



INDIA

Annual Report on Torture-2020

NATIONAL CAMPAIGN AGAINST TORTURE



National Campaign Against Torture

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India: Annual Report on Torture 2020

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ABBREVIATIONS

AFSPA - Armed Forces Special Power Act
AIIMS - All India Institute of Medical Sciences
AIR – All India Radio
AR – Assam Rifles
ASI - Assistant Sub Inspector
BHRC - Bihar Human Rights Commission
BSF - Border Security Force
BJP - Bharatiya Janata Party
CAA - Citizenship Amendment Act
CB-CID - Crime Branch-Criminal Investigation Department
CID – Crime Investigation Department
CBI - Central Bureau of Investigation
CFLTC - Covid First Line Treatment Centre
CIA - Crime Investigation Agency
CHC - Community Health Centre
CCTV - Closed-circuit television
CMM - Chief Metropolitan Magistrate
CrPC - Code of Criminal Procedure
CRPF - Central Reserved Police Force
CWC - Child Welfare Committee
DHH - District Headquarters Hospital
DGP - Director General of Police
DCP - Deputy Commissioner of Police
DM - District Magistrate
DSP – Deputy Commissioner of Police
EOW - Economic Offences Wing
ESMA - Essential Services Maintenance Act
FCRA - Foreign Contribution Regulation Act
FIR – First Information Report
GD – General Dairy
GREF - General Reserve Engineer Force
GRP - Government Railway Police
HC – High Court
IED - Improvised Explosive Device
IG – Inspector General
IO - Investigation Officer
IPC - Indian Penal Code
IPS- Indian Police Service
IRBn - Indian Reserve Battalion
ITBP - Indo-Tibetan Border Police
J&K – Jammu and Kashmir
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
LCB - Local Crime Branch
KSHRC - Kerala State human rights commission
KRA - Kuki Revolutionary Army
MER – Magisterial Enquiry Report
MLA - Member of Legislative Assembly
MLC - Medico Legal Case
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
OC - Officer-in-Charge
OHCHR – Office of the UN High Commissioner for Human Rights
OHRC – Odisha Human Rights Commission
PHRA - Protection of Human Rights Act
POCSO - Protection of Children from Sexual Offences
PIL - Public Interest Litigation
PMR – Post Mortem Report
PHC – Primary Health Centre
SC/ST Act - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act
SEB - Special Enforcement Bureau
SF – Security force
SI - Sub Inspector
SIMI - Students’ Islamic Movement of India
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
SR - Special Rapporteur
SRP - State Reserve Police
ST – Scheduled Tribe
STF - Special Task Force
THRO- Tripura Human Rights Organisation
TNSHRC - Tamil Nadu State Human Rights Commission
ULFA - United Liberation Front of Assam
UN – United Nations



UNCAT - UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

VDP - Village Defence Party

WBCPCR - West Bengal Commission for Protection of Child Rights

1. EXECUTIVE SUMMARY

Throughout 2020, India remained virtually shut because of the lockdowns imposed to contain the COVID-19 pandemic. From 24 March to 31 May 2020, India was completely locked down while during the unlock phases from Unlock 1.0 to Unlock 7 i.e. from 1 June to 31 December 2020, India faced various degrees of restrictions and social distancing to deal with the COVID-19.

The United Nations Office on Drugs and Crime in its study on the impact of the COVID-19 pandemic on four types of crime: homicide, robbery, theft and burglary stated that *"Reported robbery, theft and burglary declined significantly, falling by more than 50 per cent in most countries. The decrease was larger in countries with stricter lockdown regimes."*¹

In the initial phase of COVID-19 lockdown, Delhi, Bengaluru, Lucknow, Kolkata, Thiruvananthapuram and Coimbatore reported a 60-90 per cent drop in crimes by 10 April 2020 as compared to 2019 though cases of domestic violence, cybercrime and violation of lockdown rules were some of the exceptions.² In 2020, the number of criminal cases in Bengaluru decreased nearly 20% from 2019 with the number of murders plummeting from 204 in 2019 to 179 in 2020, robberies from 505 to 375, chain-snatching cases from 225 to 152 and attempt to murder from 548 to 501.³ Though the crime statistics in Bangalore is not representative of India, there is no doubt that overall, some of the heinous crimes, which usually cause arrest, detention and custodial deaths significantly fell significantly because of the restrictions imposed to tackle the COVID-19 pandemic.

However, there has not been any reduction of deaths in police custody despite India facing various lockdowns. On 17 September 2020, the Ministry of Home Affairs informed the Lok Sabha that 113 persons died in police custody from 1 April 2019 to 31 March 2020.⁴ The National Campaign Against Torture (NCAT) in this report recorded deaths of 111 persons in police custody during 2020.

¹. Research brief: Effect of the COVID-19 pandemic and related restrictions on homicide and property crime, UNODOC, https://www.unodc.org/documents/data-and-analysis/covid/Property_Crime_Brief_2020.pdf

². Crime, except domestic abuse, drops amid COVID-19 lockdown, The Federal, 10 April 2020, <https://thefederal.com/covid-19/covid-19-lockdown-brings-down-crime-rate-barring-domestic-abuse-cases/>

³. Bengaluru: Thanks to Covid, criminal cases dropped 20%, Bangalore Mirror, 8 January 2021, <https://bangaloremirror.indiatimes.com/news/india/bengaluru-thanks-to-covid-criminal-cases-dropped-20/articleshow/80163420.cms>

⁴. Reply to Unstarred Question No. 292 before the Lok Sabha on 15 September 2020, <http://164.100.24.220/loksabhaquestions/annex/174/AU292.pdf>

The highest number of custodial deaths were reported from Gujarat and Uttar Pradesh with 11 custodial deaths each; followed by 10 custodial deaths in Madhya Pradesh; nine in West Bengal, eight in Tamil Nadu; six each in Odisha, Punjab and Rajasthan; four each in Andhra Pradesh, Jharkhand and Maharashtra; three each in Chhattisgarh, Delhi, Haryana, Jammu & Kashmir and Karnataka; two each in Arunachal Pradesh, Assam, Uttarakhand; and one each in Bihar, Himachal Pradesh, Kerala, Manipur, Mizoram, Telangana and Tripura.

Out of the 111 deaths in police custody in 2020 documented by the NCAT, 51 victims died due to alleged torture, 35 died in alleged suicide, eight died due to suspected foul play, five due to alleged sudden illness, two while attempting to flee, while others died due to various reasons.

In India, custodial deaths have become synonymous with suicide as victims commit suicide to escape torture as well as humiliation including in front of family members. In 2020, the NCAT recorded 55 deaths by suicide as a result of police torture i.e. more than one suicide because of torture in police custody. The maximum number of cases of suicide as a result of torture were reported from Uttar Pradesh with nine cases, followed by Andhra Pradesh with seven cases and Madhya Pradesh with four cases.

The NCAT further recorded the deaths of 18 victims as a result of torture and beating by the police while enforcing the COVID 19 lockdown from 25 March to 31 May 2020.

Apart from the police, the Forest Department officials were also responsible for perpetrating torture. The NCAT documented at least three deaths at the hands of Forest Department officials in 2020 including Maniram Gond in Madhya Pradesh on 19 July 2020,⁵ 70-year-old Anaikarai Muthu in Tamil Nadu on 23 July 2020⁶ and Balabhadra Behera in Odisha on 13 October 2020.⁷

The NCAT documented a number of cases of torture including deaths of Dalit and tribal people in police custody during 2020.

Torture of women in custody and custodial rape of women including two minors and victim of a gang rape who had approached the police were reported.

5. Tribal dies in Madhya Pradesh, family members allege harassment by forest officer, The Hindustan Times, 20 July 2020, <https://www.hindustantimes.com/india-news/tribal-dies-in-madhya-pradesh-family-members-allege-harassment-by-forest-officer/story-obbDOI54Vd0A6agjv2fkVO.html>

6. TN farmer custodial death: HC orders re-postmortem on wife's plea, The News Minute, 30 July 2020, <https://www.thenewsminute.com/article/tn-farmer-custodial-death-hc-orders-re-postmortem-wife-s-plea-129707>

7. NHRC Case No. 3043/18/28/2020

Illegal detention and torture of children in gross violations of the Juvenile Justice (Care and Protection of Children) Act, 2015 were reported while the NCAT documented the death of four children due to torture in police custody. The NCAT also documented two cases of death of minors due to alleged torture in juvenile homes.

In 2020, the NHRC also recorded 1,569 deaths in judicial custody across the country. The NCAT recorded at least 18 deaths in prison custody as a result of torture, 51 cases of deaths due to alleged denial of timely and appropriate medical treatment to the prisoners and 34 cases of suicide in prisons. Prison conditions remain torturous. As per the latest report of the NCRB, as of 31 December 2019 there were 4,78,600 prisoners against the total capacity of 4,03,739 prisoners in India's 1,350 jails indicating overcrowding of 118.5%. Among the States, Delhi reported the highest overcrowding with 174.9% followed by Uttar Pradesh (167.9%), Uttarakhand (159%), Chhattisgarh (153.3%), Uttarakhand (150%), Meghalaya (157.4%), Madhya Pradesh (155.3%), Sikkim (153.8%), Maharashtra (152.7%) and Chhattisgarh (150.1%).⁸

In armed conflict situations, the armed forces consisting of the Indian Army and the Central Armed Police Forces (CAPF) have the power to take persons into custody and there were reports of torture and sexual violence at the hands of the armed forces during 2020.

The armed oppositions groups in Jammu and Kashmir and the Naxalites were also responsible for a number of cases of torture and extrajudicial executions.

The Dalits and the tribals faced killing, torture, degrading and humiliating treatment and sexual violence. The "Crime in India" published by the Government of India recorded 45,935 crimes against Scheduled Caste or Dalits and 8,257 crimes/atrocities against Scheduled Tribes during 2019.⁹ The Hathras gang rape case in which on 14 September 2020, a 20-year-old Dalit girl was gang-raped by four upper caste men at a village in Hathras district, Uttar Pradesh exemplified the atrocities on Dalits. The victim died in a Delhi hospital after fighting for her life for two weeks but her dead body was forcibly cremated by the police without the consent of her family. The Uttar Pradesh government alleged international conspiracy to malign the State government but on 18 December 2020, the Central Bureau of Investigation submitted its charge sheet confirming that the Dalit victim

⁸. See Chapter 1 (Prisons – Types and Occupancy), Prison Statistics India 2019

⁹. Nation Crime Records Bureau's "Crime in India 2019"; TABLE 7C.1 – Crime/Atrocities against Scheduled Tribes (STs) – 2017–2019:

<https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%202.pdf>

was gang raped and tortured by the four accused men, eventually leading to her death.¹⁰

The Supreme Court delivered two significant judgements ruling in *Toofan Singh vs State of Tamil Nadu*¹¹ that confession to officers under the Narcotic Drugs and Psychotropic Substances Act (NDPS Act) inadmissible as evidence thereby applying the safeguards against torture while further directing the installation of CCTV cameras in all interrogation rooms in *Paramvir Singh Saini vs Baljit Singh* case.

India has been severely criticised by the United Nations human rights experts including for excessive use of force on protestors against the Citizenship Amendment Act (CAA), 2019, the detention of human rights defenders "simply because they exercised their right to denounce and protest against the CAA, alarming human rights situation including detention of protestors during the COVID-19 pandemic and internet restrictions in Jammu and Kashmir while the UN High Commissioner for Human Rights expressed concerns at the tightening of space for human rights NGOs in particular, including by the application of vaguely worded laws that constrain NGOs' activities and restrict foreign funding through the Foreign Contribution Regulation (Amendment) Act of September 2020.

2. TORTURE BY THE POLICE

2.1. INCIDENTS OF TORTURE AND CUSTODIAL DEATH IN 2020

A. Deaths in police custody

The National Human Rights Commission (NHRC) registered a total of 90 deaths in police custody from January to December 2020. These included 11 deaths in January, five deaths in February, 11 deaths in March, six deaths in April, three deaths in May, five deaths in June, 11 deaths in July, 12 deaths in August, four deaths in September, eight deaths in October, eight deaths in November and six deaths in December.¹²

¹⁰. H CBI Says Hathras Victim Was Gang-Raped, Killed, NDTV, 18 December 2020, <https://www.ndtv.com/india-news/hathras-case-four-charged-for-gang-rape-and-murder-says-lawyer-of-accused-2340431>

¹¹. Criminal Appeal No.152 of 2013, https://main.sci.gov.in/supremecourt/2012/26682/26682_2012_33_1501_24551_Judgement_29-Oct-2020.pdf

¹². Information received by Tejang Chakma under Right to Information Act from NHRC vide Letter No.NHRC/RTI/21/32 dated 2 February 2020

However, the NCAT documented deaths of 111 persons in police custody across the country in 2020 as per **Table 1** given below. The highest number of custodial deaths were reported from Gujarat and Uttar Pradesh with 11 custodial death each; followed by 10 custodial deaths in Madhya Pradesh; nine in West Bengal, eight in Tamil Nadu; six each in Odisha, Punjab and Rajasthan; four each in Andhra Pradesh, Jharkhand and Maharashtra; three each in Chhattisgarh, Delhi, Haryana, Jammu & Kashmir and Karnataka; two each in Arunachal Pradesh, Assam, Uttarakhand; and one each in Bihar, Himachal Pradesh, Kerala, Manipur, Mizoram, Telangana and Tripura.

Out of the 111 deaths in police custody in 2020 documented in this report, 51 persons died due to alleged torture, 35 persons died in alleged suicide, eight persons died due to suspected foul play, five due to alleged sudden illness, two while attempting to flee, while others died due to various reasons.

Table 1: Deaths in police custody recorded by NCAT during 2020

SI No.	Name	States	Reason for death	Date of death
1	Salim Khan	Karnataka	Alleged torture	5.1.2020
2	Sushanta Ghosh	Tripura	Alleged suicide	12.1.2020
3	Ramprasad Barui	West Bengal	Alleged torture	13.1.2020
4	Babul Sheikh	West Bengal	Alleged torture	17.1.2020
5	Narendra Nayak	Chhattisgarh	Alleged foul play	18.1.2020
6	Gopal Pachori	Madhya Pradesh	Alleged foul play	28.1.2020
7	Thangboi Louvum	Manipur	Alleged foul play	28.1.2020
8	K Mahendiran	Tamil Nadu	Alleged suicide	1.2.2020
9	Amrik Singh	Himachal Pradesh	Alleged torture	3.2.2020
10	Raj Kumar Sau	West Bengal	Alleged torture	10.2.2020
11	Chirag Chauhan (17)	Gujarat	Alleged torture	13.2.2020
12	Sambasiva Rao	Andhra Pradesh	Alleged torture	16.2.2020
13	Devendra Kushwaha	Uttar Pradesh	Alleged torture	18.2.2020
14	Vivek Kumar Verma	Uttar Pradesh	Alleged suicide	21.2.2020
15	Sidhu Koda	Bihar	Alleged sudden illness	23.2.2020
16	Jigar Ramanbhai Solanki (17)	Gujarat	Alleged suicide	24.2.2020
17	Bodhu Birari	Maharashtra	Alleged suicide	25.2.2020
18	Bechan Rai	West Bengal	Alleged torture	26.2.2020
19	Deepak Shukla	Punjab	Alleged torture	27.2.2020
20	Jeetu Khateek	Rajasthan	Alleged torture	27.2.2020
21	Avtar Singh Gill	Madhya Pradesh	Alleged suicide	1.3.2020
22	Sitar Singh	Uttar Pradesh	Alleged torture	10.3.2020

23	Vimal Kumar	Gujarat	Alleged denial of medical care	11.3.2020
24	Daljeet Singh	Punjab	Alleged sudden illness	17.3.2020
25	Dinesh Modi	Gujarat	Alleged torture	17.3.2020
26	Imran Shaikh	Gujarat	Alleged sudden illness	20.3.2020
27	Anil Kumar	Uttar Pradesh	Alleged suicide	20.3.2020
28	Vikram Kumar	Bihar	Alleged suicide	24.3.2020
29	Dinesh	Rajasthan	Alleged suicide	1.4.2020
30	Vijay Mandal	Jharkhand	Alleged suicide	7.4.2020
31	Munipillappa	Karnataka	Alleged torture	10.4.2020
32	Rupesh Doliya	Gujarat	Alleged suicide	4.5.2020
33	Vinu Parmar	Gujarat	Alleged suicide	4.5.2020
34	Indal Singh	Madhya Pradesh	Alleged torture	15.5.2020
35	Ganesh Laxman Dhagle	Maharashtra	Not known	21.5.2020
36	Srilam Rangaiah	Telangana	Alleged suicide	26.5.2020
37	Pravinbhai	Gujarat	Not known	27.5.2020
38	Baljeet	Haryana	Alleged foul play	30.5.2020
39	Soban Singh	Uttarakhand	Alleged torture	30.5.2020
40	21-year-old youth	Haryana	Alleged suicide	4.6.2020
41	Mithai Lal	Uttar Pradesh	Alleged attack by fellow inmate in custody	13.6.2020
42	Mahendran	Tamil Nadu	Alleged torture	13.6.2020
43	Rinku	Haryana	Alleged suicide	14.6.2020
44	Jayanta Bora	Assam	Alleged torture	14.6.2020
45	P Jeyaraj and J Benniks	Tamil Nadu	Alleged torture	22-23.6.2020
46	Kumaresan	Tamil Nadu	Alleged torture	27.6.2020
47	Pradeep Bhil	Madhya Pradesh	Alleged suicide	7.7.2020
48	Vipul Nataverbhai Chauhan	Gujarat	Alleged suicide	9.7.2020
49	Dilbar Hussian	Arunachal Pradesh	Alleged suicide	11.7.2020
50	Santosh Kumar Pandu	Odisha	Alleged accident	13.7.2020
51	Navdeep Singh	Punjab	Alleged torture	18.7.2020
52	Sauvik Gorai	West Bengal	Alleged suicide	21.7.2020
53	Yaricharla Kiran Kumar	Andhra Pradesh	Alleged torture	22.7.2020
54	Rajesh Meena	Rajasthan	Alleged torture	25.7.2020
55	Thakur Singh	Jharkhand	Alleged torture	26.7.2020
56	Narayan Ladia	Madhya Pradesh	Alleged suicide	2.8.2020

57	Chandrabhan Singh Gurjar	Madhya Pradesh	Alleged jumping from running vehicle	2.8.2020
58	Beerbal Singh	Punjab	Alleged torture	7.8.2020
59	Ansari	Kerala	Alleged suicide	16.8.2020
60	Kalapala Krupakar	Andhra Pradesh	Alleged torture	28.8.2020
61	Gopalram Paswan	Odisha	Alleged suicide	29.8.2020
62	Monu alias Mohit	Uttar Pradesh	Alleged torture	29.8.2020
63	Prabhat Kumar Singh	Odisha	Alleged foul play	30.8.2020
64	Anup Roy	West Bengal	Alleged torture	2.9.2020
65	Wajid Ali	Uttar Pradesh	Alleged suicide	4.9.2020
66	Balwan Mahto	Jharkhand	Alleged suicide	5.9.2020
67	Nageshwar Rai	Bihar	Alleged torture	6.9.2020
68	Akhilesh Dixit	Uttarakhand	Alleged foul play	12.9.2020
69	Irfan Ahmad Dar	Jammu & Kashmir	Alleged torture	16.9.2020
70	Sohail Shaikh	Maharashtra	Alleged torture	16.9.2020
71	K Ramesh	Tamil Nadu	Alleged suicide	17.9.2020
72	Mirajul Islam	West Bengal	Not known	17.9.2020
73	T Selvan	Tamil Nadu	Alleged torture	17.9.2020
74	Dharmendra	Delhi	Alleged suicide	20.9.2020
75	C Manikandan	Tamil Nadu	Alleged torture	22.9.2020
76	Samsher	Uttar Pradesh	Alleged suicide	23.9.2020
77	Abdul Kadar Shaikh	Gujarat	Alleged foul play	27.9.2020
78	Rajpati Kushwaha	Madhya Pradesh	Alleged suicide	28.9.2020
79	Dovari Ajay	Andhra Pradesh	Alleged torture	1.10.2020
80	Marulasiddappa	Karnataka	Alleged torture	6.10.2020
81	Mohan Marathe	Maharashtra	Not known	7.10.2020
82	Rahul	Madhya Pradesh	Alleged torture	8.10.2020
83	Prakash Gorai	Jharkhand	Alleged torture	9.10.2020
84	Madan Ghoroi	West Bengal	Alleged torture	9.10.2020
85	Rahul @ Monu Vishwakarma	Madhya Pradesh	Not known	18.10.2020
86	Asutosh Pathak	Bihar	Alleged torture	25.10.2020
87	Dharambir	Delhi	Alleged torture	25.10.2020
88	Ashwani Manikpuri	Chhattisgarh	Alleged suicide	28.10.2020
89	15-year-old Dalit boy	West Bengal	Alleged suicide	30.10.2020
90	Intazul Laskar	Mizoram	Not known	2.11.2020
91	Zamrood Ahmad Gojri	Jammu & Kashmir	Alleged suicide	4.11.2020
92	M Selvamurugan	Tamil Nadu	Alleged torture	4.11.2020
93	Sonu Bansal	Madhya Pradesh	Alleged torture	8.11.2020
94	Harji Kanjar	Rajasthan	Alleged torture	9.11.2020
95	Suraj Pandey	Uttar Pradesh	Alleged torture	12.11.2020

96	Mesar	Delhi	Alleged torture	12.11.2020
97	K Arya	Odisha	Alleged torture	18.11.2020
98	Tarique Salim	Odisha	Alleged torture	18.11.2020
99	Ranjit Mandal	Bihar	Alleged suicide	18.11.2020
100	K Ramesh	Odisha	Alleged torture	19.11.2020
101	Bharot Sautal	Assam	Alleged suicide	20.11.2020
102	Surajbhai @ Sureshbhai Supdubhai More	Gujarat	Not known	22.11.2020
103	Kuldeep Kumar	Jammu & Kashmir	Alleged sudden illness	23.11.2020
104	Punam Katlam	Chhattisgarh	Alleged torture	24.11.2020
105	Vidyaram Yadav	Uttar Pradesh	Alleged torture	6.12.2020
106	Lipak Nyorak	Arunachal Pradesh	Alleged suicide	10.12.2020
107	Pritam Singh	Punjab	Alleged suicide	11.12.2020
108	Somdutt	Uttar Pradesh	Alleged foul play	12.12.2020
109	Lalaram Garasiya	Rajasthan	Alleged torture	16.12.2020
110	Aarif Sheikh	Rajasthan	Allegedly fell down from terrace in a bid to escape from custody	17.12.2020
111	Paramjit Singh	Punjab	Alleged sudden illness	24.12.2020

Case 1: Death of Salim Khan due to alleged torture, Karnataka

On 5 January 2020, Salim Khan, a car dealer, died due to alleged torture at Bagalgunte police station in Bangalore in Karnataka. His family members alleged that Salim and his friend Giri were kept in police custody at Bagalkunte police station and tortured. The police claimed that they found an unconscious man was lying outside SLN Bar in Bagalkunte and circulated the picture of the man to all police stations in Bengaluru North limits to determine the identity of the man. On 8 January 2020, the Nandini Layout Police Sub Inspector (SI) Srinivas called Salim's brother Malik Khan and asked him to visit the police station. But family members stated that the police had already known Salim's name and therefore the medical register at Saptagiri Hospital had mentioned his name as Salim who was brought dead.¹³

Case 2: Alleged suicide of Sushanta Ghosh due to alleged torture, Tripura

On 12 January 2020, Sushanta Ghosh (38 years), S/o Shri Parimal Ghosh of Lankamura village in West District of Tripura, died in police custody at West Agartala Police Station in West Tripura district. The cyber crime branch of Tripura Police

¹³. 'The State of Torture in Uttarakhand', ACHR, January 2020

arrested the deceased from his residence the previous night based on interrogation of four Turkish cybercriminals who were arrested in November 2019 for ATM skimming in Agartala. He was produced before the court which sent him to two-day police remand. Police claimed that he was found hanging inside the toilet of the police station in the evening of 12 January. However, Tripura Human Rights Organisation (THRO), a local human rights organisation, alleged Ghosh's death was a case of custodial torture. The family members of the deceased also alleged that Ghosh died due to custodial torture and they lodged a formal complaint alleging that he was tortured to death by the police in custody. State Chief Minister Biplab Kumar Deb ordered a magisterial inquiry into the custodial death.¹⁴

Case 3: Death of Ramprasad Barui due to alleged torture, West Bengal

On 13 January 2020, Ramprasad Barui (75 years) died due to alleged torture in custody at Dinhata police station in Cooch Behar district in the state of West Bengal. The victim, an activist of Bharatiya Janata Party (BJP) and resident of Khalisha Gosanimari under Dinhata police station area, was arrested along with six others by police on 31 December 2019 in connection with an alleged attack on the car of a Member of Legislative Assembly (MLA) of All India Trinamool Congress. He was remanded to 14 days police custody by the court on 1 January 2020. Police claimed that on 9 January 2020 the deceased's health suddenly deteriorated, after which he was admitted to Dinhata Mahakuma hospital. He was referred to the Cooch Behar Medical College and Hospital on 12 January 2020 where he died on the next day. However, the deceased's wife Pratima Barui alleged that her husband's health was absolutely fine and questioned his sudden death. The BJP leaders alleged that he was tortured in police custody, which led to his death.¹⁵

Case 4: Death of Babul Sheikh due to alleged torture, West Bengal

On 17 January 2020, Babul Sheikh (50 years) died due to alleged torture in the custody of Baisnabnagar police station in Malda district, West Bengal. The victim, a resident of Jainpur area in the district, was arrested on 16 January 2020 in connection with an alleged case of selling of ganja and detained overnight at the police station. Police claimed the deceased died due to heart attack in the hospital, but not in the lock up. However, the family members alleged that police arrested the deceased without any reason and implicated him in a false case, and he died as a result of torture in police custody.¹⁶

Case 5: Suspicious death of Narendra Nayak, Chhattisgarh

On 18 January 2020, Narendra Nayak (40 years), S/o Bhagwat Nayak of Bhanpuri under Khamtarai police station in Raipur district of Chhattisgarh, died in police

¹⁴. Ibid

¹⁵. Ibid

¹⁶. Ibid

custody of Siltara police Chowki under Dharsinwa police station in Raipur district. According to the police, in the morning of 17 January 2020 Narendra Nayak was caught stealing from a liquor shop, following which he was beaten up and he also tried to jump from the terrace of shop, resulting in injuries in his body. Later, he was taken to Siltara police Chowki by the Chhattisgarh Emergency Service Team (Dial 112). Police claimed that when they saw the injuries, he was taken for Medico Legal Case (MLC) and thereafter he was taken to the court. But, his condition deteriorated on the way. He was taken to hospital where the doctors declared him dead. However, it was alleged that Narendra Nayak was taken to Siltara police Chowki on 17 January 2020 but his MLC was done only on 18 January.¹⁷

Case 6: Suspicious death of Gopal Pachori during illegal detention, Madhya Pradesh

On 28 January 2020, Gopal Pachori (22 years), S/o Kamlesh Kumar Pachori, died under suspicious circumstances at Kishanganj police station in Indore district, Madhya Pradesh. Gopal was arrested on 23 January 2020 for allegedly stabbing his uncle Jaiprakash Mishra with a knife and was detained at the police station. Police claimed that the deceased committed suicide inside the police station by using a piece of cloth from his blanket on 28 January 2020. He was reportedly taken to a nearby hospital where he was declared dead on arrival. However, Kamlesh Kumar Pachori, father of the deceased, alleged that his son had been kept in illegal police custody since 23 January without producing him before the court within 24 as required under the law. Kamlesh Kumar Pachori further alleged that he was not allowed to meet his son at the police station and the family members were suddenly informed about his alleged suicide on 28 January.¹⁸

Case 7: Suspicious death of Thangboi Louvum, Manipur

On 28 January 2020, Thangboi Louvum, an alleged member of the Kuki Revolutionary Army (KRA), an armed group operating in Manipur, allegedly died in police custody at Kangpokpi police station in Kangpokpi district in the state of Manipur. Thangboi Louvum was arrested by troops of 38th Assam Rifles (AR) on 25 January 2020 near Toribari area and handed over to the Kangpokpi police station. He was found dead in police custody on the morning of 28 January. The local civil society organisations demanded punishment of the police personnel involved in the alleged custodial death of the KRA cadre. They also demanded a judicial enquiry into the case, besides compensation to the three children of the deceased. Following the incident, three police personnel were suspended.¹⁹

¹⁷. See <https://www.naidunia.com/chhattisgarh/raipur-youth-arrested-in-police-custody-for-theft-in-liquor-shop-5241024> & NHRC Case No. 54/33/14/2020-PCD

¹⁸. 'The State of Torture in Uttarakhand', ACHR, January 2020

¹⁹. Protests erupt over 'custodial death' of arrested militant, The Northeast Today, 29 January 2020, <https://archive.northeasttoday.in/protests-erupt-over-custodial-death-of-arrested-militant/>

Case 8: Alleged suicide of K Mahendiran, a Dalit, Tamil Nadu

On 1 February 2020, a Dalit farmer identified as K Mahendiran (55 years) died under mysterious circumstances at Gudiyattam taluk police station in Vellore district, Tamil Nadu. The deceased was taken into police custody on 31 January 2020 for interrogation along with his two sons in connection with a cheating case. The police claimed that the deceased was found hanging inside the police station on 1 February. However, the family members of the deceased rejected the police claim and they suspected foul play.²⁰

Case 9: Death of Amrik Singh due to alleged torture, Himachal Pradesh

On 3 February 2020, Amrik Singh (49 years), S/o Dharam Singh died due to alleged torture in police custody at Baddi police station in Solan district, Himachal Pradesh. The deceased, a resident of Bhatolikalan village in the district, was arrested by the police on 28 January 2020 and was remanded to police custody for four days in connection with a wood smuggling case. He was later sent to judicial custody by a court on 1 February. According to the police, the deceased was admitted to the Post Graduate Institute of Medical Education & Research, Chandigarh the same day owing to his poor health, where he died on 3 February. Police claimed that the deceased had a history of high blood pressure and died in the hospital due to a brain haemorrhage. However, the family members of the deceased alleged that the deceased died due to torture in police custody from 28-31 January. Deceased's father, Dharam Singh alleged that his son was in good health at the time of his arrest on 28 January and the police demanded bribe even to meet his son in police custody.²¹

Case 10: Death of Raj Kumar Sau due to alleged torture, West Bengal

On 10 February 2020, Raj Kumar Sau (53 years), a shop keeper, died due to alleged torture at Sinthi police station in North Suburban division of Kolkata in West Bengal. The deceased, a resident of Kolkata, was arrested by police at around 11.30 am on 10 February in connection with a case of theft and detained at the police station. Police claimed Raj Kumar was brought to the police station for questioning based on the statement of a woman who had allegedly sold stolen items to the accused. Police claimed that Raj Kumar suffered a cardiac arrest during interrogation and at around 6 pm on 10 February he suddenly fell unconscious and was immediately taken to the nearest government hospital where he was declared dead on arrival. However, the family members of the deceased alleged that he was framed in the theft case and tortured during interrogation, which led to his death at the police station.²²

²⁰. NHRC Case No. 1607/22/53/2020-ad

²¹. Complaint dated 06.02.2020 filed by Campaign Against Torture with the NHRC

²². NHRC Case No. 545/25/5/2020-AD

Case 11: Death of a minor Chirag Chauhan due to alleged torture, Gujarat

On 13 February 2020, a 17-year old minor identified as Chirag Chauhan, S/o Mukesh Chauhan died due to alleged torture in police custody at Mehsana Civil Hospital in Mehsana district of Gujarat. The victim was arrested and detained by police on 12 February 2020 from Naroda in Ahmedabad after he escaped from zonal observation home in Mehsana on 4 February 2020. The victim was in detention since 2 December 2019 in connection with cases of murder and robbery. Amit Limchiya, Superintendent of the Observation Home in Mehsana claimed that the deceased's health deteriorated around 10.30 pm after he was handed over to the police on 12 February. He said the deceased was reportedly rushed to Mehsana Civil Hospital where he died at about 3 am on the next day. The deceased's father alleged that his son was assaulted in police custody which led to his death. The deceased's father also alleged that there were injury marks on the body of his son and that his left arm was broken and there were torture marks on the back.²³

Case 12: Death of Sambasiva Rao due to alleged torture, Andhra Pradesh

On 16 February 2020, Sambasiva Rao died at Magalagiri police station in Guntur district, Andhra Pradesh. In a complaint to the NHRC, the deceased's son Venigalla Pavan Kumar alleged that his father was tortured to death at the police station. The doctor stated that Sambasiva Rao was already dead when he was brought before him. The complainant stated that the FIR was registered but he apprehended cover up by police.²⁴

Case 13: Death of Devendra Kushwaha due to alleged torture during illegal detention, Uttar Pradesh

On 18 February 2020, Devendra Kushwaha (35 years), S/o Kadore died due to alleged torture at Sadar Chowki police station in Lalitpur district, Uttar Pradesh. According to the police, the victim, a resident of Narahat village in the district, was arrested along with two others on 16 February 2020 in a case of abduction of a minor girl and was detained at Sadar Chowki police station. The police further claimed that on 18 February the deceased's health suddenly deteriorated after which he was taken to the district hospital where he died on the same day. However, the family members alleged Devendra was arrested on 13 February 2020 (and not on 16 February as claimed by the police) and subjected to extreme torture in illegal police custody to extract confessions, which resulted in his death. They stated to have found many injury marks on his body.²⁵

²³. Complaint dated 14.02.2020 filed by Campaign Against Torture with the NHRC

²⁴. NHRC Case No. 1116/1/6/2020-PCD

²⁵. Complaint dated 09.02.2020 filed with Campaign Against Torture with the NHRC

Case 14: Alleged suicide of Vivek Kumar Verma due to torture, Uttar Pradesh

On 21 February 2020, Vivek Kumar Verma (20 years) died due to alleged torture at Hyderabad police station in Lakhimpur Kheri district, Uttar Pradesh. The deceased, a resident of Raipur village in the district, was detained by the police on 17 February 2020 under Section 498 of the Indian Penal Code (IPC). He was allegedly detained at the police station illegally without producing before a court until his death. Police claimed the deceased committed suicide outside the Hyderabad police station by hanging from a tree. However, the family members accused the police personnel of murder. The deceased's elder brother Sandeep Verma claimed that his brother called him from a mobile number in the morning of 21 February asking him to visit the police station immediately, and when he reached the police station within two hours, he was told by the police that his brother had committed suicide. The family members demanded registration of FIR against the accused police personnel for murder.²⁶

Case 15: Death of Sidhu Koda in police custody, Bihar

On 23 February 2020, Sidhu Koda, a Maoist who was allegedly involved in the killing of former Jharkhand Chief Minister Babulal Marandi's son in 2007, died in police custody in Jamui district, Bihar. Koda was arrested from Dumka district in Jharkhand a day earlier in a joint operation of the Jharkhand Police and Special Task Force (STF) of Bihar Police. Police claimed that Koda complained of chest pain during a recovery operation in Jamui, following which he was taken to hospital where he was declared dead.²⁷

Case 16: Alleged suicide of 17-year-old Jigar Ramanbhai Solanki, a Dalit due to alleged torture, Gujarat

On 24 February 2020, a 17-year-old Dalit identified as Jigar Ramanbhai Solanki died due to alleged torture at Kagdapith police station in Ahmedabad of Gujarat. The deceased, a resident of Ahmedabad city, was detained at Kagdapith police station under Section 151 of the Code of Criminal Procedure (CrPC) after allegedly getting involved in a scuffle with a resident of Hiralal Chawl in the Raipur area of Ahmedabad. The police claimed that the deceased was "19 or 20 years" old and on 24 February he committed suicide by hanging himself with a shawl provided to him for the night, from the top bar of the lockup gate. However, the deceased's family members rejected the police theory and alleged that the deceased was tortured to death in police custody. The family members also claimed that the deceased was a minor, aged 17 years, who was born on 20 May 2002. The family members further

²⁶. NHRC Case No. 7064-24-46-2020-AD

²⁷. See Maoist involved in killing of ex-Jharkhand CM Babulal Marandi's son dies in police custody, Hindustan Times, 23 February 2020 & NHRC Case No. 643/4/14/2020-PCD

alleged that the deceased was first thrashed near the house and beaten up inside the police station.²⁸

Case 17: Alleged suicide of Bodhu Birari due to alleged torture, Maharashtra

On 25 February 2020, Bodhu Birari (40 years) died due to alleged torture in police custody of Gadkari Chowk under Mumbai Naka police station in Nashik district of Maharashtra. According to the Police, the deceased, a jeweler by profession and resident of Nasik city, was detained by the Hyderabad police team on 26 February 2020 and kept him at a state-run rest house in Gadkari Chowk in Nashik to take him to Telangana in connection with a theft case related to Telangana's capital Hyderabad. The police claimed that on 25 February the deceased committed suicide by jumping from the fourth floor of the rest house of Nashik, where he was detained. However, the family members of the deceased rejected the suicide claim of the police and alleged that Bodhu Birari died due to torture in police custody.²⁹

Case 18: Death of Bechan Rai due to alleged torture, West Bengal

On 26 February 2020, Bechan Rai (50 years) died due to alleged torture at Matigara police station in Siliguri district, West Bengal. The deceased was arrested from Thakkar area of Matigara in connection with alleged selling of illicit liquor. Police claimed that a few hours after detention the health of the deceased suddenly deteriorated and he was taken to the Matigara Block Hospital, where he died. However, the deceased's son Rahul Rai alleged that his father died due to torture in police custody. The deceased's family also stated that Bechan Rai was in good health at the time of arrest on 26 February and they were informed in the evening about his death in hospital.³⁰

Case 19: Death of Deepak Shukla due to alleged torture, Punjab

On 27 February 2020, Deepak Shukla (26 years), S/o Vinod Shukla of Ahemdgarh (Mandi) in Sangrur district of Punjab, died at Ludhiana Central Jail where he was sent from police custody. Deepak was allegedly tortured at Kochar market police post in Ludhiana following his arrest by police on 22 February 2020 in connection with alleged trades in stolen cars and motorcycles. Preeti, wife of the deceased alleged that the police arrested her husband on 15 February 2020 and he was tortured for seven days during police custody at Kochar market police post. On 22 February, her husband was sent to two-day police remand. On 25 February, Deepak was sent to judicial custody. The next day the deceased's health deteriorated and died in jail on 27 February. Vinod Shukla, the deceased's father stated that on 26 February he met his son in the jail and saw him limping and unable to walk. During

²⁸. Complaint dated 26.02.2020 filed by Campaign Against Torture with the NHRC

²⁹. NHRC Case No. 417-13-19-2020-ad

³⁰. NHRC Case No. 550-25-21-2020-pcd

the meeting, his son told him police had beaten him badly in their custody. On 27 February, the deceased's father received a call from the jail informing him about Deepak's death.³¹

Case 20: Death of Dalit Jeetu Khateek due to alleged torture, Rajasthan

On 27 February 2020, Jeetu Khateek (22 years), a Dalit, died due to alleged torture at Barmer Rural police station in Barmer district, Rajasthan. The deceased, a scrap dealer, was arrested by police from his shop on 26 February 2020 evening for interrogation in connection with a theft case and was detained at Banner Rural Police Station. The next day (27 February) Jeetu was found dead inside the lockup room of the police station. The family members alleged Jeetu died due to torture. The family also alleged that the police had arrested him illegally as there was no case registered against him. They also claimed that he was in good health at the time of arrest on 26 February.³²

Case 21: Alleged suicide of Avtar Singh Gill, Madhya Pradesh

On 1 March 2020, Avtar Singh Gill, S/o Saheb Singh died under mysterious circumstances at Bilpank police station in Ratlam district, Madhya Pradesh. The deceased, who run a *dhaba* (roadside restaurant) on Indore-Neemuch Highway, was arrested by police on the charge of possessing opium in the night of 29 February 2020. Police claimed that Avtar Singh Gill committed suicide by using his turban in the lock-up of the police station. The NHRC called for detailed reports from authorities after it received intimation of the custodial death from the SP, Ratlam district.³³

Case 22: Death of Sitar Singh due to alleged torture, Uttar Pradesh

On 10 March 2020, Sitar Singh (24 years) died due to alleged torture at Sarsawa police station in Saharanpur district, Uttar Pradesh. The deceased, a resident of Kumhar Heda Village in the district, was arrested in connection with a theft case and sent to judicial custody at Saharanpur district jail on 2 March 2020. Jail officials claimed that on 10 March the deceased's health suddenly deteriorated, after which he was taken to the Saharanpur district hospital. Later, he was referred to the Meerut Medical College hospital where he died during treatment. The family members alleged that Sitar Singh was given third degree torture during police custody before he was sent to judicial custody, which resulted in his death. According to the family, Sitar Singh was given third degree torture by Ashok Solanki,

³¹. NHRC Case No. 255/19/10/2020-JCD

³². NHRC Case No. 593/20/4/2020-AD

³³. See <https://www.naidunia.com/madhya-pradesh/ratlam-accused-of-opium-smuggling-suicide-in-ratlams-bilpank-police-station-5371607> & NHRC Case No. 786/12/35/2020-PCD

In-Charge of Sarsawa police station along with other police personnel. The family also accused the jail authorities of not providing timely and proper medical treatment.³⁴

Case 23: Death of Vimal Kumar in police custody, Gujarat

On 11 March 2020, Vimal Kumar (22 years), S/o Tribhuvan Prasad Yadav of 458, Balaji Nagar, Pandesara, Surat, Gujarat, died in police custody at Pandesara police station in Surat district. Vimal Kumar, his father Tribhuvan Prasad Yadav and brother Vinay Kumar were arrested by the police at 10.30 PM on 10 March 2020 for preventive action under sections 107 and 151 of CrPC by the police following a quarrel with a neighbour. Both the parties were taken to the police station and detained. On the next morning at about 8.20 am, the health of Vimal Kumar, who was an asthma patient, deteriorated. He was taken to hospital where he was declared dead at 8.45 am. The family members alleged the police were responsible for his death. According to them, Vimal Kumar had no role in the dispute but was illegally taken to the police station. They also informed the police that Vimal Kumar was an asthma patient and they asked them to provide him an inhaler to him, which was not provided. As a result, his condition deteriorated in the lock-up but he was not taken to hospital for treatment. The police denied the allegations. The NHRC called for detailed report from authorities after it received intimation of the custodial death from the Commissioner of Police, Surat district.³⁵

Case 24: Suspicious death of Daljeet Singh in police custody, Punjab

On 17 March 2020, Daljeet Singh (50 years), S/o Kulwant Singh died under mysterious circumstances in custody of Maqsuban police station in Jalandhar district, Punjab. The deceased, a resident of Prime Enclave in the district, was detained by the police on the same day after a police complaint was filed against him by the Prime Enclave Welfare Society for quarrelling. Police claimed that Daljeet Singh's health suddenly deteriorated in police custody, following which he was taken to a private hospital where the doctors declared him dead.³⁶

Case 25: Death of Dinesh Modi due to alleged torture, Gujarat

On 17 March 2020, Dinesh Modi @ Dipak Modi (49 years) died due to alleged torture at Varachha police station in Surat district, Gujarat. The deceased, a snack seller, was picked up by police on 17 March from A K Road on suspicion of his involvement in gambling. Police claimed that Dinesh Modi died due to epileptic seizures. They claimed that at around 1.30 pm on 17 March 2020 he suffered a fit in the police station lock-up and he was taken to the Surat Municipal Institute of Medical

³⁴. Complaint dated 11.03.2020 filed by Campaign Against Torture with the NHRC

³⁵. See <https://www.patrika.com/surat-news/asthma-patient-dies-in-police-custody-at-pandesara-surat-5882013/> & NHRC Case No. 238/6/23/2020-PCD

³⁶. NHRC Case No. 252/19/8/2020-AD

Education and Research hospital where the doctors declared him brought dead at around 2 pm on the same day. However, the deceased's family accused the police personnel of murder. The family members alleged that the deceased was tortured in police custody leading to his death. The deceased's son Karan alleged that police had asked Rs 500 for the release of his father.³⁷

Case 26: Death of Imran Shaikh in police custody, Gujarat

On 20 March 2020, Imran @ Ibrahim Shaikh (39 years) died in custody of Government Railway Police (GRP) station up attached to Surat Railway Station in Surat district, Gujarat. Imran, a resident of Bagampura area in the district, was arrested on 19 March 2020 at round 9 am along with one Altaf by Local Crime Branch (LCB) police in connection with an alleged involvement in a mobile phone theft case at Surat Railway Station. After arresting them, the police produced them before the court and kept them in the lockup room at Government Railway Police (GRP) station, Surat where Imran died on 20 March under mysterious circumstances. Police claimed Imran had epilepsy fit and was taken to the hospital, where he died.³⁸

Case 27: Alleged suicide of Anil Kumar due to alleged torture, Uttar Pradesh

On 20 March 2020, Anil Kumar @ Parvat Singh (35 years), S/o Shriram Auraiya died due to alleged torture at Tirwa Kotwali police station in Kannauj district, Uttar Pradesh. The deceased, an assistant teacher at a government school in Sempur village in Auraiya district, was detained by police in the night of 19 March 2020 following a complaint filed by his in-laws for allegedly creating ruckus during his visit to his in-laws place in Sukhapurwa village of Kannauj district. Police claimed that in the morning of 20 March Anil Kumar was found hanging in the toilet of Tirwa Kotwali police station. Later, he was taken to the Tirwa Medical College and hospital where he was declared dead. The family members alleged that the deceased was tortured in the police custody which led to his death.³⁹

Case 28: Alleged suicide of Vikram Kumar in police custody, Bihar

On 24 March 2020, Vikram Kumar (21 years) died under suspicious circumstances at Birpur police station in Begusarai district, Bihar. The deceased, a resident of Parra village in the district, was an accused in a case of elopement with a 17-year-old girl from his village. On 23 March 2020, Vikram and the girl were traced at New Delhi and they were brought to Birpur police station, Begusarai for interrogation after the girl's father filed a kidnapping case against him. On 24 March, Vikram allegedly committed suicide inside the Birpur police station. Police claimed that on 24 March evening the deceased committed suicide by hanging himself from the ceiling fan of a

³⁷. NHRC Case No. 280/6/23/2020-PCD

³⁸. NHRC Case No. 312/6/23/2020-AD

³⁹. NHRC Case No. 7119-24-42-2020-ad

room inside the police station soon after he came to know that the girl had recorded her statement in the court against him. However, the deceased's family rejected the police's claim and suspected foul play in the death.⁴⁰

Case 29: Suicide of Dinesh at Ratangarh police station, Rajasthan

On 1 April 2020, a man identified as Dinesh died in police custody under suspicious circumstances in Churu district of Rajasthan. Police claimed that the deceased, who was detained in a case of theft, allegedly hanged himself with a piece of cloth in the toilet of Ratangarh police station. Following the incident one head constable, who is the investigating officer of the case, and three constables were suspended while 26 other staffers of the police station were shifted to police lines.⁴¹

Case 30: Alleged suicide of Vijay Mandal due to alleged torture, Jharkhand

On 7 April 2020, Vijay Mandal (22 years) died due to alleged torture at Rajmahal police station in Sahebganj district, Jharkhand. The deceased, a resident of Pathalchati area in the district, was arrested by police on 6 April 2020 evening in connection with a case of elopement with a minor girl. The next day, he was found dead inside the police station. Police claimed that on 7 April evening Vijay committed suicide by hanging himself with his shirt inside the police station. However, the family members alleged that Vijay was tortured in the lock-up, resulting in his death.⁴²

Case 31: Death of Munipillappa, a Dalit due to alleged torture, Karnataka

On 10 April 2020, a Dalit identified as Munipillappa @ Muni Kulla (50 years) died due to alleged torture at Thirumalashettyhalli police station in Bangalore Rural district, Karnataka. The deceased, a resident of Naduvatti village under Hoskote circle in the district, was arrested on 7 April 2020 for allegedly stealing wine from a shop at Niduvatti village near Hoskote. After arrest, the police took him to Thirumalashettyhalli police station where the deceased died on 10 April. Police claimed that on 10 April evening, the deceased was taken to the location where he had hidden the liquor and he jumped to death into a dry well. However, the deceased's wife Dhanalakshmi alleged that on 7 April the police came to their house and questioned her husband. On 10 April, again the police came and took her husband and detained him at Thirumalashettyhalli police station, where he was

⁴⁰. NHRC Case No. 920/4/4/2020-AD

⁴¹. 4 cops suspended 26 shifted to police lines after custodial death in Rajasthan, The Week, 4 April 2020; <https://www.theweek.in/wire-updates/national/2019/02/07/nrg5-rj-custodial-death.html>

⁴². NHRC Case No. 379/34/17/2020-PCD

subjected to brutal beating, resulting in his death. Thereafter, the deceased's body was dumped in a dry well to project it a case of suicide.⁴³

Case 32: Alleged suicide Rupesh Doliya by self-inflicting injuries, Gujarat

On 4 May 2020, Rupesh Doliya (35 years) died at Naroda police station in Ahmedabad district, Gujarat. Rupesh was brought to the police station after police received a message that he was creating a ruckus in Naroda GIDC area. Police claimed Rupesh was made to sit on a table inside the police station but he suddenly ran towards the cabin of Inspector Jaydeep Patel and rammed his head into the glass door, as a result he sustained serious injuries on his head and armpit. He was shifted to hospital but died due to excessive bleeding. Police also claimed that the entire incident was recorded in the closed circuit footage (CCTV) footage. The NHRC intervened into the matter based on information provided by the Deputy Commissioner of Police, Ahmedabad and directed the concerned authorities to submit the necessary reports for its examination.⁴⁴

Case 33: Alleged suicide of Vinu Parmar, Gujarat

On 4 May 2020, Vinu Parmar (58 years) died under mysterious circumstances at Rajkot Taluka police station in Rajkot district, Gujarat. Vinu Parmar, a resident of Bhimnagar area in the district, was first arrested by the police on 29 February 2020 in connection with a case of molestation of a minor girl. He was released on bail in April 2020 but he was re-arrested on 4 May pursuant to a complaint filed by his wife accusing him of domestic violence. On the midnight of 4 May, Vinu Parmar was found dead inside the police station lock-up. Police claimed that he committed suicide by hanging himself in the police lockup.⁴⁵

Case 34: Death of Indal Singh due to alleged torture, Madhya Pradesh

On 15 May 2020, Indal Singh (26 years) died due to torture in custody of Malanpur police station in Bhind district, Madhya Pradesh. Police arrested Indal Singh from his house on 15 May in connection with a murder case. He died within few hours of his arrest. Police claimed that on 15 April while being taken to the police station the deceased jumped off from the moving vehicle and sustained head injuries and later he succumbed to the injuries. However, the family members alleged that Indal Singh was tortured by the police resulting in his death in custody. The police personnel accused for the custodial torture were identified as Inspector Ashok Gautam, and

⁴³. NHRC Case No. 197/10/30/2020-ad

⁴⁴. CCTV footage saves Naroda cops from blame of custodial death, The Times of India, 5 May 2020 at <https://timesofindia.indiatimes.com/city/ahmedabad/cctv-footage-saves-naroda-cops-from-blame-of-custodial-death/articleshow/75543042.cms> & NHRC Case No. 690/6/1/2020-PCD

⁴⁵. NHRC Case No. 343/6/2112020-ad

constables Dhyanendra Kushwaha, Umesh Sharma and Yogendra Gurjar of Malanpur police station.⁴⁶

Case 35: Death of Ganesh Laxman Dhagle in police custody, Maharashtra

On 21 May 2020, Ganesh Laxman Dhagle (35 years) died at Anjmal police chowki in Nashik district, Maharashtra. Based on information received from the Deputy Commissioner of Police, Zone-1, Nashik regarding the custodial death, the NHRC directed the DM/District Collector, Nashik and the SP, Nashik to submit detailed reports, which included among others, copy of complaint and FIR registered against the deceased, copy of arrest memo, copy of MLC of the deceased, Inquest Report, PMR and MER.⁴⁷

Case 36: Alleged suicide of Srilam Rangaiah, Telangana

On 26 May 2020, Srilam Rangaiah (55 years) died under mysterious circumstances at Manthani police station in Peddapalli district of Telangana. The deceased, a resident of Ramaiahpalli village under Ramagiri mandal in the district, was arrested on 26 May on the charges of hunting wild animals and a case was registered under the Wildlife Protection Act against him with the Manthani Police. According to the police, Srilam Rangaiah told the police in the morning that he wanted to attend the nature's call and had gone to the toilet, where he committed suicide by using a scarf.⁴⁸

Case 37: Death of Pravinbhai in police custody, Gujarat

On 27 May 2020, Pravinbhai (33 years), S/o Narvatbhai died at Godhra Town A Division police station in Panchmahal district, Gujarat. Based on information received from the State authorities, the NHRC intervened into the matter and directed the District Magistrate and the Superintendent of Police, Panchmahal district to submit detailed reports, among others, copy of MLC of the deceased, copies of all relevant GD extracts, PMR and MER.⁴⁹

Case 38: Suspicious death of Baljeet, Haryana

On 30 May 2020, Baljeet (28 years) died in police custody in Bahadurgarh in Jhajjar district of Haryana. The deceased, a resident of Sagwan village in Bhiwani district, was arrested by police on 30 May under Sections 376, 120B and 506 IPC. After being produced before the court, the deceased died on the same day (30 May) in police custody while being taken to the Dulina jail in Jajjar district. Police claimed

⁴⁶. NHRC Case No. 1051/12/7/2020-ad

⁴⁷. NHRC Case No. 1001/13/19/2020-PCD

⁴⁸. NHRC Case No. 709/36/24/2020-AD

⁴⁹. NHRC Case No. 585/6/18/2020-PCD

that Baljeet died in an accident. However, the family members blamed the police for the custodial death and demanded a high-level inquiry into the matter.⁵⁰

Case 39: Death of Soban Singh due to alleged torture, Uttarakhand

On 30 May 2020, Soban Singh (38 years) died due to alleged torture in custody of the Revenue Police in Almora district in the state of Uttarakhand. The deceased, a resident of Palyu village under Dhaulcheena block in the district, was arrested by the Revenue Police on 30 May after his wife lodged a complaint of assault and domestic violence. After few hours of his arrest, he died in the custody of Revenue Police in Dhaulcheena. Police claimed that on 30 May night, Soban Singh's health condition deteriorated and he was taken to the Community Health Centre (CHC) at Dhaulcheena where he died. However, the deceased's family members alleged he was tortured to death in custody as there were multiple injury marks on the body.⁵¹

Case 40: Alleged suicide of a 21-year-old youth, Haryana

On 4 June 2020, a 21-year-old youth died under suspicious circumstances at Crime Investigation Agency (CIA)-II police station in Kurukshetra district of Haryana. The deceased, a resident of Murad Nagar village under Ladwa Tehsil in the district, was arrested by the police on 3 June 2020 in connection with a theft case. After arrest, the youth was detained in the lockup at Kurukshetra CIA-II police station where he died the next day. Police claimed that on 4 June the youth committed suicide by hanging himself from a grill of the lock-up of CIA-II police station.⁵²

Case 41: Death of Mithai Lal in police custody, Uttar Pradesh

On 13 June 2020, Mithai Lal (50 years) died under suspicious circumstances at Raniganj Police Station in Pratapgarh district, Uttar Pradesh. The deceased, a resident of Amarpur village in the district, was arrested along with his younger brother Sewa Lal by police in the morning of 13 June in connection with a land dispute between two brothers. He died in the evening of the same day. Police claimed Mithai Lal was attacked by another man inside the police lockup room. He was taken to a government hospital in Pratapgarh, where doctors referred him to Prayagraj but he succumbed to the injuries.⁵³

Case 42: Death of Mahendran after brutal torture at Sathankulam police station, Tamil Nadu

On 13 June 2020, Mahendran (28 years), a mason, succumbed to his injuries at Thoothukudi government hospital after being brutally tortured for two days i.e. on 23 and 24 May at Sathankulam police station in Thoothukudi district of Tamil Nadu.

