

A STUDY
ON

“CUSTODIAL DEATHS: TRENDS AND PATTERNS IN JHARKHAND,
BIHAR AND WEST BENGAL” (2009-2018)

Submitted by



Policy Perspectives Foundation (PPF), New Delhi

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List of Abbreviation

ADGP:	Additional Director General of Police
BHRC:	Bihar Human Rights Commission
CHRI:	Commonwealth Human Rights Initiative
DSP:	Deputy Superintendent of Police
DGP:	Director General of Police
HRLN:	Human Rights Law Network
IJR:	Indian Judicial Report
IPS:	Indian Police Service
JHRC:	Jharkhand Human Rights Commission
NHRC:	National Human Rights Commission
SHRC:	State Human Rights Commission
MASUM:	Banglar Manabdhikar Suraksha Mancha
NCAT:	National Campaign Against Torture
NCRB:	National Crime Record Bureau
OBC:	Other Backward Class
PACTI:	Programme Against Custodial Torture & Impunity
PPF:	Policy Perspectives Foundation
PSI:	Prison Statistic of India
RTI:	Right To Information
SC:	Scheduled Caste
ST:	Scheduled Tribes
TII:	Transparency International India
WBHRC:	West Bengal Human Rights Commission

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Conducting field work and getting access to jail, except in Jharkhand, while conforming to government rules, regulations and instructions related to Covid-19, was indeed very challenging including the risk of life it involved. Though most of these field works were undertaken during the travel relaxation granted by the government of India; however local management of covid-19 varied widely in each state, which did make field work very difficult. Besides this, travelling to some parts of Naxal infested area of Bihar and Jharkhand was equally dangerous.

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EXECUTIVE SUMMARY

Death Under Custody of Government has rightly been considered a bolt upon the face of any system of government, particularly the democratic government. The *raison d'être* of democratic government is the protection of *life, liberty, dignity, and property* of people. The documented data from governmental (NHRC, SHRC, NCRB and PSI) and non- governmental sources (NCAT, Amnesty International, Asian Human Rights Centre, etc.) testify the rising number of custodial deaths in our country with noticeable variations among the states during different time periods. The prevalence of 'custodial death', particularly 'police custodial death' is increasingly becoming a matter of 'national concern'.

It is in this context, the Policy Perspectives Foundation, New Delhi, attempted to explore the 'Trend and Pattern of Custodial Death in Bihar, Jharkhand and West Bengal: 2009-2018'. The study was sanctioned and supported by the NHRC, New Delhi. It examined the issue of custodial death only under custody of police and jail.

In terms of theoretical approach and framework, this research work combines the human rights perspective with Foucaultian notion of power, control and disciplining, Pierre Bourdieu's concept of *Habitus* and Agamben's theory of 'State of Exception'. It treats the problem of custodial death and various other forms of violations of human rights as a consequence of everyday '*bio-politics*' mediated through the structure of nation- state. This theoretical approach was further combined with field empirical methodology. A total of 386 interviews, and informal interactions in all the three states of Bihar (152), Jharkhand (93) and West Bengal (141) were conducted. This included police of various ranking (67), jail officials (47), civil society stakeholders (199), victim families (24) and Prisoners (49). In terms of social compositions most officials and non-officials who were interviewed belong to upper middle class, high caste and male. These interviews were dissected primarily on four parameters: (a) Issues surrounding perception, framing and everyday understanding of custodial death; (b) causative and contributory factors for custodial death with focus on police torture; (c) medical examination and services; (d) human rights training.

From this perspective, this study goes beyond the conventional understanding of custodial death in terms of mere violation of human rights resulting from gross breach and non-observance of constitutional safeguards, laws, rules, regulations, decisions of the courts of law, NHRC

guidelines, international conventions etc. It attempts to demonstrate that such gross violation of human rights, in part, results from an *institutionalised discourse under which officials working in the field of 'order maintaining' tends to visualise coercive action/force as a necessary moral tool to ensure the security and protection of the state as well as to deliver justice for the people.*

The study reveals that there is no *uniform* pattern that accounts for the custodial death in all the three states. Rather *variations* in cultural understanding of the process in everyday life and practices of governances, local power dynamics, political governance, institutional *habitudes and administrative behaviour*, notwithstanding the broad uniformity in the rules and regulation of policing across the nation, produces different trajectories of custodial death in each of these states. The combined factors also account for variation in number of custodial deaths in each of these states.

There are two common narratives/causations that run across all three states in matter of custodial violence and custodial death. The dominant discourse is that most of custodial death results from 'torture', (though incidence of torture is less in jail compared to police custody), 'poor health of accused/prisoner' 'medical negligence' and 'suicide' and secondly, most of the victims belong to *poor* segment of society including SC, ST, and minorities. However, it appears that the proportion of SC, ST, and minorities, particularly Muslims, are relatively low compared to their national average in these three states on the basis of examination of NHRC compensation data related to custodial death (2009-2018, Table J) and other documents obtained during the field work.

Further, there is a vast variation in the official narratives on the one hand and the narratives of civil society on the other concerning the *fundamental reasons* behind custodial death in these states. 'Poor health of the arrestee/ prisoner' and 'suicide' emerged as the dominant factors for custodial death in the official narratives, whereas civil society stakeholders identified 'torture', 'bribery', 'corruption' and 'lack of medical care' as the major factors for the same. In fact, an improvement in the medical infrastructure of jail in Bihar led to a considerable decline in the overall custodial deaths during the said period (2009-2018), whereas its relative lack in Jharkhand and West Bengal causes a moderate decline and high increase in the number of custodial deaths respectively. Further, the study highlights how people, particularly the poorest, had to struggle for access to medical reports of deceased victims. This was more pronounced in

Bihar and Jharkhand than in West Bengal. In this regard, the study draws the attention towards possible nexus between police, jail officials and local district hospital doctors/medical staff in manipulating various medical reports including the post-mortem report.

However, almost all members of victim families directly blamed ‘torture’ by police as the main reason for custodial death. The study does find the ‘prevalence of police torture’, even admitted by some of police and jail officials, who were interviewed. However, the phenomenon of 3rd degree police torture is on decline (except in terror related cases and other heinous crimes), compared to past decades. This was confirmed by many members of civil society including some of those working in the field of human rights.

In this regard, the study makes two paradoxical observations. First, there is a growing trend of extra constitutional killing/encounters in all three states, the largest being in Jharkhand. Second, the ‘absence of anti -torture law’ did not emerge as one of the strong contributory factors for custodial deaths, particularly death due to police torture, even though civil society groups and human rights organisations have been agitating for the enactment of anti-torture law for decades. It must be conceded that during the field interactions with experts as well as other interviewees no strong evidence was found that demonstrated the causality between the ‘absence of anti-torture law’ and custodial death. To this extent, it appears that there is a lack of popular support for such law in Indian society, which also implies the social acceptance of violence in everyday life process. People expect law enforcing agencies to deal ruthlessly with the ‘wrongdoers’ and expeditiously deliver the justice. Notwithstanding this predicament, the enactment of ‘anti torture law’ is indeed a desirable goal and the adoption of such measures by the Government of India will help in boosting the democratic image of the country and will make the police and jail officials more accountable for its illegal coercive action.

Finally, the study makes a few recommendations to effectively deal with phenomenon of custodial death. Some of these are more theoretical in nature, others are more specific. The same has been detailed in chapter 6 of this Report.

CHAPTER I: FRAMING OF SUBJECT MATTER

Introduction: Background and Context of Study

Death Under Custody of Government—irrespective of form of custody ---is considered abhorrent as the protection of life is the *raison d’eter* of any government, particularly the democratic government. In fact, the system of democratic governance strongly differentiates itself from all other forms of government on account of its commitments to the protection of human lives and freedom from arbitrate, coercive action of government. The international regime of human rights, the Indian Constitution, subsequent legislations and Judicial pronouncements have laid down detailed procedural safeguard to protect life, liberty, dignity and property of a person. Subsequently within this broad normative structure of international laws, Indian constitution, the Parliament, various State Assemblies, Judiciary (Supreme Court and High Court) including quasi-judicial tribunals and law enforcing agencies including police and jail as well as NHRC has evolved an elaborate rules, regulations and bylaws concerning the subject matter of protection and rights under various forms of custody: detention, remand, arrest, questioning, lock up, house arrest, jailed, under trial, convicted, etc .These ‘protective provisions and guidelines’ will be detailed in Chapter III of this Report.

However, despite the existence of legal regime and institutional bodies to protect the human rights in India, the issue of major violation of human rights of various kinds keeps making headline in the public domain, the rate of which has increased tremendously in recent years. In fact, as India is becoming more visible globally, its governmental actions, particularly related to human rights, are coming under severe scrutiny of international rights regime. Several international and national human rights organisations including NHRC and various Police Reform Commissions have pointed to ‘glaring human deficit’ in the governing system of India. One of serious human rights violation in India that has attracted national and global attention concerns the interlinked issues of custodial violence and custodial death under law enforcing authority, particularly police and jail authorities. The international and national human rights organisations including NHRC have been highlighting the issue of violation of human rights including custodial deaths and extra judicial killings/ fake encounters from time to time.

However, the issue has become a ‘public agenda’ in last few years in view of large number of cases of custodial deaths being reported widely across many states in India¹.

The growing incidences of human rights violations, particularly the issue of custodial death and low conviction rate of police officials has generated hue and cry within the Indian society over the role of policing itself. The NHRC itself has consistently raised its concern over the incidence of custodial death in the country, particularly custodial death under police. The NHRC’s Annual Report 2017-18 categorically states: -

“Custodial violence and torture are so rampant in India that it has become almost routine...The Commission regards crimes like rape, molestation, torture, fake encounter in police custody as manifestations of a systemic failure to protect human rights of one of the most vulnerable and voiceless categories of victims” (NHRC 2018: 44).

It is within the above context that the Policy Perspectives Foundation, New Delhi, undertook a study titled, ‘*Custodial Deaths: Trends and Patterns in Jharkhand, Bihar and West Bengal, 2009-2018*’. It sought to understand and analyse the *pattern of custodial violence and custodial deaths* in State of Jharkhand, West Bengal, and Bihar as they involve the large, if not the largest as per the official records, number of custodial deaths and violation of human rights. The study examined the emerging pattern of custodial deaths for a ten-year period between 2009 to 2018 with a specific focus on the violation of human rights under police custody and under the jail premises without entering into the detailed investigation of each custodial death registered during this period.

This study was sanctioned and funded by the NHRC, New Delhi, through its letter dated 4th October 2019. The period of study was 12 months with effect from the release of 1st installment of the grant (credited 31st October, 2019). However, the development of covid 19 pandemic since February 2020, which affected the travel mobility till at least October 2021, delayed the completion of this project. Most of the field works, which involved multiple visits to each state was completed in Feb 2023, the details of which has been provided under the subheading of Methodologies of this chapter.

¹ The death of father and son in Chennai, Tamil Nadu in June 2020 under police custody sparked the national cry against the custodial death. The State of Uttar Pradesh has witnessed many extra judicial killing /encounters of alleged criminals. Thus, it has been widely reported that 183 alleged criminals have been killed in various encounters and raids since 2017. Some of these encounters including Vikas Yadav, one of UP based gangster, on close examination, amounts to custodial killing.

Objectives and Scope of Study

The primary objectives of this study as per NHRC Sanction Order dated 3rd October 2019 were the followings:

1. To understand and highlight the magnitude of custodial deaths (prison deaths and death under police custody) in India;
2. To comprehend and analyze the various reasons behind custodial deaths in various forms - the causative and contributory factors;
3. To examine the pattern and trends in custodial deaths e.g., economic, sociological and psychological aspects of custodial deaths;
4. To examine the role of police officials, Jail authorities and judicial inertia in the matter of custodial deaths; and
5. To decipher the signs and symptoms of a possible suicide;

Reasons Behind Selection of States

The selection of Jharkhand, Bihar and West Bengal were based on the following consideration:

- (a) All three states have been historically associated with high degree of custodial violence, custodial death and encounter killing in public perception.
- (b) All three states have been historically associated with left extremism.
- (c) All three states are relatively poor and underdeveloped.
- (d) All three states have significant percentage of minorities, SC, and ST.

- (e) All three states fall under large and medium grouping state (population over 10 million) as per population ratio. The population as per 2011 census in Bihar (104,099,452), West Bengal (91,276,115) and Jharkhand (32,988,134) is. Hence population is not a dominant factor in the variation of custodial death in each of these states.

Review of Literature

There exists a considerable literature on the subject matter of custodial deaths. The graphic rise in the incidents of custodial deaths since mid-1980s in the country has drawn the critical public attention. This has resulted in significant academic productions, media scrutiny and the public debates concerning the issue of custodial violence, particularly the practice of torture and custodial deaths under police and judicial authority. The public concern for the 'democratic health' of India remained the guiding force of the public discussions, critical academic productions, civil society activism and various reports of government commissions and institutions including NHRC, NCRB, Police Reform Commissions, Law Commissions, and several verdicts of judiciary. Though it will be difficult to undertake the task of literature review of plethora of academic books and articles in academic journals, Reports of governmental Commissions, Reports of human rights and other civil society organizations that exist in the public domain. Most such studies highlight the police brutalities and excess, custodial violence, medical negligence, issue of torture, cases of suicide, causes of custodial deaths, absence of torture law related with torture in the country as well as the existing legal national and international provisions, conventions, and procedures of safeguards against arrest and custodial deaths. An emerging pattern in most of academic writings and investigations of civil society organizations is that most victim of custodial deaths belong to weaker segment, lower castes, and minority community. Within this ambit of the vast available literature on the subject matter of custodial deaths, attempt here is made to undertake a review of a few select publications that offer some insight and perspectives on the recurring practice of custodial deaths within and outside of the police lock up and jail premises.

'Death Under Police Custody' has received far more public attention than 'Death Under Judicial Custody' despite the fact the number of police custodial death is far less compared to judicial custodial death. This is probably due to two specific reasons. First, the high number of judicial

custodial death is linked with high degree of invocation of police penal actions related to non-bailable offences. The latter results in overcrowding the jails and other associated psychological and medico-problems, some of which results in death. Second, unlike police custody, 'torture' is rarely employed by the jail authorities to 'discipline' and 'control' the prisoners. Third, 'jail' is far removed from 'critical public gaze'; and is considered a 'safe haven' to escape from the 'police brutalities. Moreover, unlike police, jail is also considered a 'reformist, well-meaning institution' in the public imagination, where accused/under trials/convicted prisoners lives under the watchful eyes of 'judicial process'. Further the very mandate of jail administration is to help in transforming the prisoners into a 'law abiding citizen' and 'a good human being'. On the other hand, police are the 'operational face' of the government in every-day life and hence remained at the centre of public discussion. Historically, police have mostly been looked upon as an 'oppressive institution' despite the fact it acts as source of 'incessant justice' for large public in most of post-colonial societies including India.

From this point of view, one of the earliest works on this subject matter, was penned by Arun Shorie, the former Executive Editor of Indian Express in 1980. He investigated 45 cases of custodial death in seven states of India and found a pattern of police brutality, apathy, and indifference in causing these custodial deaths. K.G. Kannabiram (1992), in his article on "Creeping Decay in Institutions of Democracy"² quoted Arun Shourie in length: "*In 1980, Arun Shourie investigated 45 deaths in police custody in seven states. He found "..... the patterns are uniform from one death to another, from one state to another, that generalisations are possible. The victims were invariably poor. Several of them were hauled in on no formal charges at all. Even in the case of persons who are arrested, in an overwhelmingly large number of cases they are all accused of petty offences." The explanation of these deaths were 'snake bite, heart failure on the way to the hospital, sudden illness' etc. Some were said to have died of mysterious reasons, while the rest committed suicide. The accounts of suicide given have not varied even now – by hanging inside the lock-up by using a 'lungi' or a belt, jumping out of a building or in front of a bus; or some such ludicrous and unbelievable account*".

Another important research work on custodial death is the '*Custodial Deaths in India: A Research Study by Shankar Sen, PSV Prasad and A. K Saxena (Hyderabad Police Academy*

² K.G. Kannabiram, Creeping Decay in Institutions of Democracy', *The Economic and Political Weekly*, pp 1718-1720, 15th August 1992.

1994). It was a study by law enforcement officials and provides an empirical account of perception of officials about causes behind the custodial death. It underlined various forms of violation of human rights obligations by the police and other officials during the performance of their official duties and concluded that “*despite elaborate legal provisions and detailed instructions in the State police manuals prohibiting abuse of powers, many a police officer develops a feeling that he can get away with custodial violence because it will be difficult to substantiate such a charge. He also feels that his superiors and subordinates will rally round him and try to whitewash his misdeeds*”. *The victims of custodial violence are mostly people coming from poor and backward sections with little political influences or financial power to back them*’.

Nirmal Arora’s *Custodial Torture In Police Stations In India: A Radical Assessment*’ (1999), provides one of the earliest critical scholarly work on the phenomenon of custodial death under police³. He analysed the various causes behind police criminality and linked it with absence of law on torture. The article further provides insight into various governmental attempts to reform the working of police and but could not succeed in its intended goal. Jinee Lokaneeta’s *The Truth Machines: Policing, Violence and Scientific Interrogations* (2020) traces the persistence of torture as a method of obtaining confession or extraction of information as inherent in what the authors calls a ‘contingent state’ such as India⁴. The concept of ‘contingent state’ allows the colonial police institution to circumvent the mandate of liberal democracy without becoming illiberal or anti- democratic institutions. The book draws an important linkage between a law and practice of torture by pointing out how a few provisions of IPC allow the use of force to obtain the information from the accused. Further Section 27 of Indian Evidence Act, 1972 does not deny the police official ‘the right to place’ the ‘confessional statement’ obtained under police custody even though same is not admissible in the court of law. This ‘*right to place*’ the confessional statement in the court of law significantly contributes in continuing the practice of torture as a legitimate moral means to extract a confession from the arrestee/ accused and thus perform and conform to the societal pressure/expectation of incessant justice.

³ Nirmal Arora, ‘Custodial Torture In Police Stations In India: A Radical Assessment’ , *Journal of the Indian Law Institute* , Vol. 41, No. 3/4 July -December 1999,pp 513-529.

⁴ Jinee Lokaneeta, *The Truth Machines: Policing, Violence and Scientific Interrogations in India*, Orient Black Swan, Hyderabad, India , 2020.

The book also throws the insight as how the police official gradually shifted towards using the ‘truth machine’ such as forensic narco testing machine including lie detector and polygraphy test till Supreme Court declared such ‘truth obtaining machine’ as illegal and violative of personal liberty in 2010. It may be noted in this context that Dr S. Malini of Forensic Science Laboratory (FSL, Bangalore) became the celebrated narco-analyst and acquired a nick name of ‘Dr Narco’ in the security establishment. Before she was sacked on the ground of forgery of academic and other professional documents, she was credited to have conducted over 1,000 narco tests, some 3,000 lie-detection tests and 1,500 brain-mapping tests⁵.

Joshua N Aston (2020)⁶ provides a comprehensive account of various forms of violation of human rights by various enforcement authorities with a focus on the working of the police force. The book undertakes a critical account for government measures and reforms including the role of NHRC in dealing with cases of human rights violations, while complimenting its relatively good work in the field of human rights. However, the book is highly critical on the absence of law against torture, which often leads to custodial violence and custodial death.

Nitya Ramakrishnan (2013)⁷ explores how the concept of justice and torture within the Indian society are inextricable: “*torture becomes a fantasy of justice.*” Rachel Wahl (2017)⁸ an interesting piece of work that differs with most of scholarly publications on the issue of human rights and custodial death in India. Unlike most of the academic productions that quantify the various violation of human rights by the state officials, Rachel’s work explores the *moral dispositions of law enforcement officials* through in-depth interview of 33 personnel and discovered how most police, para military and other law enforcement personnel views ‘torture’ as ‘moral and legitimate choice’ to deliver justice to the victim and society as well as to meet ‘moral expectation of people’. According to the author, it is this *belief in torture as ‘moral, just, normal, legitimate principle’*, which allows the torture to remain operational in practice despite a large number of Supreme Court’s decision, international convention, and recommendation of various governmental commissions to outlaw the same. A more recent work Abdul Wahid Sheikh, *Innocent Prisoners (Begunah Qaidi, 2021)* is a personal account of his ‘jail days’, which

⁵ Josy Joseph, *the Silent Coup: A History of India’s Deep State*, 2021 p. 88

⁶ *Torture Behind Bars*, Oxford university Press, Oxford, UK , 2020.

⁷ *In Custody: Law, Impunity and Prisoner Abuse in South Asia* (SAGE India; First Edition, 2013)

⁸ *Just Violence : Torture and Human Rights in the Eyes of the Police* (Stanford University Press, 2017)

he spent on the charge of terrorism. The book details the wrongful incarceration of innocent prisoners in India, the number of which is very high, and exposes the various forms of torture, which is practiced within the premise of jail.

The forensic examination constitutes an important tool and method for non-violent investigation and deciphering the truth-ness of allegation and charges. The NHRC has consistently been encouraging the police and other law enforcing officials to develop a scientific investigative outlook in questioning and interrogating the accused instead of relying upon the traditional, inhuman method of torture to elicit the information. From this perspective, Arvind Kumar (2018)⁹ and R. Sharma (2005)¹⁰ provides the holistic treatment of the subject matter including a detailed discussion about the health rights of the accused and procedure about how to conduct the forensic examination. The book did expose the lack of professionalism and medical negligence and overall lack of health awareness among the officials dealing with accused under the custody.

As regarding custodial death within jail, there exists many academic publications¹¹. Most of these publications reflect on the causes of custodial death- both natural and unnatural- and highlights the gross medical negligence; and exposes the inhuman condition under which prisoners live. Many of these writings have empirically demonstrated that how inhuman condition and asocial atmosphere within jail premises promote suicidal tendencies among prisoners. Sanjay Kumar Jain (2014)¹² is an insightful study, which provides a systematic, empirical understanding of the problem of suicide in Indian jail and discovered that the rate of suicide within jail is much higher than general level of suicide in society. It further exposed the data discrepancy in relation to custodial death based on the examination of custodial data of NCRB and NHRC.

⁹ Arvind Kumar, *Forensic Investigation of Health Rights Violation in Custody* (NHRC, New Delhi, 2018).

¹⁰ R. Sharma, *Custodial Deaths: Concise Text Book of Forensic Medicine & Toxicology* (Elsevier 2005).

¹¹ Some of the important publications are : Akhilesh R Jhamad, Asit Kumar Sikary and T Millo, 'Analysis of Custodial Deaths in New Delhi: A 13 Years Study', *J Indian Acad Forensic Med.* January-March 2014, Vol. 36, No. 1, 19-22, Ananth Kini (2017), 'A Critique on Prisons in India in the light of inhuman conditions in 1382 prisoners', *ILI Law Review* Vol. II, Winter Issue 2017, pp 72-89. NSSR Murthy and MSV Srinivas (2015), 'Prisoners' Suicides in India – Constitutional and Civil liability', *International Journal of Scientific Research and Management (IJSRM)*, Volume3, Issue8, pp 3486-3493, 2015.

¹² Sanjay Kumar Jain 'Suicide in Prison: Prevention Strategy and Implication from Human Rights and Legal Point of View, NHRC Publication , 2018.

Apart from the academic writings and media reporting, the non-governmental civil society organizations, particularly human rights organisations, - both national and international- have actively pursued the individual cases of custodial deaths under police and judicial authority and documented them. These includes *Torture in India (2011)* by Asian Centre for Human Rights, ACHR's Torture Update: (India, June 2018 *India, funded by European Union* , National Campaign Against Torture (NCAT): *Annual Report on Torture (2019, 2020)*, *Human Rights Watch*, "Bound by Brotherhood": *India's Failure to End Killings in Police Custody* (December 2016), Human Rights Watch's, '*Broken System Dysfunction, Abuse, and Impunity in the Indian Police* (2009) and a series of Reports of Amnesty International. Most of the publications of these and other human rights organisations have heavily criticized the government human rights organisations for recording the custodial deaths far below than its actual numbers every year. They mostly blame the culture of torture, low conviction rate of police officials, corruption, police solidarity and lack of human rights awareness as the major reasons for growing incidents of deaths under police custody.

Amnesty International since early 1990s has been publishing the critical reports concerning human rights violations and custodial deaths. In this regard, a 1992 study on '*India: Torture, Rape and Deaths in Custody*'¹³ provides a very comprehensive account of violation of human rights of accused or suspect by the police officials with a very low conviction rate of police officials accused of violation of human rights. Similarly, its comprehensive report on '*INDIA Time to Act to Stop Torture and Impunity in West Bengal (2001)*' provides a comprehensive analysis of human rights violations including custodial deaths by the law enforcement officials including police, judicial magistrate and jail officials. Though the Report frequently quotes the concern and recommendation of West Bengal Human Rights Commission, it finds WBHRC ineffective in preventing the gross violation of human rights by police and other law enforcing officials.

Transparency International India conducted a detailed study of NHRC and SHRCS. Its Report (December 2019) titled, 'Protection of Human Rights in India: Working of NHRC/SHRC (1993-2018)' provides a good break-up of the data of NHRC and SHRC concerning custodial death at all India level as well as across various states of the country. It further provides a summary of

¹³26 March 1992, Index number: ASA 20/006/1992, <https://www.amnesty.org/en/documents/asa20/006/1992/en/>, accessed on 7.05.2019

organisational strength and availability or non-availability of Annual Report of various SHRCs. According to this Report, NHRC registered a total of 18,31,715 complaints related to various violation of human rights including 31845 custodial deaths during 1993-2018 at all India level. The Report further provides data concerning human rights complains and custodial death as recorded by various SHRCs. Thus BHRC (Bihar Human Rights Commission) registered a total of 56,187 related to Human rights violations during 2001-2019 and a total of 1, 266 custodial deaths between 2008 and 2019. JHRC (Jharkhand Human Right Commission) registered a total of 7, 371 cases of Human rights complains during 2011-2018 and took suo moto cognition of 84 cases of custodial death. WBHRC (West Bengal Human Rights Commission) registered a total of 1, 42, 082 Human rights related complains between 1995-96 and 2016-2017: and a total of 1, 718 cases of custodial deaths between 1995 and 2016-2017. However, the Report does not specify as to how many died under the custody of police and at jail authority separately. Further, it did not specify as to how many of total custodial deaths were ‘natural’ or ‘unnatural’ or took place on ‘remand’ or ‘without remand’.

‘India: Annual Report on Torture 2020’ released by the National Campaign Against Torture (NCAT) recorded 55 deaths by suicide as a result of police torture i.e., more than one suicide per week. The Report concluded that *“Police stations are increasingly becoming centres for suicide due to alleged torture”*. 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.

These non- governmental human rights bodies have undertaken critical examination of the role of NHRC in the protection of human rights; documented the gross violation of human rights and abuse of authority by state officials including police, judicial magistrate, and jail officials. One of the dominant aspects of Reports and investigations of human rights organizations is that they found that most victims of custodial violence and custodial death belong to economically weaker section of society, particularly belonging to SC, ST, minorities and OBCs. Most of these non-governmental human rights organisations in their Reports have deplored the inaction of Government of India to enact a law to operationalise the UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which India had already signed in 1997. They considered the lack of legislation on anti-torture law as one of the major reasons for rising graph of deaths under police custody as well as in jail. In fact in March 2023, a group of six human rights organisations viz Amnesty International, CSW, Front Line

Defenders, Human Rights Watch International Commission of Jurists, International Federation for Human Rights (FIDH) and World Organisation Against Torture (OMCT) in a joint letter dated 9th March 2023 demanded from Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA) to deny the accreditation status of the National Human Rights Commission of India¹⁴.

An important aspect of investigation of custodial violence and custodial death concerns the underlying causes behind such violence and death. The publications under review as indicated above as well as other publications have dealt with this subject matter in a great detail. The official narratives concerning custodial deaths under police and within jail often cite the poor health of the accused, medical negligence, and suicide as the principal reason for the same. Whereas the civil society and human rights organizations have mostly blamed the practice of torture for obtaining the confession, personal ambition for upward career, corruption, heavy workload, poor infrastructure, paucity of time for investigation, societal pressure, local politics, bad working conditions, poor salary, and low rate of conviction of police officials for the custodial deaths.

Besides the above literature, the Annual Report of National Human Rights Commission (NHRC) as well as of National Crime Record Bureau (NCRB) remained the two most important source of information for the study of 'state of human rights' including the issue of 'custodial violence' and 'custodial death'. Together they provide a rich data concerning state wise status of violation of human rights including deaths under police and judicial custody. In particular, the annual publication of *Prison Statistics India*, (National Crime Records Bureau) provides a detailed state wise information about the conditions of jail, as well as of inmates and under trials living in these jails. It reflects on various forms of human rights violations related to under trials including custodial deaths within the premise of jail.

These Annual Reports and other publications of NHRC and NCRB constitute an important source and provides a vital input in understanding the pattern of custodial deaths; though they lack

¹⁴ JOINT NGO LETTER: REVIEW OF THE ACCREDITATION STATUS OF THE NATIONAL HUMAN RIGHTS COMMISSION OF INDIA, <https://www.amnesty.org/en/documents/asa20/6535/2023/en/>, accessed on 07.07. 2023..

critical approach and rigorous analysis. Further these documents including the Annual Report of *West Bengal Human Rights Commission (WBHRC)*, *Bihar Human Rights Commission (BHRC)* and *Jharkhand Human Rights Commission (JHRC)* hardly provides district or region/sub region wise details of custodial deaths. The BHRC reports 2009 – 2015 ‘*District wise Registration and disposal of cases*’¹⁵ is the only available data publicly but it doesn’t give details on district wise custodial deaths. The Website and Reports the WBHRC and JHRC do not provide district wise details on custodial deaths. Neither these documents provide a detailed description of custodial death within the Police Lock Up. As a result, it becomes difficult to evolve a local, regional or sub regional perspective taking into consideration of specific history of locality, police *thana*, history of region, cultural tradition, power configuration amongst castes and class within a particularly local geography, the nature of politics etc.

In nutshell, the above existing materials and many other publications related to custodial deaths under police and judicial do provide the historical background of the problem as well as help in evolving the framework to diagnose the problem from human rights perspective. However, it does not take into consideration of ‘totality of localized causative factors’ which includes localized police tradition and jail disciplining, coercive political tradition of modern state, the variation in state administrative culture, the lack of judicial investigation as well as the inter face and nature of demographic participation of class and castes and communities within the law enforcing structure –all these, to a large extent, influence the process leading to the custodial deaths.

Approach and Framework

The field of custodial violence and custodial death has traditionally been dominated by the human rights and legal perspective. This perspective has been helpful in quantifying the various forms of violation of human rights caused by the state officials, often in violation of laid down procedure, rules, and regulations. However, it treats the problem of human rights violation including the issue of custodial violence and custodial death as more of ‘procedural -technical’ and ‘behavioural’ in nature. They tend to prescribe that this can be rectified through the instrumentalities of human rights training and awareness (or what has come to known as UN-endorsed HRE -Human Rights Education), sensitization about human rights values, behavioural

¹⁵ <http://bhrc.bih.nic.in/Docs/Docs-02-06-11-2015.pdf> (Accessed 19/11/2019, BHRC Report, 2009-2015)

transformation, non-coercive method of investigation and questioning as well as through adherence to the notion of procedural justice. Further, scholars and activists writing from within the human rights perspectives tend to trace the practice of torture and other abuses of power including custodial violence and custodial death to the continuation of colonial mindset and colonial structure of governance in post-colonial societies like India.

Such an approach, though important and contain merits, has inherent limitations in delivering its intended goal as it does not take into consideration of complex interactive process of agency (quality of human resources), process (governmentality) and the structure (specific law enforcing unit including its history, memory, and tradition). It does not venture as to why and how the ‘system of governance’, historically speaking, including the democratic system of governance reproduces the ‘structure of violence’. Hence there is growing scholarly critique to the logic of ‘colonial legacy’ as ‘perennial factor’ for continuation of human rights abuses, torture and other forms of custodial violence including death in post-colonial society. Thus, in his comprehensive work on the subject of torture, Darius Rejali has demonstrated how the modern torture techniques were invented by democracies in the name of humanising the idea and culture of punishment¹⁶. Conrad, Courtenay R and Jacqueline H. R. DeMeritt¹⁷ found that instead of abolishing torture, different kinds of modern democracies have produced different kind of ‘torture effect’. Thus, democracies with stronger judicial systems such as United States are more likely to use ‘stealthy techniques’, whereas those with strong electoral politics but without strong institutions such as India to protect vulnerable continue to engage in ‘scarring torture’. Even if the colonial legacy laid the structural, attitudinal, and legal groundwork for such abuse of power, it is the ruling political elite that allows it to continue precisely because they share the discourse and world view of modernity with its homogenizing techniques and culture of governmentality within which the structure of violence is embedded. Upendare Baxi rightly insisted that “*if the police retain its repressive colonial profile, it is due to the fact that the governing elites wish it so*”¹⁸. Similarly, Shri Vikash Narain Rai, an accomplished retired IPS officer, during a talk via Zoom on 8th July 2020 related to this research project, an event organised by Policy Perspectives Foundation, New

¹⁶ Rejali, Darius. *Torture and Democracy*. Princeton: Princeton University Press, 2007.

¹⁷ Conrad, Courtenay R., and Jacqueline H. R. DeMeritt. “Unintended Consequences: The Effect of Advocacy to End Torture on Empowerment Rights Violations” in *Examining Torture: Empirical Studies of State Repression*, Tracy Lightcap and James P. Pfiffner (Eds.), 159–183. New York: Palgrave MacMillan, 2014.

¹⁸Baxi, *The Crisis of the Indian Legal System*, 85. Quoted in Lokaneeta, *Transnational Torture*, 135. , quoted in Rachel Wahl ‘s *Just Violence : Torture and Human Rights in the Eyes of the Police* (Stanford University Press, 2017), p 39, also see, Baxi, Upendra. *The Future of Human Rights*. New Delhi: Oxford University Press, 2002. Baxi, Upendra. *Human Rights in a Post-Human World*. New York: Oxford University Press, 2009.

Delhi, was candid in admitting that ‘*in spite of highly educated people enrolled in police, and even if they are not taking part of torture, they are ignoring torture, permitting it and letting it happen in India*’.

This research work, therefore, has attempted to combine the human rights perspective with Foucaultian notion of power, control and disciplining, Pierre Bourdieu’s concept of *Habitus* and Agamben’s theory of ‘State of Exception’. With his critique of modernity, Foucault (1975) demonstrated the linkage between knowledge/discourse and power and produced a seminal work on how modern state has been obsessed with an idea of power/sovereignty, controlling and disciplining the human body and mind and how the modern system of jail has produced more dehumanised form of punishment in the name of reforming and humanising the penal system compared to past¹⁹. For him, while the intent and goal of power remained the same: control and disciplining for the purpose of rule, the very mechanism and manner of exercise of power/sovereign rights gradually became more sophisticated and technocratic and developed the ability to project the exercise of power as ‘humane’ and ‘democratic’ under modernity but it became more lethal, more controlling, more disciplining and non-transparent in its effect on human bodies, what he called bio-power: *the transformation of sovereignty into bio power* under modernity. While sovereign power during the classical age was the power to *let live and let die*, the bio power, which for him is more dominant than sovereign power as exercised during pre-modern age, linked the human life with bio-politics: power to shape, regulate, and control the multiple characteristics of human bodies: birth rate, death rate, education, sexuality, life choices etc.²⁰. Whereas the punishment in pre modern era was meted out in barbaric ways (such public flogging and execution) for the purpose of disciplining and generating fear, but it took place within open spaces, which at least evoked protest and critique; the modernity produced a more rigorous form of penal system, which takes place inside the locked space/door/jail/police cell, while its manner of execution appeared to be more democratic, sophisticated and moral. According to him, the modern techniques of punishment, though refined, combined with its isolation and away from ‘public gaze’ has resulted in more dehumanising experiences for the prisoners.

¹⁹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 1975.

²⁰ Michel Foucault, *The History of Sexuality*, Vol. 1: An Introduction, trans. Robert Hurley, Reissue edition New York: Vintage, 1990,136)

Pierre Bourdieu's notion of Habitus (*Outline of Theory of Practice, 1977*) clearly demonstrated how 'individualised and institutionalised habitus' acquired through the process of socialisation (class, caste, ethnicity, mannerism, rural, urban, education, religion, culture, media etc.) plays a significant role in shaping the everyday responses of individual, as well as of institutions to a particular situation. Thus, what matters is not the 'correct' implementation of rules and regulations, but 'system of habitus', that guides the implementation of Rule Book, which in itself is a specific cultural product and not a universal product. This theory has direct application to the study of custodial death as despite the 'intended goal of modern policing' and 'Reformist Commissions' to humanise policing and jail system so as to preserve and ensure 'life' across many societies including India; the custodial violation and custodial death keep taking place, though their frequency varies across culture and countries.

Agamben's theory of 'State of Exception' (2005), though built on Foucaultian idea of notion of power, provides a powerful insight as to how the modern state is transforming a normal condition of life into a perennial abnormal, extraordinary situation, which allows the state to exercise the unregulated or what is called 'emergency power', which it legally cannot invoke in normal times, for the purpose of governmentality. Today, the modern state does not derive such power and legitimacy by invoking 'Emergency clause', which is inbuilt in most constitutions of the world, but exercises such powers in the name of sovereignty, security, terrorism, counter terrorism and other related measures. As a result, most human beings have been reduced to the condition of 'bare life'- a form of life that is amenable to the sway of the sovereign power under normal conditions²¹. Unlike Foucault, Agamben does not see difference between bio power and sovereign power or consider former as higher than latter; rather he sees bio power as an essential element of exercise of sovereign power throughout the human history, which under the modern condition has become so pervasive that it has reduced the human life to 'bare life'—a life depended upon biopolitics, i.e. , *human life is no longer free of politics and political order*.

Together these scholarly works demonstrate how modernity *in everyday praxis of governance* legitimizes and allows the flow of legalized, institutionalized coercive actions of state body for the sake of maintenance of everyday governing order, some of which does result (both intended and unintended) in controlling, maiming, shaming and inflicting damage to 'life body' including

²¹ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen, 1 edition Stanford, Calif: Stanford University Press, 1998

custodial death despite the growing regime of human rights. The trajectory of ‘state action’ has hardly been uniform throughout the human history despite the intent of law. It affects more to those who lives on the margin of power structure and becomes the victim of ‘institutionalized perception of otherness’, which is deeply embedded in the routinised ‘culture of governmentality’. The frequency of such victimhood is more pronounced in the post-colonial setting, wherein the law enforcing agencies and officials tends to privilege, instead of judicious balancing, the ‘security of state’ over ‘security of people’, identifies too strongly with the political-ideological moorings of the ruling regime and views segments of people as ‘political other’ and protects the interest of dominant social and political groups/ class against the less privileges ones as a part of understanding of political governance. Thus, in the Indian political context Paul Brass (1977)²² provides a remarkable insight how politics in Indian cities revolves around the ‘control over police thana’ and how dominant individual and groups influenced the local police structure to victimise the opponents and seeks its neutrality during the ‘collective violence’-whether caste, communal or ethnic.

One implication of the above theoretical paradigms is that they clearly help in understanding the gap that exists between normative concern of ‘*Rule of Law*’ and ‘*Role of Law*’, a distinction that was sharply brought by Shri Vikash Narain Rai, IPS (Retd.) in a Zoom lecture, organized by PPF on 8th July 2020. It is the latter that is operationality reality of governmentality, i.e; how the ‘role of law’ protects the privileges ones without compromising the law and discriminates and dehumanizes the less privileges within the ambit of law.

It is the above post-modernist approach that directed the historical-analytical scrutiny of the primary as well as secondary sources, that were collected during study of this research project. The snowball technique was utilized while collecting the relevant materials regarding this research project. This included a focused study of nature of political governance, in the state of Bihar, Jharkhand and West Bengal. Harihar Bhattacharyya and Subrata Kumar Mitra (2018)²³ is an important work as it helps in illuminating multiple layers of political governance infested with dynamics of caste, religion and class and how they impact the governance including policing at local level, which has a bearing on the issues related to custodial death. Rachel Kleinfeld and

²² *Theft of an Idol: Text and Context in the Representation of Collective Violence* (Princeton University Press, 1997).

²³ *Politics and Governance in Indian States : Bihar, West Bengal and Tripura* (World Scientific, Singapore, 2018)

Rushda Majeed (2016)²⁴ is another important work that has relevance for this work. Though the book explored the nature of inclusiveness political governance of the Nitish Kumar government with focus to bring Maha Dalit and extreme backward caste within the power structure combined with successful implementation of Arms Act and developmental measures such as free distribution of cycle to girls (largest ever in the history of the world). This political inclusiveness, the book argues, contributed to reducing the phenomenon of Maoist violence despite weak bureaucracy, which has an implication in reducing the rate of arrest of Maoists, Naxals, extra constitutional killings and hence for custodial death. However, the literature on political governance in Jharkhand is too scanty, partly because the state came into existence in 2000, just two decades ago. Most of them revolves around tribal vs nontribal contradictions with little implications -direct or non-direct-for custodial deaths.

METHODOLOGY AND FIELD DYNAMICS

The broad textual familiarisation including politico-economic affairs in Bihar, Jharkhand and West Bengal, was further followed by series of lectures by the ‘domain experts’ through Zoom medium ---consisting of retired police officers, human rights organizations, lawyers, academicians, and social activists in the related field of policing, prison, custodial violence, and custodial death. These lectures and discussions were organized by Policy Perspectives Foundation, New Delhi, the details of which is given below: ---

Webinar organised by Policy Perspectives Foundation for NHRC Project - Custodial Deaths: Trends & Patterns in Bihar, Jharkhand and West Bengal, 2008-2018

Sl. No	Date	Topic	Speaker & Designation	Participants
1	08 th July 2020	Webinar on Police Training	Vikash Narayan Rai, Former DGP (Law & Order), Haryana Cadre and he was credited with heading 4 Premier Police Training Set-Ups – SPG, Haryana Police Academy, Madhuban (Karnal), BSF Academy, Tekanpur (Gwalior) and National Police Academy, Hyderabad.	Research team

²⁴ *Fighting Insurgency With Politics: The Case of Bihar*. Carnegie Endowment for International Peace .2016

2	2 nd October 2020	Webinar: A talk on Custodial Deaths in Bihar (with Local Representatives)	Vishal Kumar Singh, Lawyer, HRLN, (Human Rights Law Network) Bihar Dr. Savita Ali, Lawyer and founder of EVA Foundation Praveen Kumar, founder of Law Foundation	Do
3	27 th October 2020	Webinar: A talk on Custodial Deaths in West Bengal & Jharkhand (with local representatives)	Aparajita Bose (Coordinator) & Indrajeet Dey (lawyer) HRLN, Kolkata, Raja Bagga, HRLN, Delhi, Deepan Sankar, lawyer, CHRI (Commonwealth Human Rights Initiative), Delhi & Kolkata, Sonal Tiwary (lawyer), Jharkhand	do
4	27 th October 2020	Webinar: A talk on Custodial deaths	Sankar Sen, IPS (Retd.), Former Director General -NHRC & Former Director – National Police Academy	Do
5	20 th Dec, 2020	Webinar on Custodial deaths: trend & patterns in Bihar & Jharkhand	Santosh Upadhyaya (Social and political Activist, Bandi Adhikar Andolan & Praveen Kumar, HRLN for Bihar Narisha Hussain and Raja Bagga, CHRI, Delhi for Jharkhand	Do
6	21 st Dec. 2020	Webinar on Custodial Deaths: trends & patterns in West Bengal	Aparajita Bose, HRLN, Kolkata and Deepan Kumar Sarkar, (Lawyer), CHRI, Kolkata	do
7	Jan. 2021	Presentation by Raja Bagga on Custodial Death: A Legal Perspective	Raja Bagga, CHRI, Delhi	Do
8	27 th September, 2021	Discussion on Custodial Deaths in West Bengal with MASUM Organisation	Kirity Roy, Secretary, Banglar Manabdhikar Suraksha Mancha (MASUM) & National Convenor (PACTI) Programme Against Custodial Torture & Impunity	do

These interactive sessions proved to be immensely helpful to our field researchers in understanding the linkages between law, policing and politics as well as social and political dynamics of the region and state, including the state of Jharkhand, Bihar and West Bengal, wherein the problematic of custodial violence and custodial death is deeply embedded. It also exposed us the ‘archaic field of policing’ within which lower, operational police force work with poor resources- both human and non- human- and institutionalised pressure to deliver the result. These sessions further helped in polishing and sharpening the field research questions, the completion of which took place almost 3-4 months. Five sets of questionnaires were prepared – each for police, jail officials, civil society stakeholders, prisoners and family members/relatives of deceased victim for each state. Later questionnaire for police and Jail officials was translated into Hindi and Bengali languages for the purpose of interview. These field questions and its Hindi and Bengali translations for police and jail are marked as Appendix A and B respectively. Questionnaire for civil society members, prisoners and family members (with Hindi translation) of deceased victim are marked as Appendix C, D and E respectively.

Due to the challenges of COVID 19 including its heavy restrictions on mobility, the PPF had to cancel its ‘field plan’ several times. In the intervening period, prior to field visit, the PPF Research Coordinator of each state on this research project in coordination with other members of Research Team send the questionnaire to more than two hundred police officials including DSP, SP, ADG, DG, Inspector, sub-inspector, SHO and Jail officials including Superintended of jails in each state through their respective official emails. The emails ID were obtained from website of Police Headquarters and various jails-central as well as state -located in each state. Further the researchers tried to contact with concerned police and judicial officials several times through phone. However, it must be confessed here that we elicited a very poor response from officials in each state. We did not receive more than five filled up questionnaire responses from each of these three states under study. We discovered that there is a strong fear of submitting or recording anything in writing across administrative hierarchies. *Deputy Inspector General of Police (Human Rights), Bihar stated that they do not store data like this, all data related to this is published by NCRB which is collected by all states.*

Having failed to secure the ‘digital interview’, our research team then used RTI (Right to Information) as methodological tool to obtain the relevant information pertaining to custodial death in Jharkhand, West Bengal and Bihar. The attempt yielded some positive result and we did

receive interesting data from each state, particularly from Bihar. This data will be presented and discussed later in this Report. These RTI responses from Bihar, Jharkhand and West Bengal has been attached as Annexure 2 & 3 (Bihar), Annexure 4 (Jharkhand) and Annexure 5 (West Bengal) herewith and referred in the analysis of each of the state.

With relaxation in COVID related travel restriction PPF decided to send the Research Team for field work, which was conducted in four phases. PPF attempted to obtain the permission from the competent authority of each state for undertaking the field work of which we received a written permission letter from West Bengal (Annexure 1) and verbal consent from authorities in Bihar and Jharkhand. However, we failed to secure the permission from Jharkhand government for visiting jails in the Jharkhand state on the ground of COVID-19. However, our subsequent requests for the same in post COVID period was also not entertained. As a result, our field researchers could not visit jails in the state of Jharkhand except visiting the reception of Birsa Munda Jail. The researchers were able to engaged one jail official at the reception informally as he refused to entertain the questionnaire. Later, one of the researchers spoke to one IG (Jail), Jharkhand. In all together we could obtain only two interviews from jail official in Jharkhand state.

As COVID related various restrictions remained in place at least till October 2021, the pace of the field work remained relatively slow during the first phase of field visit , which took place between 10th March 2021 and 20th April 2021 covering each state. During this period the research team familiarised themselves with the challenges of field, established face to face contacts with local interlocutors, which was telephonically arranged prior to visit, and developed trust bond, visited police stations and jails, conducted a few interviews both face to face and telephonically with some police and judicial officials; forged the strong linkage with some of civil society and human rights organisations working in the related field of custodial violence and custodial death.

The subsequent research field visits during second, third and fourth phases, which took place in post COVID period (between March 15th 2022 and 25th Feb 2023) involving multiple visits, proved to be intense and fruitful from the point of view of execution of research questionnaires among the stakeholders. However, a good number of police officials and jail officials preferred to talk informally and refused to fill up the questionnaire. The second (15th March to 20th April 2022) and third phase (took place between 7th October 2022 and 22nd November 2022) were

primarily used for the purpose of meeting and interviewing with police personnel as well as the jail officials. During this phase of the field work, the researchers gained access to inner premises of jail and also got the opportunity to interact with prisoners. The research team also managed to reach out to a few victim members of family during this phase. Further we focussed more on interviewing the junior ranking police officers (inspector, sub inspector, constable etc.) in order to understand their ‘moral universe’ about the idea of custodial violence and custodial death as it is these ranking officials who are directly involved in using torture as means of investigation.

While the research team interacted some members of civil society stakeholders during first, second and third phases of research visit, the last and fourth phase of research visit (between 10th January 2023 and 25th Feb 2023) was exclusively used for exploring the public perception of different segments of civil society stake holders. This was done in order to contrast the public perception of civil society and human rights organisations with ‘official perception’ of custodial violence and custodial death. As a methodological tool and practice, each phase of research visit was followed by ‘in house’ discussion within the premise of PPF over the collected field data and information as well as challenges faced during the course of field work. For instance, in many police stations our researcher were faced with a situation where police official preferred a group interview (3-4 personnel) and evolved a consensus on most of questions which was asked. They insisted that this should be recorded as ‘one’ without identifying their names. The ‘in house discussion’ after the conclusion of each research visit was considered necessary in order to overcome the deficiencies encountered in the field as well as to understand the emerging pattern of custodial violence and custodial death in the concerned state. All together each state was visited four times for the purpose of field work.

The methodology applied for making questionnaire and later conducting face to face interviews was a mixed one- combining the qualitative and quantitative research techniques of investigation. The interview techniques combined both listed structured questions as well as unstructured ones. In all together around 125-150 interviews were conducted in each of state. The interviewees were mostly serving police officials, retired police official, jail authorities, retired judicial magistrate, prisoners, retired judges, journalists, academicians, civil society human rights activists, lay public, member of political class, victim families etc. Some of the interviewees were further engaged for the discussion (off record) after filling up the questionnaire, which sheds light on the nexus between political class, police and victim. These questionnaires were organised broadly

on four parameters with a view to examine the official (police and judicial) as well non-officials' responses in cross-sectional manner so as to develop a wholistic understanding of the problem of custodial death in each of these states. These four parameters were: (a) Issues surrounding perception, framing and everyday understanding of custodial death; (b) contributory factors for custodial death with focus on police torture; (c) medical examination and services; (d) human rights training.

However, there were two serious methodological challenges that our research team confronted during the field work. First, it pertains to the meaning of 'custody' and 'custodial death'. It turns out that there is no consensus on the meaning of 'custody' and 'custodial death' among the state officials including the police officials. This may be due to the fact that 'custody' and 'custodial death' are not defined in police rules book/Manual or Indian Penal Code except in some judicial pronouncements. Secondly, 'police' and 'law and order' are primarily 'state subjects' and hence different states have different sensitivity and cultural understanding of 'custody'. Different police officers and jail officials carry different understanding of 'custody' as one police official in Jamatara told to one of our researcher that *while you are sitting across my table, this amounts to a fact that you are under my custody and similar things happened in Bihar and West Bengal as well with other researchers*. Similarly, police officials take a very minimalist understanding of custodial death, i.e, 'death within lock up due to police torture and not outside lock up (such as within the premise of police thana or on the way to hospital or upon reaching hospital etc). The subject matter of 'custody', 'police custody', 'judicial custody', 'custodial violence' and 'custodial death'

Another serious limitation that we encountered during the field trip that we could not get access to Post-mortem report, rather we were denied on the ground that police station does not keep such records. However, we did manage to secure copy of a few post-mortem reports from victim's families. We also could not get the access to medical doctor on the panel of police station and jail/correctional homes, which was otherwise very vital for our research project. Our research team visited district governmental hospital for obtaining specific information regarding custodial death, but they refused to give interview or fill the questionnaire. However, we did interview a few medical personnel, who served as medical consultant to some of jails in Bihar and West Bengal.

The breakup of districts, jail and police station visited and number of interviews conducted in each state is as follows: -

State	Police	Jail	Victim Families	Civil Society Stakeholders	Prisoners	Total
Bihar	20	16	10	72	34	152
West Bengal	22	29	12	63	15	141
Jharkhand	25	2 (not tabulated)	2	64	-	93
Total	67	47	24	199	49	386

Thus, a total of 386 interviews combining all three states of Bihar (152), Jharkhand (93) and West Bengal (141) were conducted. These interviews were both individual as well as group wise. At many places, police officials refuse to talk or give interview in his/her individual capacity. In Bihar, the PPF research team covered ten districts namely Patna, Rajgir Nalanda, Gaya, Sasaram, Ara-Bhojpur range, Begusarai, Bhagalpur, Darbhanga, Saharsa and Motihari (East Champaran) and interacted with ten of the deceased custodial death victims’ families. In West Bengal, the research team visited nine districts namely Kolkata, Barrackpore, Murshidabad, Pargana, Malda, Srirampore, Baruipur, Dumdum and Jadavpur and interacted with 12 of the family members of deceased. Within Jharkhand, we could cover only seven districts: Ranchi, Khunti, Ramgarh, Dhanbad, Giridih, Jamtara, and East Singhbhum during our Field and a response from Giridih district was received via post. Each of these districts had an incidence of custodial death registered as per NCRB data. However, the researcher could meet only members of two victim families due to ‘hostile’ local dynamics.

The demographic composition of interviews included police officials (from constable to high-ranking officials including SHO, Sub Inspector, S.P SSP, ADGP), Jail personnel including Jail superintended, prisoners, social activists, human rights activists, journalists, lawyers, lay people, medical personnel in the hospital and victim families. In terms of social compositions most officials who were interviewed belong to upper middle-class high caste and male. The interviewees from women, minority, SC, and OBC were very few. Officials from these social

groups were very reluctant to engage with us on this subject matter. They were mostly urban with graduate and post graduate background.

Due to the ethics of research, the names of respondents, institutional identification, and place has been either omitted or renamed.

