgaon/news/prisoner-hangs-up-the-sheet-hangs-the-prison-073021-4430378.html>

Case 14: Maharaja Haldar, West Bengal

On 26 April 2019, an undertrial prisoner identified as Maharaja Haldar (36 years) died under mysterious circumstances at Presidency Jail of Kolkata in West Bengal. The deceased was arrested and sent to judicial custody in 2016 in connection with a murder case. Jail officials claimed the deceased's health deteriorated and he was admitted to the Presidency Jail hospital on 19 April 2019 and he was kept at Ward No. 5, bed No. 26 where he allegedly committed suicide by hanging himself. However, the family members of the deceased refuted the suicide theory of the jail officials and alleged that the deceased was too sick to even get up from his bed so he could not have committed suicide. They alleged he was murdered.³⁵⁶

Case 15: Manoj Parmar, Gujarat

On 1 May 2019, a prisoner identified as Manoj Parmar (21 years) died under mysterious circumstances at Bilodara jail in Nadiad district of Gujarat. The deceased, a resident of Sinhuj village of Mehmabad taluka in Kheda district, was arrested on 4 April 2019 in a case of kidnapping and rape of a minor girl. The deceased was sent to judicial custody and lodged at barrack number 7 at

³⁵⁶. Complaint dated 29 April 2019 of Campaign Against Torture with NHRC

Bilodara jail. Jail officials claimed that on the morning of 1 May, the deceased committed suicide by hanging himself at the terrace of the jail premises. The deceased was rushed to the jail hospital but he was declared dead on arrival.³⁵⁷

Case 16: Dharmveer, Haryana

On 3 May 2019, a convict identified as Dharmveer (35 years) died under mysterious circumstances at Ambala Central Jail in Haryana. The deceased, a resident of Kurukshetra district, was sentenced to life imprisonment in 2013 in connection with a murder case. Jail officials claimed the deceased committed suicide in the night of 3 May in the jail's toilet at barrack number 3 with the help of a nylon rope. He was taken to the civil hospital where he was declared dead.³⁵⁸

Case 17: Asgar Tikku, Odisha

On 19 May 2019, undertrial prisoner identified as Asgar Tikku (24 years) died under mysterious circumstances in the custody of

Sonepur Sub Jail in Subarnapur district, Odisha. The deceased was in judicial custody in connection with a murder case. The deceased was reportedly found in a pool of blood in the jail toilet, after which he was taken to hospital where he was declared brought dead. Jail officials claimed that a blade was also found from the spot.³⁵⁹

Case 18: Navratna, Uttar Pradesh

On 25 May 2019, undertrial prisoner Navratna (40 years) died under mysterious circumstances at Bulandshahr district jail in Uttar Pradesh. The deceased was arrested in connection with a rape case and sent to judicial custody eight months earlier. Jail officials claimed Navratna committed suicide inside the jail.³⁶⁰

Case 19: Anil, Madhya Pradesh

On 1 June 2019, Anil, a convict lodged at Satna Central Jail in Madhya Pradesh, died under mysterious circumstances. Jail officials claimed the prisoner, who

³⁵⁷. Gujarat: Rape accused 'commits suicide' in jail, The Indian Express, 2 May 2019, <https://indianexpress.com/article/cities/a-hmedabad/gujarat-rape-accused-commits-suicide-in-jail-5705703/>

³⁵⁸. See Amar Ujala, 4 May 2019, <https://www.amarujala.com/haryana/ambala/crime/11556913711-ambala-news>

³⁵⁹. Undertrial Prisoner Dies Under Mysterious Circumstances At Sonepur Sub Jail, The Kalinga TV, 19 May 2019, <https://kalingatv.com/state/undertrial-prisoner-dies-under-mysterious-circumstances-at-sonepur-sub-jail/>

³⁶⁰. See Hindu Khabar, 26 May 2019, <https://www.hindukhabar.com/news/Man-hangs-himself-to-death-after-the-allegation-of-rape-43976-28>

was convicted for life in a murder case, was shifted from Panna jail to the Central jail, allegedly committed suicide by climbing on a stool and hanged himself. On 4 June, the Madhya Pradesh Human Rights Commission (MPHRC) took cognisance of the unnatural death and called for a report from the Superintendent of Satna jail.³⁶¹

Case 20: Amrit Lal, Rajasthan

On 6 June 2019, an undertrial prisoner identified as Amrit Lal alias Amra (40 years) died under mysterious circumstances at Jhadol sub-jail in Udaipur district of Rajasthan. The deceased was arrested and sent to judicial custody on 9 April 2019 in connection with a case of murder. Jail officials claimed the prisoner committed suicide inside the jail's cell by hanging himself with a plastic rope.³⁶²

³⁶¹. Rights body seeks report on jail inmate's 'suicide', The Times of India, 6 June 2019, <https://timesofindia.indiatimes.com/city/bhopal/rights-body-seeks-report-on-jail-inmates-suicide/articleshowprint/69668502.cms>

³⁶². Undertrial Hangs Self to Death in Rajasthan Jail, News18, 6 June 2019, <https://www.news18.com/news/india/undertrial-hangs-self-to-death-in-rajasthan-jail-2174801.html>

Case 21: Satbir, Haryana

On 8 June 2019, an undertrial prisoner identified as Satbir (35 years), S/o Shivanarayan died under mysterious circumstances in the custody of Dulina jail under Jhajjar district in Haryana. The deceased, a resident of Kharhar village in the district, was arrested by the police and sent to judicial custody in 2018 in connection with a murder case. Jail officials claimed the prisoner committed suicide in the jail's bathroom by hanging with a shoe lace.³⁶³

Case 22: Vikas Pawar, Maharashtra

On 15 June 2019, an undertrial prisoner identified as Vikas Pawar (21 years) died under mysterious circumstances in the custody of Arthur Road Jail in Mumbai, Maharashtra. The deceased, a resident of Bhatwadi, Ghatkopar west in Mumbai, was arrested under POCSO Act and sent to judicial custody in December 2015. Police officials claimed that at around 3.30 pm on 15 June when the deceased was brought for hearing at the Dindoshi Sessions Court, he excused himself for drinking water, and on

³⁶³. Undertrial commits suicide in Jhajjar jail, The Tribune, 9 June 2019, <https://www.tribuneindia.com/news/haryana/undertrial-commits-suicide-in-jhajjar-jail/785294.html>

reaching the water purifier, he committed suicide by jumping off the 6th floor of the building.³⁶⁴

Case 23: Prakashji Thakor, Gujarat

On 20 June 2019, a prisoner identified as Prakashji Thakor (34 years) died under mysterious circumstances in the custody of Sabarmati Central Jail in Ahmedabad district of Gujarat. The deceased, a resident of Mehsana district, was arrested and sent to judicial custody in connection with a case of murder. Jail officials claimed the prisoner committed suicide by jumping in front of a moving van, which delivers essential commodities to the jail. He was crushed by the van's back tyre and sustained severe injuries, resulting in his death on the spot.³⁶⁵

Case 24: Jaswinder Singh, Punjab

On 6 July 2019, an undertrial prisoner identified as Jaswinder Singh alias Soni (30 years) died under mysterious circumstances at

Central Jail Hoshiarpur in Punjab. The victim, a resident of Gill Patti in Ludhiana district, was arrested and booked under the NDPS Act in March 2019. The jail officials of Central jail, Hoshiarpur claimed that the deceased hanged himself inside the prison cell using his turban in the morning of 5 July 2019.³⁶⁶

Case 25: Tarlochan, Punjab

On 13 July 2019, Tarlochan (52 years), an undertrial prisoner, died under mysterious circumstances at the Muktsar jail in Sri Muktsar Sahib district, Punjab. The deceased was arrested on 14 April 2019 in connection with a rape case and subsequently lodged in Muktsar jail. The jails officials claimed that the deceased hanged himself using a cloth inside the prison cell.³⁶⁷

³⁶⁴. Undertrial commits suicide from sixth floor of Dindoshi court, Mid-day, 16 June 2019, <https://www.mid-day.com/articles/undertrial-commits-suicide-from-sixth-floor-of-dindoshi-court/21155198>

³⁶⁵. Sabarmati jail inmate commits suicide, DNA, 22 June 2019, <https://www.dnaindia.com/ahmedabad/report-sabarmati-jail-inmate-commits-suicide-2763670>

³⁶⁶. Undertrial hangs himself to death, The Tribune 6 July 2019, <https://www.tribuneindia.com/news/jalandhar/undertrial-hangs-himself-to-death/797904.html>

³⁶⁷. Muktsar jail: Rape-accused teacher hangs self in jail, The Times of India, 14 July 2019, <https://timesofindia.indiatimes.com/city/amritsar/rape-accused-teacher-hangs-self-in-jail/articleshowprint/70210552.cms>

Case 26: Vadla Venkatesh, Telangana

On 16 July 2019, Vadla Venkatesh (62 years), a convict, died under mysterious circumstances at the Nizamabad Central Jail in Nizamabad district, Telangana. The deceased, a resident of Argonda village in Kamareddy district of the state, was convicted in connection with a murder case. The jail officials claimed that the deceased was found hanging in the jail bathroom.³⁶⁸

Case 27: Priyaranjan Singh, Bihar

On 18 July 2019, undertrial prisoner identified as Priyaranjan Singh alias Bholu (30 years) died under mysterious circumstances at Darbhanga Divisional Jail of Darbhanga district, Bihar. The deceased was lodged at Darbhanga Divisional Jail from August 2018 in connection with a theft case. The jails officials claimed that on 18 July morning at around 2 am, the deceased was found hanging from the ceiling of a cell.³⁶⁹

³⁶⁸. Telangana: Jail inmate hangs self in Nizamabad, The Telangana Today, 17 July 2019, <https://telanganatoday.com/telangana-jail-inmate-hangs-self-in-nizamabad>

³⁶⁹. 30-year-old inmate found dead in Bihar jail, The New Indian Express, 18 July 2019, <http://www.newindianexpress.com/nation>

Case 28: Rahim Uddin, Assam

On 22 July 2019, Rahim Uddin (50) committed suicide allegedly due to mental torture arising out of fear of possible exclusion from the National Register of Citizens (NRC), at his residence at Kachari Gaon village under Lanka police station in Hojai district of Assam. It was reported that the deceased consumed poison on 20 July 2019 and died in hospital after two days after he was told by the NRC officials that his name won't be included in the NRC due to mismatch in the name of his father in the voters list. His father's name was Basair Uddin but recorded as "Basir Ali" in the voter list.³⁷⁰

Case 29: Ms Chintala Saroja, Telangana

On 22 July 2019, undertrial prisoner identified as Ms Chintala Saroja (24 years), W/o Chintala Bhaskar died under mysterious circumstances at Sangareddy district jail in Telangana. The deceased, a resident of Ganesh Nagar in Siddipet district of Telangana, was arrested by the

[/2019/jul/18/30-year-old-inmate-found-dead-in-bihar-jail-2005837.html](https://2019/jul/18/30-year-old-inmate-found-dead-in-bihar-jail-2005837.html)

³⁷⁰. Assam: Man commits suicide fearing exclusion of name from NRC, Northeast Now, 22 July 2019, <https://nenow.in/north-east-news/assam-man-commits-suicide-fearing-exclusion-of-name-from-nrc.html>

police in May 2019 in connection with alleged killing of her two sons. She was initially lodged at Siddipet district jail and later transferred to the Sangareddy district jail. The jail officials claimed that on 22 July the deceased committed suicide by hanging from the ceiling of the jail bathroom. The deceased was rushed to the Government Hospital in Sangareddy where the doctors declared her brought dead.³⁷¹

Case 30: Santosh Kumar, Haryana

On 22 July 2019, Santosh Kumar (28 years) died under mysterious circumstances in the custody of Faridabad district jail in Haryana. The deceased, a convict, was lodged at the district jail since March 2019. The jail officials claimed that in the early morning of 22 July the deceased committed suicide by using his shirt in the bathroom of his barrack.³⁷²

³⁷¹. Telangana: Woman accused of killing sons, hangs self in jail, The Telangana Today, 22 July 2019, <https://telanganatoday.com/telangana-woman-accused-of-killing-sons-hangs-self-in-jail>

³⁷². Convict hangs himself in jail, The Tribune, 23 July 2019, <https://www.tribuneindia.com/news/haryana/convict-hangs-himself-in-jail/806256.html>

Case 31: Rajkumar Chakma, Arunachal Pradesh

On 3 September 2019, Rajkumar Chakma, an undertrial prisoner, died under suspicious circumstances at the lock-up of Diyun police station in Changlang district of Arunachal Pradesh. Police claimed that Rajkumar who was facing trial in connection with a kidnapping case committed suicide by hanging himself with a towel inside the lock-up. However, the manner in which Rajkumar Chakma was found hanging raised doubt as the height of the grill is hardly seven feet. It was alleged that Rajkumar was tortured when he was arrested about three months ago. Although he was in judicial custody, he was kept at the lock up of Diyun police station due to lack of jails. It was alleged that after his death due to torture, the police allegedly hanged his body to project it as a case of suicide.³⁷³

Case 32: Sunil Kumar Singh, Jharkhand

On 5 October 2019, Sunil Kumar Singh (27 years), an undertrial prisoner, died under mysterious circumstances in custody at Birsa Munda Central Jail in Ranchi, Jharkhand. The deceased was sent to judicial custody in April 2019 in connection with a robbery case. Jail

³⁷³. Campaign Against Torture, Complaint to NHRC filed on 3 September 2019

officials claimed that the undertrial was mentally challenged and fell down while trying to escape from the jail by jumping off the boundary wall and died on the spot.³⁷⁴

Case 33: Siddharth Dilip Kamble, Maharashtra

On 8 October 2019, Siddharth Dilip Kamble (34 years), an undertrial prisoner, died under mysterious circumstances in the custody of Yerwada Central jail in Pune district, Maharashtra. The deceased was sent to judicial custody in June 2019 in connection with an attempt to murder case. Jail officials claimed the undertrial committed suicide by using the elastic (lace) of his undergarment inside the jail.³⁷⁵

Case 34: Mahendra Singh, Rajasthan

On 15 October 2019, an undertrial prisoner identified as Mahendra

³⁷⁴. Prisoner dies while trying to jump off jail boundary wall, The Pioneer, 6 October 2019,

<https://www.dailypioneer.com/2019/state-editions/prisoner-dies-while-trying-to-jump-off-jail-boundary-wall.html>

³⁷⁵. Prisoner commits suicide inside Pune's Yerwada jail, Hindustan Times, 11 October 2019, <https://www.hindustantimes.com/pune-news/prisoner-commits-suicide-inside-yerwada-jail/story-k7nlzOD14XQwfK4OC438ZL.html>

Singh alias Kalla (23 years), S/o Vijay Jogi died under mysterious circumstances at Hindaun sub-jail in Karauli district, Rajasthan. The deceased was sent to judicial custody on 29 August 2019 in connection with a theft case. Jail officials claimed that the undertrial committed suicide by hanging himself using a towel in a store room in the morning at the time of breakfast.³⁷⁶

Case 35: Anil Raj, Karnataka

On 15 October 2019, Anil Raj (55 years), an undertrial prisoner, died under mysterious circumstances at Central Jail, Parappana Agrahara in Bengaluru district of Karnataka. The deceased, who was the editor and publisher of Kannada tabloid 'Yelahanka Voice', was sent to judicial custody in connection with an alleged rape case. Jail officials claimed that the deceased committed suicide inside the prison complex by using a rope. However, the family members rejected this claim and alleged foul play.³⁷⁷

³⁷⁶. Youth hangs self in Karauli dist sub-jail, The Times of India, 17 October 2019, <https://timesofindia.indiatimes.com/city/aipur/youth-hangs-self-in-karauli-dist-sub-jail/articleshowprint/71623058.cms>

³⁷⁷. Kannada tabloid editor commits suicide in jail, The Times of India, 17 October 2019, <https://timesofindia.indiatimes.com/city/bengaluru/kannada-tabloid-editor->

Case 36: Amandeep Singh, Punjab

On 19 October 2019, Amandeep Singh alias Laddi (36 years), an undertrial prisoner, died under mysterious circumstances at Ropar Central Jail in Rupnagar district of Punjab. The deceased was sent to judicial custody in September 2019 in connection with a drug case. Jail officials claimed that the deceased committed suicide by hanging himself with a rope from the ceiling fan.³⁷⁸

Case 37: Deb Prakash Behera, Odisha

On 9 December 2019, Deb Prakash Behera (21 years), an undertrial prisoner, died due to alleged torture in Choudwar Circle Jail in Cuttack district, Odisha. According to the jail officials, the deceased undertrial committed suicide by using a towel to hang from a tree in the jail premises in the afternoon. The doctors declared him brought dead on arrival. The family members alleged that he was tortured both physically and mentally, leading to

[commits-suicide-in-jail/articleshowprint/71625449.cms](https://timesofindia.indiatimes.com/city/udhiana/inmate-found-hanging-inside-ropar-central-jail/articleshowprint/71625449.cms)

³⁷⁸. Inmate found hanging inside Ropar Central Jail, The Times of India, 19 October 2019, <https://timesofindia.indiatimes.com/city/udhiana/inmate-found-hanging-inside-ropar-central-jail/articleshowprint/71664808.cms>

his death. They also alleged that the deceased prisoner had earlier informed them about the harassment inside the jail.³⁷⁹

D. Deaths due to alleged sudden medical complications

In a number of cases of death in judicial custody, the jail officials attributed the reasons for the death due to sudden medical complications, injuries after falling down, etc.

Case 1: Santosh Paswan, Bihar

On 13 January 2019, a convicted prisoner Santosh Paswan (40 years), a resident of Raghunathpur Village of Barsoi Block in Katihar District of Bihar died under suspicious conditions in the custody of Katihar Divisional Jail. The deceased was serving life sentence since 5 January 2019 in connection with a case of murder of his own mother. Jail officials claimed that on 13 January 2019, the health of the deceased suddenly deteriorated and he was taken to the Sadar hospital, Katihar. But he died on the way to hospital.³⁸⁰

³⁷⁹. Rape accused ends life in Choudwar jail, The Pioneer, 11 December 2019, <https://www.dailypioneer.com/2019/state-editions/rape-accused-ends-life-in-choudwar-jail.html>

³⁸⁰. Mandal jail me band sajayapta kaidi ki ilaz ke dauran maut, Dainik Bhaskar, 13

Case 2: Mahendra Pal, Uttar Pradesh

On 20 January 2019, an undertrial prisoner Mahendra Pal (41 years), S/o Baburam, a resident of Chandpur village in Aonla Tehsil under Bareilly district of Uttar Pradesh died under mysterious circumstances in the custody of Lohaghat Jail, Champawat district in Uttarakhand. The deceased was arrested and sent to judicial custody in connection with a smuggling case. Jail officials claimed that the deceased suddenly complained of chest pain, and he was admitted to the Community Health Center, Lohaghat, where he was declared dead on 20 January 2019.³⁸¹

Case 2: Ms Radha Devi, Uttar Pradesh

On 22 January 2019, a convicted female prisoner Radha Devi (25 years), a resident of Salai village under Kasganj district of Uttar Pradesh died under suspicious circumstances in the custody of Etah district Jail. The deceased was lodged

at Etah district jail in 2016 after she was charged under IPC sections 302 (murder) and 307 (attempt to murder). On 21 January 2019, she was convicted and sentenced to life imprisonment. Jail officials claimed that on 21 January 2019 night, the health of the deceased suddenly deteriorated, after which she was admitted to the Etah district hospital, where she died in the morning of 22 January 2019.³⁸²

Case 3: Rajendra, Bihar

On 25 January 2019, an undertrial prisoner Rajendra, a resident of Chipura village in Patna, Bihar died under suspicious circumstances in the custody of Beur Central Jail, Patna. He was arrested and sent to judicial custody in December 2018 in connection with a liquor related case. Jail officials claimed that on 25 January 2019 night, the deceased complained of sudden chest pain, after which he was immediately taken to the jail hospital. When his condition deteriorated he was referred to the PMCH, where he died during treatment.³⁸³

January 2019; available at: <https://www.bhaskar.com/bihar/bhagalpur/news/death-of-convicted-prisoner-in-mandal-jail-katihar-01477203.html>

³⁸¹. Lohoghat bandigrih me kaidi ki maut se macha hadkamp, Livehindustan, 20 January 2019; available at: <https://www.livehindustan.com/uttarakhand/champawat/story-lohaghat-prisoner-s-death-in-riot-2370680.html>

³⁸². UP: Hours after life sentence, woman dies in jail, The Times of India, 22 January 2019; available at: <https://timesofindia.indiatimes.com/city/agra/up-hours-after-life-sentence-woman-dies-in-jail/articleshowprint/67643967.cms>

³⁸³. Beur jail ke kaidi ki heart attack se PMCH me hui maut, Dainik Bhaskar, 28

Case 4: Chhote Lal, Uttar Pradesh

On 26 January 2019, Chhote Lal (40 years), a resident of Hajipur under Vaishali district of Uttar Pradesh, died in the custody of Kanpur district Jail. The deceased was arrested in connection with a murder case and sent to judicial custody on 9 June 2016. The jail officials claimed that on 26 January 2019 the deceased suddenly fell down while he was watching the Republic Day program inside the jail premises. He was given preliminary treatment at the prison hospital and taken to the district hospital, where he was declared dead.³⁸⁴

Case 5: Tengkan N Marak, Meghalaya

On 11 February 2019, Tengkan N Marak (34 years), an undertrial prisoner, died six days after he was arrested while in judicial custody at Tura district jail in Meghalaya. The

January 2019, available at: <https://www.bhaskar.com/bihar/patna/news/death-in-pmch-heart-attack-of-prisoner-in-beur-jail-042211-3760365.html>

³⁸⁴ . Jail me ganatantra divas me kaidi ki maut, Amar Ujala, 28 January 2019; available at: <https://www.amarujala.com/uttar-pradesh/kanpur/181548618002-kanpur-news> Kanpur

deceased, a resident of Baburambil under Dalu police station, was arrested by police in connection with an arson case on 4 February. Police claimed that the deceased complained of sickness on 5 February while in jail and was later admitted in hospital for treatment where he died during treatment.³⁸⁵

Case 6: Kandu, Uttar Pradesh

On 16 March 2019, a convict identified as Kandu alias Kanhaiya (50 years), S/o Nandu, died under mysterious circumstances at District Jail, Chitrakoot in Uttar Pradesh. The deceased, a resident of Mahoba district, was sentenced to seven years of imprisonment in connection with an attempt to murder case in December 2018. Jail officials claimed the health of the deceased suddenly deteriorated and he was taken to the district hospital, but he died on the way. However, the family members of the deceased stated that Kandu had no prior disease/medical complications and that he was absolutely in good health when his wife and son had visited him in the jail about one month ago.³⁸⁶

³⁸⁵. Arson Accused Dies While In Judicial Custody, The Shillong Times, 12 February 2019, <http://www.theshillongtimes.com/2019/02/12/arson-accused-dies-while-in-judicial-custody/>

³⁸⁶. See Amar Ujala, 17 March 2019, <https://www.amarujala.com/uttar->

Case 7: Mo. Danish, Uttar Pradesh

On 19 March 2019, an undertrial prisoner identified as Mo. Danish (24 years), S/o Mobin, died at Haldwani Sub-Jail, Nainital in Uttarakhand. The deceased, a resident of Uttar Pradesh, was arrested and sent to judicial custody on 10 March 2019 in connection with a theft case. Jail officials claimed the health of the deceased suddenly deteriorated on 16 March, after which he was admitted to hospital and died during treatment.³⁸⁷

Case 8: Govind Chhagan Rathore, Gujarat

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

hospital, where he died during the treatment.³⁸⁸

Case 9: Dharmaraj, Uttar Pradesh

On 9 April 2019, a convict identified as Dharmaraj (65 years), S/o Bherodin, died under mysterious circumstances in the custody of Naini Central Jail in Allahabad district, Uttar Pradesh. The deceased, a resident of Kaushambi district, was sentenced to life imprisonment in connection with a murder case. Since then, he was serving his jail term in Naini Central Jail. The jail officials claimed the health of the deceased suddenly deteriorated, after which he was undergoing treatment in the Jail Hospital where he died.³⁸⁹

Case 10: Kuwarlal, Uttar Pradesh

On 5 May 2019, a convict identified as Kuwarlal died under suspicious circumstances at Agra central jail in Uttar Pradesh. The deceased, a resident of Aligarh district, was serving life imprisonment since 2009 in connection with a murder case. Jail officials claimed the deceased's health suddenly deteriorated and

pradesh/chitrakoot/crime/61552844701-chitrakoot-news

³⁸⁷. See Amar Ujala, 20 March 2019, <https://www.amarujala.com/uttarakhand/nainital/crime/101553028140-nainital-news>

³⁸⁸. See Patrika, 25 March 2019, <https://www.patrika.com/surat-news/central-prison-prisoner-dies-in-unconscious-4330628/>

³⁸⁹. See <https://inextlive.jagran.com/murder-dead-in-jail-211616>

died. However, the family members of the deceased accused the jail administration of negligence for the death. The deceased's son Sanjay claimed his father did not have any health issues when he met him a month ago and therefore he could not have died suddenly.³⁹⁰

Case 11: Ashok Sah, Bihar

On 5 May 2019, undertrial prisoner identified as Ashok Sah (45 years), S/o Rajkumar Sah died under suspicious circumstances at Jhanjharpur Sub-Jail in Madhubani district, Bihar. The deceased, a resident of Narahia village of Phulparas block in the district, was sent to judicial custody in connection with a case of assault. Jail officials claimed the deceased had blood pressure and was under medication but died suddenly. However, the prisoners of the jail suspected foul play and protested against the custodial death.³⁹¹

Case 12: Basudev Vishwas, Assam

On 11 May 2019, a suspected foreigner identified as Basudev

Vishwas died at a detention camp at Central jail, Tezpur in Sonitpur district, Assam. Vishwas, a doubtful citizen, was lodged at the detention camp and undergoing trial in a Foreigners Tribunal in Nagaon district over his citizenship status. Jail officials claimed he suddenly fell down from his bed and got injured and died in hospital.³⁹²