⁵⁰. NHRC Case No. 1109/7/7/2020-AD

⁵¹. NHRC Case No. 448/35/1/2020-PCD

⁵². NHRC Case No. 990/7, 11/2020-AD/

⁵³. NHRC Case No. 11936/24/59/2020-AD

He was taken into custody on May 23 after his brother Durai, a suspect in a murder case, went missing. In a petition before the Madras High Court, the deceased's mother S Vadivu stated that following torture on May 23 and 24 at Sathankulam police station, her son was bedridden, and suffered a stroke in the days that followed and finally died on 13 June. She accused Sub-Inspector Raghu Ganesh of Sathankulam police station as one of the key accused in the custodial torture of her son. She further stated that the accused police officer told the family after death of the deceased to refuse post mortem on her son's body and threatened them with many more false cases. On 21 July, the State Government of Tamil Nadu submitted before the Madurai bench of the Madras High Court that the custodial death of Mahendran was handed over to Crime Branch – Crime Investigation Department of the state police.⁵⁴

Case 43: Alleged suicide of Rinku, Haryana

On 14 June 2020, Rinku (40 years) died under suspicious circumstances at CIA-I police station in Ambala district, Haryana. Rinku, a resident of Chhota Shivala, Kaccha Bazaar in Ambala Cantonment in the district, was arrested on 13 June 2020 under the Narcotic Drugs and Psychotropic Substances (NDPS) Act. He was kept in the lockup at the CIA-I police station where he died the next day. Police claimed that Rinku committed suicide by hanging himself from a grill of the lock-up of the CIA-I police station at about 3.30 am on 14 June.⁵⁵

Case 44: Alleged tortured to death of Jayanta Bora, Assam

On the night of 14 June 2020, Jayanta Bora (30 years), a resident of Kakodonga village in Jorhat district of Assam, was picked up by a joint team of Indian Army and state police during a counter-insurgency operation. According to Jorhat district officials, a team of 244th Field Regiment of the army based in neighbouring Charaideo district and police personnel of Borholla police station in Jorhat carried out the search operation based on information about the presence of United Liberation Front of Assam-Independent (ULFA-I) and NSCN-IM cadres in the area. During the operation, Bora, whose father is an ex-serviceman, was picked up from his residence on suspicion of being an ULFA-I cadre. Bora was first taken to the Borholla police station where the army reported that "the person was feeling uneasy". Thereafter, first he was taken to the local health centre and from there to the Jorhat Medical College Hospital, where he was declared brought dead. The district authorities ordered a magisterial inquiry into the custodial death. Alleging torture by army and

⁵⁴. Tamil Nadu: CB-CID takes over another case of custodial torture, death in Thoothukudi, Indianexpress, 22 July 2020; <https://indianexpress.com/article/india/tamil-nadu-cb-cid-takes-over-another-case-of-custodial-torture-death-in-thoothukudi-6517155/>

⁵⁵. NHRC Case No. 1038/7/1/2020-AD

police as the cause of Bora's death, residents of the village refused to accept the body.⁵⁶

Case 45: Tortured to death of P Jeyaraj and J Benniks, Tamil Nadu

In the evening of 19 June 2020, P Jeyaraj and his son, J Benniks were arrested by police and subjected to third degree custodial torture at Sathankulam police station in Thoothukudi district, Tamil Nadu. Following the torture, the father-son duo succumbed to their injuries and died on the intervening night of 22 and 23 June. The custodial torture and death of the father-son duo triggered a nationwide outrage, following which the case was handed over to the Central Bureau of Investigation (CBI). On 7 July, the CBI registered two cases related to the custodial deaths and it filed a chargesheet against nine police officials who were posted at the police station where the alleged torture took place. The police personnel include an inspector/Station House Officer (SHO), two Sub-Inspectors (SIs), two head constables and four constables. One more accused, then a SI, died during the investigation. In August 2020, the CBI had told the Madras High Court that the father-son duo died after suffering multiple injuries due to torture in police custody.⁵⁷

Case 46: Death of Kumaresan due to alleged torture, Tamil Nadu

On 27 June 2020, Kumaresan (25 years) died due to alleged torture at Veerakeralampudur police station in Tenkasi district, Tamil Nadu. On 8 May 2020, Kumaresan, an auto driver by profession and resident of VK Pudur town in the district, was summoned along with his father Navaneethakrishnan at the police station in connection with a case. Navaneethakrishnan alleged that his son was brutally beaten by SI Chandrasekar and another constable whom he identified as Kumar in front of him during enquiry at the police station. They were let go with a strong warning to not to reveal the custodial torture. Again on 10 May, SI Chandrasekar allegedly picked up Kumaresan from an auto stand. The SI released Kumaresan but took away his mobile phone, following which Kumaresan had gone to the police station to get it back. At the police station, Kumaresan was mercilessly beaten up by Chandrasekar and Kumar and sent home threatening that he would be booked under the Goondas Act if he disclosed the police beatings to anyone. His health deteriorated and he started vomiting blood and was admitted to a local hospital on 10 June, from where he was shifted to the government hospital in Tirvuneleli on 13 June. According to Navaneethakrishnan, Kumaresan told the doctor

⁵⁶. Assam man picked up during counter-insurgency operation dies in custody; probe ordered, Hindustan Times, 17 June 2020, <https://www.hindustantimes.com/india-news/assam-man-picked-up-during-counter-insurgency-operation-dies-in-custody-probe-ordered/story-reU6bD6oe3PyxkHuA83H7M.html>

⁵⁷. CBI files chargesheet against 9 cops in Tamil Nadu custodial torture and death case, India Today, 26 September 2020, <https://www.indiatoday.in/india/story/cbi-files-chargesheet-against-9-cops-in-tamil-nadu-custodial-torture-and-death-case-1725717-2020-09-26>

that the sub-inspector (Chandrasekar) made him sit on the floor and stamped him on his chest and his genitals at the same time. Then, the constable (Kumar) punched his back violently.⁵⁸

Case 47: Alleged suicide of Pradeep Bhil, a tribal, due to alleged torture, Madhya Pradesh

On 7 July 2020, a tribal identified as Pradeep Bhil, S/o Nanuram Bhil, died under suspicious circumstances at Rajghar police station in Dhar district, Madhya Pradesh. Pradeep, who was already married, eloped with a girl. On 6 July 2020, the police brought Pradeep along with the girl to the police from Indore district. Pradeep was kept in the police station. On the next morning, Pradeep was found hanging from a Neem tree inside the police station premises. Police claimed that Pradeep committed suicide. However, the family members alleged that he was tortured to death by the police. Based on an intimation received from the Superintendent of Police, Dhar district, the NHRC directed the DM and SP, Dhar district to send detail reports, including copy of MLC of the deceased, copies of all relevant GD extracts, Inquest Report, PMR and MER.⁵⁹

Case 48: Alleged suicide of Vipul Nataverbhai Chauhan in police custody, Gujarat

On 9 July 2020, Vipul Nataverbhai Chauhan (27 years) died at Balasinor police station in Mahisagar district, Gujarat. According to information submitted to the NHRC by the state authorities, Vipul was arrested and brought to the police station in pursuance of a case registered under sections 306, 498A and 114 of the IPC and the Dowry Prohibition Act. It was stated that the accused was not formally arrested due to pending medical checkup in view of direction issued in the backdrop of COVID-19 pandemic. Police claimed that the accused committed suicide using the window grill of the bathroom with the white cloth kept by him as a ritual after the cremation of his wife who allegedly committed suicide earlier by jumping in the well due to some marital discord leading to registration of case by his in-laws against him for alleged abetment of her suicide. On the basis of the information, the NHRC directed the DM and the SP, Mahisagar district to submit detailed reports relating to the custodial death.⁶⁰

⁵⁸. NHRC Case No. 5921/22/37/2020

⁵⁹. See <https://zeenews.india.com/hindi/india/madhya-pradesh-chhattisgarh/dhar-youth-committed-suicide-in-raigarh-police-station-4-policemen-suspended/707370> & NHRC Case No. 1711/12/15/2020-PCD

⁶⁰. NHRC Case No. 602/6/35/2020-PCD

Case 49: Alleged suicide of 17-year-old boy in police custody, Arunachal Pradesh

On 11 July 2020, a minor boy identified as Dilbar Hussian (about 17 years) died at Tezu police station in Lohit district in state of Arunachal Pradesh. The minor, working in a garage in Tezu, was a resident of Karimganj district of Assam. He was arrested in the evening of 10 July 2020 after a case was registered against him in connection with a case of kidnapping and illegal confinement of a minor girl. Police claimed the Dilbar Hussain committed suicide inside the police station in the morning of 11 July. However, the family members alleged he was tortured to death in the police station and the police projected the death as suicide. The family members stated that Dilbar Hussian was a minor and he was kept in illegal custody at the police station.⁶¹

Case 50: Death of Santosh Kumar Pandu in police custody, Odisha

On 13 July 2020, Santosh Kumar Pandu, S/o Late Gangadhar Pandu, died in police custody in Rayagada district, Odisha. Santosh was arrested on charges of raping a minor girl on 12 July 2020 night. After medical examination, he was brought to Rayagada Town police station to forward him to a court. Police claimed that Santosh escaped from custody but accidentally fell under a bulk container truck. He was taken to hospital where he died.⁶²

Case 51: Death of Navdeep Singh due to alleged torture, Punjab

On 18 July 2020, 32-year-old Navdeep Singh died due to alleged torture at Harchowal police station in Gurdaspur district, Punjab. Navdeep, a resident of Dhapai village in the district, was arrested by police for allegedly making illicit liquor and detained at Harchowal police station on 16 July 2020. Police claimed that on 18 July the deceased felt unconscious while he was being produced before the court. Thereafter, he was taken to the civil hospital where he was declared brought dead. However, the family members alleged that Navdeep was tortured to death in police custody. The deceased's wife, Balwinder Kaur also alleged that there was delay in providing medical attention after her husband became unconscious. She stated that when she visited the police station, she saw a medical practitioner giving him some spurious injections. She requested the police personnel to take her husband to the hospital immediately, but they did not listen to her request.⁶³

⁶¹. NHRC Case No. 30/2/11/2020-AD

⁶². See Rape Accused Run Over By Truck After Running From Police Station In Rayagada, 13 July 2020, <https://ommcomnews.com/odisha-news/rape-accused-run-over-by-truck-after-running-from-police-station-in-rayagada> & NHRC Case No. 2240/18/32/2020-PCD

⁶³. Complaint dated 20.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 440/19/6/2020-AD)

Case 52: Alleged suicide of Sauvik Gorai due to alleged torture, West Bengal

On 21 July 2020, Sauvik Gorai (22 years), S/o Nadugopal Gorai died due to alleged torture at Lokpur police station in Birbhum district, West Bengal. Sauvik Gorai was a migrant labourer who returned from Gujarat during the COVID-19 lockdown to his home at Rupaspur village in Birbhum district. He was arrested by police and detained at Lokpur police station on 20 July 2020 in connection with a complaint of theft of a bicycle filed by a local shopkeeper. Police claimed Sauvik Gorai was found hanging in the police station on 21 July. However, the family members alleged Sauvik Gorai was arrested over a false complaint of theft and he was tortured to death in custody.⁶⁴

Case 53: Death of Dalit Yaricharla Kiran Kumar due to alleged torture, Andhra Pradesh

On 22 July 2020, a Dalit youth identified as Yaricharla Kiran Kumar (27 years) died due to alleged torture in custody of Chirala town in Prakasam district in the state of Andhra Pradesh. The deceased, a resident of Thomaspeta in Chirala town in the district, was arrested along with his friend Shini Abraham on 18 July 2020 by police for not wearing mask from the Kothapet check-post in Chirala II Town. Police claimed that after arrest they were being taken to the police station in a police vehicle when Yaricharla Kiran Kumar jumped out of the running vehicle. As a result, he sustained head injuries and was taken to hospital, where he died on 22 July during treatment. However, the family members refuted the police claim and alleged that Yaricharla Kiran Kumar died due to injuries sustained due to torture in police custody.⁶⁵

Case 54: Death of tribal Rajesh Meena due to alleged torture, Rajasthan

On 25 July 2020, a tribal identified as Rajesh Meena (28 years) died due to alleged torture in police custody of Khanpur police station in Jhalawar district, Rajasthan. The deceased, a resident of Raigarh Basti of Khanpur city in the district, was arrested and detained at Khanpur police station on 25 July under the Arms Act. Police claimed that on 25 July Rajesh's health suddenly deteriorated and fell down in the premises of the police station, after which he was taken to a nearby hospital where he died on the same day. However, the family members refuted the police claim and alleged that Rajesh was tortured in police custody which led to his death. Family members protested over the incident and demanded registration of a murder case against the accused police personnel.⁶⁶

⁶⁴. NHRC Case No. 1054/25/3/2020-ad

⁶⁵. NHRC Case No. 1491/1/6/2020

⁶⁶. Complaint dated 27.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 1139/20/17/2020-AD)

Case 55: Death of Thakur Singh due to alleged torture, Jharkhand

On 26 July 2020, Thakur Singh (30 years) died due to alleged torture in custody of Kasmar police station in Bokaro district, Jharkhand. Thakur, a tea seller and resident of Rangamati Chowk of Durgapur Panchayat in the district, was arrested and detained at Kasmar police station in the evening of 22 July 2020 in connection with an alleged selling of liquor. Police claimed Thakur's health suddenly deteriorated after his arrest on 22 July after which he was taken to Bokaro General Hospital. Later, he was referred to Rajendra Institute of Medical Sciences (RIMS) where he died during treatment on 26 July. The family members refuted the police claim and alleged that Thakur was tortured in police custody which led to his death. The deceased's wife alleged that her husband was implicated in a false case. She claimed that her husband was not selling liquor for which he was arrested by police. The family members also claimed that Thakur was absolutely fine at the time of his arrest.⁶⁷

Case 56: Alleged suicide of Narayan Ladia due to alleged torture, Madhya Pradesh

On 2 August 2020, Narayan Ladia (21 years) died due to alleged torture at Barman Chowki (police post) under Suatala Police station in Narsinghpur district, Madhya Pradesh. Narayan, a resident of Pithehara Bandhi village in the district, was picked up few days earlier and was detained at Barman police Chowki along with his father Amar Ladia and mother Uma Bai Ladia for questioning in connection with a murder and kidnapping case. Police claimed Narayan consumed toxic substances while in detention at Barman police chowki, after which he was taken to a private hospital in Jabalpur where he died in the morning of 2 August. However, the family members alleged that the deceased was tortured in police custody and forced to drink poisonous thing, after which his condition deteriorated leading to his death.⁶⁸ On 19 August, the NHRC directed the DM, Narsinghpur, the DM, Jabalpur, and the SP, Jabalpur to submit the relevant reports regarding the custodial death.⁶⁹

Case 57: Suspicious death of Chandrabhan Singh Gurjar, Madhya Pradesh

On 2 August 2020, Chandrabhan Singh Gurjar (27 years) died under mysterious circumstances in police custody in Shivpuri district of Madhya Pradesh. Gurjar, a resident of Rajpur village in the district, was picked up along with some people by the police on 2 August on charges of stealing a goat. Police claimed that on 2 August Gurjar jumped from a running police vehicle to escape while he and others were

⁶⁷. Complaint dated 27.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 732/34/1/2020-AD)

⁶⁸. Complaint dated 3 August 2020 filed by Campaign Against Torture with the NHRC (Case No. 1584/12/30/2020-AD)

⁶⁹. Proceedings of the NHRC dated 19.8.2020 in Case No. 1584/12/30/2020-AD

being brought to the police station and suffered head injuries. He was taken to the district hospital where he was declared dead.⁷⁰

Case 58: Death of Beerbal Singh due to alleged torture, Punjab

On 7 August 2020, Beerbal Singh (32 years) died due to alleged torture in custody of Patran police station in Patiala district, Punjab. The deceased, a resident of Bhutgarh village of Patran Tehsil in Patiala district, was arrested on 3 August 2020 by the police in connection with a liquor smuggling case. Later, he was remanded to police custody by the court. Police claimed that in the midnight of 6 August the deceased's health suddenly deteriorated, after which he was taken to a nearest hospital from where he was referred to Rajindra Hospital Patiala where he died on the following night. Alleging custodial torture, the family members along with the villagers held a protest in the premises of the police station.⁷¹

Case 59: Alleged suicide of Ansari, Kerala

On 16 August 2020, Ansari (38 years) died due to alleged torture at Fort police station in Thiruvananthapuram district, Kerala. Ansari, a resident of Karimadom colony in the district, was arrested by police on 16 August at around 5.30 pm in connection with a theft case. He died within few hours of his arrest at the police station. Police claimed that on 16 August Ansari was taken to the Fort police station and in the evening he was kept in the Child Friendly Janamaithry police centre where he was allegedly found hanging by his 'dhoti' (cloth draped below the waist by males).⁷²

Case 60: Death of Kalapala Krupakar due to alleged torture, Andhra Pradesh

On 28 August 2020, Kalapala Krupakar (32 years) died due to alleged torture in the custody of Gudivada rural police station in Krishna district, Andhra Pradesh. Kalapala, a resident of Valivartipadu village in the district, was arrested on 28 August evening along with six others for allegedly running a gambling racket. After arrest, the police took them to the Gudivada rural police station, where he died within a few hours. Police claimed Kalapala complained of breathlessness and was taken to a

⁷⁰. Complaint dated 03.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 1576/12/44/2020-AD)

⁷¹. Complaint dated 08.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 532/19/15/2020-AD)

⁷². Complaint dated 17.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 340/11/12/2020-AD)

hospital, where he died of heart attack. However, the family members alleged that the deceased was tortured in the lockup, resulting in his death.⁷³

Case 61: Alleged suicide of Gopalram Paswan due to alleged torture, Odisha

On 29 August 2020, Gopalram Paswan (48 years) died due to alleged torture at Jeypure Sadar police station in Koraput district, Odisha. He was arrested on 28 August 2020 and kept at Jeypure Sadar police station for allegedly transporting ganja (cannabis/marijuana) in a truck from Malkangiri district to Rajasthan. Police claimed that on 29 August Paswan committed suicide inside the police station by hanging himself from the ceiling fan with the blanket. However, the deceased's family alleged that Paswan was tortured in police custody, which led to his death.⁷⁴

Case 62: Death of Dalit Monu due to alleged torture during illegal detention, Uttar Pradesh

On 29 August 2020, a Dalit identified as Monu alias Mohit (19 years) died due to alleged torture at Lalganj Police Station in Raebareli district, Uttar Pradesh. The deceased, a resident of Poore Baiju village in the district, was picked up along with his brother Sonu by police on 26 August in connection with the theft of a bike. Police claimed that on 27 August Monu's health suddenly deteriorated, after which he was taken to the district hospital where he died on 29 August. Monu was in illegal detention as he was not produced before the court. Deceased's brother Sonu alleged that on 26 August he and his brother were tortured after being taken to the police station and on 28 August he was released but his brother Mohit was kept in the police station where he was tortured to death. The family members and the villagers protested over the incident and demanded strict action against the accused police personnel.⁷⁵

Case 63: Suspicious death of Prabhat Kumar Singh, Odisha

On 30 August 2020, Prabhat Kumar Singh died under mysterious circumstances in custody of Baideswar police station in Cuttack rural district, Odisha. As per information received by the NHRC from the Collector, Cuttack, Chandra Sekhar Jena Officer In-Charge of Baideswar police station, Cuttack Rural District and Deputy Superintendent of Police (DSP) had entered the house of Prabhat Kumar Singh, assaulted him and taken him with them on 28 August 2020, produced before the court on 30 August, but in the mean time he fell sick and shifted to hospital, where he was declared dead by the doctor. It was also informed that the wife of deceased

⁷³. Man held for gambling dies in police custody, The Times of India, 29 March 2020, <https://timesofindia.indiatimes.com/city/vijayawada/man-held-for-gambling-dies-in-police-custody/articleshow/74867385.cms>

⁷⁴. NHRC Case No. 2383/18/8/2020-AD

⁷⁵. NHRC Case No. 17081/24/61/2020-ad

suspect that her husband was killed and demanded an investigation to find out the truth. On 9 October, the NHRC directed the DM, Cuttack and the SP, Cuttack Rural to submit detailed reports, including copy of MLC of the deceased, copies of all relevant GD extracts, Inquest Report, PMR and MER.⁷⁶

Case 64: Alleged tortured to death of Anup Roy at Itahar Police station, West Bengal

On 2 September 2020, Anup Roy (23 years), a resident of Itahar in Raiganj district of West Bengal died in the custody of Itahar police station a few hours after his arrest in an earlier case of snatching. Police claimed that the deceased died of brain haemorrhage and conducted the post-mortem without informing the family of the deceased and handed over the body to his mother Geeta Roy. Next day, the deceased's mother Geeta Roy lodged a complaint at Itahar police station against five policemen identified as Nihar Ranjan Das, Md Murtaza, Prabir Ghosh, Sandip Chakraborty and Uttam Modak accusing them of killing his son. Pursuant to a request by Geeta Roy, the Raiganj district court ordered for a fresh post-mortem of her son's body in the presence of the magistrate with video recording and same was conducted on 5 August.⁷⁷

Case 65: Alleged suicide of Wajid Ali due to alleged torture during illegal detention, Uttar Pradesh

On 4 September 2020, Wajid Ali (20 years) died due to alleged third degree torture at Gilaula police station in Shravasti district, Uttar Pradesh. Ali, a resident of Dargi Purwa village in the district, was picked up by police on 31 August 2020 for allegedly molesting a girl. He was illegally detained at the Gilaula police station for four days from 31 August to 3 September. Police claimed that in the morning of 4 September Ali was found hanging with a rope in the toilet of the police station. He was later declared brought dead at the Bahraich district hospital. However, the deceased's family accused the police personnel of murder. They alleged that he was subjected to third degree torture in police custody which led to his death. The family members also questioned as to why the deceased was not produced before the court within 24 hours after his arrest and why he was kept in illegal custody for four days.⁷⁸

Case 66: Alleged suicide of Balwan Mahto, Jharkhand

On 5 September 2020, Balwan Mahto (42 years) died under mysterious circumstances at Madhuban police station in Giridih district, Jharkhand. Mahto, a resident of Madhuban village under Dumri subdivision in the district, was arrested on

⁷⁶. NHRC Case No. 2530/18/3/2020-PCD

⁷⁷. 'Custody death' case on five cops, The Telegraph India, 6 September 2020; <https://www.telegraphindia.com/west-bengal/custody-death-case-on-five-cops/cid/1791111>

⁷⁸. NHRC Case No. 18833/24/66/2020-AD

4 September 2020 along with another person identified as Bablu Sonar (41 years) in connection with a case of stealing goat. After arrest both of them were kept in the lockup of the police station where the Mahto was found dead the next morning. Police claimed Mahto committed suicide inside the police station by hanging himself with a wire.⁷⁹

Case 67: Death of Nageshwar Rai due to alleged torture, Bihar

On 6 September 2020, Nageshwar Rai (50 years) died due to alleged torture in custody of Punaura police station in Sitamarhi district, Bihar. The deceased, a resident of Ranjitpur village in the district, was arrested on the same day in a 12-year-old case related to the assault of a neighbor. Police claimed that following arrest the deceased fell unconscious while he was being taken to the court. Thereafter, he was immediately rushed to the Primary Health Centre, Dumra from where he was referred to Sadar hospital, but declared dead on arrival. However, the deceased's family alleged that Nageshwar Rai died due to torture in police custody.⁸⁰

Case 68: Death of Akhilesh Dixit in police custody, Uttarakhand

On 12 September 2020, Akhilesh Dixit (34 years) died under suspicious circumstances in police custody in Roorkee in Haridwar district, Uttarakhand. The deceased, a resident of Kankhal in the district, eloped with a 17-year-old girl of the same locality on 6 September 2020 and they were traced to Chandigarh. On 12 September, a three-member team of Uttarakhand Police picked them up from Chandigarh. Police claimed that when the vehicle reached near Roorkee, Akhilesh vomited a few times and he was taken to a hospital where doctors declared him brought dead. However, the deceased's brother-in-law Alok Kumar Shukla suspected foul play and demanded judicial inquiry into the custodial death.⁸¹

Case 69: Death of Irfan Ahmad Dar due to alleged torture, Jammu & Kashmir

On 15 September 2020, Irfan Ahmad Dar, S/o Mohammad Akbar Dar of Sidiq Colony, Sopore in Jammu & Kashmir, was arrested by police and taken to a police station in Sopore in Baramulla district. He was booked under the Unlawful Activities (Prevention) Act. On the next day, he died in police custody. In a statement, the police claimed that Irfan was allegedly an over ground worker of a militant group and died after falling down on a stone while escaping from police custody taking advantage of darkness and terrain. A magisterial inquiry was ordered into the custodial death. However, family members alleged that he was tortured to death in custody. According to them, there were torture marks on his body, including swollen

⁷⁹. NHRC Case No. 906/34/8/2020-AD

⁸⁰. NHRC Case No. 2476/4/36/2020-AD

⁸¹. NHRC Case No. 1020/35/6/2020-AD

head, bruises on the back, torture marks on his face, neck, head and nose. Two of his teeth were also allegedly broken.⁸²

Case 70: Death of Sohail Shaikh due to alleged torture, Maharashtra

On 16 September 2020, Sohail Shaikh @ Usman (27 years) died due to alleged torture in the custody of R.C.F. police station at Chembur in Mumbai, Maharashtra. Sohail, a resident of Mahul village under Chembur suburb in Mumbai, was picked up along with his uncle Tayyab Mansoor (41 years) and detained at the R.C.F police station on 15 September 2020 on suspicion of drug peddling. Police claimed Sohail and his uncle were released in the afternoon of 15 September and he died at Sion hospital in the evening of 16 September. However, the deceased's uncle Tayyab Mansoor alleged that Sohail was beaten up by the police at the R.C.F. police station and he died at Sion hospital in the night of 16 September. Tayyab Mansoor further alleged that when Sohail's condition became serious due to beating at the police station, the police neither allowed him to take medicines nor took him to the hospital. He also alleged that the police demanded a bribe of Rs 200,000 for their release but he could pay only Rs 50,000.⁸³

Case 71: Alleged suicide of K Ramesh in police custody, Tamil Nadu

On 16 September 2020, K Ramesh (20 years) of Anaikaraipatti village in Peraiyur taluk in Madurai district of Tamil Nadu was summoned by police for questioning in connection with the missing of a minor girl. His body was found hanging on 17 September. However, the deceased's relatives alleged that Ramesh was killed in custody and his body was hung to project it as a case of suicide. The Tamil Nadu State Human Rights (TNSHRC) took suo motu cognisance of the custodial death and directed the Superintendent of Police, Madurai district to submit a detailed report regarding the custodial death.⁸⁴

Case 72: Death of Mirajul Islam in police custody, West Bengal

On 17 September 2020, Mirajul Islam, S/o Golam Kuddus died at Ketugram police station in Purba (East) Bardhaman district, West Bengal. Based on an intimation received from the Deputy Superintendent of Police, the NHRC directed the District Magistrate and Superintendent of Police, Purba Bardhaman district to submit the reports and records relating to the custodial death to it which included, among

⁸². In custody: Family of a shopkeeper in North Kashmir alleges he was killed by the police, Scroll.in, 18 September 2020, <https://scroll.in/article/973398/in-custody-family-of-a-shopkeeper-in-north-kashmir-alleges-he-was-killed-by-the-police>

⁸³. NHRC Case No. 1197/13/16/2020-AD

⁸⁴. SHRC seeks detailed report on death of youth called for police questioning near Madurai, The New Indian Express, 18 September 2020, <https://www.newindianexpress.com/states/tamil-nadu/2020/sep/18/shrc-seeks-detailed-report-on-death-of-youth-called-for-police-questioning-near-madurai-2198783.html>

others, copy of arrest memo and inspection memo, copy of MLC, copies of all relevant GD extracts, PMR and MER.⁸⁵

Case 73: Tortured to death of T Selvan by police inspector in captivity, Tamil Nadu

On 17 September 2020, T Selvan (28 years), a resident of Chokkankandiyiruppu in Thoothukudi district of Tamil Nadu was allegedly beaten to death by Hari Krishnan, Thattarmadam police inspector and Thirumanavel, commerce wing secretary of the ruling All India Anna Dravida Munnetra Kazhagam. The deceased, a water tanker driver, was abducted by the two in an Innova car; beat him black and blue at a secluded place before abandoning him at the outskirts of Kadakulam village. The onlookers shifted injured Selvan to Thisayanvilai primary health center, where the doctors declared him brought dead. The deceased was beaten to death to avenge the filing of an affidavit by deceased's brother at Madurai Bench of Madras High Court regarding custodial torture meted out to them by police inspector Hari Krishnan after arresting them in connection with some false cases.⁸⁶

Case 74: Alleged suicide of Dharmendra due to alleged torture, Delhi

On 20 September 2020, Dharmendra (40 years), a resident of Uttar Pradesh, was allegedly tortured to death at Samaypur Badli police station in North West district of Delhi. Arrested on charges of raping a minor girl, Dharmendra was allegedly found hanging with a bedsheet inside the lock-up of the police station. Dharmendra, who was in jail in a case of murder-cum-robbery, was released on parole in March 2020, but due to the COVID-19 lockdowns, his parole period got extended. The family members of the deceased alleged that police tortured and forced him to consume liquor. Police refuted the allegations. Police claimed that the accused hanged himself with a bedsheet tied around the bars of the lock-up gate. He was taken to hospital but was declared brought dead by the doctors.⁸⁷

Case 75: Death of C Manikandan due to alleged torture, Tamil Nadu

On 22 September 2020, C Manikandan (30 years) died due to alleged torture at Tirupur city police station in Tirupur district, Tamil Nadu. Manikandan, a resident of K Chettipalayam in the district, was arrested on 22 September at about 6 am from

⁸⁵. NHRC Case No. 1654/25/26/2020-PCD

⁸⁶. Lorry driver beaten to death after filing affidavit over custodial torture in Thoothukudi, Newindianexpress, 18 September 2020; <https://www.newindianexpress.com/states/tamil-nadu/2020/sep/18/lorry-driver-beaten-to-death-after-filing-affidavit-over-custodial-torture-in-thoothukudi-2198579.html>

⁸⁷. Man Found Dead Inside Police Station In Delhi, Family Alleges Custodial Torture, NDTV, 20 September 2020, <https://www.ndtv.com/delhi-news/man-found-hanging-inside-police-station-in-delhi-family-alleges-custodial-torture-2298436> & NHRC Case No. 5467/30/3/2020-PCD

his house for questioning in connection with the death of a woman and his alleged involvement in a sex racket. Police claimed that in the evening of the same day Manikandan suffered from epilepsy during interrogation and he was rushed to the Tirupur Medical College and Hospital, where doctors declared him brought dead. However, the deceased's family alleged that the deceased was tortured in police custody which led to his death.⁸⁸

Case 76: Alleged suicide of Samsher in police custody, Uttar Pradesh

On 23 September 2020, 46-years-old Samsher died under suspicious circumstances at Vijay Nagar police station in Ghaziabad district, Uttar Pradesh. He was arrested by police in the morning of 23 September pursuant to a complaint filed by his wife, who accused him of indulging in domestic violence. Samsher died in the evening on the same day under suspicious circumstances. Police claimed that in the evening of 23 September at about 7.30 pm. Samsher allegedly committed suicide himself inside the lock-up room. The deceased was taken to a local hospital, where the doctors declared him brought dead.⁸⁹

Case 77: Death of Abdul Kadar Shaikh in police custody, Gujarat

On 27 September 2020, Abdul Kadar Shaikh (51 years), a cancer patient, died at Vejalpur police station in Ahmedabad district of Gujarat. Abdul, a resident of Mohammed Sohail Society in Vejalpur in the district, was allegedly caught on 26 September 2020 by a team of State Monitoring Cell of Gujarat Police along with other accused while gambling and handed them over to the Vejalpur Police, where he died on 27 September under suspicious condition. Police claimed that on at around 12.15 am they had detained the deceased along with others at the Vejalpur police station. As their COVID-19 test was pending, which was supposed to be done on the same day, the deceased along with other were made to sit behind the Personal Security Officer's chamber where the Abdul was found lying unconscious. He was declared dead by the 108 ambulance and medicos who was called to shift the deceased to a hospital. However, the family members suspected foul play and also alleged that the police did not allow them to give medicines to him.⁹⁰

Case 78: Alleged suicide of Rajpati Kushwaha, Madhya Pradesh

On 28 September 2020, 45-year old Rajpati Kushwaha died at Singhpur police station in Satna district of Madhya Pradesh. Rajpati, a resident of Narayanpur village in the district, was picked up by police from his house during the night of 27 September 2020 on suspicion of his involvement in a theft case. Police claimed that on 27 September Rajpati snatched the revolver of a policeman which was kept on the table and shot himself dead in the police station. However, the family members

⁸⁸. NHRC Case No. 7064/22/52/2020-ad

⁸⁹. NHRC Case Nos. 19405/24/31/2020-AD & 19794/24/31/2020-PCD

⁹⁰. NHRC Case No. 19406/24/10/2020-AD

alleged Rajpati was shot dead by a drunken police inspector inside the police station after torture. The family members and the villagers protested in front of the police station against the custodial death.⁹¹

Case 79: Death of Dovari Ajay due to alleged torture in SEB custody, Andhra Pradesh

On 1 October 2020, Dovari Ajay (25 years) died due to alleged torture in the custody of Special Enforcement Bureau (SEB) at Vijayawada in Krishna district of Andhra Pradesh. The deceased, a resident of Krishnalanka area of Vijayawada city in the district, was arrested by personnel of the SEB, which is tasked with curbing the illegal sand and liquor trafficking and headed by the State's DGP, after he was allegedly caught transporting liquor illegally and was booked under Andhra Pradesh Excise (Amendment) Act. The SEB claimed that on 1 October evening the deceased suddenly fell sick during interrogation, following which he was taken a private hospital at Bandar Road in Vijayawada where the doctors declared him brought dead. However, the family members alleged that the deceased was tortured by the SEB personnel during interrogation which caused his death.⁹²

Case 80: Death of tribal Marulasiddappa due to alleged torture, Karnataka

On 6 October 2020, a tribal identified as Marulasiddappa, husband of Vrundamma of Vittallapura village in Davangere district of Karnataka, died allegedly in custody of Mayakonda police station. On 5 October 2020, the deceased's wife complained to Mayakonda Police seeking help to trace her missing husband who had left home to live with another woman. The police subsequently traced him at nearby Huchchavvana Halli and had brought him to the police station on 5 October. Marulasiddappa was found dead near a railway station on 6 October afternoon. The family members alleged that Marulasiddappa was tortured to death by the police in custody. However, the police denied the allegation and claimed that they had released him after he complained of uneasiness.⁹³

Case 81: Death of Mohan Marathe in police custody, Maharashtra

On 7 October 2020, Mohan Marathe (37 years), a resident of Sant Kabir Nagar, Dondaicha in Dhule district, Maharashtra, died under suspicious circumstances in custody of Dondaicha Police. Mohan was arrested by the police while he was on his way to work in the morning of 7 October as a suspect in connection with a case.

⁹¹. NHRC Case No. 2224/12/38/2020-AD

⁹². Vijayawada: Youth dies while in SEB custody, The Times of India, 2 October 2020, <https://timesofindia.indiatimes.com/city/vijayawada/youth-dies-while-in-seb-custody/articleshow/78435641.cms>

⁹³. CID begins inquiry into 'custodial death', The Hindu, 8 October 2020, <https://www.thehindu.com/news/national/karnataka/cid-begins-inquiry-into-custodial-death/article32804679.ece>

Police claimed that Mohan was subsequently released from custody after a medical examination. His dead body was later found in a road. According to police, the investigation of the case was handed over to the Criminal Investigation Department (CID).⁹⁴

Case 82: Death of Rahul due to alleged custodial torture, Madhya Pradesh

On 8 October 2020, Rahul (32 years), a resident of Mundla Suleman village in Ujjain district of Madhya Pradesh, died due to alleged torture at Neelganga police station in the district. The family members alleged that on 8 October he had gone to the Neelganga police station to collect the mobile phone of his friend's son. In the police station, Rahul allegedly provided water to a person who was in police lock-up. This infuriated the police who beat up Rahul and detained him in the lock-up. On persistent requests of family members, the police released Rahul late in the night. While heading home, Rahul's condition deteriorated and he fell unconscious near Mediya village. He was taken to a hospital where doctors pronounced him brought dead.⁹⁵

Case 83: Death of Prakash Gorai due to alleged torture, Jharkhand

On 9 October 2020, Prakash Gorai (30 years) died due to alleged torture at Kalubathan police station in Dhanbad district of Jharkhand. Prakash, a resident of Pindrahat area in the district, was arrested by police on 6 October 2020 in connection with a mobile theft case. The suspect died in suspicious circumstances at the police station on 9 October. Police claimed that on 8 October Prakash fled from police custody when he was taken for relieving himself and his body was found hanging from a tree on the backyard of Kalubathan High School with handcuff on his left hand on 9 October. However, the deceased's father Dhani Gorai alleged that his son was tortured to death in police custody and that the police hanged his body from a tree to look like a suicide.⁹⁶

Case 84: Alleged torture to death of Madan Ghoroi in police custody, West Bengal

On 9 October 2020, Madan Ghoroi, a Booth President of the Bharatiya Janata Party in Patashpur area of East Midnapore district of West Bengal died in the custody of police at SSKM hospital in Kolkata. He was picked up and interrogated by police on 26 September after his nephew allegedly kidnapped a girl from Patashpur area. Ghoroi was remanded in judicial custody at Contai Correctional Home where he fell ill and Patashpur police station transferred him to Kolkata on October 9 apparently for better treatment. On 9 October, he died at SSKM in Kolkata. However, the BJP

⁹⁴. See <https://www.lokmat.com/dhule/suspected-death-mohan-marathe-who-was-taken-police-custody-dondaicha-class-cid-a635/> & NHRC Case No. 1509/13/10/2020-PCD

⁹⁵. NHRC Case No. 2139/12/47/2020

⁹⁶. NHRC Case No. 1053/34/4/2020-ad

accused that Ghoroi succumbed to brutal torture perpetrated upon him by police while in their custody. The BJP demanded an investigation by the Central Bureau of Investigation. On 17 October, hearing a petition by the BJP the Calcutta High Court ordered a second postmortem examination on the body of Ghoroi at R G Kar Medical College and Hospital, Kolkata and production of a copy of the videography and the report of the second post mortem examination before the court on the next date of hearing on 21 October.⁹⁷

Case 85: Death of Rahul @ Monu Vishwakarma in police custody, Madhya Pradesh

On 18 October 2020, Rahul @ Monu Vishwakarma (30 years) died under mysterious circumstances at Sanjeevani Nagar police station in Jabalpur district of Madhya Pradesh. Rahul, a resident of Maharajapur locality under Adhartal police station in the district, was arrested on 18 October along with two other persons identified as Malay Rao (25 years) and Karan Jaggi (24 years) in connection with a kidnapping and murder case. He died in custody of the police during the ensuing night.⁹⁸

Case 86: Death of Asutosh Pathak due to alleged torture, Bihar

On 25 October 2020, Asutosh Pathak (30 years) died due to alleged torture at Naugachhia police station in Bhagalpur district, Bihar. Asutosh, a software engineer, was a resident of Naugachhia town in the district, was picked up by the police on 24 October 2020 after he got into an argument with a neighbour. The family members of the deceased alleged that he was tortured in custody, which led to his death.⁹⁹

Case 87: Death of Dharambir due to alleged torture, Delhi

On 25 October 2020, Dharambir (45 years), an auto-rickshaw driver and a resident of Najafgarh in West Delhi, died in custody of Lodhi Colony police station in South Delhi district. According to the police, a case of car theft was reported on 22 October 2020 at Lodhi Colony police station. The vehicle was stolen from Lodhi Colony and investigation was entrusted to ASI Vijay. Dharmabir was summoned for questioning at Lodhi Colony police station. Police claimed Dharambir was being questioned by ASI Vijay at the first floor of the police station. In between, ASI Vijay had gone to the bathroom, leaving Dharambir in the room. When he returned, he did not find Dharambir in the room. After searching, the ASI found that Dharambir was lying on the floor in the central courtyard of the police station. Dharambir was rushed to All India Institute of Medical Sciences (AIIMS) Hospital by the police personnel. During treatment at the Trauma Centre, Dharambir died. The family members of Dharambir alleged that he was tortured by police in custody leading to his death. Saurav Kumar

⁹⁷. Bengal: BJP alleges custodial death of party worker, seeks CBI probe, Indianexpress, 17 October 2020; <https://indianexpress.com/article/cities/kolkata/west-bengal-bjp-alleges-custodial-death-seeks-cbi-probe-6758260/>

⁹⁸. NHRC Case No. 2263/12/22/2020-ad

⁹⁹. NHRC Case No. 3182/4/5/2020-AD

(24 years), the son of deceased, alleged that police demanded Rs. 50,000 from his father. Dharambir was the sole earner in the family comprising of his wife, daughter and two sons. Following the custodial death, ASI Vijay was suspended and two constables were sent to police lines.¹⁰⁰

Case 88: Alleged suicide of Ashwani Manikpuri, Chhattisgarh

On 28 October 2020, Ashwani Manikpuri (20 years) died under mysterious circumstances at Pandri police station in Raipur district, Chhattisgarh. Ashwani, a resident of Chandrashekhar Nagar locality in the district, was arrested on the same day along with four others in connection with a murder case on 25 October 2020. Police claimed that on 28 October at around 3 pm Ashwani committed suicide by hanging himself inside the toilet of the lock-up of the police station.¹⁰¹

Case 89: Alleged suicide of a 15-year-old Dalit boy due to alleged torture, West Bengal

On 30 October 2020, a 15-year-old Dalit boy died in illegal custody at Mallarpur police station in Birbhum district of West Bengal. The deceased, a resident of Mallarpur area in the district, was arrested on 29 October 2020 in connection with a mobile theft case. He died in police custody the next day. The police claimed that on 30 October at around 9:25 pm the deceased committed suicide by hanging himself inside the toilet of the lock-up of the police station. However, the family members of the deceased alleged that their minor son was tortured to death in police custody.¹⁰²

Case 90: Death of Intazul Laskar in police custody, Mizoram

On 2 November 2020, Intazul Laskar (45 years) died in the custody of police in Kolasib district of Mizoram. The deceased, a resident of Lailapur under Cachar district of Assam, was abducted from Assam side (near Mizoram border) by some people on 1 November 2020. BL Meena, Superintendent of Police, Cachar, Assam stated that Intazul was abducted from the Assam side and died in custody of Mizoram Police in Kolasib district. However, Mizoram Police claimed that the deceased was peddling drugs when he was caught by the locals and handed over to the police.¹⁰³

¹⁰⁰. Man Dies In Custody, Delhi Police Police Suspends Assistant Sub-Inspector, NDTV, 25 October 2020, <https://www.ndtv.com/delhi-news/man-dies-in-custody-delhi-police-police-suspends-assistant-sub-inspector-2315499>

¹⁰¹. Complaint dated 29.10.2020 filed by Campaign Against Torture with the NHRC

¹⁰². NHRC Case No. 1711/25/3/2020-AD

¹⁰³. NHRC Case No. 5/16/5/2020-AD

Case 91: Alleged suicide of Zamrood Ahmad Gojri, Jammu & Kashmir

On 4 November 2020, Zamrood Ahmad Gojri (30 years), S/o Ghulam Muhammad Gojri died at Putkha Police Post in Sopore area in Baramulla district of Jammu and Kashmir. Zamrood Ahmad, a resident of Sopore area in the district, was arrested by the police on the charges of peddling drugs on 1 November 2020. FIR No 110/2020 under sections 8/22 of the NDPS, 1985 was registered against him and he was produced before the judicial magistrate and remanded to police custody upto 15 November. Police claimed that on 4 November Zamrood Ahmad committed suicide by hanging inside the Putkha Police Post under Tarzoo Sopore police station.¹⁰⁴

Case 92: Death of M Selvamurugan due to alleged torture, Tamil Nadu

On 4 November 2020, M Selvamurugan (40 years), a cashew farmer from Kadampuliyur village in Cuddalore district of Tamil Nadu, died at a hospital due to alleged torture in police custody. According to the police, Selvamurugan was taken to Neyveli Township police station on 30 October 2020 for inquiry over his alleged involvement in a chain snatching case. He was later remanded to judicial custody on the same day at Vriddhachalam sub-jail. However, family members alleged that police picked him up on 28 October 2020 and claimed that he was shown arrested on 30 October 2020 only to hide illegal detention and torture on October 28 and 29.¹⁰⁵ Family members refused to collect his dead body after post-mortem, citing that custodial torture had resulted in his death. The deceased's wife Prabha stated that Selvamurugan was falsely accused of theft charges and the police demanded a 10-sovereign gold chain as bribe to drop the charges. She was also allegedly ill-treated when she refused to bribe them. According to her, when she visited her husband at the Virudhachalam sub-jail on 2 November 2020, he appeared weak and was unable to eat due to a swollen throat.¹⁰⁶

Case 93: Death of Dalit Sonu Bansal due to alleged torture, Madhya Pradesh

On 8 November 2020, a Dalit identified as Sonu Bansal, S/o Munnilal Bansal died in custody of Kotwali police station in Sidhi district, Madhya Pradesh. Sonu was arrested by police in connection with a case of theft. Police claimed the health of Sonu deteriorated within hours of his arrest, following which he was rushed to the hospital, where he died. The family alleged that Sonu was subjected to custodial

¹⁰⁴. NHRC Case No. 234/9/3/2020-PCD

¹⁰⁵. Kin allege torture in death of Tamil Nadu prisoner, magistrate begins probe, The Times of India, 8 November 2020, <https://timesofindia.indiatimes.com/city/chennai/kin-allege-torture-in-death-of-tamil-nadu-prisoner-magistrate-begins-probe/articleshowprint/79107653.cms>

¹⁰⁶. Complaint dated 09.11.2020 filed by Campaign Against Torture with the NHRC

torture and demanded registration of murder charge against the guilty police officials.¹⁰⁷

Case 94: Death of Dalit Harji Kanjar due to alleged torture, Rajasthan

On 9 November 2020, a Dalit man identified as Harji Kanjar (55 years) died due to alleged torture at Ramnagar police check post under Bundi Sadar police station in Bundi district of Rajasthan. Harji Kanjar, a resident of Ramnagar village in the district, was picked up on the same day from Ramnagar village for gambling. Police claimed that his health suddenly deteriorated and he was declared brought dead at Bundi district hospital. However, the family members alleged that Harji Kanjar was beaten to death by the police. The deceased's son Sultan Singh alleged that four police personnel identified as Hanuman, Satyanarayan, Prahlad and Madan from Bundi Sadar police station had come to his home and demanded money for Diwali. When his father Harji refused to oblige them they began to beat him and forced him to sit on their motorbike. Later he died in police custody due to alleged torture.¹⁰⁸

Case 95: Death of Suraj Pandey in police custody, Uttar Pradesh

On 12 November 2020, a journalist identified as Suraj Pandey (22 years) died due to alleged torture by police in Unnao district of Uttar Pradesh. His dead body was found at a railway track under mysterious circumstances on 12 November. The family members alleged that he was tortured to death by some police personnel including SI Sunita Chaurasia and Constable Amar Singh at Bihar police station in Unnao district and later his body was dumped at the railway track.¹⁰⁹

Case 96: Custodial death of Mesar in police custody, Delhi

On 12 November 2020, Mesar (24 years) died in custody of Welcome police station in north-east Delhi's Kabir Nagar. He was allegedly caught stealing a truck and assaulted by its owner and the public in north-east Delhi's Kabir Nagar. Reportedly, a police team from the Welcome police station reached the spot after receiving a complaint of vehicle theft and met one Hira Lal Kamra, who produced Mesar. Kamra told police that he caught Mesar with the help of locals and they assaulted him before informing the police. Mesar's family alleged that he was tortured at Welcome police station. According to the police, around midnight, Mesar complained of pain and was admitted to Hedgewar Hospital, where he died. Mesar's relative Abdul Waseem claimed that he was a cab driver and lived in Pul Prahladpur and suspected

¹⁰⁷. See NHRC Case No. 2772/12/45/2020-PCD & <https://navbharattimes.indiatimes.com/state/madhya-pradesh/other-cities/man-dies-in-police-custody-at-sidhi-kotwali-police-station-in-madhya-pradesh/articleshow/79128277.cms>

¹⁰⁸. NHRC Case No. 1865/20/8/2020-AD

¹⁰⁹. NHRC Case No. 25016/24/71/2020-AD

that he succumbed to injuries caused by police torture. A judicial inquiry by a metropolitan magistrate was ordered.¹¹⁰

Case 97: Death of K Arya due to alleged torture, Odisha

On 18 November 2020, K Arya (33 years), a resident of Loknath Road area in Puri district, Odisha, died at the District Headquarters Hospital (DHH) due to alleged police torture at Baselisahi police station. According to Superintendent of Police, Puri district, Arya was arrested by police for interrogation in connection with a case and the accused got into a scuffle with police during the arrest and he sustained injuries. The accused was later admitted to the DHH and died while undergoing treatment. However, family members refuted the police statement and alleged that Arya died due to custodial torture.¹¹¹

Case 98: Death of Tarique Salim due to alleged torture, Odisha

On 18 November 2020, Tarique Salim, arrested by police for questioning in a kidnapping case, died in custody at Biramitrapur police station in Sundargarh district, Odisha. According to the police, the accused was initially admitted to the Kuarmunda Hospital and later shifted to the Rourkela Government Hospital, where he died while undergoing treatment. Family members alleged that he died due to torture while being under police custody. Hundreds of locals protested against the custodial death at the police station demanding action against the police. Relatives claimed that there were injury marks on Tariq's body, and therefore, suspected he was tortured inside the police station.¹¹²

Case 99: Alleged suicide of Ranjit Mandal due to alleged torture, Bihar

On 18 November 2020, Ranjit Mandal (35 years) died at a hospital due to alleged torture in police custody in Katihar district of Bihar. Ranjit, a resident of Madansahi village in the district, was arrested along with other persons on 17 November 2020 after a dispute with shopkeepers at Kamal Chowk. Police claimed that in the night of 18 November Ranjit committed suicide by jumping from the roof of the hospital. However, the deceased's family members rejected the claim of police and alleged that the deceased was subjected to torture in custody, leading to his death.¹¹³

¹¹⁰. Man dies in judicial custody a day after assault over bid to steal truck, The Hindustan Times, 13 November 2020, <https://www.hindustantimes.com/delhi-news/man-caught-for-theft-dies-in-judicial-custody-family-alleges-torture/story-4HLdxEvsFpqvejKQMD9p6l.html>

¹¹¹. Tension Prevails In Puri As Accused Dies In Police Custody; DGP Assures Action, The Sambad, 19 November 2020, <https://sambadenglish.com/tension-prevails-in-puri-as-accused-dies-in-police-custody-dgp-assures-action/>

¹¹². Arrestee's Death Sparks Tension In Odisha's Sundargarh, Custodial Death Alleged, The Sambad English, 19 November 2020, <https://sambadenglish.com/arrestees-death-sparks-tension-in-odishas-sundargarh-custodial-death-alleged/>

¹¹³. NHRC Case No. 3409/4/16/2020-AD

Case 100: Death of K Ramesh due to alleged torture, Odisha

On 19 November 2020, K Ramesh (32 years) died due to alleged torture at Baselisahi police station in Puri district of Odisha. Ramesh was picked up by police on 18 November 2020 and detained at the police station following a scuffle with police. Police claimed Ramesh was a known criminal with a number of cases lodged against him in different police stations, and on 18 November they had arrested him while he was roaming with a sharp weapon with an objective to commit a crime in Puri town. Police claimed he later died in the hospital as he sustained minor injuries during the scuffle with police. However, the family members alleged that Ramesh was tortured to death at the police station after he was picked up.¹¹⁴

Case 101: Alleged suicide of Bharot Sautal in police custody, Assam

On 20 November 2020, Bharot Sautal (32 years) died at Dolamara police station in Karbi Anglong district of Assam. Bharot, a resident of Dolamara Bagan in the district, was arrested on 19 November 2020 in connection with an alleged murder case. Police claimed that the deceased committed suicide inside the police station by strangulating himself with the cord of his underwear.¹¹⁵

Case 102: Death of Surajbhai in police custody, Gujarat

On 22 November 2020, Surajbhai @ Sureshbhai Supdubhai More (26 years) died in custody of Rajpipla police station in Narmada district, Gujarat. Based on a intimation received from Superintendent of Police, Narmada district 8 July 2020, the NHRC directed the District Collector, Narmada and the Superintendent of Police, Narmada to submit the reports and records, which included, among others, MER, PMR, inquest report, MLC.¹¹⁶

Case 103: Death of Kuldeep Kumar in police custody, Jammu & Kashmir

On 23 November 2020, Kuldeep Kumar (45 years), a resident of Akhnoor in Jammu district of Jammu and Kashmir who was arrested for his alleged involvement in cross-border narcotic smuggling, died due to some alleged "health problems" at a police station in Jammu and Kashmir. Kuldeep Kumar was lodged in the lockup at R S Pura police station and allegedly complained of chest pain before losing his consciousness. Police officials claimed that he was rushed to the Government Medical College hospital, where he was declared "brought dead."¹¹⁷

¹¹⁴. Complaint dated 20.11.2020 filed by Campaign Against Torture with the NHRC

¹¹⁵. Complaint dated 26.11.2020 filed by Campaign Against Torture with the NHRC

¹¹⁶. NHRC Case No. 1075/6/16/2020-PCD

¹¹⁷. Drug smuggling suspect dies at Jammu police station, The 23 November 2020, <https://www.outlookindia.com/newscroll/drug-smuggling-suspect-dies-at-jammu-police-station/1980850>

Case 104: Death of Punam Katlam due to alleged torture, Chhattisgarh

On 24 November 2020, Punam Katlam (44 years) died due to alleged torture in custody of Latori outpost under Surajpur police station in Surajpur district, Chhattisgarh. The deceased, a junior engineer of Electricity Department, was posted at Latori sub-station in the district. On 23 November 2020, Punam Katlam was picked up by the police along with three other persons on the suspicion in a case of murder which took place on 22 November 2020. On the next day, the deceased died in custody. Police claimed that during investigation on 23 November evening Punam started feeling uneasy and was taken to a hospital and on the next day he suffered a heart attack in the hospital's toilet. However, the family members alleged he was tortured in custody. Deepak Katlam, the deceased's brother claimed they found injury marks on his brother's body, which suggest torture during detention by police.¹¹⁸

Case 105: Death of Vidyaram Yadav due to alleged torture, Uttar Pradesh

On 6 December 2020, Vidyaram Yadav (50 years) died due to alleged torture at Mujariya police station in Budaun district, Uttar Pradesh. Vidyaram, a farmer and a resident of Dariyapur village in the district, was arrested and detained along with three others by police after a brawl over construction work on a disputed property. According to the police, the deceased had chest pain before reaching the police station and after initial treatment he was referred to the district hospital where the doctor declared him brought dead. However, the family members alleged he was tortured in police custody which led to his death.¹¹⁹

Case 106: Alleged suicide of tribal Lipak Nyorak due to alleged torture, Arunachal Pradesh

On 10 December 2020, a tribal identified as Lipak Nyorak (30 years) died in custody of Banderdewa police station in Papum Pare district, Arunachal Pradesh. Lipak Nyorak, a resident of Banderdewa area in the district, was arrested by police in connection with a case of theft. Police detained him in the police station lock-up, where he died due to alleged torture. Police claimed the accused committed suicide by hanging himself inside the lock-up.¹²⁰

Case 107: Alleged suicide of Pritam Singh, Punjab

On 11 December 2020, Pritam Singh (57 years) died at Kamboh police station in Amritsar district of Punjab. Pritam, a resident of Makam village in the district, was arrested by police on the charges of possessing drugs/narcotic substance. Police claimed in the evening of 11 December Pritam Singh was shifted to the store room

¹¹⁸. NHRC Case No. 509/33/27/2020-AD

¹¹⁹. NHRC Case No. 26269/24/7/2020-ad

¹²⁰. NHRC Case No. 51/2/10/2020-ad

of the police station after he felt uneasy in the lock up and that he committed suicide by hanging the same night. However, the family members alleged that he was arrested illegally as no case was registered against him and was kept in illegal detention at the police station.¹²¹

Case 108: Death of Somdutt in police custody, Uttar Pradesh

On 12 December 2020, Somdutt @ Sonu (28 years) died at Khurja Nagar police station in Bulandshahr district of Uttar Pradesh. The deceased, a resident of Kanaini village in Khurja tehsil in the district, was taken into custody on 10 December 2020 for allegedly eloping with a woman whose marriage was already fixed with another man on 6 December. The family members alleged that police brought the dead body home on 12 December around 5 AM and forced them to conduct cremation without post mortem examination.¹²²

Case 109: Death of Lalaram Garasiya due to alleged torture, Rajasthan

On 16 December 2020, Lalaram Garasiya (36 years) died due to alleged torture in the custody of Saira police station in Udaipur district of Rajasthan. Lalaram, a resident of Sadri in Ranakpur in Pali district, was picked up along with his relative by police in the night of 15 December 2020 for interrogation in connection with a case of kidnapping of a girl that took place a year ago. Police claimed that in the morning of 16 December Lalaram's health suddenly deteriorated, after which he was taken to a local hospital and died on the way while he was being taken to Udaipur. However, the family members alleged that Lalaram was tortured to death in police custody.¹²³

Case 110: Death of Aarif Sheikh in police custody, Rajasthan

On 17 December 2020, Aarif Sheikh, arrested for snatching a mobile from a girl, died in custody of Bhatta Basti police station in Jaipur district, Rajasthan allegedly after falling down from the terrace while trying to escape. He was arrested by the police on 9 December 2020. According to the police, while they were on the course of making papers of his arrest, Sheikh asked for water following which he was allowed and he took the stairs inside the police station to reach the terrace and he grabbed the water pipe that was attached with the water tank in a bid to escape. While he was attempting to come down holding the pipe, he slipped. He was rushed to SMS Hospital but succumbed to the injuries. However, the police failed to explain why he was not produced before the court as required within 24 hours of arrest. As Sheikh was arrested on 9 December and he allegedly fell down on 11 December 2020, he

¹²¹. Complaint dated 14.12.2020 filed by Campaign Against Torture with the NHRC

¹²². Complaint dated 14.12.2020 filed by Campaign Against Torture with the NHRC

¹²³. Complaint dated 17.12.2020 filed by Campaign Against Torture with the NHRC

was in illegal detention for about two days. A judicial inquiry was ordered into the custodial death.¹²⁴

Case 111: Death of Paramjit Singh in police custody, Punjab

On 24 December 2020, Paramjit Singh (67 years) died in custody of Dera Bassi police station in Mohali district (Sahibzada Ajit Singh Nagar district), Punjab. Praramjit, a resident of Delhi, was arrested by the Punjab Police on 23 December 2020 for interrogation by Economic Offences Wing (EOW) of Mohali Police in connection with a fraud case that was registered against him at Zirakpur police station in Mohali. He was brought to Dera Bassi police station after producing him before a competent court. However, he died in police custody under suspicious circumstances on 24 December. Police claimed that on 24 December Paramjit complained of breathing problem and he was taken to the Civil Hospital at Dera Bassi. On improvement of his condition, he was taken to the police station. But, he was again rushed to the hospital on the same day, where the doctors declared him brought dead.¹²⁵

B. Suicides as a result of torture

In India, custodial deaths have become synonymous with suicide. Often victims are tortured to death and police claim that the victims have committed suicide with unimaginable objects such as shoe laces or chord of underwear. However, in a number of cases either being unable to bear further torture or to escape from humiliation including in front of the family members, victims commit suicide. After release from police custody, victims committed suicide for being tortured and humiliated in front of family members including beating of the husband in front of his wife, torture and humiliation in front of parents, mental torture, harassment etc.

In 2020, the NCAT recorded 55 deaths by suicide as a result of police torture i.e. more than one suicide every week as a result of police torture. The maximum number of cases of suicide as a result of torture were reported from Uttar Pradesh with nine cases, followed by Andhra Pradesh in seven cases and Madhya Pradesh with four cases. The cases of suicide included 35 deaths in police custody and 20 deaths after having been released from the police custody.