DATE WISE DETAILS OF FIELD VISITS PERTAINING TO NHRC PROJECT

Name of the state	Dates	PPF Research Team
Bihar	10th-22nd Mar 2021, March 15 to 5 th April 2022, 15 th November to 22 nd November 2022 17 th Feb to 25 th Feb 2023	Do
West Bengal	15th Mar- 25th Mar 2021 27th Nov-15th Dec 2021 November 5 to 20 th 2022 10 th January to 18 th January 2023	Do
Jharkhand	12th-20th April 2021 July 10 to 30 th July 2022 7 th October to 14 th October 2022 5 th Feb to 12 th Feb 2023 5 th Feb to 12 th Feb 2023	Do

STRUCTURE OF REPORT

The Report is divided into six chapters. The first chapter provides the background of the Study, highlighting the various dimensions of custodial death including its scale at national level as well as three states of Bihar, West Bengal and Jharkhand. It further lays down the aims and objects of the Research Project and undertakes a very comprehensive review of literature on the subject matter including review of literature pertaining to three states. It then describes and elaborates the conceptual frameworks/approaches along with methodological tools, which guided this research project. Chapter two provides various dimensions of custodial deal at all India level including Jharkhand, Bihar and west Bengal. Chapter three deals with meaning of ‘custody’, ‘

‘police custody’, ‘judicial custody’, ‘custodial violence’ and ‘custodial death’ as well as the legal provisions that pertain to the power of arrest and investigation as well as protective rights of arrestee/accused/prisoner. It further mentions the NHRC guidelines, various decisions of Court of Law and international conventions that call upon the law enforcing authority to protect and respect the fundamental human rights including the right to dignity of the arrestee/ accused/ prisoner. Chapter four, fifth and sixth provides a detailed examination of the emerging pattern of custodial deaths- both police and judicial- in state of Bihar, West Bengal and Jharkhand since 2008 in the light of data of NHRC, NCRB, SHRC and other related agencies as well as data collected during the field work. The analysis of custodial death in each state has been followed by the observations recorded by the field researchers. These observations along with pictures pertained to their visit, interactions, and interview with the family members/relatives of deceased victim. These observations have been purposefully kept in its ‘original unedited form’, so that it should not lost its original intent and meaning. The last chapter is conclusion -cum recommendation under which each arrived conclusion and findings has been accompanied by a specific recommendation related to prevention of custodial death.

CHAPTER II

DIMENSIONS OF CUSTODIAL DEATH IN INDIA

Custodial Death: All India

A brief overview of data concerning custodial deaths in India reveals an increasing trend of custodial deaths in most of Indian states. Various Police Commission Reports (Such as Roborio Commission, Padmanabhan Committee, to name a few) and their valuable recommendations have neither prevented nor reduced the rate of custodial deaths. Thus, Transparency International India (TII) (December 2019) conducted a comprehensive study titled 'Protection of Human Rights: Working of NHRC/SHRC (1993-2018)' and found that NHRC registered a total of 31,845 cases of custodial death (intimation) during this period. In terms of pattern, the TII **found** that NHRC registered the lowest of 34 in 1993-1994 and highest of 1981 in 2007-2008 followed by 1823 in 2015-2016 and 1763 in 2016-2017.

A table of NHRC data in relation of custodial deaths (All India) during the past two decades since 2000 is reproduced below: -

Table A

DEATHS IN POLICE and JUDICIAL CUSTODY BETWEEN 2000 and 2020 (All India):
INTIMATION

2000-2010**2010---2020**

Year	Police	Judicial	X	Year	Police	Judicial
2000-2001	127	910	X	2010-2011	146	1426
2001-2	165	1140	X	2011-2012	129	1302
2002-3	183	1157	X	2012-2013	146	1557
2003-4	162	1300	X	2013-2014	140	1557
2004-5	136	1357	X	2014-2015	133	1589
2005-6	139	1591	X	2015-2016	152	1670
2006-7	119	1477	X	2016-2017	146	1616
2007-8	187	1789	X	2017-2018	250	2,896
2008-9	127	1532	X	2018-2019	137	1797
2009-2010	124	1473	X	2019-2020	114	1586
Total	1469	13,726	15,195			16996

Sources: NHRC Annual Report: 2000-2001 to 2019-2020

Thus, according to the above table A, the total number of custodial deaths (police and judicial) increased from 15,195 during 2000-2001-2009-2010 to 18,489 during 2010-2020. The year of 2007-8 and 2017-2018 recorded the highest number of custodial deaths, i.e, 1789 and 2,896 respectively. The NHRC figure for 2020-2021 and 2021-2022 includes 1840 and 2,150 cases of deaths in judicial custody and 100 and 155 deaths in police custody respectively. In 2020-2021

U.P accounted for 451 death in police custody followed by 183 in West Bengal and 165 in Madhya Pradesh. In 2021-2022 U.P again accounted the largest death in police custody (501) followed by West Bengal (257) and M.P (201). Though the totality of data of custodial deaths over more than two decades does indicate increase in the numbers of custodial death, the pattern is not one of steep rise or decline, rather it varies from year to year with moderate fluctuation in recording of cases of custodial deaths both under police and jail.

Data on Custodial Death (in Police custody and Judicial Custody 2000-2018),

TABLE B

Year	***No. of Deaths in Police Custody	***No. of Deaths in Judicial Custody
2001	0	42
2002	0	33
2003	0	43
2004	0	46
2005	0	61
2006	0	49
2007	0	53
2008	0	61
2009	0	54
2010	0	46
2011	2	52
2012	0	52

2013	2	44
2014	2	64
2015	2	60
2016	2	49
2017	1	50
2018	1	57
Total	12	916

Sources: NCRB's Crime in India Report 2000-2018

Thus, as per the above Table B, unlike the NHRC, NCRB (National Crime Record Bureau)'s data concerning custodial death is extremely conservative. As per our reading and calculation, it recorded a total of 928 custodial deaths during the last 20 years (2001-2020) including just 12 deaths under police custody. The latter is also the figure for the period of 2009-2018, i.e., the period of study of this project. However, the media report of NCRB data from 2001-2020 for all India suggest different picture: a total of 1,888 custodial deaths (police and Judicial combined), which remained much below compared to the data of NHRC.

The NHRC and NCRB further provides state wise status of custodial death. The data concerning custodial death in state of Bihar, Jharkhand and West Bengal, is reproduced below.

Custodial Death: Bihar, Jharkhand and West Bengal

POLICE AND JUDICIAL CUSTODIAL DEATH: 2000-2010 AND 2010-2020: BIHAR, JHARKHAND AND WEST BENGAL (INTIMATION).

TABLE C

Year	2000-2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total	Grand Total	
	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC+JC	
Bihar	2/137	2/144	4/153	9/139	3/150	1/256	2/193	8/222	5/133	4/137	40/1664	1,704	
Jharkhand	1/33	4/55	6/41	3/53	5/66	4/62	3/59	3/77	2/61	5/70	36/577	613	
West Bengal	9 / 38	17/54	16/49	13/43	11/64	8/76	7/69	8/89	4/99	8/64	101/645	746	
Year	2010-2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total	Grand Total	Total Custodial Death during 2000-2020
	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC/JC	PC+JC	
Bihar	6/130	8/95	2/112	9/93	6/117	8/106	5/86	7/109	5/114	5/106	61/1068	1,129	2883
Jharkhand	6/54	4/46	5/52	6/51	5/44	5/64	5/60	6/50	3/64	2/43	47/528	575	1,188
Bengal	5/67	5/80	9/93	11/97	9/100	10/105	9/99	5/138	5/115	7/115	75/1009	1,084	1,830

Sources: NHRC, 2000 -2020; also see, Appendix F, G, and H.

A reading of two decades of custodial deaths in all three states, as shown in the above Table, reflects mixed trend. Thus, Bihar registered significant decline in custodial deaths from 1704

during 2001 -2010 to 1129 (difference of 575) during 2010-2020, Jharkhand witnessed moderate decline in custodial deaths from 613 to 575 (difference of 38) during the same period. Interestingly, West Bengal registered significantly increase in the custodial deaths from 746 to 1084 (difference of 338) during the same period. In terms of police custodial death, Bihar and Jharkhand witnessed the marginal rise from 40 to 61 and 36 to 47 during the same period respectively, while in West Bengal the deaths under police custody declined 101 to 75 during the same period. In terms of deaths in jail, Bihar witnessed sharp decline from 1664 to 1068 (a difference of 596,); Jharkhand registered marginal decline from 577 to 528 (a difference of 49). However, West Bengal saw significant increase in the custodial death from 645 to 1009 (a difference of 364) during the last two decades. The causative factors underlying these variations in custodial deaths in respect of these three states will be examined subsequently in this Report.

However, if we looked at the data of custodial death from 2010-2011 to 2019-2020, Bihar registered (intimation) the largest number (1129) custodial death followed by West Bengal (1084) and Jharkhand (575). Bihar had the highest police (9) and judicial custodial death (117) in 2014-2015 and 2015-2016 respectively, while West Bengal had the highest police (10) and Judicial death (138) in 2015-2016 and 2017-2018. Jharkhand had the highest custodial death (64) during 2015-2016; while the variation in Police custodial death was not much (4 to 6) during the same decade.

Discrepancy in Data

There exists some discrepancy of data concerning custodial death between NHRC and State Human Rights Commission as evident from Table D below. This is at least evident from and the data of BHRC, which we gathered through RTI. However, we send similar RTI query to WBHRC and JHRC but did not get any information. Moreover, JHRC does not have its own website and WBHRC does not contain such data.

Comparative Data Custodial Death (Police & Judicial) in Bihar: 2009-2010 to 2018-2019

Table D

NHRC (Bihar)	1157
BHRC (according to RTI), Annexure 2	1291

Sources: NHRC and BHRC (RTI)

Further, a calculation of custodial death on the basis of compensation recommended by NHRC throws different picture of custodial death in each of these three states as indicated in the Table E Below.

Table E

Year	No of Cases where Compensation Recommended						TOTAL
	Death in Police Custody			Death in Judicial Custody			
State	Jharkhand	Bihar	West Bengal	Jharkhand	Bihar	West Bengal	L
2008	1	4	2	8	11	0	26
2009	5	2	0	6	12	1	26
2010	1	0	1	9	11	1	23
2011	2	0	0	4	11	3	20
2012	3	0	1	2	8	1	15
2013	1	3	0	5	7	4	20
2014	3	2	0	2	5	6	18
2015	1	1	1	3	9	4	19
2016	5	2	1	12	9	5	34
2017	3	1	3	9	20	10	46
2018	0	3	2	11	15	7	38
Totak	25	18	11	71	118	42	

Source: Annual Reports of NHRC 2008-2018; for details see, Appendix F1, F2, G1, G2, and H1 and H2

Thus, as per above table, Bihar, Jharkhand and West Bengal had a total of 136, 96 and 53 custodial deaths- combining both police and judicial- respectively during 2008-2018, which is much low compared to NHRC data of custodial death (Intimation) during the same period as shown in Table A (Bihar: 1,160, Jharkhand -581, West Bengal -1, 024). This set of data is much closer to NCRB data. The gap between NHRC intimation-based number of custodial death (Table C) and compensation based custodial death (Appendix F, G, H) raises a serious question

on the nature of investigation itself, which drastically reduced the final number of custodial deaths in each state. However, the examination of NHRC's investigation in matter of custodial death is beyond the mandate of this research project.

POLICE, TORTURE AND SUICIDE IN JAIL

The underlying causes and contributory factors leading to custodial death has been widely debated in the public domain. Though there are many factors and processes such as demography of prisoner, torture, poor health, lack of medical treatment, inhuman treatment of inmates, condition of hygiene, food intake, etc. that contributes to custodial death. However, two of them that have agitated the public mind are: custodial death caused due to torture and second, due to suicide, under both police and judicial custody. The former is mostly related with police custody under two legal conditions: getting possession of 'body' on remand for maximum of 14 days and without remand for 24 hours. The latter is mostly happened inside the jail, where undertrial prisoner remained on judicial remand. A reflection on these two factors with special reference to Bihar, Jharkhand and West Bengal is required in order to understand the emerging trend within each of these three states.

POLICE CUSTODIAL DEATH (ON REMAND VS WITHOUT REMAND)

The NCRB data provides the details about the police custodial death under the condition of '*in-remand*' and '*not on remand*' by the Court of Judicial Magistrate (CJM). The first category covers those who have been arrested but are yet to be produced before the court, and the second include those in police/judicial remand. Several studies have found that the rate of police custodial death is higher when *person is not on remand* than when person/accused is 'remanded' to police or judicial authorities for the purpose of interrogation.

Table F1: Police Custodial Death 2008-2020 Under Remand

Deaths in Police Custody/Lockup During (Of Persons Remanded to Police Custody By Court)				
Year	Jharkhand	Bihar	West Bengal	All India
2008	0	0	0	40
2009	0	0	4	25
2010	0	0	1	25
2011	1	1	0	29
2012	0	0	0	21
2013	0	0	0	21
2014	1	1	1	32
2015	0	1	2	30
2016	1	1	1	32
2017	0	0	1	42
2018	0	1	0	24
2019	0	1	0	32
2020	2	0	1	33
Total	5	6	11	386

Table: F-II Police Custodial Death 2008-2020 (Without Remand)

Deaths in Police Custody / Lockup (Of Persons Not Remanded To Police Custody By Court)				
Year	Jharkhand	Bihar	West Bengal	All India
2008	0	0	0	61
2009	0	0	2	59
2010	0	0	2	45
2011	0	0	1	75
2012	0	0	6	97
2013	0	0	6	97
2014	1	0	3	61
2015	2	1	1	67
2016	1	1	2	60
2017	0	0	2	58
2018	1	0	0	46
2019	1	0	0	53
2020	0	1	1	43
Total	6	3	26	822

Table F-III: Police Custodial Death (During Journey)

Deaths in Police Custody at The Time of Production / Proceedings In Court / Journey Connected With Investigation During 2008				
Year	Jharkhand	Bihar	West Bengal	All India
2008	0	0	0	19
2009	0	0	1	18
2010	0	0	0	12
2011	0	0	0	19
2012	0	0	1	15
2013	0	0	1	15
2014	Data Not Available			
2015	Data Not Available			
2016	Data Not Available			
2017	Data Not Available			
2018	Data Not Available			
2019	Data Not Available			
2020	Data Not Available			
Total	0	0	3	98

Table F- IV (Natural and Unnatural Death)

Cause of Death								
Year	Natural Death				Unnatural Death			
	Jharkhan d	Bihar	West Bengal	All India	Jharkhand	Bihar	West Bengal	All India
2008	0	0	0	28	0	0	0	68
2009	0	0	0	33	0	0	4	47
2010	0	0	0	19	0	0	3	46
2011	0	0	0	35	1	1	1	66
2012	0	0	0	43	0	0	6	72
2013	0	0	0	43	0	0	6	72
2014	0	0	0	11	0	0	3	82
2015	0	0	0	9	1	1	0	88
2016	1	0	0	7	1	1	2	85
2017	0	0	0	28	0	0	3	72
2018	1	0	0	32	0	1	0	38
2019	0	0	0	36	1	1	0	49
2020	0	0	1	34	2	1	1	42
Total	2	0	1	358	6	6	29	827

SOURCES: NCRB Annual Report: 2008-2020

Thus, what is evident from the above table is that 822 person dies under the category of ‘Not on Remand’ (which means prior to production of the accused/arrestee before the judicial magistrate) in comparison to 386 under the category of ‘In-Remand/Police Remand’. Similarly, an examination of NCRB’s data of 2001-2020 clearly reveals that as many as 1,185 police custodial deaths have been reported in the "persons not on remand" category and 703 in the "persons in

remand" category. A study of NCRB's CII Report (2010-2020) by Raja Bagga and Devika Prasad found that a majority of persons--63%--died within 24 hours of being arrested by the police (*'Person not remanded' in table below*) across India, i.e., *before being produced in front of magistrate's courts, as prescribed by Section 57 of the Code of Criminal Procedure (CrPC), 1973*. Arrested persons who died in police custody after being produced before courts as per Section 167, CrPC accounted for less than a third of cases²⁵. It also found that 66 deaths took place during travelling to court or proceedings in court or journey connected with investigation during 2010-13; 85% of which occurred in five states--Andhra Pradesh, Tamil Nadu, Maharashtra, Madhya Pradesh and Uttar Pradesh²⁶. The former director general of police (DGP) and Intelligence Bureau (IB) officer K.S. Subramanian acknowledged in an interview that torture chambers and terror cells exist in India, especially to deal with 'terrorist-related cases and the police may feel incentivized to describe people as terrorists and kill them for professional reasons and career advancement'²⁷. 'India: Annual Report on Torture 2020' released by the National Campaign Against Torture (NCAT) recorded 55 deaths by suicide as a result of police torture i.e., more than one suicide per week. The Report concluded that "*Police stations are increasingly becoming centres for suicide due to alleged torture*". 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.

In respect of Bihar, Jharkhand and West Bengal, the above table reveals that West Bengal accounts for the highest deaths under both categories compared to Bihar and Jharkhand. Thus, WB registered 26 police custodial deaths under the condition of 'Not on Remanded' and 11 when persons were 'In-Remand' during this period. The figure of deaths under these two categories for Bihar and Jharkhand is 6 and 5 and 3 and 6 respectively.

²⁵ Over 60% Of Deaths In Police Custody Are Within 24 Hours Of Arrest, <https://www.indiaspend.com/over-60-of-deaths-in-police-custody-are-within-24-hours-of-arrest/>, accessed 17th July 2023.

²⁶ It may be noted that after 2013, the NCRB discontinued reporting deaths in police custody "at the time of production/proceedings in court/ Journey Connected with Investigation".

²⁷ quoted in Joshua, p . xxxii. Adnan Alavi. 2009. 'India's Own Abu Ghraib: The Week's Story on Secret Torture Chambers', 11 July 2009. Available at http://www.twocircles.net/2009jul10/indias_own_abu_ghraib_weeks_story_secret_torture_chambers.

SUICIDE

According to NCRB (PSI), the rates of suicide in prison has doubled over 20 years, increased from 12.12 per 100 000 people in 2001 to 24.23 per 100 000 people in 2019²⁸. In general, the suicide rate in prison is 2-3 times higher than the rate of suicide in society, indicating that overall ‘living conditions’ within prison forces the inmates to commit suicide. As per various sources, suicide constitute 70-71% of unnatural related death in Indian prisons. Table G below provides the breakup of unnatural death including the incidence of suicide in Bihar, Jharkhand and West Bengal during 2008-2018. Thus, Jharkhand registered 16 suicide out of 25 unnatural death; the figure for Bihar was 22 out of 49, while West Bengal registered 70 suicide death out of total 86 unnatural death. The underlying causes of suicide will be discussed in the context of examination of trend of custodial death in each state under Chapter 3, Chapter 4 and Chapter 5.

²⁸ (National Crime Records Bureau. Prison statistics India. <https://ncrb.gov.in/en/prisonstatistics-india> (accessed May 19, 2021).

Table G

STATE/UT-WISE INCIDENCE OF UNNATURAL DEATHS OF INMATES IN PRISONS DURING 2008-2018 IN BIHAR, JHARKHAND AND WEST BENGAL

TABLE G-1: BIHAR

Table: STATE/UT-WISE INCIDENCE OF DEATHS OF INMATES IN PRISONS OF BIHAR DURING 2008-2018								
STATE/UT-WISE INCIDENCE OF DEATHS OF INMATES IN PRISONS DURING 2008-2018								
YEAR	NATURAL DEATH	UNNATUTRAL DEATHS						
		SUICIDE	EXECUTION	MURDER BY INMATE	DEATHS DUE TO ASSAULT BY OUTSIDE ELEMENTS	DEATHS DUE TO FIRING	DEATHS DUE TO NEGLIGENCE / EXCESS BY JAIL PERSONNEL	OTHERS
2008	3	0	0	0	0	0	0	0
2009	116	1	0	1	0	0	0	0
2010	93	1	0	0	0	0	0	0
2011	78	1	0	1	1	0	0	3
2012	93	3	0	0	6	0	0	4
2013	83	2	0	1	0	0	0	0
2014	96	2	0	2	0	0	0	2
2015	83	1	0	0	0	0	0	0
2016	70	3	0	1	0	0	0	0
2017	106	6	0	0	2	0	0	1
2018	116	2	0	0	1	0	0	1

TABLE G-2: JHARKHAND

INCIDENCE OF DEATHS OF INMATES IN PRISONS OF JHARKHAND DURING 2008-2018									
YEAR	STATE	NATURAL DEATH	UNNATUTRAL DEATHS						
			SUICIDE	EXECUTION	MURDER BY INMATE	DEATHS DUE TO ASSAULT BY OUTSIDE ELEMENTS	DEATHS DUE TO FIRING	DEATHS DUE TO NEGLIGENCE / EXCESS BY JAIL PERSONNEL	OTHERS
2008	Jharkhand	1	1	0	0	0	0	0	0
2009	Jharkhand	64	1	0	2	0	0	0	0
2010	Jharkhand	51	2	0	0	0	0	0	0
2011	Jharkhand	41	3	0	0	0	0	0	0
2012	Jharkhand	41	1	0	1	0	0	0	0
2013	Jharkhand	48	2	0	0	0	0	0	1
2014	Jharkhand	57	2	0	0	0	0	0	1
2015	Jharkhand	37	1	0	0	1	0	0	3
2016	Jharkhand	61	0	0	0	0	0	0	0
2017	Jharkhand	45	2	0	0	0	0	0	0
2018	Jharkhand	56	1	0	0	0	0	0	0

Source: Prison Statistics of India Report 2008-2018

TABLE G-3: WEST BENGAL

Table: INCIDENCE OF DEATHS OF INMATES IN PRISONS OF WEST BENGAL DURING 2008-2018								
STATE/UT-WISE INCIDENCE OF DEATHS OF INMATES IN PRISONS DURING 2008-2018								
YEAR	NATURAL DEATH	UNNATURAL DEATHS						
		SUICIDE	EXECUTION	MURDER BY INMATE	DEATHS DUE TO ASSAULT BY OUTSIDE ELEMENTS	DEATHS DUE TO FIRING	DEATHS DUE TO NEGLIGENCE / EXCESS BY JAIL PERSONNEL	OTHERS
2008	7	1	0	0	0	0	0	0
2009	67	2	0	0	0	0	0	0
2010	64	4	0	0	0	0	0	0
2011	69	4	0	0	0	0	0	0
2012	81	7	0	0	0	0	0	0
2013	85	5	0		0	0	0	0
2014	82	9	0	0	0	0	0	12
2015	86	10	0	0	0	0	0	2
2016	79	6	0	0	0	0	0	0
2017	108	11	0	0	0	0	0	1
2018	108	11	0	0	0	0	0	1

Source: Prison Statistics of India Report 2008-2018

Suicide and Undertrials

One of the important reasons behind suicide (the dominant mode is hanging, head injury, poisoning etc.) is long incarceration of prisoners without reasonable basis. This has come strongly in most of our interviews with jail authorities in all three states. According to one Report, only 22 per cent of the prison population are convicts while 77 per cent are ‘undertrials’ i.e., prisoner awaiting the completion of investigation or trial²⁹. The number of undertrials over has further increased from 2.4 lakh in 2010 to 4.3 lakh in 2021: an increase of 78 per cent³⁰. The undertrial population of all states and Union Territories including Bihar, Jharkhand and West Bengal exceeds 60 per cent with the exception of Andaman & Nicobar Islands, Arunachal Pradesh, Mizoram, Tripura, and Madhya Pradesh.

Detention Period of Undertrials

Table: H

Year	1-3 years	3-5 years	Above 5 years
Dec. 2017	59, 061	13, 143	4, 876,
Dec. 2018	62,576	14, 316,	5,104,
Dec. 2019	66, 586,	14, 049,	5,011,
Dec. 2020	83, 481,	16, 603	7128
Dec. 2021	88,725,	24, 0 33	11, 490

Sources: India Justice Report (2022), quoting PSI

²⁹ India Justice Report (2022), p.68.

³⁰ Ibid

Extra Judicial Killings/ Encounters /Fake Encounters

There is a growing trend of extra-judicial killings/encounters/fake encounters in many parts of India including the three states under study: Bihar, Jharkhand and West Bengal. This is evident from the following NHRC data, which is given below:

Table I

Cases of Police Encounter deaths registered by the National Human Rights Commission from 1 April 1998 to 31 March 2008 (Source NHRC's Annual Reports and Rajya Sabha Starred Question No. 98 answered on 25.07.2018)												
Sl	State	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	Total
1	Bihar	2	1	3	2	4	5	0	0	1	3	21
2	Jharkhand	0	0		3	0	2	1	0	2	5	13
3	West Bengal	0	2	1	0	2	0	2	2	1	3	13
	All India	76	86	110	58	83	114	122	157	301	177	1,274

Sources: NHRC Annual Report

Table I -2

Cases of Police Encounter deaths registered by the National Human Rights Commission from 1 April 2008 to 31 March 2018 (Source NHRC's Annual Reports and Rajya Sabha Starred Question No. 98 answered on 25.07.2018)												
Sl	State	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	Total
1	Bihar	0	2	7	2	2	7	0	3	4	0	27
2	Jharkhand	6	5	7	9	12	12	10	17	7	10	95
3	West Bengal	0	1	12	5	7	1	5	15	1	1	48
	All India	132	111	199	179	181	148	192	206	169	155	1,672

SOURCES: NHRC Annual Report

What the above data over the last decades since 1998 indicate is that while the trend of encounter is increasing at all India level as well as in the state of Bihar, Jharkhand and West. Thus, all India figures of encounter killings increased from 1274 during 1998-2008 (Table I-1) to 1,672 during 2009-2018 (Table I-2). Similarly, in Bihar, Jharkhand and West Bengal the encounter deaths increased from 21 to 27, 13 to 91 and 13 to 48 respectively during the similar decades of 1998-2008 to 2009-2018. What is significant is that state of Jharkhand witnessed significant increase in the police encounter killings compared to Bihar and West Bengal during the said period. The underlying causes for the same will be reflected under chapter 3.

Among the states, in recent years, the state of Uttar Pradesh has attracted national limelight for encounter killing under the current Yogi regime. Since 2017 till May 2023 the UP has, according to media reports, witnessed a total of 185 encounter killings. The UP Police data shared with

media showed that more than 10,900 police encounters have taken place since March 2017, when Yogi Adityanath took over as the chief minister of Uttar Pradesh for the first time.

However, the distinction between ‘legal encounter’ and ‘fake encounter’ is very narrow. There are a large number of cases where ‘intended fake encounter/culpable homicide’ has been characterised as ‘encounter’, which police often claimed to have resorted in the ‘self-defence’. The dramatized killing of high-profile gangster such as Mukhtar Ansari, former M.P, in the very presence of police personnel blurred the distinction between ‘encounter’, ‘fake encounter’ or ‘murder’. Both fake encounter and custodial death have two major similarities: One, both were committed within the custody of police and second, both were the wrongs committed by the police official.

The NHRC registered 1,782 cases of *fake encounters* during 2000-2017, out of which 44.75% (794) of cases came from the State of Uttar Pradesh, according to an RTI source quoted in a print media.³¹ Following Uttar Pradesh, the next five states which accounted for the highest number of fake encounter cases are Andhra Pradesh, Bihar, Assam, Jharkhand and Manipur. However, each of them registered less than six percent of all the cases registered since 2000 - Andhra Pradesh (94 cases; 5.27 percent), Bihar (74 cases; 4.5 percent), Jharkhand (69 cases; 3.87 percent), Assam (69 cases; 3.87 percent) and Manipur (63 cases; 3.53 percent)³².

Demographic Profile of Deceased Custodial Victims

It has been widely reported that most of the victims –either police or judicial custodial death--- belong to weaker/poor segments of societies cutting across caste and religious identities, though a bulk of them belong to minorities, SC, ST and OBC. Data from the annual NHRC reports from 1996-97 to 2017-18 revealed that 71.58 percent of those who died in custody were from poor or marginalized sections of society. Though this is evident from the data that most poor are victim of custodial violence and custodial death; it is a matter of investigation whether percentage of member of SC, ST and Muslims in arrest and in prison and custodial death is *necessarily* higher

³¹ Phalguni Rao, ‘NHRC registered 1,782 fake encounter cases between 2000-2017; Uttar Pradesh alone accounts for 44.55%, , <https://www.firstpost.com/india/nhrc-registered-1782-fake-encounter-cases-between-2000-2017-uttar-pradesh-alone-accounts-for-44-55-4332125.html>, Feb 2, 2018, accessed on 22.08.2023.

³² Ibid.

that its actual population across all the states of the country. It is normally assumed that since the percentage of Muslims, SC and ST are high in jail comparison to actual population in society, at least at national level and in some of the states³³, they also constitute high percentage in the matter of custodial death across many states. Moreover, the frequency of Muslims, SC, ST and ‘poor’ being contacted by the police is ‘high’ than other segment of society. *The Status of Policing in India Report 2018* revealed:

Hindu Upper Castes were least likely to have been contacted by the police (13 percent). Scheduled Tribes and Muslims on the other hand were most likely to have been contacted by it (23 percent and 21 percent respectively; Table 2.1). In terms of class hierarchy, the likelihood of the police contacting a person is nearly twice as high amongst the poor compared to the upper class (21 percent as opposed to 12 percent; see Figure 2.7)³⁴.

The NHRC Annual Report does not provide class, caste or tribe-based classification of custodial death. However, they do provide religion-based classification of custodial death, probably for burial ceremonies of deceased person. An examination of NHRC data related to custodial deaths as per compensation (both under and police custody) in three states of Bihar, Jharkhand and West Bengal from 2008-2018 (Appendix F,G,H) revealed that in Bihar the percentage of custodial death from Muslim community is significantly lower to its actual population (under both police and judicial); while in Bengal it is lower under police but slightly higher under judicial custody. In Jharkhand the percentage of Muslim custodial death is higher under police custody but low under judicial custody.

Table -J

³³ In 2020, of a total 488,511 prisoners, 19.1% (93,774) were Muslims. The population share of Muslims in India is pegged at 14.2% (204 million). In 2016, there were 18% Muslim prisoners, growing to 19% in 2017, marginally falling to 18.2% in 2018 and remaining at 18.2% in 2019. Even in the years 2010, 2011 and 2012, the percentage of Muslims among prisoners hovered around 20%. Similarly, SC and ST constitute 20.7% and 11.2%, while their’s share in the population is 16.1% and 8.2% respectively. Assam had the highest percentage of Muslim undertrials (52.3%) and convicts (47%), followed by West Bengal (33% convicts and 43.5% undertrials). Sources <https://www.thepolisproject.com/research/judicial-and-administrative-accountability-in-cases-of-custodial-deaths-in-india-2015-2016-1/>

³⁴ Chapter 2, Experiences With the Police, p. 36, *The Status of Policing in India Report 2018*, Common Cause & Lokniti - Centre for the Study Developing Societies (CSDS), New Delhi, 2018.

(Derived from Appendix F1, F2, G1, G2 and H1 & H2)

Data on Religious Profile of Custodial Death Victims from 2008-2018 (COMPENSATION RECOMMENDED)											
		Jharkhand			West Bengal			Bihar			
		No. of Death		% in State population composition	No. of Death		% in State population composition	No. of Death		% in State population composition	
Judicial Custody	Hindu	25	58.10%	68.00%	18	52.90%	70.50%	54	88.50%	82.60%	
	Muslim	4	9.30%	21.00%	11	32.30%	27.00%	7	11.40%	16.8% %	
	Sikh	1	2.30%	0%	0	0%	0%	0	0%	0%	
	Unknown / Not stated	13	30.20%	0%	5	14.70%		0	0%		
	Total	43			34			61			
Police Custody	Hindu	9	69.20%	68.00%	5	45.40%	70.50%	6	100%	82.60%	
	Muslim	4	30.70%	21.00%	1	9.00%	27.00%	0	0%	16.8% %	
	Sikh	0	0%	0%	0	0	0%	0	0%	0%	
	Unknown /Not stated	0	0%		5	45.40%		0	0%	0%	
	Total	13			11			6			

Sources: NHRC: 2008-2019

COMPLAINTS AND CONVICTIONS OF POLICE OFFICIALS

The issue of custodial death under police and judicial custody is, in part, related with the rate of accountability for the wrong actions of police and jail officials. The lower the conviction rate of officials, the higher the possibility of custodial death as the police and jail officials hardly fear of the consequence of its wrongful actions including the custodial violence and custodial death. NCRB provides information related to complains against the police officials as given in Table K below from 2008-2018. What these data reveals that while there is an increasing trend of registration of complains against the police, the final conviction rate of police officials has been very low in India including Bihar, Jharkhand and West Bengal. Further as per RTI reply from Beur Central Jail, Patna (Bihar) dated 4/11/2020, no jail official was convicted during 2008-2018 (Annexure 3). In fact, during last 20 years while 1,888 custodial deaths have been reported across India, only 358 police personnel were charge sheeted and 26 were convicted; according widely reported by media quoting NCRB (CIA Report).

Table K: Complaints/Cases Registered Against Police Personal During 2008-18 in Bihar, Jharkhand and West Bengal

TABLE K-1: BIHAR

Complaints/Cases Registered Against Police Personal During 2008-18 in Bihar								
Year	No. of Complaints Received/ Alleged During The Year	Complaints Received/ Cases Registered						
		No. of Inquiry Instituted			Complaints/ Cases Declared False/Unsust antiated	No. of Cases registered Durin g The year	No of Cases	
		Depart mental	Magister ial	Judicial			Report for Regula r Deptt. Action	Sent Up for Trial /Charge - Sheeted
2008	36	73	0	33	2	27	1	5
2009	40	79	0	32	0	38	6	2
2010	35	2	0	32	1	37	2	2
2011	22	4	0	19	0	22	0	1
2012	41	3	0	38	1	31	0	0
2012	41	3	0	38	1	31	0	0
2014	279	268	0	2	12	8		3
2015	97	92	0	0	4	4	0	4
	Total Number of Criminal Cases Registered During the Year	Police Personnel Arrested	Cases Charge sheeted	Police Personnel Charge sheeted	Police Personnel whose Cases were withdrawn/ Disposed Off	Police Personnel whose Trials were Completed	Police Personnel Convicted	Police Personnel Acquitted
2016	43	0	40	40	0	0	0	0
2017	4	0	0	5	0	0	0	0
2018	17	0	11	63	55	0	0	0
Source: NCRB's Crime in India Report (2008-2018)								

TABLE 2: JHARKHAND

Complaints/Cases Registered Against Police Personal During 2008-18 in Jharkhand								
Year	No. of Complaints Received/Alleged During The Year	Complaints Received/ Cases Registered						
		No. of Inquiry Instituted			Complaints/ Cases Declared False/Unsust antiated	No. of Cases registered During The year	No of Cases	
		Department al	Magiste rial	Judicial			Repo rt for Regul ar Deptt .Actio n	Sent Up for Trial /Charge-Sheeted
2008	23	0	0	0	0	1	0	0
2009	1065	840	0	217	65	1060	0	519
2010	2043	24	0	6	5	8	0	6
2011	3	1	1	0	1	2	12	1
2012	2	130	0	132	0	2	2	1
2013	2	130	0	132	0	2	2	1
2014	2	2	0	0	0	2		2
2015	40	32	0	0	0	6		1
	Total Number of Criminal Cases Registered During the Year	Police Personnel Arrested	Cases charge sheeted	Police Personnel charge sheeted	Police Personnel whose Cases were withdrawn/ Disposed Off	Police Personnel whose Trials were Completed	Police Personnel Convicted	Police Personnel Acquitted
2016	3	2	2	2	0	0	0	0
2017	2	0	0	0	0	0	0	0
2018	2	0	0	0	0	0	0	0

Source : NCRB's Crime In India Report (2008-2018)

TABLE 3: WEST BENGAL

Complaints/Cases Registered Against Police Personal During 2008-18 in West Bengal

Year	No. of Complaints Received/Alleged During The Year	Complaints Received/ Cases Registered						
		No. of Inquiry Instituted			Complaints/Cases Declared False/Unsustained	No. of Cases registered During The year	No of Cases	
		Departmental	Magisterial	Judicial			Report for Regular Deptt. Action	Sent Up for Trial /Charge-Sheeted
2008	46	31	0	9	6	37	29	11
2009	270	260	0	4	0	6	27	4
2010	33	32	0	5	0	5	27	5
2011	158	35	0	4	0	20	11	4
2012	164	155	0	9	0	16	35	8
2012	164	155	0	9	0	16	35	8
2014	96	82	5	2	2	25		12
2015	61	27	3	7	9	24		12
	Total Number of Criminal Cases Registered During the Year	Police Personnel Arrested	Cases charge sheeted	Police Personnel charge sheeted	Police Personnel whose Cases were withdrawn/ Disposed Off	Police Personnel whose Trials were Completed	Police Personnel Convicted	Police Personnel Acquitted
2016	9	3	18	18	1	1	0	1
2017	23	0	15	15	2	2	0	2
2018	46	0	9	35	6	1	0	1

Source: NCRB's Crime In India Report (2008-2018)

CHAPTER III

POLICE CUSTODIAL RIGHTS, AND CONSTITUTIONAL SAFEGUARD AND RIGHTS UNDER CUSTODY

Governance and Custody

The previous chapter sufficiently highlighted the problematic of custodial death in India including in Bihar, Jharkhand and West Bengal. This has raised the question at a broader level whether the custodial violence and custodial death is merely an ‘abuse of exercise of power’ and a ‘behavioural aberration and anomaly’ on the part of public officials in gross violation of established rules, procedures, regulations, norms and police manual? Or whether it is a ‘structural problem’, which is deeply embedded in the cultural practices and moral universe of everyday governance that fundamentally believes in ‘identifying’, ‘controlling’, ‘disciplining’ and ‘punishing’ the ‘wrongdoers’ in order to maintain the security and order in the society as well as belief in the maxim that ‘*system does not work without force*’.

The pervasive belief in ‘*necessary force*’ or ‘*necessary violence*’ continues to guide the police outlook towards maintaining order and security. This is evident from 13-point Code of Conduct, which was prepared and recommended by the National Commission of Police, for the police officers in the country. Number 7 of the Code of Conduct defines ‘abuse of authority’:

A police officer shall be deemed to have committed abuse of authority if he —

- (a) without good and sufficient cause makes an arrest, or
- (b) uses any *unnecessary violence* towards any prisoner or other person with whom he may be brought into contact in the execution of his duty,
- (c) is uncivil to any member of the public³⁵.

³⁵ NHRC, *Manual on Human Rights for Police Officers*, NHRC, 2011, p. 115.

The expression, ‘unnecessary violence’ implies ‘legal use of necessary force’. However, neither of the expression has been defined in the law book or in CrPC, which, therefore, remained a subjective understanding and discretion to be exercised by individual police officials without fear of legal implication of excess use of force except in the matter of custodial death.

In other words, application of *reasonable* force is a necessary condition for obtaining an effective governance, which is often legitimised through system of law, bye laws, rule, regulations, ordinance and norms. The degree and frequency of application of forces and the manner of exercise of power/force/authority varies across political cultures and tradition of political governance within and outside India, irrespective of uniformity of Penal code and other penal provisions of governance. Moreover, in post-colonial countries like India, there exists a vast gap between the constitutional mandate of governance and everyday practices of governances. The latter is often mediated through cluster of value system, world views and identities, which often results in high degree of selective application of rules and regulations as well as employment of force.

Constitutional and democratic governance has, therefore, been seized with the problematic of striking a judicious balancing between the very act of arrest and custody, custodial rights of the accused/arrestee and the security of state and people. This is because of the fact that the *very act of questioning, detention, arrest and custody* on the part of law enforcing officials, particularly police, begets the violation of various kinds of human rights of the affected person including physical (bodily injury), economic, (monetary loss, career opportunities), social (shame, humiliation) and phycological (mental) torture. The Constitution of India, concerned with human rights of person under custody, has therefore laid down the ‘protective rights’ of the arrested person along with details guidelines and procedures of custody, which has been subsequently expanded and strengthened by various governments and judiciary.

An elaboration of the most basic provisions related to rights of police to arrest and keep into custody along with the laid down procedure to exercise that right as well as the ‘protective rights’ of the person under custody is required in order to evaluate the nature and magnitude of violation of human rights related to the custodial deaths, particularly with reference to Bihar, Jharkhand and West Bengal. However before laying down the *power to* ‘constitutional protective rights’ of person under custody, it is important to familiarise with semantics and legal definition, if any, as well as the operational meaning of ‘custody’, ‘custodial violence’ and ‘custodial death’.

MEANING OF CUSTODY

The term *custody* is neither defined in the procedural laws nor in the substantive laws. In general, it implies ‘guardianship’ and ‘protective care’ and carries a moral overtone. Even when applied to indicate arrest or incarceration, it does not carry any sinister symptoms of violence during custody, at least under democratic system of governance. However, the legal connotation of the term ‘custody’ refers to the following human context: (a) ‘securing a control over physical body of a person’; (b) protection of person under custody from any threat to his/her/other life.

In legal semantics, there are two kinds of official custody: pre-trial/under trial/pre-conviction and post-conviction. The pre-trial custody comes under the jurisdiction of both police and judiciary, the post-conviction custody is exclusively exercised by the judicial authorities. In popular parlance, such custodies are called police custody and judicial custody.

POLICE CUSTODY

‘Policing’ and ‘law and Order’ are the ‘state subject’ under the Indian Constitution. State governments, therefore, has exclusive jurisdiction in enacting Acts, laws, bye laws and ordinance concerning administration of police from time to time. Moreover, though the police system in India broadly functions under the colonial era Criminal Procedure Code (CrPc) as amended from time to time, the cultural variation in the states influences the reception and interpretation of the similar Rules and Regulations, which then has an implication, along with other socio-economic-demographic and political factors, in shaping the police culture in a particular state. This, in part, also accounts for the variation in the number of custodial deaths across many states in the country.

The term ‘police custody’ has hardly been defined in the Police Manual, the Police Act of 1861, CrPc, NHRC Manual for Police or BPRD Manual for Police. However, Jharkhand Police Manual, 1978 (volume 1), which is a copy of Bihar Police Manual, 1978 (Vol 1), has defined ‘police custody’ as

‘a custody on the authority of police’. Every person who is kept in attendance to answer a charge in such a way that he is practically deprived his freedom shall be considered as in custody. A police officer who without himself arresting a person, directs some of the neighbours to take charge of him, shall be responsible in the same way as if he had made the arrest himself.

Requiring a person's attendance by letter and deputing a constable to accompany him, with orders to prevent him, from speaking to anyone amounts to an arrest". (p119).

If one ignores the flow of masculine language in the above passage, what is evident from the above definition is that police custody amounts to 'confining a person in a 'police lock up'. This is what common man as well as lower rung of police personnel allure to the meaning of police custody. However, the 'act of establishing control over physical body of person'-- fully or partially for temporary period is not merely confined to 'formal arrest' and 'police lock up' but assumes many forms including 'detention', 'questioning', 'summoning', 'confinement', 'surveillance', 'search', etc within and outside of police station. This also includes accompanying the accused from one destination to another such as from police station to hospital or to the office of judicial magistrate: from jail to the court of law or hospital; transfer from one court to another or from one jail to another etc and visa -a- versa. Each of these police acts result in eclipsing off the freedom and liberty of 'suspected' person. Such operation and execution may be legal or illegal, formal, or informal to be executed by words and actions, with and without procedure. *Hence every arrest amount to custody but not vice-versa.*

The intent and resultant effect of police custody in all these forms are the followings:

- (a) protection of person under custody from any threat to his/her/other life.
- (b) restraining the liberty and mobility of person -either fully or partially-.
- (c) isolating and preventing the 'suspected' person from destroying evidence.
- (d) preventing the 'suspected' person from wrongdoing or unearthing the futuristic plan to commit crime.

In official parlance, 'custodial death' takes place in the aftermath of 'formal arrest' -which includes both -the act of arrest itself and the prescribed manner and procedure to be adopted while making arrest and to be charged with. All deaths prior to 'formal arrest' due to the action of police amount to 'encounter' or 'fake encounter'—the number of which has increased in recent years as indicated in chapter I under table. Hence, to an extent the custodial death is linked with the formal arrest, it is important to cite the Cr PC that gives police to flat, absolute power to arrest any person within Indian territory without any restrictions. These are as follows:

Section 41: to arrest any person without a warrant or without an order from Magistrate, of which the most important are:

41 (1) (a): who has been concerned in any cognisable offence or who commits any cognizable offence in the presence of police officer; or against whom a reasonable complaint has been made or credible information has been received or reasonable suspicion exists.

41 (1) (e) who obstructs a police officer while in the execution of his duty, or who has escaped or attempts to escape, or from lawful custody.

Section 42: to arrest on the refusal to give name and address.

Section (60): to summon anybody except the below 15 age or women to police station who is acquainted with the facts and circumstances of the case;

Section 151: to arrest any person without a warrant or without an order from Magistrate to prevent the commission of cognisable offences.

Section 129 (2): to arrest and confining any person to disperse the unlawful assembly or assembly of five or more people.

The above provisions must be read in conjunction with other provisions, which protects the police while exercising the power to arrest. These are as follows: -

Section 96 of the IPC declares that any act done in exercise of ‘right of private defence’ is not an offense.

Section 97 states the defence is available both in respect of ‘**body**’ and ‘**property**’.

Section 99 cautions that the defence is not available for inflicting more harm than is necessary for defence.

Section 100 specifies the various circumstances (**death, grievous hurt, kidnapping, rape, acid attack etc.**) under which a person committing death in exercise of private defence, will be justified.

Exception 3 of Section 100 of IPC, which has been given to protect a **public servant**, and he who exceeds the power given to him by law, causes death in good faith, necessary for the discharge of duty.

Following the process of formal arrest, an investigating police officer (not below the rank of Sub Inspector) 'possess the custody of physical body' of an accused person in two phases:

- a. The first 24 hours after the arrest before producing the accused in front of judicial magistrate excluding the time of journey.
- b. A maximum of 15 days of 'police remand' in cases related *non-bailable cognizable offences* as granted by judicial magistrate upon production of accused before the magistrate at the end of 24 hours.

During these two periods the police legally enjoy full power to investigation and interrogation to find out the truth behind the commission of alleged crime. *However, in reality the police custody remained in operation from the time of arrest (in case of non bailable arrest) of suspected/accused till his/her/other acquittal excluding the period spent inside the jail premises.* Many times, police exercise unrestrained/excesses force including torture on the suspect/accused as a method of investigation, which sometimes results in the death.

JUDICIAL CUSTODY

It refers to the power of judicial magistrate under 167 CrPC to send the suspect/accused, arrested under non- bailable cognizable offence, to jail, who remained lodged inside the jail of central or state prison till he obtained bail or what is called 'default bail' or acquitted from charges or pardoned by the state. Under judicial custody/remand the police can only interrogate the accused/suspect with prior permission of the court.

As per section 3 (1) of ‘The Prison Act, 1894’, ‘Prison’ means any jail or place used permanently or temporarily under the general or special order of a State Government for the detention of prisoners and include all land and building appurtenant thereto, **but does not include:** -

- a. (a) Any place for the confinement of prisoners who are exclusively in the custody of police; or
- b. (b) Any place specially appointed by State Government under section 541 of the old Criminal Procedure Code, 1882,
- c. (c) Any place, which has been declared by the State Government by general or special order to be a subsidiary jail.

MEANING OF CUSTODIAL VIOLENCE

Custodial violence has been prevalent in Indian police for a long time. This has been highlighted in the Report of several Police Reform Commissions as well as Law Commissions since Torture Commission (1850). It refers to ‘condition of violence perpetuated by law enforcing authorities -whether police, jail, paramilitary or any other authority- to an ‘unarmed suspect’ under custody who cannot defend himself nor can escape’. The act of physical torture on human body is the most important aspect of custodial violence. It is commonly associated with the ‘police torture’, which allegedly takes place within the four walls of police lock up after the formal arrest including the police remand. However, the Supreme Court of India in various judgments related to custodial crimes and custodial deaths categorically stated that what really matters in this kind of crimes is the *total control of police over the victims* irrespective of the place of occurrence of crime – whether within and outside the police premises.

The UN ‘Declaration on the Protection of All persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’(1975) has defined torture as “means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners”.

Custodial violence involves two specific situations. One where the very custody or arrest itself is illegal and does not have any authority of law. Under this situation the custodial crimes take place from the very inception of custody and continued in the post custody phase. Most cases of illegal confinement, detention and enforced disappearance by law enforcing agencies falls under this situation. In fact, there is increasing trend among the police force to resort to such kind of custodial crimes so as to escape the ‘legal accountability’. The NHRC Manual for Human Rights on Police Officers (2011) duly recognised this form of illegal policing in order to circumvent the clause of 24 hours arrest and stated: *a method often adopted by the police is to pick up the suspect and detain him illegally for many days without any permission from the Court; no information is given to the relatives regarding the whereabouts of such detained person. Even if such illegally detained person dies, the police often do not own responsibility as there is no evidence to show that such a person died in police custody (p. 102).*

Second, where the custody itself is lawful, but the basic safeguards associated with custodial practices are not followed post custody.

Various Police Manuals, Police Acts, NHRC Guidelines, decision of Supreme Courts and other courts, civil society organisations and human rights organisations have, therefore, strongly condemned the culture and practice of torture. They consider it the most important violation of human rights. Though most police officials, with whom the PPF research team interacted during the field work in each state, emphasised the decreasing role of torture in policing on account of the increasing awareness of human rights and the role of media; however civil society organisations have repeatedly claimed in their annual report that more than 75% deaths within the police custody have resulted due to torture. Thus, NCAT (National Campaign Against Torture) found that out of 125 deaths in police custody across India in 2019, 93 persons (74.4%) died during police custody due to alleged torture/foul play³⁶. Earlier, according to credible source, in 67 of 97 deaths in custody in 2015, the police either failed to produce the suspects before a magistrate within 24 hours as required by law, or the suspects died within 24 hours of being arrested³⁷.

³⁶ National Campaign Against Torture: INDIA: ANNUAL REPORT ON TORTURE 2019

2019, p. 6, New Delhi, 26th June 2020

³⁷ <https://www.humanrightsinitiative.org/in-the-news/human-rights-watch-publishes-report-on-deaths-in-indian-police-custody-chri-contributes-to-study>

Hence, they have been very vocal about the demand for anti-torture legislation.

The famous D.K.Basu v. State of West Bengal, 1997 Cri LJ 743 SC has called custodial violence as a 'calculated assault on human dignity'. It further said that the quality of a nation's civilization can be largely measured by the methods it uses in enforcing criminal law----- The situation is aggravated by the fact that the persons who are supposed to be the protectors of the citizens are violating the law. (D.K.Basu v. State of West Bengal, 1997(1) SCC 416).

There is no explicit law or provision of Cr P.C that explicitly sanctions 'use of force' in post arrest or custody except during the process of arrest of the accused or in self-defence.

Section 46 (2): power to use all necessary means to effect the arrest if the accused person attempted to forcible resist the attempt of arrest or try to evade the arrest.

MEANING OF CUSTODIAL DEATH

Ordinarily, the expression 'custodial death' signifies all deaths –natural and unnatural- that occurs under custody of law enforcing public authorities, of which three are most common: (a) death under police custody; (b) death under judicial custody and (c) death under army and paramilitary force. It is the first two kinds of death, that has received the critical public attention and concern of global regime of human rights. In particular, it is the 'police custodial death', which has received the wider coverage in media, critical academia and public discussion for a particular reason: most of death under police custody is considered a 'foul play'-a death caused due to torture. Based on the field work, the latter meaning of custodial death signifies the most popular and prevalent among common people, various categories of law enforcing agencies, intelligentsia, and Human Rights related NGOs. Most of NHRC's compensation for custodial death is related to 'custodial death due to torture' or 'medical negligence'. However, more than it being just about torture by the Police, custodial death can also be caused due to 'criminal negligence' by the public authorities. This includes lack of proper safety, lack of medical aides, lack of basic foods, unhygienic condition of living under crowded space within prison, unlawful detention of a person more than the stipulated time, depression, psychological trauma, suicide etc. 'Custodial death', in wider sense of the term, implies 'all kinds of death' (natural, unnatural, suicide, encounter, torture, medical negligence etc) under 'custodial jurisdiction' of police and judicial authorities. This includes 'death' of person under custody during his/her movement from

one place to another such as from police lock up to the office of judicial magistrate, court of law, jail, and hospital or from one jail to another jail or taking them to crime spot etc.

THE BIHAR POLICE MANUAL (BPM1978) HAS PROVISIONS FOR DEALING WITH POLICE CUSTODIAL DEATHS UNDER TWO CIRCUMSTANCES.

Section 203 (a) deals with '*death of prisoner under police custody* (including during the process of inquiry or while giving statement). It provides a detail procedural step to be followed up including immediate mandatory reporting by the investigating officer to the nearest magistrate; commencing the investigation at once by the investigating officer; on spot visit by SDM and possibly by SP for making personal inquiry, who will then file the report to DM immediately. *The body so dead must be sent to post mortem. (see, BPM, 108).*

Section 203 (b), If the death occurs within the premise of hospital and the medical officer not less than the rank of Assistant surgeon certifies that such death is natural; then on spot personal inquiry is not required. What required under such circumstances of death is that the medical officer with his certificate needs only to make a simple report containing the causes and facts of circumstances of death.

Section 205 lays down the details rules and regulations pertaining to investigation of unnatural and suspicious deaths (pp 109-121).