Case 13: Afzal Pathan, Madhya Pradesh

On 19 May 2019, a convict identified as Afzal Pathan (36 years), S/o Tasleem Pathan died under mysterious circumstances at Central Jail in Barwani district, Madhya Pradesh. The deceased, a resident of Ghugariya Khedi Village in Khargone district, was undergoing imprisonment in a murder case. Jail officials claimed that the deceased died due to heart attack. According to them, the health of the deceased suddenly deteriorated and he died on the way to the district hospital. However, the family members of the deceased suspected foul play as

³⁹⁰. See Jagran, 6 May 2019, <https://inextlive.jagran.com/prisoner-dead-in-agra-central-jail-213239>

³⁹¹. See Jagran, 6 May 2019, <https://www.jagran.com/bihar/muzaffarpur-one-qaidi-died-in-jail-during-judicial-custody-in-madhubani-19197829.html>

³⁹². "D" Voter Lodged in Assam Detention Camp, Dies After Falling from Bed, NDTV, 13 May 2019, <https://www.ndtv.com/india-news/d-type-voter-dies-in-assam-detention-camp-2036761>

according to them, Afzal was not suffering from any disease.³⁹³

Case 14: Kullu, Punjab

On 2 June 2019, a convict prisoner identified as Kullu (45 years), S/o Satyanarayan died in the custody of Modern Jail in Kapurthala district of Punjab. The deceased, a resident of Unnao district of Uttar Pradesh, was serving 10 years jail term in connection with a rape case. Jail officials claimed the health of the convict suddenly deteriorated, after which he was taken to the Modern Jail hospital. Later, he was referred to the Civil Hospital, Kapurthala, where he died during treatment.³⁹⁴

Case 15: Rajaram Kushwaha, Madhya Pradesh

On 11 June 2019, a convict identified as Rajaram Kushwaha (35 years), S/o Sulochan Kushwaha died under suspicious circumstances at Satna Central Jail in Madhya Pradesh. The deceased, a resident of Bhanwar village in Satna district, was serving life imprisonment since 1 June 2008 in connection with a murder and kidnapping case. Jail officials claimed

the deceased died due to illness. He allegedly collapsed suddenly on 11 June and later died in the hospital.³⁹⁵

Case 16: Sunil, Uttar Pradesh

On 12 June 2019, an undertrial prisoner identified as Sunil (30 years), S/o Mahendra Pal died at Dasna jail in Ghaziabad district of Uttar Pradesh. The deceased was arrested and sent to judicial custody on 23 April 2019 for keeping illegal weapons. Jail officials claimed the deceased died due to pulmonary tuberculosis disease. According to them, on 12 June the health of the deceased suddenly deteriorated, after which he was taken to the MMG District Hospital, Ghaziabad, where he died during treatment on the same day.³⁹⁶

Case 17: Satish, Uttar Pradesh

On 14 June 2019, an undertrial prisoner identified as Satish (35 years) died under suspicious circumstances in the custody of Etah district jail of Uttar Pradesh. The deceased, a resident of Noida district, was arrested and sent to judicial custody a year earlier in connection

³⁹³. See Patrika, 21 May 2019, <https://www.patrika.com/barwani-news/death-in-central-jail-4599647/>

³⁹⁴. See Jagran, 4 June 2019, <https://www.jagran.com/punjab/kapurthala-la-sick-prisoner-death-during-treatment-19281805.html>

³⁹⁵. See Patrika, 13 June 2019, <https://www.patrika.com/satna-news/satna-central-jail-4702080/>

³⁹⁶. See Live Hindustan, 12 June 2019, <https://www.livehindustan.com/ncr/story-inmate-of-dasna-jail-died-at-mmghospital-2572676.html>

with a case of attempt to murder. Jail officials claimed the deceased was addicted to drugs and in the night of 13 June 2019 his health suddenly deteriorated, after which he was admitted to the jail hospital where he died the next morning. However, the wife of the deceased alleged foul play.³⁹⁷

Case 18: Mohammad Hasmat, Bihar

On 15 June 2019, an undertrial prisoner identified as Mohammad Hasmat (43 years) died in the custody of Begusarai district jail of Bihar. The deceased was arrested and sent to judicial custody four months earlier in connection with a rape case. Jail officials claimed the health of the deceased suddenly deteriorated, after which he was taken to the Sadar Hospital, Begusarai, where he died during treatment.³⁹⁸

³⁹⁷. See Navbharat Times, 14 June 2019, <https://navbharattimes.indiatimes.com/st ate/uttar-pradesh/others/inmate-died-in-etah-jail-his-wife-accused-it-is-a-murder/articleshow/69794826.cms>

³⁹⁸. Undertrial prisoner dies during treatment, UNI, 15 June 2019, <http://www.uniindia.com/undertrial-prisoner-dies-during-treatment/east/news/1632593.html>

Case 19: Basant Lal, Uttar Pradesh

On 16 June 2019, an undertrial prisoner identified as Basant Lal (58 years) died at Jaunpur district jail in Uttar Pradesh. According to jail officials, the deceased, a resident of Ishapur village in the district, was suffering from asthma. On 14 June 2019, he was admitted to the district hospital for treatment of respiratory problems and he was released. But on 16 June, the health of the deceased suddenly deteriorated and he died during treatment in the hospital.³⁹⁹

Case 20: Shri Kumar, Madhya Pradesh

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

³⁹⁹. See Jagran, 17 June 2019, <https://www.jagran.com/uttar-pradesh/jaunpur-prison-deteriorating-condition-death-during-treatment-19317935.html>

hospital, where he died on the same day.⁴⁰⁰

Case 21: HM Raju, Karnataka

On 20 August 2019, undertrial HM Raju (42 years) 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 a 2015 rioting case. 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.⁴⁰¹

Case 22: Bhagat Ram Sidar, Chhattisgarh

On 15 September 2019, a convicted prisoner Bhagat Ram Sidar (49 years) died in the custody of Central Jail, Bilaspur district of Chhattisgarh. The deceased was sentenced to 10 years jail in 2017 under the POCSO

Act. Jail officials claimed that in the morning of 15 September the deceased's health suddenly deteriorated after which he was taken to the Apollo Hospital, Bilaspur where he died on the same day.⁴⁰²

Case 23: Ishnath, Bihar

On 20 September 2019, Ishnath Yadav (55 years), a convict, died in the custody of Chhapra District Jail in Saran district, Bihar. Jail officials claimed on 20 September the deceased complained of heart pain. He was taken to the Sadar Hospital where he died during treatment on the same day. But the doctors at the Sadar Hospital claimed the victim had already died before reaching the hospital. Further, the deceased's son Mukesh Yadav claimed his father was absolutely healthy and the family was not informed by the jail administration about any illness of the deceased prior to his death. The family suspected foul play in the death.⁴⁰³

⁴⁰⁰. See Dainik Bhaskar, 22 July 2019, <https://www.bhaskar.com/mp/bhopal/news/mp-news-the-death-of-two-prisoners-during-treatment-today-will-be-pm-065504-5060598.html>

⁴⁰¹. Undertrial complains of dizziness, dies, The Hindu, 21 August 2019; <https://www.thehindu.com/news/cities/Mangalore/undertrial-complains-of-dizziness-dies/article29186110.ece>

⁴⁰². NHRC Complaint dated 16 September 2019 filed by Campaign Against Torture

⁴⁰³. NHRC Complaint dated 21 September 2019 filed by campaigned against Torture, also <https://www.bhaskar.com/bihar/chhapra/news/adq-law-and-order-gave-many-instructions-to-the-police-officer-071508-5534190.html?art=next>

Case 24: Sonu Sengar, Uttar Pradesh

On 9 October 2019, an undertrial identified as Sonu Sengar (34 years) died under suspicious circumstances in custody at Hamirpur district jail in Uttar Pradesh. The deceased, a resident of Kanpur district in the State, was sent to judicial custody in December 2018 in connection with a theft case. Jail officials claimed that the undertrial complained of chest pain, following which he was taken to a government hospital where he died. But media report stated that there were injury marks on the head of the deceased.⁴⁰⁴

Case 25: Ramadhar Satnami, Chhattisgarh

On 12 October 2019, Ramadhar Satnami, a convict, died at Bilaspur Central Jail in Chhattisgarh. The deceased was serving life imprisonment in connection with a murder case. Jail officials claimed the prisoner's health suddenly deteriorated and he was taken to the Chhattisgarh Institute of Medical Sciences, Bilaspur where he died.⁴⁰⁵

⁴⁰⁴. See ABP Ganga, 9 October 2019, <https://www.abpganga.com/local-news/prisoner-died-in-jail-in-suspicious-circumstances-28328>

⁴⁰⁵. See Naidunia, 13 October 2019, <https://www.naidunia.com/chhattisgarh/bilaspur-died-prisenor-3223555>

Case 26: Praveen Kumar, Jammu & Kashmir

On 15 October 2019, undertrial prisoner identified as Praveen Kumar Sharma (40 years) died at Amphalla district jail in Jammu and Kashmir. The deceased was sent to judicial custody in July 2019 under the NDPS Act. Jail officials claimed the deceased suddenly fell unconscious on 14 October 2019 and was declared brought dead in hospital.⁴⁰⁶

Case 27: Rajesh Singh, Madhya Pradesh

On 23 October 2019, undertrial prisoner identified as Rajesh Singh (33 years), son Shiva Singh, died at Balaghat jail in Balaghat district of Madhya Pradesh. The deceased was sent to judicial custody in connection with a rape case. Jail officials claimed on 21 October 2019 the deceased's health suddenly deteriorated and he was taken to the district hospital where he died on 23 October.⁴⁰⁷

⁴⁰⁶. Undertrial prisoner dies of cardiac arrest in Jammu, Outlook, 15 October 2019, <https://www.outlookindia.com/newscroll/undertrial-prisoner-dies-of-cardiac-arrest-in-jammu/1640883>

⁴⁰⁷. See Dainik Bhaskar, 24 October 2019, <https://www.bhaskarhindi.com/news/death-of-undertrial-prisoner-rape-was-closed-for-9-months-90876>

Case 28: Wazid, Uttar Pradesh

On 24 October 2019, Wazid, a convict, died at Budaun district jail in Uttar Pradesh. The deceased was undergoing five years sentence since January 2019 in connection with a case. Jail officials claimed in the midnight of 23 October 2019 the deceased's health suddenly deteriorated and he was taken to the district hospital, Badaun where he died in the morning of 24 October 2019.⁴⁰⁸

Case 29: Daktar Sahu, Odisha

On 15 November 2019, undertrial prisoner identified as Daktar Sahu alias Dakat (34 years) died under mysterious circumstances at Aska sub-jail in Ganjam district of Odisha. The prisoner sent to judicial custody on 29 October 2019 in connection with murder case. Jail officials claimed that in the morning of 15 November the deceased fell unconscious after which he was taken to the Aska hospital where doctors declared him brought dead.⁴⁰⁹

⁴⁰⁸. See Amar Ujala, 25 October 2019, <https://www.amarujala.com/uttar-pradesh/budaun/crime-badaun-news-bly3815092149>

⁴⁰⁹. Undertrial prisoner dies in Aska sub-jail, Orissa Post, 15 November 2019, <https://www.orissapost.com/undertrial-prisoner-dies-in-aska-sub-jail/>

Case 30: Mohammad Adil, Uttar Pradesh

On 17 November 2019, Mohammad Adil (22 years), an undertrial, died at Kanpur district jail in Uttar Pradesh. According to jail officials, the undertrial complained of chest pain in the morning of 17 November and he was admitted to the district jail hospital. But his condition deteriorated following which he was shifted to the Ursula Horseman hospital, where the doctors pronounced him brought dead. However, the deceased's elder brother Taufeeq claimed his brother was absolutely healthy when he went to meet him in jail few days ago and he demanded a fair probe into the death.⁴¹⁰

Case 31: Jeetu, Uttar Pradesh

On 25 November 2019, undertrial prisoner Jeetu alias Nandlal died during judicial custody in Jaunpur district jail, Uttar Pradesh. According to jail officials, the health of the deceased prisoner, who was undergoing trial in a case of theft since 2014, suddenly deteriorated

⁴¹⁰. Kanpur jail inmate dies in mysterious circumstances, The Times of India, 19 November 2019, <https://timesofindia.indiatimes.com/city/kanpur/district-jail-inmate-dies-in-mysterious-condition/articleshow/72100784.cms>

and he was admitted to the jail hospital. Later, he was referred to the district hospital, where he died.⁴¹¹

Case 32: Saidul Rahman, Uttar Pradesh

On 11 December 2019, Saidul Rahman (45 years), an undertrial prisoner lodged at Khudiram Bose Central jail in Muzaffarpur district, Uttar Pradesh, died due to alleged sudden medical complication. According to the jail officials, the condition of the prisoner, facing trial under POCSO Act, suddenly deteriorated in the wee hours, following which he was rushed to the hospital and declared brought dead.⁴¹²

E. Inhuman conditions in the prisons

Prisons condition remained deplorable across the country. Overcrowding remains one of the biggest problems faced by the inmates in India, as per the latest report of the NCRB titled "Prison

Statistics India 2018". According to this report, as on 31 December 2018 there were 4,66,084 prisoners against the total capacity of 3,96,223 prisoners in India's 1,339 jails indicating an overcrowding of 117.63%. Among the States, Uttar Pradesh reported the highest overcrowding (176.5%) followed by Sikkim (157.3%), Delhi (154.3%), Chhattisgarh (153.3%), Uttarakhand (150%), Maharashtra (148.9%), Madhya Pradesh (147%) and Meghalaya (143.5%). Among Union Territories, Delhi has reported the highest overcrowding (154.3%).⁴¹³

The NCRB under Ministry of Home Affairs has admitted that "Overcrowding results in poor hygiene, lack of sleep etc. Keeping in view the human rights of the prisoners, it is essential that they are given reasonable space and facilities in jails."⁴¹⁴

On 19 June 2019, the Karnataka High Court directed the State Government to submit a response on the status of central prisons and facilities provided to the inmates of central prisons across the state. The division bench of Chief Justice Abhay Shreeniwas Oka and Justice H T Narendra Prasad asked the

⁴¹¹. See Jagran, 26 November 2019, <https://www.jagran.com/uttar-pradesh/jaunpur-prisoner-under-arrest-diesjail-19791243.html>

⁴¹². Under-trial prisoner dies in Muzaffarpur jail, UNI News, 11 December 2019, <http://www.uniindia.com/under-trial-prisoner-dies-in-muzaffarpur-jail/east/news/1818335.html>

⁴¹³. See Chapter 1 (Prisons – Types and Occupancy), Prison Statistics India 2018

⁴¹⁴. See Chapter 1 (Prisons – Types and Occupancy), Prison Statistics India 2018

government advocate to submit a report during the hearing of Public Interest Litigation (PIL) filed by the High Court Legal Services Committee seeking directions to the state to implement the directions issued by the Supreme Court. The High Court said the report should have the specific issues pointed out by the Supreme Court such as steps taken to provide facilities to women inmates with children, providing adequate washrooms, quality of food, visitation facility and whether the Mental Health Act has been implemented.⁴¹⁵ The High Court also asked the State Government to act on the report submitted by the KSHRC. The KSHRC had submitted a report to the State government after visiting prisons. The report had indicated the lack of sufficient doctors, insufficient beds in hospitals and overcrowding, among other human rights violations.⁴¹⁶

⁴¹⁵. HC seeks report on condition of inmates in Karnataka central prisons, The New Indian Express, 20 June 2019, <http://www.newindianexpress.com/cities/bengaluru/2019/jun/20/hc-seeks-report-on-condition-of-inmates-in-karnataka-central-prisons-1992644.html>

⁴¹⁶. Ibid

4. TORTURE IN THE CUSTODY OF THE ARMY AND THE CENTRAL ARMED FORCES

The armed forces consisting of the Indian Army and Central Armed Forces who are deployed in the insurgency affected areas and the border areas have the power to take persons into custody. There were reports of torture at the hands of the armed forces during 2019.

Case 1: Biswajit Mondal, West Bengal

On 9 January 2019, Biswajit Mondal, a daily wager, went to the agricultural field to work in Murshidabad district, West Bengal. As he was busy in the field, three Border Security Force (BSF) personnel of 7 No. Outpost under Harudanga Camp came at the spot and allegedly started beating him with sticks without any reason. Thereafter, he was taken to the BSF Outpost, where he was allegedly kicked with boots and beaten on all over his body by another three BSF personnel. Following the beating, his left hand got fractured and there was also blood clot on his back.⁴¹⁷

⁴¹⁷. Complaint dated 25 March 2019 to NHRC by Banglar Manabadhikar Suraksha Mancha, see <http://www.masum.org.in/FactFindings.aspx>

Case 2: Jakir Mondal, West Bengal

On 23 January 2019, Jakir Mondal (42 years), a resident of Dakshin Serpur village in North 24 Parganas district, West Bengal, was allegedly tortured by BSF personnel at Gorjala village and Tentulberia Border Outpost under Gaighata police station. The victim used to sell beef to earn livelihood for his family. On 23 January, Jakir was going to Garjala village in a motorcycle to sell beef as usual when he was stopped by the BSF personnel. When the BSF personnel came to know that he was carrying beef, they started beating him with sticks, rifle butt and kicked with boots. Thereafter, he was taken to the Tentulberia Border outpost, where he was again tortured. He was tied to an iron pillar with his hands behind and kicked and punched. Later he was taken to the hospital where the duty doctor issued a medical report without examining the victim and he was handed over to the police. On 24 January, police produced Jakir before the court, which granted him bail.⁴¹⁸

⁴¹⁸. Complaint dated 9 March 2019 to NHRC by Banglar Manabadhikar Suraksha Mancha, see <http://www.masum.org.in/FactFindings.aspx>

Case 3: Rabiul Gazi, West Bengal

On 26 March 2019, Rabiul Gazi (24 years), a farmer, went to Bithari market in North 24 Parganas, West Bengal, to sell vegetables and on his way back home, he reportedly purchased beef from the market. While returning, the two BSF personnel attached with Bithari Border Outpost caught him and started torturing him for possessing beef. The victim was slapped, kicked and beaten with their sticks by the BSF personnel. Witnessing the incident, Rabiul's wife Sabana Bibi and his sister, Mafusa Bibi and brother, Kamrul Gazi came running to his rescue. But, they were also allegedly beaten up by the BSF personnel. On 29 March 2019, Rabiul Gazi submitted a written complaint to the Sub-Divisional Police Officer against the BSF personnel.⁴¹⁹

Case 4: Mungshang Konghay, Manipur

On 6 May 2019, Mungshang Konghay (28 years) was allegedly tortured in the custody of 17-Assam Rifles (AR) at Litan in Ukhrul district, Manipur. The victim, a resident of Marou village in the district, alleged that

while in custody he was tortured by Captain Dheeraj Gautam, Commander of the 17 AR of Litan outpost to make him confess that he is a member of an underground group. He was released at around 12.30 pm on the same day and the local residents took him to the Primary Health Centre at Yaingangpokpi Bazaar for treatment. Ramkahao Awungshi, headman of Marou village claimed that on 6 May 2019 at around 10 am, the victim and his friends had boarded a bus in Litan to go to Yaingangpokpi Bazar to buy essential commodities. Thereafter, some personnel of the 17 AR from the nearby outpost followed the bus and asked them to show their proof of identity. The victim failed to produce his identify proof as he had lost his Aadhaar card while the others showed theirs. The security forces allegedly dragged the victim out of the bus and slapped him in full public view before blindfolding and whisking him away to a secluded area in the nearby forest.⁴²⁰

Case 5: 14-year-old boy, Jammu & Kashmir

On 24 May 2019, 14-year-old boy (name withheld), an eighth standard student, was allegedly detained

⁴¹⁹. Complaint dated 5 April 2019 to NHRC by Banglar Manabadhikar Suraksha Mancha, see <http://www.masum.org.in/FactFindings.aspx>

⁴²⁰. Assam Rifles officer accused of torture, The Hindu, 9 May 2019, <https://www.thehindu.com/news/national/other-states/assam-rifles-officer-accused-of-torture/article27074321.ece>

along with four other minors by the 2-Rashtriya Rifles (RR) from Soibugh area in central Kashmir's Budgam district, following protests after Zakir Musa's killing. All of the minor boys were taken to the RR camp where they were allegedly beaten. The family members of the 14-year-old, stated that the minor had received severe head injury in army custody at Daharmuna camp and admitted at the SK Institute of Medical Sciences (SKIMS), Soura. Further, they stated that they went to the Army camp at 8 pm on 24 May 2019 but the army denied that the minor was in their custody and asked them to come back on 25 May. When the family members went, they were told that the minor had been taken to HMT Army camp. The family reached HMT camp and the minor was handed over to them at 9 pm on 25 May in a very serious condition. The family said "When we saw him, he was unconscious and unable to talk. Blood was spilling out of his mouth." The family took him to a local hospital where from he was referred to SKIMS Soura for specialized treatment.⁴²¹

⁴²¹. Beaten, tortured by Army, Budgam minor battles for life, Rising Kashmir, 28 May 2019, <http://www.risingkashmir.com/news/beaten-tortured-by-army-budgam-minor-battles-for-life-351038.html>

Case 6: Akash Mondal, West Bengal

On the night of 21 June 2019, Akash Mondal (17 years, name changed), belonging to a low caste community from Natun Rajapur village in Murshidabad district, West Bengal, was allegedly tortured to death in the custody of the BSF. Mondal was spotted by BSF officers when he was smuggling cattle across the border to the territory of Bangladesh. They fired shots at Mondal that hit him below his right knee. When he fell on the ground, BSF officials allegedly hit him with their boots and rifles. Mondal fell unconscious and the BSF officers left. In the morning, Mondal's dead body was picked up by the police and sent for a post-mortem examination at a nearby hospital. Police registered a case of unnatural death on 22 June 2019.⁴²²

Case 7: Three-year-old girl, Jharkhand

In the intervening night of 23-24 August 2019, a 3-year-old girl, d/o Babita Devi died after she was allegedly flung by a security personnel during a search operation by a joint team of Central Reserved

⁴²². See Urgent Campaign, 1 August 2019, OMCT, 'India: Impunity for Extrajudicial Killings in West Bengal', <https://www.omct.org/urgent-campaigns/urgent-interventions/india/2019/08/d25481/>

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.⁴²³

Case 8: Minliam Namet, Arunachal Pradesh

On 13 October 2019, Minliam Namet (50 years) died in the custody of the 16th AR at Sinnu village under Lazu circle of Tirap district in Arunachal Pradesh. The deceased's body was found near a tea garden area (Tinlom) 3 km off Lazu after he was allegedly taken into custody by four AR Jawans in civil dress. The family members and local residents alleged that the deceased was killed by jawans of the AR.⁴²⁴

⁴²³. 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-4tKCIHI3GhVkpZJ1LGWIZI.html>

⁴²⁴. Villager allegedly killed by AR jawans at Sinnu in Tirap, The Arunachal Times, 16 October 2019, <https://arunachaltimes.in/index.php/2019/10/16/villager-allegedly-killed-by-ar-jawans-at-sinnu-in-tirap/>

5. IMPUNITY AGAINST TORTURE & OTHER HUMAN RIGHTS VIOLATIONS

Section 197 of the Code of Criminal Procedure provides that no government official or member of the armed forces alleged to have committed a criminal offence while acting or purporting to act in the discharge of his official duty can be prosecuted except with the prior sanction of the Central or State government. Sections 451 of the CrPC specifically protects members of the armed forces from arrest without prior sanction for anything done or purported to be done in the discharge of official duties. Section 132 CrPC also protects police, armed forces and even civilians who engage in activities to help disperse crowds from prosecution without prior sanction.

Further, Section 6 of the Armed Forces Special Power Act (AFSPA) provides that *"No prosecution, suit or other legal proceedings shall be instituted, except with the previous sanction of the Central Government against any person in respect of anything done or purported to be done in exercise of powers conferred by this Act."* Section 7 of the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990 provides the same immunity.