¹²⁴. Jaipur: Man in custody slips from terrace of police station, dies, The Times of India, 18 December 2020, <https://timesofindia.indiatimes.com/city/jaipur/man-in-custody-slips-from-terrace-of-police-station-dies/articleshowprint/79785287.cms>

¹²⁵. Complaint dated 25.12.2020 filed by Campaign Against Torture with the NHRC

Table 2: Deaths in police custody recorded by NCAT during 2020

SI No.	Name	States	Reason for death	Date of death
1	Sushanta Ghosh	Tripura	Alleged suicide	12.1.2020
2	K Mahendiran	Tamil Nadu	Alleged suicide	1.2.2020
3	Vivek Kumar Verma	Uttar Pradesh	Alleged suicide	21.2.2020
4	Jigar Ramanbhai Solanki (17)	Gujarat	Alleged suicide	24.2.2020
5	Bodhu Birari	Maharashtra	Alleged suicide	25.2.2020
6	Avtar Singh Gill	Madhya Pradesh	Alleged suicide	1.3.2020
7	Anil Kumar	Uttar Pradesh	Alleged suicide	20.3.2020
8	Vikram Kumar	Bihar	Alleged suicide	24.3.2020
9	Dinesh	Rajasthan	Alleged suicide	1.4.2020
10	Vijay Mandal	Jharkhand	Alleged suicide	7.4.2020
11	Rupesh Doliya	Gujarat	Alleged suicide	4.5.2020
12	Vinu Parmar	Gujarat	Alleged suicide	4.5.2020
13	Srilam Rangaiah	Telangana	Alleged suicide	26.5.2020
14	21-year-old youth	Haryana	Alleged suicide	4.6.2020
15	Rinku	Haryana	Alleged suicide	14.6.2020
16	Pradeep Bhil	Madhya Pradesh	Alleged suicide	7.7.2020
17	Vipul Nataverbhai Chauhan	Gujarat	Alleged suicide	9.7.2020
18	Dilbar Hussian	Arunachal Pradesh	Alleged suicide	11.7.2020
19	Sauvik Gorai	West Bengal	Alleged suicide	21.7.2020
20	Narayan Ladia	Madhya Pradesh	Alleged suicide	2.8.2020
21	Ansari	Kerala	Alleged suicide	16.8.2020
22	Kalapala Krupakar	Andhra Pradesh		28.8.2020
23	Gopalram Paswan	Odisha	Alleged suicide	29.8.2020
24	Wajid Ali	Uttar Pradesh	Alleged suicide	4.9.2020
25	Balwan Mahto	Jharkhand	Alleged suicide	5.9.2020
26	K Ramesh	Tamil Nadu	Alleged suicide	17.9.2020
27	Dharmendra	Delhi	Alleged suicide	20.9.2020
28	Samsher	Uttar Pradesh	Alleged suicide	23.9.2020
29	Rajpati Kushwaha	Madhya Pradesh	Alleged suicide	28.9.2020
30	Ashwani Manikpuri	Chhattisgarh	Alleged suicide	28.10.2020
31	15-year-old Dalit boy	West Bengal	Alleged suicide	30.10.2020
32	Zamrood Ahmad Gojri	Jammu & Kashmir	Alleged suicide	4.11.2020
33	Ranjit Mandal	Bihar	Alleged suicide	18.11.2020
34	Bharot Sautal	Assam	Alleged suicide	20.11.2020
35	Lipak Nyorak	Arunachal Pradesh	Alleged suicide	10.12.2020

SUICIDE OUTSIDE POLICE STATIONS DUE TO TORTURE & HUMILIATION				
36	Akshaydev	Kerala	Alleged suicide	8.1.2020
37	R Balasubramanian	Tamil Nadu	Alleged suicide	10.1.2020
38	Abhishek	Uttar Pradesh		14.3.2020
39	Roshan Lal	Uttar Pradesh	Alleged suicide	31.3.2020
40	Srinivas	Andhra Pradesh	Alleged suicide	1.4.2020
41	Bhupinder Singh	Punjab	Alleged suicide	16.4.2020
42	18-year old	Punjab	Alleged suicide	15.06.2020
43	Srinivasan	Tamilnadu	Alleged suicide	2.8.2020
44	Nishu Chaudhary	Uttar Pradesh	Alleged suicide	8.8.2020
45	Sandip Bhatia	Punjab	Alleged suicide	11.8.2020
46	Munnagi Rajasekhar Reddy	Andhra Pradesh	Alleged suicide	3.9.2020
47	Navneet	Gujarat	Alleged suicide	29.9.2020
48	Pintu Diwakar	Uttar Pradesh	Alleged suicide	2.10.2020
49	Deepu	Haryana	Alleged suicide	3.10.2020
50-53	Sheikh Abdul Salam, Salma and Dada Khalandhar	Andhra Pradesh	Alleged suicide	3.11.2020
54	Prabhas Tiwari	Uttar Pradesh	Alleged suicide	20.11.2020
55	T Gangadhar	Telangana	Alleged suicide	5.11.2020

While the deaths due to alleged suicide in police custody were reported in the preceding chapter, deaths due to alleged suicide after release from police custody are illustrated below.

Case 1: Suicide by 18-year-old Akshaydev, Kerala

On 8 January 2020, an 18-year-old youth identified as Akshaydev, S/o Sudhakaran, ended his life after the police allegedly tortured and threatened him at the Alappuzha North police station in Alappuzha district, Kerala. The youth's body was found hanging inside his home at Palakulam in Alappuzha municipality and a suicide note found mentioned that police personnel including the Sub-Inspector of the Alappuzha North police station had tortured him. The Alappuzha North police station had registered a case based on a complaint by a woman against Akshaydev and some others for creating tension in the Avalookunnu area. The police called them to the station and tortured them during interrogation. The suicide note said that the case was registered against him based on a fake complaint and police including the SI misbehaved with him, his father and elder brother in front of the complainant.¹²⁶

¹²⁶. 'The State of Torture in Uttarakhand', ACHR, January 2020

Case 2: Suicide by R Balasubramanian, Tamil Nadu

On 10 January 2020, 30-year-old R Balasubramanian, a resident of Sadayappapuram village in Tirunelveli district, Tamil Nadu, allegedly committed suicide after he was allegedly tortured by police personnel from Pavoorchatram police station in the district. Relatives of the deceased demanded legal action against a SI and three constables involved in the incident. In a petition submitted to the District Collector GK Arun Sundar Thayalan, the deceased's wife alleged that her husband had an argument with a person named Vengatesh who called the police. Upon reaching the spot, the police led by SI Chinnadurai started beating her husband. The next day, the deceased was found hanging in a cowshed and it is suspected that he committed suicide due to police brutalities.¹²⁷

Case 3: Suicide by Abhishek, Uttar Pradesh

On 14 March 2020, Abhishek (26 years), S/o Ram Narain committed suicide due to alleged torture and other forms of harassment by the Investigation Officer identified as Lal Singh, In-Charge of Sitakiya police outpost under Mohammadabad Gohana police station in Mau district, Uttar Pradesh. Abhishek, a resident of Salempur village in the district, was an accused in a case of elopement of a girl from his neighboring village. Ram Narain, the deceased's father, claimed that his son had no involvement in the elopement case. He alleged that his son was subjected to torture and mental harassment by police in the name of investigation in the last eight months. On 14 March evening when Abhishek was alone at home the Investigation Officer (IO) Lal Singh raided the house and mentally harassed him again. Unable to bear the regular torture by the IO, the deceased allegedly committed suicide by hanging himself at his home on 14 March.¹²⁸

Case 4: Suicide of Roshan Lal, Uttar Pradesh

On 31 March 2020, Roshan Lal (22 years), a Dalit migrant worker, committed suicide after he was allegedly beaten by a police constable identified as Anoop Kumar Singh at a quarantine centre in Lakhimpur Kheri district, Uttar Pradesh during the COVID-19 lockdown. Roshan Lal recorded two audio clips, in which he alleged that he was brutally beaten up by a constable in public for defying the quarantine guidelines, which prompted him to end his life. The deceased, who was working as an electrician in Haryana, had returned to his village on 29 March and was kept in a local school under quarantine by officials.¹²⁹

¹²⁷. Ibid

¹²⁸. NHRC Case No. 7283/24/53/2020-PCD

¹²⁹. Youth who returned from Gurgaon 'beaten up' by cop, hangs self; probe on, The Indian Express, 2 April 2020, <https://indianexpress.com/article/cities/lucknow/youth-who-returned-from-gurgaon-beaten-up-by-cop-hangs-self-probe-on/>

Case 5: Suicide by Srinivas, Andhra Pradesh

On 1 April 2020, Srinivas, a resident of Kaikaluru in Krishna district of Andhra Pradesh, committed suicide allegedly unable to bear the torture in police custody in Guntur district. Srinivas who was working in Tirupati was coming to his home when he was arrested for defying the coronavirus lockdown. He was allegedly tortured in detention. Srinivas made a video stating that the police were responsible for his suicide.¹³⁰

Case 6: Suicide of Bhupinder Singh, Punjab

On 16 April 2020, Bhupinder Singh (45 years) committed suicide after he was beaten by police while returning home after purchasing milk for the family in Patiala in Punjab. Family members alleged that the deceased took the extreme step unable to bear the beating and humiliation at the hands of the police. However, the police refuted the allegation.¹³¹

Case 7: Suicide by 18-year-old, Punjab

On 15 June 2020, an 18-year-old boy committed suicide due to alleged harassment by two police personnel identified as Assistant Sub-inspectors Davinder Singh and Sham Lal attached to Mohkamura police station in Amritsar district of Punjab. The youth, a resident of New Preet Nagar in Amritsar city, was allegedly stopped by two accused police officers near Sun City gate in Amritsar city for not wearing a helmet on 14 June 2020. Thereafter, he was taken to Sun City police post under Mohkamura police station and harassed in custody. Later, the deceased was released after his father was forced to pay a bribe. The deceased's father claimed that on 14 June his son was mentally tortured and humiliated in front of him by the two accused. On the next day, the boy allegedly committed suicide at his home.¹³²

Case 8 Suicide by Srinivasan, Tamil Nadu

On 2 August 2020, Srinivasan (42 years) allegedly set himself afire after he was allegedly tortured by police of Puzhal police station in Chennai district of Tamil Nadu.

¹³⁰. AP youth commits suicide accusing police for thrashing him during lockdown, The Deccan Chronicle, 3 April 2020,

<https://www.deccanchronicle.com/nation/crime/030420/ap-youth-commit-suicide-accusing-police-for-thrashing-him-during-lockd.html>

¹³¹. Punjab: 45-year-old man commits suicide; family accuses police of torturing for stepping out during lockdown, The Times Now, 17 April 2020,

<https://www.timesnownews.com/mirror-now/crime/article/punjab-45-year-old-man-commits-suicide-family-accuses-police-of-torturing-for-stepping-out-during-lockdown/579531>

¹³². NHRC Case No. 506/19/1/2020

Srinivasan, a painter by profession and resident of Puzhal area in Chennai district, was allegedly beaten up by the police on 1 August 2020 after his landlord Rajendran filed a complaint at the Puzhal police station for not paying rent for the last few months due to COVID-19 lockdown. Police claimed that on 1 August, a police team led by Sub Inspector G Bensam had gone to the house of the deceased after the landlord informed them about him for creating a ruckus after getting drunk. Police claimed that he set himself on fire and died in the hospital on 2 August. However, in a video made by the deceased's brother, from the hospital bed, Srinivasan alleged that he was brutally beaten up by the police at around 7 pm on 1 August. The family members of the deceased also alleged that the deceased was brutally beaten up by sub-inspector G Bensam and others over a complaint filed by landlord against him after he couldn't pay rent as he could not find a job due to COVID-19 lockdown. The family members alleged that police attacked the deceased at the behest of the landlord who wanted to vacate them from the house, after which the deceased set himself on fire as he was unable to bear the humiliation of being beaten up by police in front of his family and neighbors.¹³³

Case 9: Suicide by Nishu Chaudhary, Uttar Pradesh

On 8 August 2020, a 21-year-old woman identified as Nishu Chaudhary allegedly committed suicide at her home after she and two other girls were allegedly tortured at Orai Kotwali Police Station in Jalaun district, Uttar Pradesh. The deceased woman, a resident of Naya Ramnagar in the district, was picked up along with her two friends by police and detained at Orai Kotwali police station in the afternoon of 7 August after some shopkeepers of Baldau Chowk market accused them of stealing. The deceased's family members alleged that the girls were subjected to mental harassment and torture by police for close to eight hours at the police station. They accused Inspector Yogesh Pathak of beating up Nishu at the police station during interrogation and she was very disturbed since the beating by the police officer. The girls were released on 7 August but were allegedly ordered by Inspector Pathak to report back the following morning i.e. 8 August. Nishu was traumatized by the torture and mental harassment and she allegedly committed suicide at her home.¹³⁴

Case 10: Suicide by Sandip Bhatia, Punjab

On 11 August 2020, Sandip Bhatia (30 years) committed suicide at his home after he was allegedly tortured in the custody of Crime Investigation Agency (CIA) at B Division police station in Amritsar city in Amritsar district of Punjab. Sandip's father claimed that on 10 August 2020 he and his son were picked up by the CIA of B Division police station in connection with a firing case. During interrogation, Sandip was allegedly mentally tortured and humiliated in front of his father. After he was

¹³³. Complaint dated 03.08.2020 filed by Campaign Against Torture with the NHRC

¹³⁴. Complaint dated 10.08.2020 filed by Campaign Against Torture with the NHRC

released, Sandip allegedly committed suicide at his home on 11 August on account of mental torture and harassment in custody.¹³⁵

Case 11: Suicide by Munnagi Rajasekhar Reddy, Andhra Pradesh

On 3 September 2020, Munnagi Rajasekhar Reddy (26 years) committed suicide due to alleged custodial torture at Kanchikacherla police station in Krishna district, Andhra Pradesh. Reddy, a resident of Paritala village in the district, was arrested along with five of his friends while playing cards on the night of 2 September 2020 but they were released on bail on the same night. According to the family members, following his release he put a post on social media platforms lauding a local Telugu Desam Party leader who helped him in securing his release. Thereafter, when he went to the Kanchikacherla police station to collect his belongings, the police allegedly beat up and humiliated him again. Unable to bear the alleged torture and humiliation, he committed suicide by jumping into the Krishna River during the night of 3 September.¹³⁶

Case 12: Suicide by Navneet, Gujarat

On 29 September 2020, Navneet (25 years), S/o Lakha Herbha committed suicide following alleged custodial torture by the Crime Branch police at Magharvada village of Keshod taluka in Jamnagar district of Gujarat. He committed suicide by jumping into a well. Police claimed that on 29 September the deceased was called along with four other youths for questioning over the suspicion of their involvement in a murder which took place in 2017. Police claimed that Navneet and others were released after taking their DNA samples. However, the deceased's father alleged that his son was tortured by the police during interrogation, and unable to bear the torture took the extreme step.¹³⁷

Case 13: Suicide by Pintu Diwakar, a Dalit, Uttar Pradesh

On 2 October 2020, a Dalit identified as Pintu Diwakar (25 years), a resident of Dheerpura village in Firozabad district of Uttar Pradesh, committed suicide after alleged custodial torture at Nagla Singhi police station in the district. Pintu was picked up and taken to the police station on 29 September 2020 on suspicion in a loot case. On 2 October, he was found hanging from a tree in a field near his house. Police claimed that on 29 September Pintu was called for questioning in the loot case, after which he was released. The deceased's elder brother, Hari Om alleged that Pintu was booked in a false case of loot, after which he was tortured and given electric shocks throughout the night at the police station, due to which he sustained serious injuries in his limbs, back and chest. He was unable to eat and walk properly.

¹³⁵. Complaint dated 12.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 538/19/1/2020)

¹³⁶. NHRC Case No. 1886/1/10/2020

¹³⁷. NHRC Case No. 913/6/11/2020-AD

He further alleged that the police personnel allowed his brother to return home only after an assurance from the family that he would pay Rs 50,000, or else he would be again picked up in connection with the case. Unable to bear the pressure of arranging Rs 50,000 to be paid to the police, he allegedly committed suicide.¹³⁸

Case 14: Suicide by Deepu, Haryana

On 3 October 2020, Deepu (23 years) committed suicide due to alleged custodial torture at Sadar Bazar police station in Sadar Bazar area in Karnal district of Haryana. Deepu was arrested by police for interrogation in a case registered against his younger brother who was absconding. According to the family members, Deepu was subjected to custodial torture by police who also demanded bribe and kept harassing him to reveal the whereabouts of his brother. Following the custodial torture and continuous harassment by police, Deepu committed suicide by hanging himself at his residence on 3 October.¹³⁹

Case 15: Suicide of four family members, Andhra Pradesh

On 3 November 2020, a family of four committed suicide by jumping under a running goods train in Nandyal of Kurnool district in Andhra Pradesh. They took the extreme step unable to bear the repeated harassment and torture by police in connection with two theft cases. Their bodies were found on the Kouluru railway tracks near Panyam railway station. The hapless family recorded a suicide note on a video, pleading innocence in the theft cases. The video came to light three days later. The deceased were identified as Sheikh Abdul Salam (45 years), wife Noorjahan (38 years), their children Salma (14 years) and Dada Khalandhar (10 years). The Nandyal-I town Police Inspector Somasekhar Reddy reportedly summoned Salam several times and subjected him to harassment. According to Deputy Superintendent of Police (DSP) Gautami Shalini, who was supervising the investigation, the Police Inspector was found to have subjected Salam to physical and mental torture. Somasekhar Reddy and constable Gangadhar were booked under IPC sections 323 (Voluntarily causing hurt), 324 (voluntarily causing hurt by dangerous weapons or means), 306 (abetment of suicide), 506 (intimidating) and 509 (insulting the modesty of woman) of IPC. They both were suspended from service and were arrested.¹⁴⁰

Case 16: Suicide by Prabhas Tiwari, Uttar Pradesh

On 20 November 2020, Prabhas Tiwari (25 years) committed suicide after alleged torture at Hargaon police station in Sitapur district, Uttar Pradesh. Prabhas, a

¹³⁸. NHRC Case No. 20555/24/28/2020

¹³⁹. NHRC Case No. 2054/7/10/2020-ad

¹⁴⁰. Andhra Pradesh: Police torture drives family of four to die by suicide in Nandyal town, The Mumbai Mirror, 8 November 2020, <https://mumbaimirror.indiatimes.com/news/india/andhra-pradesh-police-torture-drives-family-of-four-to-suicide-in-nandyal-town/articleshowprint/79116258.cms?prtpage=1>

resident of Hargoan in the district, was picked up and taken to the police station on 18 November 2020 for allegedly harassing a police constable. Police claimed that after being released from the police station on 18 November he had attempted to commit suicide in the night of 20 November by consuming a poisonous substance. He was taken to the district hospital in Sitapur and then referred to King George's Medical University in Lucknow where he died during treatment. The family members alleged that Prabhas was beaten up at the police station, due to which he committed suicide. The family members stated that a suicide note was left by him, in which he stated that he was humiliated and made to pay Rs 10,000 by the police for his release.¹⁴¹

Case 17: Suicide by T Gangadhar, Telangana

On 5 December 2020, T Gangadhar (43 years) committed suicide at his home following alleged custodial torture at Nizamabad police station in Nizamabad district of Telangana. Gangadhar, a resident of Nayavanandi village under Sirkonda Mandal in the district, allegedly committed suicide by hanging himself from a tree in his village after he was subjected to torture in the custody of Nizamabad police station. He was first summoned for questioning in the month of October 2020 in connection with a murder case. The deceased's wife Mallavva alleged that her husband was tortured at the police station to extract a confession during interrogation. Thereafter, he was constantly harassed by the police in connection with the investigation. Unable to bear the physical as well as mental torture, the deceased allegedly committed suicide by hanging himself from a tree in his village.¹⁴²

C. Torture in custody not resulting to death

There are no statistics on torture not resulting in deaths. Unlike custodial deaths in which the District Magistrates and Superintendents of Police of every district are required to report every death in the custody within 24 hours of its occurrence to the National Human Rights Commission, the authorities are not required to report cases of torture not resulting in death in custody. The NHRC does record cases of torture not resulting in death but the data do not reflect the actual situation.

In 2020, NCAT documented a number of cases of torture in police custody not resulting in deaths. The survivors were subjected to custodial torture which included beating with sticks, belt and rods, hitting with boots, giving elbow blows, punching, stripping, burning with cigarette, giving electric shocks in private parts, forcing to lie down on their stomach and beaten, food deprivation, etc.

Case 1: Torture of Tokivi Yeptho at Zunheboto police station, Nagaland

On 8 January 2020, Tokivi Yeptho (35 years) was allegedly tortured by police at Zunheboto police station in Zunheboto district in the state of Nagaland. The victim, a

¹⁴¹. Complaint dated 23.11.2020 filed by Campaign Against Torture with the NHRC

¹⁴². NHRC Case No. 1975/36/8/2020

resident of Suruhoto town in the district, was arrested by police on 26 December 2019 for his alleged involvement in a robbery and murder case that took place in Suruhoto town on 25 December 2019. During interrogation, the victim was allegedly subjected to torture to extract confession. The victim's father stated that after arrest on 26 December, his son was placed under police custody for questioning for five days till 30 December. Again, the victim was remanded to police custody from 7-9 January for further investigation. The victim's father further stated that in the night of 8 December, his son was subjected to torture to extract confession. As a result the victim received serious injuries and had to be admitted at a hospital where he was battling for life.¹⁴³

Case 2: Torture of Sumit Goswami at Madanpur police station, Uttar Pradesh

On 8 January 2020, Sumit Goswami was picked up by police on suspicion of mobile theft and brought to Madanpur police station in Deoria district in Uttar Pradesh where he was allegedly subjected to torture. A First Information Report (FIR) was registered against three constables of the police station after a video surfaced showing them beating the accused. After the video became viral, the three policemen identified as constables Mauleshwar Singh and Jitendra Yadav and a Diwan (police clerk) Lal Bihari were suspended and an inquiry was ordered.¹⁴⁴

Case 3: Torture of Bimal Khilo and Besu Khilo at Semiliguda police station, Odisha

On 11 February 2020, Bimal Khilo (25 years) and Besu Khilo (27 years) were allegedly subjected to custodial torture and harassment at Semiliguda police station in Koraput district in Odisha. The victims, who were farmers from Mathlamba village in the district, were picked up by police on 11 February on suspicion of having links with the Maoists. Police claimed that the two youths were only interrogated and released thereafter. However, the family members of the victims accused the police of subjecting them to torture and harassment at the police station and demanded action against the accused police personnel.¹⁴⁵

Case 4: Torture of Raju Mahant at Patana police station, Odisha

On 25 March 2020, Raju Mahant (20 years) was allegedly subjected to custodial torture by woman police officer identified as Inspector Sandhyarani Jena In-Charge of Patana police station in Keonjhar district of Odisha. The victim, a resident of Talasarua village in the district, was arrested by police on the same day along with three other persons in connection with a land dispute. After being arrested they

¹⁴³. 'The State of Torture in Uttarakhand', ACHR, January 2020

¹⁴⁴. Ibid

¹⁴⁵. NHRC Case No. 780/18/8/2020

were taken to Patana police station, where the victim was beaten up by the woman police officer.¹⁴⁶

Case 5: Torture and arbitrary arrest of Mohammad Yaseen Sheikh, J&K

On 26 March 2020, Mohammad Yaseen Sheikh, Chairman of the Block Development Council in Vilgam area, Kupwara district in Jammu and Kashmir (J&K) was allegedly beaten and taken into custody while he was returning home from the local primary health centre in Vilgam. He was dragged out of his car and then taken to the police station. The victim alleged that he was not given food in the police lock up and was not allowed to meet family members. He was released on bail two days later.¹⁴⁷

Case 6: Torture of Pal Ambaliya at Pradyumnagar police station, Gujarat

On 20 May 2020, Pal Ambaliya (55 years), a farmers' activist, was allegedly subjected to torture in police custody at Pradyumnagar police station in Rajkot district, Gujarat. The victim, a resident of Rajkot area, was first arrested by the police on 20 May along with four other persons for allegedly holding demonstration at the District Collector's office over the plight of onion and cotton growers. They were released after some time but in the evening Pal Ambaliya was re-arrested and taken to the Pradyumnagar police station where he was tortured by police. The victim suffered serious injuries and had to be hospitalised.¹⁴⁸

Case 7: Torture of journalist Major Singh Punjabi, Punjab

On 22 May 2020, Major Singh Punjabi, a journalist with the *Rozana Pehredar* newspaper was mercilessly beaten by the two ASIs of the Mohali police station phase-1 at Gurdwara Kalgidhar Sahib Singh Sabha situated in Phase-4, Mohali in Punjab when he went to cover the meeting of two groups. Despite giving his identity as a journalist, the policemen forcibly pushed him in a private vehicle bearing a Haryana number and took him to the phase-1 police station at Mohali. "Before, I could even step out of the vehicle, ASI Om Prakash started beating me with a stick. The duo dragged me to the lockup, where I was not only tortured, abused and humiliated but they also pushed away my turban. My repeated pleas not to touch my turban went unheard and they even threw my 'kangha' (wooden comb for the hair, part of the five symbols of Sikhism)," Major Singh said. He was admitted at Civil Hospital, Mohali.¹⁴⁹

¹⁴⁶. NHRC Case No. 1359-18-7-2020

¹⁴⁷. Jammu and Kashmir police use batons and FIRs to enforce COVID-19 lockdown, hospitals struggle, The Caravan, 30 March 2020, <https://caravanmagazine.in/health/jammu-and-kashmir-police-use-batons-and-firs-to-enforce-covid-19-lockdown-hospitals-struggle>

¹⁴⁸. NHRC Case No. 387/6/21/2020

¹⁴⁹. Punjab Police Beat Senior Journalist, Reporter Booked for Astrology Story on Minister, The Wire, 24 May 2020, <https://thewire.in/media/punjab-police-beat-seniorjournalist-reporter-booked-for-astrology-story-on-minister>

Case 8: Torture of S Manikandan at Tiruchendur police station, Tamil Nadu

On 7 June 2020, S Manikandan (32 years) was allegedly subjected to custodial torture at Tiruchendur police station in Thoothukudi District of Tamil Nadu. The victim, a resident of Tiruchendur in the district, was a hotel manager and was working in Kerala. According to the victim, on 7 June some persons came to his room in Kerala and introduced as police officers from Tiruchendur police station, and he was handcuffed and taken to Tiruchendur police station on the charge of posting a video on social media against an influential community. Before he was picked up, the police allegedly took away all his cash, his ATM card, his identity document, etc. The victim alleged that he was brutally beaten up including with iron rods in police custody.¹⁵⁰

Case 9: Torture of K. Narsimhulu at Keshampet police station, Telangana

On 6 July 2020, K. Narsimhulu (34 years) was allegedly tortured at Keshampet police station under Cyberabad Commissionerate Hyderabad, capital city of Telangana state. On 6 July, Narsimhulu, a resident of Pappireddiguda village under Keshampet police station limits, was picked up by police on the charges of creating nuisance and hurling abuses and detained at the police station. Narsimhulu alleged a Sub-Inspector beat him up brutally with his belt during detention and as a result of the beatings he sustained injuries and had to be shifted to hospital for treatment.¹⁵¹

Case 10: Torture of Tushar Goel and Promod at Beta 2 police station, Uttar Pradesh

On 14 July 2020, Tushar Goel (18 years) and his uncle Promod were allegedly tortured in custody at Beta 2 police station in Gautam Budh Nagar district, Uttar Pradesh. Tushar, a resident of Greater Noida, ran a cigarette stall near Satyam Complex in Greater Noida. In the night of 14 July, just as he was about to close his shop around 9.30 pm, 7-8 police personnel arrived and demanded money (bribe) from him. When Tushar stated that he had not made enough profits and would not be able to pay them every day, they started beating him. According to Tushar, the police would extort Rs 300 daily from him and when he refused to pay that day and resisted, the policemen accused him of attacking men in uniform and dragged him and his uncle Promod to the Beta 2 police station. At the police station, the police beat them with sticks and rods in illegal custody for two days until they were granted bail on 16 July. The victims alleged that the police even threatened to kill them in fake encounter. Tushar's mother, Kavita, also alleged that the police extorted money from them to allow them the stall. Kavita claimed that the policemen manhandled her, tore her clothes and pushed her around while detaining her son on

¹⁵⁰. NHRC Case No. 6204/22/41/2020

¹⁵¹. Complaint dated 10.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 936/36/2/2020)

14 July. On the other hand, the police lodged a false FIR against Tushar under IPC sections 504 (intentional insult), 332 (whoever voluntarily causes hurt to any person being a public servant) and 353 (assault or criminal force to deter a public servant from discharge of his duty).¹⁵²

Case 11: Torture of Martin in police custody, Tamil Nadu

On 23 August 2020, Martin (33 years) was allegedly tortured in custody of a police team from Sathankulam police station in Thoothukudi district, Tamil Nadu. The victim, a resident of Taikka Street in the district, was picked up by four policemen identified as Inspector Xavier, SI Raja, a constable Sabapathy and the Inspector's driver Chinnadurai from his home at about 7 pm on 23 August. According to the victim, the policemen beat him up right from his home, pushed him into a waiting vehicle and sped off to the old police quarters behind the local government hospital, Sathankulam. All through the night the four policemen beat him black and blue, kicking him with their boots and punching till he nearly collapsed. The accused policemen dragged him across the quarters causing his knees to bleed and repeatedly hit the small of his back with their elbows. He sustained both internal and external injuries and was unable to walk and suffered from breathlessness. The victim's wife Saroja and their 10-year-old son witnessed how the policemen beat up the victim when he was being picked up from his home. His son fainted unable to bear the sight of his father being brutalized by the policemen.¹⁵³

Case 12: Torture of 18-year-old youth at Bindal police post, Uttarakhand

On 10 August 2020, an 18-year-old youth was allegedly tortured by a senior Indian Police Service (IPS) officer and other police personnel at Bindal police chowki (post) in Dehradun district, Uttarakhand. The victim, a resident of Bindal police chowki area in Dehradun, was called at the police chowki and tortured by police personnel. The accused senior IPS officer claimed that the youth was indulging in stalking of her daughter in social media. However, the victim's parents in a complaint submitted with Uttarakhand Police headquarters alleged that on 10 August their son was asked to go to the Bindal police chowki and when he reached there he was brutally beaten up by the IPS officer and other police personnel. The family members alleged that the police personnel took his clothes off, burnt him with a cigarette and also threatened him with dire consequences if he told someone outside about the incident.¹⁵⁴

¹⁵². Complaint dated 18.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 12845/24/30/2020)

¹⁵³. NHRC Case No. 6893/22/41/2020

¹⁵⁴. Complaint dated 14.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 657/35/5/2020)

Case 13: Torture of Jagrup Singh at Wahabwala police station, Punjab

On 2 September 2020, a farmer identified as Jagrup Singh (45 years) was allegedly tortured at Wahabwala police station under Abohar Tehsil in Firozpur district, Punjab. The victim, a resident of Kala Tibba village in the district, was arrested on the same day by Head Constable Raj Kumar attached to the police station in connection with an alleged domestic violence case. The victim alleged that he was taken to the police station and tortured by the Head Constable. After the victim was released from police custody, his mother Mango Devi admitted him to the Civil Hospital at Firozpur for treatment.¹⁵⁵

Case 14: Torture of Panna Lal Rajbhar at Southern police post, Uttar Pradesh

On 2 September 2020, Panna Lal Rajbhar (35 years) was allegedly subjected to torture at Southern police post in Ballia district of Uttar Pradesh. The victim, a resident of Dhobai village of Rasra Tehsil in the district, was taken to the Southern police post on 2 September for questioning over a family dispute matter. The victim alleged that he was tortured by the police personnel at the police post. The victim's family members alleged that Panna Lal Rajbhar was brutally beaten by a SI and a Head Constable inside the Southern police post, after which he had to be admitted to a government hospital for medical treatment. The family members and villagers protested over the incident by blocking roads.¹⁵⁶

Case 15: Torture of Rajnikanth Dubey at Chainpur police station, Jharkhand

On 8 October 2020, Rajnikanth Dubey (35 years) was allegedly tortured by Officer-in-Charge named Sunit Kumar at Chainpur police station in Palamau district of Jharkhand. The victim, a resident of Sonpurwa village in the district, was picked up by police on 8 October from his house and detained at the police station on suspicion of theft. The victim alleged that in police custody he was subjected to torture to extract a confession to the crime which he did not commit. He was allegedly given electric shocks on his private parts. He was released in the morning of 9 October with the warning not to reveal the torture to anyone.¹⁵⁷

Case 16: Third degree torture of Joydhan Chakma and Bimal Chakma at Diyun police station, Arunachal Pradesh

On 25 November 2020, Joydhan Chakma and Bimal Chakma were issued a police summon under Section 160 of the CrPC by Officer-in-Charge (OC) Inspector PK Kalita of the Diyun police station in Changlang district of Arunachal Pradesh with a direction to appear before him on 28 November in connection with a gambling case.

¹⁵⁵. NHRC Case No. 585/19/5/2020

¹⁵⁶. NHRC Case No. 17072/24/10/2020

¹⁵⁷. NHRC Case No. 1123/34/15/2020

Joydhan and Bimal claimed that they had no knowledge of the gambling case. In a complaint filed with the SP, Changlang district the duo said they appeared at the police station on the date specified by the OC. They were allegedly detained at the Diyun police station on their arrival and put behind bars for three nights and two days (28 to 30 November) without informing them of the grounds for arrest. The duo claimed that the Diyun OC, in connivance with SI RK Yein, detained the duo illegally and put them behind bars without following due process of law and that they were subjected to custodial torture by means of third-degree while in custodial detention. They were allegedly made to lie down on their stomach and beaten.¹⁵⁸

Case 17: Third degree torture of Rajbir Singh in illegal custody, Punjab

On 27 December 2020, a warrant officer, during a raid at Crime Investigation Agency (CIA) office, found that Rajbir Singh was detained by the special branch of Punjab police illegally. Rajbir, husband of Pirthipur village Sarpanch Ranjit Kaur claimed he was beaten by the police and given electric shocks. The victim, while recuperating at the Civil Hospital alleged that he was detained for two days and subjected to third-degree torture by the CIA staff. He alleged that he was thrashed and given electric shocks. The High Court had issued a notice of motion for 8 January to the state and the SSP, Ropar regarding the case.¹⁵⁹

D. Non-custodial torture

Non-custodial torture is rampant across India and occurs on daily basis. During 2020, the NCAT documented at least five deaths due to torture. Both the deceased and survivors were subjected to torture which included beating with sticks, dragging by the hair, punching a key into the forehead of the victim, outraging the modesty of woman and forcible eviction.

Case 1: Death of Abdul Basheer, Uttar Pradesh

On 9 May 2020, Abdul Basheer (64 year) died due to alleged torture by the police personnel at Bhasundara village in Badaun district, Uttar Pradesh. The deceased's son, Ateeq alleged that on 9 May at around midnight about 12 police personnel raided their house. They were actually looking for him (Ateeq) in connection with the alleged killing of cattle in Bhasundara village. But unable to find him at the house,

¹⁵⁸. Complaint against Diyun cops for alleged custodial torture, The Arunachal Times, 13 December 2020, <https://arunachaltimes.in/index.php/2020/12/13/complaint-against-diyun-cops-for-alleged-custodial-torture/>

¹⁵⁹. Punjab cops in spot over 'illegal' custody, The Tribune, 30 December 2020, <https://www.tribuneindia.com/news/punjab/punjab-cops-in-spot-over-illegal-custody-191267>

the police allegedly tortured the deceased and he succumbed to his injuries on the same day.¹⁶⁰

Case 2: Death of Phanidhar Borah, Assam

On 4 June 2020, Phanidhar Borah (51 years), a village defence party (VDP) secretary, died due to alleged torture by two police personnel identified as constables Ataur Rahman and Paresh Sharma attached to Jajori police station in Nagaon district of Assam. On 2 June 2020, the deceased was allegedly brutally beaten up by two accused police personnel after the deceased was allegedly exposing corruption in the newly constructed Shiva Temple near Jajori police station. The deceased sustained injuries due to beating and he was admitted to a hospital in Nagaon. On 4 June, the deceased was referred to Guwahati for better treatment when his condition's deteriorated but he died on the same day during treatment at a hospital in Guwahati.¹⁶¹

Case 3: Death of Sagar Chalavadi, Karnataka

On 27 June 2020, Sagar Chalavadi (18 years) died due to alleged torture by the police at a Secondary School Leaving Certificate (SSLC) examination centre at Huvina Hipparagi village in Bijapur district of Karnataka. The deceased, a resident of Basavana Bagewadi taluka town in the district, was beaten up when he went to drop off his sister to the SSLC Examination Centre on 27 June. The incident occurred when he was waiting for his sister outside the examination centre. The Police claimed that the deceased died of heart attack when he was running away from them. The family members alleged that Sagar Chalavadi was brutally assaulted by the police outside the SSLC Examination Centre in suspicion of his involvement in malpractice at the exam centre.¹⁶²

Case 4: Death of Maqbool, Uttar Pradesh

On 19 September 2020, Maqbool (65 years) died due to alleged torture by police at Babutara Majra village under Lalganj police station in Pratapgarh district of Uttar Pradesh. According to the police, a team of eight policemen led by station house officer (SHO) of Sangipur police station conducted a raid at the house of the deceased at Babutara Majra village late on the night of 19 September in search of an accused and the deceased fled after seeing the policemen and died a hour after the raid. However, the family members alleged that Maqbool was tortured by the police during raid and died as a result.¹⁶³

Case 5: Death of a farmer Khemlal Mahto, Jharkhand

¹⁶⁰. NHRC Case No. 8492/24/7/2020-pcd

¹⁶¹. NHRC Case No. 107/3/23/2020

¹⁶². NHRC Case No. 323/10/5/2020

¹⁶³. NHRC Case No. 18712/24/59/2020-AD

On 10 November 2020, Khemlal Mahto (45 years) died due to alleged torture by a police officer at Chhotkipona village in Ramgarh district of Jharkhand. The deceased, a farmer, was beaten by Sub-Inspector (SI) Jeetendra Kumar Mahto alias Mantu Kumar, as punishment after his cow entered the SI's farmland and ate up some cauliflowers. The deceased's wife Savitri Devi alleged that her husband was mercilessly beaten by the SI and he succumbed to the injuries at the Sadar hospital.¹⁶⁴

Case 6: Beating and stripping of transgenders, Maharashtra

On 16 June 2020, Maya (35 years), a transgender, was allegedly stripped naked and beaten by the police personnel attached to Dharavi police station in Dharavi area of Mumbai city in Maharashtra. Due to the beating, Maya was critically injured and had to be admitted to hospital. The police also beaten and stripped other transgenders.¹⁶⁵

Case 7: Brutal beating of a youth, Uttar Pradesh

On 24 June 2020, a youth was tortured by police in public view in Ghaziabad district in Uttar Pradesh. Two policemen, including a traffic police personal brutally beat up the youth who was on a two-wheeler in the name of vehicle checking on Hapur Road in Ghaziabad. In a video shot by a passerby, the policeman could be seen kicking the youth in the middle of the road. Later, another policeman joined the traffic policeman in beating the youth.¹⁶⁶

Case 8: Beating of Dr Amit Patidar, Madhya Pradesh

On 1 July 2020, a doctor identified as Dr Amit Patidar (about 39 years) was allegedly tortured by a drunken police constable identified as Raju Nikode at district hospital in Ujjain district of Madhya Pradesh. The constable was in drunken state when he went to visit the hospital to get himself examined on the day the incident took place.¹⁶⁷

Case 9: Beating of freelance journalist Gowhar Ali Wani, J&K

On 15 April 2020, Gowhar Ali Wani (21 years), a freelance journalist alleged that the police beat him up and arrested his father in Handwara in Jammu & Kashmir. The journalist claimed he had opposed the usage of disgusting language by the SHO of Villagam police station, following which two policemen in civvies came to his house

¹⁶⁴. NHRC Case No. 1215/34/23/2020-PCD

¹⁶⁵. NHRC Case No. 686/13/16/2020

¹⁶⁶. NHRC Case No. 11311/24/31/2020

¹⁶⁷. Complaint dated 03.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 1378/12/47/2020)

and asked him to come with them. When he asked the reason, they slapped and assaulted him.¹⁶⁸

Case 10: Torture of Deepak, Uttarakhand

On 27 July 2020, a youth identified as Deepak (about 28 years) was allegedly tortured by the police at Indira Chauraha of Rudrapur city in Udham Singh Nagar district of Uttarakhand. In a video posted by Mojo, a media platform in twitter, the victim, a resident of Rampura Ward No. 23 of Rudrapur city under Udham Singh Nagar district of Uttarakhand, alleged that in the night of 27 July, when he was returning home with his friend, Prempal after filling petrol in his bike from Indira Chowk, the police placed a key on his forehead and punched it into his forehead after an argument over bike papers. In the video the key with key chain was seen struck into the victim's forehead. The victim was grievously injured but the police did not take him to hospital.¹⁶⁹

Case 11: Torture of a Dalit couple and their forced eviction, Madhya Pradesh

On 15 July 2020, a Dalit couple identified as Rajkumar Ahirwar (38 years) and his wife Savitri (35 years) were assaulted and evicted by the police in Guna in Madhya Pradesh. On 15 July 2020, a team from the state revenue department, accompanied by police, evicted the Dalit family from a plot of land to construct a boundary wall. When the Dalit couple resisted the forcible eviction, the police brutally beat them up, and outraged modesty of the Dalit woman in full public view. The police and the revenue officials also destroyed the standing crop of the Dalit family. A video of the assault on the Dalit family went viral in social media. As a result the Dalit couple consumed pesticide in an attempt to kill themselves. They were later admitted to the hospital for treatment.¹⁷⁰

Case 12: Torture of Prem Singh Granthi, Madhya Pradesh

On 7 August 2020, Prem Singh Granthi (about 34 years) was tortured by the police at Rajpur Tehsil under Pulsood police outpost in Barwani district of Madhya Pradesh. The victim, who ran a lock-keys shop near the Pulsood police outpost was dragged by hair and trashed by police on 7 August after an argument broke out between his family members and police. The incident came to the light after a video went viral on

¹⁶⁸. Handwara scribe accuses police of assault, father detained, The Kashmir Wallah, 15 April 2020, <https://thekashmirwalla.com/2020/04/handwara-scribe-accuses-police-of-assault-father-detained/>

¹⁶⁹. Complaint dated 28.07.2020 filed by the National Campaign Against Torture with the NHRC (Case No. 692/35/12/2020)

¹⁷⁰. Complaint dated 16.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 1439/12/17/2020)

social media. The victim alleged that he was beaten up and pulled by the hair on the road in full public view by the police after he refused to pay them bribe.¹⁷¹

Case 13: Beating of 55-year-old Mahabir and his family members, Haryana

On 13 October 2020, several members of a blacksmith family including Mahabir (about 55 years), his wife Pooja (50 years), his son Raju, and grandson Devi were beaten by the police personnel outside the Alewa police station in Jind district of Haryana. According to the victims, they were beaten up by police personnel of Alewa police station when they were protesting outside the Alewa police station after the police failed to initiate action against the robbers, who had looted their house some days earlier. Mahabir alleged that instead of arresting the robbers the police brutally thrashed them and inappropriately touched a woman member of his family. The police also booked Mahabir, his wife Pooja, Raju, his son Devi, five unidentified women and seven children under Sections 341 (punishment for wrongful restraint), 383, 145 and 146 of the Indian Penal code to suppress their voice.¹⁷²

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 NCAT documented a number of cases of torture including deaths in police custody of Dalit and tribal people in police custody during 2020.

Case 1: Torture of eight Dalits, Gujarat

On 28 March 2020, eight Dalit men were picked up from their homes at Vikaliya village in Botad district in Gujarat. They were taken to Dhhasa police station and falsely booked for violating the lockdown protocols. They were allegedly tortured by police in custody. The victims were allegedly picked up after a boy from the locality allegedly violated the lockdown on 25 March. The boy was warned and also beaten. Two days later, a police team arrived and picked up the eight victims.¹⁷³

¹⁷¹. Complaint dated 08.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 1695/12/2/2020)

¹⁷². NHRC Case No. 1755/7/8/2020

¹⁷³. Gujarat: Probe ordered into 'police brutality' on Dalits during lockdown, Indian Express, 30 March 2020, <https://indianexpress.com/article/india/gujarat-police-brutality-on-dalits-during-lockdown-6339140/>

Case 2: Torture of two Dalit youths, Punjab

On 6 May 2020, two Dalit youths identified as Simranjeet Singh and Lakhbir Singh were illegally detained and tortured at Sandaur police station in Sangrur district of Punjab. Both victims are cousins and residents of Manki village in the district. On 6 May, the victims were first allegedly beaten up by four police officials at Manki village. The victims alleged that the police personnel stopped them and asked to accompany them to the police station in connection with some cases. When Simranjeet Singh asked them for their identity, they started beating him and snatched Rs 20,000 from his cousin Lakhvir Singh and thereafter the police personnel left them. In the evening both victims were allegedly again beaten up and illegally detained when they went to file a complaint at Sandaur police station against the four police personnel who had allegedly taken away Rs 20,000 from them. The victims alleged that they were tortured by police personnel who even poured petrol on Simranjeet Singh's private parts. Lakhbir Singh sustained minor injuries, while Simranjeet Singh had to be admitted to Malerkotla Civil Hospital. Later, on 7 May evening the victims were released after their families protested. Jagga Singh, former Sarpanch of Kasba Bharal village and uncle of the victims alleged that his nephews Simranjeet Singh and Lakhbir Singh were tortured by ASI Sukhwinder Singh and home guard Kesar Singh of Sandaur police station and kept them in illegal confinement.¹⁷⁴

Case 3: Illegal detention and torture of Dalit Kuldeep Singh, Punjab

On 28-31 May 2020, a Dalit identified as Kuldeep Singh (45 years), S/o Sukhdev Singh was allegedly illegally detained and tortured in police custody at Sangat police station in Bathinda district of Punjab. The victim, a farm worker was working along with his father Sukhdev Singh and family members at the farm owned by one Hamir Singh at Jai Singh Wala village of Bathinda. The victim claimed that on 28 May, he was first allegedly kidnapped by some unidentified persons at the behest of his farm owner Hamir Singh, a highly-influential person and a former sarpanch of Jai Singh Wala village of Bathinda over a monetary issue. The victim stated that during his abduction he was put in an accommodation where he was allegedly beaten up by Harmir Singh, Gurditta Singh, Baldev Singh and Harjit Singh. Later, they accused him of stealing and handed him over to the Sangat police station. The victim's family members alleged that the victim was subjected to torture by CIA-2 Bathinda police (Sangat police station). On 31 May evening, the victim was released after the intervention of the various farm unions. The victim suffered serious injuries and was hospitalized due to police brutality during 28-31 May illegal detention.¹⁷⁵

¹⁷⁴. NHRC Case No. 286/19/18/2020

¹⁷⁵. NHRC Case No. 351/19/2/2020

Case 4: Torture of tribal Rajendra Valvai, Gujarat

On 16 June 2020, 38-year-old tribal Rajendra Valvai was allegedly subjected to torture by Police Inspector Kripalsinh Jhala at Limdi police station in Surendranagar district, Gujarat. The victim was picked up from a toll plaza at National Highway-47 in Limdi by the accused police officer on 16 June reportedly upon receiving a complaint of non-payment of toll lodged by the toll plaza manager. However, the victim alleged that he wanted to file a complaint against the toll operator who misbehaved with him. But the accused police officer took him to his chamber in the police station, where he was tortured and abused for being a tribal.¹⁷⁶

Case 5: Beating of a Dalit and his wife, Madhya Pradesh

On 15 July 2020, a Dalit couple identified as Rajkumar Ahirwar (38 years) and his wife Savitri (35 years) were brutally beaten up by the police in Guna district in Madhya Pradesh. On 15 July, a team from the state revenue department, accompanied by police, evicted the Dalit family from a plot of land to construct a boundary wall. When the Dalit couple resisted the forcible eviction, the police brutally beat them up, and outraged modesty of the Dalit woman in full public view. The police and the revenue officials also destroyed the standing crop of the Dalit family. Following the assault and eviction, the Dalit couple consumed pesticide in an attempt to kill themselves and they had to be hospitalised for treatment.¹⁷⁷

Case 6: Torture and ill-treatment of Dalit Vara Prasad

On 20 July 2020, a Dalit man identified as Vara Prasad was beaten and his head and moustache shaved allegedly by police at the behest of Member of Legislative Assembly (MLA) inside a police station in East Godavari district in Andhra Pradesh. The victim suffered severe injuries during the custodial torture that took place in his mother's presence. Three policemen were suspended and arrested.¹⁷⁸

Case 7: Torture of Marri Jagan, Andhra Pradesh

On 4 August 2020, a Dalit identified as Marri Jagan (36 years) was allegedly tortured at Kasibugga police station in Srikakulam district of Andhra Pradesh. The victim, a resident of Tekkalipatnam village of Palasa mandal under Kasibugga police station in Srikakulam district, was tortured by the police in the evening of 4 August when he and his mother went to the Kasibugga police station to lodge a complaint in connection with a dispute over land patta (document) with his neighbor, who is

¹⁷⁶. Gujarat: Police inspector booked for 'assaulting tribal man, using casteist slurs', The Indian Express, 26 June 2020, <https://indianexpress.com/article/cities/ahmedabad/police-inspector-booked-casteist-slurs-tribal-man-6477871/>

¹⁷⁷. NHRC Case No. 1439/12/17/2020

¹⁷⁸. Dalit Man Beaten, Head Shaved Allegedly By Andhra Cops On MLA's Prodding, NDTV, 22 July 2020, <https://www.ndtv.com/andhra-pradesh-news/dalit-man-beaten-head-shaved-in-a-police-station-in-andhra-pradesh-three-cops-arrested-after-suspension-2266882>

connected to a political party and wants to vacate the victim and his family from their house. The victim alleged that the accused police inspector C. Venugopal suddenly got angry and kicked him out of the police station and slapped him repeatedly. The accused police inspector also allegedly repeatedly kicked the victim on his private parts, even as his aged mother struggled to protect him. The incident came to the light after a video went viral on social media, where the police inspector was seen kicking and beating the man outside the police station in front of his aged mother.¹⁷⁹

Case 8: Torture of three Dalit children and their mother, Punjab

On 7 August 2020, three minor children and their mother belonging to Dalit community were allegedly tortured by the police at Ajitwal police station in Moga district of Punjab. The victims, residents of Ajitwal police station area in the district, were picked up and mercilessly beaten up by police at Ajitwal police station on 7 August in connection with an alleged theft case. In a written complaint, the father of the victims Jagjit Singh, who was a laborer, alleged that SHO Jaswinder Singh and ASI Balwinder Singh took his three children in the lock-up and removed their clothes, after which his children were beaten up. He alleged that when his wife went to the police station for enquiry, she was also assaulted by the police personnel at the police station. He demanded action against the accused police personnel.¹⁸⁰

Case 9: Torture of 12 Chakma tribal youths, Mizoram

On 4 September 2020, 12 Chakma tribal youths including two minors, both aged 17 years, were illegally detained by the police at Lawngtlai district of Mizoram. The victims, who were residents of Kamalanagar in Chakma Autonomous District Council in Lawngtlai district, were arrested on the suspicion of beating a person belonging to majority Mizo community during the night of 3 September 2020. The victims were arrested merely based on suspicion without any inquiry by police. They were allegedly subjected to physical and mental torture in police custody as well as in the jail. All of them including minors (names withheld) were illegally detained at the Lawngtlai district jail on 4 September 2020. The other victims were identified as Manod Chakma (21 years), S/o Lilamoy Chakma, Hriday Chakma, S/o Mohan Chakma (21 years), Shibil Chakma (21 years), Mongola Chakma (20 years), S/o Juddha Ranjan Chakma, Binoy Shankar Chakma (21 years), S/o Doyamoy Chakma, Santosh Chakma (20 years), S/o Jubaraj Chakma, Romend Chakma (22 years), S/o Nutun Chakma, Aloran Chakma (21 years), S/o Debarshi Chakma, and Johnson Chakma (22 years), S/o Subhash Kusum Chakma.¹⁸¹

¹⁷⁹. Complaint dated 06.08.2020 filed by Campaign Against Torture with the NHRC. Video of the incident is available in Twitter at

<https://twitter.com/i/status/1290871786708451329>

¹⁸⁰. NHRC Case No. 535/19/12/2020

¹⁸¹. NHRC Case No. Case No.- 4/16/6/2020

Case 10: Torture of three Dalits, Gujarat

On 6 September 2020, three Dalits identified as Prakash Chavda (40 years), Devraj Chavda and Hasmukh Chavda were subjected to torture in police custody at Limbdi police station in Surendranagar district, Gujarat. The victims, residents of Limbdi taluka in Surendranagar district, were arrested in connection with selling and consumption of country liquor on 6 September. One of the victims, Prakash Chavda, alleged that after arrest, he and other suspects namely Devraj Chavda and Hasmukh Chavda were taken to the Limbdi police station where they were first flogged with belt by SI Sanjay Varu. Thereafter, they were beaten mercilessly by two other police personnel who also passed casteist remarks at them.¹⁸²

Case 11: Torture of a tribal Laffe Paffa, Arunachal Pradesh

On 1 October 2020, 45-year-old tribal Laffe Paffa was allegedly tortured by Sonam Namge, a personnel of the Indian Reserve Battalion (IRBn) at Itanagar police station in Papum Pare district, Arunachal Pradesh. According to the victim, a resident of Upper C Sector in Itanagar, on 1 October 2020 when he was driving down to C Sector, he lost control of his vehicle and hit an electric pole to avoid an accident near Itanagar police station. The Indo-Tibetan Border Police (ITBP) personnel brought him to the Itanagar police station where he was detained in the lock-up. The victim claimed that he was tortured by Sonam Namge till he lost his consciousness inside the lockup cell. The victim was taken for a medical examination to the RK Mission Hospital where the accused again punched him and threatened to kill him if he informed the doctors about the assault. The victim was released from custody at around 1 am on 2 October.¹⁸³

Case 12: Torture of a 16-year-old tribal boy, Odisha

On 21 November 2020, a 16-year-old minor tribal boy was allegedly subjected to custodial torture at Patna police station in Keonjhar district, Odisha. The victim, a resident of Kameswarpurpatna village in the district, was summoned to the police station on 21 November in connection with a theft case. When he reached at the Patna police station with his family members, the police told the parents that the boy would be released soon after interrogation. The victim was released at around 4 pm on the same day. The family members of the victim alleged that the boy was brutally beaten up in custody and he was unable to stand or walk by himself. As the victim was also injured on his legs, the parents admitted him to a nearby hospital.¹⁸⁴

¹⁸². NHRC Case No. 774/6/24/2020

¹⁸³. Man accuses IRBn jawan of brutal assault, claims police booked erring jawan under lenient sections, The Arunachal Times, 11 November 2020, <https://arunachaltimes.in/index.php/2020/11/11/man-accuses-irbn-jawan-of-brutal-assault-claims-police-booked-erring-jawan-under-lenient-sections/>

¹⁸⁴. See <https://ommcomnews.com/odisha-news/tribal-minor-boy-alleges-torture-by-police-in-keonjhar>

2.3. CUSTODIAL TORTURE OF WOMEN

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

The NCAT documented a number of cases of custodial torture of women including custodial rape during the year. At least three custodial rapes were reported of which two were minors and another victim was a gang rape victim.