CONSTITUTIONAL SAFEGUARDS FOR ARRESTED PERSON/ ACCUSED/ UNDER TRIAL/CONVICTED

The actions of law enforcing institutions and officials particularly the police, - have a serious bearing upon the life, opportunities, and liberty of ordinary people. The Constitution of India, therefore, lays down the broad provisions for safety and security of life of a person under 'authoritative custody'. Subsequent Acts and Ordinances of Government of India and various State governments and Union Territories, Rulings, Observations and Judgements of Courts of Law including Administrative Tribunals, Recommendations of various Administrative and Police Reform Commissions, the Annual Reports of NHRC and other non- governmental human rights organisations as well as Statute, Regulations, Rules, and by-laws of various law enforcing institutions, particularly police, have expanded the scope and strengthened the spirit of

Constitutional safeguards for the protection of basic human rights of the arrested person/prisoner. Besides there exists a large number of international conventions related to human rights, of some of which India is also signatory, as well as international human rights bodies (UN and non-UN), which morally bind the Government of India to uphold the human rights while governing the society.

The listing of all provisions related to protection of basic human rights vis a vis custody is not possible, which flows from the above listed bodies. Therefore, what is listed below is the fundamental provisions that offer 'protective rights to the arrested person/prisoner' to access a safe, secure, and dignified life, relatively speaking, under the 'authorised custody'. *It is the violation of these fundamental safeguards, which will reveal the 'state of custodial deaths' in Bihar, Jharkhand, and West Bengal.*

SAFEGUARDS UNDER THE CONSTITUTION OF INDIA (PART OF FUNDAMENTAL RIGHTS) AFTER ARREST

Article 20 (3): Right not to be a witness against himself:

No person accused of offence shall be compelled to be a witness against himself.

This right against self-incrimination is in tune with Article 14 (3) (g) of the International Covenant on Civil and Political Rights, which calls on the member states to ensure that the accused is not compelled to testify against himself or to confess guilt.

Article 21: Right to Life and Personal Liberty:

No person shall be deprived of life or personal liberty except according to the procedure established by law.

In *Maneka Gandhi vs Union of India* (1978), the Supreme Court, expanded the scope and ambit of Article 21 of the Constitution, emphasising that this right is not confined merely to physical existence but also includes the inherent right to live with dignity.

Article 22 (1) - Right to be Informed of the Ground of Arrest and Consult of lawyer

No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice.

Article 22 (2): Right to be produced before Judicial Magistrate

Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty- four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

SAFEGUARD AS PER BIHAR POLICE MANUAL (1978), WHICH IS ALSO THE SAME FOR JHARKHAND POLICE MANUAL

Article 239 of Chapter 11: *‘The office-in charge- of police post shall be responsible for the safe custody of all prisoners brought to every police post’ (see Rule 172).*

Article 221 (d): *As soon as an accused person is placed arrest the investigating officer shall ask him whether he has any complaint to make of ill treatment by the police and shall enter in the case diary the questions and answers.*

Article 221 (e): *A prisoner in police custody before being produced in the court is entitled to see his pleader only and a relative.*

Article 223 (b): *when a person is arrested in a bailable offence, he should not be completed to go to the Police Station to give bail. The officer arresting him should take necessary bail bound from him and release him as per the rule where bail is offered.*

Article 224 (a): *Non-Bailable Offences: The Police should not expect the courts to detain an accused person in custody beyond the prescribed limits of 15 days imposed by Section 167 (2).*

Article 224 (d): *No police officer has the power to re-arrest an accused person in the same offence in which he has been released on bail under section 437 CrPC.*

Article 236: The Investigator shall not keep suspected persons in Police custody before holding Test Identification.

Article 240: Escorts of Prisoner to and from police posts

(g) officer- in -charge shall see, as far as possible, that prisoners in transit are properly fed and treated.

(k) Police Officer shall not compel witness or accused to travel long distances when they are not in fit condition to stand long journey.

SAFEGUARDS AS PER INDIAN CR PC

Section 41 of Criminal Procedure Code (CrPC) was amended in 2009 to include safeguards so that arrests and detentions for interrogation have reasonable grounds and documented procedures, arrests are made transparent to family, friends and public, and there is protection through legal representation.

Section 50

Person arrested to be informed of grounds of arrest and of right to bail.

Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

Section 50 A

Obligation of person making arrest to inform about the arrest, etc., to a nominated person. –

- (1) Every police officer or other person making any arrest under this Code shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his friends, relatives or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information.
- (2) The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.

(3) An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as may be prescribed in this behalf by the State Government.

(4) It shall be the duty of the Magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub-section (2) and sub section have been complied with in respect of such arrested person.

Section 51

Search of arrested persons

(1) Whenever a person is arrested by a police officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to, furnish bail.

(2) Whenever it is necessary to cause a female to be searched, the search shall be made by another female with strict regard to decency.

Section 56

Person arrested to be taken before Magistrate or officer in charge of police station.

A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police station.

Section 57

Person arrested not to be detained for more than twenty-four hours.

No police officer shall detain in custody a person arrested without warrant for longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty

four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's court.

Section 163

Prohibits the investigating officers from making any inducement, threat or promise.

Section 167: Procedure when investigation cannot be completed in twenty-four hours.

(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 57, and there are grounds for believing that the accusation or information is well founded, the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that--

the Magistrate may authorise the detention of the accused person, otherwise than in custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence,

and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person

released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;]

(b) no Magistrate shall authorise detention of the accused in custody of the police under this section unless the accused is produced before him

(c) no Magistrate of the second class, not specially empowered in this behalf by the High Court, shall authorise detention in the custody of the police.

Section 167 (2) of the code also makes it incumbent upon the said magistrate to authorize further detention of the accused, only if he has been produced before him in person for the first time.

SAFEGUARDS AS PER INDIAN EVIDENCE ACT (1872)

Section 24 prevents police officers from forcing any person to make any statement which he would like to make on his free will.

Section 24 makes all confessions made under inducement, threat, or promise as inadmissible.

Section 25 states that no confession made to a police officer can be used to prove any offence against him.

Section 26 makes all confessions made during custody inadmissible unless made in the immediate presence of a Magistrate

SAFEGUARDS AS PER IPC, 1860

Section 348, among others, lays down provisions relating to wrongful confinement and prohibits such confinement for extorting any confession or information for detecting any offence or misconduct. Such wrongful confinement has been made a punishable offence with imprisonment up to three years is also liable for fine.

Sec 330 & 331 of the Indian Penal Code 1860 provides punishment for injury inflicted for extorting confession.

Crime of custodial torture against prisoners can be brought under Sec 302, 304, 304A, and 306 of IPC.

Sections 7 & 29 of the Police Act, 1861 provide for dismissal, penalty or suspension of police officers who are negligent in the discharge of their duties or unfit to perform the same.

THE RULINGS OF SUPREME COURT OF INDIA

The Supreme Court of India has traditionally been assertive on the issue of protection of fundamental rights of the persons and citizens residing within India. It has produced several milestone judgements enhancing the scope of Article 21, which has enriched the democratic governance in the country. The Courts in India have been very vocal and strongly condemned the prevailing trend of custodial death in the country. The most famous Supreme Court judgments in this regard is D. K. Basu vs. State of West Bengal (1997) AIR 1997 SC 610) and Prakash Singh v. Union of India Case and the SC judgement (2006).

The Judgement in the D. K. Basu vs. State of West Bengal (laid down 11 specific requirements and procedures that the police and other agencies have to follow for the arrest, detention and interrogation of any person. These are:

1. Police arresting and interrogating suspects should wear “accurate, visible and clear” identification and name tags, and details of interrogating police officers should be recorded in a register.

2. A memo of arrest must be prepared at the time of arrest. This should have the time and date of arrest.

(a) be attested by at least one witness who may either be a family member of the person arrested or a respectable person of the locality where the arrest was made.

(b) be counter-signed by the person arrested.

3. The person arrested, detained or being interrogated has a right to have a relative, friend or well-wisher informed as soon as practicable, of the arrest and the place of detention or custody. If the person to be informed has signed the arrest memo as a witness this is not required.

4. Where the friend or relative of the person arrested lives outside the district, the time and place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest. This

should be done by a telegram through the District Legal Aid Authority and the concerned police station.

5. The person arrested should be told of the right to have someone informed of the arrest, as soon as the arrest or detention is made.

6. An entry must be made in the diary at the place of detention about the arrest, the name of the person informed and the name and particulars of the police officers in whose custody the person arrested is.

7. The person being arrested can request a physical examination at the time of arrest. Minor and major injuries if any should be recorded. The "Inspection Memo" should be signed by the person arrested as well as the arresting police officer. A copy of this memo must be given to the person arrested.

8. The person arrested must have a medical examination by a qualified doctor every 48 hours during detention. This should be done by a doctor who is on the panel, which must be constituted by the Director of Health Services of every State.

9. Copies of all documents including the arrest memo have to be sent to the Area Magistrate (laqaMagistrate) for his record.

10. The person arrested has a right to meet a lawyer during the interrogation, although not for the whole time.

11. There should be a police control room in every District and State headquarters where information regarding the arrest and the place of custody of the person arrested must be sent by the arresting officer. This must be done within 12 hours of the arrest. The control room should prominently display the information on a notice board.

PRAKASH SINGH V. UNION OF INDIA CASE AND THE SC JUDGEMENT 2006:

SC with taking references and consideration of the recommendations made by several committee on police reforms delivered a landmark judgment in this case instructing the Central & State Governments to comply with a set of seven directives by 31-12-2006 and file affidavits of compliance by 3-1-2007 laying down the practical mechanisms to kick-start police reforms.

1. The State Governments are directed to constitute a State Security Commission;
2. The State Government is to ensure that the Director General of Police is appointed through a merit based, transparent process and enjoys a minimum tenure of two years;
3. The State Government is to ensure that other police officers on operational duties (including Superintendents of Police in charge of a district and Station House Officers in charge of a police station) also have a minimum tenure of two years;
4. The State Government is to set up a Police Establishment Board, which will decide all transfers, postings, promotions, other service-related matters of police officers below the rank of DSP and make recommendations on postings and transfers of officers above the rank of DSP;
5. The State Government is to set up a National Security Commission (NSC) at the Union level to prepare a panel for selection and placement of Chiefs of the Central Police Organisations (CPO), who should also be given a minimum tenure of two years;
6. The State Government is to set up independent Police Complaints Authorities at the State & district levels to look into public complaints against police officers in cases of serious misconduct, including custodial death, grievous hurt or rape in police custody; and
7. The State Government is to separate the investigation and law and order functions of the police.

THE STATUS OF COMPLIANCE TO THE SC DIRECTIVES

In compliance with *Prakash Singh v Union of India* case in 1996 and the SC directives in 2006, state governments replied and responded. However, around 15% state governments reported for taking steps to implement all directives like Sikkim, Nagaland, Meghalaya, Arunachal Pradesh; 63% reported for taken steps to comply with one or more directives, but registered objections to some directives like Himachal Pradesh, Daman and Diu, Orissa, Jharkhand; while 22% state governments completely ignored the SC directives, and also registered strong objections to some or all directives and do not indicate any steps for implementing or states governments stated that new police legislation is in the process of being drafted so, no steps have been taken to implement the SC directives or; have sought extensions with no details on concrete steps towards compliance like West Bengal, Tamil Nadu, Uttar Pradesh.

NHRC GUIDELINES ON CUSTODIAL TORTURE AND CUSTODIAL DEATH

Since the formation in 1993, the NHRC actively pursued the cases of custodial deaths and produced several guidelines to prevent its happenings in the country, which it keeps sending to the various governments from time to time. It has actively campaigned, organised the conventions to raise human rights awareness among the officials as well as among the common people. Over the years it has made several important recommendations for prevention of custodial death, which is also well contained in the Manual of Human Rights for Police Officers (2011).

NHRC 's direction and guidelines concerning Custodial Death/ Rape (**Annexure 6**) and Video-Filming of Post Mortem Examinations (1997) has been accepted by the government of India. The MHA (F. No. 1501I /66/2020-HR-I &II dated July 13,2020) has instructed all Chief Secretaries and DGP of all States and UTS to comply with the directives of NHRC in matters related to custodial death (**Annexure7**).

INTERNATIONAL TREATIES AND CONVENTIONS AGAINST TORTURE

Some of international Treaties and Conventions Against Torture, which legally and morally bind the Indian government to take effective measures with regard to elimination of practice of torture and custodial death in the country.

Some of the relevant treaties are mentioned below:

Article 5 of the Universal Declaration of Human Rights states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted and opened by the UN General Assembly in December (1984) defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or third person information or a confession....” It may be “inflicted by or at the instigation of or acquiescence of a public official or other person acting in an official capacity “.

Apart from the Universal Declaration of Human Rights, the issue of elimination of torture has been extensively incorporated in the wide array of international and regional human rights treaties such as-

1. The International Covenant on Civil and Political Rights (ICCPR) (1966)
2. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
3. The European Convention for the Protection of Human Rights and Fundamental Freedoms (1953)
4. African Charter on Human and Peoples' Rights (1979)
5. American Convention on Human Rights (1969)

THE UNITED NATIONS STANDARD MINIMUM RULES FOR NON-CUSTODIAL MEASURE (TOKYO RULES).

The rules were adopted by the UN General Assembly on 14th December 1990. They lay down basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment. It talks about greater community involvement in the criminal justice system and also endeavours to promote a sense of responsibility among the offenders towards society. It calls on the member states to develop non-custodial measures and provide options other than imprisonment and to rationalize criminal justice policies. The rules also aim to promote social justice and look into the rehabilitation needs of the offenders.

The rules discourage pre-trial detention and give more importance to the investigation of the alleged offence. The judicial authority should have at its disposal a range of non-custodial measures. Alternatives provided in the rules are verbal sanctions (admonition, reprimand, and warning), conditional discharge; status penalties, economic sanctions, and pecuniary penalties, confiscation, suspended or deferred sentences; house arrest, etc.

**UNITED NATIONS CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS
(ADOPTED BY GENERAL RESOLUTION 34/169 OF 17 DECEMBER, 1979)**

Article 1

Law enforcement officials shall have the duty imposed upon them by law, of serving the community and by protecting all person against acts, consistent with the high degree of responsibility required by their profession.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 5

No law enforcement officials may inflict, instigate torture, other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement officials invoke superiors' orders or exceptional circumstances such as state of war or a threat of war, a threat to national security, internal to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

VARIOUS ADMINISTRATIVE AND POLICE REFORM COMMISSIONS

THE LAW COMMISSION 152ND REPORT ON CUSTODIAL CRIMES AND RECOMMENDATIONS:

The Law Commission 152nd Report recommended to make appropriate provisions in the Indian Penal Code (IPC), 1860; the Code of Criminal Procedures (CrPC), 1973; and Indian Evidence

Act, 1872 to foreclose torture in custody by the public servants and to protect interest of the victims of custodial crimes.

THE INDIAN PENAL CODE (IPC) 1860;

- A new section of 166A be inserted in the IPC, 1860 for punishing the violation of the section 160 of the CrPC, 1973. Section 166A – whoever being a public servant, knowingly disobeys any direction of the law (a) prohibiting him from requiring the attendance at any place of any person for the purpose of investigation into an offence or other matter; (b) knowingly disobeys any direction of the law regulating the manner in which he shall conduct such investigation, to the prejudice of any person shall be punished with imprisonment for a term extend to one year or with fine or both. The purpose offence should be cognisable bailable and triable by any magistrate.
- Insertion of 167A in the IPC, 1860 – whoever, being an officer in charge of a police station and required by the law to record any information relating to commission of a cognisable offence reported to him, refuses or without reasonable cause fails to record such information, shall be punished with the imprisonment for a term extend to one year or with fine or both.

THE CODE OF CRIMINAL PROCEDURE (CRPC), 1973;

- Need to insert a new section 50A after section 50CrPC, 1973. The section 50A (1) CrPC – whenever a person is arrested by a police officer, intimation of the arrest shall be immediately sent by the police officer (along with intimation about the place of detention) to (a) relative or friend, known person to the arrested person or nominated by the arrested person and (b) local legal aid committee.
- The section 50A (3) CrPC – the police officer shall prepare a custody memo and body receipt of the person arrested duly signed by him and by two witnesses of the locality where arrest has been made, delivered the same to a relative of the person arrested.
- The section 50A (4) CrPC – the custody memo shall contain particulars (i) name of the person arrested and father's name or husband's name; (ii) address of the person arrested; (iii) date, time and place of arrest; (iv) offence for which the arrest has been made; (v)

property, if any, recovered from the person arrested and taken into charge at the time of arrest; and (vi) any bodily injury which may be apparent at the time of arrest.

- The section 54 CrPC be amended – Examination of arrested person by medical practitioner with particulars (a) the examination of the accused victim shall be conducted by a registered medical practitioner or through govt. hospital available (b) The registered medical practitioner shall without delay examine him/her and prepare a report with details of name, address, age, injuries, general mental condition and any other material particulars (c) the report shall precisely state the reasons for such conclusion and (d) exact time of commencement and completion of examination shall also be noted in the report and forward the report to the Magistrate.
- If the police officer refuses to record the FIR, the aggrieved person should have a right to file a petition (i) before the chief judicial magistrate in the case of custodial injuries or torture and all custodial crimes other than killing and (ii) before the session judge in the case of death in custody. A new section 154A be inserted in the CrPC, 1973.
- In order to provide separately for compensation for custodial offences a new section 357A CrPC be inserted (compensation in custodial offences).
- The section 357A (5) CrPC – (a) Rs. 25000 in case of bodily injury, and (b) Rs. 100000 in case of death.

THE INDIAN EVIDENCE ACT (IEA), 1872;

The Law Commission recommended to amend provisions contained in section 25 and 26 of the Indian Evidence Act, 1872, the provision shall be extended to all public servants. The section 25 IEA, 1872 – confession to public servant not to be proved and section 26 IEA, 1872 – confession by accused while in custody of public servant not to be proved against him. The section 27 IEA, 1872 recommended to substitute - discovery of facts at the instance of the accused.

THE LAW COMMISSION 154TH REPORT “THE CODE OF CRIMINAL PROCEDURE (CRPC) 1973”:

The Law Commission opined that it is essential to make appropriate amendments of CrPC, 1973 for rendering speedy justice. The section 167(2) CrPC 1973 amended – the police custody need not be during the first 15 days of remand alone. A provision should also be made for a fresh

police custody if sought by the CBI during investigation. The section 176 CrPC 1973 recommended to be amended to provide in the case of death or disappearance of a person or a rape of a woman while in custody of police, there shall be a mandatory judicial inquiry and in case of death, examination of the body shall be conducted within 24 hrs of death.

In response to the SC directives 7 (the state govts is to separate the investigation and law & order functions of the police), the Law Commission 154th Report highlights the benefits of separating the functions of the investigative wing of the police from its law & order wing and also insulate it from the political, executive and other interference.

- reduction of executive control over police investigation as the latter would enjoy protection of the judiciary,
- better investigation owing to scrutiny of courts which will lead to successful prosecutions
- reduction in the possibility of unjustified and unwarranted prosecutions
- speedy investigation leading to speedy disposal of cases,
- enhancement of expertise of investigating police, and
- increased public cooperation and confidence.

THE GORE COMMITTEE ON POLICE TRAININGS (1971-73):

The Committee recommended for a planning, developing and coordinating agency at the Centre and the States. While the problems of police training must be tackled and solved by the State level, the Central Government will have to provide financial and technical assistance in the important task of reorganising training for the police at various levels. A good, well-organised training programme is only one of several components, though an important one, which determine the efficiency and morale of an organisation. The vulnerability of the police to pressures from the political parties & others and many organisational, administrative & legal issues have a vital bearing on the effectiveness of the police and their acceptability to the people.

PADMANABHAIAH COMMITTEE ON POLICE REFORMS AND RECOMMENDATIONS:

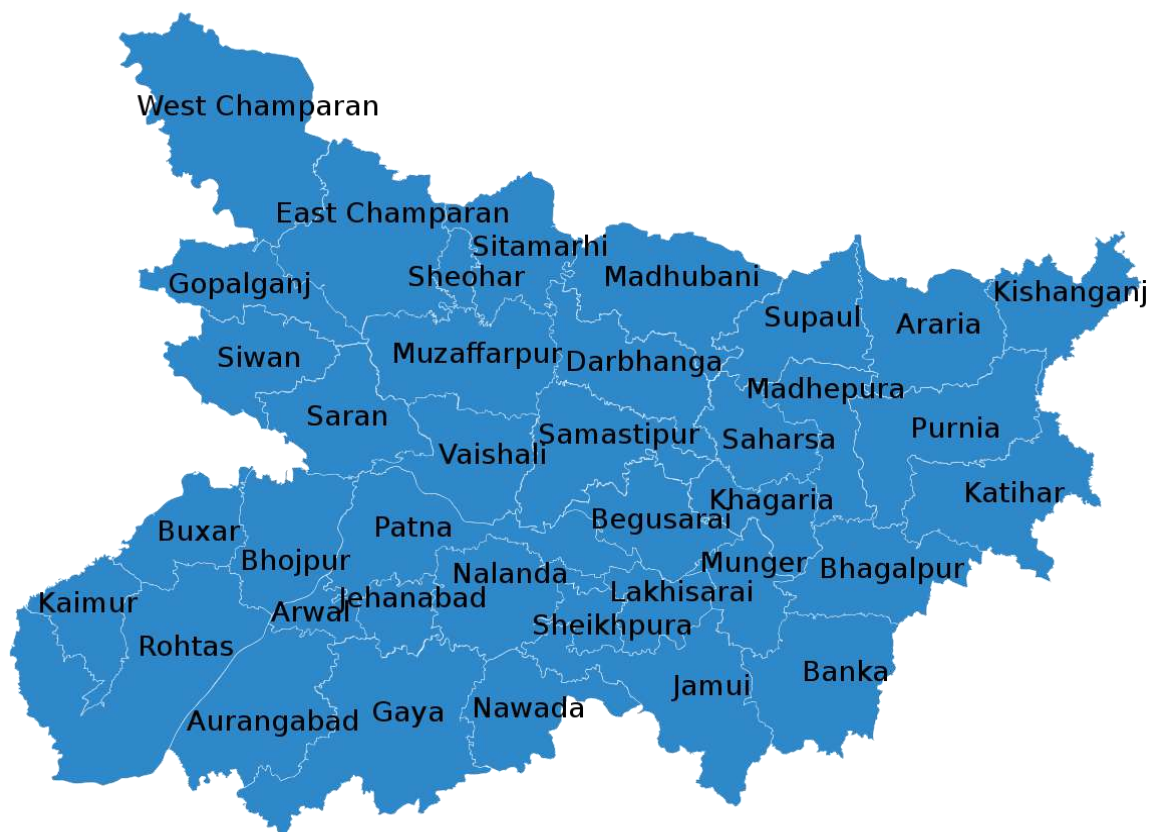
The main recommendations made by the Committee are: (i) A body headed by the Chief Justice of the State High Court as Chairman, State Chief Secretary and an eminent public person as members should be constituted to recommend a panel of two names for appointment to the post of the Director General of Police. (ii) A Police Establishment Board, consisting of DGP and three other members of the police force selected by him, should be constituted to decide transfers of all officers of the rank of Deputy Superintendent of Police and above. (iii) The minimum tenure of all officers should be 2 years. (iv) There should be another Committee under the Chief Secretary and with the Home Secretary and the DGP as members to hear representations from police officers of the rank of Superintendent of Police and above alleging violation of rules in the matter of postings and transfers.

THE MALIMATH COMMITTEE ON REFORMS OF CRIMINAL JUSTICE SYSTEM AND RECOMMENDATIONS:

The Committee recommends that the Inquisitorial System can be adopted to strengthen the Adversarial System and to make it more effective. The standard of proof in criminal cases should be higher than preponderance of probabilities and lower than proof beyond reasonable doubt. An important object of the Criminal Justice System is to ensure justice to the victims, yet he has not been given any substantial right, not even to participate in the criminal proceedings. The victim, and if he is dead, his legal representative shall have the right to be impleaded as a party in every criminal proceeding where the offence is punishable with 7 years' imprisonment or more.

CHAPTER - IV

STATE OF CUSTODIAL DEATH IN BIHAR (2009-2018)



INTRODUCTION

As per the data of NHRC (Table C, Chapter 1) Bihar registered (intimation) significant decline in custodial deaths from 1704 during 2001 -2010 to 1129 (difference of 575) during 2010-2020. It witnessed the marginal rise under police custodial death (from 40 to 61) but sharp decline from under judicial custodial death (1664 to 1068, a difference of 596) over the similar period. This prompted the then acting Chairperson of BHRC, Mr Nealmani, in 2014, to issue an statement suggesting the significant improvement in the police and jail governance: *“While it used to be on an average eight custodial deaths per year between 1995 to 2005, it has come down to an average of three per year between 2005 to 2012. Bihar which used to be at NINTH position in the country during 1995 to 2005, has now improved to FOURTEENTH position vis-à-vis other states during the year 2005 to 2012”*. However, the former DGP of Bihar, Shri Abhayanand, who is also an educationist and credited in establishment of Super 30 coaching institute, during the course of

interview for this project on 15/03/2021, categorically stated while referring to the incidents of custodial death that “*the incidents have neither decreased or increased. More or less. They remain constant in numbers*’. Referring to custodial death, SSP (Patna West) told us that, “the number of incidents has remained proportionate to the population and number of crimes”.

Bihar Field Data (Appendix I : I-1-police, I-2-Jail, I-3 Prisoner, 1-4-family members/relatives of deceased victim and 1- 5- civil society stake holders) as well as other data collected through different sources has been dissected on four central aspects of questionnaire related to custodial death as mentioned in chapter 2 under subheading of Methodology and Field Dynamics.

A. MAPPING OF CUSTODIAL DEATH

The field interview across serving officials (police and Jail) cutting across rank clearly revealed that though there is an admission of custodial death. This is evident from that fact though only 5% among police official reluctantly accepted that custodial death took place directly took place under his jurisdiction, while 40% of police personnel expressed knowledge of death under the charge of other officials. However, unlike police personnel, 100% judicial personnel, who were interviewed, admitted that custodial death took place under his jurisdiction within jail premise and 81% admitted they were aware of custodial death taking place under the jurisdiction of other officials. Further an overwhelming majority among both police and jail officials (more than 85-100%) does not see any rising trend/graph of custodial death in the region during 2009-2018. This is broadly in conformity with the data of NHRC. Accordingly, a NHRC data between 2009/2010 and 2018/2019 revealed that Bihar had registered the highest police custodial death (9) in 2013-2014 and highest judicial custodial death (137) in 2009-2010, which is far below compared to other states on similar population index. There is a strong perception amongst them the custodial death hardly take place now, if one compared to the situation of 1970s and 1980s. However, there is an admission with a rider that while police excesses does take place to extract the relevant information but not all police excesses results in custodial death. A social activist working on the issue of human rights and custodial violence and death also confirmed that ‘*now-a-days cases of custodial deaths due to police torture are very few*’.

The overall perception of civil society (i.e., non-officials) is internally divided; only a slight majority (53%) see a rising trend of custodial death in Bihar. This does minimally indicate that an overall emerging perception that custodial death -whether under police or under jail) in Bihar is declining. This is despite the fact that there is an increasing rate of registered complains against police/armed forces: from 34 in 2008 to 2041 in 2015, the total being 11133 during 2008-2015 (Annexure 8, sources BHRC.)³⁸. The latter does indicate that unlike in the past, people are asserting their rights to register complains against police, while at the same time police stations in Bihar is no more reluctant to register the complains. The emerging social perception about declining trend of custodial death in Bihar is also evident from NHRC data (Table C, Chapter 1).

However, several officials during the course of interview in Bihar indicated that there is a rise in number of prisoners since 2016 due to the enactment of Bihar Prohibition and Excise Act (2016), which has led to increase in number of deaths within jails. As one jail official put, it *“Number of deaths are directly linked with the crime rate. He elaborated it further saying as and when number of crimes increase there is consequential increase in the number of prisoners and in number of custodial deaths. However, he added that “in last 10 years there has not been even a single death related to police torture or suicide”*. Another Jail Superintendent, stated that *“the law (Bihar Prohibition and Excise Act, 2016) has helped society immensely by lowering the roadside crimes but has increased the burden on the prison management equally”*. We were told at the Beur Central Jail (Patna) that number of prisoners in this jail has swelled due to Bihar Prohibition and Excise Act (BPEA), 2016. It appears that there is definite increase in the number of prisoners and death in Bihar Jail since 2016. Thus, the total number of prisoners jumped from 28418 in 2015 to 33102 in 2016 to 40186 in 2017 before declining to 38685 in 2018³⁹. Similarly, the number of judicial custodial deaths in Bihar increased from 61 in 2016 to 106 in 2017 to 116 in 2018⁴⁰. As one jail official at Beur Central Jail, Patna, stated, ‘With BPEA (2016), there has been increase in custodial death by 50%’. As per RTI reply dated 4.11.2020 (Annexure 3) from Beur Central Jail confirmed that out of total 159 custodial death during 2008-2020, 72 took place during 2017-2020.

³⁸ It is not clear as to how many these complains were registered against; and how many were registered against Armed forces as BHRC does not provide separate data for each. However, according to NCRB registered the total number of complaints against police during the same period was 198; which reached to a total of 262 during 2008-2018, which is very low compared to NHRC (see Appendix -----).

³⁹ Source : Prison Statistic of India (2008-2018)

⁴⁰ Ibid,PSI, 2016-2018

However, a document of prisoner from Sasaram jail, which the field researcher obtained during their visit to Sasaram Jail (Annexure 9), contradicts the increasing number of arrests under the Bihar Prohibition and Excise Act (2016). According to this document, which list the prisoners between 2000-2020, only one person was serving the jail sentences on the charge of Bihar Prohibition and Excise Act (2016), while 22 out of total 44 (almost 50%) prisoners were serving terms on the charge of violation of Arms Act. Notwithstanding of this document, many jail authorities including Beur Central Jail, Patna, informed us the increasing number of prisoners on the charge of violation of this Act.

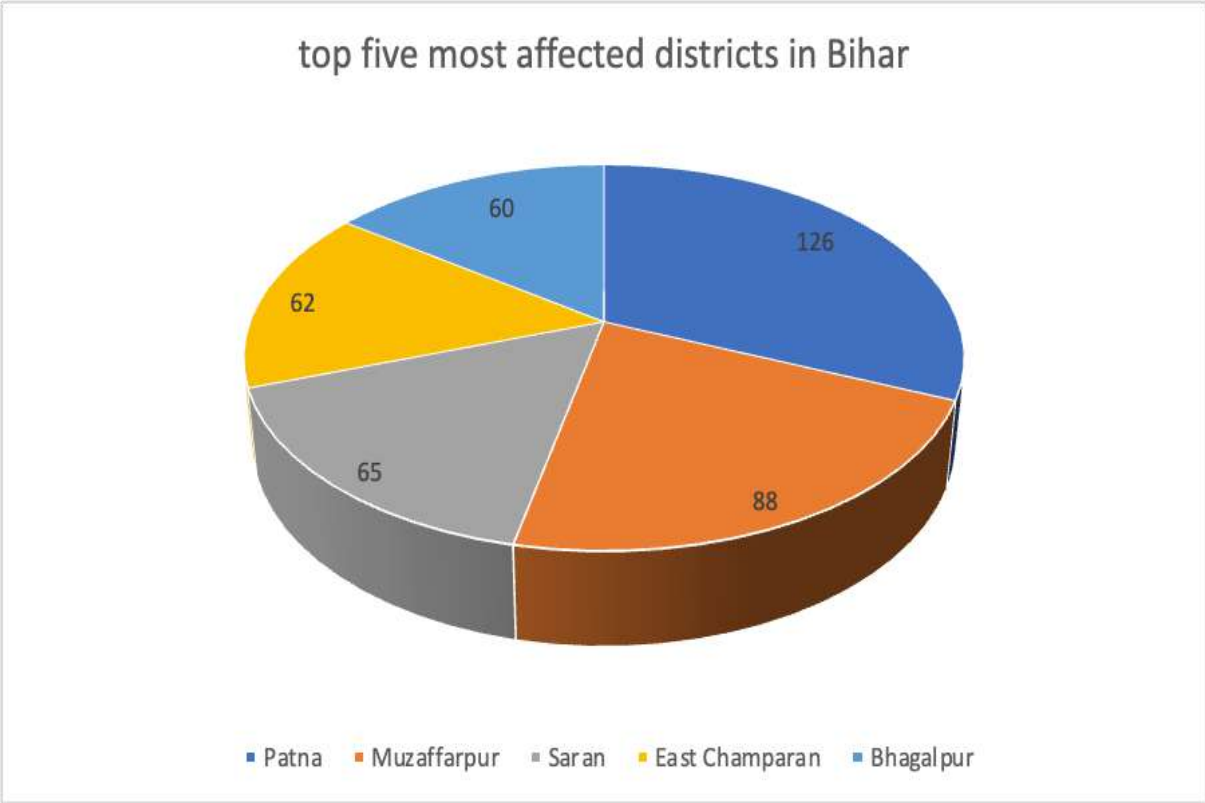
Further, almost all police and jail officials (100%) categorically ruled out any trend which indicates that the bulk of custodial death belong to this particular region or sub region or district. According to them, cases of custodial death-whether under police or within jail happened ‘anywhere and everywhere’, to use the word former DGP of Bihar. However, the cases of custodial death are more related to rural than urban area. Further, an RTI dated 2/11 2020 related to district wise custodial data during 2009-2019 does provide a sub-regional pattern of custodial death in Bihar. The said data was obtained from BHRC through RTI dated 2/11/2020, which is reproduced before: -

RTI DATA ON CUSTODIAL DEATHS IN BIHAR

Number of District wise Custodial Deaths (Police and Judicial) cases taken in cognizance by the BHRC for the years of 2009 to 2019– (data received on - 2/11/2020)

S. L no.	Districts	Year between 2009 – 2018	Deaths	Position (1 to 10)
1	Araria		23	
2	Aurangabad		24	
3	Arwal		09	
4	Banka		24	
5	Begusarai		43	9
6	Bhabhua		19	
7	Bhagalpur		60	5
8	Bhojpur		57	6

9	Buxar		24	
10	Darbhanga		29	
11	East Champaran		62	4
12	Gaya		54	7
13	Gopalganj		18	
14	Jamui		14	
15	Jehanabad		22	
16	Katihar		38	
17	Khagariya		25	
18	Kishanganj		09	
19	Lakhisarai		15	
20	Madhepura		23	
21	Munger		23	
22	Muzaffarpur		88	2
23	Nalanda		40	10
24	Madhubani		30	
25	Nawada		21	
26	Others		16	
27	Patna		126	1
28	Purnia		22	
29	Rohtas		39	
30	Saharsa		24	
31	Samastipur		24	
32	Saran		65	3
33	Shekhpura		03	
34	Sheohar		10	
35	Sitamadi		33	
36	Siwan		35	
37	Supaul		19	
38	Vaishali		34	
39	West Champaran		47	8
Total= 1291				



The above district wise data related to custodial death clearly reveals that the number of custodial deaths has been relatively high in five major cities of Bihar: Patna (126), Muzaffarpur (88), Saran (65), East Champaran (62) and Bhagalpur (60) during the period of 2009-2019 respectively. A second set of districts with less than 40 during the same period is Bhojpur (57), Gaya (54), West Champaran (47) and Nalanda (40). Excluding East and West Champaran, all other districts are part of Central- South Bihar. Together they constitute 599 out of the total 1291 custodial deaths in Bihar, which is almost 50% of the total custodial death. An SI, Kotwali Thana (Patna) did confirm that South Bihar is more prone to crimes and hence the custodial death count could be on the higher side in southern Bihar. Education is important in evolving civilised society. The South Bihar is not as educated as other parts of Bihar. People do commit more crimes than anywhere else.

THE CAUSATIVE AND CONTRIBUTORY FACTOR FOR THE INCIDENCE OF CUSTODIAL DEATH UNDER POLICE CUSTODY

An examination of interview of more than 20 police officials reveals that overwhelming majority see the *poor health of accused/ arrestee* and act of *suicide* as the major reasons for the death inside the police lock up. They appear as number one and two reasons cited in the scale of 1-4. As one senior police official stated, *'99% are due to victim's poor health or illness or inability to handle pressure and tendency to commit suicide'*. Interestingly none of the police officials admitted on record that they believe in torture in eliciting the confession from the arrested person or resorted to torture due to bribery/corruption. However, a police officer during the process of interview boldly stated, "In every case of suicide in custody, the PS or police personal should be held responsible as the responsibility of the person in custody lies with the police. (अगर कोई आत्महत्या करता है तो यह थाने की लापरवाही है जिसके लिए उनपर उचित कार्यवाही होती है और होनी भी चाहिए/ हिरासत में व्यक्ति के जीवन की रक्षा की जिम्मेदारी पुलिस की होती है). As with regard to underlying causes of suicide most police officials attribute the 'high degree of shame', 'depression', 'lack of moral courage to face society' and inner guilt that his act brought 'disrepute' to the family and was likely to put the family more on trouble.

However unofficially some of them told the researchers that sometimes 'force' is used on 'hardened criminals' for the purpose of investigation: *People expect from police to deliver justice and make the society free from everyday crime of hardened criminals. 'Societal pressure to deliver justice' does contribute to overall circumstances and factors leading to death under police custody; but such pressure works only in the context of public outcry in some cases and it is not routine.* Sometimes they had to resort to force due to pressure from high police officials. As a group of SI (informally) stated, *'police is more often than not is left with no choice but to use force on accused because of pressure from press, political leadership and higher police officials.* Also, in case of custodial death (police custody), the SI and Hawaladar get suspended. Rarely senior officers of the rank DSP and above are held responsible or accountable. Lower machinery expects their seniors to take stand for them which is seldom the case. To emphasise this, the group of SI pointed that the abbreviation of IPS should be: *I am Personally Safe*".

This comment was also supported by former DGP and other IPS officials as well. As one senior retired police officer in Patna during the course of interview stated, *'If, IPS (from SP to DGP) decides there will be no incident like these (meaning custodial death including encounter). If Government/States decide to protect the honest officers, there will be no need of organisations like NHRC. Politics is integral part of the police excesses. In his words (सरकार चाहती है तो करो, फिर कौन*

डेगा). *IPS can control things easily if he decides to. SP has more time; he can think and plan for his area. If he decides no custodial death can happen. He just has to work according to the law. However, if he is party to the crime or has tacit acceptance to the tactics of police excesses then things go in undesired direction.*

‘Majority of police officials stated that it is wrong to assume that police use ‘force’ uniformly inside the lock up for each arrested person. Similar some of the police officials admitted that corruption/bribery does play a role in favouring or disfavouring a conflict party; however, it is not a critical factor for custodial death. Only one police personnel identified ‘lack of anti-torture law’ as top most reason for the death under police custody. Some of the senior police functionaries (SSP and above) also admitted that sometimes custodial deaths and encounters also happened due to overt ambition of SP: *they seek easy fame and gallantry awards.*

A close examination of the above statements and in view of informal ‘chat’ with many police officials including high one in hierarchy supports to our working hypothesis/ assumption that while pressure politics, money, corruption, ambitions of individual police officials, socio-political dynamics of caste and class, predominant presence of members of upper caste in police force and other related factors do play some role in custodial death, it is the moral predisposition of political officials that believe that force including torture (its levels varies from officials to officials) is a necessary legitimate component for executing their ‘official duties’, i.e., *preventing the crime in the society, delivering justice to the victim/complainant and exposing the motive and truth behind the commission of crime.* Thus, during a short interaction with a group of S.I.s, while waiting to interview the SHO, some officials confessed about beating an apprehended person. In fact, one of the police officials sarcastically told us that, *‘police job is the best job, you can slap anybody without any accountability’!*

In fact, almost of all police officials attributed the declining trend of custodial violence/torture as a tool of everyday policing to following factors: assertive media, rising political consciousness among people, assertive NHRC and regional human right commissions, provision of human rights cell, assertive human rights and other civic society groups and technological advancement such as installation of CCTV in most police station⁴¹. They stressed that “the police atrocities

⁴¹ The Government of Bihar took an effective measure in installation of CCTV in the police station in accordance with Supreme Court directives of 2020. According to one report April 15, 2021), more than 10,000 IP based CCTV

which were heard of from 1980s or 1970s do not prevail today and torture is no more a means of policing. No such case of judicial or police custodial death due to torture is heard of anymore and things have improved a lot in this matter”.

However contrary to the above official reasons for the custodial death; the civil society including media, NGOs, lawyers, and human right organisations strongly attribute the practice of ‘torture’ (23%), ‘bribery’ (9%), ‘suicide’ (8%) and Personal ego and biases (5%) as the main reasons (first preference of the respondents) for the death under police custody. Similarly, majority (6 out of 10) of members of victim families see ‘torture’ as ‘the main’ reason for police custodial death. What is interesting to observe is that respondents from civil society hardly identify ‘lack of anti-torture law’ as main or even significant reason for the custodial death. A very minority of civil society respondents marked it as ‘third’ or ‘fourth’ preferred reason for the police custodial death. In our own discussion with various civil society stakeholders including journalists, social activists, retired government officials, social activists, the issue of anti-torture legislation did not dominantly figure. This is despite the fact various government commissions and human rights and other civil society organisations have consistently recommended and demanded the enactment of anti-torture legislation, as they see the lack of this legislation as the major source of custodial death-whether police or judicial custodial death. This somehow indicates that there is a lack of popular demand for the ‘anti-torture law’ in society, as the vast majority of society wants the police to act ‘tough’ against goons and miscreants.

UNDER JUDICIAL CUSTODY

The rate of custodial death within the jail premises is certainly high, compared to police custodial death for a reason: *number of prisoner and time period spent by the prisoner inside the jail is very high*. Further, most of Bihar jail is over-crowded. According to Indian Justice Report (2022), the occupancy rate in jails in Bihar ranges between 120%-150%⁴². However, like police officials, most of 16 jail officials, who were interviewed, cited ‘poor health of the prisoner’ and ‘suicide’

cameras have been installed at over 900 police stations of Bihar. <https://www.isrmag.com/supreme-court-directive-to-implement-cctvs-in-all-police-stations-across-india/> . As per India Justice Report, 2022, Bihar had 957 police station with at least one CCTV out of total 1056 police stations; though the total number of CCTV camera installed in police station were 11081. India Justice Report (2022), Sir Dorabji Tata Trust, 2023, p. 59. Available on <https://www.tatatrusters.org/insights/survey-reports/india-justice-report>. Out field researchers also observed the CCTV in most of police stations where they visited for this study.

⁴² India Justice Report, 2022, p. 66.

as 1st and 2nd most preferred reasons for causing custodial death. As one jail officer put it, “medical reasons and old age continue to be main causes of custodial deaths. This medical reason also includes the internal injuries of prisoners caused due to police torture and later shifted to the jail. Prisoners succumbed to death due to these internal injuries”.

To identify the internal injuries, a Dy Superintendent of a jail evolved his own way of finding police excesses on accused. According to him,

He makes every inbound prisoner do physical exercises like push ups to check if the accused has been a victim of police excesses. As a result, he has successfully identified 4-5 cases of inbound prisoners, victims of police torture. In such cases the authority immediately sends prisoner to the hospital to assess the intensity of torture and questions the police authority. He had to come up with his own mechanism because more often than not prisoners hesitate to accept or complain about torture in presence of police.

However, unlike police, almost all jail officials strongly denied the practice of ‘torture’ as a method of disciplining or punishment or bring order among the prisoners. This was also confirmed by social activists, who had served the jail terms, as well as lawyers that the practice of torture does not exist inside the jail. Further, none of 34 prisoners, except one, that were interviewed cited ‘torture and inhumane treatment from the authorities’ as reason for the custodial death in jail, which does indicate the relative absence of torture inside the jail.

MEDICAL INFRASTRUCTURE AND CUSTODIAL DEATH: POLICE AND JAIL

While factors for death during police custody vary from the ones that cause death in judicial custody, unanimity in response was observed for certain aspects and ones’ that popped out the most were medical condition of the person in custody and under-developed medical infrastructure. The two aspects contribute to the incidence of custodial death both independently and inter-dependently.

While 85% of the police officials responded to our query that the medical examination was done immediately after the arrest or taken to hospital for admission if required, in accordance with

police manual. They further informed as that due process is followed in matter of custodial death at police premise including mandatory reporting to district magistrate, constitution of inquiry, intimation to SHRC and NHRC and due compliance with provision of NHRC directives including mandatory videography of post mortem. However, a cross interviewing on this aspect revealed that most police officials at lower-level lacks clear understanding of legal provisions and detailed methods of investigation related to custodial death which takes into consideration of active presence and viewpoints of victims of family members. However, a few police officials admitted the limitation of a basic physical examination of an arrested person as it is not sufficient to assess to his or her mental health. It came out strongly during the process of interview and interaction – both formally and informally that police department is hardly concerned about the state of mental health. However, we did notice that the jail administration is more sensitive to the issue of mental health related problem or mentally challenged / unstable prisoners. The psychiatrist from district hospital do visit jail on ‘call’, if not regularly.

4 of the 10 family members attested that while they found the health condition of arrested person at police station or at jail premise as ‘OK’ before 2-3 days of their death. They further attested that the bodies of dead victim bore ‘torture’ marks. The family members were intimidated about the news of arrest or death of relatives sometimes through police or hospital or even informal contact. They only receive communication orally and not in writing. Further 55% of police respondents admitted that a copy of report of medical examination, which was conducted at the time of arrest of a person, was hardly made available to arrestee’s family members. Further, while the police do conduct post mortem in case of all custodial death and inquest report is prepared; however, they hardly provide a copy of post mortem report and other medical examination report to the family members of the victim. According to lawyer at Patna High Court, who deals with cases of custodial death, 9/10 cases have not followed by inquest report. Most of the 10 family members that were interviewed for this project strongly asserted that they neither receive a copy of FIR, or copy of medical examination, or copy of post mortem. Worst, most of family members of custodial death victim even had to bribe the police official to obtain a copy of post mortem⁴³ ! In fact, an SHO of a Thana ashamedly stated, which is deeply violative of basic human rights of person:

⁴³ According to Status of Policing in India Report, 2018, Bihar police is the most corrupt on all India basis.

Medical and Post Mortem reports are not provided to the families because there is no such provision. There is no need to provide these documents to the family. Because most of them are illiterate and belong to poor background. They do not understand what is written in those documents. They wonder around asking every one about the content of the document. This adds to chaos.

Similarly, a jail official made a similar statement:

In case of demise of prisoner, medical or post mortem reports are sent to court and police and not shared with the families. There is no provision to provide any document to the family. As a part of procedure, jail administration prepares documents required to be submitted to court, BHRC, NHRC and other related state bodies. 'हम सरकार और कोर्ट के प्रति जवाबदेय हैं न की विक्टिम के परिवार के प्रति'.

In fact, 55% of civil society respondents strongly believe that the legal provisions regarding the matter of arrest and custodial death are hardly followed by the police and other law and order authorities. They hold bribery and inducement, absence of societal pressure, disempowerment of civic agencies and organisations 'unawareness of rights of prisoners' and some other factors responsible for manipulating and neglecting the legal provisions related to custodial death.

As with regards to the medical facility inside jail, many jails superintended and other officials proudly informed us that with steady increase in medical and care facilities in recent past, the overall living condition within the jails has improved and number of deaths in jail has decreased. Due to these positive developments, it has come to our notice that petty criminals who cannot afford medical treatment outside commit crime just to utilise medical facility of jail. It is important to note here that Jail administration can spend 10% of the total budget on medicine. Hence an increase in the budget of jail has potential to improve the medical infra structure in the Jail, which may result in the reduction of custodial death. An examination of existing data reveals that while there is definite increase in the expenditure per inmate per day from 54.5 Rs. per inmate per day to 111.82 Rs. in 2019 with highest of Rs. 229 in 2015. However, compared to overall increase in expenditure per day, there was significant increase in the number of medical staff. Thus, the number of medical staff increases from 47 in 2010 to 110 in 2011 and 2012 to 280 in 2013 and 2014 to 319 in 2015, 2016 and 2017 before declining to 238 in 2018 (Appendix

J). Though the details of various classification of ‘medical staff’ is not given (permanent resident doctors, visiting doctors, nurses etc), however the significant increase in the medical staff has a positive implication in strengthening medical infra structure, which may be contributory factor in bringing down the number of custodial deaths in Bihar. In fact, the ratio of medical staff per inmates is the highest in Bihar compared to West Bengal and Jharkhand. Further, as per IJS data (November-December 2021), Bihar ranked fifth position with 787 inmates per one medical officer amongst the cluster of 18 large and medium states⁴⁴, even though it is far below than the criterion set by the Model Prison manual, 2016: *one doctor for every 300 prisoners*.

Our own field researchers, who visited some of jails in Bihar, found them in relatively good condition⁴⁵. However, 50% the prisoners stated they face ‘difficulties’ in accessing basic facilities, generally, such as sleeping, hygiene, clothing, medical help, entertainment, contacting family members etc. Further they also stated about the cases of ‘suicide’. Though jail administration as well as prisoners did confirm that they were physically examined at the time of ‘admission to jail’; a close examination indicated that these medical examinations were hardly done by the professional medical experts (doctors). Moreover, it is evident from prisoner’s statement that they do not get regular medical check-up. Sometimes they get medicine and sometimes they do not. Further, due to adherence to bureaucratic procedure including taking permissions and preparing all paper work for the shifting of prisoner (read patient) from jail hospital to civil hospital takes a long time (sometimes even 24-25 hrs). This inordinate delay sometimes turns fatal. In fact, one social activist on the basis of data collected through RTI identified *‘lack of medical facilities in jail premises’ and ‘deaths during transporting prisoner (read patient) to the hospital and at hospital’ as the main reasons for custodial death*.

What is interesting to observe is that almost 99% of cases of medical examination and custodial death-whether under police or judicial –takes place in the ‘district government hospital’ or ‘Sadar hospital’. They are often ‘brought dead’ in Sadar hospital despite the fact most jail has provision for ‘hospital/medical ward’! Thus, a list of 44 custodial death of Ara Jail during 2000-2021 (Annexure 10) clearly indicates that (a) *majority of prisoner died between 1 to 6 months after entering into the jail and (b) 41 of them died at Sadar hospital at Ara and 3 at PMCH, Patna!* Similarly, a list obtained by our field researcher of Gaya Central Jail (Annexure 11) indicated

⁴⁴ India Justice Report (2022), p. table 4, p. 82.

⁴⁵ Indian Justice Report (2022) has ranked Bihar jail as ‘middle’ on three scale (Best, Middle and Worst) amongst 18 largest and medium populated state.

that all 14 custodial deaths during 2018-2020 took place either at ANMMCH, Gaya or PMCH, Patna. This does raise an issue of possible nexus between police, jail and doctors in manipulating the provisions related to custodial death. In fact, overwhelmingly percentage of civil society respondents (91%) strongly believe that there is involvement of other officials including hospital and judicial staff and non-official personnel in cases of custodial death. This points out interaction between social and political dynamics of Bihar social structure and administrative system as it operates in everyday life.

One reason behind large number of custodial deaths at the hospital is that while it helps in keeping the human face of police and jail administration alive on the one hand; on the other hand a death at the hospital could be easily declared as ‘natural death’ on the recommendation of a doctor, which then does not require detailed investigation in accordance with directives of NHRC and other administrative bodies.

DEMOGRAPHIC PROFILE/CASTE/CLASS/ RELIGION OF CUSTODIAL DEATHS

Our investigation of some data of custodial death in Bihar that we managed to obtain through fields as well as data from NHRC website Bihar does not confirm to the wider public perception that SC, ST and minorities (particularly Muslim) constitute the largest percentage of total custodial death in Bihar. As per the record of custodial death in Gaya Central Jail (2018-2020, Annexure 11), out of total 14 custodial deaths, 01 belong to Muslim community, 04 SC and rest are general. The list of 44 custodial death in Ara jail (during 1st January 2008 to 18th March 2021, Annexure 10) contains the followings: General-16, SC/ST-9, OBC-12 and Muslim-3. A list 48 custodial death from Sasaram Jail (Annexure 09) reflects the following caste and religious breakup: SC/ST—13, OBC-13, Muslim-3 including 1 female, general-33, Females-2 and children-2. However, we could not access the data from all jails in Bihar to make a correct assessment of rate of custodial death among SC, ST and minorities.

HUMAN RIGHTS TRAINING AND CAPACITY BUILDING FOR POLICE OFFICIALS

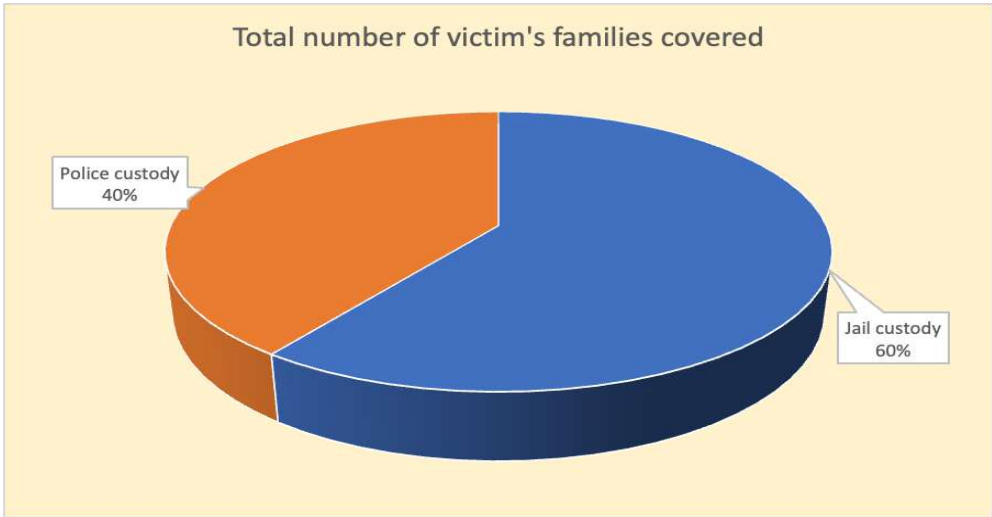
The issue of custodial violence and custodial death is closely related with human rights sensitivity of police officials towards fellow human beings. This includes ‘belief in dignity and self-respect of every person’, which is manifested as a part of ‘individual habitus’ and ‘everyday

institutionalised working behaviour’ of public officials, particularly police force. It is from this ‘moral universe’ that interviews related to human rights training were approached. What comes out from the field interview, based both on formal as well informal responses, it appears that more than 80% police officials have attended or undergone human rights training session at least once, but more for procedural and technical requirement rather than making it as a part of everyday value system. Moreover, the frequency of conducting such training programme is very low. Most police officials could not recall as to how many times they attended such programme or even what kind of human rights programme has attended. However informally, some police officials pointed out the increasing role of Human Rights Cell in most of district police station, which has reduced the incidences of custodial death in Bihar. It turns out the Bihar has the largest number of Human Rights Cell in various district police station compared to West Bengal and Jharkhand (**Annexure 12**). The IJR Report (2022) does point out the increasing budgetary allocation for training for police force and its effective utilisation in Bihar, however it is not clear whether this training also includes the sensitisation of human rights and learning non-coercive method of investigation and interrogation. However, what is evident from the Report is that Bihar on the scale of diversity index (entry of women, SC, and ST at lower level, if not at the officer grade) within police force is moving much ahead compared to many within the large and medium cluster of 18 states⁴⁶. This does demonstrate the growing realisation among the governing stake holders including government and bureaucracy that a good participation from all segments of society in the governance could reduce the crime rate in the society and ultimately significant reduction in custodial death.