No conviction in custodial deaths and torture

In its latest report *"Crime in India - 2018"*, the National Crime Records Bureau stated that out of the 70 deaths in police custody reported across the country during 2018 only in three cases nine police personnel were arrested, but none of them were chargesheeted or convicted at the year's end. Similarly, in cases of "torture/causing hurt/injury", in three cases, one police personnel was arrested and chargesheeted but not a single perpetrator was convicted during 2018.⁴²⁵

The NCRB under the Ministry of Home Affairs, Government of India in its *Crime in India* reports from 2005 to 2018 revealed that with respect to 500 cases of *"death or disappearance of persons remanded to police custody by court"*, 281 cases were registered, 54 policemen were chargesheeted but not a single policeman was convicted as on date as given in **Table 3** below:

⁴²⁵. NCRB, Crime In India 2018, Chapter-16A 'Custodial Crimes & Complaints Against Police Personnel', <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

Table 3: No of cases registered, policemen charge sheeted and policemen convicted in cases of death or disappearance of persons in police custody on court remand during 2005 - 2018

Year	Death or disappearance of persons remanded to police custody by court	Cases registered	Policemen Charge Sheeted	Policemen convicted
2005	67	48	0	0
2006	38	24	1	0
2007	57	33	7	0
2008	40	22	3	0
2009	25	22	0	0
2010	25	15	1	0
2011	29	20	5	0
2012	38	26	1	0
2013	21	13	0	0
2014	32	5	15	0
2015	30	9	4	0
2016	32	6	14	0
2017	42	23	3	0
2018	24	15	0	0
Total	500	281	54	0

Impunity to the police for human rights violations

According to the NCRB report titled “Crime in India 2018”, 89 cases were registered against police personnel for human rights violation across the country during 2018. Of the 89 cases, four relates to encounter killings, three relates to deaths in custody, one case of illegal detention, three relating to torture/causing hurt/injury, 17 relating to extortion and 61 other cases. Of these, 40 police personnel were arrested but chargesheets were filed against only 26 personnel. However, no conviction was secured at the end of 2018.⁴²⁶

In addition to human rights violation, the police were routinely involved in various crimes. As per the NCRB report, a total of 5,479 criminal cases were registered against police personnel in the country during 2018 as against 2,005 cases in 2017, reporting an increase. Among the States, Rajasthan topped with 3,340 criminal cases against its police personnel. In these cases, 918 police personnel were charge-sheeted, while trials were completed against 586 police personnel and only 41

police personnel were eventually convicted.⁴²⁷

Lack of inquiries for custodial deaths

Judicial enquiries

According to the NCRB report titled “Crime in India 2018”, out of the total 70 deaths in police custody in 2018, mandatory judicial enquiries (JEs) were conducted only in 27 cases. Maharashtra (7 cases) and Madhya Pradesh (4 cases) were the only two States which ordered JEs in all the cases of death in police custody in 2018. Other states that ordered JEs were Chhattisgarh (1 JE out of 2 cases), Gujarat (5 JEs out of 14 cases), Haryana (1 JE out of 2 cases), Rajasthan (1 JE out of 5 cases) and Tamil Nadu (9 JEs out of 12 cases).⁴²⁸

States which did not order mandatory JEs despite registering deaths in police custody in 2018

⁴²⁶. NCRB, Crime In India 2018, Chapter-16A ‘Custodial Crimes & Complaints Against Police Personnel’, <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

⁴²⁷. NCRB, Crime In India 2018, Chapter-16A ‘Custodial Crimes & Complaints Against Police Personnel’, <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

⁴²⁸. NCRB, Crime In India 2018, Chapter-16A ‘Custodial Crimes & Complaints Against Police Personnel’, <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

were Bihar, Jharkhand, Karnataka, Kerala, Odisha and Telangana.⁴²⁹

Magisterial enquiries

During 2019, Andhra Pradesh ordered magisterial enquiries (MEs) in 5 out of 11 cases, Assam ordered 1 ME in 2 cases, Bihar ordered no ME in 1 case it reported, Chhattisgarh ordered 1 ME out of 2 cases, Gujarat ordered 8 MEs out of 14 cases, Haryana ordered no ME in 2 cases, Jharkhand no ME in one case, Karnataka ordered no ME in two cases, Kerala no ME in 1 case, Odisha ordered no ME in 2 cases, Punjab ordered 2 MEs in 2 cases, Rajasthan 2 MEs in 5 cases, Tamil Nadu ordered 3 MEs in 12 cases, Telangana ordered no ME in 2 cases.⁴³⁰ The details are provided in Table 4.

⁴²⁹. NCRB, Crime In India 2018, Chapter–16A ‘Custodial Crimes & Complaints Against Police Personnel’, <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

⁴³⁰. NCRB, Crime In India 2018, Chapter–16A ‘Custodial Crimes & Complaints Against Police Personnel’, <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

Table 4: NCRB data on Magisterial and Judicial Enquiries from 2009 to 2018

Year	No of death in Police Custody	ME	JE
2009	129	49	25
2010	70	36	16
2011	104	39	32
2012	109	56	27
2013	118	49	36
2014	93	28	25
2015	97	38	31
2016	92	41	28
2017	100	38	13
2018	70	21	28
Total	982	395	261

As per information obtained under the Right to Information Act (RTI), between 1 January 2015 and 20 March 2019, the NHRC received a total of 211 complaints of fake encounters carried out by police across the country. Out of the total, the highest complaints of 57 were lodged in Andhra Pradesh, followed by Uttar Pradesh with 39, 22 from Odisha, 13 from Jharkhand, 8 from Assam, 7 from Tamil Nadu, 6 from Madhya Pradesh, 6 from Punjab, 4 from Telangana, 4 from Meghalaya, 3 from Karnataka, 3 from Kerala, 3 from Maharashtra, 3 from Rajasthan, 1 from Manipur, 1 from Uttarakhand, 1 from Jammu & Kashmir and 1 from West Bengal. According to the

information, the NHRC provided compensation of Rs. 1.7 crore in 25 out of the total 211 cases of alleged fake encounters across the country. Of the 25 cases, six cases were from Uttar Pradesh.⁴³¹ However, there are no reports of punishment being awarded to the perpetrators in these cases.

⁴³¹. Uttar Pradesh second on list of fake encounter complaints with NHRC, The Times of India, 15 June 2019, <https://timesofindia.indiatimes.com/city/lucknow/up-second-on-list-of-fake-encounter-complaints-with-nhrc/articleshowprint/69796083.cms>

Impunity to police in Maharashtra

In Maharashtra, the State Police Complaint Authority (SPCA), set up in 2017 to investigate complaints of human rights violations such as torture, unlawful detention or arrest, harassment, extortion against police personnel including officers across the State, failed to recommend action in even one of the 1,521 complaints it had received till December 2018. As per the Maharashtra Right to Public Service Act, the SPCA should hear complaints and recommend action to the Home Department against the errant police personnel within 90 days. However, information obtained under the RTI revealed that of the total 1,521 complaints, 933 were disposed of without any inquiry and investigation were pending in 588 cases. The State Home Department, in its response to the RTI application, stated that it had five pending cases, the complaints which were all filed in in 2018. The RTI information indicates that not a single official has been punished as of February 2019.⁴³²

⁴³². RTI information obtained by RTI activist Jeetendra Ghadge and reported by The Times of India dated 25 March 2019, <https://timesofindia.indiatimes.com/city/mumbai/1500-cases-0-action-cop-complaint-bodys-poor-record/articleshow/68553820.cms>

6. TORTURE BY THE ARMED OPPOSITION GROUPS

Under Section 4(2)(a), Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) prohibits “violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment”. Yet, the armed opposition groups have consistently violated the Geneva Conventions.

6.1 Abuses by the armed opposition groups in J&K

The State of Jammu & Kashmir (J&K) continues to witness violence from the armed opposition groups. As per the Annual report 2017-2018 of the Ministry of Home Affairs, Government of India, “Since the advent of militancy in J&K (in 1990), 14024 Civilians and 5273 Security Force (SF) personnel have lost their lives (upto 31.03.2019)”.⁴³³ The casualty of SF included killing of at

least 40 Central Reserve Police Force personnel after a suicide bomber belonging to Jaish-e-Muhammad, a Pakistan-based terrorist group, drove a vehicle carrying explosives into a CRPF convoy in Pulwama, J&K on 14 February 2019.⁴³⁴

The armed opposition groups in J&K were responsible for torture of the civilians during 2019. Following the abrogation of Article 370 of the Constitution of India and bifurcation of the State into two Union Territories by the Central Government on 5 August 2019, militants had targeted people from outside J&K, who worked as labourers or linked to the apple trade to create fear. A number of people were killed or injured.

On 7 August 2019 night, two youth identified as Arif Sofi of Khudwani and Mehraj Ahmed Dar were abducted by militants from their homes at Hawoora village in Kulgam district of J&K. Both the youth were released on 8 August 2019 in serious condition. One of them, Arif Sofi succumbed to his injuries in a hospital. It was alleged that the youth

⁴³³. Annual Report 2018–19, Ministry of Home Affairs, Government of India, <https://mha.gov.in/sites/default/files/Ministry%20OF%20HOME%20AFFAIR%20AR%202017-18%20FOR%20WEB.pdf>

⁴³⁴. Press Release dated 16 February 2019, Press Information Bureau, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=188657>

were abducted by militants on suspicion of being informers.⁴³⁵

On 16 October 2019, Charanjeet Singh (40 years), an apple trader from Punjab, was shot dead and his friend Sanjay Churaya was critically injured after militants fired at them in Trenz area in Shopian district of J&K.⁴³⁶

On 29 October 2019, Murshalim Sheikh and five others from Murshidabad district in West Bengal were shot dead by militants at Katrosoo village in Kulgam district, J&K. The militants barged into their room, dragged them out and shot at them. The deceased worked as daily labourers in orchards and paddy fields.⁴³⁷

⁴³⁵. Abducted Kulgam youth tortured to death, Greater Kashmir, 9 August 2019, <https://www.greaterkashmir.com/news/kashmir/abducted-kulgam-youth-tortured-to-death/292942.html>

⁴³⁶. Apple Trader From Punjab Shot Dead By Terrorists In J&K, NDTV, 16 October 2019, <https://www.ndtv.com/india-news/apple-trader-from-punjab-shot-dead-by-terrorists-in-j-k-2117965>

⁴³⁷. Kashmir labourer's last call to daughter and the dress that'll never come, Hindustan Times, 30 October 2019, <https://www.hindustantimes.com/india-news/labourer-killed-in-kashmir-had-promised-daughter-he-would-return-soon/story-03AGjIAQooRLhYPrxkC5jM.html>

6.2 North East India

The security situation in the North Eastern States continued to witness improvement. However, according to the Ministry of Home Affairs (MHA), Government of India, 27 civilians were killed in 2018 in insurgency-related incidents (upto 31.03.2019).⁴³⁸

On 26 August 2019, Hangkon Solting (32 years) was tortured to death by alleged National Socialist Council of Nagaland-Reformist (NSCN-R) militants at Kantang village in Changlang district of Arunachal Pradesh. The deceased, a resident of Jongi Village under Khimiyang circle in the district, suffered grievous injuries following torture by the militants. He was declared brought dead at a hospital.⁴³⁹

6.3 Abuses by the Naxalites

According to the Ministry of Home Affairs, there had been a reduction in the "Left Wing Extremism" (LWE)

⁴³⁸. Annual Report 2018-19, Ministry of Home Affairs, Government of India, https://mha.gov.in/sites/default/files/MI_NISTRY%20OF%20HOME%20AFFAIR%20AR%202017-18%20FOR%20WEB.pdf

⁴³⁹. Man tortured to death by NSCN (R), The Arunachal Times, 29 August 2019, <https://arunachaltimes.in/index.php/2019/08/29/man-tortured-to-death-by-nscn-r/>

activities across the country. The geographical spread of LWE violence had also been shrinking considerably. In 2018, LWE violence was reported from 251 police stations in 60 districts across eight States as compared to 330 police stations in 76 districts spread over 10 States in 2013.⁴⁴⁰

According to MHA, between 2004 and 2019 (up to 15.08.2019) 8,182 people have been killed by the LWE in different parts of India. The majority of the civilians killed were tribals, often branded as 'Police informers' before being brutally tortured and killed.⁴⁴¹

The Maoists were responsible for brutal killing of their hostages after abduction. The suspects were subjected to summary trial in so-called "*Jan Adalats*" (Peoples' Courts) in full public view and tortured before being killed to instil fear among the people.

During 2019, the Maoists continued to torture and kill people on charges

of being "police informers", or simply for not obeying their diktats. Majority of the victims were tribals.

On 22 January 2019, Mallu Madavi, Kannu Madavi and Lalsu Kudyeti were killed by Maoists on suspicion of police informers in Gadchiroli district of Maharashtra.

On 27 January 2019, Sonsay Tanu Baig (32 years) was killed by Maoists at Talguda village in Gadchiroli district in Maharashtra. He was awarded 'capital punishment' on suspicion of being a police informer.⁴⁴²

In April 2019, two villagers were killed by Maoists in Kandhamal and Bolangir districts of Odisha accusing them of being police informers.⁴⁴³

⁴⁴⁰. Annual Report 2018-19, Ministry of Home Affairs, Government of India, <https://mha.gov.in/sites/default/files/Ministry%20OF%20HOME%20AFFAIR%20AR%202017-18%20FOR%20WEB.pdf>

⁴⁴¹. See Left Wing Extremism Division, Ministry of Home Affairs, Government of India, https://mha.gov.in/division_of_mha/left-wing-extremism-division

⁴⁴². Maharashtra: Maoists kill villager in Gadchiroli, say police informers will get capital punishment, India Today, 28 January 2019, <https://www.indiatoday.in/india/story/maharashtra-maoists-kill-villager-in-gadchiroli-say-police-informers-will-get-capital-punishment-1440991-2019-01-28>

⁴⁴³. Suspecting them of being informers, Maoists abduct 3 tribals in Odisha; kill 1, Hindustan Times, 30 June 2019, <https://www.hindustantimes.com/india-news/suspecting-them-of-being-informers-maoists-abduct-3-tribals-in-odisha-kill-1/story-NaGmDlpPsEnZsAgfpxE3uO.html>

On 1 May 2019, Podiyam Mutta and Koko Lachhu were killed by Maoists at Karigundam village in Sukma district of Chhattisgarh. Both the deceased were tortured before being killed in a Jan Adalat suspecting them as police informers.⁴⁴⁴

On 31 May 2019, Dileep was killed by Maoists at Bulbul village in Lohardaga district in Jharkhand. According to the police, the Maoists had abducted Dileep from his house and shot dead on suspicion of being a police informer.⁴⁴⁵

On 1 June 2019, Chhannu Sodhi (30 years) was killed by Maoists for being a police informer in Bastar district of Chhattisgarh. The deceased was on a visit to a weekly market under Kodinar police station when a group of four-five Maoists

attacked him with axes, killing him on the spot.⁴⁴⁶

On 13 June 2019, Brajesh Sahu (38 years) was killed by Maoists near a school under Bishunpur police station area in Gumla district of Jharkhand. The deceased, who ran a poultry shop, was shot dead after being forcibly taken away from his shop on the suspicion of being a police informer.⁴⁴⁷

On 19 June 2019, Brajlal Munda (40 years) was tortured and stabbed multiple times by Maoists before being shot dead in Lanji area in Balaghat district of Madhya Pradesh. The deceased was accused as a police informer.⁴⁴⁸

⁴⁴⁴. Maoists kill villagers suspecting them as informers, The Pioneer, 3 May 2019, <https://www.dailypioneer.com/2019/state-editions/maoists-kill-villagers-suspecting-them-as-informers.html>

⁴⁴⁵. Maoists kill man after terming him police informer, Business Standard, 1 June 2019, https://www.business-standard.com/article/news-ians/maoists-kill-man-after-terming-him-police-informer-119060101032_1.html

⁴⁴⁶. Police informer killed by Naxals in C'garh, PTI, 2 June 2019, http://www.ptinews.com/news/10616096_Police-informer-killed-by-Naxals-in-C--garh

⁴⁴⁷. Maoist kill BJP worker in Gumla branding him police informer, ANI, 14 June 2019, <http://www.uniindia.com/maoist-kill-bjp-worker-in-gumla-branding-him-police-informer/east/news/1631991.html>

⁴⁴⁸. Madhya Pradesh: Youth shot dead by Maoists on suspicion of being 'informer', The Times of India, 21 June 2019, <https://timesofindia.indiatimes.com/city/bhopal/madhya-pradesh-youth-shot-dead-by-maoists-on-suspicion-of-being-informer/articleshowprint/69892773.cms>

On 27 June 2019, a tribal identified as Guja Kabasi and two others, Onga Kalamala and Soma Sodhi were abducted by Maoists on suspicion of being police informers from Kukurkunda village under Mathili police station in Malkangiri district of Odisha. Guja Kabasi was killed, while the two others were released after they were beaten up in a praja court. The body of Guja Kabasi was found on 30 June 2019 with his throat slit with a sharp weapon. The abduction and killing was done to instill a sense of fear among the villagers who during a public gathering demanded implementation of developmental scheme defying the diktat of the Maoists.⁴⁴⁹

On 10 July 2019, a tribal identified as Nalluri Srinivas (45 years) was abducted by Maoists from Bhadradri-Kothagudem district in Telangana. His body was found on 12 July, lying in a pool of blood at Puttapadu village in Sukma district of Chhattisgarh. A note left by the Maoists claimed that Srinivas was

killed for being a police informer and defaming the Maoists.⁴⁵⁰

On 17 July 2019, two tribals identified as Gemilli Bhaskar Rao and Pangi Sattibabu were killed and another tribal identified as Pangi Linga was brutally beaten by Maoists at Veeravaram village in Chintapalli mandal in Visakhapatnam district in Andhra Pradesh. The Maoists branded them as police informers.⁴⁵¹

On 21 July 2019, Bhima Dora was shot dead by Maoists at Babupadar village in Kalahandi district of Odisha. Bhima was dragged out of his house and killed on the village outskirts on suspicion of being a police informer.⁴⁵²

⁴⁴⁹. Suspecting them of being informers, Maoists abduct 3 tribals in Odisha; kill 1, Hindustan Times, 30 June 2019, <https://www.hindustantimes.com/india-news/suspecting-them-of-being-informers-maoists-abduct-3-tribals-in-odisha-kill-1/story-NaGmDlpPsEnZsAgfpxE3uO.html>

⁴⁵⁰. Maoists kill abducted TRS man, dub him cop informer, The Times of India, 13 July 2019, <https://timesofindia.indiatimes.com/city/hyderabad/maoists-kill-abducted-trs-man-dub-him-cop-informer/articleshowprint/70198777.cms>

⁴⁵¹. Maoists kill two tribals in Chintapalli, The Hindu, 18 July 2019, <https://www.thehindu.com/news/national/andhra-pradesh/maoists-kill-two-tribals-in-chintapalli/article28535542.ece>

⁴⁵². Maoists kill man on suspicion of being police informer, The Pioneer, 23 July 2019, <https://www.dailypioneer.com/2019/state-editions/maoists-kill-man-on-suspicion-of-being-police-informer.html>

In August 2019, Madan Yadav, a former Maoist, and his driver Chotu Kumar (30 years) were killed by Maoists under Chanan police station area in Lakhisarai district, Bihar. Madan Yadav was accused as being a police informer.⁴⁵³

On 14 September 2019, Mirya Manjal was found dead near a private firm's beneficiation plant under Kirandul police station limits in Dantewada district of Chhattisgarh. He was killed by Maoists on the suspicion of being a police informer after pronouncing him guilty in a so-called *jan adalat* (peoples court). Police claimed that Mirya Manjal was not a police informer.⁴⁵⁴

On 22 September 2019, Ramesh Kunjam, a class X student, was hacked to death by Maoists over suspicion of being a police informer

at Tarema village in Bijapur district, Chhattisgarh. A group of 15-30 armed red rebels called Ramesh out of his house and hacked him to death.⁴⁵⁵

In October 2019, Gorelal Koda (40 years) was killed by Maoists at Kethia Balchand village in Lakhisarai district in Bihar.⁴⁵⁶

On 30 October 2019, Madvi Ramlu was abducted and killed by Maoists at Dupeli village in Bijapur district of Chhattisgarh suspecting him to be a police informer. Taking responsibility for the killing, the Maoists warned the villagers to stay away from police else they too will be killed. The villagers said that Ramlu was brutally beaten in front of them. He was taken to a forested area where he was shot dead.⁴⁵⁷

⁴⁵³. Maoists kill two suspected police informers in Lakhisarai, The Times of India, 30 December 2019, <https://timesofindia.indiatimes.com/city/patna/maoists-kill-two-suspected-police-informers-in-lakhisarai/articleshowprint/73022033.cms>

⁴⁵⁴. Chhattisgarh: Naxals kill man after accusing him of being police informer, India Today, 14 September 2019, <https://www.indiatoday.in/crime/story/chhattisgarh-naxals-kill-man-accusing-him-being-police-informer-1599191-2019-09-14>

⁴⁵⁵. Maoists kill class X student suspecting as police informer, Pragativadi, 22 September 2019, <https://www.pragativadi.com/maoists-kill-class-x-student-suspecting-as-police-informer/>

⁴⁵⁶. Maoists kill two suspected police informers in Lakhisarai, The Times of India, 30 December 2019, <https://timesofindia.indiatimes.com/city/patna/maoists-kill-two-suspected-police-informers-in-lakhisarai/articleshowprint/73022033.cms>

⁴⁵⁷. Chhattisgarh: Maoists abduct and kill Bijapur villager, The Times of India, 2

On 23 November 2019, Mohan Gupta, a former Maoist, was shot dead by the Maoists on the charge of being a police informer at Pipra Bazar in Palamu district of Jharkhand. Another person identified as Suraj Soni, a fruit-seller, was also killed and two others injured when Maoists fired indiscriminately.⁴⁵⁸

On 28 December 2019, Mughal Koda (50 years) and Sanjay Koda (30 years) were shot dead by suspected Maoists after they were abducted from their villages in Lakhisarai district in Bihar. The deceased were killed on the suspicion of being police informers. Pamphlets left by the Maoists on the spot warned the local residents of meeting the same fate if they provide information of their activities to the police.⁴⁵⁹

October 2019,
<https://timesofindia.indiatimes.com/city/rampur/chhattisgarh-maoists-abduct-and-kill-bijapur-villager/articleshowprint/71407247.cms>

⁴⁵⁸. Jharkhand: Maoists gun down 'police informer' at Palamu market, stray bullets kill local, The Times of India, 24 November 2019,

<https://timesofindia.indiatimes.com/city/ranchi/jharkhand-maoists-gun-down-police-informer-at-palamu-market/articleshowprint/72205374.cms>

⁴⁵⁹. Maoists kill two suspected police informers in Lakhisarai, The Times of India, 30 December 2019,
<https://timesofindia.indiatimes.com/city/>

[patna/maoists-kill-two-suspected-police-informers-in-lakhisarai/articleshowprint/73022033.cms](https://timesofindia.indiatimes.com/city/patna/maoists-kill-two-suspected-police-informers-in-lakhisarai/articleshowprint/73022033.cms)

7. TORTURE BY OTHER NON-STATE ACTORS (UPPER CASTES)

India has a history of attacks and discrimination against the Dalit community, formerly known as "untouchables". Discrimination on the basis of caste is outlawed in India but remains widespread across the country, because of the failure of the States to implement the protective laws including SC/ST Act.

During 2019, the Dalits were killed, attacked, tortured, and subjected to other forms of cruel, inhuman or degrading treatment or punishment by the members of the upper castes, among others, for riding a horse or owning a horse; sitting crossed-legs; fetching water from common sources of water such as well; swimming/bathing in the swimming pools; participation or watching of Hindu religious festivals; sporting moustaches; wearing jeans, shirts, gold chain or shoes; pasting stickers of symbols like Shivaji on their motorcycles; riding a motorcycle; having loving affairs with upper caste girls/women; sitting on a chair at the village panchayat office; seeking information from their upper caste employers; refusal to serve/work for upper castes; objecting to casteist remarks/slurs; or on mere suspicion of theft.

Some of the emblematic cases are highlighted below:

A. Cases of being beaten to death

On 26 April 2019, Dalit Jitendra Das (21 years) was allegedly beaten by upper caste men for having dinner sitting on a chair at a wedding in Shrikot area in Tehri Garhwal district, Uttarakhand. The victim succumbed to his injuries on the next day. Jitendra's friend who tried to save him was also badly beaten up.⁴⁶⁰

On 29 May 2019, Dalit Bikki Srinivas (30 years) was beaten to death by upper caste people at Singampalli village in East Godavari district, Andhra Pradesh. The Dalit was killed for allegedly plucking mangoes from an orchard belonging to an upper caste man. He was chased by the orchard owner and others, and beaten with sticks leading to his death. Later, the body was taken to

⁴⁶⁰. Dalit youth thrashed for sitting on a chair, eating at wedding, dies, Hindustan Times, 5 May 2019, <https://www.hindustantimes.com/india-news/dalit-youth-thrashed-for-sitting-on-a-chair-eating-at-wedding-dies/story-dsBcMtTb5R5IqzZruI8UCM.html>

the panchayat office and hanged from the ceiling, to project it a case of suicide.⁴⁶¹

On 18 July 2019, a 58-year-old Dalit man was beaten to death by a mob in Neemuch district, Madhya Pradesh. The deceased was beaten to death allegedly over suspicion of stealing peacocks. Police booked ten perpetrators under the SC/ST Act.⁴⁶²

On 21 September 2019, Dhulichand Meena (40 years) was beaten to death for allegedly stealing a water pump in Ghatoli area in Jhalawar district, Rajasthan. Police claimed Dhulichand was beaten brutally by Purilal Tanwar, his sons Devi Singh Mohan and others alleging that he stole a water pump from their fields. A case was lodged against the accused under the SC/ST Act.⁴⁶³

⁴⁶¹. Dalit lynched for plucking mangoes, The New Indian Express, 30 May 2019, <http://www.newindianexpress.com/states/andhra-pradesh/2019/may/30/dalit-lynched-for-plucking-mangoes-1983495.html>

⁴⁶². Dalit man beaten to death in Madhya Pradesh for 'stealing peacocks' Crime, Times Now News, 20 July 2019, <https://www.timesnownews.com/mirror-now/crime/article/dalit-man-beaten-to-death-in-madhya-pradesh-for-stealing-peacocks/456794>

⁴⁶³. Dalit man beaten to death for 'stealing water pump' in Rajasthan's Jhalawar, Business Standard, 22 September 2019,

On 25 September 2019, two Dalit children were beaten to death by two upper caste persons, Hakim Yadav and his brother Rameshwar Yadav for defecating on a street in front of a panchayat building at Bhavkedhi village in Shivpuri district, Madhya Pradesh. The two minor children identified as Roshani Balmiki (12 years) and Avinash Balmiki (10 years), suffered serious injuries and were declared brought dead in a hospital. The father of one of the deceased alleged that they were facing discrimination over their caste in the village.⁴⁶⁴

On 7 November 2019, Dalit labourer identified as Jagmail Singh (37 years) was tied to a pillar and beaten with iron rods and sticks by four upper caste men identified as Rinku, Amarjeet Singh, Lucky and Beeta over a dispute in Sangrur district of Punjab. The victim was also forced to drink urine when he asked for water.

https://www.business-standard.com/article/pti-stories/dalit-man-beaten-to-death-for-stealing-water-pump-in-rajasthan-s-jhalawar-119092200344_1.html

⁴⁶⁴. MP: Two Dalit kids 'beaten to death for open defecation', The Economic Times, 26 September 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/mp-two-dalit-kids-beaten-to-death-for-open-defecation/articleshow/71303687.cms>

Subsequently, he was admitted in a hospital in Chandigarh and both his legs had to be imputed to prevent the spread of infection to other parts of the body. However, he succumbed to the injuries on 16 November 2019. A case was registered against four men identified as Rinku, Amarjeet Singh, Lucky and Beeta under wrongful confinement, abduction, and voluntarily causing hurt under IPC and under the SC/ST Act and further, Section 302 (murder) was added after the death of the victim.⁴⁶⁵

B. Cases of setting Dalits on fire

On 8 March 2019, the burnt body of 60-year-old Dalit identified as Gangaram was found outside the office of a mining company at Bjiolia in Bhilwara district of Rajasthan. The mining company was owned by a leader of a political party. A suicide note allegedly written by the deceased regarding troubled marriage of his daughter was found besides the body. Family members claimed that Gangaram was illiterate and could not have written the suicide note and he was not married.