Case 1: Rape of a 30-year-old tribal woman by two GRP personnel, Assam

On 8 January 2020, a 30-year-old tribal woman was raped by two Government Railway Police (GRP) constables identified as Sharif Uddin Barbhuiya (43 years) and Uttam Das (40 years) in Silchar Railway Station under Silchar Sadar police station in Cachar district of Assam. The victim, a resident of Mizoram, stated that on 8 January night, she went to the Silchar Railway Station with her friend. When they were waiting at the railway station they were approached by the two accused GRP constables Sharif Uddin Barbhuiya and Uttam Das posted at GRP outpost under Silchar Sadar police station in the Silchar Railway Station. The victim further claimed that the two constables took them to a place near the GRP outpost where she was allegedly rape by the two constables.¹⁸⁵

Case 2: Rape of 21-year-old woman by a police constable, Gujarat

On 14 March 2020, a 21-year-old woman was raped by Constable Surajsinh Chauhan attached to Laxmipura police station near a canal on Gotri-Ankodia Road in Vadodara district of Gujarat. The victim, a resident of Laxmipura under Laxmipura police station of Vadodara district, stated that on 14 March at around 8.30 pm when she was sitting on a bike along with her male friend near the canal two police personnel identified as Constable Surajsinh Chauhan and Rasik Chauhan (driver) of police control room (PCR) van approached them and began questioning them. After a brief interrogation Constable Surajsinh Chauhan threatened and demanded Rs 5,000 from them to let them go. The victim's friend pleaded to the police that he did not have so much cash and offered to transfer money by his Paytm account. However, the police wanted cash and accordingly Rasik Chauhan, the driver, took the man to a nearby petrol pump, where he collected Rs. 5,000 in cash. In the meantime, Constable Surajsinh Chauhan took the girl to an old dilapidated and abandoned house nearby and allegedly raped her.¹⁸⁶

¹⁸⁵. NHRC Case No. 22/3/2/2020-WC

¹⁸⁶. NHRC Case No. 294/6/25/2020-WC

Case 3: Rape of a 16-year-old tribal girl, Delhi

On 17 June 2020, a 16-year-old girl from Jharkhand was raped by two GRP constables at the New Delhi Railway Station, Delhi. The victim, a resident of Ranchi in Jharkhand who worked as a domestic help in East Delhi, stated that on 17 June she went to the New Delhi Railway Station to go back to her home in Ranchi. When she was waiting at the railway station she was approached by the two accused GRP constables on the pretext of helping her to board a train to Jharkhand. But the two GRP constables took her to a secluded place nearby and allegedly gang-raped her.¹⁸⁷

Case 4: Repeated rape of a minor tribal girl in police custody

On 1 July 2020, Ananda Majhi, Inspector-In-Charge of Biramitrapur police station in Left Wing Extremism (LWE) affected Sundargarh district was arrested and dismissed from service for raping a 13-year-old tribal girl inside the police station for several months. The minor victim was also raped by another five persons including a police personnel of Biramitrapur police station. The victim was also forced to go for abortion. Initially, the police attempted to hush up the case. The crime came to the light after the child, who was seen crying outside the police station a few days ago, was rescued by a local NGO and later handed over to the child welfare committee (CWC) in Sundargarh. The girl told the CWC that she had come to Biramitrapur to watch a local fair a few days before lockdown in March 2020. While she was waiting to catch an auto-rickshaw to return her home, the Biramitrapur police patrolling van spotted her and took her to the police station where Majhi allegedly raped her. She alleged that the local police dropped her in her village. But Majhi often allegedly called her to the police station and raped her.¹⁸⁸

Case 5: Repeated gang-rape of a minor girl in custody, Haryana

In July 2020, a 17-year-old girl was allegedly gang raped by police repeatedly for about 10 times at a police station in Sonipat district in Haryana. Another girl (20 years), cousin of the minor victim, was also sexually assaulted in police custody. Both the victims were arrested by the police on 2 July 2020 in connection with the murder of two police personnel in the same month. In a petition filed before the Punjab and Haryana High Court on 3 November 2020, the mother of the minor victim stated that her minor daughter was gang-raped around 10 times after her arrest in the case, while the 20-year old victim was molested. According to the petitioner, foreign objects were also inserted inside their private parts during police

¹⁸⁷. NHRC Case No. 2521/30/0/2020-PCR

¹⁸⁸. Former inspector dismissed for 'raping' minor inside police station in Odisha, The Times of India, 1 July 2020, <https://timesofindia.indiatimes.com/city/bhubaneswar/former-inspector-dismissed-for-raping-minor-inside-police-station-in-odisha/articleshowprint/76723659.cms> & Odisha Police Sacks Cop Over Conduct in Minor's Rape Case, Apologises to Survivor, The Wire, 2 July 2020, <https://thewire.in/rights/odisha-tribal-minor-rape-case>

custody. She also claimed that despite an FIR about the custodial gang-rape, the police were yet to take any action against the guilty police personnel, wherein she had specifically named three police personnel against whom FIR was filed. Taking cognizance of the serious allegations levelled by the petitioner, the High Court issued notice to the Haryana government, DGP, Haryana and Superintendent of Police, Sonipat District, seeking their reply on the contentions raised in the petition. The petitioner also sought medical examination for the victims.¹⁸⁹

Case 6: Death of Ms Kethavath Sakri, Telangana

On 17 October 2020, Ms Kethavath Sakri (50 years) died due to alleged custodial torture at Adavidevulapally police station in Nalgonda district of Telangana. The victim, a resident of Ulshayapalem village of Adavidevulapally mandal in the district, was arrested on 16 October 2020 for allegedly engaging in preparation of illicit liquor. The deceased was released on the same day in the night but she succumbed to the injuries the next day. The family members alleged that Ms Kethavath Sakri was tortured in police custody after being taken to the Adavidevulapally police station. Immediately following her release, she was taken to a private hospital because of unbearable pain and she died at the hospital the next day. The family members stated that they saw injuries on the deceased's upper body.¹⁹⁰

Case 7: Torture of a Dalit gang-rape survivor, Uttar Pradesh

On 18 November 2020, a Dalit gang-rape survivor from Nare village in Ayodhya, Uttar Pradesh, was allegedly subjected to custodial torture by two woman police constables when she had gone to the police station to record her statement. The victim stated that the two women police constables pressured her to change her statement. They kicked her and even used their belts to beat her. She was even asked to take off her clothes. On the complaint of the survivor, the two women constables identified as Neetu and Shikha were removed from the Maharajganj police station and placed under suspension.¹⁹¹

Case 8: Custodial rape of a gang-rape survivor, Uttar Pradesh

On 30 November 2020, a 35-year-old gang-rape victim was allegedly raped by a Sub-Inspector at Jalalabad police station in Shahjahanpur district, Uttar Pradesh. The victim, a resident of a village under Jalalabad police station in the district, stated on 30 November she was on the way to Madanpur when five unknown persons

¹⁸⁹. 'Custodial gang-rape' plea: Notice to Haryana, The Times of India, 4 November 2020, <https://timesofindia.indiatimes.com/city/chandigarh/custodial-gang-rape-plea-notice-to-haryana/articleshowprint/79031804.cms>

¹⁹⁰. NHRC Case No. 1674/36/7/2020-AD

¹⁹¹. Ayodhya gang-rape survivor, who went to complain, allegedly beaten up by constables, The Week, 19 November 2020, <https://www.theweek.in/news/india/2020/11/19/ayodhya-gang-rape-survivor-who-went-to-complain-allegedly-beaten-up-by-constables.html>

came in a car and forcibly dragged her to a nearby field and gang-raped her. The victim immediately went to the Jalalabad police station to report the matter where a Sub Inspector took her to an adjoining room inside the police station and raped her. According to her, the accused police officer took her to the room on the pretext of filing her complaint.¹⁹²

Case 9: Rape of a Dalit woman by a police officer, Uttar Pradesh

In December 2020, a police inspector in Aligarh district, Uttar Pradesh was suspended for allegedly raping a 45-year-old Dalit woman on the pretext of helping her in a 2018 dowry case. Posted with Aligarh Police, the accused police officer was investigating a dowry harassment case lodged by the woman's daughter against her in-laws. The victim alleged that the accused would call her to a hotel on the pretext of sharing dowry case related documents and information and raped her in October 2020. The victim was threatened even after the accused was suspended.¹⁹³

2.4. CUSTODIAL TORTURE OF CHILDREN

Across India, the Juvenile Justice (Care and Protection of Children) Act, 2015 remains poorly implemented. The JJ 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 NCAT documented death of four children due to torture during police custody and two cases of the death due to alleged torture in juvenile homes and a number of cases of torture of children not resulting in death in 2020 as highlighted below:

Case 1: Death of 16-year-old boy due to alleged torture in a remand home, Karnataka

On 14 June 2020, a 16-year-old boy died due to alleged torture by the home guard volunteers at remand home in Devinagar area under Kaul Bazar police station of Bellari district in Karnataka. The deceased minor, a resident of Koppal district, was reportedly admitted into a remand home at Devinagar on 14 June in connection with a case registered against him under the provisions of Protection of Children from Sexual Offences Act. On the same day, within a short period the deceased was allegedly beaten to death by the home guard volunteers.¹⁹⁴

¹⁹². Complaint dated 25.12.2020 filed by Campaign Against Torture with the NHRC

¹⁹³. Aligarh cop suspended for 'raping' Dalit woman who sought help in dowry case, The Indian Express, 6 December 2020, <https://indianexpress.com/article/india/aligarh-cop-suspended-for-raping-dalit-woman-who-sought-help-in-dowry-case-7093402/>

¹⁹⁴. NHRC Case No. 459/10/3/2020-DH

Case 2: Death of 17-year-old due to alleged torture in juvenile home, Gujarat

On 27 October 2020, a 17-year-old boy identified as Ritik Parmar died due to alleged torture by police and officials of a remand home in Khanpur in Ahmedabad district of Gujarat. The deceased, a resident of Komal Park in Isanpur area in the district, was summoned by the police to appear at the Isanpur police station along with two other boys in connection with a scuffle with his neighbor. The deceased's uncle, Gangaram Parmar stated that on 23 October 2020 Ritik Parmar had gone to the police station, where he was badly beaten up by the police, and he was later sent to a remand home in Khanpur, where he was also tortured by the remand home staff. On 27 October at around 6 am the family members received a phone call from the officials of the remand home stating that Ritik Parmar was critically ill and he was taken to the Asarwa Civil Hospital. When the family members reached the hospital they found their child dead.¹⁹⁵

Case 3: Custodial torture of a minor boy at S S Colony police station, Tamil Nadu

On 5 January 2020, a minor boy (about 17 years) was allegedly tortured at SS Colony police station in Madurai district of Tamil Nadu. The victim, a resident of Palanganatham in Madurai district, was arrested by police along with other unidentified persons for interrogation in connection with a robbery case filed by one Syed Hussain at SS Colony police station after he was robbed near Ellis Nagar Bridge in Madurai on 18 December 2019. The victim alleged that he was subjected to torture at SS Colony police station including by one policeman with two stars during interrogation.¹⁹⁶

Case 4: Illegal detention of a 14-year-old minor boy, Delhi

On 25 February 2020, a 14-year-old minor boy, son of Sarwar Ali was arrested and lodged at Mandoli jail in Delhi as of 6 March 2020. The victim, a resident of Chandbagh neighborhood of North-east Delhi had ventured out of his home on the morning of 25 February to look out for his 10-year-old younger brother during the Delhi riot. While the younger brother returned on his own, the 14-year-old boy did not return home. The family later discovered that the minor was arrested and detained under 11 sections of the IPC and also the Prevention of Damage to Public Property Act. According to court records, the minor was produced in the Karkardooma district courts on 28 February after which he was remanded to judicial custody and was lodged in Mandoli jail. The family of the minor claimed that he was born on 21 November 2006, and was therefore a minor and the same was established by the minor's Aadhaar card. The victim's family alleged that the police did not even inform them about the arrest and detention of the minor as is

¹⁹⁵. NHRC Case No. 994/6/1/2020-AD

¹⁹⁶. The State of Torture in Uttarakhand, ACHR, January 2020

mandated by Section 41 of the CrPC and they came to know about their son's arrest only on 28 February after a lawyer informed them over a phone call.¹⁹⁷

Case 5: Torture of 17-year-old Dalit boy, Punjab

On 9 May 2020, a 17-year-old Dalit boy identified as Gurpreet Singh was allegedly illegally detained and tortured in police custody at Bhadaur police station in Barnala district of Punjab. The victim, a resident of Kothe Bhan Singh village under Sehna Tehsil in the district, was arrested in connection with a theft case. The victim's mother Jaswinder Kaur claimed that his son was kept in illegal confinement and subjected to torture during 9-10 May. The victim was released without charges in the evening of 10 May when his health deteriorated. The victim suffered serious injuries and was hospitalised from 10-18 May due to police brutality.¹⁹⁸

Case 6: Torture and ill-treatment of five minor boys, Maharashtra

On 23 September 2020, five minor boys (one about 15 years old) were allegedly tortured by the police personnel of Jaripatka police station in Nagpur district of Maharashtra. The minors were paraded semi-naked and mercilessly beaten all along the way by the police personnel of Jaripatka police station in north Nagpur. The incident took place when the five juveniles allegedly created nuisance in a bar in Jaripatka. Thereafter the bar owner Sanjay Patil lodged a police complaint and a police team led by Sub-Inspector Vijay Dhumal and Constables Laxman Chaware, Mahesh Yadav, Rohan Tiwari, Daga and Sunil Mahajan arrested all the juveniles from an eatery at Patanswangi in Nagpur district. The families of the minors alleged that the police had paraded their children in a semi-nude state on a busy road and assaulted them while being brought to the Jaripatka police station. The minors received injuries due to police beating.¹⁹⁹

Case 7: Torture of 17-year-old minor during illegal detention, Kerala

On 1 October 2020, a 17-year-old juvenile was allegedly tortured by jail officials during illegal detention at Covid First Line Treatment Centre (CFLTC) of Viyyur Central jail at Ambilikkala in Thrissur district of Kerala. The victim, a resident of Kodungallur town in Thrissur district, was arrested and illegally detained at CFLTC of Viyyur Central jail on 29 September 2020 in connection with a vehicle theft case. In jail, he was beaten up with bamboo cane by the jail officials on the night of 29 September 2020.²⁰⁰

¹⁹⁷. See Dalit youth hangs himself in police custody, Ahmedabad Mirror, 26 February 2020 at <https://ahmedabadmirror.indiatimes.com/ahmedabad/crime/dalit-youth-hangs-himself-in-police-custody/articleshow/74308520.cms> & NHRC Case Nos. 1468/30/5/2020 & 193/6/1/2020-PCD

¹⁹⁸. NHRC Case No. 336/19/23/2020

¹⁹⁹. NHRC Case No. 1326/13/17/2020

²⁰⁰. NHRC Case No. 513/11/13/2020

2.5. Torture, arrest and detention during COVID-19 lockdown

On 24 March 2020, Prime Minister Narendra Modi announced a nationwide lockdown to contain the spread of the COVID-19 pandemic. Hundreds of people including doctors and other frontline workers, migrant workers, journalists, elderly, physically-challenged, women, including pregnant, and children were subjected to torture and other forms of ill-treatment, arrest and detention by police and paramilitary forces while enforcing the nationwide lockdown.

A. Deaths during enforcement of lockdown

The NCAT documented death of a number of persons due to police brutality while enforcing the COVID-19 lockdown across the country.

Case 1: Death of Lal Swami, West Bengal

On 25 March 2020, Lal Swami (32 years) died after he was allegedly beaten by the police while out to buy milk during the nationwide coronavirus lockdown in Banipur locality in Howrah district, West Bengal. The deceased's wife alleged that her husband was among the crowd that the police baton-charged. Injured Lal Swami was taken to a local hospital where doctors pronounced his death.²⁰¹

Case 2: Death of Veerabhadraiah, Andhra Pradesh

On 26 March 2020, a labourer identified as Veerabhadraiah (21 years) died due to alleged torture by the police personnel attached to Isvi police station while enforcing COVID-19 lockdown at Pedda Harivanam village under Adoni mandal in Kurnool district of Andhra Pradesh. Two police constables arrived at the Pedda Harivanam village and started beating people gathered at the village square to discuss about the day's events of COVID-19 lockdown. Thereafter, some villagers fled to escape police beatings but the police chased and brutally beat up the deceased, Veerabhadraiah, which resulted in his death.²⁰²

Case 3: Death of Niresh Shinde, Maharashtra

On 27 March 2020, Naresh Shinde (50 years), an ambulance driver, died after he was allegedly hit hard on the back with a *lathi* by a policeman on duty at Talegaon phata on the Mumbai-Pune highway in Maharashtra. The deceased's son Nilesh Shinde alleged that his father died due to the police beating. An inquiry was ordered into the allegations.²⁰³

²⁰¹. Covid-19 lockdown: Man out to buy milk in West Bengal beaten up by police, dies, claims family, The Scroll. 26 March 2020, <https://scroll.in/latest/957298/covid-19-lockdown-man-out-to-buy-milk-in-west-bengal-beaten-up-by-police-dies-claims-family>

²⁰². NHRC Case No. 884/1/11/2020

²⁰³. Covid-19: Probe ordered into ambulance driver's death after assault by policeman, Hindustan Times, 28 March 2020, <https://www.hindustantimes.com/cities/covid-19->

Case 4: Death of Raju Velu Devendra, Maharashtra

On 30 March 2020, Raju Velu Devendra (22 years) died due to alleged police beating at Nehru Nagar locality of Vile Parle (East), Mumbai in Maharashtra. The deceased brother identified as Shankar alleged that Raju was beaten to death by police after he was found outdoors during the lockdown. However, the police denied the allegation.²⁰⁴

Case 5: Death of Roshan Lal, Uttar Pradesh

On 31 March 2020, Roshan Lal (22 years), a Dalit migrant worker, committed suicide after he was allegedly beaten by a police constable identified as Anoop Kumar Singh at a quarantine centre in Lakhimpur Kheri district, Uttar Pradesh. Roshan Lal recorded two audio clips, in which he alleged that he was brutally beaten up by a constable in public for defying the quarantine guidelines, which prompted him to end his life. The deceased, who was working as an electrician in Haryana, had returned to his village on 29 March and was kept in a local school under quarantine by officials.²⁰⁵

Case 6: Death of Tibu Meda, Madhya Pradesh

On 3 April 2020, a tribal identified as Tibu Meda (65 years) of Holimal village in Khargone district, Madhya Pradesh, was allegedly beaten to death by police in Dhar district. The deceased had gone with his son-in-law Sanjay Meda to Gujari village in Dhar district as the shop in his village had run out of supplies. The family members alleged that Tibu Meda was beaten to death by the police. According to Sanjay Meda, the police came in about five vehicles and started beating them with batons without provocation. However, the district administration claimed that the elderly man died of a heart attack on seeing the police and there were no bruises on the body.²⁰⁶

[probe-ordered-into-ambulance-driver-s-death-after-assault-by-policeman/story-45pj0d8MHMh4uudCnribWP.html](https://www.newindianexpress.com/nation/2020/mar/30/mumbai-lockdown-kin-blame-cops-of-beating-22-year-old-to-death-police-deny-2123528.html)

²⁰⁴. Mumbai lockdown: Kin blame cops of beating 22-year-old to death, police deny, The New Indian Express, 30 March 2020, <https://www.newindianexpress.com/nation/2020/mar/30/mumbai-lockdown-kin-blame-cops-of-beating-22-year-old-to-death-police-deny-2123528.html>

²⁰⁵. Youth who returned from Gurgaon 'beaten up' by cop, hangs self; probe on, The Indian Express, 2 April 2020, <https://indianexpress.com/article/cities/lucknow/youth-who-retained-from-gurgaon-beaten-up-by-cop-hangs-self-probe-on/>

²⁰⁶. Coronavirus lockdown | Adivasi man dies after police thrash villagers outside shop in Madhya Pradesh, The Hindu, 5 April 2020, <https://www.thehindu.com/news/national/coronavirus-lockdown-ativasi-man-dies-after-police-thrash-villagers-outside-shop-in-madhya-pradesh/article31258493.ece>

Case 7: Death of Vicky Mahto, Jharkhand

On 6 April 2020, Vicky Mahto (26 years) jumped to death into a pond due to fear of police who were enforcing the lockdown in Jamshedpur district, Jharkhand. The deceased had gone out to buy groceries when he had stopped for a chat with his friend Asif Hussain near the pond. When they saw the police team, Asif fled and when the police allegedly tried to catch Vicky, he jumped into the pond and died.²⁰⁷

Case 8: Death of A. Abdul Rahim, Tamil Nadu

On 6 April 2020, A. Abdul Rahim @ Kuttai Maraikayar (75 years) died after alleged police beating at Karuppayurani in Madurai district, Tamil Nadu. According to the family members, Abdul Rahim was beaten up by police when he was talking to his son-in-law, Shahjahan, in front of their meat shop. He fell unconscious and later died. However, police refuted the claim of the family members saying that Abdul Rahim collapsed while he was talking to the police.²⁰⁸

Case 9: Death of Neduvarambath Suresh, Tamil Nadu

On 7 April 2020, Neduvarambath Suresh (42 years), an auto rickshaw driver, died under suspicious circumstances after he was allegedly chased by police at Kattachira near Tirur in Malapluram district in Tamil Nadu. Suresh was found dead in a paddy field. The police also allegedly attempted to destroy evidence.²⁰⁹

Case 10: Death of Bhupinder Singh, Punjab

On 16 April 2020, Bhupinder Singh (45 years) committed suicide after he was beaten by police while returning home after purchasing milk for the family in Patiala in Punjab. Family members alleged that the deceased took the extreme step unable to bear the beating and humiliation at the hands of the police. However, the police refuted the allegation.²¹⁰

²⁰⁷. Fear of cops claims life amid lockdown in Jamshedpur, The Telegraph, 8 April 2020, https://www.telegraphindia.com/states/jharkhand/coronavirus-lockdown-fear-of-cops-claims-life-amid-lockdown-in-jamshedpur/cid/1762924?ref=jharkhand_jharkhand-page

²⁰⁸. 75-year-old 'assaulted' for flouting curfew, dies, The New Indian Express, 7 April 2020, <https://www.newindianexpress.com/states/tamil-nadu/2020/apr/07/75-year-old-assaulted-for-flouting-curfew-dies-2126699.html>

²⁰⁹. Man who attempted to flee from police found dead in Tirur, The Times of India, 8 April 2020, <https://timesofindia.indiatimes.com/city/kozhikode/man-who-attempted-to-flee-from-police-found-dead-in-tirur/articleshowprint/75052307.cms>

²¹⁰. Punjab: 45-year-old man commits suicide; family accuses police of torturing for stepping out during lockdown, The Times Now, 17 April 2020, <https://www.timesnownews.com/mirror-now/crime/article/punjab-45-year-old-man-commits-suicide-family-accuses-police-of-torturing-for-stepping-out-during-lockdown/579531>

Case 11: Death of Banshi Kushwaha, Madhya Pradesh

On 17 April 2020, Banshi Kushwaha (50 years), a farmer, succumbed to his injuries three days after he was allegedly beaten by policemen attached to the Gaura Bazar police station in Jabalpur district, Madhya Pradesh. The deceased's family alleged that the police intercepted him when he was returning home after feeding his cattle at Tilhari village and beaten him for violating the lockdown. Six police officials identified as ASI Alok Singh, Head Constable Mukesh Patariya and Constables Rakesh Singh, Guddu Singh, Brijesh and Ashutosh were suspended for allegedly assaulting the farmer.²¹¹

Case 12: Death of Sagir Jamil Khan, Maharashtra

On 18 April 2020, Sagir Jamil Khan, a labourer, died after returning home in Dongri area in Mumbai, Maharashtra after he was allegedly beaten by police for violating the lockdown. He was allegedly beaten by police on the head, hand and back. However, the police denied the allegations and said the labourer died due to a heart ailment.²¹²

Case 13: Death of Rizwan Ahmed, Uttar Pradesh

On 18 April 2020, Rizwan Ahmed (22 years), a daily wager, died three days after he was allegedly beaten by police when he had stepped out to buy food in Ambedkar Nagar district, Uttar Pradesh. Family members alleged that he succumbed to the injuries sustained in police beating. However, the police termed the allegation false and baseless.²¹³

Case 14: Death of farmer Banshilal Kushwaha, Madhya Pradesh

On 20 April 2020, a farmer identified as Banshilal Kushwaha (50 years) died due to alleged torture by the police personnel attached to Gaura Bazar police station amid COVID-19 lockdown in Tilhari village under Jabalpur district of Madhya Pradesh. According to the deceased's brother Dharmu Kushwaha, on 16 April 2020, his brother was beaten up by the police personnel when he was returning home from his farm after offering water and fodder to his cattle at Tilhari village during the

²¹¹. Farmer beaten by police for violating curbs dies in MP, The Hindustan Times, 21 April 2020, <https://www.hindustantimes.com/india-news/farmer-beaten-by-police-for-violating-curbs-dies-in-mp/story-OmKglWTjEJznd6FRtD6rLK.html>

²¹². Mumbai labourer dies after alleged thrashing by Police for violating lockdown rules, cops deny claim, The New Indian Express, 19 April 2020, <https://www.newindianexpress.com/cities/mumbai/2020/apr/19/mumbai-labourer-dies-after-alleged-thrashing-by-police-for-violating-lockdown-rules-cops-deny-claim-2132373.html>

²¹³. U.P. police say youth didn't die of beating, The Hindu, 19 April 2020, <https://www.thehindu.com/news/national/other-states/up-police-say-youth-didnt-die-of-beating/article31383037.ece>

Covid-19 lockdown. Due to police beating the deceased fainted but he was not taken to hospital by the police. He later succumbed to his injuries on 20 April 2020. The accused police personnel were identified as ASI Alok Singh, head constable Mukesh Patariya and constables Rakesh Singh, Guddu Singh, Brijesh and Ashutosh of Gaura Bazar police station.²¹⁴

Case 15: Death of Mohammed Ghouse, Andhra Pradesh

On 20 April 2020, Mohammed Ghouse (28 years) died allegedly after being beaten up by police for coming out for non emergency work during lockdown in Sattenapalli town in Guntur district of Andhra Pradesh. However, police denied that he was beaten up and claimed the deceased was suffering from chronic heart ailment.²¹⁵

Case 16: Death of Luv Kush, Uttar Pradesh

On 22 April 2020, Luv Kush (20 years), a vegetable vendor, died two days after he was allegedly beaten by a police officer in Aligarh district, Uttar Pradesh. The local residents alleged that Luv Kush died due to police beating and staged a protest with the dead body at Jalalpur police outpost. They claimed that the deceased was beaten with a stick as he was late in clearing his vegetable stall.²¹⁶

Case 17: Death of 13-year-old boy, Delhi

On 6 May 2020, a 13-year-old boy died at Prashant Vihar in Rohini, Delhi after he was allegedly beaten with a stick by a policeman. The local residents alleged that the deceased boy was waiting outside a shop to photocopy an Aadhaar card to obtain ration when he was hit with the stick, resulting in his death. The police denied the allegation.²¹⁷

Case 18: Death of Satyaban Swain, Gujarat

On 14 May 2020, Satyaban Swain, a migrant worker from Odisha, was allegedly beaten to death by police in Surat of Gujarat. The deceased migrant worker had

²¹⁴. NHRC Case No. 934/12/22/2020

²¹⁵. COVID-19 lockdown: Tension in Andhra Pradesh's Sattenapalli after man dies from 'police beating', The New Indian Express, 20 April 2020, <https://www.newindianexpress.com/states/andhra-pradesh/2020/apr/20/covid-19-lockdown-tension-in-andhra-pradesh-sattenapalli-after-man-dies-from-police-beating-2132741.html>

²¹⁶. Aligarh: Vegetable vendor dies after 'assault' by cop, The Indian Express, 23 April 2020, <https://indianexpress.com/article/india/coronavirus-lockdown-aligarh-vegetable-vendor-dies-after-assault-by-cop-6374754/>

²¹⁷. 13-year-old boy dies in Delhi's Rohini, locals say he was beaten by cop, The Hindustan Times, 8 May 2020, <https://www.hindustantimes.com/delhi-news/delhi-cops-blamed-for-13-year-old-boy-s-death-in-rohini-police-refute-claim/story-qTpMgHzlaMzjSlr7GyjbCO.html>

gone out to book tickets to return home when police personnel beat him up. He was rushed to hospital but doctors declared him brought dead.²¹⁸

B. Torture, arrest and detention during Covid-19 lockdown

A number of people including doctors, health workers and general public were subjected to beating, arrested, detained and tortured. Some of the cases documented are given below:

Case 1: Beating of woman health worker Priyanka Rathod and her father, Maharashtra

On 25 March 2020, Priyanka Rathod (30 years), a health worker of the National Urban Health Mission and her father were beaten by a woman police officer identified as Prabha Pundge while enforcing the lockdown in Hingoli district, Maharashtra. The health worker sustained a head injury, requiring five stitches. She was returning home with her father on a motorcycle after completing her duty when the incident took place.²¹⁹

Case 2: Beating of Keshav, Maharashtra

On 25 March 2020, Keshav (39 years) was abused and beaten with a stick while he was on his way to a veterinarian in Mumbai, Maharashtra on a bike with a sick dog in his arms. The police did not listen to his plea that he was taking the sick pet dog to veterinarian, which is one of the essential services.²²⁰

Case 3: Beating of Sukhdev Singh, Punjab

On 25 March 2020, Sukhdev Singh was beaten by police when he went outside with his 8-month-old pregnant wife, Renu Bala, to get medicines for her in Amritsar, Punjab. Sukhdev suffered an injury in his nose and was admitted to hospital. Action was initiated against the accused policemen.²²¹

²¹⁸. Police Allegedly Thrash Odia Migrant Worker To Death In Surat, Kalinga TV, 15 May 2020, <https://kalingatv.com/nation/police-allegedly-thrash-odia-migrant-worker-to-death-in-surat/>

²¹⁹. Woman cop canes health worker and her dad in Maharashtra, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/aurangabad/woman-cop-canes-health-worker-and-her-dad-in-maharashtra/articleshowprint/74840071.cms>

²²⁰. Harassed and Beaten, Animal Lovers Desperately Try to Ensure Pets and Strays Survive the Lockdown, News18, 28 March 2020, <https://www.news18.com/news/buzz/harassed-beaten-animal-lovers-desperately-try-to-ensure-pets-and-strays-survive-the-lockdown-2553611.html>

²²¹. Cops do it again: Fireman on way to job 'beaten up' by ASI, The Tribune, 27 March 2020, <https://www.tribuneindia.com/news/cops-do-it-again-fireman-on-way-to-job-beaten-up-by-asi-61731>

Case 4: Beating of TV journalist Uttkarsh Chaturvedi, Maharashtra

On 25 March 2020, Uttkarsh Chaturvedi, Deputy News Editor with *ET Now*, a leading business news channel, alleged that he was beaten up by policemen while reporting on the lockdown in Thane district, Maharashtra. The victim claimed he was beaten with sticks despite showing his press card. The incident came to light after he brought the ordeal to the notice of police and State chief minister through social media.²²²

Case 5: Brutal beating of dialysis patient Nishal, Kerala

On 25 March 2020, 28-year-old Nishal, a dialysis patient was allegedly beaten by police in Kannur district, Kerala. He was on his way back home from the dialysis unit on a two-wheeler when he was stopped by police and allegedly beaten even before he could explain why he was on the road. When he complained about the incident at Thalassery police station, the police asked him why he did not take a taxi to go home. Calling the attention of the State chief minister, the victim wrote in social media “....the police action on people who go out for meeting urgent requirements without any enquiry must be rectified. I have a kidney disease, and I was beaten by Thalassery police brutally on my way back from dialysis. You must take action after examining my documents. Do not deter, but stay with us.”²²³

Case 6: Beating of at least nine persons and forcing them to squat, Karnataka

In a video shared by news agency Asian News International (ANI) on 25 March 2020, police personnel were seen beating with sticks at least nine youths as punishment for violating lockdown in Kalaburagi city in Karnataka.²²⁴

Case 7: Four migrants workers forced to crawl, Uttar Pradesh

On 25 March 2020, ANI reported an incident of police brutality in Badaun district, Uttar Pradesh where police personnel forced four migrant workers who were walking towards their homes to crawl with their backpacks on as a punishment for violating lockdown. Confirming the incident, Ashok Kumar Tripathi, Senior Superintendent of

²²². TV journalist beaten up by cops during reporting on lockdown, The Daily Pioneer, 26 March 2020, <https://www.dailypioneer.com/2020/india/tv-journalist-beaten-up-by-cops-during-reporting-on-lockdown.html>

²²³. Dialysis patient beaten by cops in Kerala during lockdown, writes to CM, The News Minute, 27 March 2020, <https://www.thenewsminute.com/article/surviving-social-distancing-how-you-can-stay-safe-and-yet-stay-connected-121047>

²²⁴. The video is available at <https://thefederal.com/covid-19/amid-lockdown-police-beat-the-corona-out-of-violators/>

Police, Badaun had apologized and said that an inquiry was initiated against the officials involved.²²⁵

Case 8: Beating of Bilal Ahmed Wani, Jammu and Kashmir

On 25 March 2020, Bilal Ahmed Wani (30 years) was beaten with lathis by a group of police personnel at Rabban in Baramulla district, Jammu & Kashmir. Wani, an employee with the department of food, civil supplies and consumer affairs - which ensures distribution of essential commodities such as rice, wheat, etc under the public-distribution system, was on his way to his workplace on his scooty when about six police personnel intercepted him and started beating him with *lathis* despite showing his identity card.²²⁶

Case 9: Beating of at least 25 persons, Assam

On 25 March 2020, a video was shared on social media showing the police beating with stick at least 25 persons with sticks with some of them being forced to do sit-ups as punishment for violating the lockdown guidelines in Assam.²²⁷

Case 10: Beating of fireman Naresh Sharma, Punjab

On 26 March 2020, a fireman identified as Naresh Sharma who was going to his office was allegedly beaten up by ASI identified as Tarsem Singh with stick at a checkpoint in Amritsar, Punjab. The victim was stopped and beaten despite showing his curfew pass. Naresh sustained injuries.²²⁸

Case 11: Beating of Shaijan Joseph, Kerala

On 26 March 2020, Shaijan Joseph, a driver with Eben Telecom was beaten by police attached to Aroor police station in Allappuzha district, Kerala. The victim was hit with a rod below the knee despite showing all the documents, including his identity card, the self-declaration form and the request typed on the telecom firm's

²²⁵. This video is available at:

<https://twitter.com/ANINewsUP/status/1243141336800415744>

²²⁶. Jammu and Kashmir police use batons and FIRs to enforce COVID-19 lockdown, hospitals struggle, The Caravan, 30 March 2020,

<https://caravanmagazine.in/health/jammu-and-kashmir-police-use-batons-and-firs-to-enforce-covid-19-lockdown-hospitals-struggle>

²²⁷. The video is available at

<https://twitter.com/NANDANPRATIM/status/1242818171469475840>

²²⁸. Cops do it again: Fireman on way to job 'beaten up' by ASI, The Tribune, 27 March 2020, <https://www.tribuneindia.com/news/cops-do-it-again-fireman-on-way-to-job-beaten-up-by-asi-61731>

letterhead. Telecom was declared an essential service and exempted during the lockdown.²²⁹

Case 12: Beating of two NGO workers, Telangana

On 26 March 2020, at least two social workers were beaten up by police in Hyderabad, Telangana. They were beaten while trying to help the disadvantage section of the society during the lockdown.²³⁰

Case 13: Beating of ten persons, J&K

On 26 March 2020, at least ten persons were allegedly beaten up by a group of five police personnel at Bharat Mata Chowk in Jammu. They were allegedly hit with *lathis* and forced to sit on the road. Thereafter, one police personnel walked around the men and directed them to repeat each sentence he said which included "*We're enemies of the society*", "*We're enemies of the police*", "*We're enemies of the country*", and "*We're enemies of Modi sahib*".²³¹

Case 14: Arbitrary arrest and torture of Mohammad Yaseen Sheikh, J&K

On 26 March 2020, Mohammad Yaseen Sheikh, Chairman of the Block Development Council in Vilgam area, Kupwara district was beaten and taken into custody while he was returning home from the local PHC in Vilgam in Jammu & Kashmir. He was dragged out of his car and then taken to the police station. The victim alleged that he was not given food in the police lock up and was not allowed to meet family members. He was released on bail two days later.²³²

²²⁹. Cops beat up Eben Telecom employee, The New Indian Express, 27 March 2020, <https://www.newindianexpress.com/cities/kochi/2020/mar/27/cops-beat-up-eben-telecom-employee-2122020.html>

²³⁰. India in lockdown: NGO workers face police brutality while helping poor in Hyderabad, The New Indian Express, 27 March 2020, <https://www.newindianexpress.com/cities/hyderabad/2020/mar/27/india-in-lockdown-ngo-workers-face-police-brutality-while-helping-poor-in-hyderabad-2122126.html>

²³¹. Jammu and Kashmir police use batons and FIRs to enforce COVID-19 lockdown, hospitals struggle, The Caravan, 30 March 2020, <https://caravanmagazine.in/health/jammu-and-kashmir-police-use-batons-and-firs-to-enforce-covid-19-lockdown-hospitals-struggle>

²³². Jammu and Kashmir police use batons and FIRs to enforce COVID-19 lockdown, hospitals struggle, The Caravan, 30 March 2020, <https://caravanmagazine.in/health/jammu-and-kashmir-police-use-batons-and-firs-to-enforce-covid-19-lockdown-hospitals-struggle>

Case 15: Beating of at least 11 persons, Karnataka

In a video published by ANI on 26 March 2020, a policeman was seen beating at least 11 persons with a stick outside a Mosque in Belgaum, Karnataka. The people had gathered to offer prayers in violation of the lockdown.²³³

Case 16: Brutal beating of three persons including a woman, Andhra Pradesh

On 26 March 2020, a video surfaced in social media in which a police officer in Andhra Pradesh was seen beating two persons brutally with a stick. A woman was also beaten with the stick by the policeman. The police officer was suspended following criticism.²³⁴

Case 17: Beating of Dr Aravind Ashok, Kerala

On 27 March 2020, Dr Aravind Ashok was beaten with a baton by the police enforcing the lockdown at Vidyanagar in Kasaragod district, Kerala. He had stepped out of his home to buy baby food for his one-year-old son before going for duty at PHC in Badiadka where he was in charge of the isolation ward.²³⁵

Case 18: Beating of a person, Kerala

On 27 March 2020, a man was beaten up by the police while returning after dropping his doctor wife to her work at Sreekaryam police station in Thiruvananthapuram, Kerala. The man was in his car when he was allegedly stopped by a police officer and beaten up. The victim filed a complaint and an inquiry was initiated against the officer for misusing power and misbehaving in public.²³⁶

Case 19: Beating of at least 10 persons, Punjab

On 27 March 2020, videos of Punjab Police personnel beating at least 10 persons during lockdown emerged in social media. In the videos, the victims were seen moving around to buy essential items like milk, rice and vegetables. Incidentally, the videos were shot by the police and circulated to shame the people flouting the

²³³. The video is available at: <https://thefederal.com/covid-19/amid-lockdown-police-beat-the-corona-out-of-violators/>

²³⁴. The video is available at <https://twitter.com/i/status/1243189254114570242s>

²³⁵. Healthcare professionals too face police excesses, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/kozhikode/healthcare-professionals-too-face-police-excesses/articleshowprint/74835289.cms>

²³⁶. Man In Kerala Allegedly Beaten By Cop While Returning From Dropping Doctor Wife To Work, <https://www.indiatimes.com/trending/social-relevance/man-in-kerala-allegedly-beaten-by-cop-while-returning-from-dropping-doctor-wife-to-work-509439.html>

curfew and to create fear. In one of the videos, two police personnel were seen beating two youth with stick and slippers.²³⁷

Case 20: Radio jockey detained and harassed, Andhra Pradesh

On 27 March 2020, a radio jockey (RJ) working for All India Radio (AIR) was detained by III Town police in Visakhapatnam in Andhra Pradesh. He was on his way to work at around 5 pm, when a constable stopped his bike at Siripuram junction. According to the RJ, the cop seized his mobile phone and identity card and took him to the police station. The RJ was detained for over two hours and was not allowed to seek help. A senior employee with AIR alleged that despite being exempted under the Essential Services Maintenance Act (ESMA), the AIR employees were harassed by the police.²³⁸

Case 21: Beating of three migrant workers, Arunachal Pradesh

On 27 March 2020, three Indian Reserve Battalion (IRBn) constables were suspended after a video clip emerged in social media showing them beating three migrant workers with a *lathi* for being outside during the ongoing nationwide lockdown. Two suspended constables were identified as Chera Tadup and Tako Tame. The incident took place at Bihari Basti near the Gumto railway station in Papum Pare district. State's Director General of Police RP Upadhyaya confirmed the incident and stated that action was initiated on the basis of the video clip.²³⁹

Case 22: Brutal beating of Bhairon Lal Lohar, Gujarat

On 27 March 2020, *ABP Live* reported that a Thane-based furniture dealer identified as Bhairon Lal Lohar was brutally beaten up by Gujarat Police officers when he stepped out of his home to attend his mother's funeral. The victim received news of his mother's death on 25 March who passed away in a village in Rajasthan. Bhairon was the only son of his mother and therefore he had to attend the funeral. In order to facilitate his travel amidst the lockdown, he obtained the necessary permission from the local police to leave the city. However, when he reached Gujarat-

²³⁷. Punjab cops' brutality, shaming Facebook videos raise hackles, The Times of India, 27 March 2020, <https://timesofindia.indiatimes.com/city/ludhiana/jalandhar-cops-brutality-shaming-facebook-videos-raise-hackles/articleshowprint/74838733.cms>

²³⁸. Police harassing us despite exemption: AIR, The Times of India, 31 March 2020, <https://timesofindia.indiatimes.com/city/visakhapatnam/police-harassing-us-despite-exemption-air/articleshowprint/74900963.cms>

²³⁹. IRBn constables suspended over brutal action, Arunachal Times, 28 March 2020, <https://arunachaltimes.in/index.php/2020/03/28/irbn-constables-suspended-over-brutal-action/>

Maharashtra border the police officials stopped him at the border and brutally beat him up despite showing the necessary permission and other evidences.²⁴⁰

Case 23: Beating of Shabbir Ahmed, Karnataka

On 27 March 2020, Shabbir Ahmed (39 years), an autorickshaw driver and resident of Shafi Masjid in Hassan district of Karnataka, was on the way to a hospital with his nine-year-old son on his two-wheeler. Two police constables identified as Ganesh and Jagadish attached to the Pension Mohalla station, stopped him and beat him up with their lathis for venturing out of his house. They allegedly did not allow him to explain where he was going and why. Video clippings of the incident widely circulated on social media, which show the policemen continuously hitting Ahmed with lathis on his head, back and legs. They did not spare him even after he ran into a nearby house to escape.²⁴¹

Case 24: Beating of Mohamad Mujib, Jharkhand

On 28 March 2020, Mohamad Mujib, a trader, was tortured and ill-treated at Hindpiri police station in Ranchi district of Jharkhand for violating lockdown norms. The victim was also allegedly forced to drink urine. A video of the incident circulated in social media platform show the victim being badly beaten by the police despite him pleading for mercy. An inquiry was ordered and the SHO identified as Sunil Kumar Tiwari of the police station was suspended.²⁴²

Case 25: Custodial torture of Md. Hujib, Jharkhand

On 28 March 2019, Md. Hujib (45 years) was allegedly tortured in police custody at Hindpiri police station in Ranchi district of Jharkhand for alleged violation of the COVID-19 lockdown. The victim, a local trader and a resident of Hindpiri Chowk area in the district, was arrested on 27 March 2020 and detained illegally in the lockup of the police station for more the than 24 hours. The victim claimed that he was beaten up brutally by the police and forced to drink urine in police custody. The victim suffered injuries all over his body due to police brutality.²⁴³

²⁴⁰. Police Brutally Beats Man Who Stepped Out To Attend Mother's Funeral Amid Lockdown, <https://news.abplive.com/news/india/gujarat-police-officers-brutally-beat-man-for-going-out-to-attend-mothers-funeral-amid-lockdown-1183767>

²⁴¹. Hassan police draw flak for beating up man taking son to health clinic, The Hindu, 30 March 2020, <https://www.thehindu.com/news/national/karnataka/hassan-police-draw-flak-for-beating-up-man-taking-son-to-health-clinic/article31210101.ece>

²⁴². See Jagran, 31 March 2020 at <https://www.jagran.com/jharkhand/ranchi-police-station-officer-removed-from-his-post-in-brutally-beating-a-youth-ssp-order-to-inquiry-ranchi-jharkhand-20153312.html>

²⁴³. NHRC Case No. 381/34/16/2020

Case 26: Beating of Mukkhera Ravi, Telangana

In the night of 28 March 2020, Mukkera Ravi, a worker of the Singareni Collieries Company Limited (SCCL) was allegedly beaten up by the police while he was returning home from duty. He was stopped by the police at the Subhash Nagar check post while returning. Though Ravi told them that he is worker with the SCCL and showed the identity card the policemen did not relent. He was abused and beaten by the police, which left him with bruises on his buttocks and waist.²⁴⁴

Case 27: Beating of two including stripping of a 25-year-old woman, West Bengal

On 28 March 2020, the personnel of Border Security Force (BSF) allegedly assaulted and stripped a 25-year-old woman at the Hatkhola village under Chapra police station of Nadia district of West Bengal. The incident took place when the security forces were trying to enforce the nationwide lockdown. The villagers alleged that the security forces were taking advantage of the lockdown to torture the innocent villagers. The next day the villagers staged a protest in front of the BSF personnel but the BSF resorted to *lathi* charge and fired in air in which Miajan Sha (55 years) was injured.²⁴⁵

Case 28: Police writes lockdown violation on migrant's forehead, Madhya Pradesh

On 29 March 2020, a video of a Madhya Pradesh police officer writing "*Maine lockdown ka ullanghan kiya hai, mujhse door rahna* (I have violated lockdown restrictions, keep away from me)," on the forehead of a labourer went viral on social media. The incident happened under the jurisdiction of Gaurihar Police Station in Chhatarpur district. Three labourers were returning from Uttar Pradesh when they were directed to the primary health centre by the police for medical examination. As they were waiting for a doctor, a senior inspector scolded them for violating the lockdown and wrote the inscription on one of the labourers' forehead. The officer has reportedly been issued a show-cause notice.²⁴⁶

²⁴⁴. SCCL workers go on flash strike after police thrash worker in Bhupalpally, The Telangana Today, 30 March 2020, <https://telanganatoday.com/sccl-workers-go-on-flash-strike-after-police-thrash-worker-in-bhupalpally>

²⁴⁵. Woman in Nadia district assaulted by BSF: CPI(ML), The Hindu, 30 March 2020, <https://www.thehindu.com/news/national/other-states/woman-in-nadia-district-assaulted-by-bsf-cpiml/article31201057.ece>

²⁴⁶. 'I violated lockdown orders': MP cop writes on migrant's forehead, Indian Express, 29 March 2020, <https://indianexpress.com/article/coronavirus/i-violated-lockdown-orders-stay-away-from-me-mp-police-writes-on-migrants-forehead-6337019/>

Case 29: Beating of four migrant workers, Arunachal Pradesh

On 29 March 2020, a video surfaced from Arunachal Pradesh reportedly shot at Kimin in Papum Pare district showing four people being assaulted by the State Police. The police beat up three males with a stick, even as they tried to flee from the police, while a woman was made to sit holding her ears. They were reported to be migrant workers from Laluk in Assam.²⁴⁷

Case 30: Beating of three tribal boys, Arunachal Pradesh

On 29 March 2020, a video surfaced from Lower Subansiri Headquarters Ziro, showing CRPF personnel making three boys do pushups. One boy was seen being beaten with a *lathi*. All three victims were tribals. Lower Subansiri Superintendent of Police Hemant Tiwari confirmed the incident and stated that the incident occurred on 27 March in Gandhi market, and that inquiry was ongoing. He also stated that CCTV footages of the incident were being studied and assured necessary action against the guilty CRPF personnel.²⁴⁸

Case 31: Beating of Khurshid Ahmed, Uttar Pradesh

On 29 March 2020, Khurshid Ahmed, a Haryana Roadways bus driver, was allegedly beaten by police while he was on his way to drop migrant workers home in Barabanki district, Uttar Pradesh for violating lockdown. He was pulled down from the bus and beaten with lathis, leaving him with severe injuries on his back and legs.²⁴⁹

Case 32: Beating of three Adivasi women by a police officer, Assam

On 30 March 2020, a TV news channel in Assam aired a video showing Sub Inspector identified as Robin Kalita beating three Adivasi women in Golaghat district. In the video, two women, seen carrying vegetables on a bicycle, were stopped, abused and beaten with a stick by the enraged officer for violating the lockdown guidelines. A little later, the officer assaulted another woman carrying firewood from a field.²⁵⁰

²⁴⁷. Two migrant workers assaulted by public in Ziro, Arunachal Times, 29 March 2020, <https://arunachaltimes.in/index.php/2020/03/30/more-videos-of-police-beatings-emerge/>

²⁴⁸. Ibid

²⁴⁹. Haryana Roadways driver 'thrashed' by UP cops, union demands action, The Deccan Herald, 3 April 2020, <https://www.deccanherald.com/national/north-and-central/haryana-roadways-driver-thrashed-by-up-cops-union-demands-action-821084.html>

²⁵⁰. Lockdown brutality continues: Policeman assaults Adivasi women in Assam, Newslaundry, 31 March 2020, <https://www.newslaundry.com/2020/03/31/lockdown-brutality-continues-policeman-assaults-adivasi-women-in-assam>

Case 33: Two persons beaten and forced to hop like frog, Goa

On 30 March 2020, a video that appears to have been recorded from a balcony in Panaji in Goa showed the personnel of the Central Reserve Police Force hitting two persons on the road with sticks and forced them to hop like frogs.²⁵¹

Case 34: Suspension, torture and detention of Dr Sudhakar Rao, Andhra Pradesh

In March 2020, Dr Sudhakar Rao, a government civil surgeon, who spent more than 10 years at the Narsipatnam Government Hospital in Andhra Pradesh, was suspended after he openly criticised the state government for failing to provide PPE kits and N95 masks to doctors treating COVID-19 patients.²⁵² He was beaten with stick, his hands tied behind his back and dragged by police officers on the road in Visakhapatnam in Andhra Pradesh on 16 May. The police accused him of creating nuisance on road and blocking traffic and arrested him under Section 353 of the IPC (Assault or criminal force to deter public servant from discharge of his duty).²⁵³

Case 35: Arrest and detention of Dr. Indranil Khan, West Bengal

On 1 April 2020, the Calcutta High Court slammed the detention of a doctor by the West Bengal Police after he had complained of lack of personal protective equipment for doctors and other healthcare professionals on social media. On 28 March 2020, Dr Indranil Khan posted photographs purportedly showing doctors and nurses at the North Bengal Medical College and the Calcutta Medical College wearing raincoats and polythene sheets while treating COVID-19 patients. The posts went viral and Dr Khan was detained by police from his hospital at around 9.30 pm on 29 March. According to Dr Khan, the policemen told him that his social media posts "did not go down well with the government" and he was taken to the Zinzira Bazar Investigation Centre falling under the jurisdiction of Maheshtala police station in South 24 Parganas district. Dr Khan was questioned for 16 hours, until 2 pm on 30 March and police threatened him to arrest if he did not admit online that his posts were fake. Dr Khan claimed that after he tweeted his apology, police made him delete one of his many posts on PPE unavailability. Before he was released from detention, the police seized his phone and SIM card. On 1 April, Dr Khan moved the Calcutta high court in an effort to get his phone back. A bench of Justice Indra Prasanna Mukerji observed, "*Freedom of speech and expression which is granted under Article 19 of the Constitution of India has to be scrupulously upheld by the State. If an expression of*

²⁵¹. Caught on camera in Goa: CRPF officers hit people on the road with sticks, make them hop like frogs, Scroll, 30 March 2020, <https://scroll.in/video/957608/caught-on-camera-in-go-a-crpf-officers-hit-people-on-the-road-with-sticks-make-them-hop-like-frogs>

²⁵². Andhra doctor, suspended for alleging PPE shortage, now beaten by cops for 'creating nuisance', The Print, 17 May 2020, <https://theprint.in/india/andhra-doctor-suspended-for-alleging-ppe-shortage-now-beaten-by-cops-for-creating-nuisance/423840/>

²⁵³. Suspended doctor taken into custody, The Hindu, 16 May 2020, <https://www.thehindu.com/news/national/andhra-pradesh/suspended-doctor-taken-into-custody/article31604267.ece>

opinion brings the government into disrepute, it cannot defend this allegation by intimidation of the person expressing the opinion by subjecting him to prolonged interrogation, threatening arrest seizing his mobile phone and SIM card and so on." The court ordered the return of Dr Khan's phone and SIM card to him and asked Maheshtala police to not interrogate the doctor without taking the court's permission.²⁵⁴

Case 36: Custodial torture of Murali Krishna, Telangana

On 1 April 2020, Murali Krishna, a resident of Malkajgiri in Telangana, was beaten by a policeman identified as Ashok for riding a motorcycle with his son. The policeman reportedly asked them to pay a fine and assaulted Murali. The police recorded a video showing that it was Murali who had attacked them in the car. Then, Murali was taken to the police station, where five constables and the Sub-Inspector took turns to beat him. When Murali's wife Savithri reached the police station, a lady constable allegedly pushed her out of the station and the policemen snatched her phone. The video clip of a group of policemen beating up Murali went viral in social media.²⁵⁵

Case 37: Beating of health worker Nabam @ Hina, Arunachal Pradesh

On 7 April 2020, Nabam @ Hina, an employee working under the National Vector Borne Disease Control Programme, was assaulted by IRBn personnel while he was returning home from office in Nirjuli in Papum Pare district of Arunachal Pradesh. The victim was assaulted despite carrying valid documents, including a special identity card issued by the directorate, a special movement permit issued by the district magistrate, driving licence, and other documents.²⁵⁶

Case 38: Beating of two doctors, Madhya Pradesh

On 8 April 2020, Dr. Rituparna Jana (about 35 years) and Dr. Yuvraj Singh, junior resident doctors of AIIMS, Bhopal in Madhya Pradesh, were beaten with batons by two police personnel while they were returning home after performing emergency duties. The police also abused them stating that doctors like them are spreading the coronavirus and they are a disgrace to the country. The woman doctor received

²⁵⁴. Calcutta HC Slams Detention of Doctor Who Tweeted on Insufficient Protective Gear, The Wire, 2 April 2020, <https://thewire.in/rights/coronavirus-doctor-detained-calcutta-hc>

²⁵⁵. Man assaulted by Wanaparthy policemen in front of son, SP suspends constable, The Telangana Today, 2 April 2020, <https://telanganatoday.com/man-assaulted-by-wanaparthy-policemen-in-front-of-son-sp-suspends-constable>

²⁵⁶. FIR lodged against IRBn personnel for assaulting health worker, The Arunachal Times, 10 April 2020, <https://arunachaltimes.in/index.php/2020/04/10/fir-lodged-against-irbn-personnel-for-assaulting-health-worker/>

injuries on one foot, while the male doctor had suffered soft tissue swelling with contused abrasions on the arm.²⁵⁷

Case 39: Beating of Mallappa Bommanagi, Karnataka

On 8 April 2020, Mallappa Bommanagi (45 years), a bus conductor, was allegedly beaten by police following an argument for stepping out during lockdown in Vijayapura district in Karnataka. Later, Mallappa Bommanagi died after drowning when he attempted to cross a river to avoid police personnel.²⁵⁸

Case 40: Beating of a Dalit boy, Andhra Pradesh

On 9 April 2020, a 17-year-old Dalit boy was beaten by the police for allegedly defying lockdown at Vuyyuru in Krishna district, Andhra Pradesh. The victim could not endure the torture and fainted on the road. Fearing that the boy may die, the police shifted him to the government hospital at Vuyyuru.²⁵⁹

Case 41: Beating of health worker Ravindra Kumar, Uttar Pradesh

On 10 April 2020, Ravindra Kumar (38 years), a health worker at MMG District Hospital, who was involved in carrying out door-to-door survey to identify Covid-19 patients, was allegedly beaten up by police outside his home in Pilkhuwa in Hapur district of Uttar Pradesh. Ravindra Kumar suffered a fracture in one hand and bruises on his knees.²⁶⁰

Case 42: Beating of 62-year-old Basant Sethy, Odisha

On 11 April 2020, 62-year-old Basant Sethy was beaten with a stick by Constable Siba Prasad Nayak of Balikuda police station while he was going on foot to the nearby medicine shop to buy medicines for his ailing bed-ridden wife for violation

²⁵⁷. Bhopal police thrash two AIIMS doctors returning from duty, The Hindu, 10 April 2020, <https://www.thehindu.com/news/national/other-states/bhopal-police-thrash-two-aiims-doctors-returning-from-duty/article31303832.ece>

²⁵⁸. Karnataka: Man takes river route to avoid cops, drowns, The Times of India, 10 April 2020, <https://timesofindia.indiatimes.com/city/hubballi/karnataka-man-takes-river-route-to-avoid-cops-drowns/articleshowprint/75074802.cms>

²⁵⁹. Cops beat up Dalit teenager for `defying' lockdown in AP's Krishna district, Newsmeter, 9 April 2020, <https://newsmeter.in/cops-beat-up-dalit-teenager-for-defying-lockdown-in-aps-krishna-district/>

²⁶⁰. Noida: Health surveyor thrashed by cops, The Times of India, 11 April 2020, <https://timesofindia.indiatimes.com/city/noida/health-surveyor-thrashed-by-cops/articleshowprint/75089102.cms>

lockdown in Jagatsingpur district, Odisha. The victim was also kicked in the face. The accused constable was suspended.²⁶¹

Case 43: Brutal beating of an employee of a cell phone company, Odisha

In second week of April 2020, an employee of a cell phone company was brutally beaten up by Sub Inspector Dinesh Patta of Erasama police station at Erasama in Jagatsinghpur district, Odisha. On being stopped, the victim told the police officer that he was going to the cell phone tower for maintenance work. However, he could not produce the pass and beaten with a stick. The accused police officer was suspended.²⁶²

Case 44: Beating of Mitu Puan, Odisha

In the second week of April 2020, Mitu Puan, a vegetable vendor, sustained a fractured hand after police beat him with a pipe for delay in closing his shop during the lockdown in Jagatsingpur district, Odisha.²⁶³

Case 45: Custodial torture of journalist Mushtaq Ahmad Ganai, J&K

On 11 April 2020, Mushtaq Ahmad Ganai (34 years), a journalist working for the *Kashmir Observer*, was arrested and detained for two days at Sumbal police station in Bandipore district of Jammu and Kashmir when he went there in his Alto car to report the possible violation of the lockdown. The police intercepted his car despite showing documents including his press card. At the police station, the SHO Muneeb-ul-Islam slapped him several times and another policeman accompanying the SHO beat him with his lathi. The police filed an FIR and booked him under charges which included violating the lockdown rules and interfering in the professional work of the officials. The SHO also threatened to fix him. He was released only after securing bail from the court.²⁶⁴

Case 46: Beating of Rakesh Kumar Singh, Bihar

On 12 April 2020, Rakesh Kumar Singh, a senior BJP leader in Bihar, was allegedly beaten with sticks by police in Patna when he stepped out of his house to buy essential items. He sustained bruises on the left thigh and a fractured left thumb.²⁶⁵

²⁶¹. Two Odisha cops suspended for lockdown brutality, The New Indian Express, 13 April 2020, <https://www.newindianexpress.com/states/odisha/2020/apr/13/two-odisha-cops-suspended-for-lockdown-brutality-2129394.html>

²⁶². Ibid

²⁶³. Ibid

²⁶⁴. Kashmir journalists continue to be harassed, summoned and intimidated, The Federal, 21 April 2020, <https://thefederal.com/states/north/jammu-and-kashmir/kashmir-journalists-continue-to-be-harassed-summoned-and-intimidated/>

²⁶⁵. Lockdown: Bihar BJP media in-charge beaten by police, The Times of India, 12 April 2020, <https://timesofindia.indiatimes.com/city/patna/lockdown-bihar-bjp-media-in-charge-beaten-by-police/articleshowprint/75110885.cms>

Case 47: Beating of 61-year-old Joy Krishna Roy, Tripura

On 13 April 2020, Joy Krishna Roy (61 years) was allegedly beaten up by the police personnel near Gangail road in Agartala under West Tripura district of Tripura when he was on the way to nearby market to buy medicine during the COVID-19 lockdown. The victim suffered serious injuries on his hand due to police beating. The victim alleged that the police came suddenly from behind and used filthy language and beat him brutally. He was taken to IGM Hospital from where he was referred to GB hospital for further treatment.²⁶⁶