INTERACTION WITH FAMILIES’ MEMBERS OF DECEASED CUSTODIAL VICTIMS IN BIHAR

During the field visit we visited ten of the deceased victim’s family in Patna (three), Motihari (two), Begusarai (two) and Sasaram (two). Six were related to the judicial custody deaths and 4 police custody deaths.

⁴⁶ IJR, 2022, Table 3, p. 50

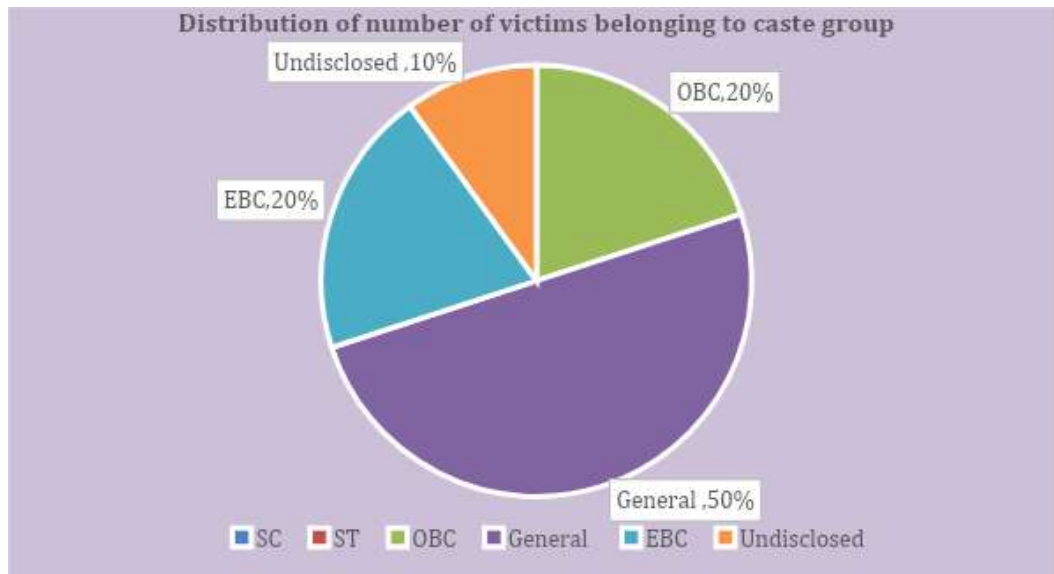


DISTRIBUTION OF NO OF VICTIM BELONGING TO CASTE GROUP

Two victims were Muslims and belonged to minority community, eight Hindus where two comes under EBC, two from OBC, five comes under general, one was not stated.

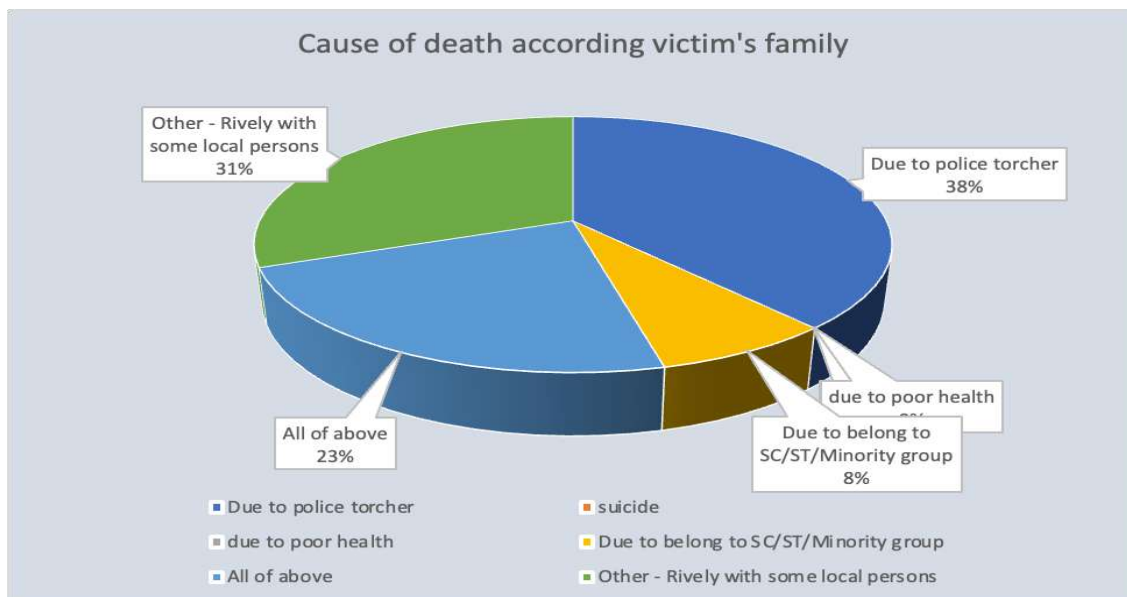


DISTRIBUTION OF NUMBER OF VICTIMS BELONGING TO CASTE GROUP



CAUSE OF DEATH ACCORDING VICTIM'S FAMILY

As per the victims’ families most cases (five out of seven) were related to the police torture, no one has agreed with suicides, poor health, due to belong to SC/ST/Minority groups, one said none of the factor he understands of death of his father (a 15–16-year-old boy). One family said the reason behind it is all of the stated in the questionnaire.



CASE STUDIES FROM THE GROUND – VICTIMS FAMILY

Late Rajesh Pandey, Patna

Victim, a bus conductor, was arrested on 27th November 2020. The family came to know about this the next day when he was admitted in PMCH. His wife received a phone call and was asked to visit the PMCH. Family had no information about his arrest. They were not informed or provided any arrest memo. They only received a phone call from hospital that he was admitted in PMCH hospital, Patna. One of the 4 guards present in hospital informed the family that the victim was taken to the Phulwari Sharif prison last night where his body started showing reactions to absence of liquor. (Alcohol withdrawal syndrome). He was subsequently brought to the hospital. However above-mentioned statement was oral and was not provided in written form. The victim (read prisoner) was later declared deceased by doctors. Family noticed clear marks of tortures on his body. Few photographs were taken to keep on record.

After seeing victim's condition family had requested administration to shift victim to private hospital but police denied and asked family to get permission from Phulwari Sharif jail, seemingly impossible task on such short notice. Consequently, he was kept in the same hospital till his demise. Family claims this incident happened because of their poor economic condition. The police and hospital administration did not provide any medical documents even after requesting multiple times. When hospital and police denied to give the report, family had to bribe (Rs. 4,000/-) in PMCH to get the copy of the Post Mortem report. The later arrangements (like ambulance and crematorium procedures) had to be made by the family and no help was provided by the police. Family claimed that the victim (prisoner) confirmed torture to his child when he was allowed to visit his father in hospital. Post this incident, no one from police has visited the family or provided any sort of paper or document. Now this case has been looked after by the BHRC. The family's visit was due on 13th March 2021.

Family has parallel theory about his demise being caused by one past incident. The victim had a fight with someone who happens to be working for one of the police stations (Driver on a police vehicle at Alam Thana). Family claims that the torture and consequent death is linked with that fight/argument. However, family has not mentioned this formally in any complaint or on any media platform. Family received a call for out of court (read: to withdraw the allegations) from Phulwari Sharif with the offer of 5 lakhs. The same was also asked by the relatives and neighbours but family so far has not accepted and is willing to fight in the court of law.

Observation: Victim's wife is still not in a position to say a lot about the incident. Her physical and mental condition is not good. She lives in a rented accommodation and is the only earning member and has to look after 2 young children. The family believes that it was a clear police torture case. Their lawyers (activists) are trying to help them in BHRC to get some kind of compensation.

Victims Family, near Gauri Chauk Thana, Patna

Police arrested victim in August 2020 for a murder case (happened in 2000). Victim was arrested in the past in reference to the same case. After one week of his arrest, he died in PMCH Patna. His son Guddu Kumar received a call from mortuary ward (he might be referring to PM ward) PMCH about his father's demise. Police told him that victim collapsed in jail, when asked. However, the reason mentioned in the document received from jail is death caused constipation related health issues of victim. This young man met his father (Victim: read prisoner) in police station where he seemed okay. He also provided few medicines to father as he had severe ache due to leg injury. The son was informed by a fellow inmate from Phulwari Sharif Jail that jail gives sleeping pills to prisoners suffering from medical issues or facing difficulties in getting sleep.

He is just 17 years old and married. (Wife is 16 years old). He is the only earning member in his family. Currently working as a daily wage labourer. He is struggling to get father's death certificate. Jail and PMCH both are dodging the responsibility. PMCH assured help provided he submits an affidavit that he is the son of the deceased. He needs the documents to seek benefits of schemes like Pradhan Mantri Yojna. Till now there is no FIR registered any police station or any appeal to the BHRC. Some activists are trying to help him to get the Post Mortem report but they not sure when their efforts will bear any fruit. Police had promised to help him getting a job when entire village had blocked the road soon after the demise to protest against administration. Till now he has not received any help.

Peripheral observations: The victim's family has accepted the fate accomli and is unwilling to fight to seek redressal. All he wants is one document, which he believes will help in his and wife's survival. The boy was in dire need of help. However, those who are in position of helping him seem to be reluctant as this case doesn't provide the political milage or capital to the activists or other wasted interests. The team of researchers have observed these stakeholders' helping others in need of help but seemed not so enthusiastic in this case.

3rd Victim's family, Village Ramdiha, PS Chakiya, Motihari, East Champaran on 16/03/21. Victim's Father – Shri Manauwar Ali, in presence of brothers and mother.

Father and Brothers: According to them Close to 50-60 Police personals came at midnight around 12:30 and took Gufran. Police informed the family that he is being taken in to the custody for investigation and shall be released soon after. Family went the Chakiya Police Station with their neighbours to look for their son but the police station had no inputs. Man named Pappu Kushwah (ex. Mukhiya of the village) informed the family that Gufran and another victim was taken to the Sitamarhi, Dumra PS. Soon enough they got the news that their son was dead and his body was at hospital. No Police or any representative of police has visited the family since then. No document of any kind has been provided by the administration. No arrest memo or medical report of any sort. Family has received compensation of Rs 7,00,000/- **from the state government through BHRC**. SHO Chandbhushan Singh, SI Soni Kumari are suspended in this case.

Mother – After requesting multiple times to allow us to talk to mother or wife of the deceased, mother was called out (in common space of the hose). She said when police took him, all were scared. Her son had no criminal record neither was he involved in any form of illegal activity. However, mother seemed to be wanting to provide more information but the father of the deceased signalled her to keep quiet and withdraw herself to the kitchen, which she immediately did.

Observations: Family seemed uninterested in discussing the incident. For example, none of the brothers of the deceased were sharing absolutely any information about the incident. The father of the deceased was also not allowing initially mother or wife of the deceased to be interviewed or asked questions. Family has a case pending against SHO of the Chakiya PS related to this custodial death. Local rumour has it the family of Gufraan (victim) is expecting some monetary terms from accused police to accept out of court (read: taking complain back) settlement. Family said they have no idea why their son was taken by the police. They claimed no imaginable reason (even when explicitly asked whether being from minority community had anything to do with it).

4th Victim – This custodial death case happened on 5th March, 2019. (3rd and 4th were inter related, happening same day, same PS and same case)

Victim's Father – Shri Moh. Mulazim, brother-in-law, mother – Smt. Kasidan Khatun, sister-Tarajankha and Sister- in law- Shabanam Khatun.

Mother, sister and sister – in – law: Police took him midnight around 1:30 am. Few of the police personal were in uniforms and others were not. But the non-uniformed personals were looking like criminals. Family said Taslim was not at home when police asked about his whereabouts. Police asked the daughter - in - law whether she was wife of Taslim. After that they took her mobile phone searched something and switched it off. Later all mobile phones were switched off. Police searched Taslim everywhere nearby including neighbours' houses. Police threatened family with dire consequences if they refused to give information on Taslims whereabouts.

After some time, someone informed them that Taslim was in Madarsa. Later police captured him from Madarsa. Family claimed Taslim used to work in Madarsa and used to arrange goods for children. Police said he will be released after the enquiry. Family arranged clothes and food for Taslim and wanted to hand it over in police station but before they could get to the PS, they received a news of his death. By next morning entire village knew about the death of both men. Family members visited the hospital and Sitamarhi PS and later came to the Chakiya PS with dead body.

The family of the other deceased (Gufran) had taken body earlier. The case is now at in Motihari Session court along with the case of Gufran. Now and they keep receiving phone calls for accepting compromise in exchange of monetary compensation. The offer includes amount of Rs. 13 lakhs and amount spent so far on court proceedings.

The individuals offering compromise claim the police personals being arrested are innocent and actual culprit are out on the run. On refusal of 'm family receives threats, sometimes mild and other times in harsh words. The same individual offered compromise to the family of the first victim (Gufran), which apparently has been accepted by the family. Their youngest son is a tailor and had gone to for work when we interviewed the family. Post this incident police or any of their representative visited the family. However, family has received compensation of Rs. 5 lakhs from Bihar government through BHRC.

Father and Brother-in-law (some of the neighbours were also present)

Provided the same narrative as mentioned above. The family showed photographs of the dead bodies and narrated how they could certainly claim that the deceased had succumbed to the police torture. The PM report was also shared by the family, which has clearly noted the role played by police excesses in cause of death.

Observations and background story of the family

Victim's family is very poor and parents are very old. They lost their elder son was murdered in a violent fight with the neighbour in March 2018. The fight was a result of land related issue. The whole family was beaten by the opposite side including young children and the father of the deceased. All the members of the family were hospitalised. The son later succumbed to the injuries caused during the fight. Family spent Rs 9 lakh to save him. These 9 lakhs included 5 lakhs, which was received from the Bihar government through BHRC as a compensation for another son's death.

The father of the deceased is handicapped. The 5 children and widow of the deceased are living with the aged father and mother. A Muslim organisation based in Patna has helped them with Rs 50,000/-. Adv. Deepak, working in Patna High Court provides for the travel expenses of family whenever the family has to visit Patna. Few other organisations are also trying to help the family in perusing the case. The father of the deceased came across as a man with impeccable integrity. He had no intentions whatsoever to give up on his fight for justice. He was certain that he might not live to the day when justice is done. Yet he intends to pursue his quest for justice.

Other points mentioned by the Adv. who is looking after this case in Sitamarhi Court.

Police took two men from this village (Gufraan was one of these two) at midnight in relation to road rage case, happened one month ago in Sitamarhi. (Brief of that road rage case mentioned below) In this case of road rage, a couple was fired at out of some skirmish. The husband had died on the spot and wife was severely injured. The SP had constituted special teams to solve the case. Soon after both accused were found dead, seemingly due to torture. Gufraan had recently returned from Saudi where had gone for earning livelihood. He had no criminal record. Two PS are involved in this case. Police from Dumra PS came with Chakiya PS to capture both of these accused (later deceased).

He as a lawyer and activist are willing to fight beyond District level. At Patna high court and Supreme court, if need be. They have appealed in BHRC and NHRC. BHRC has provided compensation to the family. Total 6 police personals were suspended and were imprisoned. 3 of them are currently on bail and are trying to influence families of both the victims to withdraw the case.

This case of custodial death happened in 2018.

Victim name- Ashok Khatik

Victim's Brother, Other family members: victim's children, uncle and others were present.

Family received a call from Sasaram Jail. The authority suggested family to visit PMCH to meet the victim. When asked why the victim was taken to the hospital, prison staff gave reason of severe stomach ache. Family claimed that victim had no medical issues and in fact was in good physical health when they visited him in jail. Family complained about the poor medical facilities in Sasaram jail and the hectic procedure of securing permissions from SP DM etc if prisoner needs to be hospitalised. Victim was 42 years old and was arrested in case related to violent fight between two groups.

Family had to pay Rs 8,000 as a bribe in PMCH to get copy of PM report. Hectic paper work and formalities led to delay of 24 hours in receiving the body of the deceased. Family noticed few unnatural things on body of the deceased like blood in nasal tubes and white froth in mouth. Interestingly, Police visited their residence requesting a photocopy of the Post mortem report. (IMPORTANT) Family went to BHRC but BHRC rejected the claims of family and gave clean-chit to jail administration. They have ruled out any foul play.

(OBSERVATION) - Condition Within Jail in view of the family

Jail manual claims the responsibility to protect the prisoner but in reality, seldom followed. The food quality in prison is not good. Jail administration is not cooperative. They don't respect the basic rights of prisoners. Example: timely food. Jail is not a safe place for prisoners. Some prisoners run the parallel system within the prison. It's possible to eliminate the fellow prisoner inside the jail. Local Police is equally culprit. They do not perform their duties diligently and many a times falsely accused "non influential" innocent people. If any prisoner tries to take a stand for his just rights, he ends up facing dire consequences like torture.

Suggestions –

- ❖ Family should be informed about the death and should be allowed to see body before conducting post-mortem. Medical facilities should be increased in jails. Torture should not be permissible at any cost.

Observation –

- The area of their residence was well known as a part of Naxal Heartland. The remnants of Naxal hold are clearly visible in locality.

- Livelihood of the family depends on collectively owned fresh water lake. It involves catching and selling of fisheries. To our surprise the family was economically sound (owned cars worth Rs 25 Lakhs) but did not own any smart gadget (smartphone) nor did they seem to have television. Yet they were well versed with the knowledge of national news and happenings around the country.

Victim's family friend Rishabh Kumar, Age (20), Relation with Victim: College Junior and Friend

Victim's name Vikram Poddar, Age (18), Male: The respondent came to know about the arrest of the victim Vikram Poddar from Local Newspaper, Village man, Neighbours and Local Journalist. The Police officials have informed the family of the victim about the arrest on 23.03.2020 in the evening. The only member of the family present in Bihar i.e Victim's Sister-in-law and also a Person with disability, was not allowed to meet the Victim after the arrest. Since no one was allowed to meet the Victim, the respondent can't say anything about the Victim's Physical Condition the Respondent and the family came to know about the death of the Victim on 24 march 2020, the next day of the arrest.

The Police official handed over the body after 3 days of the death. Post Mortem of the body was conducted; however, the copy of the post mortem report was provided to none. The Police official visited the House of the Victim and Sister-in-law Sadna Kumari was informed about the death on the evening (6-7pm) 24 march 2020. The Officials mentioned Suicide by hanging as the cause of the death. No written or official Document was given informing the family about the death. Neither procedural medical Examination nor COVID 19 test was conducted at the time of arrest. No Copy of post mortem report was handed to the family. No Compensation was provided to the family.

The Respondent believed that the reason for the cause of the death was due to torture in police custody and then hanged till death. Vikram Poddar, a boy of 18 year belonging to Baniya Caste, had a relationship with an upper caste girl whose age was 16 at the time of the incident. Both of them eloped in January 2020 to Sangam Vihar, New Delhi after two years long relationship. They got married and lived there as a couple. As the girl was a minor, the family of the girl registered a missing case. The police traced the location of their cell phone and with the help of Sangam

Vihar Police Official took custody of them. On 23 March 2020, the couple was brought back to Bihar despite the fact that Corona induced lockdown was imposed and was arrested by the Local Birpur Police. No medical examination of any kind was conducted by the police official. Next day only the minor girl was taken out of custody on the pretext of medical examination and to give testimony before the magistrate.

It was said that the minor girl turned against and betrayed the boy of having any relationship and stated that she was kidnapped and then taken to Delhi. However, it has been alleged that the girl was pressurised by the family members to testify against the Boy. It has been alleged that on hearing the testimony of the girl, the boy got frightened and due to hysteria of getting into jail, he committed suicide by hanging himself by the room fan with the help of a Gamcha (towel) inside the premise of staff room. The Police officials informed the family about the death in the evening verbally at the Victim's house. The body was taken to Sadar Hospital for Post mortem examination and was then handed to family after 3 days to death.

The Magistrate conducted an enquiry on the incident. The Magistrate personally visited the place of the death once and then the rest of the inquiry was conducted WhatsApp Video conferencing. The Report of the Inquiry was not made available to family or to anybody. Also, an inquiry was conducted by a team of CID. No report of any such inquiry was brought to the family or in public domain. However, The SHO S.I Amar Kumar Jha was suspended at that time and was reinstated after demotion in the other Police station.

The family of the victim belonged to the lower caste and was economically underprivileged, they restrained from taking any action against Police officials and Upper caste family of the girl. The sister-in-Law left the village and all the family members are currently staying Delhi (Sangam Vihar: Sanjeev Poddar #6203053248). However, some local activists and organisations have filed the case and the case lies in the Begusarai District Court.

Victims family Dheeraj Kumar Sharma, Age (21), Relation with Victim: Brother (Elder)

The respondent came to know about the arrest of the victim Thakur Santosh Sharma, when the victim himself called the respondent (brother) from the Police custody with his personal mobile phone at around 7:30 pm. The Police officials informed the brother of the victim about the arrest when the respondent reached the station after the victim informed him about his arrest. When the respondent visited the police station along with a friend, they were allowed to meet the victim. When the victim's brother visited the police station at around 8 pm of 06 April 2020, the physical condition of the victim was that the victim was beaten and tortured by the police official for about 3 hours outside the police station premises at a nearby jungle like site as the victim told the respondent. There was swelling and bruises in the leg, stomach. The victim was unable to speak properly and was mentally tortured as well. The respondent and some members of the victim family learned about the death when he was taken and admitted to PMCH Patna on 18 April 2020 at 3 am morning. He died when medical assistance was in the process of arrangement.

The dead body was handed over to the family from the PMCH hospital immediately after the death of the Victim. The Medical Staff who was arranging the medical assistance (not a doctor) informed the family about the death verbally. No written official document was provided to the family from the hospital. No Post mortem examination was conducted, No Compensation was provided to the family. The Respondent believed that the reason for the cause of the death was due to torture in police custody and the denial of timely medical assistance.

Victim - Ashu Ranjan Anand / Bholu - Age – 24
Shambhu Prasad Singh and Shashi Ranjan Singh, Father and brother
Sinuara Village, PS – Bahadurpur, District – Darbhanga
(Relative of two terms MLA)

Detailed report of the conversation

Victim's father met in court on 17 July 2019 where he said that he was beaten up in jail and on 18 July 2019 it was told over phone from jail that Victim had committed suicide. Which cannot be true, Victim was a medical student and studied outside Darbhanga. Came home for a few days.

Victim was arrested for interrogation in a bike theft in which his name was not mentioned in the FIR. The family suspects 2-3 people with whom they have an old dispute. According to the family, he got 3 cases done on Victim, in which no one named Victim (State / Unknown) but in that the police caught Victim and then he was sent to jail from there. Those who are suspected are also in jail - Abhishek Kumar Jha and Deepak Rai - out of which Deepak Rai is still in jail after completing 10 years of sentence and there is a canteen in-charge. According to the family, both of them had also beaten Victim many times and they get along very well with the jail officials. As per the family they have no meeting at PS. Father meets him at jail when victim informed him those police beaten him before came to jail.

Victim's two more brothers were also in jail, who were kept in jail Darbhanga jail by imposing murder charges in the wake of similar controversy, now one of them is out. The other brothers were not informed in the morning when the victim died. Their wards were also different.

According to the brother who is now out of jail, Victim was only accused of theft in which he could not commit suicide. Inside the jail, he used to raise his voice for proper behaviour and food.

In the jail, all the work is done by the poor and trial prisoners, whereas all these are the responsibility of the convicted prisoners. According to the financial condition of the prisoners, money is taken from them in the jail, food is not given right, there is a caste of beating. The old superintendent Lalan Kumar Sinha was good, the jail system was perfect in his time, he treated everyone equally and talked to the prisoners like children. The present Sandeep Kumar discriminates, as well as threatened to die.

At present, there is no caste in the jail, but according to the economic condition, wards are available. Good bed, food and rest for those who have money. The post mortem report was not given to the family, on talking to the hospital they said that they will give it to NHRC and BHRC. The father was earlier working to get bail for his two sons from jail, thinking that the younger one has been accused of theft, he will apply for his bail after a while, but then it all happened. Inquiry letter came from magistrate Ashwini Kumar, but the family does not know anything about it, there was no FIR in this case and the family did not have enough money to appeal in the High Court.

CHAPTER V

STATE OF CUSTODIAL DEATHS IN WEST BENGAL, 2009-18



It is evident from Chapter 1 (Table C) that West Bengal registered significant increase in custodial deaths from 746 during 2001 -2010 to 1084 (difference of 338) during 2010-2020. Though the deaths under police custody declined 101 to 75 (difference of 26), the death under

judicial custody increased 645 to 1009 (a difference of 364) during the same decades. West Bengal continued to figure as second top-ranking state in terms of custodial death during 2020-2021 and 2021-2022.

The West Bengal Field data (**Appendix K:** (K1-police, K2-Jail, K3-Prisoner, M4-Family members/relatives of deceased victim and M5- civil society stake holders as well as other data collected through different sources has been dissected on four central aspects of questionnaire related to custodial death as mentioned in chapter I1 under subheading of Methodology and Field Dynamics.

MAPPING OF CUSTODIAL DEATH IN WEST BENGAL

The responses received from the state were varied and present a concerning state of custodial deaths. Thus, whereas the majority of Police Officials and Jail Officials responded in the negative upon being asked whether custodial deaths have increased in the decade, 2009-18 (82% of police officials and 58% of the jail officials), a good percentage among them also indicated the rising graph of custodial death in the state (14% of police officials and 31% of the Jail officials). However, we observed that denial of rising trend of custodial death in West Bengal was more pronounced amongst the police and jail official of Kolkata than outside of Kolkata. Most Police and Jail official sought to deny the same on the ground that police administrative and criminal justice system within Kolkata is different from the rest of West Bengal and there is a hardly any case of custodial death in Kolkata.

In this regard, it is worth quoting a remark of police official, who were interviewed by our research team: -

In Kolkata Police, there is no incident of any assault by the police in lock-up with any human being. It can happen in Bengal police. There is a lot of transparency in Kolkata police, there is media and government. The police can't do anything wrong here. They will be punished immediately as well as there will be in a risk of losing their job. Police completely obeys all the laws. There are some areas which are more crime prone but they are under control.

However, contrary to the above, a former Commissioner of Police- Kolkata confirmed that Custodial deaths are relatively high in Kolkata and Industrial areas of West Bengal. Similarly, contrary to the denial of jail authorities many responded including officials and members of civil society mentioned that Presidency, Dum Dum and Alipore Central Correctional Home Central Jail has the highest numbers of custodial deaths. In fact, media report quoting WBHRC revealed that 110, many were undertrials, prisoners died between November 23, 2016 and May 16, 2017⁴⁷. Further a data received Presidency Jail, which is reproduced below, during our field visit further confirm the growing trend of custodial death in West Bengal.

S L no.	Year	Number of deaths in Presidency	Remarks
1	2012	14	
2	2013	16	
3	2014	17	
4	2015	12	
5	2016	06	
6	2017	12	
7	2018	21	
8	2019	23	
9	2020	42	
10	2021	45	Till date of the interview
Total= 206			

Superintendent of Jail also testified the same. According to him

Maximum cases of custodial deaths happened in Central jails, because of maximum number of prisoners are there. Most affected jails are Presidency and Dumdum central correctional homes. He said there is no rise or decline in number of custodial deaths in these jails. The numbers are stable and they represent the existing rate of crime.

⁴⁷ Over 100 custodial deaths in 6 months in Bengal, reveals state rights panel report, <https://www.indiatoday.in/india/story/custodial-deaths-bengal-bengal-human-rights-commission-1068876-2017-10-22>

In contrast to the above, overwhelming majority of the civil society stakeholders (85%) believed that the incidence of the custodial death has increased in the last ten years. A staggering 92% amongst them also believed that there is a discrepancy between the actual and the reported numbers of custodial deaths in the state. On being asked what the reasons for such discrepancy were, the following hierarchy of causes was advanced – “non-acknowledgement by the authorities”, “non-disclosure due to intimidation by the authorities”, “loopholes in the judicial clauses/ definition of custodial deaths” and finally “non-declaration due to ignorance of the victims’ families and friends”.

The import of such variance in responses can be had from the fact that although a number of police stations that we had visited had a history of custodial deaths, 82% of the police officials denied that they were in-charge during any such incident, while 68% conceded that the same may have happened under the charge of others. However, unlike police official, jail officials were much more open in admitting the cases of custodial death under his/her supervision. Thus 86% openly acknowledged the cases of custodial death under his/her charge, while 69% also admitted the knowledge of custodial death under the charge of other officials.

Is there any sub regional pattern of custodial death?

Unlike Bihar, it is difficult to observe any sub-regional pattern of custodial death in West Bengal as we could not have access to district wise custodial death. Most of the officials (over 90% of the police officials and 86% of the jail officials) and civil society stakeholders expressed lack of knowledge of concentration of custodial death in a particular region, urban or rural area of the West Bengal. According to a former Commissioner of Police, ‘custodial deaths have no specific correlation with class, caste or region’. However, during the informal conversation with many, the industrial areas and northern Bengal came up as having many custodial deaths. An academic from Jadavpur University indicated that most affected areas of custodial deaths are Murshidabad, Malda (Kalia Chauk, Muthabari and Sujapur), Birpur, Bongan, Dinapur, Kuchbihar. It may be noted here that that all 10 custodial death victim families that we visited belong to Murshidabad and Malda. Most of respondents admitted that cases of custodial death are more reported from rural and border areas of West Bengal. Two activist members of MASUM, a credible human rights organization that work in the field of custodial death in West Bengal, strongly indicated

that a good number of custodial deaths takes place under the command of BSF, however such deaths are not classified as ‘custodial death’.

Further, a few police official also stated that custodial death also takes place to due to ‘hero ambition’ of some police officer: *Sometimes police officials want to project an image of an iron-hand in suppression of crime across their vicinities and seek fame like it is shown in movies like Singham’.*

In terms of demographic profile of cases of custodial death, it did not come as strongly as in the case of Bihar, that most of the custodial victims belong to the poor segments of society, particularly poor amongst SC, ST, OBC and minorities. Except civil society respondents, most police and jail officials did not believe that most victims of custodial death belong to weaker section of society including SC, ST and minorities. In this context, MASUM claimed that “*as per records of custodial death, collected during 2018-21, 78 % of the victim of custodial death cases are Muslims, 21 % Dalits and less 1% others. Mostly belongs from socially, economically marginalized weaker section*”. However religious profile of deceased as per NHRC custodial death record (**Table J**) during 2008-2018 does not support such a large number of custodial death from Muslim community. Moreover, unlike Bihar, we could not get access to the list of custodial death from jail that we visited; hence it is difficult to corroborate the same. 74% of the police official said ‘no’ to such caste/class/religious location of custodial victims. *Rather most of them asserted that, ‘criminals do not have any caste, class, gender or religion’.* However, a few senior police including IPS rank stated that,

“The number of incidents of custodial death has remained proportionate to the population and number of crimes. Most of the crimes happened in rural areas from uneducated and lower class, who disproportionately contributes to overall accused / convicted criminals. As theirs’ number are more, their deaths are also more”.

THE CAUSATIVE AND CONTRIBUTORY FACTORS FOR THE INCIDENCE OF CUSTODIAL DEATHS

On the question of ‘reasons’ for custodial death, the responses gathered clearly indicate the trend that we have highlighted earlier. Whereas the civil society stakeholders posited ‘torture’ for whatever purposes as the most dominant factor of custodial deaths and the victim families unanimously posited it as the *only* factor, none of the jail officials and merely 3 of the police officials indicated ‘torture’ playing a role in custodial deaths. “Poor health of the accused”, “suicide” came up, unanimously, as the most dominant factor in the testimonies of the police officials. Majority of the respondents believed that poor health of the arrested person because most of them were drug addicted is one of the major reasons for death under police custody. As per the jail officials, most deaths have been caused by the medical reasons (drug problem)/natural deaths/old aged and secondly because of suicides in jails. According to them, *80-90 % of prisoners are innocent, they come to jails in very petty offences mostly comes under NDPS Act but later we can observe they are innocents. We try to help them through government lawyers to get bail those who have no help outside or have no money for their cases.*

As most of the civil society groups and human rights organizations have been systematically exposing the role of torture in the police custodial death, most of the police officials vehemently denied the existence of such practice inside the police station. Thus, one police respondent at Kolkata stated: -

Current policing is very different from the erstwhile system of policing. custodial death due to torture in custody as an incident of past system of policing”.

Another police official at Murshidabad stated: _

The cases of custodial death usually happen in jails or correctional homes as prisoners stay there for a long time. It is a rare incident in the police station. Any arrested person who has been subjected to torture in police custody, and after getting bail eventually dies outside the PS, is not considered custodial death.

Another police official at Malda remarked: -

*Police officials do not join the service to do criminal activity. They come to serve people
How they can kill somebody”.*

Notwithstanding such denial, a good number of police official during the course of informal interaction told our researches that “many times police is more often than not is left with no choice but to use force on accused because of pressure from press, political leadership and higher officials. Police take strict actions (read deployment of brute force to extract information) only on criminals and not on all arrested people”. Available official data also suggest the wide practice of ‘police torture’ in the state of West Bengal. Thus, NCRB data of 2008-2020 (**Table F I & F2,**) indicates that 37 persons died under the police custody (26 ‘Not on Remand’ and 11 ‘on Remand’), which is the highest in comparison to Bihar and Jharkhand. Even though official records of causes of six death under police custody during 2010-2014 did not cite ‘any death due to beating or other form of torture’, it is widely assumed that most deaths under police lock up happened due to 3rd degree torture. Similarly, there was significant increase in ‘Encounter Death’ from 13 during 1998-2008 to 48 during 2008-2018 (**Table I & Table I-2**), which normally happened in the presence of police. during the field work it came out strongly in the civil society stakeholders that most of custodial death in West Bengal, particularly in rural Bengal, is due to political rivalry.

Similarly, most jail authorities ruled out the possibility of use of torture upon prisoners inside the jail. As one jail superintended of Dum Dum stated that, *that torture does not happen in the Jail premises. As no activities regarding an investigation are done inside the Jail.* Interestingly, unlike in Bihar, none of jail official in West Bengal stated that, *“prisoners die because they faced torture in police custody and later brought to the prison”*. However, during the informal conversation with many jail officials across 4-5 jails that we covered it also came out that, *even though the probability of torture inside the prison is very low; however, torture does exist”*. The official record of cases of deaths in jail during 2010-2015 revealed that at least three prisoners die due to torture (**Appendix H**). Most prisoner also did not find the torture as one of the most preferred causes of custodial death inside the jail. Rather a good number of them identify the long years of under trial as the major source of custodial death.

‘Poor health of prisoners’ and ‘suicide’ also constitute the two most important reasons that were cited by most of jail officials for custodial death inside the jail premises. The first expression

‘poor health of prisoners’ also includes various kinds of ‘illness’, ‘old age’, ‘long years of condition of under trial’ and lack of proper medical facilities. Thus, the total number of ‘unnatural’ death of inmates during 2008-2018 in West Bengal was 86 with the following break up: suicide 70, other 16.

As one jail official put in regard to commission of suicide inside jail “

It can be minimized only. The Jail official or any person can never understand “what’s going in the minds of another person fully”. If a person intends and wants to die, then it becomes very difficult to save the person. The person may find ways to die which may seem impractical by others.

MEDICAL INFRASTRUCTURE

Given that “poor health” and “suicide” (which includes the deterioration of the mental health of the arrested influenced as much by isolation and the shock of custody as much as it includes withdrawal from substance addiction) rank at top in the reasons of custodial deaths in the testimony of the officials, it becomes incumbent to prod the health infrastructure. Whereas all the police stations and SP offices surveyed responded that medical examination is done immediately upon arrest, none of the respondents went into the details of this. Some officials maintained that the medical examination is done within 24 hours and immediately, depending upon the condition of the arrested persons and the police manual, CrPC 176 and NHRC protocols were cited by the officials. The collected data also reveals this. 91% of the police officials and 97% of the jail officials affirmed that this is laid down as per the protocol and followed and even 93% of the prisoners also attested to the same. Further, 86% of the police officials confirmed that this is conducted at government health clinics or hospitals. Alarming, again, however, 58% of the relatives and friends of the victims of custodial deaths denied this.

The condition of medical protocol and infrastructure, however, after the admission into custody deteriorates. 62% of the jail officials responded that no periodic examination of the arrested occurs after custody and this is further brought out in the testimonies of the prisoners. 66% of them didn’t have access to medical help, whether mental or physical; 67% said that medical help is provided as and only when required; 60% denied having any doctors in premises; 47% didn’t

have access to medicines; and 67% did not have access to any psychiatrist or psychologist. On this point, however, even the jail and police officials complained of having inadequate medical infrastructure available to them and even the basic first aid instruments aren't available in personal correspondence. However, interesting thing to note was that medical examinations were not done by the professional medical experts (Doctors) but by one pharmacist and a staff of constable rank. Only at Dum Dum jail were two lady doctors examining including for COVID during the field interview.

Even though police Jail official strongly maintained that all NHRC directives are followed in the matter of custodial death including filming the mandatory autopsy and magisterial inquiry is conducted. However civil society activists strongly denied that official followed the laid down medical protocol. In fact, many of them alleged that *autopsy is done by Doms and not by the trained doctors*. In this context, some of them even questioned the authenticity of investigation by NHRC in matter of custodial death; as they rely on the investigation done by 'lower rung of state police'; *NHRC does not have its own investigation team*.

Moreover, the ratio of medical staff per inmates within the jail is most squid in West Bengal. The ratio is not only very poor but since 2014 there is a progressive decline in the total number of medical staff, whereas the number of inmates is increasing. Thus, whereas in 2014 the ratio of medical staff per inmates was 34/590; in 2018 it was 25/923 (Appendix J). The IJR (2022) report also found that West Bengal has one medical officer per 1031 inmates⁴⁸, which is too high from the prescribed one medical doctor per 300 prisoners, according to 2016 Model Prison Act.

Further, on asking "whether a copy of medical examination is made available to the family of the arrested/accused/victim?" to the police officials, merely 59% said yes and 55% of the jail officials denied to the same. Half of the respondents from the families or friends of the victims of custodial death denied getting even the post-mortem reports and activists and lawyers during their interviews with us pointed towards the difficulty in getting the medical examination report of the apprehended person and post-mortem report in case the person dies in custody. An interesting development in this regard and a possible solution was pointed towards by the police officials of Here Street of digitalization of records which is already in place for post-mortem reports from the Kolkata police's official website. This initiative is started only by Kolkata

⁴⁸ IJR, 2022, p. 82.

Police. A lot of officers said that there is no provision for medical reports to be provided to the families but there are provisions which mandates them to submit the same to the court and concerned authorities. Police can provide the post-mortem report to the families if they ask, otherwise the usual course of action is to get it from the hospitals. Upon being asked whether the prisoners were content with the medical infrastructure, 33% denied and 20% did not choose to engage us.

HUMAN RIGHTS TRAINING AND CAPACITY BUILDING OF POLICE OFFICIALS

Majority of the police officials agreed on attending a Human Rights Training during their service (86%). 82% further said that the frequency of the same is once at least a year. However, 23% said that they had attended a human rights training and sensitization programme over a year ago. Some of the police officials complained of the inaccessibility of the same as it happens in selected districts (Barrackpore and Dumdum) and they are often flooded with work to go for the same. Regardless, compared with the statement of a former, since retired, commissioner of police that the human rights training was not instituted during his time, this is clearly a step in the right direction. Further, it is important to note the marginality of the female officers in our random yet purposive sampling method (merely 18% of the police officials and 21% of the jail officials). As per IJR (2022), in terms of diversity index, the representation and participation of women, SC (except SC officer) and ST is relatively below than the share of the same in Bihar⁴⁹. In fact, the Report has classified West Bengal as ‘worst’ in terms of Ranking Diversity⁵⁰ and lowest in terms of Police Ranking on scale of 18 amongst the cluster of 18 large and medium states⁵¹. Moreover, it spends the lowest on training per personnel (350 Rs) compared to Bihar (10, 944 Rs) and Jharkhand (6506 Rs)⁵².

⁴⁹ IJR, 2022, p. 50

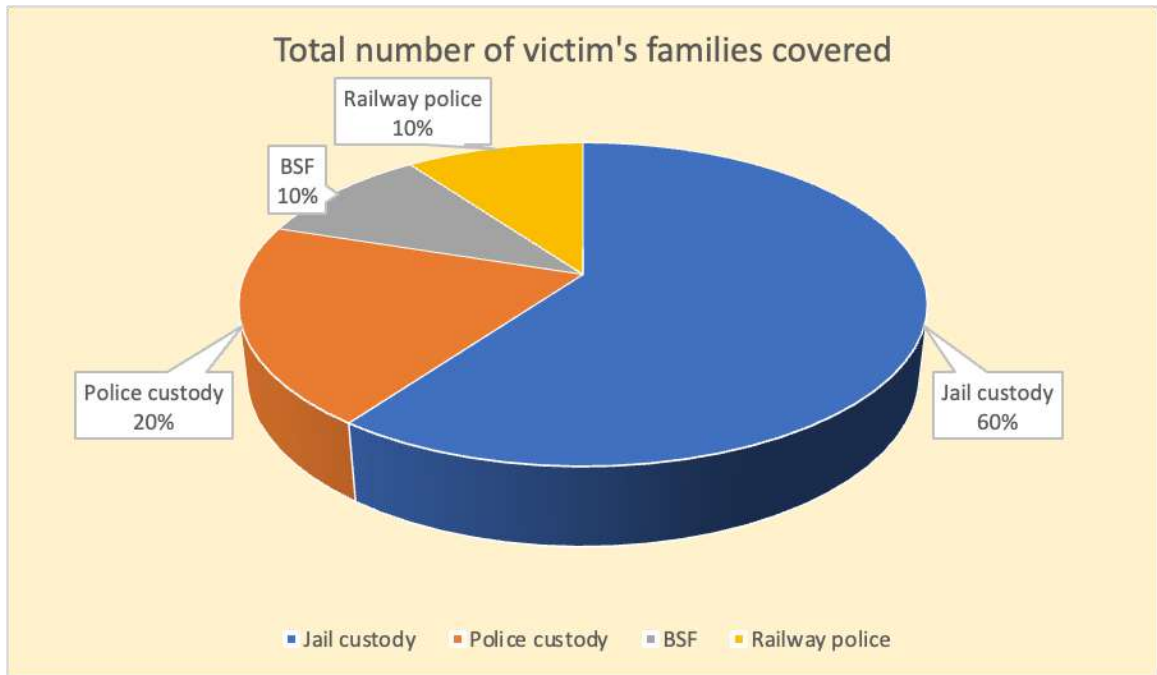
⁵⁰ Ibid, p. 14

⁵¹ Ibid, P. 30.

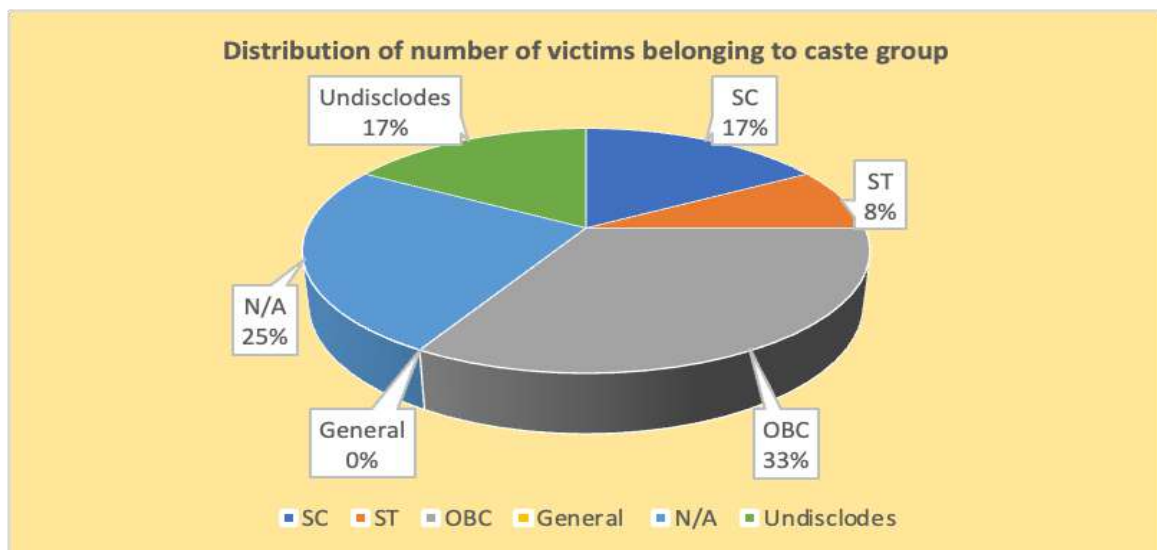
⁵² Ibid, Figure 15, p 43.

INTERACTION WITH FAMILY MEMBERS OF DECEASED CUSTODIAL VICTIMS IN WEST BENGAL

During the field visit we visited 12 of the deceased victim's family in Murshidabad (9) and Malda (three). Where one related to the Railway police custody deaths and one BSF, two is police and rest of jail custody deaths.



DISTRIBUTION OF NUMBER OF VICTIM BELONGING TO CASTE GROU



CASE STUDIES FROM THE GROUND

Rajib Molla –Victim – Murshidabad District, WB

Victim's family = Amiruddin Shekh - Father-in-law, Manjila Bew - mother and Reba bibi - wife

Village – Navipur House of victim's father-in-law. The wife of victim, mother and two children are leaving with victim's father-in-law.

The incident took in 2014. Within one day victim died in police custody. Four police officials were officially involved in this matter. Their name is Biplaw Karnakar, Anil Biswas, Saran Biswas and **Siraj Babu** (mail culprit behind the incident). They got suspension after the incident.

Police took her husband from their home with beaten also they beat the Rewa Bibi when she tried to save her husband. Police does not say anything about arrestation. Family has no idea why they took their person.

The incident like this usually happened in Ghoshpara village, which is near by the Bangladesh border. As per the family police do these kinds of things with villagers. The behaviour of police is not good for people.

Abdul Rakib–Victim – Murshidabad District, WB

**Victim’s family = - mother and brother – Majul -ul – haq
Village – Benipur, PS Akheriganj , Ranitala**

As per family Police arrested the victim on 9/8/2017 from their medical shop in relation of NDPS Act. After arrestation family meet with victim in Berhmpore Jail. On 22/8/2017 they know about death if the victim.

When victim was in hospital, he called to family with help of someone to inform that he was in hospital. After his death Jail officials inform the resion behind death is during eating something stuck in his neck. This was informed verbally.

Victim’s brother said that the mail resion behind the incident is their rivalry with one person whose name is Asraf-ul-haq leave in the same village. He is a civil officer (a person like home gourd) and working at Ranitala PS. Asraf-ul-haq have strong connections wityh police and local politics.

After the incident He and police threaten the family various time. Even after our interview the family asked us, for this, that hope there is no problem to be face by them in future. They are still in fear.

Safiqul Haq –Victim – Murshidabad District, WB

Victim’s family - Wife – Sakina Bewa, sons, daughter -in laws and other close

Early morning of 7th December 2012, police cover the entire village and arrested the victim from Maszid with two other persons. First, they took him at Jagat PS than Lalgola, Lalbagh and Berhmpore PS. But their PS is Navaganv. End of the day he found at Lalbagh PS. That time SP (Humayun Kabir) was also involved in this case and currently he is a minister in present govt. Police beaten him and the other arrested personal as well then sent him to the Jail, where his health were collapse and Jail authority sent him to the hospital. Doctors referred him to Kolkata but police do not take him event after family’s request.

On 7th January 20213 family received a call, in morning from hospital and the same day in evening he died at Berhmpore Hospital. Before he died, he said to his wife at Berhmpore jail that police beaten at PS.

NHRC granted compensation an amount of Rs. 3 lakhs in this case.

Akbar Ali –Victim – Murshidabad District, WB

Victim’s family – Sima Khatun – Wife and Brother

Case related to the BSF Camp

Village – Karishnanagar, PO- Shyamnagar, KD PS, Raninagar, Block Raninagar-2.

On 31st July 2019, victim go to for seeing the Charpara BSF camp with his friends. Where he was arrested by a BSF person on same day. After arrestation he was beaten up and died on the same day. Family knows about the incident through someone else who was present there. When family enquired about incident BSF informed them that victim wanted to entre
Victim’s brother said that this village is very closed to Bangladesh border (2 km), and BSF took people from their villages, beaten up then. Every time persons not died but his brother died.

Just after this incident Victim’s wife delivered her 1st child in August 2019.

Victim’s brother has written complaint to the human rights and Sub devisions Court in Lalbagh but there is no action against the person who have done this from police or BSF. Person also gave some lalach for take back to this.

Some human rights activist tries to help them but till now there no help in the case.

Biswanath Guha –Victim – Murshidabad District, WB

Victim's family – Dipali Guha – Wife

Case related to railway police

As per the victim's wife he was arrested by railway police at Ajimganj station where he was way to change his second train. When he was arrested, he has no tickets because his wallet was stolen. This was the reason behind a small dispute with railway police officer. When their dispute become bigger the officer beaten him and stay on railway track where other people help him to reach hospital.

One of neighbor's son in law in police who was there that time when people took victim for way to hospital. After a little enquiry he informed to Dipali Guha about the incident over a call. When she was reached there, he was died.

She has seen only the dead body of her husband after post-mortem.

Victim's wife goes to Ajimganj PS but police doesn't do anything. There is no FIR against the railway police officer. Later that officer gives her 5 lakhs in cash for not doing anything. She arranges marriages of her two daughters with help of that money. Her house is depending on her two sons in laws, she leaves with her son who is in 4rth standard and she dose house kipping work which is currently not happen.

Uttam Mal –Victim – Murshidabad District, WB

Victim’s family – Sukhiman – wife, brother, father and some relatives or neighbor.

Victim was a daily wage labour working in Durgapur with his brother-in-law and uncle. He used to spend time with them on weekend in a park where people playing football. When the incident happened, he was at park and police call to his relative about informed that he met an accident but when relatives reached hospital victim tell them that there is no accident infect police beaten him badly.

After his death his body and the case transferred to Berhmpore PS and hospital. Durgapur PS officials threaten the family for take back from the case.

Family received and compensation of Rs. 5 lakhs and hope for more compensation with proper investigation.

Mostly people do farm and making Bidis in this village for their survival. Some of them are shifted to cities for the daily wage things. The village is so far from the city area and anyone cannot find it through google. It is called Aadiwasi village as well.

Gautam Mandal –Victim – Murshidabad District, WB

Victim’s family – Dipali Mandal – wife, brother and father.

Police arrested victim in front of his wife with beaten up when she tries to save him and ask officers for the reason behind his arrestation, police said they arrest him because he consumes alcohol. Victim was a local vendor and he used to sell food item like mungpfali and jhalmuri. As per the family the main reason behind this local politics, some local politicians have captured their land after the incident and now family is afraid and go to the court for their own land. They don’t have much documents and they are struggling with incident.

Raju Mandal –Victim – Malda District, WB

Victim’s family = Rupa Mandal – wife and his son Surag

Home – Krishnapally, Netaji Colony, PO Mokdumpur, PS Englishbazar, Malda

As per the wife of the victim police arrested her husband on 17/03/2019 around 9 pm under a rape and POCSO case of his neighbour and he died on 5/6/2019. Both families have some personal rivalry before that which is usual between neighborhood. She is very much concern about his that he did not do anything like this.

She met him in jail where her husband inform that he was beaten up by other prisoners as well as police torcher him after her arrestation. She received a call from jail that her husband does committed suicide which she did not agreed with them. She received the body from Hospital. She is currently doing housekeeping work for family also her family held through some money Quterlly. Her child in in 4th class.

Sukumar Mandal –Victim – Malda District, WB

Victim’s family = Rekha Mandal – wife and his father-in-law

Home – Nayapara, PS Bawangola, PO- Khutadaha

Victim was arrested in the late evening from his sister’s home when he was going to meet her under POCSO Act. She informed about the arrestation to the family by a phone call next day morning. When the entire family go to PS, they informed victim was sent to Malda jail. Once the family reached Jail informed, he died due to suicide on 17/3/2021.

Family does not know why he was arrested what he did and how can he have hanged himself. Wife of the victim is still not conscious to speak and believed that her husband is no more. Wife of the victim now hoping some good thing like any kind of compensation from govt. for their family. She have three small girl children. She and her father are struggling between PS, Jail and court for this.

This is the first case in Bengal where family is totally unaware about the incident because so much of hurries by the police.