⁴⁶⁵. Punjab: Dalit Labourer From Sangrur Dies After Being Brutally Beaten, *The Wire*, 16 November 2019, <https://thewire.in/rights/punjab-dalit-labourer-from-sangrur-dies-after-being-brutally-beaten>

They alleged that he was burnt to death.⁴⁶⁶

On 24 May 2019, a 14-year-old Dalit girl was raped and burnt to death in Muzaffarnagar district, Uttar Pradesh. The girl was alone when she was raped by a group of men and burnt alive. The family of the deceased girl alleged the police of trying to make it look like an accidental death.⁴⁶⁷

On 16 June 2019, a Dalit farmer identified as Vinay Kumar Saroj (33 years) was tied to a cot, hands and legs chopped off and burnt alive by unidentified men at Belarampur village in Pratapgarh district in Uttar Pradesh.⁴⁶⁸ According to police, Saroj had come to sleep in the fields for guarding his haystack. Uttar Pradesh Chairman of the SC/ST Commission

⁴⁶⁶. Dalit man allegedly burnt alive in Rajasthan, *The New Indian Express*, 8 March 2019, <https://www.newindianexpress.com/nation/2019/mar/08/dalit-man-allegedly-burnt-alive-in-rajasthan-cops-kin-at-odds-1948383.html>

⁴⁶⁷. Parents at hospital, 14-year-old Dalit girl gangraped, burnt to death in Muzaffarnagar, *India Today*, 29 May 2019, <https://www.indiatoday.in/crime/story/dalit-girl-raped-killed-in-uttar-pradesh-muzaffarnagar-1537155-2019-05-29>

⁴⁶⁸. See Amar Ujala, 18 June 2019, <https://www.amarujala.com/uttar-pradesh/allahabad/farmer-burnt-alive-in-pratapgarh>

Brij Lal had condemned the incident and directed the police to arrest the accused.⁴⁶⁹

On 22 July 2019, a Dalit identified as Sujit Kumar (28 years) succumbed to his injuries after he was beaten and set ablaze by some people at Raghapur village in Barabanki district in Uttar Pradesh. The Dalit was allegedly mistaken for a thief when he entered a house to escape stray dogs who were chasing him. Without verifying, the occupants of the house beat him up, poured petrol on him and set him on fire on the night of 18 July 2019. Police arrested five persons and a case under SC/ST Act was filed.⁴⁷⁰

On 14 September 2019, Abhishek (20 years), a Dalit, was beaten and burnt to death by people belonging to upper caste after locking him up inside a room in Hardoi district, Uttar

Pradesh. The deceased was in a relationship with a woman from a higher caste. The deceased's 60-years old mother also died out of shock after hearing the news about the death of his son.⁴⁷¹

C. Cases of torture, degrading and humiliating treatment

On 25 February 2019, a Dalit woman and her 11-year-old daughter were tied to a tree and stripped by a bank manager and his relatives at Dalitpet village in East Godavari district, Andhra Pradesh. The accused bank manager identified as Raju also beat up the woman and threw chilli powder in her eyes following an altercation between them over fetching water from a municipal tap in the village.⁴⁷²

⁴⁶⁹. UP: Dalit man burnt alive in Pratapgarh, The Times of India, 17 June 2019, <https://timesofindia.indiatimes.com/city/lucknow/up-dalit-man-burnt-alive-in-pratapgarh/articleshowprint/69824055.cms>

⁴⁷⁰. Uttar Pradesh: Dalit man thrashed after being mistaken for thief, dies in hospital, Scroll.in, 23 July 2019, <https://scroll.in/latest/931487/uttar-pradesh-dalit-man-thrashed-after-being-mistaken-for-thief-dies-in-hospital>

⁴⁷¹. 20-year-old Dalit man beaten up in captivity, set afire in alleged hate crime, MSN News, 17 September 2019, <https://www.msn.com/en-in/news/newsindia/20-year-old-dalit-man-beaten-up-in-captivity-set-afire-in-alleged-hate-crime/ar-AAHoHJ3?index=45>

⁴⁷². Dalit woman assaulted, daughter stripped by bank manager over land row, The Times of India, 27 February 2019, <https://timesofindia.indiatimes.com/india/dalit-woman-assaulted-daughter-stripped-by-bank-manager-over-land-row/articleshow/68176725.cms>

On 18 March 2019, 17-year old Dalit student identified as Meetkumar N Chavda was allegedly tied to a tree and was beaten up by at least two men at Dhanorda village in Patan district, Gujarat. The incident took place when the victim was about to appear in class XII board examination. He was forcefully taken to a secluded farm where he was beaten brutally. The police registered an FIR against Ramesh Patel and one unidentified person under SC/ST Act.⁴⁷³

On 28 April 2019, a Dalit identified as Kumar (45 years) was allegedly beaten up, urinated upon and forced to eat human faeces by upper caste persons at Mannargudi in Thiruvavur district, Tamil Nadu. Police allegedly filed a complaint against the accused only after the victim staged a protest.⁴⁷⁴

On 22 May 2019, a tribal woman doctor Payal Salman Tadvī (23 years)

committed suicide unable to bear alleged harassment by three senior doctors at Nair Hospital in Mumbai, Maharashtra. The three accused doctors were identified as Dr Hema Ahuja, Dr Bhakti Mehar, and Dr Ankita Khandelwal. An enquiry report had found evidence of harassment and caste remarks made by the three accused doctors. As per the report, Tadvī was scolded in the operation theatre in front of other staff and patients hours before she took the extreme step.⁴⁷⁵

On 1 June 2019, a Dalit minor was tied with a rope and beaten up allegedly by a group of upper caste men after he tried to enter into a temple in Rajasthan's Pali district. The incident reportedly took place in Pali's Dhaneriya village. In a video, which went viral soon after the incident, the perpetrators were seen clobbering the boy even as he pleaded them to stop saying that he will never enter the temple. According to reports, the victim's uncle filed a complaint two days after the incident. The case was registered

⁴⁷³. Gujarat: Dalit student tied to tree, beaten by men, Deccan Herald, 22 March 2019,

<https://www.deccanherald.com/national/west/gujarat-dalit-student-tied-to-tree-beaten-by-men-724478.html>

⁴⁷⁴. TN Dalit man recounts brutal assault and humiliation, two arrested, The News Minute, 8 May 2019, <https://www.thenewsminute.com/article/t-n-dalit-man-recounts-brutal-assault-and-humiliation-two-arrested-101418>

⁴⁷⁵. Mumbai doctor's suicide: College confirms she was harassed over her caste, scolded hours before death, The Indian Express, 29 May 2019, <https://indianexpress.com/article/india/mumbai-doctor-suicide-payal-tadvi-dalit-harassed-5753556/>

under the POCSO Act and police have arrested four in the incident.⁴⁷⁶

On 1 June 2019, a Dalit youth was stripped and tortured by upper caste persons in a village in Sonipat district, Haryana. A video of the incident, which went viral on social media, show the youth locked inside a room, made to strip clothes and being hit repeatedly with wooden batons. Police investigation revealed that victim was tortured for his refusal to work on the farm of an influential family.⁴⁷⁷

On 15 June 2019, an 8-year-old boy, belonging to Matang (a scheduled caste in Maharashtra) community, was stripped naked and forced to sit on a hot, burning tile at noon for entering into a temple space in Wardha, Maharashtra. The accused

⁴⁷⁶. Dalit Boy Tied Up, Beaten by Upper Caste Men for Trying to Enter Temple in Rajasthan's Pali; 4 Arrested, News 18, 5 June 2019, <https://www.news18.com/news/india/dalit-boy-tied-up-beaten-by-upper-caste-for-trying-to-enter-temple-in-rajasthans-pali-no-police-action-yet-2172785.html>

⁴⁷⁷. Chandigarh: Dalit tortured by upper caste men, The Times of India, 25 June 2019, <https://timesofindia.indiatimes.com/city/chandigarh/dalit-tortured-by-upper-caste-men/articleshowprint/69934626.cms>

identified as Umesh alias Amol Dhere allegedly first ruffled the child up and then pushed him onto a hot tile, even as the child whimpered and pleaded to be let off. At the time of the incident, the temperature in Wardha was 45 degrees celsius and the burning tiles had left deep burn injuries on the child's buttocks and back. Police claimed that the victim was not beaten up for entering the temple, but for trying to "steal" from the temple.⁴⁷⁸

On 5 July 2019, three Dalit youths identified as Rahul Gautam (20 years), Govinda Gautam (19 years) and Sadabrij Gautam (20 years) were stripped and beaten by a group after they were allegedly found trying to steal from a Union Bank customer care service centre in Jaunpur district, Uttar Pradesh. A video which had gone viral showed several people were seen beating the three youths sitting on a street. Police booked three persons under the SC/ST Act.⁴⁷⁹

⁴⁷⁸. Wardha: Caste Hindu Strips Dalit Boy, Forces Him to Sit on Hot Tiles for Entering Temple, The Wire, 19 June 2019, <https://thewire.in/caste/wardha-caste-hindu-dalit-boy-strip-entering-temple>

⁴⁷⁹. Uttar Pradesh: Three Dalit youths stripped, beaten up for 'theft bid', The Indian Express, 8 July 2019, <https://indianexpress.com/article/india/uttar-pradesh-three-dalit-youths->

On 16 August 2019, a video of a minor Dalit girl and a 20-year-old man surfaced in social media showing them being beaten in public by a village elder at KP doddi village in Anantpur district of Andhra Pradesh. The minor girl had reportedly eloped with the man. In the video, the girl can be seen being beaten by the elder as her lover sat with a distressed expression on his face.⁴⁸⁰

On 20 August 2019, Rajkumar Jatav, a Dalit, was beaten up by three upper caste persons at Umri village in Bhind district, Madhya Pradesh. According to the police, Jatav was beaten for using 'Jai Bheem' as greeting and not 'Ramdhoo'. In his complaint to the police, the victim said that the accused identified as Suresh Singh, Monu Rajawat and Bajrang Rajawat asked him why he used 'Jai Bheem' but not 'Ramdhoo' as a form of greeting, and when Jatav told them he was free

to use Jai Bheem, the accused abused him on caste line and beat him up.⁴⁸¹

On 8 September 2019, at least nine persons belonging to Madiga community, a Scheduled Caste in Karnataka, were beaten up by over 40 people belonging to a dominant caste at Kachanahalli village in Nelamangala district. The perpetrators allegedly barged into the homes of the victims, dragged them out, including women, by their hair and beaten them with iron rods and wooden logs for refusing to do demeaning work for them and conducting awareness programme against their discrimination.⁴⁸²

On 30 September 2019, six Dalits identified as Jogi Das, Rama Nahak, Hari Nahak, Sania Nahak, Jogendra Nahak and Juria Nahak were tortured and forced to eat human excreta at Gopalpur village in Ganjam

[stripped-beaten-up-for-theft-bid-5819909/](https://www.outlookindia.com/website/story/india-news-dalit-couple-brutally-thrashed-by-village-elder-in-andhra-pradesh-village-video-goes-viral/336447)

⁴⁸⁰. Dalit Girl Brutally Beaten Up By Village Elder In Andhra Pradesh In Public, Video Goes Viral, Outlook India, 17 August 2019, <https://www.outlookindia.com/website/story/india-news-dalit-couple-brutally-thrashed-by-village-elder-in-andhra-pradesh-village-video-goes-viral/336447>

⁴⁸¹. Dalit man beaten up for chanting 'Jai Bheem' in MP, Hindustan Times, 23 August 2019, <https://www.hindustantimes.com/bhopal/dalit-man-beaten-up-for-chanting-jai-bheem-in-mp/story-s2AvN1wxFyGUOaVoqNOOZN.html>

⁴⁸². Dalits beaten up in K'taka village for refusing to do free, demeaning work, The News Minute, 10 September 2019, <https://www.thenewsminute.com/article/dalits-beaten-k-taka-village-refusing-do-free-demeaning-work-108678>

district, Odisha. The victims were held responsible by a group of villagers after three people died of an unknown disease.⁴⁸³

On 1 October 2019, a 10-year-old boy, a student of Class IV in a government school, was allegedly beaten up by his teacher for touching utensils used for serving mid-day meals in Jodhpur, Rajasthan. The boy reportedly sustained minor injuries due to the beating. A case was lodged under SC/ST Act.⁴⁸⁴

On 11 November 2019, Ramu, a Dalit migrant labourer from Uttar Pradesh, was taken hostage and tortured after tying his hands with a rope on a tractor-trailer by two persons in Muktsar district in Punjab. According to the police, the two perpetrators identified as Gurpal Singh and Bubby committed the crime after the victim failed to clear a debt of Rs. 25,000 to one of them. Although, the victim

lodged a complaint with the police, the accused were not booked under the SC/ST Act. The Punjab State Scheduled Castes Commission had sought a report from the police in connection with the case.⁴⁸⁵

D. Police inaction

On 8 May 2019, the National Human Rights Commission directed the State Government of Rajasthan calling for action taken report over police inaction in connection with a case of gang rape of a Dalit woman by five persons after tying up her husband in Thanagaji area in Alwar district of Rajasthan. The crime took place on 26 April 2019 but despite registering an FIR the police did not take any action for four days reportedly because of ensuing elections.⁴⁸⁶

On 4 June 2019, Devji Rathod (36 years), a Dalit, attempted to immolate himself near the office of the District Collector, Surendranagar in Gujarat alleging police inaction

⁴⁸³. 6 elderly men thrashed, tortured for 'witchcraft', Daily Pioneer, 3 October 2019,

<https://www.dailypioneer.com/2019/state-editions/6-elderly-men-thrashed--tortured-for----witchcraft---.html>

⁴⁸⁴. 10-year-old Dalit boy thrashed for touching mid-day meal utensils in Rajasthan, India Today, 4 October 2015, <https://www.indiatoday.in/fyi/story/10-year-old-dalit-boy-thrashed-for-touching-mid-day-meal-utensils-in-rajasthan-266284-2015-10-04>

⁴⁸⁵. Two booked for torturing labourer, The Tribune, 21 November 2019, <https://www.tribuneindia.com/news/two-booked-for-torturing-labourer/863665.html>

⁴⁸⁶. See NHRC Press Release dated 8 May 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-government-rajasthan-over-reported-police-inaction-rape-dalit-woman>

against against two upper-caste men named in his FIR. According to the victim, two upper caste men identified as Jagdish Kher and Shaktisinh Kher had insulted and abused him when he went to them to complain about corruption. However, the police were not acting on his complaint, which forced him to take the extreme step of killing himself.⁴⁸⁷

On 12 July 2019, the NHRC directed the DGP, Haryana to submit report over police inaction in connection with a case of abduction and gang rape of a 12-year-old Dalit girl in Nuh, Haryana. The minor girl, who was an orphan and lives with her grandmother, was abducted, taken to an under-construction house of a policeman and gang raped for two days. Following the incident, the grandmother of the victim had approached the police authorities on 9 July 2019 but no help was provided to her by police. The NHRC observed “It is more disheartening, as reported, that for two days, when the girl was being assaulted and her grandmother was seeking help from

the police authorities, no action was taken on her request. Had the timely action been taken by the police personnel, perhaps, the girl could have been saved from the clutches of the perpetrators in time. As alleged, such an inhuman approach shown by the police personnel is highly condemnable. Apparently, the public servants have failed to do their lawful duty.”⁴⁸⁸

⁴⁸⁷. Gujarat: Alleging police inaction in atrocity case, Dalit man attempts to set himself on fire, The Indian Express, 5 June 2019,

<https://indianexpress.com/article/cities/a-hmedabad/gujarat-alleging-police-inaction-in-atrocity-case-dalit-man-attempts-to-set-himself-on-fire-5765485/>

⁴⁸⁸. See NHRC Press Release dated 12 July 2019, <http://nhrc.nic.in/media/press-release/nhrc-notice-dgp-haryana-over-gang-rape-dalit-girl-nuh-12072019>

8. JUDICIAL INTERVENTIONS AGAINST TORTURE

The judiciary continued to intervene to award compensation and punish the culprits where permission for prosecution was given by the government as cited below.

8.1 JUDGMENTS AWARDING COMPENSATION

Case 1: Gujarat High Court compensates woman for arrest after sunset

On 5 March 2019, the Gujarat High Court directed the State government to pay a compensation of Rs 2,500 to a woman, who was arrested after sunset in violation of law in 2012. The high court had asked the woman to institute civil proceedings against the concerned police inspector, if she wished to claim more damages from him for the violation of law. The woman, Varshaben Patel had been fighting a legal battle for over seven years after her arrest on the night of 5 November 2012 from her home. She was arrested along with her husband on charges of cheating and forgery over a property dispute. After her arrest, the victim complained before the Magisterial Court in Vadodara that her arrest at night was in violation of provisions of Section 46(4) of the CrPC, which prohibits arrest of a woman after

sunset except in extraordinary circumstances and with prior permission from a judicial magistrate. However, the magisterial court let off the accused police officer with a strict warning. Aggrieved, she moved the high court for action against the police officer.⁴⁸⁹

Case 2: Manipur High Court awards compensation in two fake encounter killings

On 11 April 2019, the Manipur High Court ordered the Central Government to pay compensation of Rs. 500,000 each to two women whose husbands were allegedly killed by Assam Rifles personnel in a fake encounter in 2009. The order was passed by a division bench of the high court comprising Chief Justice Ramalingam Sudhakar and Justice MV Muralidaran following two petitions filed by Laishram Prema Devi and Seram Sunita Devi, the widows. Laishram Keshorjit Singh and Seram Priyokumar Meitei of the Urup Litanmakhong area in Imphal

⁴⁸⁹. Compensate woman for arrest at night: Gujarat HC to govt, The Times of India, 5 March 2019, <https://timesofindia.indiatimes.com/india/compensate-woman-for-arrest-at-night-gujarat-hc-to-govt/articleshowprint/68262664.cms>

East district were picked up by the personnel of 20 Assam Rifles on 1 June 2009 from Tengenoupal check post in then Chandel district (now Tengenoupal district). Later, the two were killed in a fake encounter at the nearby place on the same day. Earlier, the Thoubal district judge conducted an inquiry into the killings and established that the two were killed in a fake encounter.⁴⁹⁰ The NHRC also awarded a compensation of Rs. 500,000 each to the next of kin of the two deceased acting on a complaint filed by the NCAT.⁴⁹¹

Case 3: Allahabad High Court orders compensation in a custodial death case

On 25 May 2019, the Allahabad High Court directed the District Magistrate of Shamli, Uttar Pradesh to pay compensation of Rs. 500,000 to the mother of a custodial death victim. Taking serious note of non-payment of compensation to the deceased's mother (the petitioner) despite courts order, the High Court warned that if the amount was not paid to the petitioner, the District Magistrate and the Principal Secretary (Home)

should present themselves before the court on the next date of hearing to explain why the earlier order dated 4 April 2019 was not complied with. The petitioner's son, Adesh Bharadwaj alias Adarsh had died an unnatural death in District Jail Saharanpur in 2016.⁴⁹²

Case 4: Karnataka High Court issues notice to State Government for grant of compensation in cases of unnatural death of prisoners

On 4 July 2019, the Karnataka High Court issued notice to the State government of Karnataka while hearing a suo-motu petition seeking to implement directions given by the Supreme Court for identifying cases of unnatural death in prisons and grant compensation to next of kin of the deceased. A division bench of Chief Justice Abhay Oka and Justice H T Narendra Prasad observed that the position taken by the state government that it would grant compensation only when the State Human Rights Commission recommended, was incorrect. It said, "prima facie it appears to us that compensation will have to be fixed

⁴⁹⁰. 'Pay Rs 5 lakh each to wives of 2 fake encounter victims', The Times of India, 15 April 2019, <https://timesofindia.indiatimes.com/city/imphal/pay-rs-5-lakh-each-to-wives-of-2-fake-encounter-victims/articleshowprint/68884330.cms>

⁴⁹¹. NHRC Case No. 11/14/2/09-10-PF

⁴⁹². HC orders compliance of Rs 5L relief for jail inmate's death, The Times of India, 26 May 2019, <https://timesofindia.indiatimes.com/city/allahabad/hc-orders-compliance-of-rs-5l-relief-for-jail-inmates-death/articleshowprint/69499828.cms>

by this court and not by the state human rights commission and paid in all cases of unnatural death.” The bench observed that it would pass directions to fix the amount of compensation. As per the state government, 48 cases of unnatural deaths were reported in the jails from 2012 till 2017. The Court also rejected the stand of the state government that cases of suicide were not to be considered as unnatural death. It said the apex court has concluded that suicide committed by a prisoner, was unnatural death.⁴⁹³

Case 5: Landmark ruling by Kerala High Court in an illegal detention case

On 8 July 2019, the Kerala High Court told the state government of Kerala and Police that “a good end will not justify bad means, especially when an individual’s right to freedom and privacy are violated”, while upholding a single bench’s finding that being a Maoist supporter is not a crime in a case of illegal detention. Declining to interfere with the award

of compensation of Rs 100,000 ordered by a single bench in 2015 for illegal detention and house search without a warrant by alleging Maoist link, a division bench comprising chief justice Hrishikesh Roy and justice AK Jayasankaran Nambiar said as the guardian of fundamental rights, the high court reviews the state’s action on the doctrine of proportionality to see whether the restriction on a citizen’s liberty was strictly required by the exigencies of the situation.⁴⁹⁴

The judgment authored by Justice Jayasankaran Nambiar stated, “*When we apply the said tests to the case at hand, we have no hesitation in holding that, in view of the primacy that is accorded under our Constitution to a person’s fundamental right to privacy and personal liberty, the action of the police authorities in detaining and interrogating the petitioner and thereafter searching his residence, without following the procedure mandated under the Code of Criminal Procedure, was wholly unjustified. It may be that the police entertained a suspicion and the action taken was to a good end, but it is fundamental in our law that the means which are*

⁴⁹³. Unnatural Deaths In Prisons: Karnataka HC Takes Suo Motu Cognizance, Issues Notice To Govt., Live Law, 4 July 2019, <https://www.livelaw.in/news-updates/fix-adhoc-amount-to-be-granted-as-compensation-to-kin-of-deceased-prisoner-146099>

⁴⁹⁴. Illegal detention: Good end does not justify bad means, Kerala HC tells police, The Times of India, 8 July 2019, <https://timesofindia.indiatimes.com/city-kochi/illegal-detention-good-end-does-not-justify-bad-means-kerala-hc-tells-police/articleshowprint/70131173.cms>

*adopted to this end are lawful means. A good end does not justify a bad means more so when the means adopted are such that violate the personal freedom and privacy of individuals.”*⁴⁹⁵

Case 6: 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 paid to the family of Markandeyan, who allegedly 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.⁴⁹⁶

⁴⁹⁵. Illegal detention: Good end does not justify bad means, Kerala HC tells police, The Times of India, 8 July 2019, <https://timesofindia.indiatimes.com/city/kochi/illegal-detention-good-end-does-not-justify-bad-means-kerala-hc-tells-police/articleshowprint/70131173.cms>

⁴⁹⁶. Enhance compensation to family of custodial death victim: HC, The Hindu, 14 August 2019,

Case 7: Bombay High Court orders compensation for keeping convict in jail beyond term

On 28 August 2019, the Bombay High Court directed the state government of Maharashtra to pay a compensation of Rs 50,000 to Imtiyajbi Shah, a 70-year-old woman convict after she was kept for 36 days beyond her prison term. The Court term the delay in releasing her as “illegal detention”. The Harsul Central jail authorities in Aurangabad said they were “confused” over a 2017 order of the Supreme Court which had reduced her four-year sentence to one year, after upholding her conviction in a 19-year-old ‘attempt to murder’ case. The woman from Aurangabad had approached the high court after her release in July 2019. She had sought compensation of Rs 5 lakh saying that the delay in her release amounts to illegal detention. The court directed the state to pay compensation amount first within 45 days and to “ascertain the liability of officers who were negligent in not complying the order of the Supreme Court and the amount can be recovered from them”.⁴⁹⁷

<https://www.thehindu.com/news/cities/Madurai/enhance-compensation-to-family-of-custodial-death-victim-hc/article29093429.ece>

⁴⁹⁷. Aurangabad: Rs 50,000 fine for holding convict in jail after term, The Times of India, 2 September 2019;

Case 8: Madras High Court awards compensation of over Rs. 30 lakh to kins of torture victim

In a major decision, the Madras High Court in September 2019 awarded a compensation of Rs. 30.09 lakh to the wife and four minor children of an industrial painter who died due to custodial torture by the police and held that the income multiplier method adopted for determining compensation in motor accident claims cases can be followed in cases of extra judicial execution too. The court after considering that wife of the deceased was only 28 years when he died, and his children aged nine, six, four and three years in 2015 had lost the love and affection of their father at a very young age, directed the State government to pay Rs. 30.09 lakh with interest at the rate of 6% per annum. The order was passed on a public interest litigation petition. The Court held that the family members of the deceased need not be driven to the civil court seeking compensation for the death when the public law remedy itself could be invoked by the High Court by exercising its powers under Article 226 (writ jurisdiction) of the Constitution to award a just and fair compensation. According to the petitioner, the victim was picked up

from his residence on 28 May 2015 by the police, headed by Raja, who was the then Inspector of Neyveli Town Police Station. He was thereafter kept in illegal custody for a week and subjected to brutal beating during interrogation in connection with a case of murder. Police later released him after finding him to be innocent. He was admitted to a government hospital for treatment, where he detailed the torture he underwent. The police had pulled out the nails on his toes on the right foot. He was also tied upside down on a tree and two police personnel sat on a log tied to his shoulder. Though he had no history of renal disease, the custodial torture had led to Rhabdomyolysis, a serious condition caused by muscle injury, leading to kidney failure, from which he died on 6 June 2015.⁴⁹⁸