Case 48: Beating of Mohammad Asgar Nawar, Telangana

On 19 April 2020, Mohammad Asgar Nawar was beaten by police when he had gone out to buy groceries in Hasan Nagar in Telangana. To avoid beating, he ran into a construction site and fell down from the top of the building, resulting in fracture in his both legs.²⁶⁷

Case 49: Beating of Mohammad Azeemuddin, Telangana

On 20 April 2020, Mohammad Azeemuddin was assaulted by officers attached to the Pitlam police station in Kamareddy district, Telangana while he was returning home after buying medicines. Both his hands were fractured.²⁶⁸

Case 50: Custodial torture of reporter Samrat Pradhan, Karnataka

On 20 April 2020, Samrat Pradhan (25 years), a business correspondent of a magazine and his cousin Amit Kar (25 years), working in a hotel were allegedly tortured at Hennur police station in Bangalore, Karnataka. They had stepped out to buy medicines and groceries when they were taken to the police station and allegedly tortured for over 15 hours.²⁶⁹

²⁶⁶. See Tripura Infoway, 13 April 2020 at <http://www.tripurainfoway.com/news-details/TN/143106/lockdown-61-years-old-retired-govt-officer-beaten-severely-by-police-demands-medical-expenses-from-tripura-govt-sought-action-against-officials.html>

²⁶⁷. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

²⁶⁸. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

²⁶⁹. Two NE residents 'tortured' in police station for 15 hours, 22 April 2020, <https://bangaloremirror.indiatimes.com/bangalore/crime/two-ne-residents-tortured-in-police-station-for-15-hours/articleshowprint/75282066.cms?prtpage=1>

Case 51: Beating of Jitin and his two sisters including a minor, Uttar Pradesh

On 20 April 2020, an inquiry was ordered into the alleged beating up of Jitin and his two sisters including a minor by police at Utrarna village in Musajhag area in Badaun district, Uttar Pradesh for defying lockdown. Jitin was unloading hay from a tractor-trolley when a beat constable arrived there and began hitting Jitin. When his family members intervened, the policeman left. However, he returned later with his colleagues, dragged Jitin out of his house and began beating him again. Jitin's two sisters, aged 18 and 14 years, were also beaten up by the police when they came to the rescue of their brother. They all suffered injuries and had to be hospitalized.²⁷⁰

Case 52: Beating of a boy and forcing to do sit-ups, Gujarat

On 20 April 2020, a video of a police officer of State Reserve Police (SRP) hitting a boy with a stick at Pandesara area in Surat city, Gujarat during *bandobust* duty during lockdown had gone viral on social media. The video showed the police officer identified as Lalji Pandor, ASI forcing the boy to do sit-ups and later hitting him with a stick on the leg.²⁷¹

Case 53: Beating of journalist Subrat Kumar Swain, Odisha

On 22 April 2020, Subrat Kumar Swain, correspondent with *Odia Daily Sambad* was allegedly beaten up by a police SI Ashutosh Mohanty while he was taking his ailing child to a hospital in Keonjhar district, Odisha.²⁷²

Case 54: Beating of Haji Pasha, Telangana

On 22 April 2020, Haji Pasha was beaten by police at Bholakpur, Telangana when he came out of his house at night. A video footage of the beating went viral on social media with three policemen seen badly hitting the man.²⁷³

²⁷⁰. UP: Probe ordered into alleged thrashing of farmer's son, 2 daughters by police, The Outlook, 20 April 2020, <https://www.outlookindia.com/newscroll/up-probe-ordered-into-alleged-thrashing-of-farmers-son-2-daughters-by-police/1808799>

²⁷¹. Surat: Video of boy being beaten goes viral, The Times of India, 21 April 2020, <https://timesofindia.indiatimes.com/city/surat/video-of-cop-thrashing-minor-with-stick-goes-viral/articleshowprint/75260317.cms>

²⁷². Odisha journalist taking sick son to hospital assaulted by cop for flouting lockdown, The Hindustan Times, 23 April 2020, <https://www.hindustantimes.com/india-news/odisha-journalist-taking-sick-son-to-hospital-assaulted-by-cop-for-flouting-lockdown/story-85O55zHwPDCdsbqWFtO1GK.html>

²⁷³. A timeline of alleged police brutality in Telangana amid the COVID-19 lockdown, The News Minute, 1 May 2020, <https://www.thenewsminute.com/article/timeline-alleged-police-brutality-telangana-amid-covid-19-lockdown-123718>

Case 55: Beating and dragging of a CRPF jawan, Karnataka

On 23 April 2020, Sachin Savant, a commando of 207 Bn Commando Battalion for Resolute Action of the CRPF was beaten and dragged to a police station barefoot in Belagavi district, Karnataka for allegedly violating lockdown norms. The incident took place when the victim was cleaning his motorcycle in front of his house. Sawant's family alleged that he was beaten with lathis and handcuffed by police. Photos of the victim being tied up in chains in the police station were widely circulated in social media.²⁷⁴

Case 56: Beating of three stranded Kashmiris, Rajasthan

On 29 April 2020, at least three Kashmiris stranded in Jaipur, Rajasthan, were allegedly beaten up, harassed and called terrorists by the police when they were out to buy basic essentials. Two of the victims were identified as Altaf Dar and Bilal Ahmad.²⁷⁵

Case 57: 60-year-old mentally challenged woman molested, Haryana

On 29 April 2020, two police constables allegedly molested and misbehaved with a 60-year-old mentally challenged woman at a quarantine centre in Sector 31 in Gurugram, Haryana. The two accused were suspended.²⁷⁶

Case 58: Beating of mentally challenged Sunil Yadav, Uttar Pradesh

On 3 May 2020, a video emerged on social media showing a constable beating a mentally challenged man identified as Sunil Yadav with a stick for allegedly violating lockdown rules at Biba Mau village in Etawah district, Uttar Pradesh. The policeman was also seen pinning the man to the ground with one foot on his chest. Towards the end of the video, another policeman joined in beating the man.²⁷⁷

²⁷⁴. Cobra commando allegedly chained at Karnataka police station for not wearing mask, CRPF takes up matter, The Hindustan Times, 27 April 2020, <https://www.hindustantimes.com/india-news/cobra-commando-allegedly-chained-at-karnataka-police-station-for-not-wearing-mask-crpf-takes-up-matter/story-DjipqWuzEgkugHfEBXBJk.html>

²⁷⁵. "You are terrorists": Stranded Kashmiris in Jaipur beaten up by police, The Kashmirwalla, 30 April 2020, <https://thekashmirwalla.com/2020/04/stranded-kashmiris-out-in-jaipur-beaten-up-by-police/>

²⁷⁶. 2 constables suspended for molesting mentally challenged woman at a quarantine facility, The Hindustan Times, 2 May 2020, <https://www.hindustantimes.com/gurugram/2-constables-suspended-for-molesting-mentally-challenged-woman-at-a-quarantine-facility/story-wN42mJDwC1pqXxX50jYB4O.html>

²⁷⁷. Coronavirus: Viral video shows Indian cops mercilessly beating man in Uttar Pradesh, amid lockdown, Gulf News, 4 May 2020,

Case 59: Beating of at least four persons of a family including women, Rajasthan

On 5 May 2020, video clips surfaced on social media showing family making frantic appeals for justice against the highhandedness of policemen from the Kotwali police station of Nimbaheda in Chittorgarh district, Rajasthan. One of the videos showed the policemen beating a man for allegedly violating curfew. In another clip, his family members were showing blue marks on their bodies reportedly after being beaten up by the policemen. The enraged policemen were even heard calling out loudly that if anyone steps out of their houses, their legs would be broken. Women in the household alleged that police showed no mercy on a woman who had delivered a baby just 20 days ago and even a 90-year-old woman was beaten up by them inside her home. All the victims suffered injuries due to police beating.²⁷⁸

Case 60: Beating of two persons, pregnant woman slapped, Gujarat

A video shared on 8 May 2020 showed a man being brutally beaten by police in Ahmedabad, Gujarat. The police were seen hitting the man lying on the ground repeatedly with sticks all over the body. A woman alleged that her son, who did not go out, was also mercilessly beaten by the police. While a pregnant woman alleged that she was slapped by the police personnel. Police denied the allegations.²⁷⁹

Case 61: Beating of two women, Uttar Pradesh

On 16 May 2020, two women identified as Gujhiya Devi (50 years) and Tanuja (32 years) were allegedly beaten by a police officer in Sector 19 Noida in Uttar Pradesh when they were standing in a queue to procure ration for allegedly flouting the norms of social distancing. The accused police officer was suspended.²⁸⁰

Case 62: Beating of 12-year-old boy, Uttar Pradesh

On 16 May 2020, a 12-year-old boy was allegedly beaten by police in Baradari area in Bareilly district, Uttar Pradesh while he was selling fruits on a cart. In a video

<https://gulfnews.com/world/asia/india/coronavirus-viral-video-shows-indian-cops-mercilessly-beating-man-in-uttar-pradesh-amid-lockdown-1.1588596635181>

²⁷⁸. Chittor cops thrash family for flouting curfew, clips go viral, The Times of India, 6 May 2020, <https://timesofindia.indiatimes.com/city/udaipur/chittor-cops-thrash-family-for-flouting-curfew-clips-go-viral/articleshowprint/75564477.cms>

²⁷⁹. See <https://www.thequint.com/news/india/gujarat-police-alleged-atrocity-pregnant-woman-shahpur-violence-during-coronavirus-lockdown>

²⁸⁰. COVID-19 lockdown: Cop suspended for beating women at ration shop in Noida, The New Indian Express, 16 May 2020, <https://www.newindianexpress.com/nation/2020/may/16/covid-19-lockdown-cop-suspended-for-beating-women-at-ration-shop-in-noida-2144240.html>

footage, the boy could be seen crying uncontrollably and showing his swollen hand, claiming that two policemen had beaten him with a stick.²⁸¹

Case 63: Beating of Fayaz Ahamad Ganie, Jammu & Kashmir

On 18 May 2020, Fayaz Ahamad Ganie, a forest protection officer, was beaten by police in Bandipora district, Jammu & Kashmir. The incident took place when the victim was on the way to his office when two policemen deployed to implement lockdown guidelines stopped him for stepping outside. He sustained injuries on his ear and bruises on legs and arms.²⁸²

Case 64: Forcing two labourers to roll on road, Uttar Pradesh

On 19 May 2020, a police constable in Uttar Pradesh was suspended after a video emerged in social media, in which he was seen beating two labourers, who were going to their respective homes, and forcing them to roll on road in the scorching heat near a railway station in Hapur district.²⁸³

Case 65: Brutal beating of migrant worker Ajay Mishra, Punjab

On 21 May 2020, Ajay Mishra, a migrant worker from Bihar was brutally beaten by police when he was waiting at a hand pump to take a bath in Jalandhar, Punjab. Following the beating, the victim sustained fractures in two of his fingers and other injuries.²⁸⁴

Case 66: Beating of Dr. Shabir Ahmad Mir, Jammu & Kashmir

On 22 May 2020, Dr. Shabir Ahmad Mir (50 years) was allegedly beaten by the police personnel near Budshah Bridge in Srinagar, Jammu & Kashmir when he was going to duty in the G B Panth Hospital during the Covid-19 lockdown. The victim claimed that the police personnel attached to Miasuma police station stopped him

²⁸¹. Police thrash boy for selling fruits, Akhilesh tweets video, The Times of India, 17 May 2020, <https://timesofindia.indiatimes.com/city/bareilly/police-thrash-boy-for-selling-fruits-akhilesh-tweets-video/articleshowprint/75781590.cms>

²⁸². On Way To Office, Police Allegedly Beat Up Forest Official In Bandipora – ‘Injured shifted to hospital for treatment’, The Kashmir Age, 18 May 2020, <https://kashmirage.net/2020/05/18/on-way-to-office-police-allegedly-beat-up-forest-official-in-bandipora/>

²⁸³. Uttar Pradesh cop suspended for beating labourers, making them roll on road, The New Indian Express, 19 May 2020, <https://www.newindianexpress.com/nation/2020/may/19/uttar-pradesh-cop-suspended-for-beating-labourers-making-them-roll-on-road-2145341.html>

²⁸⁴. Cops beat, injured me: Migrant worker, The Times of India, 25 May 2020, <https://timesofindia.indiatimes.com/city/chandigarh/cops-beat-injured-me-migrant-worker/articleshowprint/75955881.cms>

near Budshah Bridge in Srinagar and dragged him out from his car and started beating him without any valid reasons before he could explain his identity. The victim further stated that he was even beaten up by senior police officer who was present at the location when he approached him. The victim received injuries in his fingers due to police beating.²⁸⁵

Case 67: Brutal beating of man, Madhya Pradesh

On 23 May 2020, a video clip of two policemen wearing masks brutally beating a man to unconsciousness at Pipla Naryanwar village under Lodhikheda police station in Chhindwara district of Madhya Pradesh had emerged on social media. The incident took place a few days earlier. The two policemen were identified as Head constable Krishna Dongre and constable Ashish.²⁸⁶

Case 68: Beating of a 56-year-old retired army personnel and his son, Uttar Pradesh

On 24 May 2020, Harish Chand (56 years), retired army personnel, and his son were allegedly beaten by a police official in Agra, Uttar Pradesh. The police first allegedly beat up Chand's son with a stick when he had gone out to buy sugar from a shop. Thereafter, Chand was allegedly brutally beaten up by four policemen when he confronted them about his son's beating.²⁸⁷

Case 69: Custodial torture of Dr. Syed Maqbool, J&K

On 25 May 2020, Dr Syed Maqbool, a senior cardiologist at Government Medical College Srinagar, alleged that he was detained for eight hours and beaten in custody by the police in Srinagar in Jammu and Kashmir on 23 May 2020. The victimised doctor alleged that a policeman stopped his car near Hawal Chowk in Srinagar and prevented him from going towards his hospital to attend some emergency cases despite showing his identity card and a copy of his duty roster. When he urged the policeman to let him talk to his senior, the policeman hit the doctor in his belly with a stick. Then, the SHO of Zadibal Police Station identified as Javaid Ahmad detained him and took him to the police station. At the police station, the SHO verbally abused the doctor stating: "you doctors are thieves and you prescribe spurious medicines. You have nothing to do with COVID-19. This is the battle of police. Let

²⁸⁵. Doctor alleges being thrashed by police in Srinagar, Kashmir Vision, 24 May 2020, <https://kashmirvision.in/2020/05/24/doctor-alleges-being-thrashed-by-police-in-srinagar-2/>

²⁸⁶. Madhya Pradesh: Video of Policemen Beating Man Goes Viral, 2 Constables Taken off Field Duty, The Wire, 24 May 2020, <https://thewire.in/rights/madhya-pradesh-video-police-beating-man>

²⁸⁷. Retired Army man brutally beaten up by cops; police inaction alleged, The Mirror Now, 25 May 2020, <https://www.timesnownews.com/mirror-now/crime/article/retired-army-man-brutally-beaten-up-by-cops-police-inaction-alleged/596516>

your hospital and let your patients go to hell".²⁸⁸ The cardiologist was allowed to finally make a phone call by the SHO on the condition that he could not reveal his whereabouts. The SHO warned him to strip him naked and put behind bars if he dared to say that he was in police station. He was released at 6 pm only when his brother came to the police station looking for him.²⁸⁹ After the doctor took to Facebook to write about the ill-treatment, the Inspector General of Police (IGP), Kashmir, ordered an impartial inquiry into the incident.²⁹⁰

Case 70: Torture of a 13-year-old boy, Tamil Nadu

On 23 August 2020, a 13-year-old teenage boy was tortured by a Police constable identified as Durgaraj during COVID-19 lockdown at Coimbatore city in Coimbatore district of Tamil Nadu. The victim, a resident of Surya Nagar of Ondipudur in Coimbatore city of Tamil Nadu, was thrashed with a stick by the constable, Durgaraj. The police claimed that the victim and his friends violated the rules of complete lockdown imposed on 23 August in the area. The victim alleged that on 23 August he went to visit his friend with his two other friends and he was brutally beaten with a lathi by constable Durgaraj while they were returning home. In the beating, the victim suffered injuries on his thigh and knee.²⁹¹

3. TORTURE IN JUDICIAL CUSTODY

In 2020, the National Human Rights Commission registered a total of 1,569 deaths in judicial custody across the country. These included 180 deaths in January, 122 deaths in February, 99 deaths in March, 25 deaths in April, 144 deaths in May, 117 deaths in June, 168 deaths in July, 130 deaths in August, 206 deaths in September, 141 deaths in October, 125 deaths in November and 112 deaths in December.²⁹²

As per the latest 'Prison Statistics Report-2019 of the NCRB, 1,775 prisoners had died across the country's jails in 2019. These included 1,544 natural deaths and 165 un-natural deaths and 66 deaths in which the cause of deaths were unknown. As per

²⁸⁸. Kashmir: IGP Orders Inquiry After Senior Doctor Says He Was Beaten, Detained Illegally by Police, The Wire, 25 May 2020, <https://thewire.in/rights/kashmir-doctor-beaten-detained-srinagar-police>

²⁸⁹. 'Will Strip You Naked': Jammu and Kashmir Police Detain On-call Doctor In Srinagar, Outlook, 26 May 2020, <https://www.outlookindia.com/website/story/india-news-will-strip-you-naked-jammu-and-kashmir-police-detain-on-call-doctor-in-srinagar/353521>

²⁹⁰. Kashmir: IGP Orders Inquiry After Senior Doctor Says He Was Beaten, Detained Illegally by Police, The Wire, 25 May 2020, <https://thewire.in/rights/kashmir-doctor-beaten-detained-srinagar-police>

²⁹¹. Complaint dated 29.08.2020 filed by Campaign Against Torture with the NHRC

²⁹². Information received by Tejang Chakma under Right to Information Act from NHRC vide Letter No.NHRC/RTI/21/32 dated 2 February 2020

the report, out of the 165 un-natural deaths, 116 prisoners (70.3%) committed suicides, 10 prisoners died due to attack by fellow prisoners, while only two prisoners died due to excess/negligence by jail officials, among others.²⁹³

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 the large majority of custodial deaths the prison officials claimed that the causes of custodial deaths were sudden health or medical complications and suicide.

3.1. Deaths due to alleged torture

Torture is often used in prisons. The cases given below during 2020 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 death in judicial custody.

Case 1: Death of Vikram Kumar due to alleged torture, Bihar

On 13 January 2020, Vikram Kumar (22 years), S/o Kamleshwar Yadav, died as a result of alleged torture in police custody at a police station in Lakhisarai district, Bihar. Kumar, a resident of Pachauta village under Lakhisarai Block in Lakhisarai district, was arrested by police in connection with a case of alleged liquor selling case on 10 January 2020. He was sent to judicial custody at Lakhisarai district jail on 11 January. Jail officials claimed that Kumar complained of stomach pain on 13 January, after which he was taken to the Sadar hospital, where he died on the same day in the hospital. However, the family members alleged that Kumar died after he was brutally beaten by police after his arrest in custody. The family further alleged medical negligence by the jail officials at the time of admission to the jail as well as during judicial custody, and that he was admitted at hospital only when his condition deteriorated.²⁹⁴

Case 2: Undertrial Usman Ali @ Saraikela Jail, Jharkhand

On 6 February 2020, undertrial Usman Ali (31 years), S/o Md. Tasleem died due to alleged torture while in judicial custody at Saraikela Jail in Seraikela Kharsawan district, Jharkhand. The undertrial, a resident of Odisha, was arrested along with his father Md. Tasleem and sent to judicial custody in 2015 in connection with an alleged dowry case filed by one Md. Shamsheer, father-in-law of the deceased. Jail officials claimed the undertrial was suffering from fever for four days and on 5 February 2020 he was admitted to the MGM Medical College and Hospital at Jamshedpur where he died the following morning. However, the deceased's family accused the jail officials of torturing the deceased which resulted in his death. The

²⁹³. See Table – 8 (Deaths and Illness in Prisons), Prison Statistics India 2019, NCRB

²⁹⁴. The State of Torture in Uttarakhand, ACHR, January 2020

family members claimed that the health of the deceased was absolutely fine on the night of 4 February 2020 when they talked to him on the phone.²⁹⁵

Case 3: Undertrial Vrindavan Raikwar @ District Jail Tikamgarh, Madhya Pradesh

On 11 February 2020, undertrial Vrindavan Raikwar (25 years) died under suspicious circumstances at Tikamgarh District Jail in Madhya Pradesh. The undertrial was arrested and sent to judicial custody in connection with an alleged rape case. Jail officials claimed that in the night of 11 February the deceased died due to heart attack inside the jail. However, the family members alleged that he was killed in custody and refused to accept the dead body. Villagers and the family members staged a protest, blocking the road demanding strong action against the accused jail officials.²⁹⁶

Case 4: Undertrial Santosh Munda @ District Jail Sundargarh, Odisha

On 18 February 2020, undertrial Santosh Munda (37 years) died due to alleged torture at Sundargarh district jail in Sundargarh district, Odisha. Santosh, a resident of Deoli village under Bhasma police station area in the district, was arrested and sent to judicial custody on 15 February 2020 in connection with alleged charges of illegal sale of liquor. Jail officials claimed that his health suddenly deteriorated during the night of 17 February, after which he was taken to the Sundargarh district hospital. Later, he was referred to the Burla hospital, where he died on 18 February. However, the family members accused the jail officials of murder. The deceased's wife Sarojini Neura alleged that her husband was implicated in a false case. She further alleged that on 15 February her husband was arrested and dragged away from their house by the Sambalpur Excise Unit, despite no alcohol being recovered from their house during a raid. The deceased's wife also alleged that her husband was tortured in the custody which led to his death. The deceased's wife demanded an investigation into the custodial death.²⁹⁷

Case 5: Undertrial Bosu Das @ Sub Division Jail Kalyani, West Bengal

On 18 February 2020, undertrial Bosu Das (33 years) died under suspicious circumstances at Kalyani sub division jail in Nadia district, West Bengal. Bosu was undergoing trial in a case of burglary. Jail officials claimed that he died due to illness. According to them, the deceased's health suddenly deteriorated in the night of 18 February, after which he was taken to JNM Kalyani medical college and hospital, where he was declared brought dead by the doctors. However, the deceased's family suspected foul play and accused the jail officials behind the sudden death. They claimed that he was absolutely healthy when they met him at

²⁹⁵. Complaint dated 07.02.2020 filed by Campaign Against Torture with the NHRC

²⁹⁶. Complaint dated 12.02.2020 filed by Campaign Against Torture with the NHRC

²⁹⁷. Complaint dated 20.02.2020 filed by Campaign Against Torture with the NHRC

the court premises one day earlier and that they were suddenly informed about the death of the deceased.²⁹⁸

Case 6: Undertrial Veerpal @ Central Jail Burail, UT of Chandigarh

On 24 February 2020, undertrial prisoner identified as Veerpal @ Veeru (28 years) died due to alleged torture at Burail Central jail in Union Territory of Chandigarh. Veerpal, a resident of Sector-56 in Chandigarh, was arrested and sent to judicial custody in 2019 in connection with a case of snatching. Jail officials claimed that in the morning of 24 February the undertrial committed suicide by making a noose from a shawl in the jail's bathroom. The family members rejected the suicide claim and alleged that Veerpal was tortured to death in custody. They also claimed that blood was coming out of deceased's mouth and throat. Deceased's wife Sonia claimed that her husband was absolutely healthy when she met him on 22 February in the court premises. She further claimed that her husband also asked her to meet him in the jail on 24 February.²⁹⁹

Case 7: Prisoner Nazrul Islam Sheikh @ Central Jail Dumka, Jharkhand

On 29 July 2020, a convict identified as Nazrul Islam Sheikh (50 years) died under suspicious circumstances at Dumka Central jail in Dumka district, Jharkhand. The prisoner, a resident of Vijaypur under Kotalpokhar police station area in Sahebganj district, was sentenced to five years jail by a court on 14 January 2020 in connection with assault in a land dispute case. On 29 July, he was shifted from Sahebganj district jail to Dumka Central jail and he died on the same day. Jail officials claimed that the deceased died due to heart attack. They claimed that in the night of 29 July the prisoner suddenly complained of chest pain, after which he was taken to the Dumka Medical College and Hospital where he died during treatment. However, the family members of the deceased alleged that Nazrul Islam Sheikh was tortured inside the jail, which led to his death. On 4 August, the NHRC directed the District Collector, Dumka, SP, Dumka, and Superintendent of Prison, District Jail to submit the relevant reports.³⁰⁰

Case 8: Undertrial Dinesh Narkar @ Central Jail Taloja, Maharashtra

On 29 July 2020, undertrial Dinesh Narkar (36 years) died at Taloja central jail in Raigad district, Maharashtra. Jail officials claimed that on 10 July 2020 the prisoner tested positive for COVID-19, after which he was admitted to the jail hospital. Later, on 20 July 2020 he tested negative for COVID-19 but he was kept in the ward of jail hospital as he had weakness. He was found dead in the jail hospital in the morning of 29 July. However, the family members of the deceased leveled allegations of foul play in the death of the deceased.³⁰¹

²⁹⁸. Complaint dated 21.02.2020 filed by Campaign Against Torture with the NHRC

²⁹⁹. Complaint dated 25.02.2020 filed by Campaign Against Torture with the NHRC

³⁰⁰. Proceedings of the NHRC dated 4.8.2020 in Case No. 762/34/5/2020-AD

³⁰¹. NHRC Case No. 1135/13/20/2020-JCD

Case 9: Undertrial Sajid Khan @ Sub-Jail Burhar, Madhya Pradesh

On 30 July 2020, under-trial prisoner identified as Sajid Khan (30 years), S/o Saffar died due to alleged torture in custody of Burhar sub-jail in Shahdol district, Madhya Pradesh. Sajid, a resident of Sangram Singh Dafai Dhanpuri under Burhar police station area in Shahdol district, was sent to jail on 9 June 2020. Jail officials claimed that in the morning of 30 July the prisoner committed suicide by hanging himself with a towel inside the premises of the jail. However, the family members refuted the claim of the jail officials and alleged that he was tortured to death in the jail. The family members refused to accept the dead body of the deceased and demanded action against the accused jail officials.³⁰²

Case 10: Undertrial Bijendra Ban @ Circle Jail Choudwar, Odisha

On 18 August 2020, undertrial Bijendra Ban (21 years) died at Choudwar circle jail in Cuttack district, Odisha. The undertrial was arrested by Central Division Excise officials and sent to judicial custody on 16 August 2020 in connection with an alleged Ganja smuggling case. Jail officials claimed Bijendra committed suicide by hanging himself from the fan with the help of a towel in the COVID-19 isolation ward of the jail. However, the family members suspected foul play and demanded a high level enquiry.³⁰³

Case 11: 15-year-old Pankaj Kumar @ District Jail Etawah, Uttar Pradesh

On 23 August 2020, a minor boy of 15 years identified as Pankaj Kumar died due to alleged torture in the custody of Etawah district jail in Etawah district, Uttar Pradesh. Pankaj, a resident of Kukurkat village under Erwakatra police station in Auraiya district, was arrested and sent to judicial custody on 10 August 2020 for eloping with a girl. Jail officials claimed that on 23 August Pankaj committed suicide by hanging himself by using his scarf from the hook outside his barrack. However, the family members accused the jail officials of torture and killing the deceased inside the jail. They alleged that Pankaj was brutally assaulted inside the jail which led to his death. The family members also questioned as to why the minor was sent to the district jail, instead of juvenile home as he was only 15 years.³⁰⁴

³⁰². Proceedings of the NHRC dated 14.08.2020 in Case No. 1590/12/41/2020-JCD

³⁰³. Undertrial prisoner dies by suicide in Choudwar Circle Jail, available at <https://m.dailyhunt.in/news/india/english/orissa+post-epaper-orisapos/undertrial+prisoner+dies+by+suicide+in+choudwar+circle+jail-newsid-n207434418>

³⁰⁴. Complaint dated 29.08.2020 filed by Campaign Against Torture with the NHRC

Case 12: Undertrial Imran @ Sub-Jail Susner, Madhya Pradesh

On 4 September 2020, undertrial Imran @ Anna (39 years), S/o Baram Lala died due to alleged torture at Susner Sub-jail in Agar Malwa district of Madhya Pradesh. Jail officials claimed that in the morning of 4 September the undertrial was found hanging in the jail's bathroom. However, the deceased's family alleged that he was killed inside the jail. They alleged that he was tortured by the jail officials which led to his death. The deceased's brothers Furkan, Javed, and Kamil Lala claimed to have seen injury marks on the body of the deceased.³⁰⁵

Case 13: Undertrial Himanshu Panwar @ District Jail Jagadhri, Haryana

On 18 September 2020, undertrial prisoner identified as Himanshu Panwar (24 years) died due to alleged torture at district jail at Jagadhri in Yamunanagar district of Haryana. The deceased, a resident of Uttar Pradesh, was arrested and sent to judicial custody on 12 September 2020 in connection with a theft case. Jail officials claimed that in the night of 18 September 2020 the deceased complained of stomach pain and died at Mukand Lal Civil Hospital and Trauma Centre during treatment. However, the deceased's uncle, Ishwar Singh alleged that Himanshu Panwar died due to custodial torture.³⁰⁶

Case 14: Undertrial Shamsheer Ansari @ District Jail Bettiah, Bihar

On 22 September 2020, undertrial Shamsheer Ansari (28 years) died due to alleged torture at Bettiah district jail in West Champaran district, Bihar. Shamsheer, a resident of Dargah Maholla of Bettiah city under the district, was arrested and sent to judicial custody on 9 July 2020 for allegedly creating communal disharmony. Jail officials claimed that the undertrial was mentally unstable and on 22 September committed suicide by hanging himself from a tree inside the jail's premises. However, the family members rejected the suicide claim and alleged that Shamsheer was beaten to death inside the jail.³⁰⁷

Case 15: Prisoner Mohammed Iliyas @ District Jail Gonda, Uttar Pradesh

On 26 September 2020, a convict identified as Mohammed Iliyas (68 years), S/o Mohammed Azim died at Gonda district jail in Gonda district, Uttar Pradesh. The prisoner, a resident of Tiwari Purwa village in the district, was serving life imprisonment since 2008. Jail officials claimed that on 26 September the prisoner's health suddenly deteriorated and fell down, after which he was taken to the district hospital where he was declared dead. However, the family members accused the jail administration of subjecting him to torture and negligence. The deceased's younger brother Mohammed Ibrar alleged that his brother was tortured to death in judicial

³⁰⁵. NHRC Case No. 1906/12/57/2020-AD

³⁰⁶. NHRC Case No. 1967/7/20/2020-AD

³⁰⁷. NHRC Case No. 2727/4/9/2020-JCD

custody. He stated that the deceased was found in semi-naked state with injury marks on his head.³⁰⁸

Case 16: Prisoner Asghar Mansoori @ Central Jail Nashik, Maharashtra

On 7 October 2020, a convict identified as Asghar Mansoori (32 years) died at Nashik Central jail in Nashik district, Maharashtra. Jail officials claimed that in the morning of 7 October he was found hanging in a prison cell. However, there was allegation of torture and harassment of the deceased by the prison staff.³⁰⁹

Case 17: Undertrial Mantu @ District Jail Betul, Madhya Pradesh

On 24 October 2020, undertrial Mantu @ Shankar (45 years) died at Betul district jail in Betul district, Madhya Pradesh. The undertrial, a resident of Hamlapur village in the district, was arrested and sent to judicial custody in connection with an alleged murder and rape case. Jail officials claimed that on 21 October 2020 the undertrial was admitted to the district hospital after he consumed acid that was kept in the bathroom. Mantu was referred to Bhopal's Hamidia Hospital in critical condition where he died in the night of 24 October. However, according to the family members, before dying, Mantu had alleged that he was tortured by the jail officials inside the jail. He alleged that he was stripped naked and brutally beaten up and he could not sleep for three days due to pain in his body.³¹⁰

Case 18: Prisoner Jeevan Singh @ Open Jail Sampurnanand, Uttarakhand

On 10 December 2020, a convicted prisoner identified as Jeevan Singh (45 years), S/o Guman Singh died under suspicious circumstances at Sampurnanand Open Jail at Sitarganj in Udham Singh Nagar district, Uttarakhand. The prisoner, a resident of Rawal Gaon village in Pithoragarh district, was serving life imprisonment since last 10 years in connection with a murder case. Jail officials claimed that in the night of 10 December the prisoner was found lying in unconscious condition, after which he was taken to the nearest CHC, where he was declared brought dead. However, the family members alleged that Jeevan Singh was killed by the jail officials with a sharp weapon inside the jail.³¹¹

Case 19: Undertrial Mohammad Rahish @ District Jail Dewas, Madhya Pradesh

On 28 December 2020, undertrial Mohammad Rahish (29 years), S/o Mohammad Yunus died due to alleged torture at Dewas district jail in Dewas district, Madhya Pradesh. The undertrial, a resident of Nahar Darwaja area in the district, was

³⁰⁸. NHRC Case No. 20102/24/33/2020-JCD

³⁰⁹. NHRC Case No. 1395/13/19/2020-AD

³¹⁰. NHRC Case No. 2315/12/5/2020

³¹¹. NHRC Case No. 1062/35/12/2020-ad

arrested and sent to judicial custody two months ago on charges of stealing utensils. Jail officials claimed that the undertrial died due to illness. However, the family members alleged that he was tortured in the jail, which led to his death. Deceased's father alleged that he tried to talk with his son on phone eight days earlier, but he could not talk, and in the afternoon of 28 December he suddenly saw pictures of his son's dead body that was being circulated on WhatsApp. Deceased's brother Irfan alleged that they were not allowed to meet him in the jail.³¹²

3.2. Deaths due to denial or lack of medical treatment

Many cases of deaths in the jails are due to the denial of timely and appropriate medical facilities to the prisoners. During the year, many prisoners died due to COVID-19 in various jails of the country.

Case 1: Kamlendra, Rajasthan

On 9 January 2020, undertrial Kamlendra @ Monu (26 years) died at a Sub-jail under Kotputli police station area in Jaipur district, Rajasthan. The undertrial, a resident of Sikar district, was arrested and sent to judicial custody in connection with a rape case. Jail officials claimed that he complained of chest pain, after which he was taken to a nearby hospital where he was declared dead.³¹³

Case 2: Sirajuddin, Uttar Pradesh

On 6 January 2020, undertrial Sirajuddin (28 years) died at Lakhimpur Kheri district jail in Uttar Pradesh. The undertrial, a resident of Partapur village in Izzatnagar area in Bareilly district, was arrested by the Anti-Terrorism Squad of State Police from Bareilly in connection with an alleged involvement in a terror funding case. He was in the jail since October 2019. Jail officials claimed that on 5 January 2020 at around 3 am, he had vomited in his barrack and went to sleep after medical support. But, in the morning he was found unconscious after which he was taken to the District Hospital, from where he was referred to King George's Medical University, Lucknow, where he died in the morning of 6 January. However, the deceased's father Shamshuddin alleged that his son was fine when they met him on 20 December 2019 and suspected foul play in the death.³¹⁴

Case 3: Pramod Singh, Bihar

On 13 January 2020, a convict identified as Pramod Singh (56 years), S/o Late Shankh Singh died at Arrah jail in Bhojpur district, Bihar. Jail officials claimed that the prisoner complained of chest pain after which he was taken to the hospital, but he died on the way due to heart attack and illness. However, the family members

³¹². Complaint dated 29.12.2020 filed by Campaign Against Torture with the NHRC

³¹³. NHRC Case No. 136/20/14/2020-jcd

³¹⁴. Complaint dated 09.01.2020 filed by the Campaign Against Torture with the NHRC

alleged Pramod died due to negligence by the jail administration. The family members claimed that he died inside the jail, not on the way to hospital and that they found foam in the mouth and nose of the deceased.³¹⁵

Case 4: Sumit Sachdeva, Punjab

On 14 January 2020, undertrial Sumit Sachdeva (28 years) died under mysterious circumstances at Ludhiana Central Jail in Ludhiana district, Punjab. Sumit, a resident of Sahnewal city in the district, was arrested and sent to judicial custody on 5 January 2020 in connection with a drug related case. Jail officials claimed that on 14 January Sumit's health suddenly deteriorated, after which he was taken to the jail hospital. Later, he was referred to the civil hospital after he complained of severe pain in his body, where he died on the same day. However, the deceased's brother Sunil Sachdeva accused the jail administration of negligence in providing medical treatment, which led to his death.³¹⁶

Case 5: Ganesh Rajbhar, Uttar Pradesh

On 21 January 2020, a convict identified as Ganesh Rajbhar (67 years) died at Balia district jail in Uttar Pradesh. Ganesh, a resident of Maniyar in the district, was serving life imprisonment in connection with a murder case. Jail officials claimed the deceased prisoner had been ill for some time and was undergoing treatment in the hospital. On 21 January, he died during treatment. However, the deceased's family accused the jail administration of negligence in providing medical treatment.³¹⁷

Case 6: Ramkrishna, Uttar Pradesh

On 24 January 2020, undertrial Ramkrishna (60 years) died due to alleged medical negligence at Shahjahanpur district jail, Shahjahanpur in Uttar Pradesh. Jail officials claimed that in the night of 23 January 2020 the prisoner's health suddenly deteriorated, after which he was taken to a nearby government hospital, where he died on 24 January. However, the deceased's family accused the jail administration of denying timely medical treatment, resulting in his death.³¹⁸

Case 7: Shankar Bhuiyan, Bihar

On 27 January 2020, undertrial Shankar Bhuiyan died at Gaya Central Jail in Gaya district, Bihar. The undertrial, a resident of Matha village under Dumaria police station in the district, was undergoing trial since 2013 in connection with an alleged murder case. Jail officials claimed that the undertrial was suffering from illness and he was undergoing treatment since 28 December 2019 at Anugrah Narayan Magadh

³¹⁵. Complaint dated 14.01.2020 filed by Campaign Against Torture with the NHRC

³¹⁶. NHRC Case No. 139/19/10/2020-AD

³¹⁷. Complaint dated 23.01.2020 filed by Campaign Against Torture with the NHRC

³¹⁸. Complaint dated 25.01.2020 filed with Campaign Against Torture with the NHRC

Medical College, Gaya where he died in the late night of 27 January during treatment. However, the deceased's family accused the jail administration of denying timely and proper medical treatment, which led to his death.³¹⁹

Case 8: Ram Niwas Sah, Bihar

On 4 February 2020, undertrial Ram Niwas Sah (46 years) died at Araria district jail, Araria district, Bihar. The undertrial was being held in the jail since July 2018. On 29 January 2020, he was admitted to hospital following increase in his sugar level, as per the jail officials. On 2 February, the undertrial was referred to a hospital in Bhagalpur for better treatment but he could not be shifted due to non-availability of security guards and he died on 4 February. The deceased's family accused the jail administration of denying timely medical treatment leading to his death.³²⁰

Case 9: Manjit Singh, Haryana

On 13 February 2020, a convict identified as Manjit Singh (34 years) died due to alleged lack of adequate medical treatment at Central jail in Ambala district, Haryana. Jail officials claimed that the prisoner was suffering from black jaundice and he was undergoing treatment and on 13 February 2020 his health suddenly deteriorated again, after which he was taken to the hospital where the doctors declared him dead. However, the family members accused the jail administration of negligence in providing treatment. The family members alleged that they were not given permission to provide treatment to the deceased in private hospital.³²¹

Case 10: Shivbalak Rajvanshi, Bihar

On 16 February 2020, a convict identified as Shivbalak Rajvanshi (41 years) died due to alleged denial of timely and adequate treatment at Central jail in Nawada district, Bihar. Jail officials claimed that in the evening of 16 February the prisoner's health suddenly deteriorated, after which he was taken to the Anugrah Narayan Magadh Medical College and Hospital, Gaya where he died during treatment. However, the family members accused the jail administration of negligence in providing treatment. The family members further alleged that they were not informed about health problem of the deceased.³²²

Case 11: Suraj Nath, Odisha

On 1 March 2020, undertrial Suraj Nath (45 years) died at Baripada Circle Jail in Mayurbhanj district, Odisha. Suraj, a resident of Sikanpur area in Sambalpur district, was arrested and sent to judicial custody on 28 February 2020 in connection with a

³¹⁹. NHRC Case No. 448/4/11/2020-ad

³²⁰. Complaint dated 05.02.2020 filed by Campaign Against Torture with the NHRC

³²¹. NHRC Case No. 668/7/1/2020-JCD

³²². Complaint dated 18.02.2020 filed by Campaign Against Torture with the NHRC

domestic violence case. Jail officials claimed that on 1 March the undertrial prisoner developed serious health complications and was admitted to the hospital, where he died during treatment on the same day.³²³

Case 12: Naresh Mishra, Madhya Pradesh

On 10 March 2020, a convict identified as Naresh Mishra (45 years), S/o Chiranjee Lal Mishra died at Chhatarpur district jail in Madhya Pradesh. The prisoner, a resident of Bikaura village under Maharjpur police station in the district, was serving a three month jail term after being convicted under section 325 IPC. He almost completed his sentence and was to be released on 18 March. Jail officials claimed that on 10 March his health suddenly deteriorated, after which he was taken to the Chhatarpur district hospital where he died during treatment.³²⁴

Case 13: Rakesh, Uttar Pradesh

On 17 March 2020, undertrial Rakesh (31 years) died at Gosainganj district jail in Lucknow district, Uttar Pradesh. Rakesh, a resident of Ghasyari Mandi under Qaiserbagh Police Station in Lucknow, was arrested and sent to judicial custody about one year ago under the Protection of Children from Sexual Offences (POCSO) Act. Jail officials claimed that the undertrial prisoner was suffering from serious illness for a long time. They further claimed that on 17 March he was admitted to the Balrampur hospital Lucknow where he died during treatment. However, the family members of the deceased accused the jail administration of negligence in providing treatment. The deceased's brother Nitin alleged that their family was never informed about any such serious illness of his brother which could lead to his death.³²⁵

Case 14: Mahaveer Singh, Uttar Pradesh

On 31 March 2020, Mahaveer Singh (65 years), S/o Brijpal Singh died at Etah district Jail in Uttar Pradesh. The prisoner was sentenced to life imprisonment in a murder case. Jail officials claimed that in the night of 30 March 2020 the prisoner complained of chest pain, after which he was taken to the district hospital where he died the next day. However, the family members accused the jail administration of negligence in the medical treatment.³²⁶

Case 15: Raman, Haryana

On 25 April 2020, undertrial Raman (31 years), S/o Rajendra Balmiki died at Yamunanagar district jail in Yamunanagar district, Haryana. Jail officials claimed

³²³. NHRC Case No. 779/18/9/2020-jcd

³²⁴. Complaint dated 12.03.2020 filed by Campaign Against Torture with the NHRC

³²⁵. NHRC Case No. 7280-24-48-2020-jcd

³²⁶. NHRC Case No. 7319/24/22/2020-JCD

Raman complained of uneasiness and vomiting, after which he was taken to the jail hospital. He was taken to the district hospital after his health deteriorated, where he died. The family members accused the jail administration of negligence in providing treatment.³²⁷

Case 16: Mujeeb Siddique, Jammu & Kashmir

On 11 June 2020, undertrial Mujeeb Siddiqui (45 years) died at Srinagar Central Jail in Jammu and Kashmir. Mujeeb, a resident of Rawalpura in Srinagar, was sent to judicial custody after he was arrested in connection with FIR No. 12/2020 U/S 66-D IT Act, 419,420,506 IPC on 14 May 2020. Jail officials claimed that on 10 June the undertrial complained of uneasiness and admitted at Sher-e-Kashmir Institute of Medical Sciences in Srinagar where he died the next day.³²⁸

Case 17: Bhawani Singh, Rajasthan

On 6 July 2020, a convict prisoner identified as Bhawani Singh (45 years) in the judicial custody at Central Jail under Alwar district of Rajasthan. Jail officials claimed that in the night of 5 June 2020 the deceased's health suddenly deteriorated, after which he was taken to a nearest hospital where he died.³²⁹

Case 18: Jitendra, Uttar Pradesh

On 13 July 2020, a convict identified as Jitendra @ Chiku (40 years) died at Etah district jail under Etah district, Uttar Pradesh. The prisoner, a resident of Basi village under Kiratpur police station in Bijnor district, was serving life imprisonment in connection with kidnapping and murder cases. According to the jail officials, the 40-year-old prisoner suddenly complained of chest pain in the night of 13 July and was declared brought dead by the doctors at the district hospital.³³⁰

Case 19: Rupesh Mandal, Bihar

On 13 July 2020, undertrial prisoner identified as Rupesh Mandal (32 years) died at Special Central Jail in Bhaglapur district, Bihar. Jail officials claimed that in the morning of 13 July Rupesh complained of chest pain after which he was taken to Jawaharlal Nehru Medical College and Hospital, Bhagalpur where he died during treatment on the same day.³³¹

³²⁷. NHRC Case No. 792/7/20/2020-AD

³²⁸. NHRC Case No. 86/9/13/2020-AD

³²⁹. Proceedings of the NHRC dated 12.7.2020 in Case No. 1051/20/2/2020-AD

³³⁰. Proceedings of the NHRC dated 23.07.2020 in Case No. 12662/24/22/2020-AD

³³¹. Proceedings of the NHRC dated 18.08.2020 in NHRC Case No. 2017/4/5/2020-JCD

Case 20: Dilip Das, Tripura

On 18 July 2020, Dilip Das (55 years) died at the Kanchanpur Sub-Jail in North Tripura district in Tripura due to alleged negligence of the jail authorities. On 18 July, in order to decongest the over-crowded Dharmanagar sub-jail in view of spurt in Covid-19 cases in Tripura, Dilip was shifted to Kanchanpur Sub-Jail in North Tripura district. Sub jailer of Kanchanpur jail S Darlong said that all health parameters of the deceased was found normal during his health checkup conducted before his admission to the jail on 18 July. He said the deceased suffered from respiratory distress during the night and was taken to Kanchanpur Sub-Divisional Hospital, where the doctors declared him dead on arrival. The family members accused the jail authorities of gross negligence and alleged that the deceased died for want of timely medical attention.³³²

Case 21: Buddha Prakash, Uttar Pradesh

On 20 July 2020, a convict identified as Buddha Prakash (32 years) died in hospital while in judicial custody at the Meerut district jail in Meerut district, Uttar Pradesh. The prisoner, a resident of Pavli village under Kanker Khera police station in the district, was serving life imprisonment in connection with a murder case. Jail officials claimed that on 20 July his health suddenly deteriorated, after which he was taken to a nearest hospital where he died during treatment.³³³

Case 22: Manoj, Madhya Pradesh

On 22 July 2020, undertrial Manoj (47 years), S/o Kumdan Singh Chauhan died in the custody of Ratlam district jail in Ratlam district, Madhya Pradesh. He was arrested and sent to judicial custody in July 2015 in connection with three cases of committing fraud and cheating. Jail officials claimed that Manoj's health suddenly deteriorated after which he was admitted to the Ratlam district hospital for treatment. On 17 July, he was referred to Indore, from where he was taken back to the district hospital where he died on 22 July during treatment.³³⁴

Case 23: Ashok, Uttar Pradesh

On 25 July 2020, a convict identified as Ashok (28 years) died in the custody of Kasganj district jail in Kasganj district, Uttar Pradesh. The convict, a resident of Hakimganj village under Patiyali police station in the district, was serving life imprisonment since 2011 in connection with a murder case. Jail officials claimed that the deceased was suffering from kidney and sugar diseases for the last many days.

³³². Complaint dated 20.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 25/23/2/2020-AD)

³³³. Proceedings of the NHRC dated 25.8.2020 in Case No. 13119/24/54/2020-AD

³³⁴. Proceedings of the NHRC dated 27.7.2020 in Case No. 1473/12/35/2020-AD

On 24 July 2020, the prisoner's health suddenly deteriorated, after which he was taken to the Kasganj district hospital where he died during treatment.³³⁵

Case 24: Ashok Chaudhary, Maharashtra

On 25 July 2020, a convict identified as Ashok Chaudhary (53 years) died in the custody of Central jail, Nagpur in Maharashtra. Ashok, a resident of Nagpur city, was serving life imprisonment at the Central Jail. Jail officials claimed that on 25 July his health suddenly deteriorated and died at a government hospital during treatment.³³⁶

Case 25: Karu Majhi, Chhattisgarh

On 28 July 2020, a convict identified as Karu Majhi (40 years), S/o Budhan Manjhi died in custody of Ambikapur central jail in Surguja district, Chhattisgarh. The prisoner was sentenced to life imprisonment on 30 June 2017 in a murder case. Jail officials claimed that in the morning of 28 July his health suddenly deteriorated, after which he was taken to a nearest hospital where he died during treatment.³³⁷

Case 26: Nazrul Islam Sheikh, Jharkhand

On 29 July 2020, a convict identified as Nazrul Islam Sheikh (50 years) died under suspicious circumstances at Dumka Central jail in Dumka district, Jharkhand. Jail officials claimed the prisoner died due to heart attack. They claimed that in the night of 29 July he suddenly complained of chest pain, after which he was taken to the Dumka Medical College and Hospital where he died during treatment. However, the family members alleged Nazrul was a heart patient but denied medication at Dumka central Jail, resulting in his death.³³⁸

Case 27: Death of Guddu due to COVID-19, Uttar Pradesh

On 30 July 2020, undertrial Guddu Qureshi (34 years) died in custody of Shahjahanpur district jail in Shahjahanpur district, Uttar Pradesh. The deceased, a resident of Takia Mohalla under Kant police station area in Shahjahanpur district, was arrested and sent to judicial custody on 14 April 2020 under the Prevention of Cruelty to Animals Act, 1960. Jail officials claimed that on 29 July the undertrial complained of chest pain and breathing problem, after which he was admitted to the Shahjahanpur Medical College and hospital, where he died the next day after he reportedly tested positive for COVID-19.³³⁹

³³⁵. Complaint dated 27.07.2020 filed by Campaign Against Torture with the NHRC

³³⁶. Proceedings of the NHRC dated 28.7.2020 in Case No. 844/13/17/2020-AD

³³⁷. Complaint dated 29.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 364/33/16/2020-AD)

³³⁸. NHRC Case No. 762/34/5/2020-AD

³³⁹. Proceedings of the NHRC dated 19.08.2020 in NHRC Case No. 14857/24/63/2020-AD

Case 28: Chandrabose Bhagat, Himachal Pradesh

On 1 August 2020, undertrial Chandrabose Bhagat (27 years) died in custody of Nahan Central Jail in Sirmaur district, Himachal Pradesh. The undertrial, a resident of Bishunpur in Gumla district, was arrested and sent to judicial custody in 2016 in connection with an alleged murder case. Jail officials claimed that on 1 August he complained of breathing problem, after which he was admitted to a nearest hospital where he was declared dead.³⁴⁰

Case 29: Death of Gajendra due to COVID-19, Uttar Pradesh

On 4 August 2020, a convict identified as Gajendra (56 years) died in custody of Central Jail in Bareilly district of Uttar Pradesh. The prisoner, a resident of Dankaur under Loni police station in Gautam Buddha Nagar district, was serving life imprisonment since March 2009 in connection with a rape case. Jail officials claimed that on 3 August 2020 the deceased complained of breathing problem, after which he was taken to the district hospital where he tested COVID-19 positive and he died the next morning.³⁴¹

Case 30: Dinesh Gangadhar Charpe, Maharashtra

On 5 August 2020, a convict identified as Dinesh Gangadhar Charpe (31 years) died in custody of Nagpur Central jail in Nagpur district, Maharashtra. The prisoner, a resident of Ganesh Nagar (Gittikhadan) in the district, was serving eight year jail term after his conviction in a rape case few months ago. Jail officials claimed that the prisoner suffered severe head injuries after he slipped on the floor and was taken to Govt Medical College, Nagpur where he died on 5 August.³⁴² On 19 August, the NHRC directed the DM, Nagpur, the Commissioner of Police, Nagpur, and the Superintendent Central Prison, Nagpur to submit the relevant reports.³⁴³

Case 31: Vishnu Shankar Pandey, Bihar

On 8 August 2020, undertrial Vishnu Shankar Pandey (40 years) died under mysterious circumstances at Buxar Central jail in Buxar district, Bihar. Vishnu, a resident of Ramobaria village in Buxar district, was sent to judicial custody three months earlier in connection with a land dispute case. Jail officials claimed that his health suddenly deteriorated on 8 August, after which he was taken to the Sadar

³⁴⁰. Proceedings of the NHRC dated 27.08.2020 in Case No. 120/8/10/2020-AD

³⁴¹. Complaint dated 05.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 14935/24/14/2020-AD)

³⁴². Complaint dated 07.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 940/13/17/2020-JCD)

³⁴³. Proceedings of the NHRC dated 19.08.2020 in Case No. 940/13/17/2020-JCD

hospital where he died during treatment on the same day. However, the family members alleged that Vishnu died due to medical negligence.³⁴⁴

Case 32: Shri Chand, Haryana

On 9 August 2020, a convict identified as Shri Chand (43 years) died in the custody of Dulina district jail in Jhajjar district of Haryana. The deceased, a resident of Koyalpur Village in Jhajjar district of Haryana, was serving 10 years jail term having convicted in a sexual assault case a few months earlier. Jail officials claimed that the deceased was suffering from illness from the last few days and on 9 August his health suddenly deteriorated, after which he died on the way while being taken to the hospital.³⁴⁵

Case 33: K Siva Kumar, Andhra Pradesh

On 10 August 2020, undertrial K Siva Kumar (28 years) died in custody of Tirupati Sub-jail in Chittoor district of Andhra Pradesh. Siva Kumar, a resident of Mudikuntla village under Pakala mandal in Chittoor district, was arrested and sent to judicial custody on 10 March 2020 in connection with an alleged murder case. Jail officials claimed that on 10 August he was found lying unconscious on the floor, after which he was taken to the Sri Venkateswara Ramnarayan Ruia Government General Hospital in Tirupati, where he died on the same day.³⁴⁶

Case 34: Raju Raine, Uttar Pradesh

On 13 August 2020, undertrial Raju Raine (37 years), S/o Late Bhola Raine died at Fatehpur district jail in Fatehpur district, Uttar Pradesh. The undertrial, a resident of Arabpur Mohalla under Sadar Kotwali area in Fatehpur district, was arrested and sent to judicial custody on 4 September 2016 under Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985. Jail officials claimed that in the midnight of 12 August Raju's health suddenly deteriorated, after which he was taken to a nearest hospital where he died during treatment.³⁴⁷

Case 35: Death of Manikandan due to COVID-19, Kerala

On 16 August 2020, undertrial Manikandan @ Yathiraj died at Poojappura Central Jail in Thiruvananthapuram district, Kerala. The undertrial, a resident of Kilimanoor in Thiruvananthapuram district, was arrested and sent to judicial custody in August 2016 in connection with an alleged murder case. Jail officials claimed that the deceased died of COVID-19. They further claimed that on 10 August the deceased tested positive with the virus after having symptoms of fever. Thereafter, he was

³⁴⁴. Complaint dated 10.08.2020 filed by Campaign Against Torture with the NHRC

³⁴⁵. Complaint dated 10.08.2020 filed by Campaign Against Torture with the NHRC

³⁴⁶. Proceedings of the NHRC dated 19.08.2020 in Case No. 1661/1/3/2020-AD

³⁴⁷. Proceedings of the NHRC dated 20.08.2020 in Case No. 15195/24/27/2020-AD

admitted to Thiruvananthapuram Medical College Hospital where he died on 16 August during treatment.³⁴⁸

Case 36: Sujit Gaur, Tripura

On 23 August 2020, undertrial Sujit Gaur (32 years) died at Kamalpur sub-jail in Dhalai district, Tripura. Sujit, a resident of Kamalpur town in the district, was arrested in the morning of 23 August on charges of domestic violence. He was sent to judicial remand by the court on the same day. Jail officials claimed that in the evening of 23 August after being taken to the Kamalpur sub-jail the deceased felt ill, after which he was taken to the Kamalpur Sub-Divisional Hospital where he was declared brought dead by the doctors. The family members of the victim alleged that they were not informed about his illness before sending him to jail.³⁴⁹

Case 37: Death of Gulbadan due to COVID-19, Uttar Pradesh

On 6 September 2020, undertrial Gulbadan (57 years) died at Banda district Jail in Uttar Pradesh. Gulbadan was sent to judicial custody in connection with a case of culpable homicide. Jail officials claimed he died due to COVID-19. They claimed that the deceased had tested positive of COVID-19 on 1 September 2020 and he died on 6 September 2020 during treatment.³⁵⁰

Case 38: Sambu Komuraiah, Telangana

On 13 September 2020, undertrial Sambu Komuraiah (45 years) died at Karimnagar district jail in Karimnagar district, Telangana. Sambu, a resident of Ippalapally village of Shankarapatnam mandal in the district, was accused of stealing and arrested on 10 September 2020. Jail officials claimed that the undertrial prisoner was an alcoholic and had withdrawal syndromes. They claimed that due to this reason he was admitted to the prison hospital for two days and when his condition became serious in the night of 13 September he was taken to the district headquarters hospital where he died during treatment.³⁵¹

Case 39: Death of Jugal Khandual due to COVID-19, Odisha

On 15 September 2020, under-trial prisoner identified as Jugal Khandual (40 years) died at Jharpada Special Jail at Bhubaneswar in Khordha district of Odisha. Jail officials claimed that the undertrial prisoner died due to COVID-19. They claimed that on 13 September 2020 he was admitted to Capital Hospital after he complained

³⁴⁸. Complaint dated 17.08.2020 filed by Campaign Against Torture with the NHRC

³⁴⁹. NHRC Case No. 40/23/5/2020-AD

³⁵⁰. Complaint dated 07.09.2020 filed by Campaign Against Torture with the NHRC

³⁵¹. NHRC Case No. 1873/36/3/2020-AD

of fever. Later, he was shifted to the SCB Medical College Hospital, Cuttack, where he died during treatment on 15 September.³⁵²

Case 40: Hari Majhi, Assam

On 23 September 2020, undertrial Hari Majhi (46 years) died under suspicious circumstances in custody at Jorhat Central Jail in Jorhat district of Assam. The deceased, a resident of Teok in Jorhat district, was arrested and sent to judicial custody on 2 September 2019 on the charges of murder of Dr. Deben Dutta at Teok Tea Estate. Jail officials claimed that on 22 September 2020 morning, the deceased was found unconsciousness in his cell and he was taken to the jail hospital from where he was shifted to Jorhat Medical College & Hospital and he died in the morning of 24 September 2020 at the hospital.³⁵³

Case 41: Krishna Kumar, Uttar Pradesh

On 28 September 2020, an undertrial prisoner identified as Krishna Kumar (22 years), S/o Ram Niwas died at Firozabad district jail in Uttar Pradesh. Krinsha, a resident of Nagla Mirza under Ramgarh police station area in the district, was arrested and sent to judicial custody on 27 May 2020 in connection with a kidnapping and attempt to murder case. Jail officials claimed that his health suddenly deteriorated in the morning of 28 September, after which he was taken to the district hospital and died during treatment.³⁵⁴

Case 42: Subhash, Himachal Pradesh

On 1 October 2020, a convict identified as Subhash (49 years) died at Dharamshala jail in Kangra district, Himachal Pradesh. Jail officials claimed that on 1 October his health suddenly deteriorated, after which he was taken to the Dharamshala hospital, from where he was referred to the Dr. Rajendra Prasad Government Medical College in Tanda where he died during treatment.³⁵⁵

Case 43: Shameer, Kerala

On 1 October 2020, undertrial Shameer (32 years) died at the Covid First Line Treatment Centre (CFLTC) of Viyyur Central jail at Ambilikkala in Thrissur district, Kerala. He was arrested in connection with selling of ganja (marijuana). Jail officials claimed that Shameer was lodged at the CFLTC on 29 September 2020. Next day his condition deteriorated and he was taken to the general hospital, from where he was

³⁵². NHRC Case No. 2454/18/28/2020-ad

³⁵³. NHRC Case No. 185/3/7/2020-AD

³⁵⁴. NHRC Case No. 19607/24/28/2020-ad

³⁵⁵. NHRC Case No. 151/8/4/2020-AD

referred to the Thrissur Medical Collage where he died during treatment on 1 October 2020.³⁵⁶

Case 44: Jaypal Singh, Odisha

On 9 November 2020, undertrial Jaypal Singh (47 years) died at Paralakhemundi sub-jail in Gajapati district, Odisha. Jaypal, a resident of Haryana, was undergoing trial since October 2020 on the charges of smuggling ganja. Officials claimed that on 9 November morning he was found in an unconscious condition by the jail staffers. He was rushed to Gajapati district headquarters hospital (DHH) where the doctors declared him brought dead.³⁵⁷

Case 45: Rahul, Uttar Pradesh

On 23 November 2020, undertrial Rahul (27 years) died at district jail Luksar in Gautam Budh Nagar district, Uttar Pradesh. Rahul, a resident of JJ Colony of Sector-4, Noida, was lodged in the jail since 2019 in a case of robbery. Jail officials claimed that the undertrial was suffering from stomach ailment, and on 22 November his health suddenly deteriorated, after which he was admitted to the district hospital in Noida where he died the next day.³⁵⁸

Case 46: Vijay Giri, Madhya Pradesh

On 29 November 2020, undertrial Vijay Giri (50 years), S/o Shiv Giri, died at Morena district jail in Madhya Pradesh. Vijay, a resident of Bhelakalan village in Gwalior district, was arrested in a murder case and was lodged in the jail since 20 January 2020. Jail officials claimed on 29 November at around 1 am his health suddenly deteriorated, after which he was taken to a nearest hospital where he died. However, the deceased's family members alleged that Vijay died due to medical negligence of the jail administration. The deceased's son Mohan Giri alleged that his father suffered from diabetes but was denied treatment.³⁵⁹

Case 47: Sheela Devi, Jharkhand

On 5 December 2020, an undertrial woman prisoner identified as Sheela Devi (55 years) died at Madini Nagar Central Jail in Palamu district, Jharkhand. The prisoner, a resident of Rajhara village in the district, was arrested and sent to judicial custody on 17 October 2020. Jail officials claimed that on 5 December her health suddenly deteriorated, after which she was taken to the Medini Rai Medical College & Hospital in Palamu, where she died on the same day.³⁶⁰

³⁵⁶. NHRC Case No. 479/11/13/2020-ad

³⁵⁷. NHRC Case No. 3059/18/21/2020-ad

³⁵⁸. NHRC Case No. 25226/24/30/2020-AD

³⁵⁹. NHRC Case No. 2630/12/29/2020-AD

³⁶⁰. Complaint dated 08.12.2020 filed by Campaign Against Torture with the NHRC

Case 48: Arakkan Ravi, Tamil Nadu

On 6 December 2020, undertrial Ravi @ Arakkan Ravi (44 years) died at Coimbatore Central Prison in Coimbatore district, Tamil Nadu. Ravi, a resident of Annai Sandhya Nagar near Agrapharam in Erode district, was arrested and sent to judicial custody in October 2020 in connection with alleged theft and burglaries cases. Jail officials claimed that on 6 December at around 2 am he complained of feeling of uneasiness and suddenly collapsed inside the jail premises and died on the same day.³⁶¹

Case 49: Bablu Sardar, Rajasthan

On 13 December 2020, Bablu Sardar alias Jaspal Singh (55 years), an undertrial lodged at Kota central jail in Rajasthan for over two years, died during treatment. The undertrial was rushed to the hospital late in the night of 13 December after he allegedly sustained head injuries after falling onto the ground near toilets in his jail barrack. The deceased prisoner's brother Harvinder Singh demanded fair probe into the matter and pointed out that the deep wound on his brother's forehead could not have been caused only by falling on the ground.³⁶²

Case 50: Kamala Kanta Das, Odisha

On 23 December 2020, undertrial Kamala Kanta Das (40 years) died due to alleged medical negligence at Jharpada Special Jail in Khordha district, Odisha. The undertrial prisoner, a proprietor of Hotel Solan Inn and resident of Bhubaneswar in Khordha district, was arrested and sent to judicial custody in connection with a case of cheating of Rs 10 lakh. Jail officials claimed that he died due to multiple ailments. However, the deceased's son Kaushik alleged that his father died due to medical negligence stating that his father was not provided adequate and timely medical treatment.³⁶³

Case 51: Sekar, Tamil Nadu

On 27 December 2020, undertrial Sekar (43 years) died at Madurai district jail in Tamil Nadu. Sekar was sent to judicial custody in November 2020 in connection with a murder case. Jail officials claimed that in the morning of 27 December the undertrial prisoner complained of breathlessness, following which he was rushed to the Government Hospital. He died within a few hours of admission.³⁶⁴

³⁶¹. NHRC Case No. 7552/22/5/2020-AD

³⁶². Rape accused undertrial dies during treatment, The Times of India, 15 December 2020, <https://timesofindia.indiatimes.com/city/jaipur/rape-accused-undertrial-dies-during-treatment/articleshowprint/79728263.cms>

³⁶³. Complaint dated 24.12.2020 filed by Campaign Against Torture with the NHRC

³⁶⁴. Complaint dated 28.12.2020 filed by Campaign Against Torture with the NHRC

3.3. Deaths due to alleged suicide in prisons

The NCAT documented a number of deaths of prisoners due to alleged suicides in various jails of the country in 2020. It is pertinent to underline that in a number of cases, the family members have alleged foul play and/or torture as the cause of the deaths.