Rabizul Shaikh –Victim – Malda District, WB

Victim’s family = Ruby bibi - wife, brother – Sanaw Shaikh, Mantu Shaikh _ father-in-law and some neighbours

Home – Kathalbar Village, PS Kalia Chauk

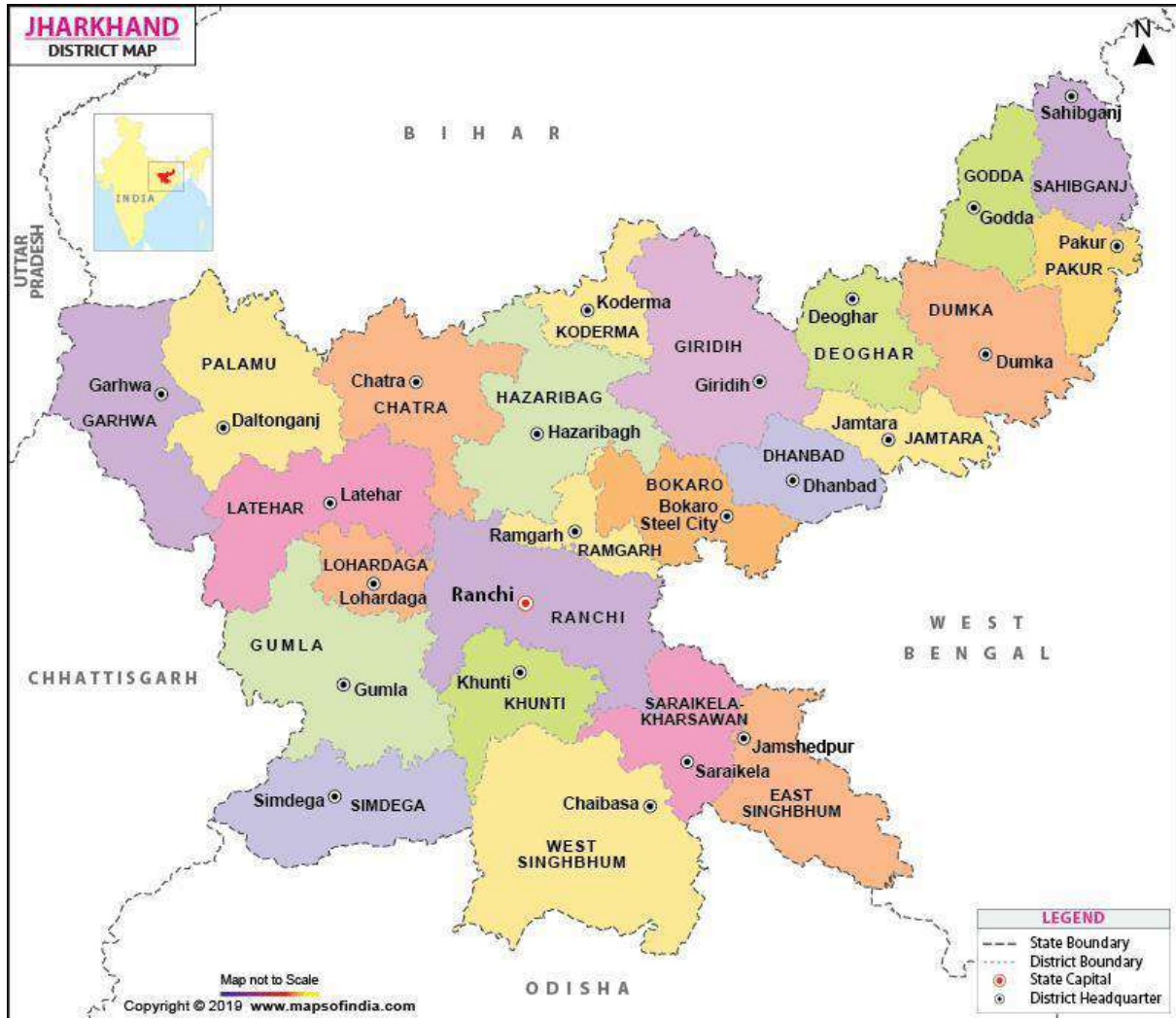
As per the family victim was a daily wage labour and working in Mumbai. He was come to village and goes in a local Mela in Silampur to meet to collect his money someone who have taken some money to him earlier with his friend Mohdun Rahman. When reached there that person called police and blame that he is a kidnapper. Police arrested them on 1/1/2017, Victim’s friend’s family taking bail from PS but victim’s family have no money that time so he was sent to the Malda Jail. Wife met Victim in Jail where he was in good condition but on 18 January 2017, they received a call about the information that he was died because of heart attack. But family have doubt about torcher in jail behind the death.

Family has no copy of FIR on victim all information they have are verbal communication with police, jail and hospital.

Currently wife is leaving with her children at father’s home which is located in the same village (neighbouring house).

CHAPTER VI

STATE OF CUSTODIAL DEATH IN JHARKHAND: 2009-2018



MAPPING OF CUSTODIAL DEATH IN JHARKHAND

It is evident from Chapter 1 (Table C1 & C2---) Jharkhand witnessed moderate decline in custodial deaths from 613 to 575 (difference of 38) from 2001 -2010 to 2010-2020. In terms of police custodial death (both on remand and without remand), it witnessed the marginal rise 36 to 47 during the same period respectively. In terms of deaths in jail, Jharkhand registered marginal decline from 577 to 528 (a difference of 49).

The Jharkhand Field Data (Appendix L: L1-police, L2-family members/relatives of deceased victim and N 3- civil society stake holders) as well as other data collected through different sources has been dissected on four central aspects of questionnaire related to custodial death as mentioned in chapter I1 under subheading of Methodology and Field Dynamics.

One of the first thing that came out very strongly during our field visit is both officials and non-officials lacked proper understanding of custodial death and offered very vague responses regarding the detailed guidelines to be followed in case of custodial death. It is interesting to note almost all 25 Police Stations (96%), that we contacted during our field visit, strongly denied any case of custodial deaths in their jurisdiction during the past one decade. However, data of NHRC (Table C, Chapter 1) data along with the RTI responses dated Annexure-4) for the custodial death during 2009-2018 as well as their own admission of knowledge of custodial death under the jurisdiction of fellow police personnel (44%) (table) reveals occurrence of custodial death in many districts and police stations of Jharkhand. The combine examination of NHRC data (police and jail both), RTI and interviews with the police and jail personnel, further reveal that the maximum cases of custodial death has been reported from district of Ranchi, Dhanbad, Hazibagh, Giridih, and Dumka. Further, the urban-rural ratio of custodial death is not very clear.

An examination of interview data of police officials and civil society respondents clearly reveals that most of the victim of custodial deaths belong to economically weaker sections including SC, ST and minorities.

The field work in Jharkhand, though low in scale compared to Bihar and West Bengal, also questioned the number of custodial deaths as cited in NCRB and NHRC with a strong assertion that these bodies do not represent the actual numbers of custodial death. An AIG (Jail) in Ranchi, stated,

“The only source of statistics in NCRB, but the figure they have regarding custodial deaths in jails is inaccurate. The data which the NCRB gathers from each jail is collected last as on 31st December ‘Year’ which is not an annual figure neither the data is collected periodically throughout the year, thus, the legitimacy of this data is questionable. Further, the data is not well-segregated and if I am being asked, I would say that the data is wrong”

Similarly, during visit to Birsa Munda Jail, one of the staff members insisted that

“The data available with jail is way more updated as compared to the data available with NCRB especially relating to under-trial and convicted prisoners and it will indeed help in conducting meaningful research”.

THE CAUSATIVE AND CONTRIBUTORY FACTOR FOR THE INCIDENCE OF CUSTODIAL DEATH

POLICE

It is interesting to note that most police officials attributed ‘suicide’ as the most preferred reason for the custodial death in Jharkhand, unlike in Bihar and West Bengal. ‘Poor health of arrested person’ was cited the second preferred reason by most of the police official. As one police official stated, *“an arrested person in the custody of police often fears the stigma associated to apprehension and jails. Such individuals commit suicide and it is very hard for police officials to assess the mental state of such a person”*. Another a high-ranking police official stated that, *‘this often happens when criminals are emotionally overwhelmed and see end to their career or life’*.

No police official admitted custodial death due to torture inside the police lock up. Most of police officials, who were interviewed, maintained that ‘death due to torture’ is a thing of the past and see a declining trend of torture as an instrument of eliciting confession. Most of these officials emphasised that due to technological advancement, CCTV camera for vigilance, active Human Rights Commissions and vocal media etc no such case of death due to torture under judicial or police custody is heard of anymore and things have improved a lot in this matter. Interestingly, during a short informal interaction with a group of S.I.s, a young official confessed about beating an apprehended individual with at least a 1000 batons a few days back to elicit confession of the criminal act. He further emphasises that ‘some force’ is necessary to resolve the case quickly as well as for the effective performance of policing. In fact, an examination of causes of 12 police custodial death during 2007-2014 in Jharkhand revealed that 6 of them committed suicide and 02 of them died due to ‘torture’ (**Appendix G**). However, Jharkhand witnessed one of the largest ‘encounter death’ during the period of 2008-2018. Thus, the number of ‘encounter death’ increased from 13 during 1998-2008 to 91 during 2008-2018 (**Table I and I-2**). Though

'encounter death' is technically not a 'custodial death', it is normally executed in the presence of police personnel.

On the other hand, majority of civil society respondents identified 'bribery and inducement' and 'torture' as the first and second preferred reasons for custodial death. Interestingly, a good number of them also identified 'police sub culture of violence' as a third most preferred reason for custodial death. Endorsing all these preferred reasons for custodial death, the then Acting chairperson for Jharkhand Human Right Commission, Mr. Santosh Kumar Satpathy, stated the following during the course of interview: -

"It (meaning torture) happens all the time. This happens definitely all over. Torture is an accepted method which should not be the case. We keep getting reports of the torture and we investigate. But the tragedy is that since we don't have our independent investigative wing, we turn to district magistrate to investigate". Further, on asking if there exists a sub-culture of violence in police officials he added *"They are all violent fellows and there is no denying that there exists a culture of violence"*.

JAIL

As per the discussion with AIG Prison as well as other Jail officials, the causative and contributory factors for death in judicial custody can be attributed to suicidal tendencies of the prisoners, over-crowding in prisons, overburdening of Judicial inertia, Inter-prisoners' rivalry, shortage of doctors and other medical staff like paramedics, lab technicians, medical equipment and drugs along with other natural reasons like ageing, underlying health conditions, pre-existing ailments, etc.

Further, he mentioned suicides as a major reason in prisons for custodial death and stated that there exists a stark contrast in the significance of a person's mental health in the west and in our country. Antisocial personality deviation is measured in European prisons while jails in Jharkhand don't have any such indicator to assert the periodic check of the mental health of the prisoners.

Underlying the causes behind the suicide, one Jail official stated, that *'long condition of undertrial takes away the motivation for living of life, which ultimately results in committing*

suicide. Another jail official further commented that the ‘the ‘long incarceration of prisoner in jail due to ‘judicial inertia’ also contributes to the ‘condition of depression’ leading to the commission of the suicide. The AIG (prison) commented on the judicial inertia and the status of courts, wherein, he stated:

‘The person in jail often spends more time than the prescribed imprisonment for the crime committed. The courts often require multiple hearing dates before delivering a judgment and often by the time a judgment is delivered the prescribed imprisonment is less than the time a convict has spent in jail’. This is one of the leading reasons for overcrowding in jails, some of which results into death.

The total number of ‘unnatural death’ in Jharkhand jails was 25 with the following break up: suicide (16), murder by inmate (3), death due to assault by outside elements (1), and others (5). Further, ‘Poor health of the arrested person’ emerged as the second most preferred reason for the death by jail officials. Many respondents emphasized that poor health or pre-existing ailments is a major reason for custodial deaths. The lack of medical infrastructure inside the Jail further contributes to such kind of death. Thus, one of jail officials supplemented this with an example in Khunti, where one of the prisoners under trial had some pre-existing liver issue and succumbed to death after three days in the hospital. However, none of respondents in jail, unlike in Bihar, pointed out that some of prisoners dies inside the jail due to internal injuries, which they sustained during the period of police interrogation and before admitting to the jail.

MEDICAL INFRASTRUCTURE AT THE TIME OF EXAMINATION AND TREATMENT

An overwhelmingly majority (92%) of the police official responded that the medical examination is done immediately after the arrest. Thus, an SI stated that the medical examination is done within the 24 hours of arrest prior to producing the person in front of a magistrate, although, in case a person needs immediate medical attention, he or she is taken to a doctor immediately. However, another police official, while agreeing with the earlier respondent, further commented on the limitation of a basic physical examination of an arrested person in terms of assessing his or her mental health.

A group of young police further stated that in some cases the time of producing before a magistrate is extended where interrogation is seen to be leading to recovery of evidence. Moreover, sometimes SHO deliberately delayed the medical examination of arrested notorious criminals as they often take the undue advantage of medical examination either to escape or to get admitted in the hospital.

From the formal and informal conversations with a few jail officials it appears that a doctor does visit for medical check-up of prisoner once in a while. A health screening form is filled after an examination conducted by a medical officer at the entry of jails as prescribed by NHRC but it is only a general physical examination before admission by the paramedics. However, most of jail officials raised the issue of poor medical infrastructure within jail premises. Lack of infrastructure and resources including the supply of drugs and medicine often create problems in providing medical assistance on time, which at times proved to be fatal to the prisoner. A PSI data on the ratio of medical staff per prison inmates during 2008-2018 revealed that Jharkhand has the lowest ratio of the two among all three states (**Appendix J**).

An unanimity exists across police and jail officials that most medical examinations of the arrestee/ accused/ prisoner are conducted at ‘Sadar hospital’ or ‘government hospital’. This also includes the post mortem. On asking, if a copy of the medical examination is provided to the family of arrested accused/victim, most police and jail official responded that they provide the copy of medical examination of the victim only when the family demands for it. However, many civil society respondents (44%) during his interview with us pointed towards the difficulty in getting the medical examination report of the apprehended person and post-mortem report in case the person dies in custody. In fact, majority of civil society responded (52%) see the role of ‘other officials’ including hospital and judicial staff and non-officials (politically, socially and economically influential) in matters of custodial death.

HUMAN RIGHTS TRAINING AND CAPACITY BUILDING FOR POLICE OFFICIALS

84% of the police official admitted that they have attended the Human Rights Training programme. However, they were evasive with regard to frequency of attending such human rights programme. In fact, the then acting chairperson of JHRC seriously blamed lack of resources, man-power and funds for the ineffectiveness of the JHRC in organising such human rights and capacity building programmes. Some of senior police official also expressed their

disappointment over effectiveness of such trainings and said that it needs to be checked. He further added that there is no specific schedule of attending human rights training for the police officials. It generally happens once in few years and the entire police force is not exposed to such training.

INTERACTION WITH FAMILY MEMBERS/ RELATIVES OF DECEASED VICTIM

During the field visit we visited two of the deceased victim's family in Jamshedpur, East Singhbhum and in Dhigari, Jamtara. Both the victims were Muslims and belonged to minority community.

Late Minhaj Ansari, Dhigari Village, Jamtara

Minhaj and his family fall below the poverty line as per their economic condition. Dhigari village itself lacks on facilities as basic as portable water. In a meeting with victim's father, Mr. Umar Miyah, he affirmed that on 3rd October 2016 police apprehended Minhaj while chasing him and his brother. Same day at around 9 pm the Police called to inform about victim's arrest. A case was registered on the complaint of Sonu Singh, the district head of the Vishwa Hindu Parishad's Jamtara unit, at Narayanpura Police Station under the charge of then SHO, Mr. Harish Pathak. 22-year-old Minhaj Ansari had allegedly shared an image of a slaughtered cow on WhatsApp with a comment considered inflammatory in nature.

The police official didn't allow the family to meet the victim while in custody. The deceased victim was in a very critical condition when his mother, father and maternal uncle met him in the police custody. As per the description, he was beaten half-dead. He later succumbed to death on 6th October 2016 as per father of the deceased and his dead body was sent home. The Police officials gave no reason for his death.

The family believes that the victim died due to police torture, their poor economic status and them belonging to a minority section of the society.

A meeting with Mr. Irshad who is late Naushad's brother and his wife was arranged at their residence in Jamshedpur. The family belongs to middle class urban household. Family learned about the victim's arrest on 10th August 2020 at around 5 pm in the evening, while, police officials did not inform about the victim's arrest although the victim was picked from his place around that time. The police officials did not allow the family to meet the victim during the

custody. The victim was left at the hospital within 2 hours of arrest. He was paralysed due to the injuries incurred and couldn't speak.

The incident took place under the jurisdiction of Golmari Thana. The victim was taken in police vehicle to the place of conflict where he was lynched by another party which was part of the conflict. The only evidence of police custody was a CCTV recording where Naushad was seen being taken by the Police officials into the vehicle and that is how the police was held accountable for the custodial death otherwise the incident of lynching did not happen in the Police station or its premises.

As per the family an unknown person called from the MGM hospital to inform about victim's whereabouts and requested the family to take him with them. The victim was severely injured and was denied treatment from many hospitals after discharge from the said hospital. He succumbed to death within 10 days of the arrest that is around 20th August 2020.

Police informed the family that the victim had fallen sick under the custody and thus, had to be admitted to the hospital. This reason was provided verbally by the officials and no written record was presented to them. No copy of order of SHO detailing the reason of death under police custody was provided to the family. No medical examination was done during the apprehension of the victim and no copy of post-mortem report is provided to the family up till date neither have they received any compensation for the custodial death of the victim.

The family alleges that the custodial death happened due to police torture. They believe that the victim could be tortured to death because they belong to minority section of the society. The victim was picked on the basis of doubt and was tortured to death for the purpose of interrogation and they believe that torture is a means of investigation.

CHAPTER VII

CONCLUSION

The preceding analysis provides a holistic treatment of complexity of ‘custodial death’ in India with a particular reference of three states: Bihar, Jharkhand and West Bengal during the period of 2009-2018. Towards this goal, it has attempted to dissect a large number of data gathered through official and non-official documents as well as sources from field work. Based on critical scrutiny of these data including the ‘field narratives’ through the postmodern lenses, following conclusion -cum-recommendation may be drawn: -

1. It is evident that the custodial death- whether under police custody or judicial custody-is essentially linked with ‘absolute right’ of police to arrest, detain and confine etc. any person in the country with application of necessary reasonable force, if so, required with or without warrant. This means that there is a direct link between the ‘*rate of arrest*’ and ‘*overcrowding of jail*’. All other rules and regulations including ‘constitutional protective rights’ of the arrestee begins at the point he is arrested/at post arrest phase.

The ‘power to arrest’ is not merely ‘absolute’ but it also flows from a pervasive belief that some ‘*necessary force*’ or ‘*necessary violence*’ is essential to run the governing system. This idea continues to guide the governing system across the globe, which invest ‘coercive power’ in the institution of the police, the use and abuse of which is a subjective exercise depending upon subjective understanding of circumstances and situations at the ground. This is evident from 13-point Code of Conduct, which was prepared and recommended by the National Commission of Police, for the police officers in the country. Number 7 of the Code of Conduct defines ‘abuse of authority’:

A police officer shall be deemed to have committed abuse of authority if he —

- (a) without good and sufficient cause makes an arrest, or
- (b) uses any *unnecessary violence* towards any prisoner or other person with whom he may be brought into contact in the execution of his duty,
- (c) is uncivil to any member of the public. (NHRC, Manual on Human Rights for Police Officers, NHRC, 2011, p. 115)

The expression, '*unnecessary violence*' implies 'legal use of necessary force'. However, neither of the expression has been defined in the law book or in CrPC, which, therefore, remained a subjective understanding and at the discretion to be exercised by individual police officials without fear of legal implication of excess use of force except in the matter of custodial death. Similarly, Article 3 of United Nations Code of Conduct for Law Enforcement Officials (Adopted by General resolution 34/169 of 17 December, 1979) grants law enforcement officials to use force '*only when strictly necessary and to the extent required for the performance of their duty*'. However, nowhere, the text defines the word 'strictly necessary'.

Thus 'custodial violence' is to some extent is very much linked with the legalised power of 'disciplining' and 'control'. Given this dilemma of maintaining 'judicious balance' between the imperative of governance and emerging normative order of human rights and the fact the police and undefined 'reasonable coercion' can't be delinked in terms of law, most of the Scandinavian countries is gradually moving towards delegitimising the idea and phasing out the very structure of jail. It is doing so by 'reforming the governing culture of arrest' and inventing a new decentralised form of control, arrest, and discipling. This could become a possibility due to a very long process of '*decolonising*' the nation-state-based system of governing system'.

Most of post-colonial societies including India has proclivity towards building a Europe centric homogenous nation- state system of governance. These modern sensibilities along with the fact that most conviction rate of police official for abusing and misusing power is almost rare; the police official will be unlikely to embrace the culture of restrained exercise of coercive power. Moreover, what emerges from the informal conversation of a good number of police officials of various ranks during the field work across three states of Bihar, Jharkhand and West Bengal is that overwhelming majority of them believe in 'force' as an essential, legitimate tool of keeping the order in society and delivering the justice to the people; after all police is considered the incessant source of justice for the common people. In fact, 'force/ power/authority' is very much a part of 'inner moral universe' of police personnel- preventing the crime, maintaining security in society, and protecting the country from any internal enemy- without which they cannot conceive their 'duty' and 'public role'. Thus, it is not surprising to observe that most police personnel did not attach much importance to human rights training programme as necessary for effective non- coercive policing beyond considering such exercise as 'technical requirement'.

It is due to this modern, hierarchical, masculine idea of governance that various forms of torture remained prevalent in administrative practice, more in police station than inside the jails. This is notwithstanding of the denial of the same by most of the official as well as the growing demand for ‘anti torture law’ in the country by human right organisations. In fact, most of civil society respondents and all family members of deceased victim consider torture as one of the most important reasons, followed by corruption and bribery, for the custodial death. Though torture is illegal; however, the act of torture does not constitute a punishable crime. As India continues to operate within the late 19th century and early 20th century version of democratic governance, it does not see much merit in ratifying the 1987 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([UNCAT](#)). The Prevention of Torture Bill, 2010 and the Anti-Torture Bill 2017 remained in the cold storage. This is despite the consistent call of its own Law Commissions, NGOs, human rights organisations and global human rights movements, international human rights organisations upon India to ratify the same. However, ‘field interactions’ across many stakeholders further revealed that the societal demand for ‘anti-torture law’ is relatively low in India. On the contrary people expects the law-and-order machinery to deal with ‘goons’ and ‘criminals’ swiftly and brutally.

2. Moreover, there are growing legislation and judicial pronouncements, which is diluting the established ‘principle of the presumption of innocence until proved guilty’. Section of legislation related to alleged sexual offences, discriminations, child offences (POCSO Act), the Prevention of Money Laundering Act, (PMLA) NDPS Act, Prevention of Corruption Act, etc. has introduced the concept of ‘*principle of reverse onus*’ with an implication that the ‘*presumption of innocence until proved guilty*’ needs also to be affirmed by the ‘*principle of guilt until proven innocent*’. If the accused is unable to pass the balance of probability standards, i.e., prove his innocence then he/she/other will be convicted. All these legislative measures have further strengthened the ‘masculine policing culture’, irrespective of its good intention including strengthening the justice delivery system, with an implication that over the years the ‘rate of arrest’ and ‘prison time’ has been increasing tremendously. In fact, many reports including National Law Commission have confirmed that almost 60-70% of Indian prisoners are languishing inside the Indian jails for long for petty crimes. The delay in judicial process results in the long incarceration of prisoners, often more than the period of punishment, which contributes to deterioration of health (both physical and mental). This

produces the ‘condition of depression’ amongst prisoners that often leads to cases of suicide inside the jail.

3. The underlying post-modern approach of this work furthers helps in detecting the limitation of understanding the issue of custodial death at national level involving three states over a decade. Such study suffers from inbuilt generalisation and loses its micro level focus. Since the ‘custodial death’ is intimately connected with ‘localised space’, often connected with local power dynamics; the purpose of study of custodial death would be better served, if the future research focusses more on local history of a particular police station or jail or district or sub region.
4. One of the serious challenges that this work confronted is the lack of legal definition of custody and custodial death. One consequence of the legal deficit in defining the custody and custodial death is that one confronts the vast discrepancy in data concerning custodial death across the governmental as well as non- governmental bodies. This has been in part highlighted in Chapter 1 by contrasting and comparing the data of NHRC, SHRC, NCRB Non- governmental sources such as NCAT and data obtained through RTI and during the field. Further, there is a vast discrepancy between data of custodial death based on compensation awarded and registered (or Intimation) cases of custodial deaths as highlighted in Chapter 1. Different government and non- governmental bodies have different mechanism and methods of calculating the custodial deaths. NCRB relies solely on the information tendered by state and UT governments. Some state governments do not file the status report over custodial deaths annually. NHRC has relatively broader sources including victim’s complaint for calculating the number of custodial deaths each year. This has a serious implication in finding the magnitude of problem of custodial deaths in the country and understanding the emerging pattern.
5. Related to *legal definitional deficit* on custody and custodial death, most of lower rank of police officials are hardly well versed with detailed procedure that needs to be followed in the matter of custodial death. This was borne out from our interaction with police officials during the field work.
6. Even though the public debate on custodial death is mostly related to death under police and judicial custody either due to ‘torture’ or ‘suicide’ ‘or medical negligence’, the governmental

notion of custodial death includes both natural and unnatural death. The government is rightly upholding the moral principle of investigating all cases of death under governmental custody -natural or unnatural- to find out the reasons behind such death and hold the government employee accountable if death occurred due to ‘deliberate negligence of duty’. However, such clubbing of natural and unnatural deaths under ‘custodial death’ also provide opportunity to the administrative executive in projecting many ‘unnatural deaths’ as ‘natural death’ and in turn obstructs the development of sound public policy to prevent the occurrence of ‘unnatural death’.

7. The analysis shows that the issue of custodial death remained a matter of ‘national concern’ as there is no *absolute, sustained* decline of custodial death either at police or judicial level at all India level during the period of 2009-2018. Rather the pattern of decrease or increase in custodial death (both police and judicial) keeps shifting from one state to another. For last three years, U.P. West Bengal and Madhya Pradesh has emerged as top three states in terms of registering (intimation) the cases of custodial death. Since 2010-2011 the State of Bihar has witnessed remarkable decline in the judicial decline, at least in comparison to West Bengal and Jharkhand (Table C, Chapter 1). One of the important reasons that has significantly contributed to the decline of custodial death ~~has~~ is ~~in~~ the significant improvement in the medical staff and infrastructure within the jails of Bihar. Thus, the ratio of medical staff per inmates significantly increased during 2010-2018 in Bihar, unlike in Jharkhand and West Bengal wherein the overall medical staff either remain stagnated or further deteriorated during the similar period (Appendix J). The positive correlation between medical staff over inmates viz a viz its impact in decreasing the incidents of death in prison has been demonstrated in an early study of six major states of Maharashtra, Rajasthan, U.P, Tamil Nadu, and Karnataka⁵³. The field observation of researchers also suggests that they found a tremendous improvement in the jail management of Bihar, particularly the medical infrastructure including a good presence of doctors, compared the jails in Bengal. In fact, in Bengal, most jails do not have resident doctors and the medical examination is mostly performed by the lab technicians.

⁵³ For details, see, Sanjay Kumar Jain, ‘Suicide in Prison: Prevention Strategy and Implication from Human Rights and Legal Point of View, NHRC Publication, 2018, pp 5-11.

8. It has strongly come out in this study that people or relative of the deceased custodial victim had to struggle including paying bribe for obtaining a copy of medical report including the report of physical examination, post-mortem etc. based on the testimony of victim's family and discussion with civil society respondents. During our interaction we found that culture of bribery is very high in Bihar and Jharkhand than in West Bengal. In fact, of late, West Bengal police has introduced the digitalised system of uploading these reports.
9. Based on the field narratives the study does indicate that compared to 1970s and 1980s, the phenomenon of police custodial death is on the decline. There is no doubt that the development of technological advancement, robust social media, assertive human rights commissions, non-governmental civil society, and human rights organisations etc. have constraining impact upon the police custodial deaths. However, the relative decline in the police custodial death has been accompanied by the rise in the cases of extra constitutional / encounter killing and disappearances. All three states under this study have witnessed an increase in the encounter killing, the largest being in Jharkhand (Table I- 1 & I- 2).
10. This study reconfirms the growing perception that most of victim of custodial violence and prisoner belong to poor segment of society, particularly the poor among SC, ST, and minorities. There are many credible data that demonstrates the percentage of prisoner among these communities is higher than their actual population average. Based on this, it is widely believed that most victim of custodial death belong to following ~~these~~ segments of society: poor, SC, ST and minorities, particularly Muslims. While this may be true on the 'national scale' with some states having disproportionately high number of arrestee and prisoners than their actual population and then contributing to this 'national perception'. This may, however, not be true at each state level. The governmental records do not provide religious and caste wise classification of deceased victim, arrested persons and prisoners. We attempted to undertake similar exercise on the basis of name and surname of deceased under custody from recorded case history in NHRC during 2009-2019 (where compensation was awarded) and found that whereas in West Bengal the percentage of Muslim custodial death is either equal or slightly high vis a vis its population share; its percentage vis a vis its population is very low in state of Bihar (Table J).

11. We observe that most police and jail officials are not fully acquainted with rules, regulations and procedures related to custodial death. Neither they keep copy of their respective manuals. None of police station and Jail gave us a copy of police manual or jail manual on being requested for the same. They only work with ‘habitus’, ‘routine understanding ‘of things without understanding the specific context of the specific problem and mechanically apply the IPC. This was evident from their vague responses and lack of details in answering our questions.

12. There is a need to strengthen and empower Human Rights Cell in all law-and-order institutions of state. An effective Human Right Cell in each of law-and-order governing institution can further reduce the number of custodial violence and custodial death. While Bihar has a good number of Human Rights Cell all across the state (Annexure12), West Bengal and Jharkhand lacks the spread of the same.

CHAPTER VIII

RECOMMENDATIONS

This study makes the following recommendations in view of preceding analysis and conclusions arrived:-

1. That, there is a need to combine the human rights training programme within the approach of ‘decolonizing the governing system, which is neither anti-westernism nor anti-Europeanism but seeks to review the entire paradigm of modernism and re-center the human centred civil society over power-centred nation -state model of governance. One possible consequence of such approach, if adopted, is that the official entrusted with the task of arrest, detention, questioning etc. may introspect and weigh judiciously various options and apply the non-custodial measures as elaborated in Tokyo rules (Annexure 13) instead of mechanically applying IPC related to ‘arrest’, ‘detention’ and ‘confinement’.
2. That, state governments must enhance and strengthen the budgetary allocation and disbursement of legal aids; so that undertrial prisoner, who are mostly poor, could effectively secure the access to judiciary through the intervention of active human rights organisations, social activists and human rights lawyers in order to obtain some judicial relief including bail and release from jail. This would help in de-congestion of jail and saving a good number of lives who succumb to death due to old age, depression, illness, lack of proper food intake, unhygienic condition of living etc.
3. That, NHRC should conduct more micro study, rather than macro, of custodial death. This is due to a fact that notwithstanding the broad uniformity in rules and regulations pertaining to policing, its reception and implementation varies widely depending upon the variation in the local culture, custom, tradition, attitude towards governing norms and pattern of administration.
4. That the Government of India – both central and state governments- must devise the ways of bringing uniformity in data. This can be easily done by evolving a better coordination

between the national agencies and state agencies including a thorough examination of all data collected in relation to custodial death by experts' committees.

5. That, lower rank police personnel need to undergo proper 'educational training' to be conversed with proper rules, regulations and procedures to be followed in matter of custodial death.
6. That NHRC must evolve a policy framework, which does not allow administrative executive to manipulate the cases of 'unnatural deaths' as 'natural deaths'.
7. That the government of the day must boost the medical infrastructure of every jail, which involves the followings: -
 - *The existing budget of jail is too low to meet the necessities of every prisoner. Hence the budget of the jail must be enhanced suitably,*
 - *A minimum of 20% of jail budget must be spend on medical products including medicine.*
 - *The number of medical staff including mental health experts/Psychiatrists must be increased to ensure the positive balance between the number of medical staff and the number of prisoners.*
 - *In case of emergencies, prisoners must be taken to nearest possible hospitals including the private hospital.*
 - *The system of physical examination including the mental condition at the time of arrest by police and at the time of admission to jail must be enhanced and made compulsory. As per police manual, medical examination will be conducted if investigating officer think that such exercise is necessary for the purpose of eliciting evidence. It has been observed during the field work that this medical examination is done in very shoddy manner and not carried out in every case, at least at the police station. Instead of undertaking full body check up by a trained doctor, most of such medical examination at this stage is conducted by technicians, which is often confined to checking 'fever', or 'khasi' by asking the accused either yes or no. Further, most of the police station and jails does not conduct any check-up of mental health.*
 - *Each police station must have a first aid medical provision.*

8. That , it should be mandatory on the part of police and jail official to immediately supply a copy of all medical examinations, post-mortem **without any monetary cost** to all the accused or to the relatives of accused and deceased with a view to strengthen the constitutional principle of right to natural justice, the most important of which is the right of accused/under trial/ to defend himself/herself/other.
9. That, NHRC should conduct an independent study as to why the cases of disappearances and encounter killings is increasing, particularly in state of Jharkhand.
10. That, considering the SC, ST and Minority are ‘constitutional category’; government must allow the records of custodial death as per these classifications- both national, state wise, police station, jail, hospital wise. This would not only help in identifying the biasness of officials and institutions whether at police, jail, hospital and other concerned department but also framing the problem and working out specific measures to address to such state specific challenges.
11. That a small booklet (not more than 10 pages) of the police manual and jail manual containing the most important rules, regulation and code of conduct for the arrestee/accused/prisoner/under trail may be prepared; kept at each of police and jail and a copy of which must be given to each accused-whether they are literate or non-literate.
12. That NHRC should promote a research study on the role of ‘Human Right Cell’ in strengthening democratic governance and make a directive that police interrogation within lock up must be conducted in the presence of official of Human Right Cell. It should make an appropriate guideline to ensure that the police interrogation in the lock up must be conducted in full compliance of the guideline including the mandatory presence of official of human rights cell.

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QUESTIONNAIRES

Appendix-A (POLICE)

Questionnaire for interview with Police for NHRC Project

NHRC प्रोजेक्ट के लिए पुलिस अधिकारियों के साथ साक्षात्कार कि प्रश्नावली

NHRC প্রজেক্টে সম্পর্কিত অধিকারীদের জন্য প্রশ্নাবলী

Section A: Personal details

1.1 Name of Police Personnel (voluntary):

पुलिसकर्मी/ अधिकारी का नाम (स्वैच्छिक):

পুলিস কর্মী/ আধিকারিকের নাম (স্বৈচ্ছিক)

1.2 Rank:

रैंक:

পদ:

1.3 Cadre: Centre (IPS)/ State cadre

काडर: केंद्र (IPS) / राज्य कैडर

ক্যাডার : কেন্দ্র/ রাজ্য ক্যাডার

1.4 Professional Experience: number of years

पेशेवर अनुभव: वर्ष (संख्या में)-

পেশাগত অনুভব: বৎসর (সংখ্যায়)

1.5 Year of joining of the service:

सेवा में शामिल होने का वर्ष:

সেবা প্রারম্ভের বৎসর :

1.6 Retirement (If Retd.): year

सेवानिवृत्ति वर्ष (यदि सेवानिवृत्त हो):

সেবানিবৃতি বৎসর(সেবানিবৃত হইলে) :

1.7 Gender:

जेंडर

लिङ्ग:

1.8 Caste/Tribe:

a) SC,

(b) ST

(c) OBC (name of the caste:

(d) General (name of the caste:*

जाति / जनजाति:

(ए) एससी

(बी) एसटी

(सी) ओबीसी

(डी) जनरल (जाति का नाम):

जाति/जनजाति:

(ए) अनुसूचित जाति

(बि) अनुसूचित जनजाति

(सि) ओरिसि (जातिर नाम)

उक्त जाति (जातिर नाम)

1.9 Religion:

धर्म:

धर्म:

1.10 Income –

a) up to 25, 000/-

b) 25,001 to 50,000/-

c)50,001 to 100,000/-

d) 100,000/- and above

1.11. Educational Qualification:

शैक्षिक योग्यता:

शैक्षिक योग्यता

1.12 Urban/ semi Urban/ Rural:

शहरी / अर्ध शहरी / ग्रामीण

শহরে / অর্ধশহরে/ গ্রামীণ

1.13 State/Region/ Sub Region:

राज्य / क्षेत्र / उप क्षेत्र:

রাজ্য/ক্ষেত্র/ উপক্ষেত্র:

Section B:

2.1 Do you think that there is a rising graph of custodial deaths under police during last decade (2009-2018)? Yes / No

क्या आपको लगता है कि पिछले एक दशक (2009-2018) के दौरान पुलिस की हिरासत में होने वाली मौतों का ग्राफ बढ़ रहा है? हाँ / नहीं

আপনার কি মনে হয় বিগত এক দশকে(2009-2018) পুলিশ হেফাজতে মৃত্যুর ঘটনার বৃদ্ধি ঘটেছে? হ্যাঁ / না

2.2 Which sub-region in this State is more prone to report of incidences of deaths in police custody?

इस राज्य में कौन से उप-क्षेत्र में पुलिस हिरासत में मौतों की घटनाओं की रिपोर्ट की संभावना अधिक है?

এই রাজ্যে সবচেয়ে বেশী কোন উপক্ষেত্রে কয়েদী মৃত্যুর ঘটনা ঘটার সম্ভাবনা?

2.3 Which district in this State is more prone to report of incidences of deaths in police custody?

इस राज्य के किस जिले में पुलिस हिरासत में मौतों की घटनाओं के रिपोर्ट की संभावना अधिक है?

এই রাজ্যের কোন জেলায় সবচেয়ে বেশী পুলিশ হেফাজতে মৃত্যুর ঘটনা ঘটেছে?

2.4 Is it true that most of the victims of custodial deaths under police in this State belong to economically poor section, particularly SC/ST/OBC/Minorities? Yes/ No

क्या यह सच है कि इस राज्य में पुलिस के तहत हिरासत में होने वाली मौतों में से ज्यादातर पीड़ित आर्थिक रूप से गरीब तबके, विशेष रूप से एससी / एसटी / OBC/ अल्पसंख्यकों के हैं? हाँ / नहीं

এটা কি সত্য যে পুলিশ হেফাজতে মৃত্যুর মধ্যে বেশীর ভাগই আর্থিক রূপে দুর্বল গরীব শ্রেণীর বিশেষ করে অনুসূচিত জাতি বা জনজাতি অথবা অল্পসংখ্যক শ্রেণীর! হ্যাঁ / না

Section C: Causes of deaths under Police custody

3.1 Is there a special protocol laid down (in police manual or otherwise) providing the guidelines to deal with cases of custodial death under police? Yes or No

क्या पुलिस हिरासत में हुई मौतों के मामलों से निपटने के लिए कोई विशेष प्रोटोकॉल (पुलिस मैनुअल में या अन्य) निर्धारित किया गया है? हाँ / नहीं

পুলিস হেফাজতে মৃত্যুর ঘটনার অনুসন্ধান করার জন্য কি কোন বিশেষ দিশানির্দেশ অথবা প্রক্রিয়া পুলিশ ম্যানুয়ালে অথবা অন্য কোন প্রক্রিয়া দেওয়া হয়েছে? হ্যাঁ বা না

3.2 Has there been any custodial deaths under your direct charge? Yes or No

क्या आपके प्रत्यक्ष चार्ज के तहत कभी हिरासत में कोई मौत हुई है? हाँ / नहीं

সরাসরি আপনার অধিকার ক্ষেত্রে কোন পুলিশ হেফাজতে মৃত্যুর ঘটনা ঘটেছে? হ্যাঁ বা না

3.3 Are you aware of custodial death under any police personnel and circumstances of such death? Yes or No

क्या आप किसी भी अन्य पुलिस कर्मी या इस तरह की परिस्थितियों के बारे में जानते हैं जहां हिरासत में कोई ऐसी मौत हुई है? हाँ / नहीं

আপনি কি অন্য কোন পুলিশ কর্মী বা পরিস্থিতির কথা জানতে পুলিশ হেফাজতে মৃত্যু ঘটেছিল? হ্যাঁ বা না

3.4: Does police station conduct a medical examination of the accused immediately after arrest as per law?: Yes / No

क्या पुलिस थाना, कानून के अनुसार गिरफ्तारी के तुरंत बाद आरोपी का मेडिकल परीक्षण करवाता है? : हाँ / नहीं

পুলিস থানা আইনত গ্রেফতার করার পর ধৃত ব্যক্তির মেডিক্যাল পরীক্ষা করায়? হ্যাঁ বা না

3.5. Where is the medical examination of the arrested / accused persons conducted?

- (a) government hospital/health clinics
- (b) government authorized private hospital/health clinics
- (c) private doctors on panel of police department
- (d) all of the above depending upon circumstances

गिरफ्तार अभियुक्तों का मेडिकल परीक्षण कहाँ किया गया है?

- (ए) सरकारी अस्पताल / स्वास्थ्य क्लीनिक
- (बी) सरकार अधिकृत निजी अस्पताल / स्वास्थ्य क्लीनिक
- (सी) पुलिस विभाग के पैनल पर निजी डॉक्टर
- (डी) उपरोक्त सभी, परिस्थितियों के आधार पर

ग्रेफतार ब्यक्तिके कोथाय मेडिक्याल परीक्षा करानो हय?

- (ए) सरकारि हाँसपाताल /स्वास्थ्य सेवा केन्द्र
- (बि) सरकार अधिक्त प्राइडेड हाँसपाताल/ स्वास्थ्य सेवा केन्द्र
- (सि) पुलिस बिभागेर प्यानेलेर प्राइडेड चिकित्सक
- (डि) उपरोक्त सबकटिइ परिस्थिति अनुसारे

3.6 Whether a copy of medical examination is made available to the family of arrested accused/victim? Yes or No

क्या गिरफ्तार अभियुक्त / पीड़ित के परिवार को चिकित्सा परीक्षण की एक प्रति उपलब्ध कराई गई है? हाँ / नहीं

ग्रेफतार आरोपी अथवा पीड़ितेर परिवारके मेडिक्याल रिपोर्टेर प्रतिलिपि देओया हयेछे?

3.7 Is there a procedure by which a copy of medical examination of victims of custodial death made available for research purpose? Yes / No

क्या कोई ऐसी प्रक्रिया है जिसके द्वारा हिरासत में (कस्टोडियल) मौत के शिकार लोगों की चिकित्सा जांच की एक प्रति शोध प्रयोजन के लिए उपलब्ध कराई जा सकती है? हाँ / नहीं

एमन कोन प्रक्रिया आछे यार फले हेफाजते मृत्यु हयेछे एमन ब्यक्तिर मेडिक्याल रिपोर्टेर प्रतिलिपि शोधकार्येर (रिसार्च) जन्य देओया येते पारे? हाँ वा ना

3.8 Which of the factors stated below are responsible for deaths under the police custody? Please marked them in the preferential order between 1 (lowest) and 10 (highest)

- (a) belief in torture as a method to elicit confession of the criminal act
- (b) bribery or inducement
- (c) police sub culture of violence
- (d) lack of sensitivity towards the human rights of arrested person
- (e) lack of awareness of police manual provisions
- (f) poor health of the arrested person
- (g) suicide
- (h) No fear of being punished or losing job
- (i) personal ego and biases
- (j) poor infrastructure/ working condition/ work pressure/stress of police force
- (k) Absence of anti-torture law

- (l) Absence of periodical reinforcement of the need to respect human rights
- (m) Absence of significant societal pressure
- (n) any other factor: please state with marking

निम्नलिखित में से कौन से कारण पुलिस हिरासत के तहत होने वाली मौतों के लिए जिम्मेदार हैं? कृपया उन्हें 1 (सबसे कम) और 10 (उच्चतम) के बीच अधिमन्य क्रम में चिह्नित करें

- (ए) यातना में विश्वास आपराधिक कानून की स्वीकृति एक विधि के रूप में
- (बी) रिश्तत या प्रलोभन
- (सी) पुलिस में हिंसा की उप संस्कृति
- (डी) गिरफ्तार व्यक्ति के मानवाधिकारों के प्रति संवेदनशीलता की कमी
- (ई) पुलिस मैनुअल प्रावधानों के बारे में जागरूकता की कमी
- (एफ) गिरफ्तार व्यक्ति का खराब स्वास्थ्य
- (जी) आत्महत्या
- (एच) सजा होने या नौकरी खोने का कोई डर नहीं
- (आई) व्यक्तिगत अहंकार और पूर्वाग्रह
- (जे) खराब बुनियादी ढांचा / काम करने की स्थिति / काम का दबाव / पुलिस बल का तनाव
- (के) अत्याचार विरोधी कानून की अनुपस्थिति
- (एल) मानव अधिकारों का सम्मान करने की आवश्यकता के आवधिक सुदृढीकरण की अनुपस्थिति
- (एम) महत्वपूर्ण सामाजिक दबाव की अनुपस्थिति
- (एन) किसी भी अन्य कारक: अंकन के साथ राज्य करें

निम्नलिखित कारणगुलोर मध्ये कौन गुलोर पुलिस हेरफाजते मृत्युत कारण चिह्नित करुन - एक (१) थेके दश (१०) एर माने । एक सबचेये कम एवं दश सबचेये बेशी।

- ए) अपराधीदर यातना देओया अपराधिक ब्यवसहार स्वीकृत प्रक्रिया
- बि) घुष बा प्रलोभन
- सि) पुलिसेर हिंसक साव कालचार
- डि) ग्रेफतार ब्यक्तिर मानबाधिकारेर ब्यपारे उपेक्षा अथवा सहानुभूतिर अभाव
- इ) पुलिस म्यानुयालेर निर्देश पालन ना करा
- एफ) ग्रेफतार ब्यक्तिर दुर्बल स्यास्थ्य
- जि) आत्महत्या

এইচ) শাস্তি পাওয়ার বা চাকরি থেকে বিতাড়িত হওয়ার ভয় নেই (সংশ্লিষ্ট কর্মচারীদের)

আই) ব্যক্তিগত অহংকার এবং মানসিক পূর্বাগ্রহ

জে) খারাপ বুনিয়েদী সংরচনা /কার্যক্ষেত্রের অবস্থা/ কাজের চাপ এবং তদজনিত পুলিশ কর্মীদের ওপর মানসিক চাপ

কে) অত্যাচার বিরোধী আইনের অভাব

এল) কিছু সময় পরে পরে মানবিক অধিকার সম্মান করার ব্যবস্থার সুদৃঢ়করনের অভাব

এম) দুর্ব্যবহারের বিরুদ্ধে সামাজিক বিরোধ ও চাপসৃষ্টির অভাব

এন) অন্য কোনো কারণ : অঙ্কন সহিত লিখুন

Section D:

4.1: In your opinion whether most victims of custodial death belong to

(a) rural/ village

(b) urban/city

(c) both a & b

आपकी राय में कि हिरासत से होने वाली मौतों के सबसे अधिक शिकार हैं

(a) ग्रामीण / गाँव

(b) शहरी / शहर

(c) a और b दोनों

আপনার মতে জেলে ন্যায়িক হেফাজতে বন্দী মৃত্যুর ঘটনার শিকার কয়েদীরা সমাজের কোন শ্রেণী থেকে আসেন?

এ) গ্রামীণ / গ্রাম

বি) শহুরে/শহর

সি) এ এবং বি দুইই

4.2 Which socio-economic background most victims of custodial death under police belong to:

(a) Economically weaker section

(b) Economically weaker section of OBC, SC, ST and Minorities

(c) very poor and illiterate

पुलिस के अंतर्गत हिरासत में मृत्यु के सबसे अधिक सामाजिक - आर्थिक पृष्ठभूमि कौन से हैं:

(ए) आर्थिक रूप से कमजोर वर्ग

(b) OBC, SC, ST और अल्पसंख्यकों का सामाजिक - आर्थिक रूप से कमजोर वर्ग

(c) बहुत गरीब और अनपढ़

पुलिस हेफाजती मृत्यु शिकार कयेदीरा कोन सामाजिक आर्थिक पृष्ठभूमि थेके आसेन?

ए) आर्थिक दृष्टिसे दुर्बल श्रेणी

बि) ST,SC OBC एवं आर्थिक रूपसे दुर्बल अल्पसंख्यक श्रेणी

सि) अति दुर्बल एवं अशिक्षित श्रेणी

Section E:

5.1: Did you attend human rights related training session in your career? Yes / No

क्या आपने अपने करियर में मानवाधिकार से संबंधित प्रशिक्षण सत्र में भाग लिया? हाँ / नहीं

आपनि कখনो मानविक अधिकार संक्रान्त प्रशिक्षण चाकुरी जीवने पेयेछेन? हाँ वा ना

5.2 What is the frequency of attending human rights related training programme:

(a) Once in a year

(b) Once in two years

(c) Rarely.

मानवाधिकार से संबंधित प्रशिक्षण कार्यक्रम में भाग लेने की आवृत्ति क्या है:

(a) वर्ष में एक बार

(b) दो साल में एक बार

(c) शायद ही कभी।

मानवाधिकार संक्रान्त प्रशिक्षण कतवार पेयेछेन?

(ए) बछरे एकवार

(बि) दु बछरे एकवार

(सि) कखनो कखनो

5.3 Month and Year of the last attended human rights training programme by you:

आपके द्वारा मानवाधिकार प्रशिक्षण कार्यक्रम में भाग लेने का अंतिम महीन या वर्ष:

आपनि शेषवार कखन - मास वा बछर- मानवाधिकार संक्रान्त प्रशिक्षण पेयेछेन?

5.4 If the answer to 5.1 is yes, then which human rights organisation (name) undertook that training session?

यदि 5.1 का उत्तर हां है, तो वह प्रशिक्षण किस मानव अधिकार संगठन (नाम) द्वारा शुरू किया?

Appendix-B

QUESTIONNAIRES (JAIL)

Questionnaire for interview with jail officials for NHRC Project

NHRC प्रोजेक्ट के लिए जेल अधिकारियों के साथ साक्षात्कार कि प्रश्नावली

NHRC प्रजेक्ट सम्पर्कित जेल अधिकारीदेर जन्य प्रश्नावली

Section A: Personal details

1.1 Name of jail officials (voluntary):SSS

जेल अधिकारी का नाम (स्वैच्छिक):

जेल आधिकारिके नाम (स्वैच्छिक):

1.2 Rank:

रैंक:

पद:

1.3 Cadre: Centre / State cadre

काडर: केंद्र / राज्य काडर

क्याडार : केन्द्र/ राज्य क्याडार:

1.4 Professional Experience: number of years:

पेशेवर अनुभव: वर्ष (संख्या में)-

पेशागत अनुभव: बंसर (संख्याय):

1.5 year of joining of the service:

सेवा में शामिल होने का वर्ष:

सेवा प्रारम्भे बंसर :

1.6 Retirement year (if retired):

सेवानिवृत्ति वर्ष (यदि सेवानिवृत्त हो):

सेवानिवृत्ति बंसर (सेवानिवृत्त हईले) :

1.7 Gender:

जेन्डर:

लिङ्ग :

1.8 Caste/Tribe:

(a) SC

(b) ST

(c) OBC (name of the caste),

(d) Upper Caste (name of the caste):

जाति / जनजाति:

(ए) एससी

(बी) एसटी

(सी) ओबीसी (जाति का नाम),

(डी) उच्च जाति (जाति का नाम):

जाति/जनजाति:

(ए) अनुसूचित जाति

(बी) अनुसूचित जनजाति

(सि) ओबीसी (जाति का नाम)

उच्च जाति (जाति का नाम)

1.9 Religion:

धर्म:

धर्म:

1.10 Class: Lower Middle class / Middle class / Upper Middle class

क्लास: लोअर मिडिल क्लास / मिडिल क्लास / अपर मिडिल क्लास

क्लास: लोअर मिडिल क्लास / मिडिल क्लास / अपर मिडिल क्लास

1.11 Educational Qualification:

शैक्षिक योग्यता:

शिक्षागत योग्यता:

1.12 Urban / Semi Urban / Rural

शहरी / अर्ध शहरी / ग्रामीण

शहरे / अर्धशहरे/ ग्रामीण

1.13 State / Region / Sub Region:

राज्य / क्षेत्र / उप क्षेत्र:

राज्य/क्षेत्र/ उपक्षेत्र:

Section B:

2.1 Do you think that there is a rising graph of custodial deaths within Jail premises during last decade (2009-2018)? Yes / No

क्या आपको लगता है कि पिछले एक दशक (2009-2018) के दौरान जेल परिसर में हिरासत में होने वाली मौतों का ग्राफ बढ़ रहा है? हाँ / नहीं

आपনার কি মনে হয় বিগত এক দশকে(2009-2018) জেল পরিসরের মধ্যে মৃত্যুর ঘটনার বৃদ্ধি ঘটেছে? হ্যাঁ / না

2.2: Which particular jail in this state has the highest number of deaths?

इस राज्य की किस जेल में सबसे ज्यादा मौतें हुई हैं?

এই রাজ্যে সবচেয়ে বেশী কোন জেলে কয়েদী মৃত্যুর ঘটনা ঘটে ?

2.3 Which wards in your jail has reported the highest number of deaths over last one decade?

आपकी जेल के किस वार्ड में पिछले एक दशक में सबसे ज्यादा मौतें हुई हैं?

আপনার জেলে কোন ওয়ার্ডে সবচেয়ে বেশী কয়েদী মৃত্যুর ঘটনা ঘটেছে ?