8.2 JUDGMENTS RECOMMENDING PUNISHMENTS**Case 1: Court sentenced two policemen to two years imprisonment in Punjab**

On 8 March 2019, the Court of Judicial Magistrate (CJM), Faridkot in Punjab sentenced two police head

<https://timesofindia.indiatimes.com/city/aurangabad/aurangabad-50000-fine-for-holding-convict-in-jail-after-term/articleshowprint/70940993.cms>

⁴⁹⁸. Kin of custodial torture victim get ₹30 lakh, The Hindu, 17 September 2019, <https://www.thehindu.com/news/cities/chennai/kin-of-custodial-torture-victim-get-30-lakh/article29434908.ece>

constables to two years imprisonment for custodial torture of Sunil Kumar at Kotkapura police station in Faridkot district in May 2014. The two head constables identified as Jang Singh and Surjit Singh had trespassed into the house of the victim at Prem Nagar, Kotkapura on 27 May 2014, kidnapped him and illegally detained him at the police station for the purpose of extorting money. The victim sustained injuries following custodial torture. The Court held that the accused did not deserve to be released on probation of good conduct and behaviour. The victim was forced to move the court after the police had failed to take any action against the accused on a complaint lodged by him. In his complaint in the court filed in July 2014, Sunil Kumar had alleged that his face was wrapped with cloth and water was put in his nose due to which his breath stopped and there were attempts to kill him in the police lock-up. He also stated that he was tortured for two days at Kotkapura and Jaito police stations as the police wanted to extort money and procure his signature on some papers.⁴⁹⁹

⁴⁹⁹. ILLEGAL CONFINEMENT, TORTURE CASE – 2 policemen sent to two years in jail, The Tribune, 9 March 2019, <https://www.tribuneindia.com/news/bathi>

Case 2: Seven personnel of Haryana Police booked on court's order for torturing a Dalit

On 8 March 2019, seven personnel of Crime Investigation Agency of Haryana Police, including an Inspector, were booked for allegedly abducting Sachin Kumar (26 year), a Dalit, and subjecting him to torture in Kurukshetra, Haryana in August 2018. On the directions of Judicial Magistrate Chetesh Gupta, a case was registered against Inspector Deepender Singh, SI Subhash Chand, Head Constables Lalit Kumar and Nirmaljit Singh, and Constables Naveen, Arvind and Sandeep. They were booked under Sections 364 (abducting in order to murder), 167 (framing an incorrect document to cause injury), 452 (trespass) of the IPC, besides relevant sections of the SC/ST Act. According to the victim, he was forcibly taken away by a CIA team on 8 August 2018 after they barged into his house, claiming that he was in possession of a countrymade weapon. He was taken to the CIA office in Kurukshetra where he was allegedly subjected to torture. He was released only after his family and villagers approached the police.⁵⁰⁰

[nda/2-policemen-sent-to-two-years-in-jail/740413.html](https://www.tribuneindia.com/news/haryana/2-policemen-sent-to-two-years-in-jail/740413.html)

⁵⁰⁰. FIR against 7 K'shetra cops for Dalit's 'torture' – CIA staff booked on court orders, The Tribune, 9 March 2019, <https://www.tribuneindia.com/news/hary>

Case 3: Delhi court sentenced five Uttar Pradesh policemen 10 years imprisonment for custodial death

On 20 March 2019, a court in Delhi sentenced five personnel of Uttar Pradesh Police to 10-year rigorous imprisonment each for torturing a man to death at Sector 20 police station in Noida in Gautam Buddh district, Uttar Pradesh. Additional Sessions Judge Sanjeev Kumar Malhotra awarded the sentence to Sub-Inspectors Hindveer Singh and Mahesh Mishra and Constables Pradeep Kumar, Pushpender Kumar and Haripal Singh for abducting the victim, Sonu, making incorrect entries in the general diary to mislead evidence and torturing him which led to his death in 2006. Kunwar Pal, a property dealer and an accused in the case, was awarded imprisonment for three years by the court on kidnapping charge. The court also ordered the accused persons to pay cumulatively Rs. 17 lakh compensation to the father of the deceased. The court held the accused guilty on 18 March 2019. Following the death of Sonu, his father had filed a complaint and a case was registered. The case was previously tried by a court in Uttar Pradesh but the Supreme Court later transferred it to the Delhi court

[ana/fir-against-7-k-shetra-cops-for-dalit-s-torture/740175.html](https://www.thehindu.com/news/cities/Delhi/custodial-death-10-year-imprisonment-for-5-cops/article26594907.ece)

stating that “free and fair trial of the case will not be possible within the State of Uttar Pradesh as the accused were members of the State’s police force”.⁵⁰¹

Case 4: Haryana Court sentenced five policemen to five years imprisonment for custodial death

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

⁵⁰¹. Custodial death: 10-year imprisonment for 5 cops, The Hindu, 21 March 2019, <https://www.thehindu.com/news/cities/Delhi/custodial-death-10-year-imprisonment-for-5-cops/article26594907.ece>

claimed that he saw injury marks on his brother's body.⁵⁰²

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

On 4 April 2019, the court of Ropar Additional District and Session Judge Ravdeep Singh Hundal framed charges of murder and criminal conspiracy against nine police personnel including a former SP in a 26-year-old fake encounter case in Ropar district of Punjab. The accused had allegedly killed a 20-year-old constable Paramjit Singh in July 1993 and then registered a case of encounter between the police and the deceased along with his unidentified accomplice during the peak of militancy in Punjab. The court maintained the murder and criminal conspiracy charges against the then Chamkaur Sahib SHO Harpal Singh, who later retired as superintendent of police, ASIs Santokh Singh and Gurnam Singh; retired Constables Parmail Singh and Rajinder Singh; Head Constable Iqbal Mohammad, Constables Mohinder Singh, Sukhwinder Lal, and Jaswinder Singh. In addition, a woman identified as Mohinder Kaur of Maujlipur village was also booked

for murder as Paramjit Singh was allegedly killed at her house. Earlier, all the accused were placed under arrest by the court of Ropar judicial magistrate Harish Kumar on charge of murder and the case was committed to additional district and sessions judge for framing of charges. The Court also rejected the bail application filed by the accused. The case was filed in 1998 by Paramjit's grandfather Daljit Singh who passed away in 2009.⁵⁰³

Case 6: Gujarat court sentenced two police officials to life imprisonment for custodial death

On 20 June 2019, Sanjiv Bhatt, an Indian Police Service officer, and a retired police constable Pravinsinh Zala were sentenced to life imprisonment by the Jamnagar sessions court in Gujarat in a custodial death case in 1990. They were sentenced after both were found guilty of torturing and murdering 40-year-old Prabhudas Vaishnani. Prabhudas was detained by the police on 30 October 1990. After his release from detention, Vaishnani died during treatment of severe kidney damage, on 18

⁵⁰². See Dainik Savera Times, 2 April 2019, <https://www.dainiksaveratimes.com/crime/news/sentenced-to-death-during-detention-five-police-personnel-arrested-230190>

⁵⁰³. Court frames charges in 26 year old fake encounter against 9 cops, The Times of India, 5 April 2019, <https://timesofindia.indiatimes.com/city/luhiana/court-frames-charges-in-26-yr-old-fake-encounter-against-9-cops/articleshowprint/68730669.cms>

November 1990. In his complaint, Amrut Vaishnani had alleged that his brother, Prabhudas was tortured in police custody, following which his kidney got damaged. Five other police personnel namely sub-inspectors Deepak Shah and Shailesh Pandya and constables Pravinsinh Jethva, Anopsinh Jethva and Keshubha Jadeja were also found guilty of custodial torture and given a two-year jail term along with Rs 10,000 fine.⁵⁰⁴

Case 7: Telangana High Court reprimands police for non-registration of case of illegal detention and torture

On 14 June 2019, the Telangana High Court directed the police to file status report for not registering a case over a businessman's allegation of illegal detention and torture in 2015. Hearing a contempt of court petition filed by businessman P. Ravinder Reddy of Ranga Reddy district, the High Court sought to know why the High Court order to issue a FIR on Reddy's complaint had not been complied with. Taking a serious note, the High Court directed

the police to issue a FIR based on Reddy's complaint. The petitioner approached the High Court, alleging that the police of the then Cyberabad police commissionerate had illegally detained him in the police station in a civil dispute and tortured him in 2015. He informed the court that he had complained to the Cyberabad Police Commissioner against the then SHO. However, the police higher-ups did not take any action against the SHO, compelling Reddy to approach the High Court. The High Court also expressed concern over police inaction on the court order and the citizen's complaint and observed that the police should follow the guidelines issued by the Supreme Court in the Lalitha Kumari case in registration of cases.⁵⁰⁵

Case 8: Madras High Court seeks action against police in a custodial death case

On 2 July 2019, the Madras High Court, while hearing a petition that sought disciplinary action against police in a 2011 custodial death case, asked why there was delay in disposing of the disciplinary proceedings. The Madurai Bench of

⁵⁰⁴. Sacked Gujarat IPS officer Sanjiv Bhatt gets life sentence, The Times of India, 21 June 2019, <https://timesofindia.indiatimes.com/india/sacked-gujarat-ips-officer-sanjiv-bhatt-gets-life-imprisonment-in-custody-death-case/articleshowprint/69881850.cms>

⁵⁰⁵. HC seeks Rachakonda police explanation over not issuing FIR, The Hindu, 14 June 2019, <https://www.thehindu.com/news/cities/Hyderabad/hc-seeks-rachakonda-police-explanation-over-not-issuing-fir/article27943547.ece>

the High Court directed the Home department to file a counter-affidavit in the case. The petition filed in 2015 by C. Poomayil, wife of the deceased, Markandeyan who allegedly committed suicide in the police station due to torture and harassment. In 2011, Markandeyan, along with his wife, had gone to the police station to file a complaint after their 19-year-old daughter went missing. Later, Markandeyan was detained at Oomachikulam police station, where he was found dead, hanging in the police station with injury marks on his body. The petitioner sought disciplinary action against the police personnel involved and appropriate compensation to the family.⁵⁰⁶

Case 9: Punjab court sentences 11 police personnel to life imprisonment for custodial death

On 9 July 2019, a court in Amritsar, Punjab sentenced 13 people, including 11 former police personnel, to life imprisonment in a 2014 custodial death case of prisoner Bikramjit Singh. In May 2014, Bikramjit Singh, a life convict, was abducted by 11 police personnel along with two others when he was

under treatment at a hospital. He was later tortured to death at a tractor agency in Batala. Following Bikramjit's abduction, the police had registered a case against him on 6 May 2014 alleging that he had escaped from police custody from the hospital premises. Later, a complaint was filed by his family members who alleged that he was kidnapped by a police team.⁵⁰⁷

Case 10: Bombay High Court orders trial court to book policemen for murder in custodial death case, reprimands CBI for failure to conduct fair investigation

On 19 December 2019, the Bombay High Court directed a trial court to book eight police officials from GRP at Wadala in the death of 25-year-old Agnelo Valdaris who died in custody in 2014. Agnelo was picked up on charges of theft. The Court allowed the petition filed by Agnelo's father Leonard and directed the trial court to book the eight policemen under Section 302 (murder), Section 201 (Causing disappearance of evidence of offence, or giving false information to screen offender) and Section 295A (Deliberate and malicious acts,

⁵⁰⁶. HC seeks counter in 2011 custodial death case, The Hindu, 2 July 2019, <https://www.thehindu.com/news/cities/Madurai/hc-seeks-counter-in-2011-custodial-death-case/article28264916.ece>

⁵⁰⁷. 11 ex-cops among 13 get life term for killing jail inmate, The Tribune, 9 July 2019, <https://www.tribuneindia.com/news/punjab/11-ex-cops-among-13-get-life-term-for-killing-jail-inmate/799174.html>

intended to outrage religious feelings or any class by insulting its religion or religious beliefs) of IPC. Agnelo and three others were picked up by Wadala Railway Police on 15 April 2014 on charges of theft. Agnelo's family alleged that for the next three days they were stripped, tortured and even forced to have oral sex with each other. On 18 April 2014, Agnelo died while the others were released on bail on 22 April 2014. After Agnelo's death, the police claimed that he died while trying to escape from their custody and was run over by a train. The Central Bureau of Investigation (CBI) though found that Agnelo was tortured and sexually assaulted but told the court that there was no evidence to suggest that he was killed by the police officials and supported the police version that he died after being knocked down by a running train while he was trying to escape from the custody on the basis of the statements of four eye witnesses. However, the court found that the statements of eye witnesses were inconsistent and noted that the co-accused arrested along with Agnelo had said that they were all tortured and could not walk on their own and concluded that Agnelo running on the railway tracks was out of question.⁵⁰⁸ Earlier on 19

November 2019, the Bombay High Court pulled up the CBI for not conducting the investigation into the custodial death in 'an impartial way'. Earlier, eight GRP personnel were booked under Section 377 (unnatural offences) along with Section 109 (punishment of abetment if the act is committed in consequence and where no express provision is made for its punishment) of the IPC and they were not charged with Section 302 as the CBI has found no material that states Valdaris was killed.⁵⁰⁹

8.3 DIRECTIONS FOR PROBE BY INDEPENDENT AGENCIES

Case 1: Gujarat High Court transfers custodial death case to CID

On 11 January 2019, the Gujarat High Court transferred the investigation in the custodial death of Surubha Jhala to the Criminal Investigation Department (CID) after it expressed unhappiness over the shoddy probe being carried out by the SIT headed by Deputy Superintendent of Ahmedabad Rural Police KT

⁵⁰⁸. Valdaris Custodial Death: Bombay HC Directs Trial Court To Book Cops For Murder Of 25-yr old, Live Law, 20 December 2019, <https://www.livelaw.in/news->

[updates/valdaris-custodial-death-150962?infinitescroll=1](https://www.livelaw.in/news-updates/valdaris-custodial-death-150962?infinitescroll=1)

⁵⁰⁹. HC pulls up CBI over custodial death probe, The Hindu, 20 November 2019, <https://www.thehindu.com/news/cities/mbai/hc-pulls-up-cbi-over-custodial-death-probe/article30021021.ece>

Kamariya.⁵¹⁰ On 15 October 2018, Surubha Jhala (35 years), an employee of a courier company, was tortured to death at the Old Bopal police station in Ahmedabad, Gujarat, a few hours after he was taken into custody for questioning by the special operations group (SOG) and local crime branch in connection with theft of gold worth Rs 2.5 crore.⁵¹¹ The deceased's family members alleged that Surubha died after he was allegedly beaten up in police lock up as he had not confessed to the crime.⁵¹² The state government constituted a SIT but the brother of the deceased filed a petition before the Gujarat High

Court demanding that the case be handed over to the CID.⁵¹³

Case 2: Madras HC issues notice to district administration of Kanyakumari over custodial death

On 5 February 2019, the Madurai Bench of the Madras High Court issued notice to the authorities of Kanyakumari district, Tamil Nadu to respond to a petition by a woman, whose husband allegedly died in police custody. In her petition, the woman identified as S Premi Ninjia from Muttom in the district stated that her husband, Sahaya Raj Thobiyas, a fisherman, was detained by the police at Manavalurichi police station for questioning in a criminal case on 3 November 2018. On the same day, she received a phone call from a police officer stating that her husband was admitted in Asaripallam government medical college hospital. When the woman reached the hospital, she was informed that her husband had died. According to the petition, she was informed by the police that her husband died during questioning. The woman approached the high court seeking transfer of the case to the Central Bureau of Investigation

⁵¹⁰. Gujarat High Court hands probe in Bopal custodial death case to CID, DNA, 12 January 2019, <https://www.dnaindia.com/ahmedabad/report-gujarat-high-court-hands-probe-in-bopal-custodial-death-case-to-cid-2707007>

⁵¹¹. Gujarat High Court summons police officials over custodial death, The Daily News and Analysis, 8 December 2018, <https://www.dnaindia.com/ahmedabad/report-gujarat-high-court-summons-police-officials-over-custodial-death-2693458>

⁵¹². Victim's family raises doubts on investigation by SIT, Ahmedabad Mirror, 8 December 2018, <https://ahmedabadmirror.indiatimes.com/ahmedabad/others/victims-family-raises-doubts-on-investigation-by-sit/articleshow/66993815.cms>

⁵¹³. Gujarat High Court summons police officials over custodial death, The Daily News and Analysis, 8 December 2018, <https://www.dnaindia.com/ahmedabad/report-gujarat-high-court-summons-police-officials-over-custodial-death-2693458>

from the police due to dodgy investigation by police as well as lack of action by the district collector on her representations. Allowing the petition, the high court issued notice to the Superintendent of Police and Collector of Kanyakumari district over the custodial death.⁵¹⁴

Case 3: Madhya Pradesh High Court gave last opportunity to State Government to submit inquiry report in custodial death case

On 11 March 2019, the Madhya Pradesh High court granted a final extension of 15 days to the police to file report of investigation into custodial death case of Pankaj Vaishnav, a court employee who had died at MIG police station in Indore district, Madhya Pradesh in December 2016. Taking a strong note of the delay in the police investigation, the court directed the counsel for state government to ensure presence of Director General of Police in court on the next date of hearing on 4 April 2019 - if chargesheet or the final report was not filed within 15 days. Earlier, the court had granted extension multiple

times to police department to conclude investigation against police officials. The court also questioned the action taken by the police in the past one year and commented that public had lost trust on the police machinery.⁵¹⁵

Case 4: Punjab & Haryana High Court orders SIT against custodial death of woman

On 18 March 2019, the Punjab and Haryana High Court directed the Punjab Police to constitute a SIT to be headed by an additional director of police to investigate into the custodial death of a woman identified as Ramandeep Kaur in 2017. The 29-year-old woman, who was picked up by the police in connection with an ATM fraud case on 5 August 2017, was found dead at Dugri police station in Ludhiana district. As per the court direction, the SIT will have to conduct the inquiry and submit the report within a period of three months. The order was passed by Justice Arvind Sangwan while disposing a petition filed by the fiancé of the deceased. The petitioner had sought directions to investigate or hold an inquiry after

⁵¹⁴. HC notice to Kanyakumari collector, SP over custodial death, The Times of India, 5 February 2019, <https://timesofindia.indiatimes.com/city/madurai/hc-notice-to-kanyakumari-collector-sp-over-custodial-death/articleshowprint/67841852.cms>

⁵¹⁵. Submit final probe report in 15 days, HC directs cops in custodial death case, The Times of India, 12 March 2019, <https://timesofindia.indiatimes.com/city/indore/submit-final-probe-report-in-15-days-hc-directs-cops-in-custodial-death-case/articleshowprint/68381312.cms>

registering an FIR against police officials of Ludhiana. According to the petitioner, on the night of 4 August 2017, they were both apprehended and tortured throughout the night and Ramandeep died in police custody at the police station. Later, the police made up a case that Ramandeep had committed suicide in the police station and cremated the body on 5 August 2017 without waiting for the arrival of her parents and relatives. While the State government informed the court that both the petitioner and the deceased were facing several criminal cases registered in Ludhiana related to cheating and forgery and claimed that nothing had been found against the police in the inquiry carried after the incident.⁵¹⁶

Case 5: Madras High Court transferred custodial death of a minor to CB-CID

On 26 March 2019, the Madurai Bench of the Madras High Court transferred the custodial death case of a 17-year-old boy in Madurai district, Tamil Nadu to the CB-CID for proper investigation. Hearing the

petition, filed by M Jeya, mother of the victim who sought a CB-CID investigation, the High Court observed that there were many lapses in the investigation by the state police.⁵¹⁷ Earlier on 20 March 2019, the High Court had directed the Dean of the Government Rajaji Hospital to submit clear reports on the death of the minor, who died in the custody of S.S. Colony police station in Madurai district on 24 January 2019. In her petition, M Jeya alleged that her son was subjected to custodial torture, leading to his death. Taking serious note of the shoddy conduct of the authorities the court questioned why the Government Rajaji Hospital had not conducted the post mortem in the first place, despite injury marks on the deceased and wondered if there was any nexus between the hospital authorities and the police in the case. Earlier, the court had also sought reports from the Commissioner of Police, Madurai, and the Juvenile Justice Board. The petitioner claimed that her son was first picked up by the police on 7 January 2019 for an inquiry in a case of jewel theft and subsequently released. But, a week later, the police had informed her

⁵¹⁶. Punjab and Haryana HC orders SIT probe into woman's custodial death, The Times of India, 21 March 2019, <https://timesofindia.indiatimes.com/city/chandigarh/hc-orders-sit-probe-into-custodial-death-of-ludhiana-woman/articleshowprint/68505531.cms>

⁵¹⁷. Custodial death case transferred to CB-CID, The Times of India, 27 March 2019, <https://timesofindia.indiatimes.com/city/madurai/custodial-death-case-transferred-to-cb-cid/articleshowprint/68588497.cms>

that they suspected her son's involvement in the theft and again picked him up for inquiry. She said that her son was kept in illegal custody for three days and tortured. The minor was produced before the Juvenile Justice Board and a complaint was raised over his alleged torture by the police. Following the complaint, the minor was admitted to the hospital where he succumbed to injuries on 24 January 2019.⁵¹⁸

Case 6: Gujarat High Court transfers custodial death case to CID

On 9 April 2019, the Gujarat High Court transferred investigation in a custodial death case to State's CID from the Crime Branch of Ahmedabad. The case relate to the death of 21-year-old Vivek Rana due to alleged torture at Maninagar police station in Ahmedabad district, Gujarat on 16 November 2014. The High Court ordered the CID to conduct a thorough investigation of the custodial death. As per the case details, Rana was wanted by Maninagar police in connection with a riot case. He surrendered before the city crime branch. His custody was handed over to Maninagar police, which allegedly beat him to

death in custody on 16 November 2014. Rana's sister Renuka Thapa complained that Rana had died due to custodial torture and named ACP Reema Munshi, Inspector Vishnudan Gadhvi, Sub-Inspector Narens Chaudhary and Constable Bharat Italiya.⁵¹⁹ A judicial enquiry was conducted in the custodial death and the metropolitan court ordered registration of an FIR on murder charge in 2017. The Special Operation Group of Crime Branch registered the FIR and undertook investigation. On 31 January 2019, the Crime Branch filed a chargesheet exonerating all four police officials of murder charge, though the charge of beating was mentioned in the probe report. However, the reason for Rana's death was attributed to his epileptic seizures. This was not acceptable to the victim's sister and she moved the High Court. It was argued before the High Court that there were discrepancies in investigation report with regard to the cause of death. The autopsy report and report on medical treatment did not match with the reason put forth by the investigating agency. The deceased had 36 injury marks on his body and evidence

⁵¹⁸. HC seeks report from GRH on boy's death, The Hindu, 20 March 2019, <https://www.thehindu.com/news/cities/Madurai/hc-seeks-report-from-grh-on-boys-death-madurai/article26593510.ece>

⁵¹⁹. Custodial death: Gujarat HC transfers probe to CID, The Times of India, 10 April 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/custodial-death-hc-transfers-probe-to-cid/articleshowprint/68802781.cms>

revealed that ACP Reema Munshi and three other police personnel had allegedly beaten him severely with belts.⁵²⁰

Case 7: Rajasthan High Court directs State Government to submit detailed report on custodial deaths in the State

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

ex-gratia given in these cases.⁵²¹ Earlier, the High Court had issued 45 directions to the State Government covering various aspects of jail administration, including general hygiene and sanitation, vocational training, health, food and recreation. The directions included screening of a movie every fortnight for the entertainment of the inmates. It also asked the government to sanction Rs 50,000 per annum for the purchase of sports material to conduct sports activities. For the benefit of mental health of the inmates, the court asked the jail administration to introduce yoga and meditation on a regular basis.⁵²²

Case 8: Supreme Court issues contempt notice to CBI over custodial death

On 3 May 2019, the Supreme Court ordered service of notices to Senior Investigation Officer of the CBI in a contempt petition over a custodial death case of Yavatmal, Maharashtra in 2003. One Shailesh Thakur had filed the contempt petition against

⁵²⁰. Custodial death: Gujarat HC transfers probe to CID, The Times of India, 10 April 2019, <https://timesofindia.indiatimes.com/city/ahmedabad/custodial-death-hc-transfers-probe-to-cid/articleshowprint/68802781.cms>

⁵²¹. Give details on custodial death: Court, The Times of India, 12 April 2019, <https://timesofindia.indiatimes.com/city/jaipur/give-details-on-custodial-death-court/articleshowprint/68840859.cms>

⁵²². Give details on custodial death: Court, The Times of India, 12 April 2019, <https://timesofindia.indiatimes.com/city/jaipur/give-details-on-custodial-death-court/articleshowprint/68840859.cms>

Nandakumar Nair, Senior Investigation Officer of the CBI. In 2003, police had taken into custody two youths identified as Ajay Mohite and Suresh Sonkusare in connection with a case of robbery. The duo was brought to the SP office for interrogation. Later, it was said the two committed suicide. Earlier in October 2017, the Supreme Court had ordered the CBI to file an FIR under section 302 of IPC and launch an investigation to bring the truth to light. The CBI filed an FIR under section 174 of CrPC and started investigation. Thakur then approached the apex Court with a contempt petition, alleging the CBI deliberately flouted the court order and pleaded for action against Nandakumar Nair.⁵²³