Case 1: Mohammed Shehzad Pathan @ Central Jail Sabarmati, Gujarat

On 3 January 2020, Mohammed Shehzad (25 years), an under trial in a murder and loot case, allegedly committed suicide in the hospital of Sabarmati Central Jail in Gujarat. According to jail officials, the undertrial prisoner hanged himself with his pants at around 10.30 am on 3 January. A case of accidental death was registered at Ranip police station and his body was sent for a postmortem.³⁶⁵

Case 2: Narottam Rawat @ Central jail Gwalior, Madhya Pradesh

On 27 January 2020, undertrial Narottam Rawat (20 years) died under suspicious circumstances in at Gwalior central jail, Gwalior in Madhya Pradesh. Narottam was arrested and sent to judicial custody on 23 January under the POCSO Act. Jail officials claimed that on 27 January the undertrial was found hanging from a tree in the premises of a temple within the jail complex. However, the deceased's family rejected the claim and accused the jail administration for the death. They also claimed that Narottam was a minor, aged 17 years and 11 months, whereas his age was recorded as 20 years in jail records.³⁶⁶

Case 3: Saluji Yadav Magare @ Central Jail Harsul, Maharashtra

On 9 February 2020, a convict identified as Saluji Yadav Magare (37 years) died under mysterious circumstances at Harsul Central jail in Aurangabad district, Maharashtra. Jail officials claimed that on 9 February the prisoner hanged himself with a piece of clothes which he tore from his blanket inside the prison's toilet. He hanged himself from the exhaust fan using the torn blanket piece.³⁶⁷

Case 4: Harpal @ District Jail Shahjahanpur, Uttar Pradesh

On 2 March 2020, undertrial Harpal (32 years) died at Shahjahanpur district jail in Uttar Pradesh. The undertrial, a resident of Pindra village of Mirzapur area in the district, was sent to judicial custody in June 2012 under IPC sections 302 (murder), 307 (attempt to murder) and section 25 (3) of the Arms Act. Jail officials claimed that on 2 March he committed suicide inside the jail at barrack 3.³⁶⁸

³⁶⁵. The State of Torture in Uttarakhand, ACHR, January 2020

³⁶⁶. The State of Torture in Uttarakhand, ACHR, January 2020

³⁶⁷. NHRC Case No. 386/13/4/2020-JCD

³⁶⁸. Complaint dated 03.03.2020 filed by Campaign Against Torture with the NHRC

Case 5: Ramnarayan Sahu @ Central Jail Ambikapur, Chhattisgarh

On 5 March 2020, a convicted prisoner identified as Ramnarayan Sahu (24 years), S/o Babulal Sahu died under suspicious circumstances at Ambikapur Central Jail in Surguja district of Chhattisgarh. The deceased was serving life imprisonment since 2017. Jail officials claimed that the deceased committed suicide by tying a piece of blanket from the jail window during the night of 5 March 2020. However, the deceased's father Babulal Sahu accused the jail administration of murder.³⁶⁹

Case 6: Bharat Singh @ District Jail Ratlam, Madhya Pradesh

On 25 March 2020, undertrial Bharat Singh (37 years) died at Ratlam district jail in Madhya Pradesh. Bharat, a resident of Malhargarh town in Mandsaur district, was sent to judicial custody on 3 February 2020. Jail officials claimed that on 25 March the deceased prisoner committed suicide in the jail's toilet by hanging himself with his shirt.³⁷⁰

Case 7: Thiyagarajan @ Central Jail Vellore, Tamil Nadu

On 25 March 2020, undertrial Thiyagu @ Thiyagarajan (26 years) died at Vellore Central Prison in Vellore district, Tamil Nadu. Thiyagu, a resident of Ambedkar Nagar in the district, was arrested along with his wife Kaviya (25 years) and lodged at Vellore Central Prison in connection with a murder case in 2018. Jail officials claimed that on 25 March the undertrial committed suicide in the jail's toilet by hanging himself with his lungi.³⁷¹

Case 8: Nayaki Marandi @ Central Jail Dumka, Jharkhand

On 1 April 2020, a convict identified as Nayaki Marandi (45 years) died under suspicious circumstances at Dumka central jail in Dumka district of Jharkhand. The deceased, a resident of Pipra village under Littipada Police Station area of Pakur district, was sentenced to life imprisonment in 2012 in a murder case. Jail officials claimed that on 1 April the deceased prisoner committed suicide in the jail's toilet by hanging himself with his lungi.³⁷²

Case 9: Woman prisoner Anju Sen @ District Jail Indore, Madhya Pradesh

On 7 April 2020, a woman undertrial prisoner identified as Anju Sen (55 years) died at Indore district jail in Madhya Pradesh. The undertrial prisoner was arrested and sent to judicial custody on 25 July 2019 in connection with a dowry harassment

³⁶⁹. Complaint dated 07.03.2020 filed by Campaign Against Torture with the NHRC

³⁷⁰. NHRC Case No. 879/12/35/2020-ad

³⁷¹. NHRC Case No. 3984/22/53/2020-AD

³⁷². NHRC Case No. 369/34/5/2020-AD

case. Jail officials claimed that on 7 April the undertrial committed suicide in the jail's bathroom by hanging herself with her saree.³⁷³

Case 10: Virendra @ District Jail Mathura, Uttar Pradesh

On 26 April 2020, undertrial Virendra @ Veeru (28 years) died under suspicious circumstances in at a makeshift jail in Mathura district jail, Uttar Pradesh. Virendra, a resident of Chhata town in the district, was arrested and sent to judicial custody two days before in connection with a clash between two groups. Jail officials claimed that on 26 April he committed suicide by hanging himself in the bathroom of a makeshift jail. The makeshift jail was made in the wake of the COVID-19 lockdown.³⁷⁴

Case 11: Balaram Swain @ Circle Jail Chowdwar, Odisha

On 28 April 2020, a convict identified as Balaram Swain (34 years) died under suspicious circumstances at Choudwar Circle Jail in Cuttack district, Odisha. The deceased prisoner, a resident of Prasannapur under Balikuda police station in Jagatsinghpur district, was sent to judicial custody in connection with a robbery and murder case in 2014. Jail officials claimed that on 28 April the convict committed suicide in the jail's toilet by hanging himself with his towel.³⁷⁵

Case 12: Aman Agarwal @ District Jail Lucknow, Uttar Pradesh

On 12 May 2020, undertrial Aman Agarwal (20 years) died at Lucknow district jail in Uttar Pradesh. Aman, a resident of Nai Basti Nilmatha in the Cantonment area in the district, was sent to judicial custody on 6 May 2020 in connection with a case of elopement with a minor girl. He was found dead inside the district jail. The jail officials claimed that on 12 May morning he committed suicide by hanging himself with his bed-sheet inside the washroom of the jail.³⁷⁶

Case 13: Baljit Singh @ Amritsar Jail, Punjab

On 20 May 2020, undertrial Baljit Singh (27 years) died under suspicious circumstances at Amritsar jail in Amritsar district, Punjab. Baljit, a resident of Teda village under Ajnala subdivision in the district, was undergoing trial since in January 2020 under various sections of the IPC. On 20 May, he was found dead inside the jail. The jail officials claimed that Baljit committed suicide by hanging himself with a rope inside the bathroom of the jail.³⁷⁷

³⁷³. NHRC Case No. 920-12-21-2020-jcd

³⁷⁴. NHRC Case No. 7861/24/52/2020-AD

³⁷⁵. NHRC Case No. 1257/18/3/2020-AD

³⁷⁶. NHRC Case No. 8476/24/48/2020-AD

³⁷⁷. NHRC Case No. 297/19/1/2020-AD

Case 14: Pramod Kumar @ Sunaria Jail, Haryana

On 22 May 2020, undertrial Pramod Kumar (31 years) died under suspicious circumstances at Sunaria jail in Rohtak district, Haryana. According to the jail officials, the deceased prisoner was found dead inside the jail and they claimed that he committed suicide by hanging himself with a bed-sheet from the window of the prisoner's cell of the jail.³⁷⁸

Case 15: Balu Baburao Gadshinge @ Central Jail Taloja, Maharashtra

On 27 May 2020, an undertrial prisoner identified as Balu Baburao Gadshinge (40 years) died under suspicious circumstances at Taloja Central Jail in Navi Mumbai under Thane district of Maharashtra. On 27 May 2020, the deceased was found dead inside the jail. The jail officials claimed that on 27 May 2020 morning the deceased committed suicide by hanging himself with a bed-sheet from the grill of the window of the jail's toilet.³⁷⁹

Case 16: Ram Dass and Sunil Kumar @ Central Jail Ambala, Haryana

On 16 June 2020, two undertrial prisoners identified as Ram Dass (35 years) and Sunil Kumar (34 years) died under suspicious circumstances at Central Jail Ambala, Ambala district, Haryana. Ram Dass of Balana village and Sunil Kumar of Saha village were arrested on 6 June 2020 and sent to the jail in connection with a theft cases registered against them at Baldev Nagar police station. They were reportedly found dead inside the isolation ward of the jail. Jail officials claimed that the deceased undertrial prisoners committed suicide by using bedsheets in the isolation lockup.³⁸⁰

Case 17: Sajadu Mog @ Amarpur Jail, Tripura

On 17 June 2020, undertrial Sajadu Mog (28 years) died under suspicious circumstances at Amarpur Jail in Gomati district, Tripura. Sajadu, a resident of Shilachari in the district, was sent to judicial custody two days earlier on his arrest in connection with a case of quarreling. He was found dead inside the cell of the jail. Jail officials claimed that on 17 June morning he committed suicide by hanging himself inside the cell at Amarpur Jail.³⁸¹

Case 18: R Veera Sankara Rao @ Sub-Jail Tenali, Andhra Pradesh

On 17 June 2020, undertrial R Veera Sankara Rao (50 years) died under suspicious circumstances at Tenali sub-jail under Guntur district, Andhra Pradesh. The undertrial was arrested two days ago in a case of murder. He was sent to judicial

³⁷⁸. NHRC Case No. 882-7-17-2020-ad

³⁷⁹. NHRC Case No. 640/13/24/2020-JCD

³⁸⁰. NHRC Case No. 1053/7/1/2020-AD

³⁸¹. NHRC Case No. 23/23/6/2020-AD

custody on 17 June and died at the jail on the same day. Jail officials claimed that he committed suicide by hanging himself with his shirt inside the sub-jail.³⁸²

Case 19: Bhavesh Kumar @ District Jail Nainital, Uttarakhand

On 13 July 2020, undertrial Bhavesh Kumar (21 years) died in custody of Nainital district jail in Uttarakhand. Bhavesh was arrested in connection with a rape case. Jail officials claimed that on 7 July the undertrial prisoner was sent to judicial custody by a local court and when he was being taken to the Nainital jail, he escaped from the police vehicle and later allegedly found hanging from a tree in a jungle on 13 July.³⁸³

Case 20: Gopichand Dahake @ District Jail Wardha, Maharashtra

On 3 August 2020, a convict identified as Gopichand Dahake (38 years) died at Wardha district jail in Maharashtra. The prisoner, a resident of Umarched in Yavatmal district, was serving jail term from the last few months in connection with a murder case. Jail officials claimed that in the night of 2 August 2010 the prisoner committed suicide by hanging himself from a window using a scarf.³⁸⁴

Case 21: Surat Singh @ Central Jail Sitarganj, Uttarakhand

On 9 August 2020, a convict identified as Surat Singh @ Suri (43 years), S/o Sher Singh died at Sitarganj Central jail in Udham Singh Nagar district of Uttarakhand. Surat Singh, a resident of Devkali Thera village of Nanakmatta town in the district, was serving life imprisonment since 2014 in a murder case. He was shifted from Haridwar jail to Sitarganj central jail in May 2019. Jail officials claimed that in the morning of 9 August he committed suicide in the Jail toilet by hanging himself.³⁸⁵

Case 22: Gyan Pratap Singh @ District Jail Kasganj, Uttar Pradesh

On 16 August 2020, undertrial Gyan Pratap Singh (25 years) died at Kasganj district jail in Uttar Pradesh. Gyan Pratap, a resident of Akbarpur in Ambedkar Nagar district, was arrested and sent to judicial custody in February 2019 in connection with a murder case. Jail officials claimed that in the morning of 16 August the undertrial prisoner committed suicide by using a bed sheet inside the jail barrack.³⁸⁶

Case 23: Robin Verma @ Temporary Jail Firozabad, Uttar Pradesh

On 27 August 2020, undertrial Robin Verma (40 years) died at the Temporary jail in Firozabad district, Uttar Pradesh. He was arrested and sent to judicial custody on 19

³⁸². NHRC Case No. 1282/1/6/2020-JCD

³⁸³. Proceedings of the NHRC dated 7.8.2020 in Case No. 640/35/7/2020-AD

³⁸⁴. Complaint dated 07.08.2020 filed by Campaign Against Torture with the NHRC

³⁸⁵. Complaint dated 10.08.2020 filed by Campaign Against Torture with the NHRC

³⁸⁶. Complaint dated 17.08.2020 filed by Campaign Against Torture with the NHRC

August 2020 in a case of murder. Jail officials claimed that in the evening of 27 August the undertrial prisoner was found hanging from a ceiling fan in his cell.³⁸⁷

Case 24: Golu Kushwah @ District Jail Baran, Rajasthan

On 27 August 2020, undertrial Golu Kushwah (26 years) died in the custody of Baran district jail in Rajasthan. Golu, a resident of Chhabra city in the district, was arrested and sent to judicial custody on 15 July 2020 under the POCSO Act. Jail officials claimed that on 27 August he committed suicide by hanging himself in the toilet. He was taken to hospital where doctors declared him brought dead.³⁸⁸

Case 25: Harishchandra Sah @ District Jail Supaul, Bihar

On 15 September 2020, undertrial Harishchandra Sah (22 years), S/o Vikas Sah died in suspicious circumstances at Supaul district jail at Birpur in Supaul district, Bihar. The undertrial prisoner, a resident of Rahika Tola under Murliganj police station in Madhepura district, was sent to judicial custody on 8 September 2020 in a murder case. Jail officials claimed that when they conducted counting of the inmates in the evening of 15 September Harishchandra Sah was absent. Later, a search found his body hanging in the jail's hospital with the bedsheet given to him.³⁸⁹

Case 26: J. Sureshraj @ Central Jail Coimbatore, Tamil Nadu

On 14 October 2020, undertrial J. Sureshraj (32 years) died in suspicious circumstances at Coimbatore Central Jail in Coimbatore district, Tamil Nadu. The undertrial, a resident of Gandhipuram city in Dindigul district, was sent to judicial custody in June 2020 on the charges of stealing two-wheelers. Jail officials claimed that on 14 October the undertrial was found hanging inside the premises of the jail. However, the family members of the deceased suspected foul play and held the prison authorities responsible for his death.³⁹⁰

Case 27: Erva Baswaraj Nagaraju @ Central Jail Chanchalguda, Telangana

On 14 October 2020, undertrial Erva Baswaraj Nagaraju (47 years) died at Chanchalguda Central Jail in Hyderabad, Telangana. Erva, a former Tahsildar of Keesara and resident of Hyderabad, was arrested along with three others by the Anti-Corruption Bureau (ACB) on 14 August for allegedly taking bribe relating to a land deal case. Jail officials claimed that at around 4:15 am of 14 October the

³⁸⁷. Complaint dated 29.08.2020 filed by Campaign Against Torture with the NHRC

³⁸⁸. Complaint dated 29.08.2020 filed by Campaign Against Torture with the NHRC

³⁸⁹. NHRC Case No. 2797/4/38/2020-AD

³⁹⁰. NHRC Case No. 7416/22/5/2020-ad

undertrial committed suicide by hanging himself with a towel. Later, he was declared brought dead in the hospital.³⁹¹

Case 28: Mohammed Aayaz @ District Jail Bareilly, Uttar Pradesh

On 14 October 2020, undertrial Mohammed Aayaz (38 years) died at Bareilly district jail in Uttar Pradesh. Mohammed Aayaz, a resident of Budaun district, was arrested and facing trial in a robbery case since 2017. Jail officials claimed that at around 4:30 am on 14 October the undertrial committed suicide by hanging himself with a piece of cloth in the toilet. Later, he was declared brought dead in the hospital.³⁹²

Case 29: Sarvesh @ District Jail Sitapur, Uttar Pradesh

On 29 October 2020, undertrial Sarvesh (30 years) died at Sitapur district jail in Uttar Pradesh. Jail officials claimed that on 29 October the undertrial committed suicide by hanging himself with a towel inside the jail premises. He was declared brought dead in the hospital.³⁹³

Case 30: B Thirupathi @ Central Jail Madurai, Tamil Nadu

On 1 November 2020, B Thirupathi (36 years) died at Madurai Central Prison in Madurai district of Tamil Nadu. The deceased, a resident of Dr Ambedkar Colony in Vadapalanji in Madurai district, was lodged in jail in 2019 in connection with a murder case registered in the Nagamalai Pudukottai police station. Jail officials claimed that on 1 November 2020 the deceased committed suicide by hanging himself with his dhoti at the rehabilitation centre inside the prison. The deceased was taken to the Government Rajaji Hospital, where he was declared brought dead.³⁹⁴

Case 31: Sirajuddin, Madhya Pradesh

On 2 November 2020, undertrial Sirajuddin (40 years) allegedly committed suicide by jumping off the watch tower of a jail in Ujjain, Madhya Pradesh. He was taken to hospital but was declared dead on arrival. According to jail officials, he jumped off between 7:30 am and 8 am when prisoners were let out from the barracks as part of daily routine. Four guards were placed under suspension and an inquiry was ordered into the incident.³⁹⁵

³⁹¹. NHRC Case No. 1617/36/2/2020-AD

³⁹². NHRC Case No. 21755/24/14/2020-AD

³⁹³. NHRC Case No. 22652/24/68/2020-AD

³⁹⁴. NHRC Case No. 7356/22/15/2020-AD

³⁹⁵. Undertrial charged with NSA jumps off watchtower in Ujjain jail, dies, The New Indian Express, 2 November 2020,

<https://www.newindianexpress.com/nation/2020/nov/02/undertrial-charged-with-nsa-jumps-off-watchtower-in-ujjain-jail-dies-2218295.html>

Case 32: Manu Manoj @ District Jail Idukki, Kerala

On 5 November 2020, undertrial Manu Manoj (24 years) died at Idukki district jail at Muttom in Idukki district, Kerala. Manu, a resident of Nariyampara in the district, was arrested under the provisions of the POCSO Act and SC/ST (Prevention of Atrocities) Act, and sent to judicial custody on 24 October 2020. Jail officials claimed that on 5 November the deceased prisoner committed suicide inside the jail.³⁹⁶

Case 33: Kanti Koli @ Central Jail Bhuj, Gujarat

On 3 December 2020, undertrial Kanti Koli (30 years) died at Bhuj Central Jail in Kutch district, Gujarat. Kanti Koli, a resident of Sangnara village in the district, was arrested and sent to judicial custody on 25 November 2020 in connection with rape case. Jail officials claimed that on 3 December he committed suicide by hanging himself with a rope inside the jail premises. Later, he was declared dead at the GK General Hospital in Bhuj.³⁹⁷

Case 34: Mohammad Kaif @ Bhondsi Jail, Haryana

On 18 December 2020, undertrial Mohammad Kaif (20 years) died at Bhondsi jail in Gurugram district, Haryana. The undertrial, a resident of Ghasera village in Nuh district, was arrested and sent to judicial custody in September 2020 in connection with a rape case. Jail officials claimed that on 18 December he committed suicide by hanging himself with a rope inside the jail premises. Later, he was declared dead at the jail hospital.³⁹⁸

3.4. Inhuman conditions in the prisons

Prisons conditions remained deplorable across the country. Overcrowding remains one of the biggest problems faced by inmates in India. It results in poor hygiene, lack of sleep etc and sometimes, deaths.

As per the latest report of the NCRB, as of 31 December 2019 there were 4,78,600 prisoners against the total capacity of 4,03,739 prisoners in India's 1,350 jails indicating overcrowding of 118.5%. Among the States, Delhi reported the highest overcrowding with 174.9% followed by Uttar Pradesh (167.9%), Uttarakhand (159%), Chhattisgarh (153.3%), Uttarakhand (150%), Meghalaya (157.4%), Madhya Pradesh (155.3%), Sikkim (153.8%), Maharashtra (152.7%) and Chhattisgarh (150.1%).³⁹⁹

In the wake of the COVID-19 pandemic, the Supreme Court on 23 March 2020 directed state governments to take measures to reduce overcrowding to prevent the

³⁹⁶. NHRC Case No. 517/11/5/2020-AD

³⁹⁷. Complaint dated 05.12.2020 filed by Campaign Against Torture with the NHRC

³⁹⁸. Complaint dated 19.12.2020 filed by Campaign Against Torture with the NHRC

³⁹⁹. See Chapter 1 (Prisons – Types and Occupancy), Prison Statistics India 2019

virus from spreading in jails. The Supreme Court directed the constitution of High-Powered Committees in each State/UT to determine the categories of prisoners to be released on interim bail/parole or furlough to reduce overcrowding in prisons. In May 2020, the Ministry of Home Affairs (MHA), Government of India had, in view of the increased vulnerability of prisoners to the COVID-19 and the rise in the number of positive cases in prisons, issued an advisory, containing the Standard Operating Procedure (SOP) for Handling Arrested Persons, Detainees and Inmates during the Pandemic for the safe custody, medical care, transport while avoiding transmission of COVID-19 and also ensuring the safety of prison staff. In October 2020, the NHRC also issued an advisory on the rights of the prisoners and police personnel during COVID-19.⁴⁰⁰

4. TORTURE BY THE ARMY AND THE CENTRAL ARMED POLICE FORCES

The armed forces consisting of the Indian Army and the Central Armed Police Forces (CAPF) who are deployed in the insurgency affected areas and the border areas have the power to take persons into custody. Many cases of torture and sexual violence at the hands of the armed forces were reported during 2020.

Case 1: Rape of a woman by BSF personnel, Odisha

On 24 February 2020, a personnel of the Border Security Force (BSF) was arrested by police on charges of raping a woman on pretext of marriage. The accused was posted at BSF camp near Badatota in Jatni of Khordha district in Odisha. A number of BSF battalions were deployed in Odisha to counter the Naxals.⁴⁰¹

Case 2: Alleged torture of Bachu Libasow, Arunachal Pradesh

On 23 May 2020, Bachu Libasow (40 years) was allegedly tortured by the security forces belonging to Kumaon Regiment of the Indian Army at Zero Point in Jameri village under Jameri Circle in West Kameng district of Arunachal Pradesh. The victim, a staff of Jameri Circle Office, was allegedly beaten up by the security forces when he was reportedly sent by the Circle Officer of Jameri to assess the road blockade at Zero Point, Jameri as an ambulance carrying one patient from Tawang was stranded. The villagers of Jameri claimed that a scuffle broke out with the General Reserve Engineer Forces (GREF) excavator operator when the excavator operator was reluctant to clear the truck that stuck on the middle of the road. Meanwhile, the junior engineer of the GREF called the security forces that were reportedly stationed

⁴⁰⁰. See

<https://nhrc.nic.in/sites/default/files/Advisory%20on%20the%20Rights%20of%20Prisoners%20and%20Police%20Personnel.pdf>

⁴⁰¹. BSF jawan arrested in Odisha for raping woman on pretext of marriage, India Today, 25 February 2020, <https://www.indiatoday.in/crime/story/odisha-bsf-jawan-arrested-raping-woman-marriage-1649670-2020-02-25>

at Dadza in Jameri for GREF security. The security forces came and allegedly brutally beaten up the victim. The victim sustained head injuries and was admitted at the Community Health Center in Singchung.⁴⁰²

Case 3: Alleged torture of 20 tribals, Jharkhand

On 15 June 2020, at least 20 tribal villagers were allegedly subjected to torture by the Central Reserve Police Force (CRPF) personnel at Anjedbeda village under Muffasil police station in West Singhbhum (Chaibasa) district of Jharkhand. At around 12.30 PM, a CRPF team arrived at Anjedbeda village when a group of tribal villagers were busy repairing the house of a fellow villager named Banj Sorin. The CRPF personnel asked them in Hindi about the Maoists movement but the tribals villagers failed to understand the conversation in Hindi. The security forces accused the tribal villagers of supporting the Maoists and started assaulting them with sticks and rifle butts. Some villagers fled to escape the CRPF beatings but they were chased down and tortured. Due to torture, at least seven tribals received serious injuries and they were identified as (1) Guna Gope, a physically handicapped, S/o Birsa Gope; (2) Madho Kayam, S/o Guna Kayam; (3) Bamiya Suri; (4) Guru Charan Purti; (5) Singha Purti; (6) Sinusundi and (7) Sindiau Joshi. Among them Guna Gope (physically handicapped) suffered fracture in his right leg and Madho Kayam received injuries on his head. Tumram Tamsay, village Pradhan claimed that besides beating the innocent villagers the security forces also took away land documents, Aadhaar cards, farm animals and Rs 35,000, belonging to Ram Surin, one of the victims.⁴⁰³

Case 4: Alleged rape of tribal woman, Chhattisgarh

On 27 July 2020, a 21-year-old tribal woman was allegedly raped by the Central Reserved Police Force personnel identified as Dulichand, a constable attached to CRPF camp in Dubbakota area under Sukma district of Chhattisgarh. The victim, a resident of Dubbakota area under Sukma district of Chhattisgarh, was raped by Constable Dulichand when she had gone to graze cattle in a field near the CRPF camp under Dornapal police station.⁴⁰⁴ On 6 August 2020, the NHRC directed the Secretary, Ministry of Home Affairs to submit an action taken report in the matter within four weeks.⁴⁰⁵

Case 5: Alleged rape of a minor girl, Tripura

On 9 August 2020, an FIR was lodged against rape of a 17-year-old minor girl by a personnel of the Central Reserve Police Force at Kailasahar sub division in Unakoti

⁴⁰². NHRC Case No. 24/2/5/2020

⁴⁰³. NHRC Case No. 600/34/18/2020-PF

⁴⁰⁴. Complaint dated 31.07.2020 filed by Campaign Against Torture with the NHRC (Case No. 356/33/20/2020-PF)

⁴⁰⁵. Proceedings of the NHRC dated 6.8.2020 in Case No. 356/33/20/2020-PF

district of Tripura. The accused was a 35-year-old CRPF jawan who was posted at CRPF 124th battalion located in Salbagan in West Tripura district. He allegedly raped the minor girl over a period of seven months and the incident came to light only after the girl became pregnant. The parents of the girl filed a complaint at the Kailasahar women police station against the said CRPF jawan.⁴⁰⁶

5. TORTURE BY THE FOREST DEPARTMENT OFFICIALS

Apart from the police and prison officials as well the Army and the Central Armed Police Forces, the Forest Department officials were also responsible for perpetrating torture. The NCAT documented at least three deaths at the hands of Forest Department officials in 2020.

Case 1: Death of a tribal Maniram Gond, Madhya Pradesh

On 19 July 2020, a tribal identified as Maniram Gond (40 years) died due to alleged harassment by the Forest Department officials in Dhana area of Sagar district in Madhya Pradesh. The villagers staged a road blockade on the morning of 19 July by placing the dead body on the road and accused forest range officer Devesh Gautam of subjecting Maniram Gond to harassment in connection with a seizure case. The accused forest officer allegedly demanded bribe of Rs 100,000 from Maniram Gond to free his seized tractor-trolley. According to the deceased's wife Ashok Rani, her husband went to meet the ranger Devesh Gautam with Rs 30,000 on 18 July 2020 but the officer refused to accept anything less than Rs 100,000. The officer allegedly scolded the tribal farmer and while returning he suffered cardiac arrest and died.⁴⁰⁷

Case 2: Death of 70-year-old Anaikarai Muthu, Tamil Nadu

On 23 July 2020, a 70-year-old farmer identified as Anaikarai Muthu, accused of installing illegal electric fence in his farmland, died due to alleged torture in the custody of Kadayam Forest Range officials in Tenkasi district of Tamil Nadu. According to the deceased's son, A Natarajan, five Forest Department officials came to their house in a jeep around 11.30 pm on 22 July and took his father to the forest office in Sivasailam. He was declared brought dead at the Government Headquarters Hospital in Tenkasi around 1.30 pm on 23 July. A Natarajan alleged that his father was tortured by the Forest Department officials and he filed a case against them at

⁴⁰⁶. Complaint dated 11.08.2020 filed by Campaign Against Torture with the NHRC (Case No. 31/23/9/2020-PF)

⁴⁰⁷. Tribal dies in Madhya Pradesh, family members allege harassment by forest officer, The Hindustan Times, 20 July 2020, <https://www.hindustantimes.com/india-news/tribal-dies-in-madhya-pradesh-family-members-allege-harassment-by-forest-officer/story-obbDOI54Vd0A6aqjv2fkVO.html>

the Alwarkurichi police station.⁴⁰⁸ The deceased's wife Palammal filed a petition in the Madras High Court seeking Crime Branch-Criminal Investigation Department (CB-CID) inquiry in the custodial death of her husband. In her petition she stated that Muthu did not have any health complication or illness and had died due to custodial torture by the Forest Department officials.⁴⁰⁹ On 30 July, the Madurai bench of the Madras High Court ordered a re-postmortem on the body of Anaikkarai Muthu to be conducted by a team consisting of the heads of the department of Forensic Science at the Tirunelveli and Thoothukudi Medical Colleges and a professor from Tirunelveli Medical College. The court ordered that the autopsy will have to be conducted following all the guidelines laid down by NHRC.⁴¹⁰

Case 3: Death of Balabhadra Behera, Odisha

On 13 October 2020, Balabhadra Behera (46 years) died due to alleged torture by the Forest Department officials of Banpur Niladriprasad forest in Khordha district of Odisha. The deceased, a resident of Golagaon village under Odagaon Tehsil in Nayagarh district, was arrested on 13 October by the Forest Department officials from the jungle in connection with a theft case. The suspect died in suspicious circumstances at Banpur hospital on 14 October. The police claimed that the deceased was arrested by the forest patrolling team of Banpur's Niladriprasad forest under Balugaon range and the deceased suddenly fell ill during custody following which he was admitted to Banpur hospital but succumbed during treatment on 13 October. However, the deceased's family members alleged that the deceased was tortured by the Forest Department officials during custody which caused his death.⁴¹¹

Case 4: Torture of a tribal Rewa Ratadia, Gujarat

On 6 June 2020, Rewa Ratadia (34 years), a tribal, was allegedly tortured by the Rajpara range forest officer identified as Vikram Shyora and his two subordinates colleagues at Leriya village in Visavadar Taluka under Visavadar police in Junagadh district of Gujarat. The victim, who belonged to Maldhari, a herdsman community in the state, alleged that on 6 June he was tied to a tree and brutally beaten up by three Forest Department officials of Rajpara range at Visavadar area. The victim stated that the incident happened when he and his nephew Govind were shifting

⁴⁰⁸. Man dies while in custody of Kadayam forest dept officials, The New Indian Express, 24 July 2020, <https://www.newindianexpress.com/states/tamil-nadu/2020/jul/24/man-dies-while-in-custody-of-kadayam-forest-dept-officials-2174186.html>

⁴⁰⁹. Farmer's wife seeks CB-CID probe into alleged custodial death, The Times of India, 28 July 2020, <https://timesofindia.indiatimes.com/city/madurai/farmers-wife-seeks-cb-cid-probe-into-alleged-custodial-death/articleshowprint/77208405.cms>

⁴¹⁰. TN farmer custodial death: HC orders re-postmortem on wife's plea, The News Minute, 30 July 2020, <https://www.thenewsminute.com/article/tn-farmer-custodial-death-hc-orders-re-postmortem-wife-s-plea-129707>

⁴¹¹. NHRC Case No. 3043/18/28/2020

their families from Leria village to Dhandha village when they were stopped by the Rajpara range forest officer. While Govind escaped, the victim was tied to a tree and brutally beaten up by the three accused Forest Department officials. The victim sustained serious injuries and had to be hospitalised.⁴¹²

Case 5: Third degree torture of tribal Samiyappan, Tamil Nadu

On 4 December 2020, a tribal identified as Samiyappan, a resident of Achakarai was allegedly tortured by the Mudumalai Tiger Reserve (MTR) Forest Department officials and forced him into confessing to an offence he had no role in. In a video that went viral on social media, the victim was seen claiming to have been subjected to third degree methods to force him to confess poisoning wild dogs. The victim could be seen speaking from a government primary health centre at Masinagudi, where he was undergoing treatment after attempting suicide. According to reports, MTR officials took ten persons, including Samiyappan, to Anaikatti forest guest house on 4 December for questioning in connection with the death of five wild dogs at Vibuthimalai in September. While three were arrested and two slapped with fine for offences under the Wildlife Act, five persons, including Samiyappan, were released.⁴¹³

Case 6: Torture of tribal Gyarsilal Awaye, Madhya Pradesh

On 4 December 2020, *News Click* reported that a tribal man identified as Gyarsilal Awaye (45 years) was allegedly tortured by the Forest Department Officials at Dhulkot Range Office in Burhanpur district of Madhya Pradesh. The victim, a resident of Lingi under Burhanpur district, was picked up by the Forest Department officials in connection with a false case of alleged burning down of trees in the Dhulkot forest. When the victim was returning home in his bullock cart from the forest, he was dragged into the forest department's vehicle and was taken to the Dhulkot Range Office in Burhanpur, where he was subjected to torture during his illegal detention. Gyarsilal Awaye claimed that he was innocent and was implicated in a false case.⁴¹⁴

Case 7: Tribal woman beaten and molested, Madhya Pradesh

On 23 December 2020, a tribal woman had complained to the police that she was beaten and molested by Forest Department officials, and her husband's head tonsured in Bhikangaon forest area of Khargone district of Madhya Pradesh. She alleged that the forest department team attacked her and her husband at 2.30 am

⁴¹². NHRC Case No. 437/6/12/2020

⁴¹³. Tribal man alleges torture by forest department staff, *The New Indian Express*, 8 December 2020, <https://www.newindianexpress.com/states/tamil-nadu/2020/dec/08/tribal-man-alleges-torture-by-forest-department-staff-2233255.html>

⁴¹⁴. MP: Tribals in Burhanpur Launch Agitation Against Alleged Assault on Farmer, *News Click*, 4 December 2020, <https://www.newsclick.in/MP-Tribals-Burhanpur-Launch-Agitation-Against-Alleged-Assault-on-Farmer>

and demolished her hut with heavy equipment. She further alleged that they tied her husband's hands and legs and shaved his head.⁴¹⁵

6. IMPUNITY AGAINST TORTURE & OTHER HUMAN RIGHTS VIOLATIONS

India continues to provide impunity to the law enforcement personnel.

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. Section 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.

In its latest report "*Crime in India - 2019*", the National Crime Records Bureau (NCRB) recorded 85 deaths in police custody across the country in 2019. Out of these 85 deaths, 15 cases were registered against police personnel in 2019, of which only eight police personnel were arrested and four were chargesheeted but none were convicted at the year's end. Similarly, in cases of "torture/causing hurt/injury" category, in one case a police personnel was arrested but none were convicted during 2019.⁴¹⁶

The NCRB report also stated that 49 cases were registered against police personnel for human rights violation in the country during 2019. Of the 49 cases, 10 relates to encounter killings, 15 relates to deaths in custody, one relating to torture/causing hurt/injury, three relating to extortion and 20 other cases. Of these, 23 police

⁴¹⁵. Beaten, molested by forest team at MP's Khargone district, says tribal, The Times of India, 24 December 2020, <https://timesofindia.indiatimes.com/city/bhopal/beaten-molested-by-forest-team-at-mps-khargone-district-says-tribal/articleshowprint/79932928.cms>

⁴¹⁶. NCRB, Crime In India 2019, Chapter-16A 'Custodial Crimes & Complaints Against Police Personnel', <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%203.pdf>

personnel were arrested but chargesheets were filed against only eight personnel. However, no conviction was secured in any of the cases at the end of 2019.⁴¹⁷

In addition to human rights violation, the police were routinely involved in various crimes. As per the NCRB report, a total of 4,068 criminal cases were registered against police personnel in the country during 2019 as against 5,479 cases in 2018, showing a decrease. Among the States, Andhra Pradesh topped with 1,681 criminal cases against its police personnel. Out of the total cases, 1,188 police personnel were arrested and 923 police personnel were charge-sheeted, while trials were completed against 115 police personnel and only 12 police personnel were convicted.⁴¹⁸

7. 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". The armed opposition groups have consistently violated the Geneva Conventions.

7.1. Abuses by the armed opposition groups in J&K

The Union Territory of Jammu & Kashmir (J&K) continued 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)".⁴¹⁹ The casualty of SF included the 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 2019.⁴²⁰

The armed opposition groups in J&K were responsible for the torture of the civilians during 2020.

⁴¹⁷. NCRB, Crime In India 2019, Chapter-16A 'Custodial Crimes & Complaints Against Police Personnel', <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%203.pdf>

⁴¹⁸. NCRB, Crime In India 2018, Chapter-16A 'Custodial Crimes & Complaints Against Police Personnel', <http://ncrb.gov.in/StatPublications/CII/CII2018/Tables.htm>

⁴¹⁹. 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>

⁴²⁰. Press Release dated 16 February 2019, Press Information Bureau, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=188657>

On 5 November 2020, Mohammad Ayoub Ahangar, a shopkeeper, was killed by unidentified gunmen in Tral town in Pulwama district in South Kashmir. The deceased was fired upon by the gunmen, according to officials. He was declared dead on arrival at a hospital.⁴²¹

In another incident on 5 November 2020, militants shot at and injured Mohammad Aslam, a driver, in the Wanpora area of Pulwama district.⁴²²

7.2. Abuses by the Naxalites

The Ministry of Home Affairs (MHA), Government of India declared 90 districts in 11 States namely Chhattisgarh, Jharkhand, Odisha, Bihar, West Bengal, Andhra Pradesh, Telangana, Maharashtra, Madhya Pradesh, Uttar Pradesh and Kerala as Left Wing Extremist (LWE) affected, although in varying degrees. It says that the CPI (Maoist) are making forays into Southern States of Kerala, Karnataka and Tamil Nadu and planning to link up the Western Ghats to the Eastern Ghats through these states. The CPI (Maoist) is planning to expand their area of activities and carve out a base for themselves in the tri-junction of Karnataka, Kerala and Tamil Nadu.⁴²³

In a statement before the Rajya Sabha, Union Minister of State for Home Affairs, G. Kishan Reddy in written replies to questions on 18 March 2020 stated that the number of LWE related incidents reduced by over 38% in comparison to 2014. The Minister further informed that the number of Security Force (SF) personnel killed in the violence had reduced from 317 in 2009 to 52 in 2019, while 817 Maoists were killed from 2015 to 2019.⁴²⁴

The Maoists or the Naxalites were responsible for the brutal killing of their hostages after the 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.

⁴²¹. Civilian killed, three others injured in 4 militant attacks in Kashmir's Pulwama, India Today, 5 November 2020, <https://www.indiatoday.in/india/story/civilian-killed-three-others-injured-in-4-militant-attacks-in-kashmir-s-pulwama-1738348-2020-11-05>

⁴²². Civilian killed, three others injured in 4 militant attacks in Kashmir's Pulwama, India Today, 5 November 2020, <https://www.indiatoday.in/india/story/civilian-killed-three-others-injured-in-4-militant-attacks-in-kashmir-s-pulwama-1738348-2020-11-05>

⁴²³. https://mha.gov.in/division_of_mha/left-wing-extremism-division

⁴²⁴. Press Release dated 18 March 2020 of Press Information Bureau of the Government of India at https://www.mha.gov.in/sites/default/files/PR_MeasurestotackleNaxalViolence_18032020.pdf

The Maoists continued to torture and kill people on charges of being “police informers”, or simply for not obeying their diktats. Tribals were disproportionate victims of attacks by the Maoists.

On 8 February 2020, Dashram, a resident of Kokernar village in Dantewada district, Chhattisgarh, was killed with an axe by the suspected Maoists on suspicion of being a police informer. His body was found at a roadside the next morning.⁴²⁵

On 29 March 2020, 40-year-old Hiralal Ramsay Kallo, a former sarpanch, was killed by the suspected Maoists at Navejhari village in Gadchiroli district of Maharashtra. Pamphlets found near the body stated that Kallo was punished for providing information to police regarding their movement.⁴²⁶

On 19 April, 2020, suspected Maoists killed tribal chicken-seller Raj Kishore Gope (35) in Sarjamburu forest under Goilkera police station area in West Singhbhum district of Jharkhand allegedly on suspicion of being a police informer. According to West Singhbhum Superintendent of Police Indrajeet Mahata, about 20 suspected Maoists intercepted Gope in the forest area while he was returning home late in the evening and shot him and before fleeing, the rebels also planted an improvised explosive device (IED) near the body to target the police.⁴²⁷

On 14 July 2020 night, Dirdo Bheema (35 years) was dragged out from his house by a group of 20 suspected Maoists armed with bows and arrows and killed him at Mutheli village in Sukma district, Chhattisgarh. Family members stated that Maoists were angry with him, accusing of being a police informer.⁴²⁸

On 13 August 2020, Kartam Hunga (33 years) was killed with sharp weapons by the suspected Maoists at Elarmadgu under Bheji police station in Sukma district, Chhattisgarh. He was accused as a police informer.⁴²⁹

⁴²⁵. Naxal kills villager in Chhattisgarh on suspicion of police informer, India Today, 9 February 2020, <https://www.indiatoday.in/india/story/naxal-kills-villager-chhattisgarh-suspicion-police-informer-1644792-2020-02-09>

⁴²⁶. Chhattisgarh: Maoists kill former deputy sarpanch in Gadchiroli on suspicion of being police informer, India Today, 30 March 2020, <https://www.indiatoday.in/crime/story/chhattisgarh-maoists-kill-former-deputy-sarpanch-gadchiroli-suspicion-police-informer-1661407-2020-03-30>

⁴²⁷. Naxals kill ‘cop informer’ in West Singhbhum forest, The Times of India, 21 April 2020, <https://timesofindia.indiatimes.com/city/jamshedpur/naxals-kill-cop-informer-in-west-singhbhum-forest/articleshowprint/75258786.cms>

⁴²⁸. Suspecting him to be police aide, Maoists kill excomrade, The Times of India, 17 July 2020, <https://timesofindia.indiatimes.com/city/raipur/suspecting-him-to-be-police-aide-maoists-kill-ex-comrade/articleshowprint/77016146.cms>

⁴²⁹. C"garh: Naxals kill man on suspicion of being police informer, Outlook, 13 August 2020, <https://www.outlookindia.com/newscroll/cgarh-naxals-kill-man-on-suspicion-of-being-police-informer/1915325>

On 4 September 2020, suspected Maoists killed at least four out of 20 tribal villagers abducted by them from two villages of Gangaloor region in Bijapur district of Chhattisgarh. The Maoists killed the deceaseds identified as Punem Sannu and Dhurva Sannu from Pusnar village and Bhusku and Falli from Metapal village after they were 'sentenced to death by a jan adalat' (Kangaroo court of Maoists) on accusations of being police informers. And the rest 16 captive villagers were beaten before being released.⁴³⁰

On 11 September 2020, Rathram Patel (49 years), a forest ranger, was killed by the suspected Maoists at Kondronji village in Bijapur district, Chhattisgarh. Patel had gone to the village along with two forest guards to pay wages to villagers for road construction work in the forest area when they were attacked with sharp weapons. The two forest guards managed to escape.⁴³¹

On 21 September 2020, suspected Maoists allegedly killed a villager by attacking him with rods and sharp-edged weapons in Putkel village of Basaguda village in Usur Tehsil of Bijapur district of Chhattisgarh branding him a police informer. The blood-smeared body of the deceased identified as Dasar Ramanna (34 years) was found close to his house and a leaflet was found from the spot that indicated that Maoists from Gangaloor area committee executed the deceased.⁴³²

On 23 September 2020, four civilians were tortured to death after their abduction from Kurcheli village under Gangalur police station in Bijapur district of Chhattisgarh. The suspected Maoists killed them in front of hundreds of people accusing them as police informers.⁴³³

⁴³⁰. Chhattisgarh: Maoists kill four villagers, beat up others, The Times of India, 5 September 2020, <https://timesofindia.indiatimes.com/city/raipur/chhattisgarh-maoists-kill-four-villagers-beat-up-others/articleshowprint/77951470.cms>

⁴³¹. Forest ranger hacked to death by Maoists in Chhattisgarh's Bijapur district, Hindustan Times, 12 September 2020, <https://www.hindustantimes.com/india-news/forest-ranger-hacked-to-death-by-maoists-in-chhattisgarh-s-bijapur-district/story-5R3aumudj1tea3dIUABTFM.html>

⁴³². Chhattisgarh: Maoists on killing spree in Bijapur, a dozen civilians and jawans killed in a month, The Times of India, 23 September 2020, <https://timesofindia.indiatimes.com/city/raipur/chhattisgarh-maoists-on-killing-spreed-in-bijapur-a-dozen-civilians-and-jawans-killed-in-a-month/articleshowprint/78260950.cms>

⁴³³. 4 Killed By Maoists After Abduction Near Malkangiri Border Of Odisha, Kalinga TV, 23 September 2020, <https://kalingatv.com/state/4-killed-by-maoists-after-abduction-near-malkangiri-border-of-odisha/>

On 30 September 2020, a group of suspected Maoists murdered Gopal Kudiya (40 years), a ward representative and dumped his body in front of his home at Gongla village in Bijapur district of Chhattisgarh.⁴³⁴

On 30 September 2020, a group of 15-20 Maoists armed with weapons, axe and bows-arrows hacked to death Bharatiya Janata Party worker and former deputy sarpanch Dhaniram Korsa (45 years) in his courtyard in the interior village of Bardela in Bijapur district of Chhattisgarh.⁴³⁵

On 21 October 2020, Dasu Khemudu was killed and two others identified as Sana Santa and Samru Khila were tortured by the suspected Maoists at Khajuriguda village in Malkangiri district, Odisha. The Maoists had slit the throat of Dasu Khemudu and the two others sustained critical injuries following the torture. The victims were accused as police informers.⁴³⁶

On 25 October 2020, Nayakulapu Eshwar of Mallampalli village in Mulugu district of Telangana was tortured to death by the Maoists on the charge of being a police informer in Cherla mandal in Kothagudem district. On the other hand, the police claimed that Eshwar worked as courier for the Maoists.⁴³⁷

On 21 November 2020, Mukesh Giri (40 years), a coal trader was killed after being tortured by Maoists when he was offering prayers at Sinpur Chhath Ghat under Pathalgadda police station in Chatra district, Jharkhand. He was accused as a police informer.⁴³⁸

In December 2020, Manu Goleri of Sanyasiguda village under Jantri panchayat in Malkangiri district, Odisha was tortured by Maoists at a 'praja court'. Manu Goleri was accused as police informer. Thereafter Manu and his family members

⁴³⁴. Chhattisgarh: Armed Maoists kill two more villagers in Bijapur, The Times of India, 1 October 2020, <https://timesofindia.indiatimes.com/city/raipur/chhattisgarh-armed-maoists-kill-two-more-villagers-in-bijapur/articleshowprint/78433884.cms>

⁴³⁵. Chhattisgarh: Armed Maoists kill two more villagers in Bijapur, The Times of India, 1 October 2020, <https://timesofindia.indiatimes.com/city/raipur/chhattisgarh-armed-maoists-kill-two-more-villagers-in-bijapur/articleshowprint/78433884.cms>

⁴³⁶. Extremists kill villager in Odisha, The Hindu, 22 October 2020, <https://www.thehindu.com/news/national/extremists-kill-villager-in-odisha/article32913268.ece>

⁴³⁷. Maoists kill their own courier in Kothagudem, Telangana Today, 26 October 2020, <https://telanganatoday.com/maoists-kill-their-own-courier-in-kothagudem>

⁴³⁸. Maoists kill 'cop informer' at Chhath ghat, The Times of India, 22 November 2020, <https://timesofindia.indiatimes.com/city/ranchi/maoists-kill-cop-informer-at-chhath-ghat/articleshowprint/79344526.cms>

comprising two minor sons, wife Mala Galari and daughter Baidehi Galari were driven out of the village.⁴³⁹

In December 2020, two tribals identified as Chikkudu Sateesh and Gemmeli Krishna Rao were killed by suspected Maoists in Visakhapatnam district in Andhra Pradesh. A 'praja court' sentenced them to death on the charges of being police informers. Chikkudu Sateesh was killed on 24 December, while Gemmeli Krishna Rao was killed on 14 December.⁴⁴⁰

8. TORTURE BY OTHER NON-STATE ACTORS (UPPER CASTES)

The latest annual report "Crime in India" published by the National Crime Records Bureau, Ministry of Home Affairs, Government of India recorded 45,935 crimes against Scheduled Caste or Dalits during 2019. Of the total crimes recorded during 2019, 41,793 were registered under the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act read with the Indian Penal Code while 4,129 crimes under the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act only.⁴⁴¹

The National Crime Records Bureau (NCRB) recorded a total of 8,257 crimes/atrocities in 2019.⁴⁴² Of the total 8,257 crimes/atrocities committed against the STs during 2019, 7,815 crimes/atrocities were registered under the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act while 439 cases were registered under only the PoA.⁴⁴³

During 2020, 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, land dispute, riding a horse; demanding wages, touching food or other items belonging to the upper castes, refusal to withdraw cases, fetching water from common sources of water; entering religious places;

⁴³⁹. Maoists target locals 'for informing police' in Malkangiri, Orissa Post, 24 December 2020, <https://www.orissapost.com/maoists-target-locals-for-informing-police-in-malkangiri/>

⁴⁴⁰. Maoists kill another tribal in Visakhapatnam, The New Indian Express, 24 December 2020, <https://www.newindianexpress.com/states/andhra-pradesh/2020/dec/24/maoists-kill-another-tribal-in-visakhapatnam-2240467.html>

⁴⁴¹. NCRB's "Crime in India" 2019; <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%202.pdf>

⁴⁴². Nation Crime Records Bureau's "Crime in India 2019"; TABLE 7C.1 – Crime/Atrocities against Scheduled Tribes (STs) – 2017–2019: available at: <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%202.pdf>

⁴⁴³. Nation Crime Records Bureau's "Crime in India 2019"; available at: <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%202.pdf>

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:

8.1. Killings

On 14 January 2020, Dhaniram Ahirwar, a Dalit, was attacked and burnt by a mob after a dispute over some issues in Dharmashree area under Motinagar police station in Sagar, Madhya Pradesh. The victim suffered 60% burn injuries. The police registered a case including under the SC/ST Act against some accused identified as Chuttu, Azzu Pathan, Kallu and Irfan. The Dalit man succumbed to his injuries on 23 January 2020.⁴⁴⁴

On 12 February 2020, 24-year-old Sakthivel, a Dalit, was beaten to death by a mob for defecating in an open field in Villupuram district, Tamil Nadu. The mob tied up the Dalit's hands and legs before subjecting him to brutal beating. In a police complaint, the deceased's sister alleged that the attack was a result of caste-based discrimination.⁴⁴⁵

On 6 June 2020, Dalits identified as Kishan Lal (52 years) and his mentally challenged son Rajesh were killed by non-SC/ST neighbours at Hanuman Nagar locality in Moradabad district of Uttar Pradesh. The deceased's daughter Gudiya (27 years) claimed that her father Kishan Lal and her mentally challenged brother Rajesh were beaten to death by non-SC/ST neighbours in connection with a property dispute in Moradabad's Hanuman Nagar locality. A group of around 10-15 people barged into the deceased's house and attacked the family members. Kishan Lal who was unwell and his disabled son Rajesh were repeatedly hit with bricks, killing them on the spot.⁴⁴⁶

On 6 June 2020, a 17-year-old Dalit boy indentified as Vikas Kumar Jatav, S/o Om Prakash Jatav was beaten to death by the upper caste youths at Domkhera village in Amroha district of Uttar Pradesh. The deceased's father Om Prakash Jatav claimed that on 1 June 2020 his son Vikas Kumar Jatav was first beaten up by four youths belonging to affluent Upper Caste community for defying their objections against entering into the local Temple at his village Domkhera. The incident took place when the deceased went to pray at a local temple and the upper caste people tried to stop

⁴⁴⁴. D Madhya Pradesh: Dalit man burnt alive by Muslim men dies in Delhi hospital, OpIndia, 23 January 2020, <https://www.opindia.com/2020/01/madhya-pradesh-sagar-dalit-man-burnt-alive-dies-muslims-safdarjung-delhi/>

⁴⁴⁵. Tamil Nadu: Dalit man beaten to death for defecating in open field, DNA, 16 February 2020, <https://www.dnaindia.com/india/report-tamil-nadu-dalit-man-beaten-to-death-for-defecating-in-open-field-2813956>

⁴⁴⁶. NHRC Case No. 13241/24/56/2020

him from entering into temple. Thereafter, on 6 June 2020 night three youths, one of them identified as Horam Chauhan, arrived at the deceased's home and dragged Vikas Kumar Jatav out from his house and allegedly shot him death on the spot.⁴⁴⁷

On 15 September 2020, 70-year-old Dalit man identified as Shavran Jatav was burnt alive by two persons belonging to a dominant community at a village in Bhind district of Madhya Pradesh. In his dying statement to police, Jatav stated that he was in his field when the two accused poured petrol on him and set him on fire in connection with a land dispute.⁴⁴⁸

On 25 October 2020, Kamalkishore (22 years), a Dalit working as a salesman at a liquor shop, was allegedly burnt alive at Kampur village in Alwar district of Rajasthan. The deceased's brother Roop Singh in a police complaint stated that his brother was burnt to death when he demanded his salary dues for five months from liquor contractors identified as Subhash and Rakesh Yadav.⁴⁴⁹

On 29 October 2020, Arjun Kori (50 years), husband of a Dalit village panchayat chief Chotka Devi, died after he was allegedly beaten up and set on fire by people belonging to upper caste at Bandoiya village in Amethi district, Uttar Pradesh. The deceased's wife stated that the accused identified as Tiwari and his goons were forcing her and her husband to give him kickbacks from the village development fund. On 29 October, Arjun Kori was called for a discussion where he was allegedly beaten up and set on fire.⁴⁵⁰

On 6 November 2020, a 32-year-old tribal identified as Vijay Sahariya was allegedly burnt alive by a farmer in Guna in Madhya Pradesh because he had not repaid Rs 5,000 borrowed during the Covid-19 lockdown. The victim died in hospital the following day. Reportedly, a relative recorded his statement on mobile phone just before he died. The Sahariyas are listed as a vulnerable tribal group. Guna SP Rajesh Kumar Singh said Vijay had borrowed some money from a farmer named Radheshyam Lodha of Ukawad Khurd, who was pressuring him to return it.⁴⁵¹

⁴⁴⁷. NHRC Case No. 10060/24/41/2020

⁴⁴⁸. See Navbharattimes, 16 September 2020 at

<https://navbharattimes.indiatimes.com/state/madhya-pradesh/bhind/dalit-burnt-alive-in-mp-70-year-old-dalit-burnt-alive-by-pouring-petrol-in-bhind/articleshow/78146156.cms>

⁴⁴⁹. Dalit Liquor Vend Salesman Allegedly Burnt Alive in Rajasthan's Alwar Over Salary Dues, News18, 26 October 2020, <https://www.news18.com/news/india/dalit-liquor-vend-salesman-allegedly-burnt-alive-in-rajasthans-alwar-over-salary-dues-3008438.html>

⁴⁵⁰. Dalit beaten up, burnt alive in Amethi, The Telegraph, 31 October 2020, <https://www.telegraphindia.com/india/dalit-beaten-up-burnt-alive-in-amethi/cid/1796074>

⁴⁵¹. Tribal burned alive for failing to repay Rs 5,000 lockdown loan in Madhya Pradesh, The Times of India, 8 November 2020, <https://timesofindia.indiatimes.com/city/bhopal/tribal->

On 30 November 2020, Lalji Ram Ahirwar (50 years), a Dalit, was beaten to death by two persons identified as Yash Yadav and Ankesh Yadav at Karod village in Guna district of Madhya Pradesh. The victim, a farm worker, was resting in an agriculture field, when the two accused persons approached him and demanded a matchbox. When Lalji Ram declined, he was beaten to death.⁴⁵²

On 7 December 2020, 25-year-old Dalit youth identified as Devraj Anuragi was beaten to death by two persons at Kishanpur village in Chhatarpur district of Madhya Pradesh. The victim was a Dalit and resident of Kishanpur village in the district. On 7 December 2020, the victim was called by two accused persons identified as Bhoora Soni and Santosh Pal to clean up after a party in the village. The two accused got angry when they noticed Devraj Anuragi (the victim) touching the food and they started beating him with sticks due to which the victim died.⁴⁵³

8.2. Torture, degrading and humiliating treatment

On 16 February 2020, two Dalit men were tortured at Karnu village in Nagaur district, Rajasthan. The victims were accused of stealing money at a vehicle service centre. In a video widely shared online, a group of men were seen brutally beating up the victims. One of the attackers dipped a screwdriver in a bottle of petrol and inserted it into the rectum of one of the victims.⁴⁵⁴

On 16 February 2020, the wedding procession of a Dalit groom identified as Akash Kotdia (27 years) had to be taken out under police protection after objections from upper caste community members at Sandipada village in Banaskantha district, Gujarat. The upper caste members had pelted stones at the procession as the groom, an Army personnel posted in Jammu & Kashmir, for sitting on a horse belonging to a man from the upper caste Thakor community.