2.4: Whether the wards in jail are formally/ informally classified on the basis of any criteria like caste, class, nature of crime, gender, LGBTQ etc. Yes or No

क्या जेल के वार्डों को औपचारिक / अनौपचारिक रूप से किसी भी मापदंड के आधार पर वर्गीकृत किया जाता है जैसे जाति, वर्ग, अपराध की प्रकृति, लिंग, एलजीबीटीक्यू आदि। हाँ / नहीं

জেলের ওয়ার্ড গুলোকে কি কোনো ঔপচারিক/অনৌপচারিক মাপদণ্ডের আধারে বর্গীকৃত করা হয় যেমন জাতি , বর্গ, অপরাধের প্রকার,লিঙ্গ,এলজিবিটিকিউ ইত্যাদি ? হ্যাঁ / না

2.5 (a) Any specific sub region that has reported a high number of prisoners and a high rate of custodial deaths in Jail: Yes or No

(ए) कोई ऐसा विशिष्ट उप-क्षेत्र है, जिसने कैदियों की एक उच्च संख्या और जेल में हिरासत में होने वाली मौतों की एक उच्च दर की सूचना दी है: हाँ / नहीं

(এ) এমন কোন বিশেষ উপক্ষেত্র আছে যেখান থেকে আসা কয়েদীর জেলে বাস করার সময় মৃত্যুর ঘটনা অনেক বেশী সূচিত হয়? হ্যাঁ

/ना

2.5 (b) If yes, name of the sub region:

(बी) यदि हाँ, तो उस उप क्षेत्र का नाम:

(बि) উত্তর हाँ हले ঐ উপক্ষেত্রর নাম দিন

Section C: Causes of deaths under judicial custody

3.1. Has there been any incident of custodial death under your charge ever occurred during the period of your professional life? Yes or No

आपके पेशेवर जीवन की अवधि के दौरान या आपके हिरासत के दौरान में क्या किसी की हिरासत में किसी की मृत्यु की कोई घटना हुई है?

हाँ / नहीं

আপনার প্রফেশনাল জীবনে আপনার হেফাজতে থাকা কালীন কোন কয়েদীর মৃত্যুর ঘটনা কি হয়েছে ? হ্যাঁ /না

3.2 Are you aware of such death under any other jail personnel and the circumstances of such death? Yes or No

क्या आप किसी अन्य जेल कर्मी या इस तरह की परिस्थितियों के बारे में जानते है जहां हिरासत में कोई ऐसी मौत हुई है? हाँ / नहीं

আপনি অথবা অন্য জেল কর্মী এইরকম জেল হেফাজতে কয়েদী মৃত্যুর কথা জানা আছে? হ্যাঁ / না

3.3: Is there a protocol laid down to deal with an incident of custodial deaths in the Jail manual or in any government instruction? Yes or No

क्या जेल मैनुअल में या किसी सरकारी निर्देश में हिरासत में हुई मौतों की घटना से निपटने के लिए कोई प्रोटोकॉल रखा गया है? हाँ / नहीं

জেল ম্যানুয়েলে অথবা অন্য কোনো সরকারী নির্দেশে এইরকম জেল হেফাজতে কয়েদী মৃত্যুর ঘটনা হলে কি কি পদক্ষেপ নেওয়া প্রয়োজন সেটা উল্লিখিত আছে কি? হ্যাঁ /না

3.4 Is there a mandatory provision for conducting a medical examination of the deceased prisoner? Yes or No

क्या मृतक कैदी की मेडिकल जांच कराने का कोई अनिवार्य प्रावधान है? हाँ / नहीं

মৃত কয়েদীর দেহ মেডিক্যাল পরীক্ষা জন্য পাঠানো কি আবশ্যিক এবং অনিবার্য ? হ্যাঁ/না

3.5 Is there a guideline necessitating a medical examination by an authorised medical doctor

before admitting prisoner to the jail? Yes or No

क्या जेल में कैदी को भर्ती करने से पहले किसी अधिकृत मेडिकल डॉक्टर द्वारा चिकित्सीय परीक्षण की कोई गाइडलाइंस है? हाँ / नहीं
कयेदीके जेले प्रवेश करानोर पूर्वे कि कोन अधिकृत मेडिकेल डाक्टर द्वारा चिकित्सिय परीक्षण करिये नेओयार जन्य कोनो
दिशानिर्देश वा गाइडलाइन आछे? हाँ / ना

3.6 While in judicial custody in jail, how frequently the medical examination of the prisoner is conducted:

- (a) on monthly basis
- (b) every 3 months
- (c) Twice in a year
- (d) Once in a year
- (e) None of the above

जेल में न्यायिक अभिरक्षा में रहते हुए, कैदी का चिकित्सीय परीक्षण कितनी बार किया जाता है:

- (ए) मासिक आधार पर
- (बी) हर 3 महीने में
- (सी) एक वर्ष में दो बार
- (डी) वर्ष में एक बार
- (ई) इनमें से कोई नहीं

जेले न्यायिक अभिरक्षा वा हेफाजते थकालीन एकजन कयेदीर चिकित्सकिय परीक्षण कत बार करा हय ?

- (ए) प्रति मासे
- (बि) प्रति तिन मासे
- (सि) प्रति बंसर दुइ बार
- (रि) वार्षिक
- (उ) उपरर कोनटिइ नय

3.7. Whether a copy of medical examination is made available to the family of convict/accused/victim? Yes or No

क्या दोषी / आरोपी / पीडित के परिवार को चिकित्सा परीक्षण की एक प्रति उपलब्ध कराई जाती है? हाँ / नहीं
दोषी/ अभियुक्त/ पीडित व्यक्तिर परिवारके परीक्षण प्रतिवेदनर (रिपोट) प्रतिलिपि देओया हय? हाँ /ना

3.8: Is there a procedure by which a copy of medical examination of victims of custodial death made available for research purpose? Yes / No

क्या कोई ऐसी प्रक्रिया है जिसके द्वारा हिरासत में (कस्टोडियल) मौत के शिकार लोगों की चिकित्सा जांच की एक प्रति शोध प्रयोजन के लिए उपलब्ध कराई जा सकती है? हाँ / नहीं

এমন কোন ব্যবস্থা বা নিয়ম আছে যে হেফাজতে মৃত্যু হওয়া কয়েদীর মেডিক্যাল রিপোর্ট যারা অধিকৃত রিসার্চ করার জন্য দেওয়া যেতে পারে? হ্যাঁ / না

3.9 Whether copy of medical examination of victim of custodial death made available to the family of victim? Yes or No

क्या हिरासत में हुई पीड़ित के मेडिकल जांच की कॉपी उसके परिवार को उपलब्ध कराई गई है? हाँ / नहीं

হেফাজতে মৃত্যু হওয়া কয়েদীর মেডিক্যাল রিপোর্ট কয়েদীর পরিবার কে দেওয়া হয়েছে? হ্যাঁ / না

3.10: Which of the factors stated below are responsible for deaths under the Judicial custody? Please marked them in the preferential order between 1 (lowest) and 10 (highest)

- (a) belief in torture as a method to elicit confession of the criminal act
- (b) Bribery or inducement
- (c) Jail sub culture of violence
- (d) Lack of sensitivity towards the human rights of prisoner
- (e) Lack of observance of jail manual provisions
- (f) Poor health of the prisoners
- (g) Suicide by prisoners
- (h) No fear of being punished or losing his/ her job
- (i) Personal ego and biases
- (j) Poor infrastructure/ working condition/ work pressure/stress
- (k) Absence of anti-torture law
- (l) Absence of periodical reinforcement of the need to respect human rights
- (m) Absence of significant societal pressure against maltreatment of prisoners
- (n) Poor training of jail officials
- (o) Fight amongst prisoners
- (p) Any other factor

नीचे बताए गए कौन से कारक न्यायिक हिरासत के तहत मौतों के लिए जिम्मेदार हैं? कृपया उन्हें 1 (सबसे कम) और 10 (उच्चतम) के बीच अधिमन्य क्रम में चिह्नित करें

- (ए) यातना में विश्वास आपराधिक कानून की स्वीकृति एक विधि के रूप में
- (बी) रिश्वत या प्रलोभन
- (सी) जेल में हिंसा की उप संस्कृति
- (डी) कैदी के मानवाधिकारों के प्रति संवेदनशीलता में कमी
- (ई) जेल मैनुअल प्रावधानों के पालन की कमी
- (एफ) कैदियों का खराब स्वास्थ्य
- (जी) कैदियों द्वारा आत्महत्या
- (एच) सजा होने या अपनी नौकरी खोने का कोई डर नहीं
- (आई) व्यक्तिगत अहंकार और पूर्वाग्रह
- (जे) खराब बुनियादी ढांचे / काम करने की स्थिति / काम का दबाव / तनाव
- (के) अत्याचार विरोधी कानून की अनुपस्थिति
- (एल) मानव अधिकारों का सम्मान करने की आवश्यकता के आवधिक सुदृढीकरण की अनुपस्थिति
- (एम) कैदियों के दुर्व्यवहार के खिलाफ महत्वपूर्ण सामाजिक दबाव की अनुपस्थिति
- (एन) जेल अधिकारियों का खराब प्रशिक्षण
- (ओ) कैदियों के बीच लड़ाई
- (पी) कोई अन्य कारक

निम्नलिखित कारणगुणोर्लोर मध्ये कौन गुणो न्यायिक हेरुाजते मृत्युर्लर कारण चिह्नित करुन - एक (१) थेके दश (१०) एर मने। एक सबचेये कम एवं दश सबचेये बेशी।

- ए) अपराधीदर यातना देओया अपराधिक ब्यवसुहार सुीकृत प्रक्रिया
- बि) घुसु बा प्रलोभन
- सि) जेले परिसरर हिसक सब कालचार
- डि) कयेदीदर मानबार्धिकारर ब्यपारे उपेफुा अथबा सहानुभूतिर अभाव
- इ) जेल म्यानुयालर निर्देश पालन ना करा
- एफ) कयेदीदर दुर्बल सुासुु
- जि) कयेदीदर आसुुहत्या

এইচ) শাস্তি পাওয়ার বা চাকরি থেকে বিতাড়িত হওয়ার ভয় নেই (সংশ্লিষ্ট কর্মচারীদের)

আই) ব্যক্তিগত অহংকার এবং মানসিক পূর্বাগ্রহ

জে) খারাপ বুনিয়েদী সংরচনা /কার্যক্ষেত্রের অবস্থা/ কাজের চাপ এবং তদজনিত মানসিক চাপ

কে) অত্যাচার বিরোধী আইনের অভাব

এল) কিছু সময় পরে পরে মানবিক অধিকার সম্মান করার ব্যবস্থার সুদৃঢ়করনের অভাব

এম) কয়েদীদের সাথে দুর্ব্যবহারের বিরুদ্ধে সামাজিক বিরোধ ও চাপসৃষ্টির অভাব

এন) জেল অধিকারীদের উপযুক্ত প্রশিক্ষণের অভাব

ও) কয়েদীদের মধ্যে সংঘর্ষ

পি) অন্য কোনো কারণ

Section D: Socio -Economy Profile of the Prisoners

4.1: In your opinion whether most victims of custodial death in jail belong to

(a) rural/ village

(b) urban/city

(c) both a & b

आपकी राय में जेल में हिरासत में मौत के शिकार ज्यादातर लोग हैं किस श्रेणी से आते हैं:

(ए) ग्रामीण / गाँव

(बी) याहरी / शहर

(सी) ए और बी दोनों

আপনার মতে জেলে ন্যায়িক হেফাজতে বন্দী মৃত্যুর ঘটনার শিকার কয়েদীরা সমাজের কোন শ্রেণী থেকে আসেন?

এ) গ্রামীণ / গ্রাম

বি) শহুরে/শহর

সি) এ এবং বি দুইই

4.2: Which socio economic background most victims of custodial death within Jail premises belong to:

(a) Economically weaker section

(b) Economically weaker section of SC, ST, OBC, and Minorities

(c) very poor and illiterate

जेल परिसर के भीतर हिरासत में हुई मौतों का सबसे ज्यादा शिकार सामाजिक आर्थिक पृष्ठभूमि कौन से हैं:

(ए) आर्थिक रूप से कमजोर वर्ग

(b) SC, ST, OBC और अल्पसंख्यकों का आर्थिक रूप से कमजोर वर्ग

(c) बहुत गरीब और अनपढ़

जेल परिसर में हेराजती मृत्यु शिकार कयेदीरा कौन सामाजिक आर्थिक पृष्ठभूमि थेके आसेन?

ए) आर्थिक दृष्टिसे दुर्बल श्रेणी

बि) ST, SC OBC एवं आर्थिक रूपसे दुर्बल अल्पसंख्यक श्रेणी

सि) अति दुर्बल एवं अशिक्षित श्रेणी

Appendix-C

Questionnaire for the Civil Society Stakeholders

SECTION 1: PERSONAL DETAILS

1.1. Name:

1.2. Domicile (State):

1.3. Gender:

1.4. Age:

1.5. Profession:

1.6. Number of years of experience in dealing with cases of custodial deaths?

SECTION 2: PERCEPTION AND EXPERIENCE OF CUSTODIAL DEATHS

2.1. Do you think there is a rising graph of custodial deaths during the last decade of 2009-18?

2.2. Is there a discrepancy between the actual number and the reported cases of custodial deaths?

2.3. If yes (to Q.2.2.), what are the causes of the same? (Please, indicate preference)

2.4. In your experience, what are the chief causes of custodial deaths? (Please, indicate preference)

Reason	1st Preference	2nd Preference	3rd Preference	4th Preference	Total
Belief in torture as a method to elicit confession....					
Bribery or inducement					

Police sub-culture of violence					
Lack of sensitivity towards the human rights of the arrested persons					
Lack of awareness about the police manual provisions					
Poor health of the arrested					
Suicide					
No fear of being punished or losing job					
Personal ego and biases					
Poor infrastructure/ working conditions/ work pressure/ stress of police force					
Absence of anti-torture laws					
Absence of periodical reinforcement of the need to respect human rights					
Absence of significant societal pressure					
Any other factor					
All of the above					
No Response					
Total					

2.5. In terms of geography, which type is more susceptible to custodial deaths?

Type		
Urban		
Rural		
Both		
Can't Say/ Undisclosed		
Total		

2.6. In terms of their social positions, who is more susceptible to be victims of custodial deaths?

Identity		
Economically Weaker Sections		
Socially Marginalized Communities like SC/ST, Religious Minorities		
Illiterates		
All of the Above		
None of the Above		
Total		

2.7. Where, in your experience, are most of the custodial deaths concentrated?

Place		
Jails		
Police Stations		
Other		
Can't Say/ Undisclosed		
Total		

2.8. In your opinion, is there, generally speaking, a discrepancy between the actual and the cited reasons for custodial deaths?

Response		
Yes		

No		
Can't Say/ Undisclosed		
Total		

2.9. In your opinion, apart from the police and jail authorities, is there involvement of other official personnels or non-official personnels in cases of custodial deaths?

Response		
Yes		
No		
Can't Say/ Undisclosed		
Total		

2.10. If yes (to Q.2.9.), please specify:

Nature/Type		
Hospital Staff		
Judicial Staff		
Non-official groups and personnel		
Can't Say/ Undisclosed		
Total		

2.11. Do you think the provisions, in general, related to the avoidance and redressal of custodial deaths, are followed?

Response		
Yes		
No		
Can't Say/ Undisclosed		
Total		

2.12. if no (to Q2.11.), what do you think are the chief reasons of neglect towards the respective provisions?

Reason		
Inducement and Bribery		
Absence of Societal Pressure		
General sub-culture of violence		
Unawareness of the rights of the prisoners		
Lack of proper Infrastructure		
Disempowerment of the agencies and organizations which could increase transparency		
All of the Above		
None of the Above		
Total		

Appendix-D

Questionnaire for Under Trial and convicted Prisoners

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Age:

1.3.Gender:

1.4.Income Group:

1.5.Caste:

1.6.Religion:

1.7.Education:

1.8.Jail:

1.9.Time spent in custody:

SECTION 2: EXPERIENCE AND PERCEPTION OF PRISONS

2.1. Do you face any difficulties in accessing basic facilities, generally, such as sleeping, hygiene, clothing, medical help, entertainment, contacting family members etc.?

2.2. Do you have accessibility to medical help (mental and physical)?

2.3. How frequently are the medical check-ups conducted in custody?

2.4. Is there any doctor residing in the jail premises?

2.5. If no (to Q. 2.4.) do doctors visit the prisoners?

2.6. Do you get medicine in custody?

2.7. Do psychiatrists or psychologists visit you in custody?

2.8. If yes (to Q. 2.7.), how frequently?

2.9. Was there any medical check-up at the time of your admission into custody?

2.10. How do the authorities treat the prisoners, generally?

2.11. Are you allowed to meet your family members and friends?

2.12. If yes (to Q.2.11), how frequently are you allowed to meet your family members and friends?

2.13. Do you face the problems of over-crowding, unhygienic conditions, poor medical infrastructure, poor diets in your jail?

2.14. From which social locations are the majority of the prisoners in your jail?

2.15. From which localities/ regions are the majority of the prisoners in your jail?

2.16. Do you think the conditions and infrastructure of the jails is such that the prisoners are affected adversely, mentally and physically?

2.17. Do you think deaths in custody are related to the poor infrastructure and conditions of living in the jail?

2.18. Have you heard of deaths, particularly, by suicide in your jail?

2.19. What is the frequency of deaths in your jail in your estimation?

2.20. How many prisoners have committed suicide during your stay in the jail?

2.21. What do you think are the causes of custodial deaths? (Please mark preference)

Response	1st Preference	2nd Preference	3rd Preference	
Poor Infrastructure				
Intra-Inmate rivalry/ Fighting				
Torture and inhumane treatment from the authorities				
Medical Negligence				
Long Years of Under-Trial				
Humiliation/ Shame/ Depression/ Suicide				
Deeply Personal/ Can't Disclose				
All of the above				
None of the above				
Can't Say/ Undisclosed				
Total				

Appendix-E

Questionnaire for interview with Victim's Families for NHRC Project

एनएचआरसी परियोजना के लिए पीड़ित परिवारों के साथ साक्षात्कार प्रश्नावली

Section A: Personal details/ अनुभाग ए: व्यक्तिगत विवरण

1.1 Name (not mandatory):

नाम (अनिवार्य नहीं):

1.2 Relationship with the victim:

पीड़ित के साथ संबंध:

1.3 Domicile: अधिवास:

1.4 Gender: जेंडर:

1.5 Place: स्थान:

1.6 Caste: जाति:

1.7 Income Class: (BPL/Poor/ Lower Middle class/Middle class/ Upper class)

आर्थिक ग्रुप: (BPL / गरीब / लोअर मिडिल क्लास / मिडिल क्लास / अपर क्लास)

1.8 Urban: शहरी:

1.9 Rural: ग्रामीण:

1.10 Sub Region: उप क्षेत्र:

Section B: Related to Custodial Deaths

सेक्शन बी: कस्टोडियल मृत्यु से संबंधित

2.1: When and how did you learn about the arrest of victim?

आपको पीड़ित/ पीड़िता की गिरफ्तारी के बारे में कब और कैसे पता चला ?

2.2 Did police/ Jail officials inform you about the arrest of victim? Yes / No

क्या पुलिस / जेल अधिकारियों ने आपको पीड़ित की गिरफ्तारी की सूचना दी? हाँ / नहीं

2.3: Did the police or Jail official allow meeting with victim during custody? Yes or no.

क्या पुलिस या जेल अधिकारी ने हिरासत के दौरान पीड़ित से मिलने की अनुमति दी? हां या नहीं।

2.4 If you met him/her in police custody, please describe his/her physical and mortal condition at that time?

यदि आप पुलिस हिरासत में उससे मिले, तो कृपया उस समय उसकी शारीरिक और मानसिक /नश्वर स्थिति का वर्णन करें?

2.5 When did you learn about the death of your family member? which year/month/ date?

आपने अपने परिवार के सदस्य की मृत्यु के बारे में कब जाना ? वर्ष / महीना / तारीख?

2.6 where did you receive the dead body of the victim?

आपको पीड़ित का शव कहाँ से मिला?

2.7: How did you come to know about the death of victim?

आपको पीड़ित की मौत के बारे में कैसे पता चला?

2.8: Did police call you to the police station to inform you about the death or police personnel visited your house to deliver the same? Yes or No

क्या पुलिस ने आपको मौत के बारे में सूचित करने के लिए पुलिस स्टेशन से फोन किया था या पुलिस कर्मियों ने आपके घर आकर यह सूचना दी थी? हां या नहीं

2.9. If yes, year, date and month?

यदि हाँ, तो वर्ष, तारीख और माह?

2.10. Did police or jail official inform you about the reason of death of victim? Yes or No

क्या पुलिस या जेल अधिकारी ने आपको पीड़ित की मौत के कारण के बारे में सूचित किया? हां या नहीं

2.11. If yes, please tell us the reason given by the police or Jail officials.

यदि हाँ, तो कृपया हमें पुलिस या जेल अधिकारियों द्वारा दिया गया कारण बताएं।

2.12 Whether the said reason was given you verbally or in writing.

क्या उक्त (वही) कारण आपको मौखिक या लिखित रूप में दिया गया था।

2.13. If in writing, do you have a copy of order of SHO/jailor detailing the reason of death under police or judicial custody?

यदि उन्होंने लिखित रूप में बताया, तो क्या आपके पास एसएचओ / जेलर के आदेश की एक प्रति है जो पुलिस या न्यायिक हिरासत के तहत मौत का कारण बताती है?

2. 14: Was there any medical examination in your knowledge at the time of apprehension of the victim? Yes or No

क्या उस समय आपकी जानकारी में पीड़ित की कोई चिकित्सा परीक्षण हुई थी? हां या नहीं।

2.15: Did police give a copy of postmortem report of the victim? Yes or No

क्या पुलिस ने पीड़ित की पोस्टमॉर्टम रिपोर्ट की एक प्रति आपको दी? हां या नहीं

2.16: Did you and your any family member receive any compensation for custodial death of the victim? Yes / No

क्या आपको और आपके परिवार के किसी सदस्य को पीड़ित की हिरासत में मृत्यु के लिए कोई मुआवजा मिला? हाँ / नहीं

2.17: What do you think about the death of the victim in police/judicial custody:

पुलिस / न्यायिक हिरासत में पीड़िता की मौत के बारे में आप क्या सोचते हैं:

(a) due to poor health issue; खराब स्वास्थ्य मुद्दे के कारण;

(b), due to police torture; पुलिस की प्रताड़ना के कारण;

(c) due to suicide; आत्महत्या के कारण;

(d) due to being poor; गरीब होने के कारण;

(e) due to being SC/ST/Minority/OBC; SC / ST / अल्पसंख्यक / OBC होने के कारण;

(f) all the above; उपरोक्त सभी;

(g) none of the above; उपरोक्त में से कोई नहीं;

(h) any other factor which you think: कोई अन्य कारक जो आपको लगता है:

Appendix F:

NHRC data related to custodial deaths (Compensation) 2008-2018 (Bihar)

DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2009 -2010 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	Bihar	3141/4/26/08-09-	JCD Death in Judicial Custody (Intimation)	150000/-	13/10/2009
2	Bihar	2835/4/2005-2006-CD)	Death in Judicial Custody(Intimation	300000/-	16/12/2009
3	Bihar	487/4/2003-2004-CD	Death in Judicial Custody (Intimation)	300000/-	05/03/2010
4	Bihar	2102/4/23/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	30/03/2010
5	Bihar	2349/4/98-99-ACD	Alleged death due to torture in Police Custody (Complaint)	100000/-	24/06/2009
6	Bihar	2420/4/29/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	16/11/2009
7	Bihar	3413/4/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	23/11/2009

8	Bihar	2570/4/4/08-09-JCD	Death in Judicial Custody (Intimation)	150000/-	21/10/2009
9	Bihar	3609/4/2005-2006	Death due to Police negligence (Complaint)	500000/-	05/03/2010
10	Bihar	175/4/26/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	31/03/2010
11	Bihar	2402/4/2001-2002-CD	Death in Judicial Custody (Intimation)	100000/-	30/07/2009
12	Bihar	3587/4/13/07-08-JCD	Death in Judicial Custody (Intimation)	5000/-	03/02/2010
13	Bihar	518/4/25/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	15/10/2009
14	Bihar	1455/4/2006-2007-CD	Death in Judicial Custody (Intimation)	100000/-	13/07/2009

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2010--2011 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	BIHAR	1098/4/2004-2005- CD	Death In Judicial Custody(Int imation)	1,00,000	24/03/2011
2	BIHAR	1152/4/26/09-10-JCD	Death In Judicial Custody(Int imation)	1,00,000	03/03/2011
3	BIHAR	1164/4/2004-2005- CD	Death In Judicial Custody(Int imation)	50,000	28/12/2010
4	BIHAR	1358/4/26/08-09-JCD	Death In Judicial Custody(Int imation)	1,00,000	22/11/2010
5	BIHAR	1619/4/24/08-09-AD	Alleged Custodial Deaths In Judicial Custody	1,00,000	28/03/2011
6	BIHAR	2491/4/7/08-09-JCD	Death In Judicial Custody(Int imation)	1,00,000	31/03/2011
7	BIHAR	2602/4/2006-2007- CD	Death In Judicial Custody(Int imation)	1,00,000	02/02/2011
8	BIHAR	2765/4/4/08-09-JCD	Death In Judicial Custody(Int imation)	1,00,000	11/01/2011
9	BIHAR	3114/4/5/08-09-JCD	Death In Judicial	50,000	03/03/2011

			Custody(Intimation)		
10	BIHAR	3145/4/2005-2006- CD`	Death In Judicial Custody(Intimation)	1,00,000	11/02/2011
11	BIHAR	3618/4/26/07-08-JCD`	Death In Judicial Custody(Intimation)	1,00,000	04/03/2011

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2011--2012 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	Bihar	1228/4/2004-2005-CD	Custodial Death (Judicial)	1,00,000	31/05/2011
2	Bihar	1430/4/28/09-10-JCD	Custodial Death (Judicial)	3,00,000	08/12/2011
3	Bihar	1460/4/32/09-10-JCD	Custodial Death (Judicial)	3,00,000	05/12/2011
4	Bihar	1508/4/27/07-08	Custodial Death (Judicial)	1,00,000	23/08/2011
5	Bihar	3335/4/26/08-09-JCD	Custodial Death (Judicial)	3,00,000	01/03/2012
6	Bihar	3605/4/2005-2006-CD	Custodial Death (Judicial)	3,00,000	03/01/2012
7	Bihar	366/4/25/2011-JCD	Custodial Death (Judicial)	5,00,000	22/09/2011

8	Bihar	516/4/10/08-09-JCD	Custodial Death (Judicial)	50,000	17/02/2012
9	Bihar	651/4/2006-2007-CD	Custodial Death (Judicial)	3,00,000	20/04/2011
10	Bihar	827/4/8/07-08-JCD	Custodial Death (Judicial)	3,00,000	10/01/2012
11	Bihar	831/4/3/2011-DH	Death in Judicial Custody	3,00,000	14/02/2012

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2012--2013 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	Bihar	102/4/32/09-10-JCD 301	Custodial Death (Judicial)	100000	26/04/2012	301
2	Bihar	1063/4/11/2011-JCD	Custodial Death (Judicial)	200000	26/02/2013	301
3	Bihar	164/4/5/09-10-JCD	Custodial Death (Judicial)	300000	09/05/2012	301
4	Bihar	1794/4/24/2010-JCD	Custodial Death (Judicial)	100000	03/09/2012	301
5	Bihar	1952/4/23/09-10-JCD	Custodial Death (Judicial)	300000	05/10/2012	301
6	Bihar	2730/4/3/2011-	Custodial Death	300000	01/11/2012	301

		JCD	(Judicial)			
7	Bihar	642/4/30/08-09-JCD	Custodial Death (Judicial)	300000	30/08/2012	301
8	Bihar	703/4/23/07-08-JCD	Custodial Death (Judicial)	100000	11/04/2012	301

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2013--2014 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	Bihar	1507/4/23/09-10-JCD	Custodial Death (Judicial)	300000	27.08.2013
2	Bihar	1522/4/26/2012-JCD	Custodial Death (Judicial)	50000	24.03.2014
3	Bihar	1933/4/28/2011-AD	Alleged Custodial Deaths In Police Custody	100000	11.07.2013
4	Bihar	2119/4/37/2011-PCD	Custodial Death (Police)	100000	07.06.2013
5	Bihar	2340/4/37/2011-JCD	Custodial Death (Judicial)	100000	22.01.2014
6	Bihar	2474/4/6/2012-JCD	Custodial Death (Judicial)	300000	22.10.2013
7	Bihar	2545/4/3/2011-JCD	Custodial Death (Judicial)	300000	12.06.2013
8	Bihar	2572/4/8/08-09-AD	Alleged Custodial Death	500000	21.08.2013
9	Bihar	3264/4/32/2012-JCD	Custodial Death (Judicial)	300000	29.07.2013
10	Bihar	4140/4/2/2012	Custodial	50000	07.11.2013

			Torture		
11	Bihar	703/4/28/2012- JCD	Custodial Death (Judicial)	100000	14.06.2013

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2014--2015 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	Bihar	1632/4/23/2013- JCD	Custodial Death (Judicial)	100,000	30/3/2015	301
2	Bihar	1978/4/9/2012- JCD	Custodial Death (Judicial)	100,000	24/3/2015	301
3	Bihar	2345/4/2006- 2007-AD	Custodial Death (Police)	200,000	16/4/2014	822
4	Bihar	258/4/8/2012- JCD	Custodial Death (Judicial)	100,000	8/9/2014	301
5	Bihar	4111/4/26/2012- JCD	Custodial Death (Judicial)	100,000	15/4/2014	301
6	Bihar	4478/4/8/2012- JCD	Custodial Death (Judicial)	100,000	3/2/2015	301
7	Bihar	811/4/11/2011- PCD	Custodial Death (Police)	100,000	25/2/2015	807

SSSDetails of Cases Pending Compliance of NHRC's Recommendations During 2015--2016 for Payment of Monetary Relief/ Disciplinary Action/Prosecution

Sl.	Name of the State/	Case No	Nature of	Amount	Date of	Remarks(Case
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No	UT Case		Complaint	Recommend ed	Recommend ation	Code)
1	Bihar	1266/4/32/2013-JCD	Custodial Death (Judicial	1,00,000	10/12/2015	301
2	Bihar	1453/4/23/2013-JCD	Custodial Death (Judicial)	3,00,000	02/06/2015	301
3	Bihar	1679/4/37/2012-JCD	Custodial Death (Judicial)	1,00,000	01/04/2015	301
4	Bihar	1951/4/7/2012-JCD)	Custodial Death (Judicial	1,00,000	30/10/2015	301
5	Bihar	2129/4/26/08-09-JCD	Custodial Death (Judicial)	5,00,000	14/05/2015	301
6	Bihar	2542/4/25/2010-PCD	Custodial Death (Police)	50,000	12/11/2015	807
7	Bihar	275/4/5/2013-JCD	Custodial Death (Judicial)	1,00,000	08/07/2015	301
8	Bihar	2766/4/1/2012-JCD	Custodial Death (Judicial)	1,00,000	15/10/2015	301
9	Bihar	2801/4/21/2012-JCD	Custodial Death (Judicial)	3,00,000	09/07/2015	301
10	Bihar	4513/4/5/2012-JCD	Custodial Death (Judicial)	1,00,000	31/03/2016	301

DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2016--2017 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommende d	Date of Recommendation	Remarks(Case Code)
1	Bihar	1079/4/26/2014-JCD	Custodial Death (Judicial)	100000	28/11/2016	301
2	Bihar	1165/4/5/2012-JCD	Custodial Death	1,00,000	20/9/2016	301

			(Judicial)			
3	Bihar	1458/4/23/2015	Custodial Torture	20000	1/12/2017	809
4	Bihar	1521/4/4/2010-PCD	Custodial Death (Police)	100000	12/1/2016	807
5	Bihar	1588/4/8/09-10-PF	Custodial Torture	500000	10/6/2016	1707
6	Bihar	2047/4/28/2011-PCD	Custodial Death (Police)	500000	3/22/2017	807
7	Bihar	2166/4/23/2012-JCD	Custodial Death (Judicial)	100000	2/6/2017	301
8	Bihar	2179/4/14/2012-JCD	Custodial Death (Judicial)	50000	3/17/2017	301
9	Bihar	2196/4/36/2012-JCD	Custodial Death (Judicial)	100000	3/17/2017	301
10	Bihar	2315/4/8/2014-JCD	custodial death (Judicial)	100000	11/9/2016	301
11	Bihar	2572/4/8/08-09-AD	Alleged Custodial Death	500000	5/27/2016	1716
12	Bihar	3554/4/23/2013-JCD	Custodial Death (Judicial)	50000	9/27/2016	301
13	Bihar	4378/4/21/2012-JCD	Custodial Death (Judicial)	50000	11/16/2016	301
14	Bihar	4598/4/26/2012-JCD	Custodial Death (Judicial)	100000	2/6/2017	301

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2017--2018 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	Bihar	1521/4/8/2014-JCD	Custodial Death (Judicial)	100000	3/8/2017	301
2	Bihar	1902/4/9/2012-JCD	Custodial Death (Judicial)	300000	21/12/2017	301
3	Bihar	2056/4/23/2013-JCD	Custodial Death (Judicial)	300000	1/11/2017	301
4	Bihar	2082/4/22/2013-JCD	Custodial Death (Judicial)	100000	15/5/2017	301
5	Bihar	2086/4/1/2013-JCD	Custodial Death (Judicial)	300000	29/11/2017	301
6	Bihar	2236/4/22/2014-JCD	Custodial Death (Judicial)	100000	11/9/2017	301
7	Bihar	2355/4/39/2012-JCD	Custodial Death (Judicial)	100000	4/8/2017	301
8	Bihar	2569/4/6/2014-jcd	Custodial Death (Judicial)	100000	3/8/2017	301
9	Bihar	2838/4/10/2014-pcd	Custodial Death (Police)	100000	20/12/2017	807
10	Bihar	3111/4/13/2014-JCD	Custodial Death (Judicial)	100000	10/1/2018	301
11	Bihar	3717/4/16/2014-JCD	Custodial Death	300000	28/7/2017	301

			(Judicial)			
12	Bihar	3964/4/26/2013-JCD	Custodial Death (Judicial)	100000	22/16/2017	301
13	Bihar	3966/4/39/2013-AD	Alleged Custodial Deaths in Judicial Custody	100000	22/12/2017	309
14	Bihar	4007/4/32/2016-JCD	Custodial Death (Judicial)	200000	23/1/2018	301
15	Bihar	403/4/7/2013-JCD	Custodial Death (Judicial)	100000	30/11/2017	301
16	Bihar	4061/4/26/2012-JCD	Custodial Death (Judicial)	300000	29/11/2017	301
17	Bihar	4112/4/8/2013-JCD	Custodial Death (Judicial)	100000	14/11/2017	301
18	Bihar	535/4/8/2014-JCD	Custodial Death (Judicial)	300000	29/11/2017	301
19	Bihar	537/4/8/2014-JCD	Custodial Death (Judicial)	300000	4/7/2017	301
20	Bihar	786/4/1/2012-JCD	Custodial Death (Judicial)	300000	29/11/2017	301
21	Bihar	83/4/8/2015-JCD	Custodial Death (Judicial)	300000	26/7/2017	301

Details of Cases Pending Compliance of NHRC's Recommendations During 2018-2019 (Data as per CMS as on 10/05/2019)

Sl no `	State	Case No	Incident Code	Nature of complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	Bihar	1211/4/26/2014-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	12-12-2018
2	Bihar	1240/4/9/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300,000	23-10-2018
3	Bihar	1407/4/39/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	20-09-2018
4	Bihar	2321/4/8/2013-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	12-09-2018
5	Bihar	255/4/39/2012-PCD	807	CUSTODIAL DEATH (Police)	50,000	12-09-2018
6	Bihar	2603/4/9/2014-JCD	301	CUSTODIAL DEATH (Judicial)	500,000	06-04-2018
7	Bihar	2878/4/26/2013-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	12-02-2019
8	Bihar	2899/4/23/2013-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	20-09-2018
9	Bihar	2921/4/36/07-08-pcd	807	CUSTODIAL DEATH (Police)	500,000	18-02-2019
10	Bihar	3209/4/5/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	02-01-2019
11	Bihar	3370/4/21/2	309	ALLEGED	300,000	28-05-2018

		014-ad		CUSTODIAL DEATHS IN JUDICIAL CUSTODY		
12	Bihar	3824/4/23/2015-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	15-06-2018
13	Bihar	3961/4/38/2014-jcd	301	CUSTODIAL DEATH (Judicial)	100,000	28-05-2018
14	Bihar	402/4/26/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	09-08-2018
15	Bihar	4116/4/24/2016-JCD	807	CUSTODIAL DEATH (Judicial)	500,000	18-12-2018
16	Bihar	4341/4/9/2014-PCD	807	CUSTODIAL DEATH (Police)	100,000	07-12-2018
17	Bihar	516/4/9/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	13-07-2018
18	Bihar	701/4/26/2016-jcd	301	701/4/26/2016-jcd	200,000	09-01-2019

Details of Cases Pending Compliance Of NHRC's Recommendations During 2019-2020

Sl no`	State	Case No	Incident Code	Nature of complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	Bihar	3436/4/18/2015-PCD	807	CUSTODIAL DEATH (Police)	300000	16-01-2020
2	Bihar	677/4/6/2017-PCD	807	CUSTODIAL DEATH (Police)	300000	05-03-2020

3	Bihar	2473/4/20/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-06-2019
4	Bihar	3464/4/9/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	18-10-2019
5	Bihar	4258/4/22/2014-jcd	301	CUSTODIAL DEATH (Judicial)	500000	17-07-2019
6	BIhar	1374/4/26/2016-jcd	301	CUSTODIAL DEATH (Judicial)	200000	07-01-2020
7	Bihar	602/4/36/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200000	21-10-2019
8	BIHAR	120/4/26/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
9	Bihar	18/4/4/2015-jcd	301	CUSTODIAL DEATH (Judicial)	300000	27-01-202
10	Bihar	231/4/24/2015-JCD	301	CUSTODIAL DEATH (Judicial)	200000	20-01-2020
11	Bihar	3450/4/30/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300000 24-01-2020	24-01-2020
12	Bihar	4/4/29/2016-jcd	301	CUSTODIAL DEATH (Judicial)	300000	27-01-2020
13	Bihar	4497/4/7/2014-jcd	301	CUSTODIAL DEATH (Judicial)	200000	20-01-2020
14	BIHAR	217/4/7/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	21-01-2020
15	Bihar	2354/4/37/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	28-10-2019

16	Bihar	3287/4/11/2 017-JCD	301	CUSTODIA L DEATH (Judicial)	300000	06-12-2019
17	Bihar	4124/4/37/2 016-JCD	301	CUSTODIA L DEATH (Judicial)	300000	11-03-2020

Appendix FI : Details of Police Custodial Death in Bihar 2008-2018 as per NHRC Data (COMPENSATION)

Year of incident (Custodial Death)	Name of the Victim (Age)	Case Number	Religion	Caste	Address with PS and District	Date of Custodial Death	Incident Place	Cause of the Death
2010	Deepak Kumar	2542/4/25/2010-PCD	Hindu	Unknown	R/O KAWAI, MALIYABAGH, PS- DAWATH, Dist : Rohtas	07.07.2010	Nawadah	syncopal attack of astheria
2010	Rohit Kumar(21)	1521/4/4/2010-PCD	Hindu	Unknown	R/O TILRATH, PS- BARAUNI, Dist Barauni	09.07.2010	Begusarai	Hit by Truck while Escape.
2011	Gobinda Rajbhar()	2119/4/37/2011-PCD	Hindu	Unknown	R/O NAYA BAZAR, POKHRA, BAILHATTA, PS. NAGAR, Dist: Siwan	15.09.2011	Siwan	asphyxial shock due to hanging
2011	Satish Kumar Singh(25)	811/4/11/2011-PCD	Hindu	Unknown	R/O MOHALLA. GEVAL VIGHA, PS. RAMPUR, Dist : Gaya	Not Available	Gaya	lacerated wound and several abrasions
2011	Ram Chandra Sharma	2047/4/28/2011-PCD	Hindu	Unknown	JAMUHAR, PS. DIHRI, DIst ; Rohtas	10.09.2011	Rohtas	asphyxia caused by strangulation
2014	Ramdular Kamat	2838/4/10/2014-PCD	Hindu	Unknown	VILLAGE. NASPATTI CHOWK, PS. LADANIA, Dist : Madhubani	18.07.2014	Darbhan ga	Jumped from the running train in a bid to escape and sustained injuries.

Appendix F2: Details of NHRC (Compensation) based Judicial Custodial Death in Bihar: 2008-2018

Year of incident (Custodial Death)	Name of the Victim(Age)	Case Number	Religion	Caste	Address with PS and District	Date of Custodial Death	Incident Place	Cause of the Death
2008	Bipin Kumar Yadav	2420/4/29/08-09-JCD	Hindu	General	VILL. UTESAR P.S. JALSUA, Dist : Saharsa	13.11.2008	Begusarai	Illness
2008	Ram Bishesh	2570/4/4/08-09-JCD	Hindu	General	VILL. BELARI P.S. UJIARPUR, Dist : Samastipur	27.11.2005	Begusarai	Haematomesjs
2008	Sanjit Sahu(36)	175/4/26/08-09-JCD	Hindu	Unkown	PAMERA, PS DHANRUA, Dist : Patna	10.04.2008	Patna	asphyxia due to strangulation and shock due to scrotal injury
2008	Sudama Raj Bansi(30)	518/4/25/08-09-JCD	Unkown	Unkown	Dist : Nawadah	07.04.2008		Cardio Respiratory Failure
2008	Sudama Singh(40)	1358/4/26/08-09-JCD	Hindu	Unkown	R/O VILL. PAYAREPUR P.S. AKHORI GOLA, Dist : Rohtas	17.08.2008	Patna	Negligence
2008	Alakhdev Mahto	1619/4/24/08-09-AD	Hindu	Unkown	Deep Nagar, Dist : Nalanda	25.07.2008	Nalanda	Attack by another inmate
2008	Akshay Kumar Dusadh	2491/4/7/08-09-JCD	Unkown	Unkown	VILL. BAKULHA PATTI P.S. SIMARI ,Dist : Buxar	28.11.2008	Buxar	Hanging (Suicide)
2008	Saroj Kumar Achary(21)	516/4/10/08-09-JCD	Hindu	Unkown	BALIYA, PS BIROAL, Dist : Darbhanga	11.05.2008	Darbhanga	Acute Tubular Necrosis of Kidney
2008	Mohd. Firoz	642/4/30/08-09-JCD	Muslim	Unkown	R/O HARISHANKAR PUR BHAGOUNI, PS-TAJPUR, Dist : Samastipur	01.06.2008	Samastipur	ProgressiveContracted Disease
2008	Gaurav Kumar Verma	2572/4/8/08-09-AD	Hindu	N/A	Dist : Champaran West	15.11.2008	West Champaran	Torture by SSB Personnel

2009	Mahesh Singh(48)	1152/4/26/09-10-JCD	Hindu	Unkno wn	R/O VILL-VARUNA, PS-BHABHUA, Dist ; Kathiar	14.08.2009	Patna	Tuberculosis of lungs and brain
2009	Ram Ayodhaya Prasad(40)	3114/4/5/08-09-JCD	Hindu	General	NAGOLI, PS-BASANTPUR, Dist: Siwan	29.01.2009	Bhagalpur	Astama
2009	Rama Shankar Rai	1430/4/28/09-10-JCD	Hindu	Unkno wn	R/O VILL-DAIDHAN, PS-DINARA, Dist : Rohtas	15.09.2009	Rohtas	Illness
2009	Jalil Nat @ Jali Nat	1460/4/32/09-10-JCD	Unkno wn	Unkno wn	R/O JALALPUR, PS- RIVIL GANJ, Dist : Chapra	25.09.2009	Chhapra	improper diagnosis and management of the disease
2009	Arjun Kumar	3141/4/26/08-09-JCD	Hindu	N/A	Dist : Patna		Patna	
2009	Ramji Sonar	3335/4/26/08-09-JCD	Hindu	SC	BIHIYA RAJABAZAR, PS- BIHIYA Dist : Bhojpur	27.2.2009	Patna	Illness
2009	Chaube Mandal(38)	164/4/5/09-10-JCD	Hindu	General	VILL- JITADIH, PS- SABAUR, Dist : Bhagalpur	11.04.2009	Bhagalpur	Disseminated Tuberculosis
2009	Jain Kumar @ Jain Sahni	1952/4/23/09-10-JCD	Hindu	Unkno wn	R/O VILL-KORIA NIJAMAT, PS-PARU, Dist : Mazaffarpur	21.11.2009	Muzzafarpur	Mental Illness which lead to chronic Starvation
2009	Gopal Prasad Sinha(50)	1507/4/23/09-10-JCD	Hindu	Unkno wn	R/O VILL-RAHMATPUR, PS-SAMASTIPUR, Dist : Samastipur	25.09.2009	Muzzafarpur	Pulmonary Tuberculosis
2010	Balmiki Mahto(65)	1794/4/24/2010-JCD	Hindu	Unkno wn	R/O DURJANCHAK, PS-SAKSOHARA , Dist : Patna	16.08.2010	Hilsa	Illness
2011	Bablu Mishra	366/4/25/2011-JCD	Hindu	Unkno wn	R/O VILL. KLAS GANJ, PS. SOHSARAI, Dist : Nalanda	09.02.2011	Nawada	Beating
2011	Hansda(5 days)	831/4/3/2011-DH	Hindu	Unkno wn	R/O BABUMAHAL, PS. CHANDAN, Dist; Banka	30.03.2011	Banka	cardio respiratory failure due to jaundice.

2011	Raj Kumar Chaudhary	1063/4/11/2011-JCD	Hindu	Unkno wn	R/O VILL. JODA MASJID, PS. BUNIYADGANJ , Dist: Gaya	07.05.2011	Gaya	Pyocele
2011	Dibakar Prasad	2730/4/3/2011-JCD	Hindu	Unkno wn	R/O JITARPUR, PS. BANKA, Dist : Banka	29.11.2011	Bhagalpur	Illness
2011	Anirudh ram (75)	2340/4/37/2011-JCD	Unkno wn	Unkno wn	R/O VILLAGE. MUSEPUR, PS. BASANTPURA, Dist : Siwan	20.10.2011	Siwan	—
2011	Dhukan Yadav(22)	2545/4/3/2011-JCD	Hindu	Unkno wn	R/O ASAUTA, PS. SHAMBHUGAN J, Dist : Siwan	13.11.2011	Banka	Medical Negligence
2012	Pintu Kumar @ Rajesh Yadav	1522/4/26/2012-JCD	Hindu	Unkno wn	R/O VILL. GYANCHAK, PS. DEEDARGANJ , Dist : Patna	26.04.2012	Patna	natural death in view of his ailments
2012	Mustaqim Darji(20)	2474/4/6/2012-JCD	Muslim	Unkno wn	R/O AWARPUL, PS. ARA NAGAR, Dist : Bhojpur	21.02.2012	Bhojpur	tuberculosis leading to right ventricular leading to CR failure.
2012	Indradev Mahto(78)	703/4/28/2012-JCD	Hindu	Unkno wn	R/O MOHALLA. MOHAN BIGHA, PS. DIHRI, Dist ; Rohtas	24.02.2012	Rohtas	myocardia infarction resulting into ventricular fibrillation c left ventricular and left edema.
2012	Bhukhail Kori(75)	3264/4/32/2012-JCD	Hindu	Unkno wn	R/O VILLAGE CHANDANPUR, PS. KHAIRA, Dist : Saran (Chapra)	20.09.2012	SARAN (CHAPRA)	illness
2012	Anand Kumar Verma	258/4/8/2012-JCD	Hindu	Unkno wn	R/O VILL. BARHARWA SIWAN, PS. DHAKA, Dist : Champaran East	03.01.2012	Champaran East	Anemia & kidney disease"

2012	Jamuna Mahto	4111/4/26/2012-JCD	Hindu	Unkown	R/O VILL. SIJHAULI, PS KARANDEY, Dist : Sheikhpur	08.11.2012	Patna	suicide by immolating himself
2012	Ali Imam(57)	4478/4/8/2012-JCD	Muslim	Unkown	KALI BAG, PS. BETIYA, NAGAR, Dist : Champaran West	30.11.2012	CHAMPARAN EAST	chronic lung disease.
2012	Ramavtar Baitha	1679/4/37/2012-JCD	Hindu	Unkown	R/O BASANV, PS. BASANTPUR, Dist : Siwan	19.05.2012	Siwan	Shock and hemorrhage of "head injury"
2012	Daroga Singh @ Daroga Yadav	1951/4/7/2012-JCD	Hindu	Unkown	R/O VILL. CHAMARTAKI YA, PS. SASARAM TOLON, SASARAM, Dist : Rohtas	01.06.2012	Buxar	cardio respiratory failure.
2012	Mohd. Azam (34)	2766/4/1/2012-JCD	Muslim	Unkown	R/O MOHALLA. TARAN, PS. JOKIHAT, Dist : Araria	29.08.2012	ARARIA	Cardio Respiratory Failure.
2012	Ramdev Mukhia(50)	2801/4/21/2012-JCD	Hindu	Unkown	R/O KUNWAR, PS. RAJ NAGAR, Dist : Madhubani	28.08.2012	Madhubani	heart attack
2012	Umesh Mahto(58)	4513/4/5/2012-JCD	Hindu	Unkown	R/O VILLAGE. AMAUSI, PS. MORKAHI, Dist : Khagaria	18.12.2012	Bhagalpur	medical negligence
2012	Angad Mukhia (57)	1165/4/5/2012-JCD	Hindu	Unkown	VILLAGE. FULTORA, PS. ALAULI, Dist : Khagaria	21.03.2012	Bhagalpur	disease of lungs and heart, i.e. natural.
2012	Mohammad Shahajade @ Gore	2166/4/23/2012-JCD	Muslim	Unkown	Dist Sitamarhi	04.06.2012	Muzaffarpur	haemorrhage, coma and shock as a result of head injury caused by hard and blunt object
2012	Saddiq miyan (56)	2179/4/14/2012-JCD	Muslim	Unkown	R/O VILLAGE. BHELUA, PS. SONO, Dist : Jamaui	05.06.2012	Jamui	cardio respiratory failure as a result of severe anemia'.

2012	Vijay Manjhi (30)	2196/4/36/2012-JCD	Hindu	Unkno wn	Dist: Sitamarhi	02.07.2012	Sitamarhi	Liver disease leading to cardiac respiratory failure
2012	Kaushal Prasad Singh (45)	4598/4/26/2012-JCD	Unkno wn	Unkno wn	R/O VILLAGE. MEENA SUPER MARKET, KUMAR GURU MARKETING PVT. LTD. BHUTNATH ROAD, PS. AGAAMKUAN, Dist : Patna	22.12.2012	Patna	Lung Disease
2012	Pappu Singh(25)	1092/4/9/2012-JCD	Hindu	N/A				
2012	Ajay Rai	2355/4/39/2012-JCD	Hindu	Unkno wn	R/O KHARAKPUR (VILAT CHOWK), PS. DESHRI (CHANDPURA OP) Dist : Vaishali	27.06.2012	Vaishali (Hajipur)	asphyxia following smothering.Trachea with systemic congestion
2012	Kamlesh Kumar (58)	4061/4/26/2012-JCD	Hindu	Unkno wn	R/O VILL. ENWA, PO. SAIDABAD, PS. KAKO, Dist : Jahanabad	04.11.2012	Patna	coronary artery blockade (myocardial infarction natural).
2012	Shiv Prasad Mandal (56)	786/4/1/2012-JCD	Hindu	Unkno wn	R/O BHEDYARI, WARD NO. 19, PS. JOGBANI, Dist : Araria	02.03.2012	ARARIA	illness
2013	Shyam Sadai @ Dabiya Sadai(60)	1632/4/23/2013-JCD	Unkno wn	Unkno wn	R/O VILLAGE. CHANAURGAN J, PS. JHANJHARPUR, Dist : Madhubani	25.04.2013	Muzaffarpur	Heart and lung disease
2013	Raj Kumar Rai (35)	1266/4/32/2013-JCD	Hindu	Unkno wn	R/O Village. Bareja ke Tola, PS. Daudpur, Saran (Chapra)	29.03.2013	Saran (Chapra)	Died natural cause.

2013	Ghanshyam Choudhary (26)	1453/4/23/2013-JCD	Hindu	Unkno wn	R/O VILL-MAIDAPUR, PS. BOCHHA, Dist (Muzaffarpur)	02.04.2013	Muzaffarpur	disease of the liver, heart and kidney
2013	Shambhu Yadav(26)	275/4/5/2013-JCD	Hindu	Unkno wn	R/O GHIYAH, PS. BELHAR	24.01.2013	Bhagalpur	
2013	Mukesh Kumar Singh()	3554/4/23/2013-JCD	Hindu	Unkno wn	Village Sarhanchia, PS. Aurai, Dist : Muzaffarpur	28.09.2013	Muzaffarpur	disease of liver, spleen and lung
2013	Manoj Kumar Singh(65)	2056/4/23/2013-JCD	Hindu	Unkno wn	R/O VILLAGE. PAKTOLA BHATOLIA, PS. DUMRA, Dist: Sitamarhi	24.05.2013	Muzaffarpur	disease of lungs and heart
2013	Gopal Tiwari ()	2082/4/22/2013-JCD	Hindu	Unkno wn	R/O Lakmanpur, PS. Jamalpur, Munger	24.05.2013	Munger	shock as a result of chronic liver diseases (Cirrhosis of over)
2013	Kyamul @ Baccha Mu;(60)	2086/4/1/2013-JCD	Unkno wn	Unkno wn	R/O VILLAGE. BAIRIA KAMAL, PS. BIRPUR, Supaul	11.06.2013	ARARIA	cardio respiratory failure.
2013	Anil Malakar (60)	3964/4/26/2013-JCD	Hindu	Unkno wn	Village Shyam Nagar, PS. Deep Nagar, Dist : Nalanda	11.11.2013	Patna	no clear cause of death has been given either in the PMR or in the magisterial enquiry report.
2013	Ram Balak Ram	3966/4/39/2013-AD	Hindu	Unkno wn	INMATE HAZIPUR JAIL, Dist Vaishali	22.10.2013	Vaishali (Hajipur)	fight between rival faction of prisoners
2013	Dinesh Kumar	403/4/7/2013-JCD	Unkno wn	Unkno wn	Village Garahara, PS. Barauni, Dist Begusarai	06.02.2013	Buxar	celphos poisoning.