Case 9: Kerala High Court orders inquiry in a custodial torture case

On 6 June 2019, the Kerala High Court ordered Additional Director General of Police (Intelligence) to conduct an inquiry in a case where a man who complained of custodial torture committed suicide after police threatened to implicate him in more cases if he gave evidence of

torture. The High Court issued the directive while hearing a petition filed by Raju PS, the father of deceased. Rajesh had complained of torture by Melukavu SI KT Sandeep and other police personnel by detaining him for 48 hours when he and his father went to file a cheating complaint against one Sarath on the evening of 19 February 2019. In custody, the SI allegedly beat Rajesh by wrapping a coconut in cloth. Seeing the torture, Rajesh's mother filed a petition before Judicial Magistrate of First Class-I (JFCM-I) of Erattupetta. When Rajesh was produced before the JFCM on 22 February 2019, he complained about custodial torture and the court posted the matter for taking evidence on 6 March 2019. Rajesh was released on bail on 28 February 2019, but police constables of Melukavu police station frequently summoned him to the station and allegedly threatened him not to give evidence of torture against them on 6 March. Rajesh committed suicide on 6 March, leaving behind a suicide note and a video that allegedly mentioned about the torture faced by him from Melukavu SI and his police team. Producing the suicide note and the video before the High Court, Rajesh's father said in his petition that he approached the High Court

⁵²³. SC contempt notice to CBI in Ytl custody deaths, The Times of India, 7 May 2019, <https://timesofindia.indiatimes.com/city/nagpur/sc-contempt-notice-to-cbi-in-ytl-custody-deaths/articleshow/69208289.cms>

after a complaint to police for a proper investigation failed.⁵²⁴

Case 10: Himachal Pradesh High Court issues notice to State Government over custodial death

On 12 June 2019, the Himachal Pradesh High Court issued notice seeking response in a case of custodial death in October 2018. A bench of Acting Chief Justice Dharam Chand Chaudhary and Justice Jyotsna Rewal Dua passed the order taking cognizance of the case on a letter written to the Chief Justice by the wife of the deceased detailing the incident. The High Court treated the letter as a PIL and issued notice to the state government. The petitioner alleged in the petition that the police had arrested her husband from Ghata village in Mandi district on 30 October 2018 and due to torture by the police, her husband died later in judicial custody. The petitioner also alleged that she took up the matter with the Mandi Deputy Commissioner and Superintendent of Police but no action was taken by the authorities.⁵²⁵

⁵²⁴. Kerala HC orders probe by ADGP, The Times of India, 6 June 2019, <https://timesofindia.indiatimes.com/city/kochi/suicide-over-police-torture-hc-orders-probe-by-adgp/articleshowprint/69681732.cms>

⁵²⁵. High Court notice to state in custodial death case, The Tribune, 13 June 2019, <https://www.tribuneindia.com/news/hima>

Case 11: Karnataka High Court seeks report on custodial torture of accused in the journalist Gauri Lankesh murder case

On 12 June 2019, the Karnataka High Court issued notices to the State government of Karnataka, State police chief and police officials concerned while hearing a petition alleging custodial torture of four accused in the case of murder of journalist Gauri Lankesh. The High Court also directed two magistrate courts to submit a report on allegations of custodial torture and non-compliance of judicial procedures noting that the allegations were “serious in nature”. According to the affidavit, Amol Kale, one of the accused in the case, was allegedly beaten, slapped and punched on his cheek by police officers while in custody. While it also alleged that the magistrates failed to comply with procedures mandated by the Supreme Court regarding persons in police custody. Amol Kale, Sujith Kumar, Amit Ramachandra Degvekar and Manohar Edave were arrested in connection with the killing of the journalist in 2017.⁵²⁶

[chal/high-court-notice-to-state-in-custodial-death-case/787201.html](https://www.karnataka.gov.in/HighCourt/HighCourtNoticeToStateInCustodialDeathCase/787201.html)

⁵²⁶. Gauri Lankesh murder case: Karnataka HC seeks report on ‘custodial torture’ of 4 accused, Financial Express, 19 June 2018, <https://www.financialexpress.com/india-news/gauri-lankesh-murder-case->

Case 12: Orissa High Court constitutes SIT in Kunduli rape-cum-suicide case

On 2 August 2019, Orissa High Court constituted a three-member 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 lack of tangible progress of the judicial inquiry. Following this, two PILs including by the victim's mother, were filed seeking an investigation by the Central Bureau of Investigation.⁵²⁷

[karnataka-hc-seeks-report-on-custodial-torture-of-4-accused/1211846/](https://timesofindia.indiatimes.com/city/cuttack/orissa-high-court-constituted-sit-to-probe-kunduli-rape-suicide/articleshowprint/70506829.cms)

⁵²⁷. 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>

Case 13: Patna High Court issues notice to Bihar government on plea seeking impartial inquiry into custody deaths

On 27 August 2019, the Patna High Court issued notice to the state government of Bihar on the petition seeking a CBI inquiry into the custodial death of two persons identified as Tasim Ansari and Gufran Alam at the Dumra police station in Sitamarhi district, Bihar. The deceased's families filed a petition in the Patna High Court for free, fair and impartial investigation in the case by CBI or any other independent agency. Earlier, a PIL was filed before the Supreme Court, which had dismissed the petition on 2 July 2019, without expressing any opinion on merits of the case, with liberty to move the high court.⁵²⁸ Gufran Alam (30 years) and Taslim Ansari (32 years) were tortured to death at Dumra police station on 6 March 2019. They were picked up in connection with a case of motorcycle theft. According to the family members, the two victims were brutally beaten up in police custody - their hands and legs were broken, they had abrasions, nails were

⁵²⁸. Sitamarhi custodial deaths fit for CBI probe: Patna high court, The Times of India, 28 August 2019, <https://timesofindia.indiatimes.com/city/patna/hc-sitamarhi-custodial-deaths-fit-for-cbi-probe/articleshowprint/70864581.cms>

hammered into their bodies, and they seemed to have been given electric shocks too. Photographs and videos of the bodies being washed before the burial showed the marks of torture. It was also alleged that Bihar police and the doctors who conducted the post-mortem colluded to cover up the crime.⁵²⁹

Case 14: Madras HC orders fresh investigation in a case of custodial death

On 4 October 2019, the Madras high court ordered the police to conduct fresh investigation in the death of Sathiyamoorthy (19 years), who had committed suicide due to alleged police torture at Varusanadu police station in Theni district, Tamil Nadu on 2 August 2019. The court passed the direction while hearing a petition of the deceased's father seeking investigation by CB-CID. According to the petition, Sathiyamoorthy went to his brother house at Varusanadu in Theni district on 29 July 2019 to participate in a religious festival. On 1 August 2019, a police constable, who came to his brother's house, picked up Sathiyamoorthy to the Varusanadu police station in

connection with a case of theft. When his brother Chelladurai came to know about the matter, he went to the police station and found that the police officials were brutally beating Sathiyamoorthy. Upon his release, Sathiyammorthy committed suicide by hanging himself at his house unable to bear the torture on 2 August 2019.⁵³⁰

Case 15: Telangana HC expresses concerns over police investigation in a case of custodial torture

On 14 October 2019, the Telangana High Court expressed concern over the way Telangana State Police were conducting investigation and directed the DGP to sensitise officers not just to rely on confession extracted through third-degree torture and instead rely on evidence. The court comprising a bench of Chief Justice Raghavendra Singh Chauhan and Justice A Abhishek Reddy was hearing a habeas corpus petition filed by two women seeking production of their husbands in court. The Bench noted "This is why several criminal cases are ending up in acquittals." The case pertains to Syed Sohail (19 years) and his

⁵²⁹. SC to hear plea seeking probe into 'brutal' torture of 2 Muslim men in Bihar police custody, The Print, 28 June 2019, <https://theprint.in/india/governance/judiciary/sc-to-hear-plea-seeking-probe-into-brutal-torture-of-2-muslim-men-in-bihar-police-custody/255698/>

⁵³⁰. HS directs DSP to conduct fresh investigation into suicide of boy, The Times of India, 5 October 2019, <https://timesofindia.indiatimes.com/city/madurai/hs-directs-dsp-to-conduct-fresh-investigation-into-suicide-of-boy/articleshowprint/71448937.cms>

brother Syed Mohammed (24 years) who were picked up by police in September 2019. They were produced before court on 23 September 2019 after filing of the petition. Police said they were arrested in connection with a series of thefts. The Court observing torture marks on their backs reprimanded the police and said “If you torture a person, he will admit to any crime just to escape from the unbearable pain of the torment. That cannot be a piece of evidence”. The court also held that the police did not follow procedure in respect of identifying the stolen property in the case.⁵³¹

Case 16: Meghalaya HC orders judicial inquiry in custodial death case

On 16 October 2019, the Meghalaya High Court ordered a judicial inquiry into the death of Hillary Momin after his release from police custody at Dagal police outpost in the East Garo Hills district, Meghalaya. The deceased, a school teacher, was picked up by a police patrol team attached to Dagal outpost on the night of 4 August 2018. He was kept in detention inside the station the

entire night and allegedly tortured. The police alleged that he was detained for creating nuisance in his drunken stupor at a public place. He was released the next morning, but complained of severe pain all over his body. He remained bed-ridden and died a week later. Following his death, Hillary’s widow Lictisitha D Shira filed an FIR against the police officer and his team from Dagal station for the illegal arrest, detention and torture of her husband. The district police and administration ordered two separate investigations and removed the Dagal police officer in charge, N Nongkhlaw, but no further headway was made even though several student and social organizations had protested the alleged custodial assault causing the death of the teacher. The teacher’s widow moved the High Court seeking direction for investigation by a competent investigation agency and payment of compensation to the family of the deceased.⁵³²

⁵³¹. Confession under third-degree torture not evidence: Telangana high court, The Times of India, 15 October 2019, <https://timesofindia.indiatimes.com/city/hyderabad/confession-under-3rd-degree-torture-not-evidence-hc/articleshowprint/71588022.cms>

⁵³². High Court orders probe into death of teacher post police detention, The Shillong Times, 16 October 2019, <https://theshillongtimes.com/2019/10/16/high-court-orders-probe-into-death-of-teacher-post-police-detention/>

Case 17: Bombay High Court directs CBI to investigate 2005 custodial death case

On 7 November 2019, the Central Bureau of Investigation initiated an investigation into the custodial death of Prashant Humane (25 years) due to alleged torture in Sakoli police station in Bhandara district, Maharashtra in December 2005. The CBI took over the investigation from the police on the directions of the Nagpur bench of the Bombay High Court. The court while handing over the investigation to the CBI also directed the State Government of Maharashtra to pay Rs. 500,000 as compensation to the deceased's father as 'provisional compensation' for inordinate delay in the investigation. The court further directed the police to register a case against the nine accused, including four police personnel, two of them of the rank of assistant police inspector, for murder, causing disappearance of evidence, or giving false information to shield offender, criminal conspiracy, forgery of court records or of public register. Pursuant to the court's direction, a case was registered at Sakoli police station on 31 October 2019. The High Court passed the order based on a judicial enquiry conducted into the custodial death. The judicial enquiry found that the cause of death of the Prashant Humane was 'manual strangulation' by police or with the help of others, and not 'self

strangulation' as earlier claimed by the police. The report said 'Probability of self -strangulation by the accused deceased is improbable.' Prashant Humane was arrested by police on 18 December 2005 for allegedly kidnapping a girl. In the intervening night of 18 and 19 December 2005, Prashant Humane died in police custody.⁵³³

⁵³³. After 14 yrs, 4cops under CBI scanner, Mumbai Mirror, 11 November 2019, <https://mumbaimirror.indiatimes.com/mumbai/crime/after-14-yrs-4cops-under-cbi-scanner/articleshowprint/71999057.cms?prtpage=1>

9. INTERVENTIONS OF NHRC/SHRCs AGAINST TORTURE

9.1 NATIONAL HUMAN RIGHTS COMMISSION

The National Human Rights Commission intervened in a number of cases to provide justice and reparation to the victims, or their family members. The NHRC alone issued orders for compensation of Rs 10,05,85,000 in 391 cases of human rights violations in 2019. These included Rs 2,52,75,000 in 102 cases of deaths in judicial custody; Rs 82,00,000 in 23 cases of deaths in police custody; Rs 11,10,000 in 10 cases of illegal arrest; and Rs 4,85,000 in seven cases of torture in custody; among others.⁵³⁴

Some of the interventions of the NHRC during 2019 are given below:

Case 1: Rs. 100,000 to NoK of Ansar Ahmad, Uttar Pradesh

On 8 January 2019, the NHRC informed the complainant, NCAT that the state government of Uttar Pradesh submitted the receipt of payment of Rs. 100,000 as monetary compensation to the wife of the

deceased Ansar Ahmad in NHRC Case No. 25395/24/44/2010-AD. The complaint was filed by the NCAT under its programme “National Campaign for Prevention of Torture”. Earlier on 4 August 2016, the Commission had made the recommendation for payment of Rs 100,000 compensation to the family of Ansar Ahmad who died in the police custody due to alleged torture. The state government of Uttar Pradesh objected, but overruling the objection the NHRC reiterated its recommendation on the ground that “The fact, however, remains that the State is vicariously liable for the death of Ansar Ahmed as either the doctor who examined him at CHC was negligent or he had died as a result of police beating after he was handed over to the police.” Still the state government continued to drag its feet which forced the NHRC to issue summons to the Chief Secretary, Government of Uttar Pradesh to appear in person before the Commission on 10.01.2019 along with the proof of payment of the compensation. Later, the Special Secretary, Government of Uttar Pradesh submitted proof of payment of the recommended amount to the wife of the deceased.⁵³⁵

⁵³⁴. See NHRC Monthly Human Rights Cases Statistics from January to December 2019 at <https://nhrc.nic.in/complaints/human-right-case-statistics>

⁵³⁵. <http://www.NCATweb.org/wp-content/uploads/2019/01/AnsarAhmed.pdf>

Case 2: District Collector summoned in custodial death of Waheed, Rajasthan

On 12 March 2019, the NHRC summoned the District Collector and Magistrate of Jaipur district of Rajasthan for failure to submit reports in the custodial death of Waheed, s/o Mohd Munna Khan, a prisoner lodged at District Jail, Jaipur. The Prisoner had died on 27 January 2018. The Collector failed to submit the health screening report of the deceased at the time of admission in the jail, post-mortem report, viscera/HP examination report with final cause of death, inquest report, complete treatment record and CD of the post-mortem examination despite issuance of several reminders. Taking serious view of the delay, the NHRC directed the Collector to appear before it along with the reports on 19 April 2019.⁵³⁶

Case 3: Rs. 200,000 to NoK of Pintu Chakma, Arunachal Pradesh

Pursuant to the directions given by the NHRC, the Under Secretary (Home), Government of Arunachal Pradesh vide report dated 1 April 2019 stated that it had complied with the direction of the Commission by paying compensation amount of Rs. 2 lakhs to the NoK of the deceased, Pintu Chakma (26 years) of Diyun in Changlang District. The NHRC issued

the direction to pay the compensation of Rs 2 lakhs to the wife of the deceased Ms Ananda Sabha Chakma based on the complaint filed by the NCAT in the custodial death of Pintu Chakma.⁵³⁷ Pintu Chakma was arrested along with four others by police from Dumpathar village in connection with Case FIR No. 18/2004 u/s 27(1) NDPS Act registered at Diyun police station in April 2014. The four other accused were released on bail within few days, but Pintu Chakma was denied bail. He remained in police custody for seven days at the lock-up of Diyun police station. In May 2014, he was sent to judicial custody but still lodged at the lock-up of the police station until his death under mysterious circumstances on 16 October 2014.⁵³⁸

Case 4: Rs. 50,000 to victim of illegal detention, Arunachal Pradesh

On 1 April 2019, the NHRC closed the case of illegal detention of a minor

⁵³⁷. See NHRC Case Nos. 156/2/4/2014-JCD & 157/2/4/2014-AD

⁵³⁸. Custodial death of Pintu Chakma: NHRC issues notice to Arunachal Government on payment of compensation, NCAT, 18 May 2018, <http://www.NCATweb.org/NCAT-impact/custodial-death-of-pintu-chakma-nhrc-issues-notice-to-arunachal-government-on-payment-of-compensation/>

⁵³⁶. NHRC Case No. 285/20/14/2018-JCD

boy at Diyun police station in Changlang district of Arunachal Pradesh after the State government had complied with the order to pay a compensation of Rs. 50,000 to the victim. The 16-year-old minor victim was arrested and illegally detained at the lock-up of the police station for nearly one month in August 2012. Following intervention by the NHRC, the police conducted an inquiry and found that two police officials attached to Diyun police station had violated the Juvenile Justice Act and disciplinary action was initiated against them. However, there was delay in payment of the compensation to the victim. The case was filed by NCAT.⁵³⁹

Case 5: Notice to State Government for award of compensation in custodial death of Nikhil Mandal, Assam

On 4 April 2019, the NHRC issued show cause notice to the Chief Secretary, Assam in the custodial death of Nikhil Mandal, S/o Ashwini Mandal in Chirang district of the State on 5 May 2018. In the notice, the NHRC asked why it should not recommend a compensation of Rs. 10,00,000 to the next of kin of the deceased. The NHRC took cognizance of the case on 29 May 2018 following intimation received from Superintendent of Police, Chirang

district. As per reports submitted to the Commission, Nikhil Mandal allegedly committed suicide with the help of a piece of cloth (gamocha) which he was wearing in the lock-up of Panbari Forest Range Office. The Magisterial Enquiry Report, however, observed that negligence of duty on part of Pranab Kumar Das, In-charge of the Forest Range Officer and other officials cannot be ruled out.⁵⁴⁰ On the basis of the Magisterial Enquiry Report, the Commission noted “In custodial death cases, it is the embodied duty of the State to protect the life and liberty of a person under its custody in which it failed. The Magisterial Enquiry Report concluded that precautionary measures were not taken to station a guard outside lock-up to avoid such untoward incident and negligence of duty on part of In-charge Panbari Forest Range Officer and other officials is established, hence State is vicariously liable to compensate the NoK of the deceased Nikhil Mandal.”⁵⁴¹

9.2 STATE HUMAN RIGHTS COMMISSIONS

The State Human Rights Commissions (SHRCs) also intervened in a number of cases to provide justice and reparation to the

⁵³⁹. NHRC Case No. 18/2/4/2012

⁵⁴⁰. NHRC Case No. 115/3/0/2018-PCD

⁵⁴¹. NHRC Case No. 115/3/0/2018-PCD

victims, or their family members during 2019. Some of the emblematic cases are cited below.

Tamil Nadu State Human Rights Commission

The Tamil Nadu State Human Rights Commission (TNSHRC) is one of the most active SHRCs in the country. Some of the interventions by the TNSHRC are as under:

Case 1: Award of Rs. 50,000 to a torture victim

On 14 January 2019, the TNSHRC recommended to the State government to pay Rs 50,000 to A. Divakar, a fish vendor from Tondiarpet, who was detained and tortured at the Harbour police station in 2015 by two police officers. In his complaint A Divakar accused police Inspector Rajasekaran and Sub-Inspector Akbar of detaining and assaulting him after another person had lodged a complaint against him over a money dispute. The two police officers denied the allegations but SHRC member D Jayachandran on the basis of the medical certificates concluded that Divakar was assaulted and tortured by the police officers and recommended payment of Rs 50,000 as compensation to the victim which should be recovered

equally from the two police officers.⁵⁴²

Case 2: Award of Rs. 50,000 to torture victim

On 11 February 2019, the TNSHRC recommended the state government to pay a compensation of Rs 50,000 to M Velan, five years after he was allegedly harassed by the then Inspector of Ambattur police station in Chennai. In his petition to SHRC, M Velan, a driver by profession and a resident of Om Shakthi Nagar, Ambattur submitted that George Millar, then Inspector of Police, Ambattur Police Station registered a criminal case against him and lodged him in jail in an alleged land grabbing case filed by one Santha, an advocate. He also stated that George Millar had pulled him by his shirt to the station on the pretext of calling for an enquiry over the land grabbing case in the wee hours of 5 November 2013. Based on the oral and documentary evidence presented, the SHRC stated that the harassment by the police violated the human rights of M Velan. The SHRC also

⁵⁴². Police harassment: Tamil Nadu Human Rights Commission recommends Rs 50,000 compensation, The New Indian Express, 15 January 2019, <http://www.newindianexpress.com/cities/chennai/2019/jan/15/police-harassment-shrc-recommends-rs-50k-compensation-1925300.html>

recommended disciplinary action against the accused official.⁵⁴³

Case 3: Award of Rs. 200,000 to torture victim

On 11 March 2019, the TNSHRC directed the State government of Tamil Nadu to pay a compensation of Rs 2 lakh to P Manokaran, a law student who was allegedly stripped and tortured by three police personnel at A Mukkulam police station in Virudhunagar district in 2012. The TNSHRC held the police personnel guilty of human rights violation of the student and asked the government to recover the compensation from Special Sub-Inspector (SSI) A Anburaj and constables Rajasekhar and Prabu. The SSI was asked to pay Rs 100,000, and the two constables 50,000 each. The victim had gone to the police station with his maternal uncle in connection with a civil dispute case on 2 January 2012. The student had asked the police not to interfere in the civil dispute between his maternal uncles. But the police

constables and the SSI got angry by the advice and stripped and tortured him. The victim sustained injuries for which he had to be hospitalised for nine days.⁵⁴⁴

Case 4: Award of 10,00,000 and prosecution of policemen for encounter killing

On 14 March 2019, the TNSHRC recommended the prosecution for culpable homicide, apart from disciplinary action against four police personnel involved in a fake encounter case in Virudhunagar district in 2009. The TNSHRC also recommended the State government to pay a compensation of Rs 10 lakh to the wife of the deceased Sundaramurthy. The police claimed the deceased had tried to escape from custody and posed a threat to them and was shot in self-defence. However, the TNSHRC held that the police officials, the then Inspector of Police Radhakrishnan and then Police Constables Kamaraj, Siva and Karunakaran, had determined to kill

⁵⁴³. TN Human Rights Commission recommends Rs 50K compensation to a driver harassed by police inspector, The New Indian Express, 12 February 2019, <http://www.newindianexpress.com/cities/chennai/2019/feb/12/state-human-rights-commission-recommends-rs-50000-paid-to-a-driver-harassed-by-a-police-inspector-1937899.html>

⁵⁴⁴. SHRC directs TN govt to pay Rs 2 lakh as damages to student, The Business Standard, 11 March 2019, https://www.business-standard.com/article/pti-stories/shrc-directs-tn-govt-to-pay-rs-2-lakh-as-damages-to-student-119031100923_1.html

him in the pretext of self-defence and shot him.⁵⁴⁵

Case 5: Award of Rs. 50,000 for ill-treatment

On 2 April 2019, the TNSHRC imposed a fine of Rs. 50,000 on a police inspector on the charge of harassment and filing false case against an owner of a company. The TNSHRC also recommended the State Government to initiate disciplinary action against him. In his petition, K. Gnanavel @ Tamilselvan stated that he was running a Profit Trading Academy and giving training and awareness to people about online share market. A local resident P.S. Manohar joined as a member in the Fortune Trading Corporation and invested a sum of Rs 1 lakh. Due to the inflation, Manohar lost his amount. In order to collect the amount from Gnanavel, he lodged a false complaint to the Trichy Government Hospital police station against the trainer. On 2 December 2014, two sub-inspectors and two constables came to his office and directed him to appear before the Crime Branch Police, Woraiyur. When he visited the police station,

Kennedy, inspector of police (Crime), Woraiyur police station, Trichy city, abused him. His office manager Madava Prakash also came to the police station. Kennedy assaulted Prakash and sustained injuries. Gnanavel assured the cop that he would pay Rs 55,000 shortly. Gnanavel said the action of Kennedy was not in accordance with law and he ill-treated him and had violated his human rights. In the reply, Kennedy denied all the allegations in the complaint.⁵⁴⁶ However, SHRC judge D. Jayachandran said the action on the part of Kennedy was in not in accordance with law and he interfered in the civil matter, called upon complainant to the police station and tortured him to execute a letter to pay a sum of Rs 55,000 to Manohar for reasons best known to him. Therefore, Kennedy had violated the human rights of Gnanavel and accordingly passed the order.⁵⁴⁷

⁵⁴⁵. Fake encounter: SHRC for action against policemen, The Hindu, 14 March 2019, <https://www.thehindu.com/news/cities/Madurai/fake-encounter-shrc-for-action-against-policemen/article26536930.ece>

⁵⁴⁶. SHRC fines cops Rs 50,000 on charges of harassment, filing false case, The Deccan Chronicle, 3 April 2019, <https://www.deccanchronicle.com/nation/current-affairs/030419/shrc-fines-cops-rs-50000-on-charges-of-harassment-filing-false-case.html>

⁵⁴⁷. SHRC fines cops Rs 50,000 on charges of harassment, filing false case, The Deccan Chronicle, 3 April 2019, [https://www.deccanchronicle.com/nation/current-affairs/030419/shrc-fines-](https://www.deccanchronicle.com/nation/current-affairs/030419/shrc-fines-cops-rs-50000-on-charges-of-harassment-filing-false-case.html)

Case 6: Award of Rs. 50,000 for illegal arrest and torture

On 9 April 2019, the TNSHRC directed an inspector from Tiruchendur in Thoothukudi district to pay a compensation of Rs 50,000 to an activist identified as R. Ramesh on charge of arresting him after registering a false case and subjecting him to torture in police custody in October 2012. In his complaint, the victim who was a resident of Nalayiramudayarkulam in Thoothukudi district submitted that he had filed a number of complaints to the government against illegal tapping of water from borewells by an owner of a factory. However, on the instigation of the factory owner, Inspector Thillai Nagarajan registered a false case against him and arrested him. The victim alleged that Inspector Thillai Nagarajan and three constables assaulted him with a cricket stump and sticks. In its order, the SHRC observed that when an innocent person was falsely implicated, he not only suffered from loss of reputation but also from mental tension, and his personal liberty was seriously impaired. The TNSHRC indicted Inspector Thillai Nagarajan for violations of the guidelines issued by the Supreme

[cops-rs-50000-on-charges-of-harassment-filing-false-case.html](#)

Court, the NHRC and SHRC relating to arrests.⁵⁴⁸

Case 7: Award to 75,000 for harassment

On 15 April 2019, the TNSHRC recommended the State Government to pay a compensation of Rs. 75,000 to a businessman who was harassed by police in a civil dispute case in 2012. The SHRC also asked the State Government to recover the same from the two accused police personnel. In his complaint to the SHRC, businessman Mohammed had alleged that he was harassed by Inspector N Thiruppathi and Head Constable A Perumal attached to Tankasi police station. In 2011, one Salavudeen borrowed Rs 3 lakh from him, promising to pay back within a month. Shahul Hameed, a relative of Nainar, was also present when Salavudeen provided a post-dated cheque for Rs 300,000. However, as Salavudeen had not repaid the debt, Nainar deposited the cheque in a bank. The cheque was returned due to insufficient funds in the account. Subsequently, a legal notice was issued by Nainar to Salavudeen, who, in turn, lodged a criminal complaint

⁵⁴⁸. SHRC fines cop Rs 50,000 for assaulting activist, The Deccan Chronicle, 9 April 2019, <https://www.deccanchronicle.com/nation/current-affairs/090419/shrc-fines-cop-rs-50000-for-assaulting-activist.html>

against Nainar and Hameed with the Tenkasi police. Inspector Thiruppathi, who summoned Nainar and Hameed, ordered them to return the cheque issued by Salavudeen and also threatened that if Nainar failed to return the cheque, he would be foisted with criminal cases and sent to jail. The SHRC in its order observed that Thiruppathi and Perumal had exceeded their police power and acted in favour of Salavudeen violating human rights.⁵⁴⁹

Case 8: Award of Rs. 200,000 for harassment

On 3 May 2019, the TNSHRC directed the State government to pay a compensation of Rs 200,000 to T. S. Pasupathy, a functionary of a political party, and his family members for harassment by police in 2014. In his petition to the SHRC, Pasupathy had alleged that he and his family members were harassed by police officials on the instruction of a politician. According to the petitioner, he was holding various posts in a political party and due to

political vengeance, one of a party cadre in his area had instigated Jayaraj, Inspector of Virugambakkam police station to foist cases against his family members. The Inspector registered six cases against him and his family members including his youngest son, who was a differently abled person. They had obtained anticipatory bail and as per the order of the Madras high court, they were directed to stay in Tiruchy and to sign before the Inspector, Tiruchy Cantonment police station. On 5 November 2014 at about 9.20 pm when they went to sign before the Tiruchy Cantonment police station, Jayaraj, S. Kannan, constable of Virugambakkam police station and A.Vijayapandian, Sub Inspector, Vadapalani police station, along with with a team of 10 police men in civil dress suddenly entered the station compound and attacked the family members and tried to kidnap them. His son Thennarasu lodged a complaint with the Tiruchy Judicial Magistrate - II, who in turn gave a direction to the police to register a case. Later, the Inspector threatened his family members. In their replies before the SHRC, the accused police officials denied the allegation and sought dismissal of the petition. However, the SHRC Judge D Jayachandran said considering oral documentary evidences the Commission holds that Jayaraj, S.