On 4 June 2020, three persons, two Dalits and one OBC, were beaten, their heads shaved and paraded with shoes hung around their neck allegedly by upper caste persons for stealing a fan at Barauli Khalilabad village in Lucknow district, Uttar

[burned-alive-for-failing-to-repay-rs-5000-lockdown-loan-in-madhya-pradesh/articleshowprint/79107329.cms](https://www.indiatoday.in/india/story/nagaur-attack-on-dalits-congress-bjp-chandrashakhar-azad-1648555-2020-02-21)

⁴⁵². NHRC Case No. 2629/12/17/2020

⁴⁵³. Complaint dated 09.12.2020 filed by Campaign Against Torture with the NHRC

⁴⁵⁴. Kursi chhod do: After torture of 2 Dalit men in Nagaur, the politics begins, India Today, 21 February 2020, <https://www.indiatoday.in/india/story/nagaur-attack-on-dalits-congress-bjp-chandrashakhar-azad-1648555-2020-02-21>

Pradesh. According to police, the victims were allegedly caught stealing a fan from a house of a 'Brahmin man'.⁴⁵⁵

On 15 July 2020, a 14-year-old minor Dalit boy, son of Krishnamoorthy was allegedly subjected to torture and degrading treatment by an upper caste land owner identified as K. Rajashekhar at Kodarampatti village under Pennagaram police station in Dharmapuri district of Tamil Nadu. The minor boy, a resident of Kodarampatti village in the district, was beaten and forced to eat the faeces and carry it his hands after the accused saw the victim relieving himself in a field. The victim stated that K. Rajashekhar "called him by caste names" and then started beating him and asked him to eat the faeces and carry it in his hand. A witness of the incident and a resident of the village identified as Veerabadran also stated that K. Rajashekhar yelled caste names and beaten the boy.⁴⁵⁶

On 17 July 2020, a Dalit youth identified as Dharmendra Valmiki (25 years) was brutally beaten up by a group of upper caste people at Old Galla Mandi in Guna district of Madhya Pradesh. The victim, a resident of Mahoogarha in the district, was subjected to beatings on suspicion of theft. Unable to bear the pain, the victim became unconscious. However, the attackers not satisfied with the beating, tied a towel around his neck and dragged him around the market. Later, the police filed a case against the Dalit victim for theft but no action was taken against the attackers.⁴⁵⁷

On 18 July 2020, a 32-year-old Dalit man and his family members were tortured by a group of upper caste people at Talikote city in Vijayapura district of Karnataka. The 32-year-old victim, a resident of Minaji village in the district, was stripped and beaten along with his family members by 13 upper caste persons after he accidentally touched the bike of a man who belonged to a so-called upper caste community. They were beaten in full public view as they belonged to a Dalit community.⁴⁵⁸

On 28 July 2020, two Dalits identified as Parmanand Kumar Das and Shankar Kumar Das (25 years) were subjected to torture by upper caste people at Ghaghardiha village under Muffassil Police Station in Giridih district of Jharkhand. The victims were allegedly tied to a tree, made to lick spit and beaten by a group of villagers belonging to Yadav community. The Yadavs accused the victims of killing their goat.

⁴⁵⁵. Dalit Men Beaten, Paraded With Shoes Hung Around Their Neck in UP, The Quint, 11 June 2020, <https://www.thequint.com/news/india/dalit-men-beaten-paraded-with-shoes-hung-around-their-neck-in-up>

⁴⁵⁶. NHRC Case No. 7122/22/6/2020

⁴⁵⁷. Complaint dated 19.07.2020 filed by Campaign Against Torture with the NHRC

⁴⁵⁸. NHRC Case No. 404/10/35/2020

The victims were released only after paying a fine of Rs 60,000 for allegedly killing the goat.⁴⁵⁹

On 30 July 2020, a 35-year-old Dalit man was tortured by some upper caste people at Barmer district of Rajasthan. The victim, a resident of Barmer district, was tied to a tree and forced to drink urine from a bottle by some upper caste people. The accused upper caste men also tonsured the head of the victim to further humiliate him.⁴⁶⁰

On 17 August 2020, three Dalit men identified as Girdharilal Meghwal (32 years), Bheru (19 years) and Ghanshyam (28 years) were tortured by upper caste-people under Nalkheda police station in Agar Malwa district of Madhya Pradesh. The victims, residents of Kajlas village in Bhopal district, were brutally beaten up by four upper caste men on suspicion of theft of an irrigation water pump. One of the victims, Girdharilal Meghwal in a police complaint at the Nalkheda police station stated that he and other two Dalits were beaten with rods and pipes mercilessly by the four upper-caste persons identified as Suraj Singh Yadav, Lal Singh Yadav, Bagdu Yadav and Sanju Yadav at a house first and later in public view. The complainant, Girdharilal Meghwal alleged that they were freed on the condition that they would pay Rs 31,000 for the stolen pump within eight days.⁴⁶¹

On 9 October 2020, a 24-year-old Dalit man identified as Bhavesh Makwana was tortured by three non-Dalit persons at Ruda Transport Nagar locality in Rajkot district of Gujarat. The victim, a rickshaw driver and resident of Sanosara village under Bhavnagar district, alleged that he was brutally attacked and beaten up by three persons while he was transporting a cow carcass in his rickshaw. He stated that he was carrying cow carcass for disposal as he needed money. He stated that the cow had been lying dead for the past two days in Ruda Transport Nagar and that one Dharmesh Parmar from Sakheda village had asked him to take it away in his rickshaw carriage.⁴⁶²

On 13 October 2020, a 65-year-old Dalit man was forced by an upper caste person identified as Sonu Yadav at Roda village under kotwali police station in Lalitpur district of Uttar Pradesh. The victim, a resident of the same, was forced by the accused to drink his urine filled in a cup and brutally beat up the old man when refused. The old man was meted out the cruel, inhuman and degrading treatment

⁴⁵⁹. NHRC Case No. 776/34/8/2020

⁴⁶⁰. NHRC Case No. 1577/20/4/2020

⁴⁶¹. NHRC Case No. 1771/12/8/2020

⁴⁶². NHRC Case No. 980/6/21/2020

because the victim's family refused to withdraw a complaint filed with the police against the perpetrator for assaulting the victim and his son a week earlier.⁴⁶³

On 21 November 2020, two Dalit brothers identified as Santram Dohare and Sandeep Dohare were mercilessly beaten up and their hut burnt down by members of upper caste Yadav family in Datia district of Madhya Pradesh. The victims had allegedly refused to withdraw a two-year-old police case. The accused were identified as Pavan Yadav, Kallu Yadav, their four relatives and a neighbour.⁴⁶⁴

On 25 December 2020, a Dalit man identified as Ramchandra Raidas (45 years) was reportedly attacked with sticks allegedly by people who objected to his using a government-installed handpump when he went to take water from the handpump in Tendura village, in Banda district Uttar Pradesh. In an FIR lodged at the Bisanda police station, the victim has alleged that family members of Ram Dayal Yadav attacked him with sticks when he went to take water from the handpump. Raidas sustained injuries in the attack and was admitted to a primary health centre. Raidas had also alleged that two months earlier, the accused had banned them from taking water from the handpump installed in the locality of the Yadavs, but the matter was resolved following an intervention by the sub-divisional magistrate of Atarra.⁴⁶⁵

8.3. Sexual violence

Dalit and tribal women and girls remain extremely vulnerable to sexual violence. The 2019 NCRB Annual Report also shows that the Dalit and tribal women and girls were targeted for sexual violence, mainly rape. According to NCRB, 3,486 rapes cases were reported against Dalit women and 1,117 cases of rape of Dalit children were reported in 2019.⁴⁶⁶ While the NCRB recorded 1,110 crimes of rape/gang rape involving 1,113 tribal women and girls in 2019.⁴⁶⁷

⁴⁶³. 65-Year-Old Dalit Man Beaten Up & Forced to Drink Urine in Uttar Pradesh's Lalitpur, One Arrested, India.com, 13 October 2020; <https://www.india.com/news/india/dalit-man-65-beaten-up-forced-to-drink-urine-in-uttar-pradeshs-lalitpur-1-arrested-4171977/>

⁴⁶⁴. Dalit Brothers Beaten, House Set Ablaze For Not Withdrawing Police Case, NDTV, 22 November 2020, <https://www.ndtv.com/india-news/madhya-pradesh-dalit-brothers-beaten-house-set-ablaze-for-not-withdrawing-police-case-2328702>

⁴⁶⁵. Dalit man attacked in UP's Banda for using water from common handpump, The Hindustan Times, 25 December 2020, <https://www.hindustantimes.com/lucknow/dalit-man-attacked-in-up-s-banda-for-using-water-from-common-handpump/story-yxun2DQGr1G22VQH9Xe1H.html>

⁴⁶⁶. NCRB's "Crime in India" 2019; <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%202.pdf>

⁴⁶⁷. NCRB Annual Report for 2019: TABLE 7C.2: Crime/Atrocities against Scheduled Tribe(s) (Crime Head & State/UT-wise)- 2019; available at: <https://ncrb.gov.in/sites/default/files/CII%202019%20Volume%202.pdf>

Some of the emblematic cases sexual violence against Dalit and tribal women and girls documented by NCAT in 2020 are given below:

In June-July 2020, a 16-year-old minor girl belonging to Dalit community was gang raped by 10 upper caste men at a house in East Godavari district of Andhra Pradesh. The 16-year-old victim, a resident of Rajahmundry city under East Godavari district, was allegedly drugged and repeatedly raped by the 10 accused during her confinement at a house from 23 June to 15 July 2020. On 23 June 2020, the victim was taken away by a woman along with seven persons on the pretext of providing employment at a shop. Instead, the victim was taken to the house where she was drugged and repeatedly gang raped. The minor girl managed to escape on 15 July 2020.⁴⁶⁸

On 14 September 2020, a 20-year-old Dalit girl was gang-raped by four upper caste men at a village in Hathras district, Uttar Pradesh. The victim died in a Delhi hospital after fighting for her life for two weeks. After her death, the victim's body was forcibly cremated by the police without the consent of her family. On 18 December 2020, three months after the incident, the Central Bureau of Investigation submitted its charge sheet in the case confirming that the Dalit victim was gang raped and tortured by the four accused men from the dominant Thakur community, eventually leading to her death. The CBI charged the four accused with gang rape and murder including under the SC/ST (Prevention of Atrocities) Act. The CBI investigation was monitored by the Allahabad High Court on the directions of the Supreme Court.⁴⁶⁹

On 30 September 2020, a 22-year-old Dalit woman died after she was gang-raped by two youths at a village in Balrampur district, Uttar Pradesh. The incident took place a day before when the girl had gone to take admission in a college near her village but did not return home till late evening. The victim later returned on a rickshaw with glucose drip inserted in her hand while family members were searching for her. The family members admitted her to a hospital, where she succumbed to her injuries. The family alleged that the girl's hands and legs were fractured. Police arrested both the accused.⁴⁷⁰

On 10 October 2020, a 35-year-old Dalit woman was gangraped by at least seven persons at a village under Murar police station in Buxar district, Bihar. Following the sexual violence, the accused threw the victim and her five-year-old son in a canal,

⁴⁶⁸. NHRC Case No.1492/1/5/2020

⁴⁶⁹. H CBI Says Hathras Victim Was Gang-Raped, Killed, NDTV, 18 December 2020, <https://www.ndtv.com/india-news/hathras-case-four-charged-for-gang-rape-and-murder-says-lawyer-of-accused-2340431>

⁴⁷⁰. Dalit woman gang-raped in Uttar Pradesh's Balrampur dies; two arrested, Hindustan Times, 1 October 2020, <https://www.hindustantimes.com/india-news/another-dalit-woman-gang-raped-dies-in-uttar-pradesh-s-balrampur/story-FtusJqBsVM54oKr2u4YMoL.html>

resisting in the death of the child. The state government constituted a Special Investigation Team (SIT) to inquire into the case.⁴⁷¹

On 13 October 2020, a 15-year-old Dalit minor girl committed suicide following gang-rape at Manikpur area in Chitrakoot district of Uttar Pradesh. The deceased's family members alleged that the minor girl was gang raped by three persons on 8 October 2020 after which she committed suicide by hanging herself at her house on 13 October 2020. The family members alleged that the deceased ended her life as her complaint was not registered by the local police.⁴⁷²

On 21 October 2020, a six-year-old Dalit girl was allegedly raped and burnt alive at a village in Tanda in Hoshiarpur district, Punjab. The victim's father, a migrant labourer from Bihar, filed a police complaint against two upper caste men identified as Surpreet Singh and Surjit Singh for the rape and murder. The Punjab State Scheduled Castes Commission intervened into the matter and directed the police to take prompt action against the accused.⁴⁷³

On 4 November 2020, a 32-year-old tribal woman was allegedly raped and murdered by three non-SC/ST persons identified as Vaditya Madhu Nayak, Talluri Kutumba Reddy and Chindam Nandu in Kollur near RC Puram of Hyderabad district of Telangana. The victim, a resident of Kollur Thanda under RC Puram police station in Hyderabad district of Telangana, was abducted by three persons on 3 November 2020 from her mother's home in Miyapur, outskirts of Hyderabad. The accused persons allegedly gang-raped and killed her in an isolated location in Kollur near RC Puram.⁴⁷⁴

In the intervening night of 13 November 2020, two tribal girls from Tripura were reportedly gang raped by five persons identified as Abu Bakkar, Amir Ali, Sumon Ali, Samsul Uddin and Anowar Hussain at Nilambazar area under Karimganj district of Assam. The victims had hired a taxi from Silchar to return home after visiting their ailing mother, who was undergoing treatment at the Cachar Cancer Hospital and Research Centre in Silchar. During the journey the driver told the girls that he would take a shortcut to reach Dharmanagar in Tripura. However, he took the car to an under-construction building in Baraingram area of Nilambazar under Karimganj

⁴⁷¹. Special Investigation Team constituted to probe Buxar gang-rape and murder case, Hindustan Times, 13 October 2020, <https://www.hindustantimes.com/patna/special-investigation-team-constituted-to-probe-buxar-gang-rape-and-murder-case/story-Z4LwbPk3CkIVxmWK1q48kL.html>

⁴⁷². NHRC Case No. 20959/24/20/2020

⁴⁷³. Punjab Cops Recover Body Of 6-Year-Old Girl, Allegedly Raped, Burnt Alive, NDTV, 22 October 2020, <https://www.ndtv.com/india-news/punjab-cops-recover-body-of-6-year-old-girl-allegedly-raped-burnt-alive-2314379>

⁴⁷⁴. NHRC compliant filed by Indigenous Lawyers Association of India (ILAI) dated 19 November 2020.

district, where four other men were already present and they took turns to rape the victims.⁴⁷⁵

On 30 November 2020, a 15-year-old Adivasi girl was gang-raped by five men in Karra police station in Khunti district of Jharkhand. The minor was returning from a local fair when the incident took place. According to the police, a seven-member SIT team under Torpa Sub Divisional Police Officer (SDPO) was formed to carry out raids to trace the culprits and a case under relevant sections of POCSO Act was lodged.⁴⁷⁶

On 1 December 2020, the Orissa High Court set a 20-day deadline for the State government to submit a status report on the alleged gang rape and murder of a 36-year-old tribal woman at Malkangiri town. The court heard the petition filed by Budura Gauda, husband of the deceased woman. The victim worked as a domestic help at the Malkangiri Police Canteen and was allegedly raped on 7 May 2020. Budura was informed by the canteen's owner BBC Das that his wife was ill and needed to be shifted to a hospital. While she was admitted to the hospital, Budura lodged a police complaint on 9 May. The victim succumbed at Rayagada in an ambulance while she was being shifted to MKCG Medical College and Hospital at Berhampur from the Koraput district headquarters hospital. In his petition, Budura alleged that the police had performed cremation of the body without seeking permission from him or his family members. He was given Rs 12,000 by the police for conducting the death rituals. The postmortem report indicated injuries in her private parts and primary cause of death was hypovolemic shock (a life-threatening condition that results when one loses more than 20 percent of body blood or fluid supply). The report had stated that the death may be homicidal in nature.⁴⁷⁷

9. JUDICIAL INTERVENTIONS AGAINST TORTURE

The judiciary continued to intervene to set the standards for the prevention of torture, award compensation and punish the culprits where permission for the prosecution was given by the government as cited below.

⁴⁷⁵. NHRC compliant filed by Indigenous Lawyers Association of India (ILAI) dated 16 November 2020.

⁴⁷⁶. 15-year-old Adivasi girl gang-raped by 5 in Jharkhand village, The Times of India, 2 December 2020, <https://timesofindia.indiatimes.com/city/ranchi/15-year-old-adivasi-girl-gang-raped-by-5-in-khunti-village/articleshowprint/79526351.cms>

⁴⁷⁷. Govt gets 20-day deadline to submit report on rape of tribal woman, The New Indian Express, 2 December 2020, <https://www.newindianexpress.com/states/odisha/2020/dec/02/govt-gets-20-daydeadline-to-submit-report-on-rape-of-tribal-woman-2230664.html>

9.1. Supreme Court ruled confession to officers under the NDPS Act inadmissible

In a landmark ruling on 29 October 2020, the Supreme Court ruled that officers of the Central and State agencies appointed under the Narcotic Drugs and Psychotropic Substances (NDPS) Act are police officers for legal purposes and that confessional statements taken from suspect by them under Section 67 are not admissible. Effectively, an accused under the NDPS Act will be subjected to the safeguards in the Evidence Act and the Criminal Procedure Code. The majority ruling was pronounced by Justices Rohinton Fali Nariman and Navin Sinha, while Justice Indira Banerjee gave a dissenting opinion in the case. The Court was hearing a set of Appeals and Special Leave Petitions arising by virtue of a reference order of a Division Bench of the Supreme Court in *Toofan Singh vs State of Tamil Nadu*. The Court mainly considered two issues, namely:⁴⁷⁸

1. Whether an officer “empowered under Section 42 of the NDPS Act” and/or “the officer empowered under Section 53 of the NDPS Act” are “Police Officers” and therefore statements recorded by such officers would be hit by Section 25 of the Evidence Act; and
2. What is the extent, nature, purpose and scope of the power conferred under Section 67 of the NDPS Act available to and exercisable by an officer under section 42 thereof, and whether power under Section 67 is a power to record confession capable of being used as substantive evidence to convict an accused?⁴⁷⁹

The Bench, after hearing the parties, answered the issues by stating:

(i) That the officers who are invested with powers under section 53 of the NDPS Act are “police officers” within the meaning of section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act.

(ii) That a statement recorded under section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS Act.⁴⁸⁰

⁴⁷⁸. Criminal Appeal No.152 of 2013,

https://main.sci.gov.in/supremecourt/2012/26682/26682_2012_33_1501_24551_Judgement_29-Oct-2020.pdf

⁴⁷⁹. Para 3 of judgment dated 29 October 2020, available at

<https://indiankanoon.org/doc/143202244/>

⁴⁸⁰. Para 155 of judgment dated 29 October 2020, available at

<https://indiankanoon.org/doc/143202244/>

Thus, the Supreme Court settled a long-pending question of law on whether statements recorded under Section 67 of the NDPS Act can be admissible as confessional statements in criminal trials. Past judgments ruled that statements recorded by officers under the NDPS Act cannot be treated as confessions. This ruling, therefore, will impact evidence in several cases, specially the alleged drugs cases being investigated by the Narcotics Control Bureau (NCB) and will act as a safeguard against forced and coerced confessions obtained during custodial interrogation, often through torture and third degree methods.⁴⁸¹

Section 42 of the NDPS Act provides powers to an authorised officer of the Central government or a state government, superior to the rank of a “peon, sepoy or a constable” to enter premises, search it, seize evidence and arrest persons who may have committed an offence under the Act. This officer can also record statements. Additionally, Section 53 allows the Centre and states through a notification in the official gazette to bestow on officials powers equal to an OC of a police station.

Therefore, till now, a statement obtained by the authorised officer from an accused became a confessional statement fully admissible in court. This was because the legal assumption was that such an officer under the NDPS Act was not a “police officer” and not bound by the restrictions placed on police officers under Section 25 of the Evidence Act.

Under Section 161 of the Criminal Procedure Code, when a police officer records a statement only that part of the statement that leads to the discovery of a new fact unknown to the officer at the time of recording the statement would be allowed to be used in trial. This is a crucial safeguard provided through the Evidence Act to protect the constitutional right of citizen against self-incrimination, given that the police are known to use illegal techniques to obtain confessions.

The Supreme Court by majority held that the provisions that led to confession statements under the NDPS Act being admissible as evidence violated three key fundamental rights under the Constitution: Article 14, which provides equality before the law; Article 20 (3), which gives a citizen the right against self-incrimination; and Article 21, which provides right to life, dignity and privacy.⁴⁸²

The court also made a special mention of the right to privacy as it read down the provisions relating to confessional statements. In Para 27 of the judgment, the Court stated as follows:⁴⁸³

“The NDPS Act is to be construed in the backdrop of Article 20(3) and Article 21, Parliament being aware of the fundamental rights of the citizen and the judgments of this Court interpreting them, as a result of which a delicate balance is maintained

⁴⁸¹. Criminal Appeal No.152 of 2013,

https://main.sci.gov.in/supremecourt/2012/26682/26682_2012_33_1501_24551_Judgement_29-Oct-2020.pdf

⁴⁸². Ibid

⁴⁸³. Ibid

between the power of the State to maintain law and order, and the fundamental rights chapter which protects the liberty of the individual. Several safeguards are thus contained in the NDPS Act, which is of an extremely drastic and draconian nature, as has been contended by the counsel for the Appellants before us. Also, the fundamental rights contained in Articles 20(3) and 21 are given pride of place in the Constitution. After the 42nd Amendment to the Constitution was done away with by the 44th Amendment, it is now provided that even in an Emergency, these rights cannot be suspended – see Article 359(1). The interpretation of a statute like the NDPS Act must needs be in conformity and in tune with the spirit of the broad fundamental right not to incriminate oneself, and the right to privacy, as has been found in the recent judgments of this Court”.

In Para 68, the judgment said:

*“It would be remarkable that if a police officer, properly so-called, were to “investigate” an offence under the NDPS Act, all the safeguards contained in sections 161 to 164 of the CrPC would be available to the accused, but that if the same police officer or other designated officer under section 42 were to record confessional statements under section 67 of the NDPS Act, these safeguards would be thrown to the winds, as was admitted by Shri Lekhi in the course of his arguments. Even if any such anomaly were to arise on a strained construction of section 67 as contended for by Shri Lekhi, the alternative construction suggested by the Appellants, being in consonance with fundamental rights, alone would prevail, as section 67 would then have to be “read down” so as to conform to fundamental rights”.*⁴⁸⁴

The Court observed that given the stringent nature of the NDPS Act, several sections provide safeguards so as to provide a balance between investigation and trial of offences under the Act, and the fundamental rights of the citizen.⁴⁸⁵

The Court then noted “that given the stringent provisions of NDPS Act, one has to keep in mind the fact that severer the punishment, the greater the care taken to see that the safeguards provided in the statute are scrupulously followed.”⁴⁸⁶

9.2. Supreme Court ordered installation of CCTV cameras in all interrogation rooms

In yet another landmark ruling, the Supreme Court in *Paramvir Singh Saini vs Baljit Singh* on 2 December 2020 ruled the installation of CCTV cameras in police stations, and in the offices of any other agency which carries out interrogations and has the power of arrest across the country. The Court directed that State and UT Governments should ensure that CCTV cameras are installed in each and every Police Station functioning in the respective State and/or UT. Further, in order to

⁴⁸⁴. Ibid

⁴⁸⁵. Ibid

⁴⁸⁶. Ibid

ensure that no part of a Police Station is left uncovered, it is imperative to ensure that CCTV cameras are installed at all entry and exit points; main gate of the police station; all lock-ups; all corridors; lobby/the reception area; all verandas/outhouses, Inspector's room; Sub Inspector's room; areas outside the lock-up room; station hall; in front of the police station compound; outside (not inside) washrooms/toilets; Duty Officer's room; back part of the police station etc.⁴⁸⁷

The Court also directed the Union of India to install CCTV cameras and recording equipment in the offices of:

- (i) Central Bureau of Investigation (CBI)
- (ii) National Investigation Agency (NIA)
- (iii) Enforcement Directorate (ED)
- (iv) Narcotics Control Bureau (NCB)
- (v) Department of Revenue Intelligence (DRI)
- (vi) Serious Fraud Investigation Office (SFIO)
- (vii) Any other agency which carries out interrogations and has the power of arrest.

The Court held that as most of these agencies carry out interrogation in their office(s), CCTVs shall be compulsorily installed in all offices where such interrogation and holding of accused takes place in the same manner as it would in a police station.⁴⁸⁸

CCTV systems that have to be installed must be equipped with night vision and must necessarily consist of audio as well as video footage. In areas in which there is either no electricity and/or internet, it shall be the duty of the States/UTs to provide the same as expeditiously as possible using any mode of providing electricity, including solar/wind power. The internet systems that are provided must also be systems which provide clear image resolutions and audio. Most important of all is the storage of CCTV camera footage which can be done in digital video recorders and/or network video recorders.

The Court further ordered that CCTV cameras must be installed with such recording systems that the data is stored thereon shall be preserved for a period of 18 months. If the recording equipment, available in the market does not have the capacity to keep the recording for 18 months but for a lesser period of time, it shall be mandatory for all States, UTs and the Central Government to purchase one which allows storage for the maximum period possible, and, in any case, not below 1 year. The affidavit of compliance to be filed by all States and UTs and Central Government

⁴⁸⁷. Para 16 of the Order dated 3 December 2020, available at https://main.sci.gov.in/supremecourt/2020/13346/13346_2020_33_1501_24909_Judgement_02-Dec-2020.pdf

⁴⁸⁸. Para 19 of the Order dated 3 December 2020, available at https://main.sci.gov.in/supremecourt/2020/13346/13346_2020_33_1501_24909_Judgement_02-Dec-2020.pdf

shall clearly indicate that the best equipment available as of date has been purchased.⁴⁸⁹

And, whenever there is information of force being used at police stations resulting in serious injury and/or custodial deaths, it is necessary that persons be free to complain for a redressal of the same. Such complaints may not only be made to the State Human Rights Commission, which is then to utilise its powers, more particularly under Sections 17 and 18 of the Protection of Human Rights Act, 1993, for redressal of such complaints, but also to Human Rights Courts, which must then be set up in each District of every State/UT under Section 30 of the aforesaid Act. The Commission/Court can then immediately summon CCTV camera footage in relation to the incident for its safe keeping, which may then be made available to an investigation agency in order to further process the complaint made to it.⁴⁹⁰

Earlier on 03.04.2018, in the case of *Shafhi Mohammad vs State of Himachal Pradesh* (2018) 5 SCC 311,⁴⁹¹ the SC has directed that a Central Oversight Body (COB) be set up by the Ministry of Home Affairs to implement the plan of action with respect to the use of videography in the crime scene during the investigation. The court considered the directions issued in *D.K. Basu Vs. State of West Bengal & Others* (2015) 8 SCC 744, and held that there was a need for further directions that in every State an oversight mechanism be created whereby an independent committee can study the CCTV camera footages and periodically publish a report of its observations thereon. The COB was further directed to issue appropriate instructions in this regard at the earliest.

In the instant case, the Court in Para 21 observed that nothing substantial has been done in this regard for a period of over 2½ years since the first Order dated 03.04.2018 and stated:

"Since these directions are in furtherance of the fundamental rights of each citizen of India guaranteed under Article 21 of the Constitution of India, and since nothing substantial has been done in this regard for a period of over 2½ years since our first Order dated 03.04.2018, the Executive/Administrative/police authorities are to implement this Order both in letter and in spirit as soon as possible. Affidavits will be filed by the Principal Secretary/Cabinet Secretary/Home Secretary of each State/ Union Territory giving this Court a firm action plan with exact timelines for

⁴⁸⁹ . Para 17 of the Order dated 3 December 2020, available at https://main.sci.gov.in/supremecourt/2020/13346/13346_2020_33_1501_24909_judgement_02-Dec-2020.pdf

⁴⁹⁰. Para 18 of the Order dated 3 December 2020, available at https://main.sci.gov.in/supremecourt/2020/13346/13346_2020_33_1501_24909_judgement_02-Dec-2020.pdf

⁴⁹¹. SLP (CrI) No. 2302 of 2017

*compliance with today's Order. This is to be done within a period of six weeks from today".*⁴⁹²

9.3. Judgments Awarding Compensation

Case 1: Bombay High Court awards Rs. 500,000 compensation in custodial death of minor

On 26 November 2020, the Aurangabad bench of Bombay High Court directed the State government of Maharashtra to pay Rs 500,000 compensation to the father of a 16-year-old boy who died in police custody at Shirdi police station on 31 March 2016. The minor was picked up by police from the Saibaba temple premise on the suspicion of pick-pocketing. However, when the minor's father and brother went to the police station, they were not allowed to see him, and later the police rushed the body to the hospital where the father was informed that his son was dead. The father of the minor approached the High Court seeking ex-gratia compensation as well as an inquiry against the officers responsible for the death of his son.⁴⁹³ *"It is crystal clear that (the boy) died in police lock up...We arrived at the conclusion that it is a case of custodial death at the hands of police officials of Shirdi police station. The prayer for ex-gratia compensation of Rs 5 lakh needs to be granted to the unfortunate father/petitioner,"* a division bench of Justice Tanaji V Nalawade and Justice Shrikant D Kulkarni said in its order. The Court further observed *"Custodial violence has always been a matter of great concern for all civilised societies. There must be a great degree of sensibility amongst police officials with regard to the persons, who are arrested and kept in custody."*⁴⁹⁴

Case 2: Patna High Court awards Rs. 500,000 compensation to a truck driver for illegal detention

On 22 December 2020, Patna High Court awarded Rs. 500,000/- as compensation to a truck driver who was illegally detained and kept in custody for over 35 days by the Patna Police. A Bench of Chief Justice Sanjay Karol and Justice S. Kumar observed

⁴⁹². Para 21 of Judgment, available

https://main.sci.gov.in/supremecourt/2012/26682/26682_2012_33_1501_24551_Judgement_29-Oct-2020.pdf

⁴⁹³. Bombay HC directs Maharashtra government to deposit Rs 5 lakh as compensation for custodial death of minor, The Hindustan times, 13 December 2020,

<https://www.hindustantimes.com/mumbai-news/bombay-hc-directs-maharashtra-government-to-deposit-5-lakh-as-compensation-for-custodial-death-of-minor/story-U1bhYW2x6LzdaQIRugw4MK.html>

⁴⁹⁴. Bombay HC grants Rs 5 lakh to father for custodial death of minor caught for pick-pocketing, The Indian Express, 14 December 2020,

<https://indianexpress.com/article/india/bombay-hc-grants-rs-5-lakh-to-father-for-custodial-death-of-minor-caught-for-pick-pocketing-7103739/>

that the Police authorities in this case had acted in clear violation of the procedure established by law, in as much as the vehicle and the detainee were detained and kept in police custody for more than 35 days, without either filing an FIR or following any other procedure of arrest prescribed in law, ensuring constitutional protections to all persons. It held that the authorities had acted in direct violation of detainee's fundamental rights under Articles 21 and 22 of the Constitution and accordingly ordered the payment of Rs. 500,000 as compensation. The petition was filed by the Truck owner alleging that the police illegally detained his vehicle (milk tanker) along with its driver, Jitendra Kumar without lodging of any FIR and/or following the appropriate procedures of recording the detention of the individual or impounding the vehicle, rendering the seizure unlawful and detention illegal.⁴⁹⁵

9.4. Judgments awarding punishments

Case 1: Five policemen sentenced to one-year rigorous imprisonment for custodial torture in Punjab

On 7 January 2020, five policemen including an Inspector identified as Sukhbir Singh were reportedly sentenced to one year rigorous imprisonment by a local court in Khamano in Fatehgarh Sahib district in Punjab in a case involving torture and framing of three youths. As per complainant Buta Singh, a resident of Manderan village, his two sons Sukhdev Singh and Harpreet Singh and another youth of the village Satnam Singh, who were working as labourers, were going to work in the morning on 1 December 2011. When they reached near Khamano main chowk, they were stopped by a police team, led by ASI Manohar Singh and taken to Khamano police station where they were subjected to torture by policemen, including Sukhbir Singh, the then Additional SHO at Khamano police station. A false case was registered against them. After spending some days in jail, the three filed a complaint in the court. The victims were acquitted and the court found the five policemen guilty under Section 323 of the IPC and awarded one-year rigorous imprisonment along with a fine of Rs 1,000 each.⁴⁹⁶

Case 2: Six Punjab Police personnel convicted for killing Baba Charan Singh and five family members after abduction

On 9 January 2020, a Mohali court convicted six Punjab Police personnel for the murder of Baba Charan Singh, and five other relatives, including nephew Balwinder Singh, who was a constable with Punjab Police, and his father, Gurmej Singh after they were abducted by the police from different places in April 1993 and later shown to have escaped from custody. Those convicted are inspector Suba Singh, assistant

⁴⁹⁵. Truck Driver Illegally Detained By Police: Patna High Court Asks Govt To Give 5L Compensation For Violation Of Fundamental Right, Live Law, 23 December 2020, <https://www.livelaw.in/news-updates/patna-high-court-5-lakh-compensation-truck-drivers-police-excess-illegal-detention-fundamental-rights-article-21-167568>

⁴⁹⁶. The State of Torture in Uttarakhand, ACHR, January 2020

sub inspector (ASI) Sauba Singh, head constable Lakha Singh, and sub inspectors (SI) Bikramjit Singh, Sukhdev Singh and Sukdev Raj Joshi. The case was transferred to the CBI in 1997 after Surjit Kaur, the wife of Baba Charan Singh, moved the Punjab and Haryana high court. CBI investigations concluded that Baba Charan Singh and his three brothers, Meja Singh, Kesar Singh, Gurdev Singh, besides his brother-in-law Gurmej Singh and his son Balwinder Singh were abducted from different places and after illegal detention, false cases were registered against them. Later, they were shown as killed during their bid to escape from custody. Baba Charan Singh was in-charge of kar seva (voluntary service) at 35 gurdwaras in Punjab. His responsibilities included maintenance and construction at these gurdwaras.⁴⁹⁷

Case 3: Orissa HC orders former Police officers to serve jail in custodial death case

On 9 November 2020, the Orissa High Court directed two septuagenarian ex-police officers to surrender and serve imprisonment, 32 years after granting bail on criminal appeal filed by them against their conviction in a custodial death case. Pravat Chandra Mohanty (76 years) and PK Choudhury (75 years) were inspector and senior sub-inspector respectively when the custodial death occurred during illegal confinement of a person at the Purighat police station in Cuttack in 1985. On 29 August 1988, the court of Assistant Sessions Judge-cum-Additional Chief Judicial Magistrate (Special), Cuttack had convicted Mohanty and Choudhury for culpable homicide not amounting to murder and sentenced them to rigorous imprisonment for five years and eight years respectively. They were also sentenced to a maximum sentence of three years rigorous imprisonment for fraudulent preparation of FIR, wrongful confinement and voluntarily causing hurt. Both had filed criminal appeals in the High Court and were released on bail by 1 September 1988. While disposing of their appeals after 32 years, the Single Judge Bench of Justice SK Sahoo acquitted both the police officers of charges of culpable homicide not amounting to murder and reduced the maximum sentence of three years rigorous imprisonment to one year simple imprisonment for other charges, taking their age into consideration. The High Court in its judgment stated "Their bail bonds shall stand cancelled and they are directed to surrender before the trial court within two weeks from today for undergoing the remaining period of sentence". The court also directed the State government to pay compensation of Rs. 3,00,000 in favour of the legal representative(s) of the deceased within a period of one month.⁴⁹⁸

⁴⁹⁷. The State of Torture in Uttarakhand, ACHR, January 2020

⁴⁹⁸. Three decades after granting bail, Orissa High Court asks former cops to serve jail, The New Indian Express, 10 November 2020, <https://www.newindianexpress.com/states/odisha/2020/nov/10/three-decades-after-granting-bail-orissa-high-court-asks-former-cops-to-serve-jail-2221791.html>

9.5. DIRECTIONS FOR PROBE BY INDEPENDENT AGENCIES

Case 1: Gujarat High Court transfers custodial death case to CID for investigation

On 5 August 2020, the Gujarat High Court ordered transfer of the custodial death case of Babu Sheikh Nisar (65 years) from police to the Crime Investigation Department. The deceased, a resident of Telangana, allegedly died at Fatehgunj police station in Vadodara district, Gujarat. In July 2020, the police booked six police personnel for allegedly killing the deceased in custody. The deceased had reportedly gone missing on 10 December 2019, after he was arrested by police on suspicion of theft. While the six police personnel are, according to the police, absconding, one of them - Police Inspector DB Gohil - had filed a petition before the high court, seeking to quash the FIR against them on the grounds that the police is yet to ascertain if the said victim is "indeed dead". The division bench of Justices Sonia Gokani and NV Anjaria, during a hearing on 5 August had also directed that the investigation must be carried out by an officer of the rank of Superintendent of Police and be supervised by an officer of the rank of Deputy Inspector General. The court also remarked that the mere act of the Vadodara police agreeing to add IPC Section 302 (culpable homicide amounting to murder) upon the court's insistence, is "not sufficient discharge of duty" by the said investigating officer. Further, the court observed, "The court cannot be oblivious of the fact that it is dealing with those persons who themselves are the veterans of the field of investigation and may also have mastered the art of overreacting the process and who, till date, are not available to face the process of law, already initiated against them pursuant to the detailed directions issued by this court. There are shocking details emerging as to how for days and months, no clue is received of a missing person about whom inquiries were made incessantly."⁴⁹⁹

Case 2: Punjab & Haryana High Court directs Haryana prison department to file forensic report in a custodial death case

On 11 August 2020, the Punjab and Haryana High Court asked the prison department, Haryana to file the forensic report in the case involving the custodial death of an inmate inside Bhondsi jail premises. In January 2019, 28-year-old Akhilesh, convicted for robbery and murder, was found dead in Bhondsi jail premises. The jail officials had claimed that he died of a heart attack. However, the autopsy report clearly mentioned that various brownish/black pellets were found in the stomach of the deceased. The jail authorities were questioned regarding their level of security and caution with which prisoners are handled. The deceased's family

⁴⁹⁹. Gujarat High Court orders transfer of Vadodara 'custodial death' probe to state CID, The Indian Express, 7 August 2020, <https://indianexpress.com/article/india/gujarat-high-court-orders-transfer-of-vadodara-custodial-death-probe-to-state-cid-6543351/>

had approached various authorities and officers to investigate the death inside the jail premises, but to no avail.⁵⁰⁰

Case 3: Gujarat High Court criticises Metropolitan Magistrate for casual approach in conducting inquiry in a custodial death case

In August 2020, the Gujarat High Court criticised the chief metropolitan magistrate for his “casual” approach as the head of the institution towards conducting an inquiry into a custodial death case. The High Court ordered the chief metropolitan magistrate to personally conclude the inquiry into the custodial death case and submit his report within 15 days to the High Court. The High Court was upset because its order passed in March 2020 for completion of the inquiry was not complied with by the metropolitan court. The case pertains to the custodial death of Umang alias Sonu Chhatral at Sabarmati jail. His autopsy suggested he had 11 ante-mortem injuries. His brother Pritesh filed a complaint seeking an inquiry into the death, accusing Shahibaug police of torturing Sonu in custody in November 2016. As the judicial inquiry into the custodial death did not make any headway for nearly three years, Pritesh Chhatral moved the High Court through advocate N M Kapadia, seeking directions to the metropolitan court to do the needful at the earliest. On 5 March 2020, the High Court sought a report from the metropolitan court, which tendered a report prepared on 19 March 2020. After perusing the report, the High Court said, “...it appears that the learned Chief Metropolitan Magistrate (CMM) has adopted casual approach in spite of he being a head of the Institution and he could not comply with the order dated 05.03.2020 passed by this Court.”⁵⁰¹

Case 4: Kerala High Court directs CBI to investigate custodial death case

On 21 August 2020, the Kerala High Court directed the CBI to take over the investigation into a case registered in connection with the alleged custodial death of a farmer in Pathanamthitta district, Kerala. The High Court gave the directive while disposing of a petition filed by the wife of the deceased farmer Mathai (41 years), seeking a CBI probe into the case. Mathai was found dead in a well on his farm in Pathanamthitta district on 28 July 2020, hours after he was picked up by Forest Department officials for questioning over the destruction of a camera set up by the department for animal-spotting. In her petition, the widow alleged that the investigation being carried out by the state police was not fair.⁵⁰²

⁵⁰⁰. High Court issues direction to file forensic report in inmate’s death, Hindustan Times, 16 August 2020, <https://www.hindustantimes.com/gurugram/high-court-issues-direction-to-file-forensic-report-in-inmate-s-death/story-d62SlzdnIK9mFkTwR1WwFL.html>

⁵⁰¹. Custodial death: Metropolitan court gets HC rap, The Times of India, 19 August 2020, <https://timesofindia.indiatimes.com/city/ahmedabad/custodial-death-metropolitan-court-gets-hc-rap/articleshowprint/77622666.cms>

⁵⁰². Kerala High Court Directs CBI To Take Over Probe Into Farmer's Alleged Custodial Death, NDTV, 22 August 2020, <https://www.ndtv.com/kerala-news/kerala-high-court-directs-cbi-to-take-over-probe-into-farmers-alleged-custodial-death-2283431>

Case 5: Supreme Court defers hearing on pleas seeking fresh guidelines on custodial deaths, torture and rape

On 14 September 2020, the Supreme Court deferred hearing on a batch of petitions urging it to lay fresh guidelines to fill the legal lacunae surrounding custodial deaths, torture and rape in police custody. A bench of the Supreme Court, headed by Justice UU Lalit, said it will hear the matter on 7 October 2020. A batch of petitions were filed seeking fresh guidelines in wake of the custodial torture and death of father-son duo, P Jayaraj and J Bennix, who were detained by the police in Tamil Nadu on 19 June 2020 for keeping their mobile phone shop open beyond the permissible hours during the COVID-19 lockdown.⁵⁰³

Case 6: Supreme Court expresses shock at 13 year long stay of trial of police officer in a custodial death case

On 23 September 2020, the Supreme Court expressed shock at the stay of criminal proceedings for almost 13 years in a case pertaining to custodial death of a man in Uttar Pradesh on 1 March 1997. In its order, the Supreme Court directed the trial court to proceed with the trial pertaining to the death of the petitioner's father almost on a day to day basis as far as possible and to conclude it within a period of one year from its commencement. The accused police officer had challenged the summons issued by the trial court before the Allahabad High Court. While issuing notice in the matter, the High Court had also granted an interim stay on 13 September 2007. The matter continued in that position since then for the last 13 years with the criminal proceedings stayed. The Supreme Court while vacating the interim order of the High Court noted that at one stage, the High Court had even reserved its orders on the proceedings on 14 February 2013, but had again listed the matter for rehearing on 6 March 2013, which again did not produce any result. In 2018, the son of the deceased approached the Supreme Court against the criminal proceedings being put in abeyance by way of the High Court's interim order.⁵⁰⁴

Case 7: Madras High Court seeks State government's reply in custodial torture of a farmer

On 30 September 2020, the Madras high court sought response from the state government of Tamil Nadu in a case of custodial torture of a farmer. The order was

⁵⁰³. SC Adjourns To Oct 7 Hearing On Plea Seeking Fresh Guidelines On Deaths, Rapes In Police Custody, Business World, 14 September 2020, <http://www.businessworld.in/article/SC-adjourns-to-Oct-7-hearing-on-plea-seeking-fresh-guidelines-on-deaths-rapes-in-police-custody/14-09-2020-320371/>

⁵⁰⁴. SC expresses shock and displeasure at 13-year-long stay in custodial death case; vacates stay, seeks report from Allahabad HC, The Leaflet, 29 September 2020, <https://www.theleaflet.in/sc-expresses-shock-and-displeasure-at-13-year-long-stay-in-custodial-death-case-vacates-stay-seeks-report-from-allahabad-hc/#>

passed while hearing the suo motu public interest litigation initiated following the custodial deaths of the father-son duo of P Jeyaraj and his son J Beniks. R Sathiamoorthy, Executive Trustee of NGO People's Watch who had filed an intervening petition in this case seeking inquiry into the incident in which a farmer identified as C Martin was subjected to alleged custodial torture by the police in Sathankulam in Thoothukudi district in August 2020.⁵⁰⁵

Case 8: Madras High Court quashes State Government's order authorising DCPs to perform role of Executive Magistrate

On 2 October 2020, a single bench of Justice P.N. Prakash of the Madras High Court quashed the Tamil Nadu government's order vesting upon the Deputy Commissioners of Police (DCPs) the powers and functions of an Executive Magistrate under the Criminal Procedure Code (Cr.P.C). The court held that the two Government Orders issued by the Tamil Nadu government in 2013 and 2014 authorising Deputy Commissioners of Police across the State to perform the functions of an Executive Magistrate under the Cr.P.C. were illegal since they were directly in violation of Section 6 of the District Police Act enacted during the colonial rule in 1859. Noting that "India should never become a police State," Justice Prakash quashed the powers conferred by the State government on police officers to imprison those who breach bonds executed under Section 117 of the Code of Criminal Procedure (Cr.P.C.) to keep peace and maintain good behaviour. Justice Prakash stated that the police could not be heard to say that it would become impossible to maintain law order in the State without it being given the power to obtain bonds of good behaviour from habitual offenders and to send them to prison in case of a breach. "Rule of law cannot be sacrificed at the altar of expediency," he observed.⁵⁰⁶

The judge also suggested that the State government could follow the detailed guidelines issued by the Supreme Court in the famous Prakash Singh's case in 2006. He impressed upon the need to repeal all the colonial police laws in vogue and replace them with new enactments aimed at making the State police force thoroughly professional and independent.⁵⁰⁷

⁵⁰⁵. HC seeks state govt response in cases of murder, farmer's 'custodial torture', The Times of India, 1 October 2020, <https://timesofindia.indiatimes.com/city/madurai/hc-seeks-state-govt-response-in-cases-of-murder-farmers-custodial-torture/articleshowprint/78416241.cms>

⁵⁰⁶. India should never become a police State, says HC, The Hindu, 3 October 2020; <https://www.thehindu.com/news/national/tamil-nadu/india-should-never-become-a-police-state-says-hc/article32755679.ece>

⁵⁰⁷. India should never become a police State, says HC, The Hindu, 3 October 2020; <https://www.thehindu.com/news/national/tamil-nadu/india-should-never-become-a-police-state-says-hc/article32755679.ece>

Case 9: Gauhati High Court asks Assam government to take required steps to shift foreigner detention centre from jail premises

On 7 October 2020, the Gauhati high court directed the Home and Political Department, Assam government to take the required steps to move out the six foreigner detention centres existing within the premises of Goalpara, Kokrajhar, Jorhat, Silchar, Dibrugarh and Tezpur district jail. The order, inter alia stated: *"We require the authorities in the State Government, Home and Political Affairs to submit an action taken report within the next returnable date on the steps that have been taken to set up detention centre outside the jail premises and if necessary by following the requirement of the two communication dated 07.03.2012 and 10.09.2014 as well as the Clause 4.1 and 4.4 of the model manual which requires that if suitable government accommodations are not available for the purpose, the authorities may also be required to hire any private premises for the purpose."*⁵⁰⁸

The directive was given by single judge bench of Justice Achintya Malla Bujor Baruah after hearing a batch of four petitions filed by Abantee Dutta, Dipika Sarkar and Santanu Borthakur etc among others relating to the issue "as to in what manner the detention centers are required to be operated by the authorities for the purpose of keeping the foreigners/illegal migrants and others who are awaiting deportation/repatriation to the countries of their origin or waiting an adjudication of their respective claims."⁵⁰⁹

Earlier, in a communication dated 07.03.2012 addressed to all the Principal Secretaries to all the State Governments and Union Territories the Ministry of Home Affairs in compliance of directions of the Supreme Court in *Bhim Singh vs. Union of India* [(2012) 13 SCC 471], instructed that alleged foreign nationals who have completed their sentence but they could not be repatriated as their nationality has not been confirmed be released from jail immediately and they may be kept at an appropriate place outside the jail premises with restricted movement pending repatriation. In *Bhim Singh vs. Union of India* [(2012) 13 SCC 471] the Supreme Court held that the 37 Pakistani prisoners who have completed their sentence but could not be repatriated as their nationality has not been confirmed by the Pakistan High Commission "cannot be confined to prison and deprived of basic human rights and human dignity." The apex court had directed to release those 37 persons from jail immediately and keep them at appropriate place with restricted movements pending their deportation/repatriation but those places must have basic facilities of electricity, water and hygiene and the 21 out of the 37 persons, who are mentally

⁵⁰⁸. Order dated 7 October 2020 passed by the Gauhati High Court in Writ Petition (Crl.) No.2/2020, W.P.(Crl.) 4/2020, W.P.(Crl.) 6/2020 and W.P.(Crl.) 7/2020; available at: [https://services.ecourts.gov.in/ecourtindiaHC/cases/display_pdf.php?filename=U%2BbhtlrlL e2adAHN8Tz%2F1d7SCVchlAYH3Y8ZhwrvM3Ay%2FuX64w2BldrHgDMr96qHk&caseno=W.P.\(Crl.\)/2/2020&cCode=1&appFlag=](https://services.ecourts.gov.in/ecourtindiaHC/cases/display_pdf.php?filename=U%2BbhtlrlL e2adAHN8Tz%2F1d7SCVchlAYH3Y8ZhwrvM3Ay%2FuX64w2BldrHgDMr96qHk&caseno=W.P.(Crl.)/2/2020&cCode=1&appFlag=)

⁵⁰⁹. Ibid

challenged, be given proper medical help/assistance or treatment in suitable government hospitals or the hospitals/clinics run by NGOs.⁵¹⁰

Case 10: Madras High Court directs State government and DGP to frame SOP to maintain CCTV footage to prevent custodial torture

On 9 October 2020, the Madras High Court directed the State Government of Tamil Nadu to file a detailed report for framing a Standard Operating Procedure to maintain footage of CCTVs installed inside police stations across the State in order to prevent human rights violations and cases of custodial torture. The order was issued by the two-member bench of Justices M Sathyanarayanan and R Hemalatha on a petition filed by K Nizamuddin, a Chennai-based advocate who raised the recent custodial deaths of father-son duo in Sathankulam police station. According to the petitioner, there is no statutory framework or SOP prescribed to protect and maintain the CCTV footage inside the police stations in Tamil Nadu.⁵¹¹

Case 11: Calcutta High Court orders second post mortem in a case of death in judicial custody

On 16 October 2020, the Calcutta High Court ordered a second postmortem examination on the body of Madan Ghorai @ Kalipada, who died in judicial custody acting on a petition filed by his brother claiming that he was tortured in a correctional home in Purba Medinipur district, West Bengal. The High Court directed the Head of the Forensic Department, R G Kar Medical College and Hospital, to conduct a full-fledged autopsy afresh and videograph the entire process. Madan Ghorai, who was said to be a member of the BJP, was accused of kidnapping a woman at Patashpur in Purba Medinipur district and was in judicial remand since 27 September 2020 following his arrest. The prisoner died on 13 October 2020. The petitioner alleged that his brother might have been tortured in custody and also claimed that he was brought to Kolkata for treatment from the correctional home in the district without the knowledge of the family. The High Court while passing the order stated that since there are allegations of unnatural death and that too in custody, it was acceding to the request of the petitioner for a second postmortem examination.⁵¹²