2014	Chandeshwar Bhagat	535/4/8/2014-JCD	Hindu	Unkno wn	VILLAGE. RANJUA BAKHRI, PS. MEHSI, Dist : Champaran East	17.01.2014	Champaran East	cardiac failure due to chronic heart disease
2014	Bhanu Pratap	1079/4/26/2014-JCD	Hindu	Unkno wn	R/O Rashtriya Ganj, PS. Phoolwari Shereef, Dist : Patna	09.03.2014	Patna	heart disease in presence of lung disease.
2014	Mahendra Manjhi	2315/4/8/2014-JCD	Hindu	Unkno wn	VILLAGE. NARAURA MUSHAR TOLI, PS. GHORA SAHAN, MOTIHARI, Dist : Champaran East	25.05.2014	Champaran East	tuberculosis and liver Disease
2014	Munna Sahani	1521/4/8/2014-JCD	Hindu	Unkno wn	R/O Village Machah, PS. Mufsil, Motihari, Dist : Champaran West	24.03.2014	Champaran East	of liver and lungs. The victim was HIV Positive
2014	Shyam Singh	2236/4/22/2014-JCD	Hindu	Unkno wn	Mangrappa, PS. Asarganj, Dist : Munger	28.05.2014	Munger	the deceased was beaten by poisonous creature like snake because two fang marks were found on left little finger.
2014	Nemi Mushar	2569/4/6/2014-JCD	Hindu	Unkno wn	R/O VILLAGE. SARATHUA, PS. UDWANTNAGA R, Dist : Bhojpur	22.06.2014	Bhojpur	cardio respiratory arrest
2014	Tulsi Manjhi	3111/4/13/2014-JCD	Hindu	Unkno wn	R/O NADIYAWA PS. KAKO, Dist : Jahanabad	06.08.2014	Jahanabad	lungs disease, a natural cause

2014	Allauddin	3717/4/16/2014-JCD	Muslim	Unknown	VILLAGE AND PS. PHOOLKAHA BAZAR, Dist : Araria	26.09.2014	Katihar	hypertension and also to excess the damage to vital organs like retina, kidney, brain due to hypertension.
2014	Mahasagar Sahani	537/4/8/2014-JCD	Hindu	Scheduled Caste	VILLAGE. SINGHPUR, PS. AASAV, Dist : Siwan	21.01.2014	Champan East	due to obstruction pericardities leading to cardiac failure.
2015	Sagir Miya	83/4/8/2015-JCD	Hindu	Unknown	R/O Village Bargha, PS. Mufssil, Motihari, Dist : Champaran West	04.12.2014	Champan East	chronic obstructive lungs disease and TB
2016	Chandra Bhusan Singh	4007/4/32/2016-JCD	Hindu	Unknown	R/O KARAH TOLA RAMKOLA, P.S BANIYAPUR, Dist : Chapra	28.11.2016	Saran (Chapra)	MDR disease, tuberculosis

Appendix G:

NHRC data related to custodial deaths (Compensation) 2008-2018 (Jharkhand)

Jharkhand

DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2009 -2010 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks
1	Jharkhand	33/34/2002-2003-CD	Death in Police Custody (Intimation)	100000/-	12/08/2009	Proof of payment awaited
2	Jharkhand	836/34/5/08-09-JCD	Death in Judicial Custody (Intimation)	100000/-	23/11/2009	Proof of payment awaited
3	Jharkhand	1377/34/2005-2006- CD	Death in Judicial Custody (Intimation)	100000/-	10/02/2010	Proof of payment awaited
4	Jharkhand	878/34/2004-2005- CD	Death in Judicial Custody (Intimation)	300000/-	16/09/2009	Proof of payment awaited
5	Jharkhand	767/34/2004-2005	Death in Judicial Custody (Intimation)	100000/-	14/12/2009	Proof of payment awaited
6	Jharkhand	1148/34/2006-2007- CD	Death in Judicial Custody (Intimation)	300000/-	28/02/2010	Proof of payment awaited

7	Jharkhand	821/34/13/07-08-JCD	Death in Judicial Custody (Intimation)	100000/-	06/01/2010	Proof of payment awaited
8	Jharkhand	477/34/2005-2006- CD	Death in Judicial Custody (Intimation)	100000/-	30/12/2009	Proof of payment awaited
9	Jharkhand	33/34/2003-2004-CD	Death in Judicial Custody (Intimation)	100000/-	16/03/2010	Proof of payment awaited

DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2010-2011 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks
1	Jharkhand	1096/34/2005-2006- CD	Death In Judicial Custody(Intimation)	₹ 3,00,000	30/08/2010	Proof of payment awaited
2	Jharkhand	1139/34/5/07-08-JCD	Death In Judicial Custody(Intimation)	₹ 1,00,000	02/07/2010	Proof of payment awaited
3	Jharkhand	116/34/11/08-09-JCD	Death In Judicial Custody(Intimation)	₹ 1,00,000	22/11/2010	Proof of payment awaited
4	Jharkhand	1281/34/2006-2007- CD	Death In Judicial Custody(Intimation)	1,00,000	27/01/2011	Proof of payment awaited
5	Jharkhand	1291/34/16/07-08- JCD	Death In Judicial Custody(Intimation)	1,00,000	25/10/2010	Proof of payment awaited
6	JHARKHAND	1466/34/11/07-08	Death In Police Encounter	₹ 5,00,000	10/02/2011	Proof of payment awaited

7	JHARKHAND	1519/34/11/07-08- JCD	Death In Judicial Custody(Intimation)	1,00,000	12/01/2011	Proof of payment awaited
8	JHARKHAND	431/34/4/2010-PCD	Custodial Death (Police)	1,00,000	07/02/2011	Proof of payment awaited
9	JHARKHAND	490/34/8/08-09-PCD	Death In Police Custody(Intimation)	1,00,000	23/12/2010	Proof of payment awaited
10	JHARKHAND	690/34/18/09-10-JCD	Death In Police Custody(Intimation)	1,00,000	03/11/2010	Proof of payment awaited
11	JHARKHAND	711/34/3/07-08-JCD	Death In Police Custody(Intimation)	1,00,000	15/03/2011	Proof of payment awaited

DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2011-2012 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks
1	Jharkhand	1077/34/2006-2007-CD	Custodial Death (Judicial)	1,00,000	25/12/2011	Proof Of Payment Awaited
2	Jharkhand	213/34/18/08-09-JCD	Custodial Death (Judicial)	1,00,000	24/06/2011	
3	Jharkhand	419/34//4/09-10-JCD	Custodial Death (Judicial)	3,00,000	25/11/2011	
4	Jharkhand	490/34/5/2011-JCD	Custodial Death (Judicial)	3,00,000	16/12/2011	
5	Jharkhand	565/34/17/09-10-JCD	Custodial Death (Judicial)	3,00,000	07/03/2012	

6	Jharkhand	684/34/2006-2007-CD	Custodial Death (Judicial)	2,00,000	27/06/2011	
7	Jharkhand	75/34/16/2010-JCD	Custodial Death (Judicial)	2,00,000	19/12/2011	
8	Jharkhand	766/34/6/09-10-Dh	Death In Judicial Custody	50,000	11/08/2011	
9	Jharkhand	844/34/10/07-08-AD	Alleged Custodial Deaths In Police Custody	5,00,000	14/12/2011	
10	Jharkhand	956/34/2006-2007-CD	Custodial Death (Judicial)	1,00,000	05/08/2011	

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2012-2013 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	Jharkhand	1242/34/20/2011	Custodial Torture	50000	12/06/2012
2	Jharkhand	1264/34/2004-2005-CD	Custodial Death (Police)	100000	10/05/2012
3	Jharkhand	1620/34/16/2011-JCD	Custodial Death (Judicial)	500000	12/11/2012
4	Jharkhand	190/34/4/2012-JCD	Custodial Death (Judicial)	500000	21/01/2013

5	Jharkhand	304/34/11/2011-PCD	Custodial Death (Police)	100000	06/03/2013
6	Jharkhand	6/34/16/2012-JCD	Custodial Death (Judicial)	100000	13/12/2012
7	Jharkhand	628/34/16/2010-JCD	Custodial Death (Judicial)	100000	04/09/2012

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2013-2014 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	Jharkhand	1445/34/4/2010-PCD	Custodial Death (Police)	300000	16.05.2013
2	Jharkhand	153/34/19/2010-PCD	Custodial Death (Police)	500000	23.05.2013
3	Jharkhand	646/34/4/2013-JCD	Custodial Death (Judicial)	100000	24.12.2013
4	Jharkhand	746/34/11/09-10-PCD	Custodial Death (Police)	100000	28.11.2013
5	Jharkhand	954/34/18/2012-JCD	Custodial Death (Judicial)	100000	03.12.2013

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2014-2015 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
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				d	on
1	Jharkhand	1225/34/17/ 2010-JCD	Custodial Death (Judicial)	100,000	28/4/2014
2	Jharkhand	302/34/12/2 011-JCD	Custodial Death (Judicial)	100,000	2/4/2014
3	Jharkhand	464/34/18/2 013-JCD	Custodial Death (Judicial)	300,000	10/11/2014
4	Jharkhand	663/34/19/2 012-JCD	Custodial Death (Judicial)	100,000	11/7/2014
5	Jharkhand	1038/34/4/2 012-AD	CUSTODI AL DEATHS IN POLICE CUSTODY	200,000	1/6/2015
6	Jharkhand	254/34/1/20 10-AD	CUSTODI AL DEATHS IN JUDICIAL CUSTODY	100,000	9/4/2014

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2015-2016 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
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1	Jharkhand	1243/34/6/2013-PCD	Custodial Death (Police)	1,00,000	10/12/2015
2	Jharkhand	1276/34/7/2012-JCD	Custodial Death (Judicial)	3,00,000	11/06/2015
3	Jharkhand	1383/34/5/2012-JCD	Custodial Death (Judicial)	3,00,000	02/12/2015
4	Jharkhand	1459/34/3/2012-PCD	Custodial Death (Police)	1,00,000	23/06/2015
5	Jharkhand	287/34/6/2013	Custodial Torture	50,000	11/06/2015
6	Jharkhand	690/34/13/2012-PCD	Custodial Death (Police)	5,00,000	14/10/2015

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2016-2017 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION.

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	Jharkhand	1167/34/16/2012-JCD	Custodial Death (Judicial)	50000	13/12/2016
2	Jharkhand	118/34/16/2013-JCD	Custodial Death (Judicial)	100000	12/4/2016
3	Jharkhand	1447/34/11/2013-JCD	Custodial Death (Judicial)	300000	7/2/2017
4	Jharkhand	1538/34/4/2014-PCD	Custodial Death (Police)	100000	8/11/2016

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2017-2018 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	Jharkhand	119/34/16/2013-JCD	Custodial Death (Judicial)	300000	28/6/2017
2	Jharkhand	1243/34/6/2013-PCD	Custodial Death (Police)	500000	30/5/2017
3	Jharkhand	1258/34/18/2012-jcd	Custodial Death (Judicial)	100000	16/11/2017
4	Jharkhand	1384/34/4/2013-JCD	Custodial Death (Judicial)	100000	23/11/2017
5	Jharkhand	141/34/16/2014-JCD	Custodial Death (Judicial)	100000	13/11/2017
6	Jharkhand	1504/34/6/2013-JCD	Custodial Death (Judicial)	100000	13/11/2017
7	Jharkhand	1545/34/9/2013-JCD	Custodial Death (Judicial)	100000	29/6/2017
8	Jharkhand	1578/34/11/2013-JCD	Custodial Death (Judicial)	200000	3/1/2018
9	Jharkhand	1626/34/16/2014-jcd	Custodial Death (Judicial)	100000	13/9/2017
10	Jharkhand	1667/34/15/2014-pcd	Custodial Death (Police)	500000	7/2/2018

11	Jharkhand	1743/34/16/2014-JCD	Custodial Death (Judicial)	300000	4/7/2017
12	Jharkhand	239/34/3/2012-PCD	Custodial Death (Police)	300000	13/12/2017
13	Jharkhand	276/34/21/2012-jcd	Custodial Death (Judicial)	100000	20/2/2018
14	Jharkhand	739/34/7/2013-pcd	Custodial Death (Police)	100000	11/1/2017
15	Jharkhand	80/34/4/2013-JCD	Custodial Death (Judicial)	100000	12/4/2017
16	Jharkhand	81/34/12/2013	Custodial Torture	50000	12/14/2017
17	Jharkhand	865/34/4/2013-pcd	Custodial Death (Police)	50000	14/9/2017
18	Jharkhand	898/34/16/2013-JCD	Custodial Death (Judicial)	300000	17/7/2017

Details of Cases Pending Compliance of NHRC's Recommendations During 2018-2019 (Data as per CMS as on 10/05/2019)

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for	Date of Recommendation
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					Victims/Next of Kins	
1	Jharkhand	1015/34/14/2016-JCD	301	Custodial Death (Judicial)	300,000	11-12-2018
2	Jharkhand	1168/34/23/2012-pcd	807	Custodial Death (Police)	200,000	09-05-2018
3	Jharkhand	1453/34/12/2016-JCD	301	Custodial Death (Judicial)	100,000	01-11-2018
4	Jharkhand		807	Custodial Death (Police)		21-06-2018
5	Jharkhand	1481/34/18/2015-JCD	301	Custodial Death (Judicial)	100,000	26-11-2018
6	Jharkhand	1525/34/7/2015-JCD	301	Custodial Death (Judicial)	300,000	29-08-2018
7	Jharkhand	60/34/6/2011-jcd	301	Custodial Death (Judicial)	100,000	03-10-2018
8	Jharkhand	784/34/15/2014-PCD		Custodial Death (Police)	300,000	08-08-2018
9	Jharkhand	811/34/7/2013-jcd		Custodial Death (Judicial)	200,000	03-10-2018
10	Jharkhand	917/34/11/2013-jcd		Custodial Death (Judicial)	200,000	19-02-2019
11	Jharkhand	929/34/16/2015-JCD		Custodial Death (Judicial)	300,000	12-06-2018
12	Jharkhand	993/34/10/2016-JCD		Custodial Death (Judicial)0	300,000	01-01-2019

Details of Cases Pending Compliance Of NHRC's Recommendations During 2019-2020

Sr. No.	Name of the State/UT	Case No.	Incident Code	Nature of Complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	Jharkhand	1014/34/6/2016-JCD	301	CUSTODIAL DEATH (Judicial)	200000	29-05-2019
2	Jharkhand	1521/34/5/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	14-11-2019
3	Jharkhand	1521/34/5/2018-JCD	301	CUSTODIAL DEATH (Judicial)	200000	24-01-2020
4	JHARKHAND	1329/34/17/2015-JCD	301	CUSTODIAL DEATH (Judicial)	300000	20-01-2020
5	JHARKHAND	1050/34/6/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	26-11-2019
6	JHARKHAND	1066/34/7/2017-JCD	301	CUSTODIAL DEATH (Judicial)	300000	19-03-2020
7	JHARKHAND	1559/34/5/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	14-11-2019
8	JHARKHAND	482/34/16/2017-JCD 1	30	CUSTODIAL DEATH (Judicial)	100000	27-06-2019
9	JHARKHAND	623/34/4/2017-JCD	301	CUSTODIAL DEATH (Judicial)	100000	04-02-2020
10	JHARKHAND	627/34/6/2018-JCD	301	CUSTODIAL DEATH (Judicial)	300000	25-02-2020
11	JHARKHAND	979/34/16/2	301	CUSTODI	300000	11-12-2019

	ND	013-JCD		AL DEATH (Judicial)		
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Appendix G-1 : Details of NHRC (Compensation) based Police Custodial Death in Jharkhand : 2008-2018										
Year Of Incident /Custodial	District	Police Station	Case No	Name of The Victim	Age	Religion	Caste	Incident Place	Compensation Paid	Cause of the Death

Death										
2008	Not Available	-	1466/34/11/07-08	SANTOSH KUMAR KESHWANI	-	Hindu	Unknown	CHAUPARAN	500,000	a case of execution.
2010	DHANBAD	NAVBATPUR	431/34/4/2010-PCD	DEEPAK SONI @ RAJIV SINGH @ RAJVIR	-	Hindu	Unknown	PS-MUNDIHA O.P.	100,000	Asphyxia as a result of hanging
2008	GIRIDIH	BARAURA	490/34/8/08-09-PCD	RAJESH RAY	-	Hindu	Unknown	PS-NIMAGHAT	100,000	Asphyxia as a result of hanging
2012	DHANBAD	GOVINDPUR	1038/34/4/2012-AD	SAFIULLAH ANSARI	-	Muslim	Unknown	GOVINDPUR P.S.	200,000	suicide
2013	EAST SINGBHUM	KOWALI	1243/34/6/2013-PCD	SUNIL LOHAR	-	Hindu	Unknown	PS.KOWALI	500,000	Suicide due to illegal detention
2012	RANCHI	MADHUPUR	1459/34/3/2012-PCD	GAURISHANKAR JHA	42	Hindu	General	MADHUPUR PS.	100,000	injuries caused due to police action
2012	LOHERDAGA	KURU	690/34/13/2012-pcd	SHERU ANSARI	-	Muslim	Unknown	PS.KARU	500,000	Due to handedness of the police.
2014	DHANBAD	PS. KENDUADEAH	1538/34/4/2014-PCD	MOHAMMAD MUSTAQ @ DAKUA	35	Muslim	Unknown	RAJGANJ POLICE STATION	100,000	Physiologic Death, natural.
2007	GUMLA	PS GUMLA	844/34/10/07-08-AD	VINOD ORAON		Hindu	Unknown	GUMLA BISHUNPUR	Rs. 85,964/-	Due to the beating, which caused internal injuries
2011	H AZARIBAGH	NAWADIHA,	304/34/11/2011-PCD	MOHAMMAD ILIYAS		Muslim	Unknown	PS. BARHI	100000	Suicide by Hanging

				KHAN						
2010	DHANBAD	NAWAD IHA,	1445/34/4/2010-PCD	DHIRENDRA SINGH	30	Hindu	unknown	P.M.C. H. DHANBAD	500000	-----
2010	JAMTARA	----	153/34/19/2010-PCD	BHOLA PANDEY		Hindu	unknown	JAMTARA	500000	Killed by inmates
2009	H AZARIBAGH	PATRATU	746/34/11/09-10-PCD	KHUSHBOO KUMARI		Hindu	unknown	PATARTU PS.	100000	severe ante-mortem injuries caused by her fall.(hanging)

Appendix G 2: Details of NHRC (Compensation) based Judicial Custodial Death in Jharkhand : 2008-2018

Case	Victim	Incident		
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Year Of Incident /Custodial Death	District	Police Station	Case No	Name of The Victim	Age (In Years)	Religion	Caste	Incident Date / Date of Custodial Death	Incident Place	Compensation Paid	Cause of the Death
2005	DEOGARH	MOHANPUR	1096/34/2005-2006-CD	RAJESH KUMAR MISHRA @ BADAL	38	Hindu	Unknown	12/09/2005	DEOGARH	300,000	consumption of poison
2007	DUMKA	JAMA	1139/34/5/07-08-JCD	BALESHWAR MURMU	51	Hindu	Unknown	11/5/2007	DUMKA	100,000	Medical negligence advanced stage of Pulmonary Tuberculosis
2008	HAZARIBAGH	RAMGARH	116/34/11/08-09-JCD	BHADWA MUNDA	65	Unknown	Unknown	4/21/2008	HAZARIBAGH	1,00,000	Medical Negligence Delay in treatment
2006	DUMKA	DUMKA TOWN	1281/34/2006-2007-CD	SANJAY KUMAR SADHU	-	Hindu	Unknown	12/30/2006	RIMS RANCHI	1,00,000	suicide self immolation
2007	HAZARIBAGH	BARHI	1291/34/16/07-08-JCD	ANUJ BARI	-	Unknown	Unknown	12/23/2007	RIMS, RANCHI	1,00,000	bom explosion
2008	HAZARIBAGH	BARKAGON	1519/34/11/07-08-JCD	DARSHAN MAHTO	32	Hindu	Unknown	2/8/2008	HAZARIBAGH	100,000	Asphyxia due to hanging
2009	WEST SINGHBHUM	NOVAMUNDI	690/34/18/09-10-JCD	MOTI SANDIL	20	Unknown	Unknown	9/25/2009	CHAI BASA	100,000	respiratory failure, suicidal in nature
2007	DEOGHAR	MOHANPUR	711/34/3/07-08-JCD	GOPAL SINGH	-	Hindu	Unknown	7/30/2007	DEOGARH	100,000	asphyxia as a result of hanging

2010	SAHIBGANJ	BARHET	1225/34/17/2010-JCD	CHHOTU MARANDI	55	Hindu	Scheduled Tribe	9/24/2010	SAHIBGANJ	-	medical negligence
2011	KODERMA	KODERMA	302/34/12/2011-JCD	UMESH YADAV	32	Hindu	Unknown	3/5/2011	DISTRICT JAIL, KODERMA	-	committed suicide due to the negligence of the jail officials
2013	WEST SINGHBHUM	SONUA	464/34/18/2013-JCD	MAHANGI LAL @ MANA MELGANDI	55	Hindu	Unknown	4/6/2013	DISTRICT JAIL, CHAIBASA	300,000	haematamasis and Malaria medical negligence
2012	JAMTARA	FATEHPUR	663/34/19/2012-JCD	KISTO SOREN	60	Hindu	Unknown	4/28/2012	SADAR HOSPITAL, JAMTARA	1,00,000/-	Due to negligence in performing their duties
2010	BOKARO	-	254/34/1/2010-AD	JAHANGIR KHAN	22	Muslim	Unknown	2/22/2010	CHAS JAIL	100,000	burn injuries due to self-immolation in judicial custody.
2015-2016 (NHR C)											
2012	GARHWA	BHAWANATHPUR	1276/34/7/2012-JCD	AFJAL ANSARI	35	Muslim	Unknown	9/25/2012	JAIL HOSPITAL, GARHWA	300,000	Medical negligence

2012	DUMKA	DUMKA	1383/34/5/2012-JCD	TULU GHOSH @ DULU GHOSH	45	Hindu	Unknown	10/17/2012	CENTRAL JAIL, DUMKA	300,000	cardio Respiratory Arrest. Lack of medical treatment
2016-2017 (NHR C)											
2012	RANCHI	PS. DEOGHAR	1167/34/16/2012-JCD	KAUSHIK GHOSH @ BAPI GHOSH	-	Hindu	Unknown	9/7/2012	RIMS, RANCHI	50,000	set himself on fire in the bath room of the jail and succumbed to the burn injuries.
2013	RANCHI	PS. KATHIKUNDA	118/34/16/2013-JCD	RAMESHWAR MURMU @ RAMESH AL MURMU	21	Hindu	Unknown	1/23/2013	RIMS, RANCHI	100,000	Medical negligence : delay in shifting to at Higher Medical Centre
2013	HAZARIBAGH	PS. BINDAPAT HAR	1447/34/11/2013-JCD	SUSHIL MURMU	55	Hindu	Unknown	11/16/2013	SADAR HOSPITAL HAZARI BAGH	0	died due to the disease. Natural death
2017-2018 (NHR C)											
2013	RANCHI	PS. SIMDEGA	119/34/16/2013-JCD	SAHAIKHES	55	Hindu	Unknown	1/27/2013	RIMS, RANCHI	300,000	died due to inadequacy in the treatment and negligence of the doctors of the jail.

2012	WEST SINGHBHUM	PS. SONUA	1258/34/18/2012-JCD	MANGAL BODRA	35	Unknown	Unknown	9/20/2012	DISTRICT JAIL, CHAIBAS A	100,000	cardiorespiratory failure medical negligence
2013	DHANBAD	PS. JHARIYA	1384/34/4/2013-JCD	SAJAN YADAV	32	Hindu	Unknown	10/23/2013	PMCH, DHANBAD	100,000	Medical negligence on the part of doctor
2014	RANCHI	PS. LOWER BAZAR	141/34/16/2014-JCD	MOKHTAR KHAN	27	Muslim	Unknown	1/29/2014	BIRSA MUNDA CENTRAL JAIL, RANC	100,000	septicemia and toxemia and shock of burn. Committed suicide by setting himself afire.
2013	EAST SINGHBHUM	PS. MUSABANI	1504/34/6/2013-JCD	LUGU MAHLI	23	Unknown	Unknown	11/17/2013	M.G.M.C. H. JAMSHE DPUR	100,000	pulmonary tuberculosis. Lack of treatment
2013	RANCHI	PS. BOARIZORE,	1545/34/9/2013-JCD	RAM SURAJ MARANDI	-	Unknown	Unknown	12/11/2013	A.M. SADAR HOSPITAL, GODDA	-	Medical negligence on the part of doctor
2013	HAZARIBAGH	PS. MANDU	1578/34/11/2013-JCD	DASO GOPE	-	Hindu	Unknown	12/23/2013	HAZARI BAGH	-	Delay in medical treatment and referring to hospital
2014	RANCHI	PS. PITHORIA	1626/34/16/2014-JCD	PURANURAV	-	Hindu	Unknown	10/10/2014	BIRSA MUNDA CENTRAL JAIL, HOTW	-	the deceased was not viewed seriously by jail doctors and jail administration and they failed

											to discharge their duties to provide security, care and medical assistance to the jail inmate.
2014	RANCHI	PS. TOKLO, CHAIBASA	1743/34/16/2014-JCD	MAAN SINGH KERAI	62	Hindu	Unknown	10/28/2014	BIRSA MUNDA CENTRAL JAIL, HOTW	300,000	disease of lungs and Tuberculosis negligence shown to him by the Jail Medical Officer.
2012	SIMDEGA	PS. KOLEBIRA,	276/34/21/2012-JCD	ANIL TETE	35	Hindu	Unknown	2/9/2012	SADAR HOSPITAL, SIMDEGA	100,000	collapse of lung leading to cardiorespiratory arrest. negligence on the part of the doctors
2013	DHANBAD	PS. MAHUDA	80/34/4/2013-JCD	KAILASH CHITRAKAR	24	Unknown	Unknown	1/17/2013	DHANBAD	100,000	due to late sequelae of multiple blunt injuries chiefly involving lungs.
2013	RANCHI	PS. RAIDIH	898/34/16/2013-JCD	SHANKAR MANJHI	28	Unknown	Unknown	7/14/2013	RANCHI	-	due to disease of lungs and spleen. There was medical negligence

												behind his death.
2008	DUMKA	PAKURIA,	836/34/5/08-09-JCD	KARTIK LOHAR	35	Unknown	Unknown	25/08/2008	DUMKA	100000		"Haemorrhage and shock due to injury
2008	WEST SINGHBHUM	KUMARDU NGI	213/34/18/08-09-JCD	YUGAL SINKU		Unknown	Unknown	05/05/2008	Sadar Hospital Chaibasa	100000		due to consumption of Organophosphorus Pesticide
2009	DHANBAD	DHORAYA	419/34/4/09-10-JCD	YOGENDRA CHAUHAN @ KANKAD CHAUHAN	50	Unknown	Unknown	20/07/2009	PMCH, Dhanbad	300000		an organophosphorus pesticide (Dimethoate) poisoning"
2011	DUMKA	. GODDA,	490/34/5/2011-JCD	SURESH BHAGAT	45	Hindu	Unknown	10/04/2011	SADAR HOSPITAL, DUMKA	300000		fever, breathlessness and trachycardia
2009	SAHIBGANJ	THAKUR GANGATI,	565/34/17/09-10-JCD	BABLO SOREN	30	Hindu	General	23/08/2009	SADAR HOSPITAL	300000		due to illness".
2008	RANCHI	MANER,	75/34/16/2010-JCD	BANSHILAL	60	Unknown	Unknown	23/10/2008	RANCHI	200000		due to ailment and burn.
2009	EAST SINGHBHUM	GOELKERA	766/34/6/09-10-DH	NEW BORN BABY GIRL	less than 1 month	Unknown	Unknown	19/10/2009	JAMSHEDPUR	50000		cause of death as head injury and premature delivery .
2011	RANCHI	SONARI	1620/34/16/2011-JCD	AMAN SINGH	20	Sikh	Unknown	01/12/2011	RIMS, RANCHI	500000		disease of heart(pericarditis), lung and brain.
2012	DHANBAD	RAMGARH	190/34/4/2012-JCD	Sonu Kumar	23	Hindu	Unknown	22/01/2012	P.M.C.H. DHANBAD	500000		natural cause.

2011	RANCHI	CHANHO,	6/34/16/2012-JCD	MUJIBOL ANSARI	21	Muslim	Unknown	21/12/2011	BIRSA MUNDA CENTRAL PRISON, HO	100000	Asphyxia because of hanging.
2010	RANCHI	BARIATU	628/34/16/2010-JCD	BHOLA MIRDHA	35	Hindu	Unknown	8.6.2010	BIRSA MUNDA CENTRAL JAIL, HOTWA	100000	suicide By Hanging
2013	DHANBAD	KENDUADIH	646/34/4/2013-JCD	RATAN GUPTA	23	hindu	Unknown	15/05/2013	DHANBAD	100000	suicide By Hanging
2012	WEST SINGBHAM	MUFFASIL	954/34/18/2012-JCD	RAMAY DONGO		hindu	Unknown	11/07/2012	CHAIBASA	100000	hemorrhage and shock due to above injuries caused by hard substance having edge

Appendix H:**NHRC data related to custodial deaths (Compensation) 2008-2018 West (Bengal)**

STATEMENT SHOWING DETAILS OF CASES PENDING COMPLIANCE OF THE COMMISSION'S RECOMMENDATIONS DURING 2008-2009 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/ PROSECUTION

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	West Bengal	656/25/2002-2003-CD	Death in police custody (complaint)	100000	18.02.2009	Compliance Report Awaited
2	West Bengal	321/25/2002-2003-AD	Death in BSF custody (complaint)	100000	02.9.2008	Compliance report awaited
3	West Bengal	213/25/2004-2005-CD	Death in police custody (intimation)	100000	17.10.2008	Compliance report awaited

DETAILS OF CASES PENDING COMPLIANCE OF NHRC'S RECOMMENDATIONS DURING 2009 -2010 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION FOR WEST BENGAL

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	West Bengal	562/25/5/07-08-JCD	Death in Judicial Custody (Intimation)	300000/-	17/03/2010	Proof of payment awaited
2	West Bengal	400/25/2005-2006	Death in the Custody of Custom Officials,(Complaint)	100000/-	29/07/2009	Proof of payment awaited

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING
2010 -2011 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY
ACTION/PROSECUTION FOR WEST BENGAL

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	West Bengal	827/25/9/08-09-PCD	Custodial Death (Police)	1,00,000	28/03/2011	Proof of payment awaited
2	West Bengal	865/25/9/07-08-JCD	Death In Judicial Custody(Intimation)	1,00,000	17/02/2011	Proof of payment awaited

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING
2011 -2012 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY
ACTION/PROSECUTION FOR WEST BENGAL

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	West Bengal	1011/25/5/07-08-JCD	Death In Judicial Custody	3,00,000	11/01/2012
2	West Bengal	511/25/13/09-10-JCD	Death In Judicial Custody	3,00,000	11/10/2011
3	West Bengal	646/25/2/09-10-JCD	Death In Judicial Custody	1,00,000	23/02/2012

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2012-2013 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION FOR WEST BENGAL

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	West Bengal	1128/25/11/2010-AD	Alleged Custodial Deaths In Police	100000	18/02/2013
2	West Bengal	422/25/5/2011-JCD	Custodial Death (Judicial)	100000	26/02/2013

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2013-2014 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION FOR WEST BENGAL.

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
	West Bengal	1128/25/10/2012-JCD	Custodial Death (Judicial)	200000	22.01.2014
	West Bengal	1513/25/5/2012-JCD	Custodial Death (Judicial)	100000	20.12.2013
	West Bengal	588/25/7/07-08-JCD	Custodial Death (Judicial)	300000	09.12.2013
	West Bengal	422/25/5/2011-JCD	Custodial Death (Judicial)	100000	26/02/2013

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2014-2015 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION FOR WEST BENGAL.

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	WEST BENGAL	153/25/7/2014-JCD	Custodial Death (Judicial)	300,000	1/6/2015	301
2	WEST BENGAL	177/25/13/2013-JCD	Custodial Death (Judicial)	100,000	11/21/2014	301
3	WEST BENGAL	1887/25/22/2012-JCD	Custodial Death (Judicial)	100,000	2/12/2015	301
4	WEST BENGAL	370/25/10/2013-JCD	Custodial Death (Judicial)	200,000	3/27/2015	301
5	WEST BENGAL	515/25/4/2013-JCD	Custodial Death (Judicial)	100,000	2/3/2015	301
7	West Bengal	511/25/13/09.10. JCD	Custodial Death (Judicial)	3,00,000.00	11.10.2011	

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2015-2016 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION FOR WEST BENGAL.

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	West Bengal	1532/25/5/2012-JCD	Custodial Death (Judicial)	1,00,000	24/02/2016	301
2	West Bengal	437/25/22/2013-JCD	Custodial Death (Judicial)	3,00,000	25/06/2015	301

3	West Bengal	614/25/16/2010-PCD	Custodial Death (Police)	5,00,000	02/12/2015	807
4	West Bengal	1887/25/22/2012-JCD	Custodial Death (Judicial)	1,00,000	12/02/2015	301
5	West Bengal	370/25/10/2013-JCD	Custodial Death (Judicial)	2,00,000	27/03/2015	301

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2016-2017 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION FOR WEST BENGAL.

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation
1	West Bengal 301	1107/25/2/2011-JCD	Custodial Death (Judicial)	500000	12/1/2016
2	West Bengal 301	1272/25/5/2012-JCD	Custodial Death (Judicial)	100000	12/5/2016
3	West Bengal 301	1356/25/13/2013-JCD	Custodial Death (Judicial)	100000	11/24/2016
4	West Bengal 1716	157/25/13/09-10-AD	Alleged Custodial Death	500000	9/1/2016
5	West Bengal 1716	624/25/13/09-10-AD	Alleged Custodial Death	500000	7/8/2016
6	West Bengal 301	79/25/5/2013-JCD	Custodial Death (Judicial)	100000	5/4/2016
7	West Bengal 301	81/25/5/2013-JCD	Custodial Death (Judicial)	100000	6/10/2016
8	West Bengal 807	614/25/16/2010-PCD	Custodial Death (Police)	500000	02/12/2015

DETAILS OF CASES PENDING COMPLIANCE OF NHRC's RECOMMENDATIONS DURING 2017-2018 FOR PAYMENT OF MONETARY RELIEF/ DISCIPLINARY ACTION/PROSECUTION FOR WEST BENGAL

Sl. No	Name of the State/ UT Case	Case No	Nature of Complaint	Amount Recommended	Date of Recommendation	Remarks(Case Code)
1	West Bengal 301	1202/25/19/2012-JCD	Custodial Death (Judicial)	200000	8/3/2017	
2	West Bengal 301	1349/25/5/2013-JCD	Custodial Death (Judicial)	100000	1/23/2018	
3	West Bengal 301	1403/25/11/2014-JCD	Custodial Death (Judicial)	300000	11/29/2017	
4	West Bengal 1705)	1485/25/16/2012-pf	Custodial Death (Para - Military)	500000	8/24/2017	
5	West Bengal 807	1533/25/5/2015-pcd	Custodial Death (Police)	500000	7/26/2017	
6	West Bengal 301	1746/25/10/2015-JCD	Custodial Death (Judicial)	100000	11/29/2017	
7	West Bengal 807)	1767/25/2/2015-PCD	Custodial Death (Police)	100000	2/8/2018	
8	West Bengal 301	360/25/14/2014-jcd	Custodial Death (Judicial)	100000	1/15/2018	
9	West Bengal 301	447/25/22/2014-JCD	Custodial Death (Judicial)	200000	3/23/2018	
10	West Bengal 301	456/25/5/2013-JCD	Custodial Death (Judicial)	100000	7/25/2017	
11	West Bengal	730/25/22/2013-JCD	Custodial Death (Judicial)	300000	12/11/2017	301
12	West Bengal	767/25/10/2014-JCD	Custodial Death	100000	1/10/2018	301

			(Judicial)			
13	West Bengal	77/25/13/2014-JCD	Custodial Death (Judicial)	100000	4/5/2017	301
14	West Bengal	851/25/9/2014-pcd	Custodial Death (Police)	300000	2/8/2018	807

Details of Cases Pending Compliance of NHRC's Recommendations During 2018-2019 (Data as per CMS as on 10/05/2019)

Sl	State	Case no	Code	Nature of complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	West Bengal	1149/25/3/2014-jcd	301	Custodial Death (Judicial)	200,000	28-01-2019
2	West Bengal	1476/25/5/2013-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	08-10-2018
3	West Bengal	1628/25/4/2012-AD	309	ALLEGED CUSTODIAL DEATHS IN POLICE CUSTODY	500,000	18-02-2019
4	WEST BENGAL	1722/25/13/2015-jcd	301	CUSTODIAL DEATH (Judicial)	200,000	21-02-2019
5	West Bengal	1994/25/19/2015-pcd	807	CUSTODIAL DEATH (Police)	500,000	18-02-2019
6	West Bengal	231/25/5/2014-JCD	301	CUSTODIAL DEATH (Judicial)	200,000	27-01-2019
7	West Bengal	336/25/10/2016-jcd	301	CUSTODIAL DEATH	200,000	01-03-2019

				(Judicial)		
8	West Bengal	664/25/2/2016-JCD	301	CUSTODIAL DEATH (Judicial)	100,000	31-01-2019
9	West Bengal	666/25/7/2016-JCD	301	CUSTODIAL DEATH (Judicial)	300,000	31-01-2019

Details of Cases Pending Compliance of NHRC's Recommendations During 2019-2020 (Data as per CMS as on 10/05/2019)

Sl	State	Case no	Code	Nature of complaint	Amount Recommended for Victims/Next of Kins	Date of Recommendation
1	WEST BENGAL	1607/25/13/2014-jcd	301	CUSTODIAL DEATH (Judicial)	300000	17-12-2019
2	WEST BENGAL	565/25/22/2015-JCD	301	CUSTODIAL DEATH (Judicial)	500000	20-01-2020
3	WEST BENGAL	84/25/3/2017-jcd	301	CUSTODIAL DEATH (Judicial)	200000	20-01-2020

Appendix H1: Details of NHRC (Compensation) based Police Custodial Death in West Bengal : 2008-2018

Year Of Incident /Custodial Death	Name of The Victim (Age)	Case No	Religion	Caste	Address with PS and District	Incident Date / Date of Custodial Death	Incident District	Cause of the Death
2008	KALU @ KRISHNA MONDAL	827/25/9/08-09-PCD	Hindu	Scheduled Caste	38/1, 1 G, ROAD, KUNJAPARA CHALTATA LA, PS-LILUAH, Dist Howrah (WB)	28/12/2008	Howrah	Perusal of post-mortem report reveals multiple injuries on the person of the deceased. The cause of death is due to the Effects of Injuries.
2010	HARIPADA BARMAN(26)	1128/25/11/2010-AD	Hindu	Unknown	R/O TAPAN,SOUTH DINAJPUR, Dist:Malda (WB)	18/11/2010	MALDA	due to torture in the custody of temporary Police Camp set-up at Sayedpur Village by Kaliachak Police Station in Malda District of West Bengal.
2010	TAMIRUL HAQUE(40)	614/25/16/2010-PCD	Muslim	unknown	R/O VILL & POST-BARIOL, PS-ITAHAR, Dist : INorth Dinajpur (WB)	24/07/2010	NO RTH DINAJPUR	"death was due to coronary artery disease as evident in findings of heart and vessels during post mortem examination".
2012	BHUSAN DESHMUKH (28)	1533/25/5/2015-PCD	hindu	unknown	12/3, SAMBHUNATH DAS LANE, PS. SINTHI, Dist: Kolkata (WB)	25/09/2015	kolkata	due to the effects of above noted injuries which are ante mortem in nature
2015	ASIM BARI(20)	1767/25/2/2015-PCD	Hindu	unknown	VILLAGE. KANKURE, PS. PATRASAYER, Dist : Bankura	07/11/2015	BANKURA	due to accidental injuries and no clear signs of physical assault were detected on the body of the deceased.

					(WB)			
2014	SK. MAID UL@ BHOD OR(21)	851/25/ 9/2014- PCD	Hindu	unkno wn	PACHLINE GOLE PUKURDHA R, PS. BAURIA, Dist: Howrah (WB)	28/06/ 2014	HOWRAH	intestinal serosal injury as a result of blunt trauma abdomen ante mortem in nature

Appendix H2: Details of NHRC (Compensation) based Judicial Custodial Death in West Bengal: 2008-2018

Year Of Incident /Custodial Death	Name of The Victim (Age)	Case No	Religion	Caste	Address	Incident Date / Date of Custodial Death	Incident Place	Cause of the Death
2007	BULA SANTRA (33)	562/25/5/07-08-JCD	Unknown	Unknown	24/25, TINKARI NATH BOSE LANE, PS GOLABARI, Dist Kolkata (WB)	30/08/2007	Kolkata	due to disease condition of lungs, a natural cause'
2007	JHANTU KAR (42)	865/25/9/07-08-JCD	Hindu	Unknown	50/10, ICHHAPUR ROAD, PS BANTRA , Dist: Howrah (WB)	09/12/2007	Howrah	Head Injuries with Irn Pipe By Co-prisoner Salim
2008	BAGFULI BEGUM (Bangladeshi National) (50)	1011/25/5/07-08-JCD	Muslim	Unknown	VILL. LAHANSURA, PS KHULNA, BANGLADESH	22/01/2008	Kolkata	due to the effects of the multiple diseases, a natural cause
2009	MANOWARA BEGUM	511/25/13/09-10-JCD	Muslim	---	C/O AMJAD FAKIR, VILL-DIRPARA, PS & LALDANGA NATOR, BANGLADESH	13/10/2009	Murshidabad	due to Cardio respiratory failure due to severe anemia along with pleffusion
2009	ALOKE BAGDI (28)	646/25/2/09-10-JCD	Unknown	Unknown	R/O VILL-PADUA, PO-MAJURDANG A, PS-PATRASAYER , Dist : Bankura (WB)	10/12/2009	BANKURA	Committed Suicide by Hanging himself
2011	KASHI KOLEY (28)	4 22/25/5/2011-JCD	Hindu	Unknown	R/O NETAJI NAGAR CHANDMARI, PO. SAPUIPARA, PS. BALLY,	09/04/2011	Kolkata	Suicide

					Dist : Howrah (WB)			
2012	SUBAL DEBNATH (51)	1 128/25/10/2012-JCD	Hindu	Unkno wn	R/O JHARBOROGILLA, PO. PANBARI, PS. MAYNAGURI, Dist: Jalpaiguri (WB)	18/07/2012	Jaipaiguri	Suicide (shock and asphyxia due to ante mortem hanging)
2012	SAHADU L PURAKAYET (24)	1 513/25/5/2012-JCD	Unknow n	Unkno wn	R/O VILL. HADIPUR CHUPUIJHARA, PO. KALITALA, PS. DEGANGA, Dist: NORTH 24-PARGANA Dist: Kolkata (WB)	28/09/2012	Kolkata	Suicide
2007	DULAL MIA (25)	5 88/25/7/07-08-JCD	Muslim	Unkno wn	BIDYUT NAGAR, PS FALAKATA Dist : Darjeejing (WB)	07/09/2007	Darjeling	the diseased condition of lungs, or natural cause"
2014	UMESH DAS(44)	153/25/7/2014-JCD	Hindu	Unkno wn	VILLAGE. CHAMTA VALAVUT, PS. TUFANGANJ, Darjeeling ,(WB)	06/02/2014	Darjeling	Cardio Respiratory Failure due to ante mortem injuries, homicidal in natur
2013	GAUTAM DALAL (54)	177/25/13/2013-JCD	Hindu	Unkno wn	R/O SHIBTALAPARA, RAMPURHAT, BERAAMPUR, Dist : Murshidabad (WB)	08/02/2013	Murshidabad	due to diseased condition of heart, lungs & liver.
2012	ANUP HAIT (42)	1887/25/22/2012-JCD	Hindu	Unkno wn	R/O VILLAGE. DAKHIN HARKULI, PS. MOYNA, Dist : Paschim Mednapore(WB)	18/12/2012	PASH CHIM MEDI NIPUR	Suicide By Hanging

2013	CHANDAN BATIK (54)	3 70/25/10 /2013- JCD	Hindu	Unkno wn	NEW SUIBHAS PALLY PS. JAIGAON, Dist Jaipauri(WB)	15/0 3/2013	JALPA IGURI	due to internal haemerrage due to fracture of right femur.
2013	SUKANTA SARKAR	515/25/4 /2013- JCD	Hindu	unkno wn	R/O HIRAPUR AAM BAGAN, PS. HIRAPUR, Dist : Burdwan (WB)	26/04/2013	BURD WAN	to burn injuries which were antemortem in nature
2012	SAMAR BAHADUR (28)	1532/25/ 5/2012- JCD	Hindu	unkno wn	1, DEBIR PARA (JALA), PS. LILUA,Dist Howrah (WB)	28/0 9/2012	kolkata	due to complications of tuberculosis including dysselectrolytemia (hypo-nitremia)
2013	CHIRANJIT RANA (21)	437/25/2 2/2013- JCD	Unknow n	unkno wn	R/O VILLAGE. PURBA RAGHUNATH PUR, PS. RAM NAGAR, Dist Paschim Mednipore (WB)	04/04/2013	PASH CHIM MEDI NIPUR	Suicide By Hanging
2011	RABI MONDAL (52)	1107/25/ 2/2011- JCD	Hindu	unkno wn	R/O VILL & PO. KENJAKURA, PS. BANKURA, Dist : Bankura (WB)	08/10/2011	BANK URA	Illegal detention and torture
2012	KETABUL (28)	1272/25/ 5/2012- JCD	Muslim	unkno wn	R/O VILL. NATATALA, PS. LALGOLA,, Dist Murshidabad (WB)	19/0 8/2012	kolkata	----
2013	RAFIKUL SK@ RAFIQUE (32)	1356/25/ 13/2013- JCD	Muslim	unkno wn	VILLAGE. CHA BILL PARA, PS. HARI HAR PARA, Dist : Murshidabad(W B)	19/11/2013	MURS HIDAB AD	suicide
2009	ABDUS SAMAD KALU	1 57/25/13 /09-10- AD	Muslim	unkno wn	R/O VILL. BISWANATHP UR, PO-K.D. PARA, PS-	05/05/2009	MURS HIDAB AD	Abrasion on left lower limb, Bleeding from nostril, Haematoma

					LALGOLA Dist : Murshidabad (WB)			at left side of skull.
2009	PRASANT A MONDAL	624/25/13/09-10-AD	Hindu	unkno wn	R/O VILL-BAIRHONA, PS- LALGOLA, Dist : Murshidabad(W B)	17/08/2009	MURS HIDAB AD	torture and murder of a minor Prasanta Mandal
2013	BISWAJIT SAMANT A @ BADSHA (26)	79/25/5/2013-JCD	Hindu	unkno wn	R/O 245/B, MANIK TALA, MAIN ROAD, PS. NARKELDAN GA, Dist : Kolkata (WB)	09/01/2013	kolkata	to effects of deceased conditions of organs as stated above, a natural cause.
2013	GURUCH ARAN KISKU @ MARSHAL @ MANTU (50)	81/25/5/2013-JCD	Hindu	unkno wn	VILLAGE. BOGDOBA, PS. BELPAHARI, Dist : Kolkata(WB)	13/01/2013	kolkata	due to effect of diseased condition of various vital organs a natural cause.
2012	LAXMAN TANTI	1202/25/19/2012-JCD					SOUT H 24- PARG ANA	due to the effects of hanging, ante-mortem in nature".
2013	ALOK MALLICK @ ALO (61)	1349/25/5/2013-JCD	hindu	unkno wn	VILLAGE. GHATAKPARA, PS. RANAGHAT, Dist : kolkata (WB)	17/11/2013	Kolkata	Suicidal Death
2014	MEHERULLA S/O (62)	1403/25/11/2014-JCD	Muslim	unkno wn	VILLAGE. RAMPURA BATNA, PS. RATUA Dist : Malda(WB)	06/10/2014	Malda	condition of the organs, said to be a natural cause.
2012	BUDHU MOHAMMAD	1485/25/16/2012-PF	Muslim	Unkno wn	BAROBILLA, PS. CHOPRA, Dist : North Dinajpur(WB)	24/09/2012	NORT H DINAJ PUR	torture by BSF
2015	SHYAMAL ROY (33)	1746/25/10/2015-JCD	Hindu	unkno wn	VILLAGE. UTTAR MADHABDAN GA, PS. MAYNAGURI,	03/11/2015	JALPA IGURI	shock and asphyxia due to ante mortem suicidal hanging.

					Dist : Jalpaiguri (WB)			
2014	FAJAR SAIKH (37)	360/25/14/2014-JCD	Muslim	unknown	PS. TEHATTA, NADIA, Dist : Nadia (WB)	23/03/2014	NADIA	cardio respiratory failure as a result of cardio megaly with pericardial effusion with hepato megaly"
2014	UJJAL BANERJEE (24)	47/25/22/2014-JCD	Hindu	unknown	VILLAGE. MANBAZAR NAMAPARA, PS. MANBAZAR, Dist : Paschim Mednapore(WB)	14/04/2014	PASHCHIM MEDINIPUR	he death was due to the effects of electrical injury associated with other injuries."
2013	FARIDA BEGUM (42)	456/25/5/2013-JCD	Muslim	unknown	R/O VILLAGE. GAZIPARA, PANCHPARA, PS. SANKRAIL, Dist : Kolkata (WB)	06/04/2013	Kolkata	due to effects of injuries, ante-mortem in nature.
2013	GURUPA DAMAL (40)	730/25/22/2013-JCD	Hindu	unknown	VILLAGE. BAHARA, PS. CHHATNA, Dist (Paschim Mednapore(WB))	04/06/2013	paschim Midnapore	due to diseased condition of lungs.
2014	DARAM MAHALI (49)	767/25/10/2014-JCD	Hindu	unknown	VILLAGE. CHUAPARA TEA GARDEN, PS. KALCHINI, Dist : Jalpaiguri (WB)	13/06/2014	JALPAIGURI	asphyxia due to hanging.
2014	PRABAL CHANDRA RAY (31)	7/25/13/2014-JCD	Muslim	unknown	VILLAGE. KAJAL GRAM, PS. BIRPUR, DINAJPUR, BANGLADESH,	16/01/2014	MURSHIDABAD	injuries of cut throat which was ante mortem and homicidal in nature

Appendix-I

STATE OF BIHAR

Appendix I-1 (Police)

TABULATION OF THE DATA OF THE POLICE OFFICIAL

Bihar

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Rank

Rank	Number	%
Asst. Sub - Inspector	-	-
Constable	6	30
Sub - Inspector	9	45
Inspector/Dy SP	3	15
SP and above rank official	2	10
Total	20	100

1.3.Cadre:

Cadre	Number	%
State Services	16	80
Centre (IPS)	2	10
Undisclosed	2	10
Total	20	100

1.4.Professional Experience:

Years	Number	%
Below 5 Years	3	15

Above 5 and less than 10 years	-	-
Above 10 and less than 20 years	12	60
Above 20 years	1	5
Undisclosed	4	20
Total	20	100

1.5. Year of Joining Services:

1.6. If Retired, Year:

1.7. Gender:

Gender	Number	%
Male	20	100
Female	-	-
Undisclosed	-	-
Total	20	100

1.8. Caste/ Tribe:

Caste	Number	%
SC	-	-
ST	3	15
OBC	7	35
EBC	-	-
General	8	40
Can't Say	2	10
Total	20	100

1.9. Religion:

Religion	Number	%
Hinduism	15	75

Islam	2	10
Christianity	-	-
Jainism	-	-
Buddhism	-	-
Doesn't Ascribe	-	-
Undisclosed	3	15
Total	20	100

1.10. Income:

Income Group	Number	%
Low Middle Class	7	35
Middle class	8	40
Upper Class	1	5
Undisclosed	4	20
Total	20	100

1.11. Educational Qualification:

Educational Level	Number	%
School Education	-	-
Graduates	17	85
Post-graduate	-	-
Above Post-graduation	-	-
Undisclosed	3	15
Total	20	100

1.12. Settlement Type:

Type	Number	%
Rural	8	40
Urban	1	5
Semi-urban	8	40
Undisclosed	3	15

Total	20	100
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1.13. State/ Region/ Sub-region:

SECTION 2: PERCEPTION OF CUSTODIAL DEATHS IN THE REGION

2.1. Do you think that there is a rising graph of custodial deaths under the police during the last decade of 2009-18?

Responses	Number	%
Yes	1	5
No	17	85
Can't Say/ Wouldn't say	2	10
Total	20	100

2.2. Which subregion in the state is more prone to reports of incidents of deaths in police custody?

Place	Number	%
Can't Say/ Won't Say/ Undisclosed	20	100
Total	20	100

2.3. Which district in the state is more prone to reports of incidents of deaths in police custody?

Place	Number	%
Can't Say/ Won't Say/ Undisclosed	20	100
Total	20	100

2.4. Is it true that most of the victims of custodial deaths under the police in this state belong to economically poor sections, particularly SC/ST/OBC/ Minorities?