⁵⁴⁹. Pay Rs 75K to businessman for harassment by police: State Human Rights Commission, The Indian Express, 16 April 2019, <http://www.newindianexpress.com/cities/chennai/2019/apr/16/pay-rs-75k-to-businessman-for-harassment-by-police-shrc-1964856.html>

Kannan, and A.Vijayapandian violated human rights of the complainant. The petitioner is entitled to receive a compensation of Rs 1 lakh from Jayaraj and Rs 50,000 each from S. Kannan, and A.Vijayapandian.⁵⁵⁰

Case 9: Award of Rs. 100,000 in a case of sexual harassment

In June 2019, the TNSHRC directed two police officials in Thoothukudi district to pay compensation of Rs 100,000 to a woman on a charge of sexually abusing her in the police station nine years ago in 2010. In her petition, the woman, Anthoniammal of Arumuganery, Thoothukudi district submitted that she was working as a teacher in a Government High School and living alone after separating from her husband. She filed a complaint with Arumuganeri police station against Lazarus and Balasingh, who were residing opposite her house, for misbehaving with her and constantly using derogatory words against her. She alleged that Perumal, Sub Inspector threatened her to withdraw the case. When Parthiban,

Inspector called her for an inquiry at the police station, he also misbehaved with her and asked her to sign some papers as if the inquiry was conducted in a proper way. However, she declined. Again on 31 March 2010, Lazarus and others entered into the house and assaulted her daughters. The police registered a false case against her and her husband even though her husband was living separately. The TNSHRC after considering the oral and documentary evidences found that Perumal and Parthiban had abused her and violated her human rights and Anthoniammal is entitled to receive compensation of Rs 100,000 from the duo.⁵⁵¹

Case 10: Award of Rs. 25,000 to torture victim

In June 2019, the TNSHRC directed the State government to pay Rs 25,000 as compensation to a man for excesses by a sub-inspector at Maduranthagam police station in Kancheepuram district in 2013. In his petition, K Ganapathy of Thandarai Puducherry village stated that he had been assaulted and

⁵⁵⁰. Chennai: Cops to pay Rs 2 lakh on harassment charges, The Deccan Chronicle, 4 May 2019, <https://www.deccanchronicle.com/nation/current-affairs/040519/chennai-cops-to-pay-rs-2-lakh-on-harassment-charges.html>

⁵⁵¹. Chennai: Cops to pay harassed woman Rs 1 lakh – SHRC, The Deccan Chronicle, 12 June 2019, <https://www.deccanchronicle.com/nation/current-affairs/120619/chennai-cops-to-pay-harassed-woman-rs-1-lakh-shrc.html>

threatened by the Sub Inspector, Venkatesan, when he had gone to the police station in connection with a property dispute case. The accused had denied the allegation of torture. However, after perusing the oral and documentary evidences submitted, the TNSHRC held that there was human rights violation and directed the State Government to pay Rs 25,000 as compensation to the petitioner.⁵⁵²

Case 11: Award of Rs. 500,000 in a custodial death case

On 4 June 2019, the TNSHRC ordered disciplinary action against police officer, S Velladurai on the charges of custodial torture that led to death of M Suresh in Madurai, Tamil Nadu in 2011. The SHRC also ordered Rs 500,000 compensation to the deceased's family and recovery of the amount from Velladurai and another police officer. Velladurai, while serving as Assistant Commissioner in Madurai in 2011, was accused of severely assaulting M Suresh, which led to his death in custody. The TNSHRC said it was proved that Velladurai's excesses had led to the

death of Suresh, who the police said was a suspect in a bike theft case.⁵⁵³

Case 12: Award of Rs. 25,000 to torture victim

On 19 June 2019, TNSHRC directed the Tamil Nadu government to compensate a sum of Rs 25,000 to N Sadhish Kumar who was assaulted and abused by a Sub-Inspector (SI) at Ponneri police station in Tiruvallur district in March 2018. N Sadhish Kumar, who runs a job typing centre opposite to the sub-registrar office in Ponneri, stated in his complaint that sub-inspector Ganesan had assaulted him with a lathi and verbally abused him in front of the public. According to the complaint, the issue pertains to an anonymous letter to a woman. The residents of the neighbourhood, including the complainant, went to the police station to complain about the letter on March 24, 2018. After receiving the complaint, the SI assaulted the complainant without any reason and verbally abused him. Based on the oral and documentary evidence, the TNSHRC held that there was human rights violation and directed the State Government to pay

⁵⁵². Police excesses: SHRC directs Tamil Nadu govt pay compensation to man, The Times of India, 6 June 2019, <https://timesofindia.indiatimes.com/city/chennai/police-excesses-shrc-directs-tamil-nadu-govt-pay-compensation-to-man/articleshowprint/69674310.cms>

⁵⁵³. 'Encounter specialist' to face action for custodial death, The New Indian Express, 5 June 2019, <http://www.newindianexpress.com/states/tamil-nadu/2019/jun/05/encounter-specialist-to-face-action-for-custodial-death-1986100.html>

Rs 25,000 to the complainant and recover the same from the sub-inspector.⁵⁵⁴

Case 13: Award of Rs. 100,000 to custodial torture victim

On 20 June 2019, the TNSHRC recommended to the State Government to pay a social activist Rs 100,000 compensation for custodial torture he underwent at hands of four police personnel at Anjugramam station in Kanniyakumari district in 2013. A Raghu, a social worker, alleged that Sub Inspector (SI) Muthukumaran, Special SIs Perumal and David Jayasekaran, and head constable Kalyanasundaram filed a case against him without proper enquiry and handcuffed him during transport. However, the policemen denied the allegations. Passing the order, the Commission observed that police and jail authorities had no authority at all to handcuff a prisoner during transport.⁵⁵⁵

⁵⁵⁴. SHRC directs Tamil Nadu govt to pay Rs 25,000 to man assaulted by sub-inspector, *The Times of India*, 19 June 2019, <https://timesofindia.indiatimes.com/city/chennai/shrc-directs-tamil-nadu-govt-to-pay-rs-25000-to-man-assaulted-by-sub-inspector/articleshowprint/69855410.cms>

⁵⁵⁵. SHRC orders TN govt to compensate social worker for harassment, *The New*

Case 14: Award of Rs. 500,000 for NoK of encounter death victim

On 19 July 2019, the TNSHRC directed the Tamil Nadu government to pay Rs 500,000 as compensation to the NoK of Mithun Chakravarthy, who was killed in a fake encounter in Thanjavur district in April 2008. The SHRC also recommended disciplinary action against the police team involved. Terming custodial violence an anathema in any civilised society, the SHRC stated that the police should make a conscious effort to banish the evil practice from their organisation. The Commission also said that a sustained publicity campaign should be undertaken to educate the public and police about the sanctity of human rights, which should be a positive campaign and not a negative one to denigrate police. The Commission's recommendations were in response to a petition by P Devi of Maruthanallur village in the district. In her petition, she stated her stepson, Mithun Chakravarthy, a commerce graduate, was shot dead by police in April 2008, after arresting him in a foisted case. Devi alleged that police had continually

Indian Express, 21 June 2019, <http://www.newindianexpress.com/states/tamil-nadu/2019/jun/21/shrc-orders-tn-govt-to-compensate-social-worker-for-harassment-1993143.html>

foisted false cases against him due to the enmity between his maternal uncle and a police inspector. In response, police submitted that it was not a fake encounter as alleged and held that the deceased had several criminal cases against him. While a police team tried to nab him, he had flung a country bomb at them forcing them to open fire to save their lives. After perusing the submissions, the Commission held that the complainants had proved that the victim was killed in a fake encounter and police had not followed the laid down procedures.⁵⁵⁶

Case 15: Award of Rs. 300,000 to a woman victim of custodial torture

In October 2019, the TNSHRC awarded Rs. 300,000 compensation to a woman who was tortured and humiliated by three police personnel in 2015. The SHRC also recommended disciplinary proceedings against the three accused police personnel identified as Inspector Kanagaraj and Sub-

Inspectors Arumugam and Sathishkumar, all attached to Kodungaiyur police station. In her complaint, the victim K Parvathy stated that on 24 June 2015 at least four Sub-Inspectors and three police constables, including a woman constable entered her house and dragged her out before putting her forcibly into a police jeep. The victim was allegedly kicked with boots in custody. Injuries on the victim were so severe that the metropolitan magistrate refused to remand her to judicial custody, and two government hospitals refused to treat her as outpatient as she required treatment as inpatient.⁵⁵⁷

Case 16: Award of Rs. 200,000 to a minor victim of custodial torture

On 12 December 2019, the TNSHRC directed the State Government to pay compensation of Rs 200,000 in a case of torture of a minor that took place in 2016. The SHRC had taken suo motu cognisance of a news report published in *The Hindu* on 13 March 2016, in which it was stated that a

⁵⁵⁶. SHRC directs TN govt to pay compensation to man killed in police encounter, *The Times of India*, 19 July 2019,

<https://timesofindia.indiatimes.com/city/chennai/shrc-directs-tn-govt-to-pay-compensation-to-man-killed-in-police-encounter/articleshowprint/70292884.cms>
s

⁵⁵⁷. Police excesses: SHRC directs Tamil Nadu govt to pay Rs 3lakh compensation to woman, *The Times of India*, 17 October 2019,

<https://timesofindia.indiatimes.com/city/chennai/police-excesses-shrc-directs-tamil-nadu-govt-to-pay-rs-3lakh-compensation-to-woman/articleshowprint/71634224.cms>

group of police personnel had tortured the minor mistaking him for a cell phone thief. The accused police personnel also threatened the father of the victim not to file a complaint against them. The accused had also threatened the staff at the Government Royapettah Hospital not to mention the involvement of the police in the torture of the minor.⁵⁵⁸

Case 17: Award of Rs. 50,000 to a torture victim

On 13 December 2019, the TNSHRC recommended the State government of Tamil Nadu to pay a compensation of Rs. 50,000 to V. Murugan, who was tortured by police during investigation of a case in Thoothukudi district on 25 July 2017. The TNSHRC directed that the compensation amount be recovered from three police personnel identified as Inspector Sudhakar, Head Constable Damodharan and constable Aruljothi, all three then attached to Kulasekarapattinam police station.⁵⁵⁹

⁵⁵⁸. Police brutality: SHRC recommends 2 lakh relief, The Hindu, 13 December 2019, <https://www.thehindu.com/news/cities/chennai/police-brutality-shrc-recommends-2-lakh-relief/article30290491.ece>

⁵⁵⁹. Police excess: State Human Rights Commission recommends compensation, The Hindu, 13 December 2019, <https://www.thehindu.com/news/national>

Bihar Human Rights Commission

On 1 October 2019, the Bihar Human Rights Commission (BHRC) directed the State Government of Bihar to pay Rs 12 lakh compensation to the families of Mohammad Tasleem Ansari and Mohammad Gufran Alam who died in police custody in Dumra police station in Sitamarhi district, Bihar on 6 March 2019. The compensation included Rs 500,000 to Ansari's parents and Rs 700,000 to Alam's wife. Both deceased Ansari and Alam were picked up by a police team from their residences at Ramdiha village under Chakia police station in East Champaran district on 5 March 2019 for interrogation for their suspected involvement in a loot-cum-murder case, which took place on 21 February 2019. In its order, the BHRC observed that responsibility of the State becomes greater in present case as perpetrators of heinous crime were men in uniform upon whose shoulders rests the safety and security of society at large.⁵⁶⁰

[/tamil-nadu/police-excess-state-human-rights-commission-recommends-compensation/article30296356.ece](https://tamil-nadu/police-excess-state-human-rights-commission-recommends-compensation/article30296356.ece)

⁵⁶⁰. BHRC: Pay Rs 12L to kin of custodial death victims, The Times of India, 2 October 2019, <https://timesofindia.indiatimes.com/city/patna/bhrc-pay-rs-12l-to-kin-of->

J&K State Human Rights Commission

In February 2019, Jammu & Kashmir State Human Rights Commission (JKSHRC) following an investigation ruled that 20-year-old Mohammad Ramzan Lone, S/o Abdul Gaffar, died due to custodial torture by the police at Khadi police post in Ramban district of Jammu and Kashmir. On 16 May 2014, two children aged six and five years respectively sneaked into Lone's home in Aramdaka Mangit village of Banihal in Ramban district and ate a pot of ghee. Later, Lone found the children lying unconscious inside his home. The children were rushed to the hospital after their families were informed by Lone. In this case, the police summoned Lone and his father for questioning after receiving a complaint from the parents of the children. At the Khadi police post, Lone was allegedly beaten and kicked in the stomach by constable Waheed Ahmad as a result of which, his head collided against the wall and lost his consciousness. Subsequently, Sub Inspector Mohammad Younis directed his staff to take Lone to a separate room until his condition improved, where he was kept for six days in a sick condition without giving medical treatment. Lone was released in a serious condition and he later died in hospital. The post mortem conducted

by doctors stated the cause of Lone's death as "intracranial haemorrhage", a medical condition in which pressure of vital brain centres that control heart rate and breathing increases. The investigation by the JKSHRC revealed that Mohammad Ramzan Lone died "as a result of beating by the officials of police post Khadi during his (Lone's) illegal confinement" in police lock up. The JKSHRC further stated that "... (Lone) was beaten ruthlessly and after his health apparently deteriorated, he was denied any medical help".⁵⁶¹

On 26 July 2019, the JKSHRC directed the state government to register a case in the custodial death of Junaid Ahmad Khuroo and also provide a compensation of Rs 500,000 to the NoK of the deceased. In its order the SHRC stated that it was proved that the deceased had died in police custody. The Commission also asked the police to dissuade Inspector Gazanfar Syeed and SI Nisar Ahmad from their regular police duty so that they should not interfere in the investigation. It also urged the State's Chief Secretary and DGP to

[custodial-death-victims/articleshowprint/71399069.cms](#)

⁵⁶¹. SHRC establishes Banihal youth died of beating in police custody, Greater Kashmir, 12 February 2019, [https://www.greaterkashmir.com/\(X\(1\)S\(cifufpa1ywlksr45lhakqabb\)\)/news/kashmir/shrc-establishes-banihal-youth-died-of-beating-in-police-custody/312653.html](https://www.greaterkashmir.com/(X(1)S(cifufpa1ywlksr45lhakqabb))/news/kashmir/shrc-establishes-banihal-youth-died-of-beating-in-police-custody/312653.html)

implement the order in letter and spirit.⁵⁶²

Madhya Pradesh State Human Rights Commission

On 12 July 2018, the Madhya Pradesh Human Rights Commission (MPHRC) recommended a compensation of Rs 5 lakh to the two minor children of a woman undertrial prisoner who died after consuming poisonous substance in a jail in Bhopal. During investigation the MPHRC found that the deceased died due to gross carelessness and ignorance of jail and police management. Holding jail and police administration responsible for the incident, a bench of Justice Narendra Kumar Jain and member Sarabjeet Singh also recommended initiation of a departmental inquiry against the guilty public servants.⁵⁶³ The deceased woman prisoner named Saraswati alias Sarla consumed some poisonous substance in jail on 10

⁵⁶². SHRC directs govt to register case in Sopore youth's killing, Greater Kashmir, 27 July 2019, <https://www.greaterkashmir.com/news/kashmir/shrc-directs-govt-to-register-case-in-sopore-youths-killing/>

⁵⁶³. MPHRC orders to pay Rs 5 lakh to kin of woman who died in jail, The Free Press Journal, 9 August 2018, available at <https://www.freepressjournal.in/latest-news/bhopal-mphrc-orders-to-pay-rs-5-lakh-to-kin-of-woman-who-died-in-jail/1331640>

August 2015 and she died while undergoing treatment.⁵⁶⁴

Karnataka State Human Rights Commission

On 25 June 2019, the Karnataka State Human Rights Commission ordered the CID to investigate the custodial death of undertrial prisoner Syed Fairoz, aged 21 years at Parappana Agrahara Central Prison, Bangalore on 24 January 2019. The KSHRC also directed the State Government of Karnataka to pay interim compensation of Rs. 10,00,000 to the next of kin of the deceased, to be recovered from errant prison officials responsible for the death.⁵⁶⁵ Fairoz was arrested by the police in January 2018 after they found 300 gm of marijuana in his possession, and was remanded to judicial custody. On 19 January 2019, Fairoz was rushed to the prison hospital after his right leg was bruised and swollen. According to Dr Pramila at the prison hospital's OPD, who treated Fairoz, he had "greenish bruises on his right leg". On 21 January, Fairoz's condition became

⁵⁶⁴. Ibid

⁵⁶⁵. KSHRC orders CID probe into custodial death of undertrial, The Hindu, 26 June 2019, <https://www.thehindu.com/news/national/karnataka/kshrc-orders-cid-probe-into-custodial-death-of-undertrial/article28159457.ece>

critical and he was rushed to Victoria Hospital in Bengaluru. Fairoz's uncle was informed that his condition was stable and that there was no threat to his life on the night of 23 January. However, on January 24 morning, Fairoz died. An autopsy was performed, which concluded the cause of death as assault. Fairoz allegedly told his uncle Muzamil and the doctors at Victoria Hospital that the police at Parappana Agrahara Central Prison had beaten him mercilessly. An official with the forensic department at Victoria Hospital said that Fairoz had bruises all over his right leg. There were also blisters on his upper thigh and the skin on the side of his upper thigh had been scraped off. He also had an injury on his left temple caused by a blunt object. However, prison officials denied that Fairoz's injuries occurred inside the jail and instead blamed the police who arrested him one year ago. But doctors at Victoria hospital stated that Fairoz's injuries were not more than 10 days old when he was brought in for treatment.⁵⁶⁶

Kerala State Human Rights Commission

In July 2019, the Kerala Human Rights Commission in a report submitted to the state government on custodial death of finance dealer Rajkumar, recommended exemplary punishment including termination from service of police officials responsible for custodial torture and deaths. The Commission submitted the report following investigation of the custodial death of 49-year-old Rajkumar due to third-degree torture at Nedumkandam police station in Idukki district on 21 June 2019. Rajkumar was taken into police custody in a financial fraud case on 12 June 2019 and kept at the police station until his arrest was recorded on 15 June. He was produced in the Magisterial Court on 16 June. In the wee hours of 17 June, at 1.20 am, the Nedumkandam police brought Rajkumar to the Peermade sub-jail. He was found to be sick and was not able to walk but not provided immediate medical attention. Finally, he was taken to hospital on 18 June when his condition deteriorated and he died on 21 June.⁵⁶⁷

⁵⁶⁶. Did police brutality result in the death of an undertrial prisoner in Bengaluru?, The News Minute, 31 January 2019, <https://www.thenewsminute.com/article/did-police-brutality-result-death-undertrial-prisoner-bengaluru-96002>

⁵⁶⁷. See The News Minute, 18 July 2019 at <https://www.thenewsminute.com/article/terminate-cops-responsible-custodial-torture-or-death-kerala-human-rights-panel-105670>

Maharashtra State Human Rights Commission

On 3 April 2019, *The Times of India* reported that the Maharashtra State Human Rights Commission (MSHRC) directed the State Government to pay Rs. 200,000 to an elderly woman due to unreasonable delay of four years in registering an FIR by police in a case of forgery against a builder. In its order, the SHRC observed that due to serious lapse by a police officer for not registering the FIR immediately, the human rights of the complainant had been violated. The SHRC also directed the State's Director General of Police to circulate the Supreme Court guidelines on registration of FIRs in case of serious offences to ensure police register FIRs promptly. The guidelines make it mandatory for police to register an FIR when a cognizable offence is reported. In her complaint, the 75-year-old woman, resident of Vile Parle, stated that police had failed to register an FIR against a builder and others over forgery in a slum rehabilitation project. The woman had named a senior police inspector and a sub-inspector and said she was made to "run from pillar to post" since July 2014. She said her house was demolished and she was left stranded. In November 2018, the SHRC issued a showcause notice asking why no action should be initiated against the errant officer

under the Protection of Human Rights Act.⁵⁶⁸

In the first week of September 2019, the MSHRC directed the Maharashtra Police to pay Rs 500,000 in compensation to a doctor couple from Sangli, accused of the murder of a nursing home employee in 2009 but against whom charges are yet to be filed even after a decade. The facts of the case affected the MSHRC to such an extent that acting chairman and member M A Sayeed began his order with the following remark: *"...the facts therein unfold a tale that may well harrow up our legal souls and make jurisprudential hair stand on end, like the proverbial quills on the fretful porcupine."* According to police, Babar was found dead with stab wounds and multiple fractures, a few kilometers away from his home in Sanmadi village on 3 September 2009, a couple of hours after leaving work. On the basis of a complaint filed by his mother, a case of murder was registered against unknown persons. However, it was only in 2013, when the probe was transferred from the local police to the state CID that the couple came under suspicion. The same year, the

⁵⁶⁸. Police delay FIR, rights panel orders Rs 2 lakh relief to woman, *The Times of India*, 3 April 2019, <https://timesofindia.indiatimes.com/city/mumbai/police-delay-fir-rights-panel-orders-rs-2-lakh-relief-to-woman/articleshowprint/68697918.cms>

CID also moved an application before a local court seeking to conduct a brain mapping test and narco-analysis of the couple, saying they were not cooperating with the investigation. The court had rejected the CID's application, following which it filed a revision petition before the Sangli Sessions Court challenging the order of the lower court. However, the revision petition is yet to be decided.⁵⁶⁹

In yet another order in the first week of September 2019, the MSHRC directed the Maharashtra Police to pay Aditya Dongare, 31-year-old victim Rs 500,000 in compensation after he was thrashed mercilessly by two policemen inside a police lockup for reportedly drinking beer in public with friends. Taking note of the "humiliating treatment, including physical and mental trauma", the victim was subjected to, the commission has also directed the state police to "infuse basic human values" in the force. On June 10, 2016, while Aditya Dongare and his three friends were returning home in the early hours, Sub Inspector Surendra Shivade and Constable

Vinod Raut, who were posted on night patrol in civil clothes at Tulinj police station in Nallasopara east, forcibly took them to the police station and held Dongare in custody without formally charging him for any offence. The policemen allegedly dragged Dongare to the detection room and assaulted him with a belt, a fibre lathi and broke his mobile phone. Dongare and his friends were allowed to go several hours later even as no complaint was registered against them. The MSHRC also expressed dismay at the slow pace of the investigation against the officials, with the police not having responded to Dongare's pleas to have his statement recorded and accept vital evidence, which included his broken mobile phone and a blood-stained T-shirt that he was wearing at that time. The commission also directed the Director General of Police, Maharashtra, to frame guidelines to "check abuse of police power" by focusing on transparency of action, accountability, infusing basic human values and making members of the police force "sensitive" to the constitutional ethos.⁵⁷⁰