⁵¹⁰. Ibid

⁵¹¹. Is there a plan to preserve CCTV footage in police stations, Madras HC asks TN govt, The New Indian Express, 9 October 2020, <https://www.newindianexpress.com/states/tamil-nadu/2020/oct/09/is-there-a-plan-to-preserve-cctv-footage-in-police-stations-madras-hc-asks-tn-govt-2208182.html>

⁵¹². Bengal Man Dies In Custody Allegedly Due To Torture; Fresh Autopsy Ordered, NDTV, 17 October 2020, <https://www.ndtv.com/india-news/bengal-man-dies-in-custody-allegedly-due-to-torture-fresh-autopsy-ordered-2311413>

Case 12: Madras High Court issues notice to police in a case of custodial torture

On 22 October 2020, the Madurai Bench of Madras High Court issued notice to four police officials, including Madurai Deputy Commissioner of Police (Law and Order) R Shiva Prasad, in a petition filed by a woman alleging that the officials harassed and threatened her husband and her family to withdraw a custodial torture complaint lodged by her husband against police officials. The petitioner R Yasmin alleged that the Triplicane police had foisted a false case on her husband Raja Hussain and tortured him in custody in March 2020 and that a complaint in this regard is pending before the State Human Rights Commission. She claimed that to force them to withdraw the complaint, DCP Prasad issued show cause notice to her husband under Section 110 (Security for good behaviour from habitual offenders) of CrPC. She sought action against the DCP, Assistant Commissioner Soora Kumaran, and two inspectors for harassing and threatening her husband and her family. Justice Abdul Quddhose of the High Court issued notice to Director General of Police and the aforesaid officials and adjourned the case for filing response.⁵¹³

Case 13: Haryana judicial magistrate recommends inquiry into custodial rape of two Dalit girls

On 27 October 2020, Superintendent of Police, Sonipat district, Haryana submitted that the Special Investigation Team (SIT) led by Assistant Superintendent of Police, Sonipat has started investigation into the alleged rape of two Dalit girls who were raped by 12 policemen in custody at a police post in Sonipat district in July 2020. The SIT was formed after a judicial magistrate after inquiring into the case had recommended inquiry by a senior IPS officer. A fact-finding report by a Chandigarh-based group Bekhauf Azaadi expressed concerns over the alleged gangrape and the manner in which the matter was handled after the incident. According to the report, one of the girls was 17 years old when the alleged gang rape took place while the other girl, her cousin, was 19 years old. They were taken in custody in connection with their alleged role in the murder of two policemen in the district in the night of 30 June 2020. The minor girl and her cousin were raped by 10-12 policemen in custody. According to the minor victim, 10-12 police officials raped her, physically abused her, and used foreign objects to insert in her vagina. On 4 and 5 July 2020, the police took the two girls under remand in Baroda police station, where the sexual violence continued. On 6 July 2020, both of them were sent to judicial custody in Karnal jail. According to the fact-finding report, the first medical examination was conducted under the surveillance of those who are accused of sexual violence.⁵¹⁴

⁵¹³. Notice on plea alleging police harassment, The New Indian Express, 23 October 2020, <https://www.newindianexpress.com/states/tamil-nadu/2020/oct/23/notice-on-plea-alleging-police-harassment-2214114.html>

⁵¹⁴. Haryana: Woman IPS officer-led SIT to probe allegations of gangrape by a dozen cops in custody, The Indian Express, 28 October 2020,

Case 14: Calcutta HC takes suo motu cognizance of custodial death of minor

On 5 November 2020, the Calcutta HC took suo motu cognizance of reports in some leading newspapers about the custodial death of a 15-year-old boy in Birbhum's Mallarpur on 30 October and directed the Birbhum police superintendent to file a report. The boy, arrested on suspicion of theft, was found hanging in the toilet of the Mallarpur police station on 30 October triggering villagers to accuse police of custodial death. According to the reports, the boy was arrested for alleged theft. The final outcome of the arrest raises a serious issue about the violation of child rights. The court has directed the Member Secretary of the Juvenile Justice Board (JJB) to give notice to the Advocate General of the state. The court also directed the West Bengal Commission for Protection of Child Rights (WBCPCR) to file a report on it. The orders were issued by the division bench of Justices Harish Tandon and Soumen Sen.⁵¹⁵

Case 15: Allahabad High Court seeks government response in plea alleging illegal detention of two Nigerian nationals

On 16 November 2020, the Allahabad HC has directed the Centre and the State of Uttar Pradesh to respond to a habeas corpus petition alleging the illegal detention of two Nigerian nationals. The plea alleged that the two Nigerian nationals had been unlawfully detained since September 2019. The Court was told that Chima paul Ugochukwu and Chinasa Victor Obioha were illegally detained at Surajpur Police lines, Greater Noida, Uttar Pradesh, since 24 September 2019, without there being any case pending against them. It was further alleged that they had not even been produced before the Magistrate till date and that neither their relatives nor their advocates had been informed about any case being registered against them nor about the reasons for their detention.⁵¹⁶

Case 16: Allahabad High Court orders Uttar Pradesh government to file affidavit on alleged illegal detention and torture of juveniles during the anti CAA protests

On 17 November 2020, the Allahabad HC ordered the Uttar Pradesh government to file an affidavit in response to the Public Interest Litigation (PIL) filed alleging illegal detention and torture of juveniles during the anti Citizenship Amendment Act (CAA)

<https://indianexpress.com/article/cities/chandigarh/haryana-woman-ips-officer-led-sit-to-probe-allegations-of-gangrape-by-a-dozen-cops-in-custody-6906045/>

⁵¹⁵. 15-yr-old dies in custody in Birbhum dist, Calcutta High Court asks for report, 6 November 2020, <https://www.indialegallive.com/constitutional-law-news/courts-news/15-yr-old-dies-in-custody-in-birbhum-dist-calcutta-high-court-asks-for-report/>

⁵¹⁶. Allahabad High Court seeks government response in plea alleging illegal detention of two Nigerian nationals, 16 November 2020, <https://www.barandbench.com/news/litigation/allahabad-high-court-seeks-response-plea-alleging-illegal-detention-nigerian-nationals>

protests.⁵¹⁷ The Division Bench of Chief Justice Govind Mathur and Justice Siddhartha Varma directed the Government to file a detailed response taken by it regarding statutory compliances with the Juvenile Justice Act, 2015 (JJ Act) in all the districts of Uttar Pradesh. The Bench was hearing a PIL filed by an NGO namely, HAQ Centre for Child Rights, on the basis of a fact-finding report prepared by them alleging that in the process of preventing protests against the CAA, many minors were detained and tortured by the police in the state of Uttar Pradesh. The plea has alleged that the actions of the UP police was in grave breach of the JJ Act, the UN Convention on the Rights of the Child, UN Convention Against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment and the Constitutional rights guaranteed to children under Articles 14, 15, 19 and 21.⁵¹⁸

Case 17: Orissa High Court seeks report from state government over custodial death

On 20 November 2020, a division bench of the Orissa HC comprising Chief Justice Mohammad Rafiq and Justice Biswanath Rath took cognizance of the incident of death of one K Ramesh in police custody and directed the State to file an affidavit on the matter. The bench issued the direction after advocates Deepak Mohapatra and Padmalaya Mohapatra made mention of a PIL on the death in police custody. A Puri-based lawyer Sarat Kumar Rayguru filed the petition seeking court-monitored investigation, immediate action against police officials involved in the "unlawful incident" and compensation to the family of the deceased. According to the petition filed in the HC, Ramesh was arrested and taken to Baselisahi police station on 18 November morning. He was charged under different sections of IPC, including attempt to murder, and Arms Act. He sustained severe injuries in his head and body in police custody. He was taken to Puri DHH Hospital but died on the way at around 8.30 pm. The body was cremated at around 12.30 pm on 19 November instead of handing over to the family members or allowing them to see it, the petition alleged.⁵¹⁹

Case 18: Bombay High Court directs police stations to maintain regular register of CCTVs

On 2 December 2020, the Aurangabad bench of the Bombay HC directed police stations in the state to maintain a register detailing the daily functioning of the CCTV cameras to prevent custodial torture in Maharashtra. Incidentally, on the same day the SC directed installation of CCTV cameras across all police stations in the

⁵¹⁷. Haq Centre For Child Rights vs State of U.P. and Another– Crl. W. PIL No. 26 of 2020

⁵¹⁸. Allahabad HC seeks govt's response on alleged police torture of Juveniles, Sabrang, 18 November 2020, <https://sabrangindia.in/article/allahabad-hc-seeks-govts-response-alleged-police-torture-juveniles>

⁵¹⁹. Puri custodial death: Orissa High Court, NHRC seek report from state government, New Indian Express, 21 November 2020, <https://www.newindianexpress.com/states/odisha/2020/nov/21/puri-custodial-death-orissa-high-court-nhrc-seek-report-from-state-government-2226204.html>

country. The SC asked states and UTs to “ensure that CCTV cameras are installed in each and every police station functioning” in their respective limits and to store the recording for a minimum of one year.

The directions of the HC were prompted after it expressed surprise that many police stations make submissions before courts that the CCTV systems were not functional when footage was sought by the courts in cases pertaining to alleged harassment in police stations. The bench observed that the register would enable to ascertain the truthfulness of the claims of police regarding non-functional CCTV systems of the day in question.

The division bench of Justice Tanaji V Nalawade and Justice Mukund G Sewlikar was informed by one Wajid Mukhtyarmiya Shaikh, who filed a plea through advocate Sachin S Panhale, that CCTV footage of 20 April 2020 of the Umarga police station of Osmanabad district, which he had sought to substantiate claims in a criminal case against custodial harassment, was not provided by the police and same created ‘serious suspicion’ against the concerned police station.

The court confirmed that such footage of the relevant day as sought by petitioner was not available, as on that date the CCTV was not functional. Expressing displeasure about the lapses, the bench remarked, “This is not the first instance when the concerned police station has informed that CCTV system was not working. Some specific directions are given by this court at this seat and at the principal seat also to see that CCTV systems are installed in every police station and it should cover lockup and other portions of police stations”.⁵²⁰ In light of this, the court laid down a procedure to maintain records for seamless functioning of CCTV systems and said that the same must be followed by the police stations in the state. The HC said that an officer is required to be appointed to oversee working of the system and the recording needs to be seen every day by some officer, following which entry about it needs to be made in a register.⁵²¹

Case 19: Madras High Court issues inquiry Guidelines to allow family to take photos of body, videograph Autopsy Etc

On 2 December 2020, the Madras HC issued a slew of directions for the conduct of inquiry under Section 176(1)(A) CrPC in cases of unnatural deaths in custody. While issuing guidelines for inquiry in cases of unnatural death, the Madurai Bench of the Madras HC observed “Every time a custodial death occurs, the legitimacy of the State suffers a big dent. That can be set right only by ensuring transparent investigation. A dead person is equally entitled to justice. I would call it posthumous

⁵²⁰. Bombay HC bats for CCTV cameras in police stations, directs cops to maintain daily register, The Indian Express, 6 December 2020, <https://indianexpress.com/article/india/bombay-hc-bats-for-cctv-cameras-in-police-stations-directs-cops-to-maintain-daily-register-7093342/>

⁵²¹. Ibid

justice. Whenever someone suffers an unnatural death, the circumstances that led to it will have to be unearthed. Otherwise, there would be no closure".⁵²²

The Bench directed that the body of the deceased will mandatorily be shown to his/her family both front and back, and they shall be allowed to take video and photos. The direction comes in an alleged case of custodial death, whereby the bereaved family accused the authorities of conducting a 'farce of an autopsy' as part of their cover up.

The Court proceeded to issue the following guidelines:

- The Judicial Magistrate conducting the enquiry under Section 176(1)(A) Cr.P.C. shall ensure that the family of the deceased or its representatives are given access to see the body both front and back and are also allowed to take video and photos.
- No autopsy shall take place or commence without the next of kin having seen the body. Of course, if the family of the deceased refuses to see the body, even after so being permitted by the concerned Judicial Magistrate conducting the enquiry, the Judicial Magistrate can in writing, permit the conducting of postmortem.
- The autopsy shall be carried out by a team of two doctors who have a master's degree in forensic medicine and are attached to a Medical College and Hospital in the State. In other words, what is called as forensic autopsy must be conducted.
- The autopsy shall be done by adhering to the norms laid down by the Hon'ble Division Bench in *V.Eswaran vs Government Of Tamil Nadu*, dated 16.04.2019 in W.P.No.10694 of 2019 and in W.P.(MD)No.78 of 2019, dated 28.09.2020.
- The whole body shall be x-rayed in order to find out if there are any fractures. The entire autopsy should be videographed from the start of the examination till its completion by adhering to the following six phases set out in Modi 'a Textbook of Medical Jurisprudence and Toxicology' 26th Edition edited by Justice K.Kannan.

The Court further directed that the autopsy report should be prepared expeditiously and handed over to the investigating officer in the case so that the filing of the final report is not delayed. A copy of the autopsy report as well as video should be simultaneously given to the legal heir or representatives of the family of the deceased. This alone will enable them to take recourse to legal remedies immediately. If after receipt of the autopsy report, the legal heir/representatives of the deceased family give in writing that they intend to move the HC, the body shall be preserved in the mortuary for at least 48 hours. If the body is disposed of either

⁵²². Custodial Deaths : Madras High Court Issues Inquiry Guidelines – Allow Family To Take Photos Of Body, Videograph Autopsy Etc, Livelaw, 3 December 2020, <https://www.livelaw.in/news-updates/custodial-deaths-madras-high-court-inquiry-guidelines-166777>

by cremation or otherwise in the meanwhile, the very purpose of holding a second postmortem will be rendered infructuous, the Court said.⁵²³

Case 20: Madhya Pradesh High Court orders FIR against three policemen for branding man 'criminal'

On 7 December 2020, the *Times of India* has reported that the Madhya Pradesh HC has ordered FIR against three policemen for wrongly branding a man as 'bounty-carrying criminal' by police in Gwalior. The HC has ordered compensation of Rs 5,00,000 to be paid to the victim and the compensation to be recovered from the three policemen who "violated his fundamental rights by keeping him in illegal detention, and tarnished his image by presenting him as a criminal". The court also imposed a cost of Rs 20,000, to be paid jointly by the three policemen within 15 days. The court came down heavily on the state police for not complying with its orders related to publishing images of the guilty policemen. It also ordered Lokayukta police to register an FIR against the three policemen. The government was asked to submit action-taken reports on all the orders within 16 days. The orders came while the Court was hearing a writ petition filed by Arun Sharma, who alleged that he was forcibly evicted by the three policemen from a shop he had taken on rent. After hearing all arguments, the court noted the "hostile attitude" of police in protecting the life and liberty of citizens.⁵²⁴

Case 21: Madras High Court directs CB-CID to submit final report in custodial death case

On 10 December 2020, the Madras HC directed the Crime Branch, Crime Investigation Department (CB-CID) to submit a copy of the final report in a case where a 17-year-old boy died due to custodial torture in 2019.

Additional Advocate General K Chellapandian submitted that the CB-CID officials who had completed investigation had filed the final report before the jurisdictional court.

Taking cognizance of the submissions, Justice J Nisha Banu directed the CB-CID to produce a copy of the final report before the court. The court was hearing a petition filed by M Jeya of Kochadai who sought to probe her son's custodial death at S S Colony police station in Madurai. The petitioner stated that her son was taken into police custody on 13 January 2019 in connection with a jewel theft case and kept in illegal custody. Four days later, she received a phone call from her son asking her to come to the police station. She stated that he complained of severe pain as he was physically tortured by the police personnel to extract a confession that he stole the jewels. After Jeya complained to the magistrate on 18 January 2019, regarding the custodial torture, an official from the juvenile justice board visited them two days

⁵²³. Ibid

⁵²⁴. Madhya Pradesh HC orders FIR against 3 cops for branding man 'criminal', The Times of India, 7 December 2020, <https://timesofindia.indiatimes.com/city/bhopal/madhya-pradesh-hc-orders-fir-against-3-cops-for-branding-man-criminal/articleshow/79599731.cms>

later, and took statements. However, the boy who was undergoing treatment at the Government Rajaji Hospital died on 24 January 2019.⁵²⁵

Case 22: Delhi High Court orders probe into allegations of torture of in Tihar jail

On 20 December 2020, the *Times of India* reported that the Delhi HC has ordered a probe into allegations that inmates in Tihar jail were beaten up and the incident was being hushed up. A bench of justices J R Midha and A J Bhambhani directed a magistrate to conduct a swift inquiry into the allegations and submit a report after the jail authorities failed to satisfy the court with CCTV evidence to disprove the claim of beatings in their custody. In its order the Bench noted that *"This court is of the view that it would be appropriate and in the interest of justice that a summary inquiry be conducted by a metropolitan magistrate into the complaint of the appellant..the principal district and sessions judge (headquarters) shall nominate a metropolitan magistrate to conduct a summary inquiry into the complaint...the necessary inquiry will be completed within a period of four weeks from the date of the nomination of the judicial officer by the principal district and sessions judge"*. The court was hearing a plea by one Mohd Sumer, a murder convict serving jail term in Tihar. The appellant's advocate informed the court that on the night of 28 October 2020, the appellant and various other inmates were mercilessly beaten by the jail staff and police officials without any provocation. He further alleged that all of them were kept in a single cell after the incident and were neither provided medication nor proper food. The bench ordered the probe after the authorities failed to produce CCTV footage.⁵²⁶

Case 23: Rajasthan High Court seeks state govt's reply on work in prisons

On 20 December 2020, the *Hindustan Times* reported that the Rajasthan HC has sought the state government's response and called for a complete overhaul of the "archaic" rule book after a report highlighted the existence of a caste-based work assignment system in the prisons in Rajasthan. The division bench of Justice Sandeep Mehta and Justice Devendra Kachhawaha, while hearing the petition filed by Manoj Yadav, directed additional advocate general Farzand Ali to apprise the court regarding the proposed steps for complete overhauling of the Prison Manual and to ensure that the prisoners are not forced to indulge in menial jobs like cleaning toilets, etc, merely on the basis of their caste and also that no under trial prisoner is forced to perform such jobs in the prison. The court urged the state

⁵²⁵. HC seeks report on boy's torture, death, The Times of India, 11 December 2020, <https://timesofindia.indiatimes.com/city/madurai/hc-seeks-report-on-boys-torture-death/articleshowprint/79670164.cms>

⁵²⁶. Delhi High Court orders inquiry into claims of beatings in Tihar, Times of India, 20 December 2020, <https://timesofindia.indiatimes.com/city/delhi/court-orders-inquiry-into-claims-of-beatings-in-tihar/articleshow/79818236.cms#:~:text=NEW%20DELHI%3A%20Delhi%20High%20Court,incident%20was%20being%20hushed%20up.&text=He%20further%20alleged%20that%20all,provided%20medication%20nor%20proper%20food.>

government to consider installation of mechanized/automated cleaning facilities in all the prisons in the interest of justice. The order came following detailed reporting in *The Wire* according to which those at the bottom of the caste pyramid did the cleaning work; while those in higher cases handled kitchen or legal documentation department.⁵²⁷

Case 24: Orissa High Court expresses displeasure over Puri custodial death probe

On 22 December 2020, the Orissa High Court expressed its displeasure over the investigation carried out by the police into the alleged custodial death of a history-sheeter in Puri, Odisha. The Court was adjudicating over a petition seeking a judiciary-monitored probe into the alleged custodial death of K Ramesh who was allegedly killed in custody by the Baselisahi police of Puri district in November, following which the then SP Akhilesh Singh was shunted. Local advocate Sarat Kumar Rayguru approached the HC, seeking a court-monitored probe into the case, adequate compensation for the family of the deceased and stringent punishment for the erring policemen. The court, while hearing the plea, sought to know from the advocate general (AG) if any policeman has been booked for murder charge in the case. It also asked the AG to submit all case records, including the post mortem result and the action-taken report by the next date of hearing on 11 January 2021. The HC further said that all investigations should be conducted in accordance with NHRC guidelines on custodial deaths.⁵²⁸

Case 25: Allahabad High Court orders inquiry by Chief Judicial Magistrate into assault on lawyer

On 29 December 2020, the Allahabad High Court has directed the CJM, Etah to conduct an inquiry into the incident of assault of a lawyer by Uttar Pradesh police and to submit a report regarding the same. The Police allegedly assaulted an advocate after dragging him out of his house in Etah. The Uttar Pradesh Police had allegedly barged into Advocate Rajendra Sharma's house in Etah and dragged him out in his advocate's dress and assaulted him. A video clip, purportedly of the incident, showing police personnel breaking open the door of a house, dragging a man in advocate's dress out and assaulting him mercilessly, had gone viral. The Bar Council of India (BCI) had written to the CJI SA Bobde and the Chief Justice of Allahabad HC, Justice Govind Mathur, requesting them to take immediate steps against the police personnel who assaulted the lawyer. The order was passed by a Division Bench of Chief Justice Govind Mathur and Justice Saumitra Dayal Singh which had taken suo motu cognizance of the incident and conducted a

⁵²⁷. Rajasthan HC seeks state govt's reply on work in prisons, The Hindustan Times, 20 December 2020, <https://www.hindustantimes.com/jaipur/rajasthan-hc-seeks-state-govt-s-reply-on-work-in-prisons/story-ah0jrEY8AzHOU3G8ZRRsnO.html>

⁵²⁸. HC expresses displeasure over Puri custodial death probe, The Outlook, 23 December 2020, <https://www.outlookindia.com/newscroll/hc-expresses-displeasure-over-puri-custodial-death-probe/1997883>

physical hearing to take up the matter. *The Court order reads "We deem it appropriate to have a complete report of the incident through Chief Judicial Magistrate, Etah. The Chief Judicial Magistrate, Etah is directed to make a necessary inquiry by availing all relevant facts including audio visual electronic documents and submit to this Court on or before next date of listing. The District Magistrate, Etah as well as Senior Superintendent of Police, Etah are directed to co-operate the Chief Judicial Magistrate, Etah and they shall supply all relevant facts and documents as desired by the Chief Judicial Magistrate, Etah to furnish report of the incident to this Court."*⁵²⁹

10. INTERVENTIONS OF NHRC/SHRCs AGAINST TORTURE

10.1. 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. Some of the emblematic interventions of the NHRC during 2020 are given below:

Case 1: NHRC directed Assam Government to pay compensation to torture victim

On 9 September 2020, the National Human Rights Commission directed the State Government of Assam to pay compensation of Rs. 100,000 to a torture victim identified as Shaukat Ali. The victim was allegedly tortured by miscreants in the presence of police personnel at Biswanath Chariali in Bishwanath district on 7 April 2019. The NHRC also directed the Director General of Police, Assam to apprise it within four weeks of action taken against the police officials involved in the incident and warned of invoking appropriate laws if the direction is not complied with.⁵³⁰

Case 2: NHRC issued show cause notice to Nagaland government for payment of compensation in custodial death case

On 7 October 2020, the NHRC issued notice u/s 18 of the Protection of Human Rights Act, 1993 to the Chief Secretary, Government of Nagaland, to show cause as to why the Commission should not grant suitable monetary compensation of Rs.

⁵²⁹. Allahabad High Court orders inquiry by Etah Chief Judicial Magistrate into assault on lawyer, Bar and Bench, 29 December 2020, <https://www.barandbench.com/news/litigation/allahabad-high-court-orders-etah-chief-judicial-magistrate-submit-enquiry-report-assault-lawyer>

⁵³⁰. National Human Rights Commission asks Assam govt to pay compensation to torture victim, East Mojo, 17 September 2020, <https://www.eastmojo.com/assam/2020/09/17/national-human-rights-commission-asks-assam-govt-to-pay-compensation-to-torture-victim>

4,50,000 to the next of kin of the deceased Rolongse Sanghtam, aged 18 years, who died on 4 October 2018 at Mon Police station, Mon District, Nagaland. The commission cautioned that in case of failure to show cause within 6 weeks the Commission shall presume that the State Government has nothing more to urge in the matter and has no objection in grant of compensation to the NoK of the deceased and shall proceed accordingly.⁵³¹

The order was passed by the NHRC pursuant to a complaint dated 8 October 2018 filed by Campaign against Torture alleging custodial death of the deceased at Mon Police station and sought intervention of the Commission. Vide proceedings dated 5 February 2019 the Commission observed and directed its investigation Investigation Division to analyse the reports and submit a report within 4 weeks. The NHRC's Investigation Division after collecting/analyzing relevant reports/records submitted that deceased Rolongse Sangtam was apprehended on 04 October 2018 at around 2030 hrs for creating ruckus in the town area, was put in lockup as a disciplinary measures, was duly searched but the sentry who made search overlooked his belt and at about 2130 hrs he was found hanging from the door of the lockup using his belt as ligature. It further stated that though he was taken to the hospital but declared brought dead and a case crime No 03/18 U/S 174 Cr.P.C was registered in the matter. Further, Inquest Report revealed ligature mark on neck of the deceased and witnesses present during inquest opined that the cause of death was due to suffocation due to hanging. PMR stated ligature mark on neck of the deceased, fractured cricoid process and sub conjunctival Haemorrhage and cause of death was Cardio respiratory arrest due to ligature mark over neck. Magisterial Enquiry Report conducted by Chief Judicial magistrate Mon, Nagaland concluded that the deceased died due to Cardio respiratory arrest and did not find any evidence to suggest foul play on part of the police personnel's on duty on the night of the said incident. The NHRC's Investigation Division suggested issuance of Show Cause Notice u/s 18 of the Protection of Human Rights Act (PHRA), 1993 for monetary compensation to the NoK of the deceased. After considering the report of its investigation division, the NHRC concluded that "...it amounts to grave violation of human rights of the deceased. Had the concerned police officials been vigilant enough, this incident could have been avoided and a precious life would have been saved" and issued the show cause notice to Nagaland government for payment of compensation to the NoK of the deceased.⁵³²

Case 3: NHRC directed Madhya Pradesh to submit report on prisoners' rights violation and inhuman behaviour

On 19 October 2020, the National Human Rights Commission issued notices to the Chief Secretary and the Inspector General of Prisons, Madhya Pradesh after taking suo motu cognizance of the poor health status of all the prisoners belonging to the

⁵³¹. NHRC proceedings dated 7 October 2020 in Case No. 6/17/5/2018-ad; available at: <https://hrcnet.nic.in/HRCNet/public/CaseStatus.aspx>

⁵³². Ibid

banned Students' Islamic Movement of India (SIMI) within four weeks. Six members of the banned SIMI had begun a hunger strike inside the Central Jail, Bhopal a week ago demanding better food, exemption from regular frisking and freedom from high security block. The NHRC said "The prisoners have the right to Food and Dignity which is the basic human rights and the State, being their lawful custodian, cannot deny it to the inmates, in its lawful custody." Further, the NHRC stated that due to significant increase in the case of coronavirus amongst the prisoners lodged in various jails across the country, it is necessary that the prisoners are provided proper food so that their immunity level remains satisfactory which is also necessary as per guidelines issued by the World Health Organisation and Indian Council of Medical Research.⁵³³

Case 4: NHRC directed Madhya Pradesh to conduct investigation over a repeated rape of a woman in custody

On 19 October 2020, the NHRC issued notices to the Chief Secretary, Director General of Police and the Director General of Prisons, Madhya Pradesh after taking suo motu cognizance about the allegations made by woman on five policemen for gang rape in police lockup in May 2020. The case relates to the gang rape of a 20-year-old woman during her detention in a police station for 10 days in May 2020 by five police personnel including the Police Station Incharge and SDPO of Mangawan area of Rewa district. The victim was an accused in a case of murder and presently she is lodged in judicial custody. The incident occurred in May 2020 but it came to the knowledge of the District Judge after a period of five months. Even the prison warden did not have the courage to report the matter to the higher authorities. The victim alleged that she was subjected to rape from 9 May 2020 to 21 May 2020. Even a female constable had protested at that time but she was rebuked by her seniors. The NHRC considering the vulnerable position of the victim observed "She was in police custody when she was allegedly subjected to utmost cruelty and sexual assault by the five police personnel. Even a protest made by a female police official went in vain. Very serious allegations have been leveled by the victim woman. Public servants from the law enforcement agencies, who are supposed to safeguard the citizens specially the women and the people from the vulnerable classes of the society have allegedly committed the heinous crime against a woman in their custody." The NHRC further directed that the matter be investigated by a senior police officer not below the rank of the Deputy Inspector General of Police.⁵³⁴

Case 5: NHRC directed DM and SP to submit reports on custodial death in Bihar

On 23 October 2020, the NHRC issued a notice to DM and SP of Sitamarhi district, Bihar in connection with an alleged death in police custody under the jurisdiction of

⁵³³. See NHRC Press Release, 19 October 2020 at <https://nhrc.nic.in/media/press-release/commission-issues-notice-chief-secretary-and-inspector-general-prisons-madhya>

⁵³⁴. Ibid

Punaura police station on 6 September 2020. The NHRC had sought the status and action taken reports within eight weeks from the DM and the SP. The NHRC took cognisance following a complaint lodged by one Brajesh Singh, which stated that Nageshwar Rai (50 years), who was arrested in a 12-year-old case related to an assault on his neighbour, had died in police custody after he was allegedly tortured in custody at Punaura police station. Rai was arrested from his village after a court had issued an arrest warrant against him. Ajay Kumar, brother of the deceased had alleged that the deceased died in police custody due to custodial torture.⁵³⁵

Case 6: NHRC ordered action in handcuffing incident at Amaravati, Andhra Pradesh

On 9 November 2020, the Deccan Chronicle reported that the NHRC had directed the Chief Secretary and DGP of Andhra Pradesh to take necessary actions in eight weeks in the Amaravati handcuffing incident in Andhra Pradesh. On 28 October, the police handcuffed seven farmers while shifting them to the district jail in Guntur from Narasaraopet sub-jail. AP Civil Liberties Association state president Muppalla Subba Rao lodged a complaint with NHRC objecting to the handcuffing and NHRC issued orders in its response. Subba Rao said that the arrested farmers were demanding that Amaravati be the solo capital of the state but the police arrested them and further registered cases under SC, ST Atrocity (Prevention) Act, which was objectionable. He alleged that the police had violated laws by handcuffing as this was a severe violation of human rights.⁵³⁶

Case 7: NHRC sought report from state government over custodial death of K Ramesh

On 21 November 2020, the *New Indian Express* reported that the NHRC had sought an action taken report from the State Chief Secretary and DGP of Odisha within four weeks over the death of one K Ramesh in police custody. The Commission had sought a copy of the complaint, FIR registered against the accused, copies of arrest, seizure and recovery memos, copy of medico legal certificate of the deceased, postmortem report, final cause of death based on forensic science laboratory report, magisterial enquiry report, among others. The Commission observed that "The NHRC expresses its deep anguish over the recurrence of such custodial deaths despite several directions and guidelines issued by the SC and the Commission. This is not acceptable in a country governed by the

⁵³⁵. Death in police custody: NHRC issues notice to Sitamarhi district administration, Hindustan Times, 23 October 2020, <https://www.hindustantimes.com/patna/death-in-police-custody-nhrc-issues-notice-to-sitamarhi-district-administration/story-IFkEEU4dq4O9ExStixLq3N.html>

⁵³⁶. Handcuffing of protesting farmers: NHRC orders action in 8 weeks, The Deccan Chronicle, 9 November 2020, <https://www.deccanchronicle.com/nation/in-other-news/091120/handcuffing-of-protesting-farmers-nhrc-orders-action-in-8-weeks.html>

rule of law".⁵³⁷ Ramesh was arrested and taken to Baselisahi police station on 18 November morning. He was charged under different sections of IPC, including attempt to murder, and Arms Act. He sustained severe injuries in his head and body in police custody. He was taken to Puri DH Hospital but died on the way at around 8.30 pm. The body was cremated without handing over the body to the family members or allowing them to see it, the petition alleged.⁵³⁸

Case 8: NHRC sought response from Maharashtra DGP over allegation of custodial torture of Republic TV Assistant VP by Mumbai Police

On 15 December 2020, the *Bar and Bench* reported that the NHRC issued notice to the DGP, Maharashtra on a plea alleging false implication and custodial torture of Ghanshyam Singh, Assistant Vice President, Distribution, of the *Republic Media Network*, following his arrest in connection with the TRP scam case. The NHRC, acting on a complaint by Editor-in-Chief and Managing Director of Republic Media Network, Arnab Goswami, observed: *".. there are allegations of physical torture, false implication and mental harassment of the office bearer of an eminent Media House (Republic TV network), which cannot be acceptable in a democratic country like India"*.⁵³⁹

Further, the Commission directed the submission of Singh's *initial health screening report* at the time of his admission to jail and his medical treatment record during his stay in the custody, within four weeks. The complaint was filed by Mr. Goswami seeking urgent intervention of NHRC alleging that Singh's human rights were violated in jail. Ghanshyam Singh was allegedly picked up from his home arbitrarily on 10 November 2020 in connection with the TRP scam case, even though the FIR neither named him, nor Republic TV network. Singh was granted bail on 5 December 2020, by the Mumbai Sessions Court. As per the complaint before the NHRC, Singh was subjected to *"extreme mental cruelty when he refused to comply with the premeditated script of the police."*⁵⁴⁰

⁵³⁷. Puri custodial death: Orissa High Court, NHRC seek report from state government, New Indian Express, 21 November 2020,

<https://www.newindianexpress.com/states/odisha/2020/nov/21/puri-custodial-death-orissa-high-court-nhrc-seek-report-from-state-government-2226204.html>

⁵³⁸. Ibid

⁵³⁹. NHRC seeks response from Maharashtra DGP on complaint by Arnab Goswami alleging custodial torture of Republic TV Assistant VP by Mumbai Police, Bar and Bench, 15 December 2020, <https://www.barandbench.com/news/complaint-alleging-custodial-torture-republic-tv-assistant-vp-nhrc>

⁵⁴⁰. NHRC seeks response from Maharashtra DGP on complaint by Arnab Goswami alleging custodial torture of Republic TV Assistant VP by Mumbai Police, Bar and Bench, 15 December 2020, <https://www.barandbench.com/news/complaint-alleging-custodial-torture-republic-tv-assistant-vp-nhrc>

Case 9: NHRC issued SOP for forensic evidence collection in sexual assault cases

On 16 December 2020, the NHRC in a statement stated that it had issued standard operating procedure (SOP) to all the States and UTs *"in order to ensure effective prosecution leading to conviction in cases of sexual assault on women"*. It said that the document was prepared after consulting medical experts and sent to the States and UTs for implementation. The Guidelines include taking informed consent of victim, preserving samples correctly. The Commission issued the SOP for proper collection and handling of forensic evidence in sexual assault cases, after it observed that many cases don't lead to conviction due to inadequate scientific evidence. The SOP, which was sent to the States and UTs on 9 December by the NHRC, covers victim care, collection of samples and handing over samples to the forensic science laboratories by doctors. The statement said "The Commission has come out with this SOP after it observed that in many cases of alleged rape and sexual assault, there is substantial delay in medical examination, collection and processing of scientific/forensic evidences of the victim of sexual assault. The exhibits are forwarded to the FSL after much delay and by that time, the samples deteriorate/autolyse and become unsuitable for examination. This delay adversely affects the investigation for effective prosecution leading to conviction". The SOP further stated that the identity of the survivor must be kept confidential and the priority should be to treat life-threatening injuries before collection of evidence. The examination should be conducted in privacy and security and the survivor's informed, written and verbal consent, including at different points of the process, should be taken.⁵⁴¹

10.2 STATE HUMAN RIGHTS COMMISSIONS

The State Human Rights Commissions (SHRCs) also intervened in a number of cases to provide justice and reparation to the victims, or their family members during 2020. Some of the emblematic cases are cited below.

A. Tamil Nadu State Human Rights Commission (TNSHRC)

Case 1: TNSHRC summoned six prison officials in a custodial case

In second week of September 2020, TNSHRC directed six prison department officials to appear before it on 30 September 2020 in connection with the alleged suicide of P. Ramkumar, an accused in a 2016 murder case. The jail officials who were summoned included Superintendent of Prison Senthamaraikannan, Deputy Jailor Udhayakumar, Assistant Jailor Pitchandi, Chief Warder, Sankarraj, Gr.I. Warders

⁵⁴¹. NHRC issues SOP for forensic evidence collection in sexual assault cases, The Hindu, 16 December 2020, <https://www.thehindu.com/news/national/nhrc-issues-sop-for-forensic-evidence-collection-in-sexual-assault-cases/article33346155.ece>

Ramraj and Petchimuthu, all from Central Prison at Puzhal. Ramkumar had allegedly committed suicide by “pulling and biting into a live electric wire” inside the Puzhal Central Prison on 18 September 2016. However, several political leaders had alleged foul play in his death and demanded an independent inquiry.⁵⁴²

Case 2: TNSHRC ordered State Government to pay compensation and take action for illegal arrest

On 23 September 2020, the TNSHRC recommended a compensation of Rs. 1,75,000 to H. Abul Hassan, who was illegally arrested and taken into custody by women police, in connection with a domestic dispute. As per the order, the amount of compensation is to be recovered from the four guilty police personnel identified as Lakshmi, then Women Inspector of Police, Pasupathy, then Sub Inspector of Police, Meerabai and Varalakshmi, then Women Head Constables, all attached to R3 Ashok Nagar All Women Police Station. The TNSHRC also recommended the State’s Home Secretary for initiating departmental action against four women police personnel involved in the case as per the rules. The TNSHRC had acted on the complaint of the victim.⁵⁴³

Case 3: TNSHRC recommended Rs. 60,000 to couple humiliated by police

On 3 November 2020, *the Times of India* reported that the TNSHRC has recommended the state government to pay Rs 60,000 to a couple, who faced humiliation at the hands of three police personnel over a civil dispute in Kanyakumari district in 2014. The commission also recommended initiating disciplinary action against the three. Jaya and her husband Alex had a civil dispute with another couple, Paul and his wife Rathinabai, who are all residents of Kanyakumari district. When a complaint was lodged by Paul and his wife, the Anjugramam police registered a case. Jaya alleged that the police officials had acted in a biased manner favouring Paul and his wife due to which her husband was detained in illegal custody and was beaten up by the police in 2014. On perusal of the records and the submissions made on either side, TNSHRC member A Chittaranjan Mohandoss said that Jaya and Alex had suffered humiliation in the hands of the police. He said that a woman sub-inspector Anitha, and special sub-inspectors Kennedy and David

⁵⁴². Ram Kumar ‘suicide’ in prison: State Human Rights Commission directs officials to appear, *The Hindu*, 11 September 2020, <https://www.thehindu.com/news/national/tamil-nadu/ramkumar-suicide-in-prison-state-human-rights-commission-directs-officials-to-appear/article32581364.ece>

⁵⁴³. Police excess: SHRC recommends compensation for victim taken into custody, *The Hindu*, 24 September 2020, <https://www.thehindu.com/news/national/tamil-nadu/police-excess-shrc-recommends-compensation-for-victim-taken-into-custody/article32685979.ece>

Jayasekaran at the time of occurrence have acted in violation of the right to a life of dignity and security of the couple.⁵⁴⁴

Case 4: TNSHRC ordered probe into death of remand prisoner in Tamil Nadu

On 8 November 2020, *Times of India* reported that the TNSHRC had asked the Director of its investigation wing to investigate the death of a remand prisoner in Virudhachalam sub-jail. The Commission had earlier issued notices to the home Secretary and Director General of Police, Prisons, regarding the issue. Subsequently, the Superintendent of Central Prison, Cuddalore, had sent a response to the Commission elaborating the sequence of events. According to the Superintendent's report, M Selvamurugan (39), a resident of Kadampuliyur near Panruti was arrested on an alleged burglary case by the Neyveli township police and was remanded in the Virudhachalam sub-jail on 30 October after being produced before the judicial magistrate. According to the prison report, he developed an epileptic attack on 2 November, was treated, but died on 4 November. However, Selvamurugan's relatives have alleged that he died because of police torture. The TNSHRC had asked its own investigation wing to conduct an enquiry and submit a report within eight weeks.⁵⁴⁵

Case 5: TNSHRC ordered action against two policemen who robbed techie on beach

On 11 December 2020, the *Times of India* reported that the TNSHRC has ordered the state government to take suitable departmental action against the two policemen who had accosted two men on Kanathur beach on ECR, attacked them and took away Rs 2,000 from them. The victims were identified as Karthick, and his friend Yashwanth.

The Commission also asked the government to pay Rs 50,000 compensation to the victims. Acting Chairperson of the Commission D Jayachandran had recommended that the state recover the amount from the personal funds of K Thanigaimalai, and head constable attached to the Adyar police station, and A Balasubramaniam, a constable attached to the armed reserve wing. The Commission passed the order after taking suo motu cognizance of a news report highlighting the incident dated 22 May 2019.⁵⁴⁶

⁵⁴⁴. 'Pay Rs 60,000 relief to couple who were humiliated by police', The Times of India, 3 November 2020, <https://timesofindia.indiatimes.com/city/madurai/pay-rs-60000-relief-to-couple-who-were-humiliated-by-police/articleshowprint/79008442.cms>

⁵⁴⁵. SHRC asks its probe wing to look into death, The Times of India, 8 November 2020, <https://timesofindia.indiatimes.com/city/chennai/shrc-asks-its-probe-wing-to-look-into-death/articleshowprint/79104975.cms>

⁵⁴⁶. Chennai: SHRC orders action against two cops who robbed techie on beach, The Times of India, 11 December 2020, <https://timesofindia.indiatimes.com/city/chennai/chennai->

B. Bihar Human Rights Commission (BHRC)

Case 1: Compensation of Rs 7,00,000 to widow of software engineer beaten to death by policemen in Bihar

On 4 December 2020, the Bihar Human Rights Commission awarded a compensation of Rs 7,00,000 /- to the widow of a software engineer Ashutosh Kumar Pathak who was brutally beaten to death allegedly by SHO of Bihpur police station in Bhagalpur district and some other police men following a minor brawl on the road during Durga Puja on 24 October 2020. Reportedly, the brawl between the policemen and Pathak took place when the software engineer was returning to his native village Mandwa on a motorcycle along with his wife Sneha Kumari and their two-year-old daughter Manvi Pathak after performing puja at the nearby Bhramarpur Durga Sthan. As per a police inquiry report submitted to the BHRC, 30-year-old Pathak was not only brutally thrashed by the then SHO Ranjit Kumar, his private driver Jehangir Rain and three other policemen, but was also put in the police station's lock-up for three hours while the victim continue to bleed due to the beating. Pathak fell unconscious inside the police lock-up due to excessive bleeding. Pathak was released from the lock-up for treatment only after his uncle and some other people reached the police station and requested the SHO. Pathak died at Mayaganj hospital (Bhagalpur) around 3 am on 25 October during the course of treatment. The BHRC took a suo moto action on the incident. While awarding the compensation to the deceased's widow, the Commission's member (Judicial) Ujjawal Kumar Dubey in his order stated *"Such an incident is totally unacceptable in a civilized society. The state government should ensure the 'strictest-possible' and an exemplary punishment against the guilty policemen in this case, so that no police personnel can muster courage to commit such heinous crime in the future"*. The Commission further asked the Bhagalpur District Magistrate to ensure payment of Rs 7, 00,000 to the deceased's widow Sneha Kumari by 10 February 2021.⁵⁴⁷

C. Kerala State Human Rights Commission (KSHRC)

Case 1: Probe into custodial torture of Joji Cherian in Kerela

On 4 January 2020, the Kerala State human rights commission ordered a detailed inquiry into a complaint of custodial torture by the police in Chottanikkara in Kerala.

shrc-orders-action-against-two-cops-who-robbed-techie-on-beach/articleshowprint/79672269.cms

⁵⁴⁷. Bihar: BHRC awards compensation of Rs 7 lakh to widow of software engineer beaten to death by policemen in Bhagalpur district, The Times of India, 4 December 2020, <https://timesofindia.indiatimes.com/city/patna/bihar-bhrc-awards-compensation-of-rs-7-lakh-to-widow-of-software-engineer-beaten-to-death-by-policemen-in-bhagalpur-district/articleshowprint/79570362.cms>

The victim, Joji Cherian, resident of Muriamangalam in Chottanikkara, alleged in his complaint to the KSHRC that the police officers, who were influenced by real estate mafia, registered a bogus case against him and thrashed him in custody. He was booked for obstructing the duty of police in connection with an argument over a property dispute. The Commission which sought a report from Ernakulam district police chief, later assigned Superintendent of Police VM Sandeep, who is an investigation officer with KSHRC, for investigating the case. An official communique from KSHRC said that the SP found that the complainant underwent medical examination thrice but he could get the copy of only one report. In the said report, he found that there were as many as six injuries on the petitioner's body and that custodial torture cannot be ruled out. The KSHRC hence ordered a detailed probe into the incident.⁵⁴⁸

Case 2: Inquiry into complaint against police

In the last week of October 2020, the Kerala State Human Rights Commission (KSHRC) ordered the Assistant Commissioner of Police, Shanghumughom in Thiruvananthapuram district to conduct an inquiry into a complaint against police for allegedly failing to register a child abuse case that took place in February 2020. According to the complaint, the 11-year-old girl was abused by the Warden of an orphanage in Thiruvananthapuram. Following medical examination, a doctor had recommended the police to register a case under the provisions of the POCSO Act.⁵⁴⁹

Case 3: Order to verify authenticity of info before raiding a house

On 12 December 2020, the *New Indian Express* reported that the Kerala State Human Rights Commission ordered that the police should verify and ensure that the information is authentic before raiding a house. The order was issued on a complaint filed by Siji P R, a resident of Senapathy in Idukki district. According to the complainant, the Udumbanchola police raided his house on 23 April 2020, based on information that he was selling illicit liquor and ganja at his house. The Commission sought an explanation from Munnar Deputy SP, who submitted that the raid was conducted based on secret information. The information was that he was selling liquor at home and was illegally using an unlicensed gun. The police team could recover only an airgun from the house.⁵⁵⁰

⁵⁴⁸. The State of Torture in Uttarakhand, ACHR, January 2020

⁵⁴⁹. SHRC orders probe into complaint against police, The Hindu, 31 October 2020, <https://www.thehindu.com/news/national/kerala/shrc-orders-probe-into-complaint-against-police/article32986939.ece>

⁵⁵⁰. SHRC: Police should verify authenticity of info before raiding a house, The Indian Express, 12 December 2020, <https://www.newindianexpress.com/states/kerala/2020/dec/12/shrc-police-shouldverify-authenticity-of-info-before-raiding-a-house-2235030.html>

Case 4: Probe against four Kerala policemen

On 10 December 2020, the *New Indian Express* reported that the Kerala State Human Rights Commission had ordered a high-level probe against four policemen, including a sub-inspector, for having allegedly trespassed into the Government Taluk Hospital in Varkala during the Covid lockdown and threatening the staff. Commission Chairman Justice Antony Dominic ordered the Thiruvananthapuram Range Inspector General (IG) to conduct the probe against the Ayirur police station SI and his three subordinates. The case was linked to the arrest of Abin B Saji, a pharmacist of the taluk hospital; on 16 April Abin's vehicle was blocked by the accused policemen while he was en route to the hospital. In her complaint, Abin's mother had alleged that her son was arrested and his bike impounded by the policemen because of previous enmity. Later, the policemen allegedly barged into the taluk hospital and threatened the hospital staff too. The hospital superintendent had complained regarding the police highhandedness with the district police chief and the Attingal Deputy Superintendent of Police.⁵⁵¹

D. Odisha SHRC

In a series of orders by the Odisha Human Rights Commission (OHRC), the quasi-judicial body had indicted the state police in several cases of human rights violations. The Commission ruled against the state police in at least three cases related to encounter and illegal detention. In an order dated 10 November 2020, the Commission while deciding the case of tribal youth Manda Kadraka, who was killed in a joint operation by the state police and the Border Security Force (BSF) noted as under, "*There is no iota of evidence brought before us to come to a conclusion that the deceased has hatched a conspiracy to kill the superintendent of police and the collector, nor there is anything to show that the deceased was ever indulged in Naxalite [Maoist] activities in the village itself.*"⁵⁵² The incident had occurred in February 2016 in a forest area near Dangamatia village of Kalyansinghpur block in Rayagada district of the state. The Commission also recommended the state government to pay a sum of Rs 1,50,000 as compensation to the next of kin of the deceased.⁵⁵³

In another case of human rights violation, the OSHRC, in an order dated 9 November 2020, ordered the payment of compensations to two victims Halu Gurla

⁵⁵¹. Police high-handedness: Human rights panel orders probe against four, The New Indian Express, 10 December 2020, <https://www.newindianexpress.com/cities/thiruvananthapuram/2020/dec/10/police-high-handedness-human-rights-panel-orders-probe-against-four-2234152.html>

⁵⁵². Odisha HRC Indicts Police in Several Cases, Ask Cops to Pay Compensation From Own Pocket, The Wire, 20 December 2020, <https://thewire.in/rights/odisha-human-rights-commission-police-abuses>

⁵⁵³. Odisha HRC Indicts Police in Several Cases, Ask Cops to Pay Compensation From Own Pocket, The Wire, 20 December 2020, <https://thewire.in/rights/odisha-human-rights-commission-police-abuses>

and Raghab Naik who were arrested on trumped up charges of murdering a 19-year-old in Bargarh district in 2016.⁵⁵⁴ The Commission had asked the investigating police official to pay Rs 2,50,000 compensation to each of the youths for abuse of his power that led to the two innocent men being imprisoned in jail for about eight months. The Commission noted that *"The act of the Police Officer, in our opinion, amounts to major violation of human rights and misutilisation of power and for these Police Officers the public confidence in police is weakened. The materials available on the record is enough to safely presume that this confession has been extracted by violent means."* The OHRC while recommending the compensation to the victims further observed that these types of indecorous officers are unbecoming to a dignified and disciplined force and are bad examples. It has further recommended that the total compensation amount of Rs. 5, 00,000 be recovered from the salary of police officer Prakash Kumar Karna.⁵⁵⁵

In yet another indictment of the state police for excesses, the OHRC on 9 November 2020 directed the State Government not to allot inspector-ranked officer Sandhyarani Jena any field duty or posting for two years over her alleged involvement in custodial torture. The Commission also asked the Government to send Jena for training on how to deal with accused and complex situations. Taking strong exception to torture of a youth Chitta Ranjan Mohanta by Jena who was then Patna police station Inspector-In-Charge (IIC), OHRC on 19 May had directed the SP and the officer concerned to submit a detailed report within four weeks. Jena had gone on to challenge the Commission's order in the HC in May but the court cited that it was not appropriate to directly interfere with the order of OHRC and asked her to submit a response to the Commission. The Commission had also directed the Home Secretary and DGP to pay Rs 10,000 as interim compensation to the youth from salary of the lady officer.⁵⁵⁶

And, on 20 November 2020, the *Times of India* reported that the Commission has asked the state government to pay Rs 2,00,000 compensation to a man, who was illegally detained by a sub-inspector (SI) at Aska police station in Ganjam district in 2013. According to the report, the Commission also asked the government to recover the compensation amount from the salary of Rajib Kumar Behera, the former SI of Aska police station. The OHRC had on 22 May 2013 received a complaint from a woman, identified as Minakshi Pattnaik, who alleged that the

⁵⁵⁴. Odisha rights commission asks cop to pay Rs 5 lakh for filing false case, Hindustan Times, 12 November 2020, <https://www.hindustantimes.com/india-news/odisha-rights-commission-asks-cop-to-pay-rs-5-lakh-for-filing-false-case/story-aqYIE8ZchNlrLxVw6jqPHI.html>

⁵⁵⁵. Odisha HRC Indicts Police in Several Cases, Ask Cops to Pay Compensation From Own Pocket, The Wire, 20 December 2020, <https://thewire.in/rights/odisha-human-rights-commission-police-abuses>

⁵⁵⁶. Odisha: Two-year field duty ban on lady IIC for excesses, The New Indian Express, 14 November 2020, <https://www.newindianexpress.com/states/odisha/2020/nov/14/odisha-two-year-field-duty-ban-on-lady-inspector-in-charge-for-excesses-2223492.html>

Aska police raided her house at 2 am on 5 May 2013 in her absence and forcibly dragged her husband Purna Chandra to the police station. She alleged that though her husband was not involved in any case, the police detained him at the police station and tortured him.⁵⁵⁷

11. SCRUTINY OF INDIA'S RECORDS BY THE UN HUMAN RIGHTS MECHANISMS

India continued to be under severe scrutiny of the United Nations for grave human rights violations.

Case 1: UN expert expressed concern on alleged excessive use of force against CAA protestors

The Special Rapporteur (SR) on the rights to freedom of peaceful assembly and of association submitted a report titled "Observations on communications transmitted to Governments and replies received" (A/HRC/44/50/Add.4) to the UN Human Rights Council. The report mentioned that the SR sent five communications to India but none was responded to. The five communications sent to India are relating to (1) allegations of excessive use of force, arrests and arbitrary detention of protestors since December 2019, in the context of demonstrations against the Citizenship (Amendment) Act (CAA) (JAL 28/02/2020 Case no: IND 3/2020); (2) allegations concerning the initiation of criminal proceedings against Mr. Anand Grover, Ms. Indira Jaising and the human rights NGO Lawyers Collective (JAL 15/07/2019 Case no: IND 15/2019), (3) allegations concerning severe restrictions on freedom of expression and freedom of peaceful assembly and of association imposed during the past week in the state of Jammu and Kashmir, as well as the arbitrary arrests and detention of political figures, journalists, members of civil society and human rights defenders in the state, and violations to the right to life (JUA 16/08/2019 Case no: IND 16/2019); (4) allegations concerning the continued judicial proceedings against and arbitrary detention of ten human rights defenders promoting the rights of the Dalit minority, and the house arrests of five of them (JAL 28/08/2019 Case no: IND 17/2019); and (5) allegations concerning the suspension of registration of the human rights organisation Centre for Social Development, and the surveillance, threats and attacks against its staff and their family members, including a recent attempted shooting at the daughter of the organisation's secretary, which appears to be linked to his work in defence of human rights and his engagement with the UN in the field of human rights (JAL 11/09/2019 Case no: IND 18/2019).

The report stated that on 28 February 2020 the Special Rapporteur expressed his concerns in a joint communication to the Government of India (IND 3/2020),

⁵⁵⁷. Odisha cop to pay Rs 2 lakh for man's illegal detention, Times of India, 20 November 2020, <https://timesofindia.indiatimes.com/city/bhubaneswar/odisha-cop-to-pay-rs-2-lakh-for-mans-illegal-detention/articleshowprint/79323055.cms>

concerning the alleged excessive use of force against protestors in the context of demonstrations against the Citizenship (Amendment) Act (CAA), as well as alleged arbitrary detention of protesters and undue restrictions to freedom of peaceful assembly. Beginning early December 2019, mass protests took place throughout the country against the enactment of the CAA and these protests reportedly led to at least 50 deaths at the time the communication was sent, many of which allegedly resulted from the excessive use of force by security forces, including the use of live ammunition, rubber bullets, batons and large quantities of tear gas to disperse protesters.

The SR additionally raised concern at reports of attacks on protesters by alleged sympathisers of political groups, and the alleged failure on the part of authorities to intervene to ensure a safe environment for protesters to assemble safely, or to take action against those who instigate violence regardless of their political sympathies. The Special Rapporteur regretted that no reply from the Government has been received to date.

Case 2: UN experts urged India to release HRDs

On 26 June 2020, UN experts including Mr. Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment urged India to immediately release human rights defenders who were arrested for protesting against changes to the nation's citizenship laws. "These defenders, many of them students, appear to have been arrested simply because they exercised their right to denounce and protest against the CAA (Citizenship Amendment Act), and their arrest seems clearly designed to send a chilling message to India's vibrant civil society that criticism of government policies will not be tolerated," the experts said in a statement. The experts gave the names of 11 individuals, which included Meeran Haider, Gulfisha Fatima, Safoora Zargar (who was pregnant), Asif Iqbal Tanha, Devangana Kalita, Natasha Narwal, Khalid Saifi, Shifa Ur Rehman, Dr. Kafeel Khan, Sharjeel Imam and Akhil Gogoi.⁵⁵⁸

Case 3: UN experts concerned over detention of protestors and internet restriction during COVID-19 pandemic in J&K

On 4 August 2020, a group of 18 UN experts including Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment urged India to take urgent action to address the alarming human rights situation in Jammu and Kashmir, a year after India revoked the special status of Jammu and Kashmir. In a statement, the experts said "If India will not take any genuine and immediate steps to resolve the situation, meet their obligations to investigate historic and recent cases of human rights violations and prevent future

⁵⁵⁸. See OHCHR Press Release, 26 June 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26002&LangID=E>

violations, then the international community should step up.” The experts expressed concern that “during the COVID-19 pandemic, many protestors are still in detention and Internet restrictions remain in place.” The experts also raised concerns with the Indian government about alleged arbitrary detention and torture and ill-treatment to which the Government recently replied, as well as the criminalization of journalists covering the situation and the detention and deteriorating health of a high profile human rights lawyer. They also raised the issues of the status of the closure of the Jammu and Kashmir State Human Rights Commission, which had been one of the few ways victims of human rights violations could seek remedy, and the fate of the ongoing cases the body had been investigating, including hundreds of suspected enforced disappearances dating from as far back as 1989.⁵⁵⁹

Case 4: UN High Commissioner appeals India to safeguard rights of HRDs & NGOs

On 20 October 2020, UN High Commissioner for Human Rights Michelle Bachelet appealed to the Government of India to safeguard the rights of human rights defenders and NGOs, and their ability to carry out their crucial work on behalf of the many groups they represent. Bachelet expressed regret at the tightening of space for human rights NGOs in particular, including by the application of vaguely worded laws that constrain NGOs' activities and restrict foreign funding. In September 2020, the Government of India amended the Foreign Contribution Regulation Act (FCRA), 2010.⁵⁶⁰

⁵⁵⁹. See OHCHR Press Release, 4 August 2020, <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=26148&LangID=E>

⁵⁶⁰. See OHCHR Press Release, 20 October 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26398&LangID=E>