⁵⁶⁹. MSHRC directs police to pay Rs 5 lakh compensation to doctor couple accused of employee's murder, The Indian Express, 2 September 2019; <https://indianexpress.com/article/india/mshrc-directs-police-to-pay-rs-5-lakh-to-doctor-couple-accused-of-employees-murder-in-2009-5957664/>

⁵⁷⁰. Assaulted by cops for drinking beer: MSHRC orders Rs 5 lakh compensation, The Indian Express, 5 September 2019; <https://indianexpress.com/article/cities/mumbai/assaulted-by-cops-for-drinking-beer-mshrc-orders-rs-5-lakh-compensation/>

Meghalaya Human Rights Commission

On 12 February 2019, the Meghalaya Human Rights Commission (MHRC) directed the State police to probe into the alleged case of human rights violation of Manavon Massar, a musician who was tortured by former East Khasi Hills Superintendent of Police (Traffic), Bashan J Laloo in Shillong in East Khasi Hills district. In its order, the MHRC directed the Director General of Police, Meghalaya, to start an enquiry into the allegation made by the complainant Manavon Massar by an officer not below the rank of Deputy Inspector General of Police (DIGP) and submit the detailed report within 30 days.⁵⁷¹ The victim alleged that he was brutally beaten up by Bashan J Laloo for violation of traffic rules on 19 December 2018. He had sustained injuries including a fractured finger and bruised leg. According to the victim, he was taken to Laitumkhrah police station where he was again allegedly tortured.⁵⁷²

⁵⁷¹. Meghalaya Human Rights Commission Seeks Probe Into Rights Violation By Police, Assam Tribune, 14 February 2019, <https://www.sentinelassam.com/news/meghalaya-human-rights-commission-seeks-probe-into-rights-violation-by-police/>

⁵⁷². Meghalaya: Overtaking lands local musician in trouble; police brutality alleged, The Northeast Today, 21 December 2018,

Haryana State Human Rights Commission

The Haryana State Human Rights Commission (HSHRC) in a report revealed that number of cases of human rights violation against the police was on rise.⁵⁷³ As per the report, the Commission received 2,930 complaints in 2018-19, out of which 1,485 were against the State police. From January 1 to July 31, 2019, a total of 1,568 complaints were recorded out of which maximum 809 were against the State police. Sources in the Commission said in some cases, senior police officials were seen to be protecting their subordinates accused of violation. The study further revealed that in many cases, the police had failed to take lawful action. Apart from that some cases were reported regarding abuse of power by police while a few of the complainants alleged that they were falsely implicated.⁵⁷⁴ The Commission

<https://thenortheasttoday.com/meghalaya-a-overtaking-lands-local-musician-in-trouble-police-brutality-alleged/>

⁵⁷³. Complaints against State police on rise, reveals HSHRC, The Daily Pioneer, 1 September 2019; <https://www.dailypioneer.com/2019/state-editions/complaints-against-state-police-on-rise--reveals-hshrc.html>

⁵⁷⁴. Complaints against State police on rise, reveals HSHRC, The Daily Pioneer, 1 September 2019; <https://www.dailypioneer.com/2019/state>

receives complaints pertaining to serious violations against children, women, labourers, defence forces, juveniles of shelter homes, persons belonging to SC/ST/OBC, minorities have been reported. In addition to reporting of religious and communal violence, the human rights violations involving various departments like health department, jail, police department, pollution, ecology, service matter etc. However, the maximum complaints against state police have been reported and most of them pertained to serious violations, such as custodial deaths, torture and false implications by police and jail authorities.⁵⁷⁵

On 27 March 2019, the HSHRC directed the State government of Haryana to pay compensation of Rs. 15,000 each to two persons who were stripped and tortured in police custody in Sonapat in 2015. The victims identified as Suresh and Balraj were taken to preventive custody by Inspector Satyender Kumar, then SHO of Gohana city police station on 8 February 2015 when they approached him to register an FIR. The SHO instead of registering the FIR, took the victims into preventive custody, stripped and tortured them in the police lock-up. Passing a 15-page order, the Commission said that the State

government was “liable for the wrongs committed by its officers” and observed that the “act of the police was totally illegal and clearly in violation of human rights of the citizens”.⁵⁷⁶

In first week of April 2019, the HSHRC directed the State Government to pay a compensation of Rs. 20,000 to Mahender Singh, who was tortured at a police station in Sonapat district in September 2016. The Commission asked the State Government to recover the amount from the guilty head constable identified as Sushil Rawal. The victim, a resident of Bhora Rasulpur village in Sonapat district had complained that he had sought police help to resolve a dispute with his brother, Subhas fearing that it might escalate. Subsequently, ASI Ramesh took Mahender and his brother to the police station in Ganaur, and went for patrol duty. Later that night, Head Constable Sushil Rawal came to the police station in an inebriated state. After inquiring from Mahender about the election to the post of sarpanch, the head constable began beating him up

[-editions/complaints-against-state-police-on-rise--reveals-hshrc.html](#)

⁵⁷⁵. Ibid

⁵⁷⁶. Rights panel orders compensation to duo ‘illegally detained, stripped’ by cops, The Times of India, 30 March 2019, <https://timesofindia.indiatimes.com/city/gurgaon/rights-panel-orders-compensation-to-duo-illegally-detained-stripped-by-cops/articleshowprint/68638821.cms>

with a stick and an electric wire while abusing him in the name of his caste. Following the Commission's intervention, a police inquiry report stated that the head constable had shown "indiscipline and dereliction towards his duty" and a departmental inquiry had been initiated against him. In its order, the Commission stated that the complainant produced photographs showing injury marks on his back and a copy of the medico-legal report. It also observed that the head constable had beaten up Mahender without any reason and his action was unjustified and a violation of human rights.⁵⁷⁷

Rajasthan SHRC

On 2 September 2019, the Rajasthan State Human Rights Commission directed the Rajasthan government to pay Rs 9 lakh to 3 doctors who were jailed for three days after they failed to furnish five bail bonds of Rs 20 lakh each separately imposed by then Additional District Magistrate (city), Bharatpur. The Commission also asked the state government to bring some amendments in CrPC

sections that are violating human rights especially of the government servants. Commission's chairperson Justice Prakash Tatia had taken *suo motu* cognizance of news reports stating the three doctors of government hospital, Bharatpur, were asked a bail amount of nearly Rs 1 crore each, failing which they were jailed. The doctors identified as Kaptan Singh, Manish Goyal and Mukesh Kumar Vashishta were arrested in December 2017 for observing strike to pursue their demands. The doctors were released by the sessions judge, Bharatpur on 18 December 2018.⁵⁷⁸

⁵⁷⁷. Beaten up by cop, Sonapat man to get Rs 20K relief – Human rights commission wants govt to recover money from head constable, The Tribune, 8 April 2019, <https://www.tribuneindia.com/news/haryana/beaten-up-by-cop-sonapat-man-to-get-rs-20k-relief/754950.html>

⁵⁷⁸. SHRC asks government to pay Rs 9 lakh to 3 doctors who were jailed, The Times of India, 3 September 2019; <https://timesofindia.indiatimes.com/city/jaipur/shrc-asks-govt-to-pay-rs-9l-to-3-docs-who-were-jailed/articleshowprint/70952548.cms>

10. SCRUTINY OF INDIA'S RECORDS BY THE UN HUMAN RIGHTS MECHANISMS

India continued to be under the scrutiny of the United Nations.

Case 1: UN experts alarmed by alleged police killings in Uttar Pradesh

On 11 January 2019, four United Nations (UN) human rights experts expressed alarm about allegations of at least 59 extrajudicial killings by police in Uttar Pradesh since March 2017.⁵⁷⁹ The experts had written to the Indian government asking for information about 15 cases of what could be extra-judicial killings by the Uttar Pradesh police. They had also taken note of 59 cases of possible fake encounters.⁵⁸⁰ Most of the 15 cases relate individuals from Muslim communities living in poverty. Evidence indicates the killings took place in police custody. In all of the

cases, the police said the killings were during encounters and in self-defence.⁵⁸¹ The experts expressed concerns that the Supreme Court's guidelines on investigations were not followed. This included police failing to inform family members of the killings, to conduct examinations of the scene, to provide copies of post-mortem reports to families, and to transfer cases to an independent investigative agency. The experts cited *People's Union of Civil Liberties vs State of Maharashtra* (2014) and said that the Indian government had not been following the guidelines laid down in this case on how investigations should be conducted.

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⁵⁷⁹. India: UN experts alarmed by alleged police killings in Uttar Pradesh, OHCHR, 11 January 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24066&LangID=E>

⁵⁸⁰. UN Rights Body 'Extremely Concerned' About Fake Encounters in Yogi Adityanath's UP, The Wire, 12 January 2019, <https://thewire.in/rights/uttar-pradesh-yogi-adityanath-fake-encounters-un>

⁵⁸¹. India: UN experts alarmed by alleged police killings in Uttar Pradesh, OHCHR, 11 January 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24066&LangID=E>

⁵⁸². UN Rights Body 'Extremely Concerned' About Fake Encounters in Yogi Adityanath's UP, The Wire, 12 January 2019, <https://thewire.in/rights/uttar-pradesh-yogi-adityanath-fake-encounters-un>

Case 2: UN rights experts dismayed at India's continued forced deportation of Rohingyas

On 2 April 2019, a group of five United Nations human rights experts condemned the Indian Government's decision to deport three more Rohingyas to Myanmar and urged the authorities to stop such forced deportations which are prohibited under international law. The three Rohingyas deported, a father and his children, had been imprisoned since 2013, on charges related to lack of documentation. Earlier on 3 January 2019, India separated and forcibly returned five other members of their family to Myanmar.⁵⁸³ The experts expressed their dismay at the decision of the Indian Government to continue forced returns of Rohingyas to Myanmar, where they face high risk of attacks, reprisals and other forms of persecution because of their ethnic and religious identity. Under international law, the principle of non-refoulement prohibits States from forcing individuals to return to countries when there are substantial grounds for believing that they would be at risk of persecution,

torture, ill-treatment or other serious human rights violations.⁵⁸⁴

Case 3: OHCHR report says no security forces personnel accused of torture in Kashmir prosecuted in civilian court since 1990

In a report published on 8 July 2019, the Office of the UN High Commissioner for Human Rights (OHCHR) stated that no security forces personnel accused of torture or other forms of degrading and inhuman treatment was prosecuted in a civilian court since these allegations started emerging in the early 1990s. The report also stated that arbitrary detention and so-called 'cordon and search operations' led to a range of human rights violations. The report further reiterated its recommendation made by OHCHR's first ever report of June 2018 on the human rights situation in Kashmir calling upon India to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its Optional Protocol.⁵⁸⁵

⁵⁸³. India: UN human rights experts condemn Rohingya deportations, OHCHR, 2 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24437&LangID=E>

⁵⁸⁴. India: UN human rights experts condemn Rohingya deportations, OHCHR, 2 April 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24437&LangID=E>

⁵⁸⁵. Update of the Situation of Human Rights in Indian-Administered Kashmir

Case 4: UN experts asked India to provide information on 76 cases of torture and killings in Kashmir

On 18 March 2019, three special rapporteurs of the United Nations Human Rights Council (UNHRC) in a written communication asked the Government of India to provide details on steps taken to punish or provide justice to victims and their next of kin in 76 cases of torture and arbitrary killing in Jammu and Kashmir since 1990. The letter was written by the three experts, Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Puras and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer. The letter, which was published on the UNHRC website on 18 May along with India's reply that refused to provide any clarifications. The letter relates to 76 cases of torture and killings of civilians

allegedly both by the security forces and militants.⁵⁸⁶

Case 5: UN experts urged India to end communication shutdown in Kashmir

On 22 August 2019, UN human rights experts called on the Government of India to end the crackdown on freedom of expression, access to information and peaceful protests imposed in Jammu and Kashmir. The experts expressed concern that the measures, imposed after the Indian Parliament revoked Article 370 of the Constitution, would exacerbate tensions in the region. The experts aid "The blackout is a form of collective punishment of the people of Jammu and Kashmir, without even a pretext of a precipitating offence." They also expressed concern by reports that security forces were conducting night raids on private homes leading to the arrests of young people, stating that such detentions could constitute serious human rights violations and sought investigation of these allegations.⁵⁸⁷

and Pakistan-Administered Kashmir from May 2018 to April 2019, OHCHR, 8 July 2019, available at: https://www.ohchr.org/Documents/Countries/IN/KashmirUpdateReport_8July2019.pdf

⁵⁸⁶. Letter of the UN Experts is accessible at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24476>

⁵⁸⁷. See OHCHR Press release dated 22 August 2019

11. SUPREME COURT REJECTS PETITION FOR A STAND-ALONE LAW AGAINST TORTURE

Torture is endemic in India and has been a part of law enforcement and administration of justice. During 2017-2018, about five custodial deaths per day took place in India.

The prohibition of torture under international law is absolute and under no circumstances whatsoever can it be justified. As the Law Commission of India in its Report No.273 of October 2017 stated the prohibition of torture has “*attained the status of ‘jus cogens’ or peremptory norm of general international law, also giving rise to the obligation ‘erga omnes’ (owed to and by all States) to take action against those who torture*”.⁵⁸⁸

India has legally accepted a number of international treaty obligations which prohibit torture including the International Covenant on Civil and Political Rights (ICCPR) and the Geneva Conventions and its Additional Protocol II but it has failed to enact a national law to criminalise

torture and further ratify the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (UNCAT).

There has been many attempts to make India ratify UNCAT and enact a national law against torture.

Dr Ashwini Kumar case

Dr Ashwini Kumar, former Law Minister of India and former Chairman of the Rajya Sabha Select Committee on the Prevention of Torture Bill, 2010 filed a petition⁵⁸⁹ (hereinafter referred to *Dr Ashwini Kumar case*) before the Supreme Court requesting “*appropriate directions to fill the gaps in the law by enacting a standalone anti-custodial legislation as recommended by the different organs of State and necessary for the advancement of fundamental human rights. Indeed,the only politico-moral idea of our time that has received universal acceptance is the idea of human rights.*” The said petition was disposed off after the Attorney General for India assured the Court on 27 November 2017 that “the prayer made in the writ petition has

⁵⁸⁸. Law Commission of India’s “Report No.273 Implementation of United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment through Legislation” is available at <http://lawcommissionofindia.nic.in/reports/Report273.pdf>

⁵⁸⁹. Writ Petition (Civil) No.738/2016

been the subject matter of discussion in the Law Commission, the Law Commission has already made certain recommendations and the report is being seriously considered by the Government.”

As no action was taken on the assurance given on 27 November 2017, Dr Ashwini Kumar filed a Miscellaneous Application to his 2016 petition.

In its judgment dated 5th September 2019⁵⁹⁰, the Supreme Court rejected the Miscellaneous Application of Dr Ashwini Kumar, *inter alia*, on the grounds that torture is not an “exceptional case where there is a vacuum and non-existing position that the judiciary, in exercise of its constitutional power, steps in and provides a solution till the legislature comes forward to perform its role”. The apex court cited the *D K Basu Guidelines* and Sections 330 and 331 of the Indian Penal Code (IPC) and further stated that “when the matter (enactment of an anti-torture law) is already pending consideration and is being examined for the purpose of legislation” as “it would not be appropriate for this Court to enforce its opinion, be it in the form of a direction or even a request, for it would clearly undermine and conflict with the role assigned to the judiciary under the Constitution”.

The dismissal of Dr. Ashwini Kumar petition is a case of missed opportunity because of the following.

Firstly, the petition was dismissed on incorrect premise that prayer is to enact a suitable standalone comprehensive legislation based on the UN Convention against Torture. The Supreme Court while dismissing the petition stated, “We have no hesitation in observing that notwithstanding the aforesaid directions in *D.K. Basu (supra)* and the principles of law laid down in *Prithipal Singh and Others v. State of Punjab and Another* and *S. Nambi Narayanan (supra)*, this Court can, in an appropriate matter and on the basis of pleadings and factual matrix before it, issue appropriate guidelines/directions to elucidate, add and improve upon the directions issued in *D.K. Basu (supra)* and other cases when conditions stated in paragraph 27 *supra* are satisfied. However, this is not what is urged and prayed by the applicant. The contention of the applicant is that this Court must direct the legislature, that is, Parliament, to enact a suitable standalone comprehensive legislation based on the UN Convention and this direction, if issued, would be in consonance with the Constitution of India. This prayer must be rejected in light of the aforesaid discussion.”

⁵⁹⁰. MA No. 2560 of 2018 in WP (C) No. 738 of 2016

Dr Ashwini Kumar however had not prayed *'to enact a suitable standalone comprehensive legislation based on the UN Convention'* and he only prayed for a stand-alone law. In the introductory para of its judgment in the *Dr Ashwini Kumar* case, the Supreme Court produced the prayer made in the I.A. 2560 of 2018 in writ petition 728 of 2016 which read as *"it is therefore respectfully prayed that since no action has been taken by the Government pursuant to the statement of the Hon'ble Attorney General, the stand taken by the National Human Rights Commission and the Law Commission of India in its report of October 2017 and because the merit of the prayer is virtually admitted and conceded before this Hon'ble Court, the National Human Rights Commission, the Law Commission of India and by Select Committee of Parliament, as an integral constituent of the right to life with dignity under Article 21, this Hon'ble Court may be pleased to direct the Central Government to enact a suitable stand-alone, comprehensive legislation against custodial torture as it has directed in the case of mob violence/lynching vide its judgment 17th July 2018."*

Secondly, the Supreme Court dismissed the petition on the ground that it does not fall under "exceptional cases where there is a vacuum and non-existing position

that the judiciary" could step in given the existence of *D K Basu Guidelines* and Sections 330 and 331 of the Indian Penal Code. The said observation is questionable.

The Supreme Court Guidelines in *D.K. Basu* case does not criminalise torture as it only recommends measures which are intended to prevent torture. As the Supreme Court itself has stated *"failure to comply with the requirements shall apart from rendering the concerned official liable for departmental action, also render him liable to be punished for contempt of court"*. The offences under the Contempt of Court are highly inadequate to deal with torture often leading to deaths and therefore, contempt of courts cannot be equated with the punishment necessary for cases of torture.

Further, Sections 330 and 331 of the IPC do not particularly criminalize torture but it penalizes only "hurt", one of the elements of torture. The Prevention of Torture Bill, 2010 as drafted by the Rajya Sabha Select Committee and the Prevention of Torture Bill, 2017 as drafted by the Law Commission of India show that Sections 330 and 331 of the IPC do not address the legal vacuum pertaining to the crime of torture, and other cruel, inhuman and degrading treatment or punishment. Section 330 and 331 of the IPC does

not address (i) torture not leading to injuries such as sleep deprivation, submersion of the head in water or water polluted with excrement, urine, vomit or blood; food deprivation or forcible feeding with spoiled food, animal or human excreta and other stuff or substances not normally eaten; (ii) severe mental pain, agony, trauma or suffering caused to any person by cruel, inhuman and degrading treatment is said to inflict torture; (iii) command responsibility; (iv) inhumane or degrading treatment including inflicting shame upon the victim or any one by such act as stripping the person naked, parading him in public places, shaving the victims head or putting marks on his body against his will; (v) sexual offences etc; (vi) the use of psychoactive drugs to change the perception, memory, alertness or will of a person including the administration of drugs to induce confession or reduce mental competency and the use of drugs to induce extreme pain or symptoms of a disease; (vii) burden of proof etc.

Indeed, Sections 330 and 331 of the IPC have always existed and yet the Government of India felt the need to draft Prevention of Torture Bill, 2010 by itself and further Prevention of Torture Bill, 2010 by the Rajya Sabha and the PTB, 2017 by the Law Commission of India which are

nothing but acknowledgement of the inadequacy of these provisions – a fact blatantly ignored by the Supreme Court.

The inadequacy of existing national laws including Sections 330 and 331 of the IPC is the admitted position of the Government of India and therefore, it passed the Prevention of Torture Bill, 2010 in the Lok Sabha. This admitted position of the Government of India and substantiated by the Law commission of India, NHRC and the Rajya Sabha Select Committee has been undermined and/or grossly ignored by the Supreme Court.

Thirdly, the Supreme Court in its judgment dated 5 September 2019 in *Dr Ashwini Kumar* case⁵⁹¹ appears to have failed to fully appreciate its ruling on enactment of special law relating to mob lynching in *Tehseen S. Poonawalla v. Union of India and others*⁵⁹² even though there are direct and adequate penal provisions in India to criminalise mob lynching.

⁵⁹¹. M.A. NO.2560/2018 in W.P.(C) NO.738/2016

⁵⁹². (2018) 9 SCC 501, *Tehseen S. Poonawalla v. Union of India and Others*, available at <https://indiankanoon.org/doc/71965246>

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In the case of *Tehseen S. Poonawalla v. Union of India and Others*,⁵⁹³ the Supreme Court in its judgment dated 17 July 2018 looked at mob lynching as a sweeping phenomenon with a far-reaching impact and recognized its Constitutional duty to take a call to protect lives and human rights⁵⁹⁴ observing thereby that: *"There cannot be a right higher than the right to live with dignity and further to be treated with humanness that the law provides"*.

The Supreme Court issued a slew of directions for preventive, remedial and punitive action in the form of Guidelines for the purposes of preventing such heinous activities. The Court went a step further and recommended *"to the legislature, that is, the Parliament, to create a separate offence for lynching and provide adequate punishment for the same" "as a special law in this field would instill a sense of fear for law amongst the people who involve themselves in such kinds of activities"*. The critical question remains whether in the case of mob lynching it met the test of *"exceptional cases where there is a vacuum and non-*

existing position that the judiciary, in exercise of its constitutional power, steps in and provides a solution till the legislature comes forward to perform its role."

As the Supreme Court in its directions under "B. Remedial Measures" stated *"(vi) To set a stern example in cases of mob violence and lynching, upon conviction of the accused person(s), the trial court must ordinarily award maximum sentence as provided for various offences under the provisions of the IPC."* Therefore, it is clear that there are enough provisions in the Indian Penal Code to deal with offences of mob-lynching yet the Supreme Court found it necessary to issue directions to enact a special law.

Indeed, in the prominent mob-lynching cases such as murder of Pehlu Khan after being beaten by cow vigilantes in Alwar in Rajasthan for transporting cattle on 1 April 2017, the accused were arrested and chargesheeted under sections 147, 323, 341, 302, 308, 379 and 427 of the IPC.⁵⁹⁵ The Jharkhand Police invoked provisions of the Indian Penal Code such as Sections 302 with respect to the murder of Muslim man, Tabrez Ansari on 17 June 2019 in Jharkhand after he was

⁵⁹³. (2018) 9 SCC 501, *Tehseen S. Poonawalla v. Union of India and Others*, available at <https://indiankanoon.org/doc/71965246/>

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⁵⁹⁴ . Para 39, *Tehseen S. Poonawalla v. Union of India and Others*, available at <https://indiankanoon.org/doc/71965246/>

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⁵⁹⁵. *Pehlu Khan Lynching Case: Six of Nine Accused Acquitted Over 'Benefit of Doubt'*, *The Wire*, 14 August 2019, available at <https://thewire.in/law/pehlu-khan-lynching-case-acquittals>

allegedly caught for trying to steal a motorcycle, tied to a pole and assaulted by a mob with sticks and iron rods who forced him to chant 'Jai Shri Ram' and 'Jai Hanuman'.⁵⁹⁶

Finally, while dismissing the Dr. Ashwini Kumar petition, the Supreme Court had not adjudicated on its previous directions issued in the petition. The premise for filing M.A. NO.2560/2018 in W.P.(C) NO.738/2016 was to seek implementation of the assurance given by the Attorney General for India on 27 November 2017 that “*the prayer made in the writ petition has been the subject matter of discussion in the Law Commission and the Law Commission has already made certain recommendations. He would further submit the report is being seriously considered by the Government.*”

During the hearing on 22.01.2019, the Supreme Court noted that as per the affidavit filed by the Joint Secretary, Ministry of Home Affairs, Government of India wherein it has, *inter alia*, been stated that to implement the ‘United Nations Convention against Torture and other Cruel, Inhuman and Degrading

Treatment or Punishment’, the Prevention of Torture Bill, 2017 was referred to all the States for their inputs and comments on 28th February, 2018, followed by reminders on 27th June, 2018, 27th November, 2018 and 20th December, 2018. Only, Himachal Pradesh, Jharkhand, Meghalaya, Sikkim, Tripura, Uttarakhand, Andaman and Nicobar Islands, and Chandigarh submitted their replies.

The Supreme Court further directed “*the Chief Secretaries of the remaining States/Union Territories to send their comments/inputs on the Prevention of Torture Bill, 2017 within three weeks from today i.e. on or before 11th February, 2019 and thereafter, the Union of India will file a status report with regard to further steps that would be taken and the time frame within which the same will be completed.*” It also directed the Chief Secretary/ies of the State(s)/Union Territory(ies) to be personally present before the Court on 13th February, 2019 in the event there is any failure to comply with the directions contained in the present order.

Pursuant to the directions of the Supreme Court, the Union of India in an affidavit dated 12 February 2019 informed that “*all States and Union Territories have filed their inputs/suggestions and that the question of enacting a legislation is under consideration.*”

⁵⁹⁶. Tabrez Ansari lynching case: Police restore murder charge against 11 accused, India Today, 18 September 2019 available at <https://www.indiatoday.in/india/story/tabrez-ansari-lynching-case-police-restore-murder-charge-against-11-accused-1600603-2019-09-18>

The Supreme Court had not adjudicated on the replies and merely stated that *"it would not be appropriate for this Court to enforce its opinion, be it in the form of a direction or even a request" "when the matter is already pending consideration and is being examined for the purpose of legislation"*. By the same logic, the Supreme Court should not have issued the directions to submit the replies in the first place.

It was within the power of the Supreme Court to act on its own directions to direct the government of India to decide as per the replies from the States/UTs on the issue.
[Ends]