Responses	Number	%
Yes	3	15
No	14	70

Can't Say/ Wouldn't say	3	15
Total	20	100

SECTION 3 - CAUSES OF DEATHS UNDER POLICE CUSTODY

3.1. Is there a special protocol laid down (in the police manual or otherwise) providing the guidelines to deal with cases of custodial deaths under police?

Responses	Number	%
Yes	19	95
No	-	-
Can't Say/ Wouldn't say	1	5
Total	20	100

3.2. Has there been any custodial deaths under your direct charge?

Responses	Number	%
Yes	1	5
No	16	80
Can't Say/ Wouldn't say	3	15
Total	20	100

3.3. Are you aware of custodial deaths under any police personnel and circumstances of such deaths?

Responses	Number	%
Yes	8	40
No	8	40
Can't Say/ Wouldn't say	4	20
Total	20	100

3.4. Does the police station conduct a medical examination of the accused immediately after arrest, as per the law?

Responses	Number	%
Yes	17	85
No	1	5
Can't Say/ Wouldn't say	2	10
Total	20	100

3.5. Where is the medical examination of the arrested accused conducted?

Place	Number	%
Govt. Hospital/ Health Clinics	14	70
Govt. authorized private hospitals/ health clinics	-	-
Private doctors on panel of the police dept.	2	10
All of the above, depending upon the circumstances	4	20
Total	20	100

3.6. Whether a copy of the medical examination is made available to the family of the arrested/ accused/ victim?

Responses	Number	%
Yes	7	35
No	11	55
Can't Say/ Wouldn't say	2	10
Total	20	100

3.7. Is there a procedure by which a copy of the medical examination of the victims of custodial deaths is made available for research purposes?

Responses	Number	%
Yes	15	75
No	5	25
Can't Say/ Wouldn't say	-	-
Total	20	100

3.8. Which of the factors stated below are responsible for deaths under police custody? Please mark them in preferential order:

Reason	1st Preference	2nd Preference	3rd Preference	4th Preference	Total
Belief in torture as a method to elicit confession....	-	-	-	-	-
Bribery or inducement	-	-	-	-	-
Police sub-culture of violence	-	-	-	-	-
Lack of sensitivity towards the human rights of the arrested persons	-	-	9	5	15
Lack of awareness about the police manual provisions	-	-	-	-	-
Poor health of the arrested	11	4	1	-	16
Suicide	4	12	-	-	16
No fear of being punished or losing job	-	-	4	-	4
Personal ego and biases	-	-	-	1	1
Poor infrastructure/ working conditions/ work pressure/ stress of police force	-	-	2	10	12

Absence of anti-torture laws	1	-	-	-	1
Absence of periodical reinforcement of the need to respect human rights	-	-	-	-	-
Absence of significant societal pressure	-	-	-	-	-
Any other factor	-	-	-	-	-
Undisclosed/ Cannot Say	-	-	-	-	4
All of the above	-	-	-	-	-
Total	16				20

SECTION 4: PERCEPTION OF THE VICTIMS SOCIAL BACKGROUND

4.1: In your opinion whether most victims of custodial deaths belong to:

Settlement Type	Number	%
Rural/Village	4	20
Urban/City	-	-
Both a and b	15	75
Can't Say/ wouldn't say	1	5
Total	20	100

4.2. Which socio-economic background most victims of custodial death under police belong to:

Group	Number	%
Economically Weaker Section	5	25
Economically Weaker	4	20

Section of OBC, ST, SC and Minorities		
very poor and illiterate	5	25
Can't Say/Wouldn't	6	30
Total	20	100

SECTION 5: PERSONAL INFORMATION REGARDING HUMAN RIGHTS TRAINING

5.1 Did you attend human rights related training session in your career?

Responses	Number	%
Yes	16	80
No	3	15
Can't Say/ Wouldn't say	1	5
Total	20	100

5.2 What is the frequency of attending human rights-related training programmed:

Responses	Number	%
Once in a year	3	15
Once in a two year	2	10
Rarely	11	55
Can't Say/ Wouldn't Say	4	20
Total	20	100

5.3. Month and Year of the last attended human rights training programmed by you:

Period	Number	%
Less than a year ago	5	25
Approx. over 1 year and below 5 years ago	8	40
5 to 10 years ago	1	5
Over 10 years ago	4	20
Undisclosed	2	10
Total	20	100

5.4. If the answer to 5.1 is yes, then which human rights organization (name) undertook the training session?

Organization	Number	%
National / State Human Rights Commission	3	15
Police Academy	-	-
Police Department	6	30
Civil Society/NGOs	-	-
Can't Say/ N. A	11	55
Total	20	100

APPENDIX I-2 (Jail officials)

TABULATION OF THE DATA OF THE JAIL OFFICIAL

BIHAR

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Rank

Rank	Number	%
Upper Divisional Clerk	2	13
Dy SP	2	13
Jail Superintendent	12	74
SP and above rank official	-	-
Total	16	100

1.3.Cadre:

Cadre	Number	%
State Services	16	100
Centre (IPS)	-	-
Undisclosed	-	-
Total	16	100

1.4.Professional Experience:

Years	Number	%
Below 5 Years	-	-
Above 5 and less than 10 years	6	37
Above 10 and less than 20 years	2	13
Above 20 years	4	25
Undisclosed	4	25
Total	16	100

1.5. Year of Joining Services:

1.6. If Retired, Year:

1.7. Gender:

Gender	Number	%
Male	16	100
Female	-	-
Undisclosed	-	-
Total	16	100

1.8. Caste/ Tribe:

Caste	Number	%
SC	2	13
ST	-	-
OBC	6	37
EBC	-	-
General	2	13
Undisclosed	6	37
Total	16	100

1.9. Religion:

Religion	Number	%
Hinduism	14	87
Islam	2	13
Christianity	-	-
Jainism	-	-
Buddhism	-	-
Doesn't Ascribe	-	-
Undisclosed	-	-
Total	16	100

1.10. Income:

Income Group	Number	%
Lower Middle-Class	-	-
Middle Class	8	50
Upper-Class	-	-
Undisclosed	8	50
Total	16	100

1.11. Educational Qualification:

Educational Level	Number	%
School Education	-	-
Graduates	6	38
Post-graduate	6	37
Above Post-graduation	-	-
Undisclosed	4	25
Total	16	100

1.12. Settlement Type:

Type	Number	%
Rural	2	13
Urban	6	37
Semi-urban	2	13
Undisclosed	6	37
Total	16	100

1.13. State/ Region/ Sub-region:

SECTION 2: PERCEPTION OF CUSTODIAL DEATHS IN THE REGION

2.1. Do you think that there is a rising graph of custodial deaths within jail premises during the last decade of 2009-18?

Responses	Number	%
Yes	2	13
No	14	87
Can't Say/ Wouldn't say	-	-
Total	16	100

2.2. Which particular jail in the state has the highest number of deaths?

Place	Number	%
Beur Central Jail	4	25
Central Jail	2	13
Can't Say/ Won't Say/ Undisclosed	10	62
Total	16	100

2.3. Which wards in your jail has the highest number of deaths over the last decade?

Place	Number	%
Hospital Ward	2	13
Can't Say/ Won't Say/ Undisclosed	14	87
Total	16	100

2.4. Whether the wards in jail are formally/informally classified on the basis of any criteria like class, caste, nature of the crime, gender, LGBTQ, etc.

Responses	Number	%
Yes	10	62
No	4	25
Can't Say/ Wouldn't say	2	13
Total	16	100

2.5 (a). Any specific sub-region that has reported a high number of prisoners and a high rate of custodial deaths in jail.

Responses	Number	%
Yes	-	-
No	12	75
Can't Say/ Wouldn't say	4	25
Total	16	100

2.5(b). If yes name the sub-region

SECTION 3 - CAUSES OF DEATHS UNDER JUDICIAL CUSTODY

3.1. Has any incident of custodial deaths, under your charge, ever occurred during the period of your professional life?

Responses	Number	%
Yes	16	100
No	-	-
Can't Say/ Wouldn't say	-	-
Total	16	100

3.2. Are you aware of such deaths under any other jail personnel and circumstances of such deaths?

Responses	Number	%
Yes	13	81
No	3	19
Can't Say/ Wouldn't say	-	-
Total	16	100

3.3. Is there a protocol laid down to deal with an incident of custodial death in the jail manual or in any government instruction?

Responses	Number	%
Yes	15	94
No	-	-

Can't Say/ Wouldn't say	1	6
Total	16	100

3.4. Is there a mandatory provision for conducting a medical examination of the deceased prisoner?

Responses	Number	%
Yes	15	94
No	-	-
Can't Say/ Wouldn't say	1	6
Total	16	100

3.5. Is there a guideline necessitating a medical examination by an authorized medical doctor before admitting the prisoner to the jail?

Responses	Number	%
Yes	13	81
No	1	6
Can't Say/ Wouldn't say	2	13
Total	16	100

3.6. While in judicial custody in jail how frequently the medical examination of the prisoner is conducted?

Frequency	Number	%
On a monthly basis	3	19
Every three months	-	-
twice in a year	-	-
Once in a year	1	6
None of the above	13	75
Total	16	100

3.7. Whether a copy of medical examination is made available to the family of convict/accused/ victim?

Responses	Number	%
Yes	6	37
No	10	63
Can't Say/ Wouldn't say	-	-
Total	16	100

3.8. Is there a procedure by which a copy of the medical examination of the victims of custodial deaths is made available for research purposes?

Responses	Number	%
Yes	10	63
No	5	31
Can't Say/ Wouldn't say	1	6
Total	16	100

3.9. Whether a copy of medical examination of victim in custodial death is made available to the family of the victim?

Responses	Number	%
Yes	10	62
No	4	25
Can't Say/ Wouldn't say	2	13
Total	16	100

3.10. Which of the factors stated below are responsible for deaths under police custody? Please mark them in preferential order:

Reason	1st Preference	2nd Preference	3rd Preference	4th Preference	Total
Belief in torture as a method to elicit confession....	-	-	-	-	-
Bribery or inducement	-	-	-	-	-
Jail sub-culture of violence	-	-	1	1	2
Lack of sensitivity towards	-	-	4	-	4

the human rights of the arrested persons					
Lack of observance of the jail manual provisions	-	-	-	5	5
Poor health of the arrested	6	1	-	-	7
Suicide	-	5	-	-	5
No fear of being punished or losing job	-	-	-	-	-
Personal ego and biases	-	-	-	-	-
Poor infrastructure/ working conditions/ work pressure/ stress	1	-	1	-	2
Absence of anti-torture laws	-	-	-	1	1
Absence of periodical reinforcement of the need to respect human rights	-	-	-	-	-
Absence of significant societal pressure	-	-	-	-	-
Poor training of jail officials	-	-	1	-	1
Fight amongst prisoners	-	1	-	-	1
Any other factor	-	-	-	-	2
All of the above	-	-	-	-	-
None of the above/ Can't Say' Undisclosed/ No response	-	-	-	-	7
Total			7		16

SECTION 4: SOCIO-ECONOMIC PROFILE OF THE PRISONERS

4.1: In your opinion whether most victims of custodial deaths belong to:

Settlement Type	Number	%
Rural/Village	4	25
Urban/City	-	-

Both a and b	10	62
Can't Say/ wouldn't say	2	13
Total	16	100

4.2. Which socio-economic background most victims of custodial death under police belong to:

Group	Number	%
Economically Weaker Section	4	25
Economically Weaker Section of OBC, ST, SC and Minorities	2	13
very poor and illiterate	-	-
Can't Say/Wouldn't	10	62
Total	16	100

APPENDIX I-3

TABULATION OF THE DATA COLLECTED FROM UNDER-TRIAL AND
CONVICTED PRISONERS⁵⁴

BIHAR

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Age:

Age Bracket	Number	%
Under 18	3	9
18-30 years	14	41
31-55 years	11	32
55+ years	6	18
Total	34	100

1.3.Gender:

Gender	Number	%
Male	14	41
Female	20	59
Other	-	-
Total	34	100

1.4.Income Group:

Class	Number	%
Lower	12	35
Middle	2	6
Upper	3	9
Can't Say/ Undisclosed	17	50
Total	34	100

⁵⁴ The conversations with the under-trial and convicted prisoners occurred in the presence and were facilitated by the jail authorities.

1.5.Caste:

Caste	Number	%
S.T.	-	-
S.C.	-	-
General	5	15
O.B.C.	3	9
Undisclosed/ N.A.	26	76
Total	34	100

1.6.Religion:

Religion	Number	%
Hinduism	6	17
Islam	8	24
Sikhism	-	-
Jainism	-	-
Christian	-	-
Buddhist	-	-
Undisclosed	20	59
Total	34	100

1.7.Education:

Level	Number	%
Illiterate	16	47
Primary	4	12
Upto 12 th	1	3
Graduation	2	6
Post-graduation	-	-
Undisclosed	11	32
Total	34	100

1.8.Jail:

Jail	Number	%
Phulwari Sharif	9	26
Ara	7	21
Gaya	11	32
Sasaram	5	15
Beur Central	2	6
Total	34	100

1.9.Time spent in custody:

Time Spent	Number	%
Less than a year	6	18
1-5 years	11	32
6-10 years	7	21
10+ years	3	8
Undisclosed/ Can't Say	7	21
Total	34	100

SECTION 2: EXPERIENCE AND PERCEPTION OF PRISONS

2.1. Do you face any difficulties in accessing basic facilities, generally, such as sleeping, hygiene, clothing, medical help, entertainment, contacting family members etc.?

Response	Number	%
Yes	17	50
No	6	18
Can't Say/ Undisclosed	11	32
Total	34	100

2.2. Do you have accessibility to medical help (mental and physical)?

Response	Number	%
Yes	9	26
No	10	30

Can't Say/ Undisclosed	15	44
Total	34	100

2.3. How frequently are the medical check-ups conducted in custody?

Frequency	Number	%
Monthly	3	9
Quarterly (once in three months)	1	3
Annually	1	3
As and when required	14	41
Can't Say/ Undisclosed	15	44
Total	34	100

2.4. Is there any doctor residing in the jail premises?

Response	Number	%
Yes	7	21
No	8	23
Can't Say/ Undisclosed	19	56
Total	34	100

2.5. If no (to Q. 2.4.) do doctors visit the prisoners?

Response	Number	%
Yes	5	62
No	1	13
Can't Say/ Undisclosed	2	25
Total	8	100

2.6. Do you get medicine in custody?

Response	Number	%
Yes	13	38
No	8	24
Can't Say/ Undisclosed	13	38

Total	34	100
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2.7. Do psychiatrists or psychologists visit you in custody?

Response	Number	%
Yes	5	15
No	7	20
Can't Say/ Undisclosed	22	65
Total	34	100

2.8. If yes (to Q. 2.7.), how frequently?

Frequency	Number	%
Monthly	-	-
Quarterly (once in three months)	-	-
Annually	-	-
As and when required	5	100
Total	5	100

2.9. Was there any medical check-up at the time of your admission into custody?

Response	Number	%
Yes	17	50
No	12	35
Can't Say/ Undisclosed	5	15
Total	34	100

2.10. How do the authorities treat the prisoners, generally?

Response	Number	%
Poorly	3	9
Satisfactorily	4	12
Well	-	-
Can't Say/ Undisclosed	27	79
Total	34	100

2.11. Are you allowed to meet your family members and friends?

Response	Number	%
Yes	7	21
No	18	53
Can't Say/ Undisclosed	9	26
Total	34	100

2.12. If yes (to Q.2.11), how frequently are you allowed to meet your family members and friends?

Frequency	Number	%
Weekly	-	-
Monthly	3	43
Quarterly	-	-
Annually	1	14
As and when required or the need arises	3	43
Can't Say/ Undisclosed	-	-
Total	7	100

2.13. Do you face the problems of over-crowding, unhygienic conditions, poor medical infrastructure, poor diets in your jail?

Response	Number	%
Yes	9	26
No	6	18
Can't Say/ Undisclosed	19	56
Total	34	100

2.14. From which social locations are the majority of the prisoners in your jail?

Response	Number	%
Economically Weaker Sections	11	32
Socially Marginalized Communities such as	-	-

S.C./S.T./OBCs/ Muslims/ Christians etc.		
Illiterates	2	7
All of the above	14	41
None of the above	-	-
Can't Say/ Undisclosed	7	20
Total	34	100

2.15. From which localities/ regions are the majority of the prisoners in your jail?

Locality/ Region	Number	%
N.A.	2	6
Neighbourhood Areas	3	9
Can't Say/ Undisclosed	29	85
Total	34	100

2.16. Do you think the conditions and infrastructure of the jails is such that the prisoners are affected adversely, mentally and physically?

Response	Number	%
Yes	13	38
No	7	21
Can't Say/ Undisclosed	14	41
Total	34	100

2.17. Do you think deaths in custody are related to the poor infrastructure and conditions of living in the jail?

Response	Number	%
Yes	8	23
No	7	21
Can't Say/ Undisclosed	19	56
Total	34	100

2.18. Have you heard of deaths, particularly, by suicide in your jail?

Response	Number	%
Yes	12	35
No	19	56
Can't Say/ Undisclosed	4	9
Total	34	100

2.19. What is the frequency of deaths in your jail in your estimation?

Response	Number	%
High	1	3
Low	6	18
Can't Say/ Undisclosed	27	79
Total	34	100

2.20. How many prisoners have committed suicide during your stay in the jail?

Bracket	Number	%
1-3 persons	7	21
4-6 persons	-	-
7-10 persons	-	-
Over 10 persons	-	-
Undisclosed/ Can't Say	27	79
Total	34	100

2.21. What do you think are the causes of custodial deaths? (Please mark preference)

Response	1 st Preference	2 nd Preference	3 rd Preference	Total
Poor Infrastructure	-	1	-	1
Intra-Inmate rivalry/ Fighting	2	3	-	5
Torture and inhumane treatment from the authorities	-	1	-	1
Medical Negligence	1	1	2	4
Long Years of Under-Trial	1	-	1	2

Humiliation/ Shame/ Depression/ Suicide	2	1	1	4
Deeply Personal/ Can't Disclose	1	-	3	4
All of the above	-	-	-	9
None of the above	-	-	-	-
Can't Say/ Undisclosed	-	-	-	18
Total	7			34

APPENDIX I-4

TABULATION OF THE DATA OF THE VICTIM'S FAMILIES

BIHAR

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Relationship with the victim:

Relation	Number	%
Parents	4	
Spouse	2	
Children	2	
Siblings	1	
Other relatives (in-laws, nephew, niece, uncle etc.)	1	
Total	10	

1.3.Domicile:

Place	Number	%
Motihari (East Champaran)	2	
Sasaram	2	
Darbhanga	1	
Patna	3	
Begusarai	2	
Total	10	

1.4.Gender:

Gender	Number	%
Male	8	
Female	2	
Undisclosed	-	
Total	10	

1.5.Current Place of Residence:

Place	Number	%
Patna	3	
Motihari	2	
Sasaram	2	
Darbhanga	1	
Begusarai	2	
Total	10	

1.6.Caste:

Caste	Number	%
S.T.	-	
S.C.	-	
EBC	1	
OBC	2	
N.A./Unreserved	6	
Undisclosed	1	
Total	10	

1.7. Income Class:

Group	Number	%
B.P.L.	4	
Poor	4	
Lower Middle Class	-	
Middle Class	2	
Upper Class	-	
Total	10	

1.8.Settlement Type:

Settlement Type	Number	%
Rural	6	

Urban	4	
Total	10	

1.9.Sub Region:

SECTION 2: INFORMATION RELATED TO CUSTODIAL DEATHS

2.1. How did you learn about the arrest of the victim:

Response	Number	%
From the Police/Jail Authorities	2	
The arrest was affected in front of the family member	2	
Do not remember/ Can't Say	-	
Informally, from sources other than the authorities	6	
Total	10	

2.2. Did Police or Jail official allow meeting with victim during custody:

Response	Number	%
Yes	4	
No	6	
Don't Remember/ Can't Say	-	
Total	10	

2.3. If you met him/her in police custody, please describe his/her physical and mortal condition at that time?

Condition	Number	%
<i>"Perfectly fine"/ 'Okay'</i>	4	

<i>‘Contingent ailment upon arrest, but nothing serious’ / ‘Ailment not inflicted by the police personnel’⁵⁵</i>	-	
<i>‘Not in a good condition due to probable and alleged torture by the authorities’</i>	-	
N.A./ Can’t Say	6	
Total	10	

2.4. When did you learn about the death of your family member? Which year/ month/ date?

2.5. Where did you receive the dead body of the victim?

Place	Number	%
From the Jail/Police Authorities	-	
From Government Hospital	10	
Neither of the Above	-	
Can’t say/wouldn’t say	-	
Total	10	

2.6. How did you come to know about the death of the victim?

Sources	Number	%
From the Jail/Police Authorities	4	
From the Hospital	2	

⁵⁵ Generally ,and strictly of the nature of a fever, shock, cognitive dissonance but never physical harm, injury or wound.

Informally	4	
Can't say/ wouldn't Say	-	
Total	10	

2.7. Did the police call you to the Police Station to inform you about the death or the police Personnel visited your house to deliver the same?

Responses	Number	%
Yes	4	
No	6	
Can't Say/ Wouldn't say	-	
Total	10	

2.8. Did police or jail officials inform you about the reason for the victim's death?

Responses	Number	%
Yes	6	
No	4	
Can't Say/ Wouldn't say	-	
Total	10	

2.9. If yes to 2.8, Please tell us the reason given by the police or jail official

Reasons	Number	%
Aggravation of pre-existing morbidities like heart related ailments, diabetes, mental disorders, drug-related dependency etc.	6	
Debilitation contingent upon arrest	-	
Inter-inmate rivalries amongst the prisoners	-	

Accidental	-	
Can't say/ wouldn't say/ N.A.	4	
Total	10	

2.10. Whether the said reason was given to you verbally or in writing?

Form of communication	Number	%
Orally	4	
Written	2	
N.A.	4	
Can't Say/ Won't Say/ Undisclosed	-	
Total	10	

2.11. If in writing, do you have a copy of the SHO/ Jailer detailing the reason of death under police or judicial custody?

Responses	Number	%
Yes	2	
No	8	
Can't Say/ Wouldn't say	-	
Total	10	

2.12. Was there any medical examination in your knowledge at the time of apprehension of the victim?

Responses	Number	%
Yes	4	
No	4	
Can't Say/ Wouldn't say	2	
Total	10	

2.13. Did the police or jail authorities give a copy of the post-mortem report of the victim?

Responses	Number	%
Yes	-	
No	10	
Can't Say/ Wouldn't say	-	
Total	10	

2.14. Did you and your family members receive any compensation for custodial death of the victim?

Responses	Number	%
Yes	4	
No	6	
Can't Say/ Wouldn't say	-	
Total	10	

2.15. What do you think about the death of the victim in police/ judicial custody?

Reasons	Number	%
Due to poor health issues	-	
Due to police torture	6	
Due to suicide	-	
Due to being poor	-	
Due to being from marginalized communities such as SC/ST/Minorities/OBC etc.	-	
All of the above	2	
None of the above	-	
Can't Say/ Won't Say/ Undisclosed	2	
Total	10	

APPENDIX I-5

TABULATION OF THE DATA OF THE CIVIL SOCIETY STAKEHOLDERS

Bihar

SECTION 1: PERSONAL DETAILS

1.1. Name:

1.2. Domicile (State):

Place	Number
Patna	44
Gaya	12
Sasaram	7
Begusarai	9
Total	72

1.3. Gender:

Gender	Number	%
Male	42	62
Female	30	38
Total	72	100

1.4. Age:

Age Bracket	Number	%
18-30 years	32	45
31-45 years	17	24
45+ years	22	30
Undisclosed	1	1
Total	72	100

1.5. Profession:

Profession	Number	%
Advocate & Lawyers	26	36
Activists (Affiliated to organizations engaged with the issue of custodial deaths)	24	34
Activists (Unaffiliated)	2	2
Journalists	9	13
Academics and Subject-Matter Experts	9	13
Others	2	2
Total	72	100

1.6. Number of years of experience in dealing with cases of custodial deaths?

Brackets	Number	%
0-3 years	24	34
3-5 years	12	17
5-10 years	9	13
10+ years	18	23
Undisclosed	9	13
Total	72	100

SECTION 2: PERCEPTION AND EXPERIENCE OF CUSTODIAL DEATHS

2.1. Do you think there is a rising graph of custodial deaths during the last decade of 2009-18?

Responses	Number	%
Yes	38	53
No	19	26
Can't Say/ Undisclosed	15	21
Total	72	100

2.2. Is there a discrepancy between the actual number and the reported cases of custodial deaths?

Responses	Number	%
Yes	24	34
No	9	12
Can't Say/ Undisclosed	39	54
Total	72	100

2.3. If yes (to Q.2.2.), what are the causes of the same? (Please, indicate preference)

Causes	1 st	2 nd	3 rd	Total
	Preference	Preference	Preference	
Loopholes in the juridical clauses/ definition of custodial death	1	3	-	4
Non-declaration due to ignorance of the victim's relatives and friends	4	2	2	8
Non-disclosure due to intimidation by the authorities	3	2	3	8
Non-acknowledgment by the authorities	-	1	3	4
Ineffective and Cumbersome Infrastructure of redressal	-	-	-	-
All of the Above	-	-	-	13
None of the Above	-	-	-	-
Can't Say	-	-	-	3
Total	8			24

2.4. In your experience, what are the chief causes of custodial deaths? (Please, indicate preference)

Reason	1st	2nd	3rd	4th	Total
	Preference	Preference	Preference	Preference	

Belief in torture as a method to elicit confession....	23	14	2	-	39
Bribery or inducement	9	7	3	2	21
Police sub-culture of violence	2	-	12	1	15
Lack of sensitivity towards the human rights of the arrested persons	2		10	4	16
Lack of awareness about the police manual provisions	-	5	2	3	10
Poor health of the arrested	2	7	5	9	23
Suicide	8	6	4	8	26
No fear of being punished or losing job	-	-	1	1	2
Personal ego and biases	5	3	4	4	16
Poor infrastructure/ working conditions/ work pressure/ stress of police force	-	-	-	2	2
Absence of anti-torture laws	-	-	2	6	8
Absence of periodical reinforcement of the need to respect human rights	-	6	5	6	17
Absence of significant societal pressure	3	6	4	8	21
Any other factor	-	-	-	-	1
All of the above	-	-	-	-	5
No Response	-	-	-	-	12
Total	54	54	54	54	72

2.5. In terms of geography, which type is more susceptible to custodial deaths?

Type	Number	%
Urban	23	32
Rural	14	20
Both	20	28
Can't Say/ Undisclosed	15	20
Total	72	100

2.6. In terms of their social positions, who is more susceptible to be victims of custodial deaths?

Identity	Number	%
Economically Weaker Sections	19	26
Socially Marginalized Communities like SC/ST, Religious Minorities	22	31
Illiterates	6	9
All of the Above	20	28
None of the Above/ Can't Say	5	6
Total	72	100

2.7. Where, in your experience, are most of the custodial deaths concentrated?

Place	Number	%
Jails	24	34
Police Stations	20	28
Other	19	26
Can't Say/ Undisclosed	9	12
Total	72	100

2.8. In your opinion, is there, generally speaking, a discrepancy between the actual and the cited reasons for custodial deaths?

Response	Number	%
Yes	51	70

No	9	13
Can't Say/ Undisclosed	12	17
Total	72	100

2.9. In your opinion, apart from the police and jail authorities, is there involvement of other official personnels or non-official personnels in cases of custodial deaths?

Response	Number	%
Yes	34	47
No	13	18
Can't Say/ Undisclosed	25	35
Total	72	100

2.10. If yes (to Q.2.9.), please specify:

Nature/Type	Number	%
Hospital Staff	10	30
Judicial Staff	8	24
Non-official groups and personnel	14	41
Can't Say/ Undisclosed	2	5
Total	34	100

2.11. Do you think the provisions, in general, related to the avoidance and redressal of custodial deaths, are followed?

Response	Number	%
Yes	4	5
No	55	77
Can't Say/ Undisclosed	13	18
Total	72	100

2.12. if no (to Q2.11.), what do you think are the chief reasons of neglect towards the respective provisions?

Reason	Number	%
Inducement and Bribery	13	23
Absence of Societal Pressure	9	16
General sub-culture of violence	7	13
Personal Biases	2	4
Unawareness of the rights of the prisoners	7	13
Lack of proper Infrastructure	4	7
Disempowerment of the agencies and organizations which could increase transparency	11	20
All of the Above	2	4
None of the Above	-	-
Total	55	100

Appendix-J
Jail and Medical Staff per Inmate

Number of Inmates per Staff during 2008-2018

YEA R	STATE	Total No. of Inmates	Jail Official		Correctional Staff		Medical Staff (doctor, psychologist, pharmacist, lab technicians)		Total Prison Staff	Total No. of inmates per Prison Staff
			Number	No. of inmates per Jail Official	Num ber	No. of inmates per Correcti onal Staff	Num ber	No. of inmates per Medical Staff		
2008	Bihar	37709	1669	23	57	662	60	628	2638	14
	Jharkhand	18403	673	27	6	3067	39	472	755	24
	West Bengal	20230	2982	7	45	450	121	167	3476	6
	All India	384753	39942	10	582	661	1472	261	49250	8
2009	Bihar	33711	1626	21	57	591	52	648	2594	13
	Jharkhand	17196	1061	16	6	2866	40	430	1140	15
	West Bengal	17586	3000	6	43	409	119	148	3490	5
	All India	376969	40192	9	574	657	1449	260	49324	8
2010	Bihar	29700	1588	19	56	530	47	632	2541	12
	Jharkhand	18042	937	19	6	3007	30	601	986	18
	West Bengal	18519	3090	6	44	421	119	156	3581	5
	All India	368998	41180	9	594	621	1472	251	49726	7
2011	Bihar	28032	1315	21	54	519	110	255	1594	18

	Jharkhand	16586	1090	15	4	4147	30	553	1141	15
	West Bengal	19508	2802	7	45	434	112	174	3177	6
	All India	372926	40886	9	676	552	1587	235	49390	8
2012	Bihar	28550	1355	21	50	571	110	260	1642	17
	Jharkhand	17331	824	21	3	5777	26	667	863	20
	West Bengal	20431	2779	7	43	475	104	196	3141	7
	All India	385135	41798	9	551	699	1619	238	50358	8
2013	Bihar	31259	1671	19	84	372	280	112	2182	14
	Jharkhand	15093	893	20	3	6073	28	651	939	19
	West Bengal	22778	2590	9	42	542	84	271	2928	8
	All India	411992	42927	10	565	729	1696	243	51818	8
2014	Bihar	31295	1668	19	84	373	280	112	2179	14
	Jharkhand	17688	859	21	3	5896	31	571	898	20
	West Bengal	20069	2491	8	37	542	34	590	2760	7
	All India	418536	43616	10	588	712	1832	228	52666	8
2015	Bihar	28418	2107	13	81	351	319	89	2654	11
	Jharkhand	17613	745	24	8	2202	29	607	797	22
	West Bengal	21523	2401	9	36	598	23	936	2658	8
	All India	419623	44775	9	597	703	1866	225	53009	8
2016	Bihar	33102	2101	16	81	409	319	104	2648	3
	Jharkhand	17173	698	25	8	2147	24	716	749	23
	West Bengal	22969	3192	7	41	560	23	999	3453	7

	All India	433003	45107	10	621	697	2024	214	53370	8
2017	Bihar	40186	3871	10	81	496	319	125	4418	9
	Jharkhand	18151	798	22	6	3025	26	698	851	21
	West Bengal	23092	2932	7	43	537	25	923	3194	7
	All India	450696	48794	9	611	737	1996	225	57307	7
2018	Bihar	38685	4263	9	76	509	238	162	5213	7
	Jharkhand	20629	762	27	0	-	15	1375	868	23
	West Bengal	23092	2932	7	43	537	25	923	3194	7
	All India	466084	50878	9	616	756	1914	243	60024	7

Source : Prison Statistic of India (2008-2018)

APPENDIX - K

WEST BENGAL FIELD DATA

APPENDIX K-1

WEST BENGAL

TABULATION OF THE DATA OF THE POLICE OFFICIAL

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Rank

Rank	Number	%
Asst. Sub-Inspector	-	
Constable	8	
Sub-Inspector	12	
Inspector/Dy SP	1	
SP and above rank official	2	
Total	22	

1.3.Cadre:

Cadre	Number	%
State Services	18	
Centre (IPS)	2	
Undisclosed	2	
Total	22	

1.4.Professional Experience:

Years	Number	%
-------	--------	---

Below 5 Years	1	
Above 5 and less than 10 years	3	
Above 10 and less than 20 years	10	
Above 20 years	1	
Undisclosed	7	
Total	22	

1.5. Year of Joining Services:

1.6. If Retired, Year:

1.7. Gender:

Gender	Number	%
Male	18	
Female	4	
Undisclosed	-	
Total	22	

1.8. Caste/ Tribe:

Caste	Number	%
SC	-	
ST	-	
OBC	1	
EBC	-	
General	8	
Can't Say	13	
Total	22	

1.9. Religion:

Religion	Number	%
Hinduism	20	
Islam	1	

Christianity	-	
Jainism	-	
Buddhism	-	
Doesn't Ascribe	-	
Undisclosed	1	
Total	22	

1.10. Income:

Income Group	Number	%
Lower Middle Class	4	
Middle class	14	
Upper Class	2	
Undisclosed	2	
Total	22	

1.11. Educational Qualification:

Educational Level	Number	%
School Education	-	
Graduates	17	
Post-graduate	4	
Above Post-graduation	-	
Undisclosed	1	
Total	22	

1.12. Settlement Type:

Type	Number	%
Rural	2	
Urban	16	
Semi-urban	3	
Undisclosed	1	
Total	22	

1.13. State/ Region/ Sub-region:

SECTION 2: PERCEPTION OF CUSTODIAL DEATHS IN THE REGION

2.1. Do you think that there is a rising graph of custodial deaths under the police during the last decade of 2009-18?

Responses	Number	%
Yes	3	
No	18	
Can't Say/ Wouldn't say	1	
Total	22	

2.2. Which subregion in the state is more prone to reports of incidents of deaths in police custody?

Place	Number	%
Industrial Area	1	
North Bengal	1	
Can't Say/ Won't Say/ Undisclosed	20	
Total	22	

2.3. Which district in the state is more prone to reports of incidents of deaths in police custody?

Place	Number	%
Industrial District	1	
Can't Say/ Won't Say/ Undisclosed	21	
Total	22	

2.4. Is it true that most of the victims of custodial deaths under the police in this state belong to economically poor sections, particularly SC/ST/OBC/ Minorities?

Responses	Number	%
Yes	4	
No	16	
Can't Say/ Wouldn't say	2	
Total	22	

SECTION 3 - CAUSES OF DEATHS UNDER POLICE CUSTODY

3.1. Is there a special protocol laid down (in the police manual or otherwise) providing the guidelines to deal with cases of custodial deaths under police?

Responses	Number	%
Yes	20	
No	2	
Can't Say/ Wouldn't say	-	
Total	22	

3.2. Has there been any custodial deaths under your direct charge?

Responses	Number	%
Yes	1	
No	18	
Can't Say/ Wouldn't say	3	
Total	22	

3.3. Are you aware of custodial deaths under any police personnel and circumstances of such deaths?

Responses	Number	%
Yes	15	
No	7	
Can't Say/ Wouldn't say	-	
Total	22	

3.4. Does the police station conduct a medical examination of the accused immediately after arrest, as per the law?

Responses	Number	%
Yes	20	
No	1	
Can't Say/ Wouldn't say	1	
Total	22	

3.5. Where is the medical examination of the arrested accused conducted?

Place	Number	%
Govt. Hospital/ Health Clinics	19	
Govt. authorized private hospitals/ health clinics	-	
Private doctors on panel of the police dept.	1	
All of the above, depending upon the circumstances	2	
Total	22	

3.6. Whether a copy of the medical examination is made available to the family of the arrested/ accused/ victim?

Responses	Number	%
Yes	13	
No	8	
Can't Say/ Wouldn't say	1	
Total	22	

3.7. Is there a procedure by which a copy of the medical examination of the victims of custodial deaths is made available for research purposes?

Responses	Number	%
Yes	9	
No	10	
Can't Say/ Wouldn't say	3	
Total	22	

3.8. Which of the factors stated below are responsible for deaths under police custody? Please mark them in preferential order:

Reason	1st Preference	2nd Preference	3rd Preference	4th Preference	Total
Belief in torture as a method to elicit confession....	-	1	2	-	3
Bribery or inducement	-	-	1	-	1
Police sub-culture of violence	1	2	-	-	3
Lack of sensitivity towards the human rights of the arrested persons	-	-	9	-	9
Lack of awareness about the police manual provisions	-	-	-	5	5
Poor health of the arrested	15	3	2	-	20
Suicide	3	13	4	--	20
No fear of being punished or losing job	-	-	-	-	-
Personal ego and biases	-	-	-	-	-
Poor infrastructure/ working conditions/ work pressure/ stress of police	-	-	3	2	5

force					
Absence of anti-torture laws	-	-	-	8	8
Absence of periodical reinforcement of the need to respect human rights	-	-	-	-	-
Absence of significant societal pressure	-	-	-	-	-
Any other factor	-	-	-	4	4
All of the above	-	-	-	-	-
No response	-	-	-	-	3
Total	19	19	19	19	22

SECTION 4: PERCEPTION OF THE VICTIMS SOCIAL BACKGROUND

4.1: In your opinion whether most victims of custodial deaths belong to:

Settlement Type	Number	%
Rural/Village	14	
Urban/City	1	
Both a and b	5	
Can't Say/ wouldn't say	2	
Total	22	

4.2. Which socio-economic background most victims of custodial death under police belong to:

Group	Number	%
Economically Weaker Section	9	
Economically Weaker Section of OBC, ST, SC and Minorities	-	
very poor and illiterate	7	
Can't Say/Wouldn't	6	
Total	22	

**SECTION 5: PERSONAL INFORMATION REGARDING HUMAN RIGHTS
TRAINING**

5.1 Did you attend human rights related training session in your career?

Responses	Number	%
Yes	19	
No	-	
Can't Say/ Wouldn't say	3	
Total	22	

5.2 What is the frequency of attending human rights-related training programme:

Responses	Number	%
Once in a year	18	
Once in a two year	-	
Rarely	-	
Can't Say/ Wouldn't Say	4	
Total	22	

5.3. Month and Year of the last attended human rights training programmed by you:

Period	Number	%
Less than a year ago	14	
Approx. over 1 year and below 5 years ago	5	
5 to 10 years ago	-	
Over 10 years ago	-	
Undisclosed	3	
Total	22	

5.4. If the answer to 5.1 is yes, then which human rights organization (name) undertook the training session?

Organization	Number	%
National / State Human Rights Commission	16	
Police Academy	3	
Police Department	-	
Civil Society/NGOs	1	
Can't Say/ N.A.	2	
Total	22	

Appendix K -2

WEST BENGAL

TABULATION OF THE DATA OF THE JAIL OFFICIAL

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Rank:

Rank	Number	%
Assistant Controller	2	
Controller	9	
Welfare Officer	2	
Jailor	4	
SP and above rank official	12	
Total	29	

1.3.Cadre:

Cadre	Number	%
State Services	25	
Centre (IPS)	1	
Undisclosed	3	
Total	29	

1.4.Professional Experience:

Years	Number	%
Below 5 Years	4	
Above 5 and less than 10 years	3	

Above 10 and less than 20 years	8	
Above 20 years	12	
Undisclosed	2	
Total	29	

1.5. Year of Joining Services:

1.6. If Retired, Year:

1.7. Gender:

Gender	Number	%
Male	23	
Female	6	
Undisclosed	-	
Total	29	

1.8. Caste/ Tribe:

Caste	Number	%
SC	-	
ST	-	
OBC	2	
EBC	-	
General	23	
Can't Say/ Undisclosed	4	
Total	29	

1.9. Religion:

Religion	Number	%
Hinduism	24	
Islam	2	
Christianity	-	
Jainism	-	
Buddhism	-	

Doesn't Ascribe	-	
Undisclosed	3	
Total	29	

1.10. Income:

Income Group	Number	%
Upto Rs. 25000	-	
Rs. 25001 – 50000	8	
Rs. 50001 – 100000	14	
Above Rs. 100000	3	
Undisclosed	4	
Total	29	

1.11. Educational Qualification:

Educational Level	Number	%
School Education	3	
Graduation	16	
Post-graduate	7	
Above Post-graduation	1	
Undisclosed	2	
Total	29	

1.12. Settlement Type:

Type	Number	%
Rural	7	
Urban	17	
Semi-urban	5	
Total	29	

1.13. State/ Region/ Sub-region:

SECTION 2: PERCEPTION OF CUSTODIAL DEATHS IN THE REGION

2.1. Do you think that there is a rising graph of custodial deaths within jail premises during the last decade of 2009-18?

Responses	Number	%
Yes	9	
No	17	
Can't Say/ Wouldn't say	3	
Total	29	

2.2. Which particular jail in the state has the highest number of deaths?

Place	Number	%
Presidency Correctional Home	3	
Alipore Central Correctional Home	1	
Can't Say/ Won't Say/ Undisclosed	25	
Total	29	

2.3. Which wards in your jail has the highest number of deaths over the last decade?

Place	Number	%
In washrooms	1	
Hospital Wards	7	
Under Trial Wards	1	
Can't Say/ Won't Say/ Undisclosed	20	
Total	29	

2.4. Whether the wards in jail are formally/informally classified on the basis of any criteria like class, caste, nature of the crime, gender, LGBTQ, etc.

Responses	Number	%
Yes	11	
No	14	
Can't Say/ Wouldn't say	4	
Total	29	

2.5 (a). Any specific sub-region that has reported a high number of prisoners and a high rate of custodial deaths in jail.

Responses	Number	%
Yes	3	
No	19	
Can't Say/ Wouldn't say	7	
Total	29	

2.5(b). If yes name the sub-region

Place	Number	%
Kolkata	1	
Siliguri	1	
Can't Say/ Wouldn't say/ N.A.	27	
Total	29	

SECTION 3 - CAUSES OF DEATHS UNDER JUDICIAL CUSTODY

3.1. Has any incident of custodial deaths, under your charge, ever occurred during the period of your professional life?

Responses	Number	%
Yes	25	
No	3	
Can't Say/ Wouldn't say	1	
Total	29	

3.2. Are you aware of such deaths under any other jail personnel and circumstances of such deaths?

Responses	Number	%
Yes	20	
No	8	
Can't Say/ Wouldn't say	1	
Total	29	

3.3. Is there a protocol laid down to deal with an incident of custodial death in the jail manual or in any government instruction?

Responses	Number	%
Yes	29	
No	-	
Can't Say/ Wouldn't say	-	
Total	29	

3.4. Is there a mandatory provision for conducting a medical examination of the deceased prisoner?

Responses	Number	%
Yes	29	
No	-	
Can't Say/ Wouldn't say	-	
Total	29	

3.5. Is there a guideline necessitating a medical examination by an authorized medical doctor before admitting the prisoner to the jail?

Responses	Number	%
Yes	28	
No	1	
Can't Say/ Wouldn't say	-	
Total	29	

3.6. While in judicial custody in jail how frequently the medical examination of the prisoner is conducted?

Frequency	Number	%
On a monthly basis	5	
Every three months	2	
twice in a year	1	
Once in a year	-	
None of the above	18	
Can't Say	3	
Total	29	

3.7. Whether a copy of medical examination is made available to the family of convict/accused/ victim?

Responses	Number	%
Yes	12	
No	16	
Can't Say/ Wouldn't say	1	
Total	29	

3.8. Is there a procedure by which a copy of the medical examination of the victims of custodial deaths is made available for research purposes?

Responses	Number	%
Yes	12	
No	14	
Can't Say/ Wouldn't say	3	
Total	29	

3.9. Whether a copy of medical examination of victim in custodial death is made available to the family of the victim?

Responses	Number	%
Yes	12	

No	16	
Can't Say/ Wouldn't say	1	
Total	29	

3.10. Which of the factors stated below are responsible for deaths under police custody? Please mark them in preferential order:

Reason	1st Preference	2nd Preference	3rd Preference	4th Preference	Total
Belief in torture as a method to elicit confession....	-	-	-	-	-
Bribery or inducement	1	-	-	-	1
Jail sub-culture of violence	-	1	1	1	3
Lack of sensitivity towards the human rights of the arrested persons	-	1	3	1	5
Lack of observance of the jail manual provisions	-	-	-	-	-
Poor health of the arrested	14	4	-	1	19
Suicide	4	11	2	-	17
No fear of being punished or losing job	-	-	1	-	1
Personal ego and biases	-	1	-	2	3
Poor infrastructure/ working conditions/ work pressure/ stress	-	1	-	2	3
Absence of anti-torture laws	-	-	4	7	11
Absence of periodical reinforcement of the need to respect human rights	-	-	1	1	2
Absence of significant societal	-	-	-	-	-

pressure					
Poor training of jail officials	-	-	2	2	4
Fight amongst prisoners	-	1	6	1	8
Any other factor	1	-	-	2	3
All of the above	-	-	-	-	-
None of the above/ Can't Say/ Undisclosed/ No response	-	-	-	-	9
Total	20				29

SECTION 4: SOCIO-ECONOMIC PROFILE OF THE PRISONERS

4.1: In your opinion whether most victims of custodial deaths belong to:

Settlement Type	Number	%
Rural/Village	7	
Urban/City	2	
Both a and b	20	
Can't Say/ Wouldn't Say	-	
Total	29	

4.2. Which socio-economic background most victims of custodial death under police belong to:

Group	Number	%
Economically Weaker Section	17	
Economically Weaker Section of OBC, ST, SC and Minorities	1	
Very poor and illiterate	9	
Can't Say/Wouldn't Say	8	

APPENDIX K-3

WEST BENGAL

TABULATION OF THE DATA COLLECTED FROM UNDER-TRIAL AND CONVICTED PRISONERS

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Age:

Age Bracket	Number	%
Under 18	-	-
18-30 years	5	33
31-55 years	10	67
55+ years	-	-
Total	15	100

1.3.Gender:

Gender	Number	%
Male	14	93
Female	1	7
Other	-	-
Total	15	100

1.4.Income Group:

Class	Number	%
Lower	9	60
Middle	4	27
Upper	2	13
Total	15	100

1.5.Caste:

Caste	Number	%
S.T.	3	27
S.C.	2	14
General	1	7
O.B.C.	3	20
Undisclosed/ N.A.	6	40
Total	15	100

1.6.Religion:

Religion	Number	%
Hinduism	5	33
Islam	7	47
Sikhism	-	-
Jainism	-	-
Christian	-	-
Buddhist	-	-
Undisclosed	3	20
Total	15	100

1.7.Education:

Level	Number	%
Illiterate	4	27
Primary	2	12
Upto 12 th	3	20
Graduation	4	27
Post-graduation	1	7
Undisclosed	1	7
Total	15	100

1.8.Jail:

Jail	Number	%
Berhmpore Central Correctional Home (Jail)	10	67
Presidency Central Correctional Home (Jail)	5	33
Total	15	100

1.9.Time spent in custody:

Time Spent	Number	%
Less than a year	2	13
1-5 years	4	27
6-10 years	5	33
10+ years	4	27
Total	15	100

SECTION 2: EXPERIENCE AND PERCEPTION OF PRISONS

2.1. Do you face any difficulties in accessing basic facilities, generally, such as sleeping, hygiene, clothing, medical help, entertainment, contacting family members etc.?

Response	Number	%
Yes	5	33
No	7	47
Can't Say/ Undisclosed	3	20
Total	15	100

2.2. Do you have accessibility to medical help (mental and physical)?

Response	Number	%
Yes	5	33
No	9	66
Can't Say/ Undisclosed	1	7
Total	15	100

2.3. How frequently are the medical check-ups conducted in custody?

Frequency	Number	%
Monthly	-	-
Quarterly (once in three months)	5	33
Annually	-	-
As and when required	10	67
Total	15	100

2.4. Is there any doctor residing in the jail premises?

Response	Number	%
Yes	5	33
No	9	60
Can't Say/ Undisclosed	1	7
Total	15	100

2.5. If no (to Q. 2.4.) do doctors visit the prisoners?

Response	Number	%
Yes	2	40
No	1	10
Can't Say/ Undisclosed	2	40
Total	5	100

2.6. Do you get medicine in custody?

Response	Number	%
Yes	6	40
No	7	47
Can't Say/ Undisclosed	2	13
Total	15	100

2.7. Do psychiatrists or psychologists visit you in custody?

Response	Number	%
Yes	4	27
No	10	67
Can't Say/ Undisclosed	1	6
Total	15	100

2.8. If yes (to Q. 2.7.), how frequently?

Frequency	Number	%
Monthly	-	-
Quarterly (once in three months)	-	-
Annually	-	-
As and when required	2	50
N.A./ Can't Say' Undisclosed	2	50
Total	4	100

2.9. Was there any medical check-up at the time of your admission into custody?

Response	Number	%
Yes	14	93
No	-	-
Can't Say/ Undisclosed	1	7
Total	15	100

2.10. How do the authorities treat the prisoners, generally?

Response	Number	%
Poorly	3	20
Satisfactorily	3	20
Well	5	33
Can't Say/ Undisclosed	4	27
Total	15	100

2.11. Are you allowed to meet your family members and friends?

Response	Number	%
Yes	11	73
No	1	7
Can't Say/ Undisclosed	3	20
Total	15	100

2.12. If yes (to Q.2.11), how frequently are you allowed to meet your family members and friends?

Frequency	Number	%
Weekly	-	-
Monthly	2	18
Quarterly	1	9
Annually	1	9
As and when required or the need arises	6	55
Can't Say/ Undisclosed	1	9
Total	11	100

2.13. Do you face the problems of over-crowding, unhygienic conditions, poor medical infrastructure, poor diets in your jail?

Response	Number	%
Yes	7	47
No	5	33
Can't Say/ Undisclosed	3	20
Total	15	100

2.14. From which social locations are the majority of the prisoners in your jail?

Response	Number	%
Economically Weaker Sections	-	-
Socially Marginalized Communities such as	-	-

S.C./S.T./OBCs/ Muslims/ Christians etc.		
Illiterates	-	-
All of the above	12	70
None of the above	2	13
Can't Say/ Undisclosed	1	7
Total	15	100

2.15. From which localities/ regions are the majority of the prisoners in your jail?

Locality/ Region	Number	%
N.A.	4	27
Neighbourhood Areas	7	46
Can't Say/ Undisclosed	4	27
Total	15	100

2.16. Do you think the conditions and infrastructure of the jails is such that the prisoners are affected adversely, mentally and physically?

Response	Number	%
Yes	7	47
No	3	20
Can't Say/ Undisclosed	5	33
Total	15	100

2.17. Do you think deaths in custody are related to the poor infrastructure and conditions of living in the jail?

Response	Number	%
Yes	5	33
No	4	27
Can't Say/ Undisclosed	6	40
Total	15	100

2.18. Have you heard of deaths, particularly, by suicide in your jail?

Response	Number	%
Yes	7	47
No	2	13
Can't Say/ Undisclosed	6	40
Total	15	100

2.19. What is the frequency of deaths in your jail in your estimation?

Response	Number	%
High	4	27
Low	7	47
Can't Say/ Undisclosed	4	26
Total	15	100

2.20. How many prisoners have committed suicide during your stay in the jail?

Bracket	Number	%
1-3	3	20
4-6	-	-
7-10	-	-
Over 10	-	-
Can't Say/ Undisclosed	12	80
Total	15	100

2.21. What do you think are the causes of custodial deaths? (Please mark preference)

Response	1 st Preference	2 nd Preference	3 rd Preference	Total
Poor Infrastructure	1	-	-	1
Intra-Inmate rivalry/ Fighting	-	1	-	1
Torture and inhumane treatment from the authorities	-	-	1	1
Medical Negligence	1	2	1	4
Long Years of Under-Trial	2	1	-	3

Humiliation/ Shame/ Depression	-	1	-	1
Deeply Personal/ Can't Disclose	1	-	1	2
All of the above	-	-	-	3
None of the above	-	-	-	-
Can't Say/ Undisclosed	-	-	-	7
Total		5		15

APPENDIX K-4
WEST BENGAL

TABULATION OF THE DATA OF THE VICTIM'S FAMILIES

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Relationship with the victim:

Relation	Number	%
Parents	2	
Spouse	9	
Children	-	
Siblings	1	
Other relatives (in-laws, nephew, niece, uncle etc.)	-	
Total	12	

1.3.Domicile:

Place	Number	%
Malda	3	
Murshidabad	9	
Total	12	

1.4.Gender:

Gender	Number	%
Male	1	
Female	11	
Undisclosed	-	
Total	12	

1.5.Current Place of Residence:

Place	Number	%
Malda	3	
Murshidabad	9	
Total	12	

1.6.Caste:

Caste	Number	%
EBC	-	
OBC	4	
S.C.	2	
S.T.	1	
N.A./Unreserved	3	
Undisclosed	2	
Total	12	

1.7. Income Class:

Group	Number	%
B.P.L.	6	
Poor	3	
Lower Middle Class	2	
Middle Class	-	
Upper Class	-	
Undisclosed	1	
Total	12	

1.8.Settlement Type:

Settlement Type	Number	%
Rural	10	

Urban	2	
Total	12	

1.9.Sub Region:

SECTION 2: INFORMATION RELATED TO CUSTODIAL DEATHS

2.1. How did you learn about the arrest of the victim:

Response	Number	%
From the Police/Jail Authorities	3	
The arrest was affected in front of the family member	3	
Do not remember/ Can't Say	-	
Informally, from sources other than the authorities	6	
Total	12	

2.2. Did Police or Jail official allow meeting with victim during custody:

Response	Number	%
Yes	3	
No	8	
Don't Remember/ Can't Say	1	
Total	12	

2.3. If you met him/her in police custody, please describe his/her physical and mortal condition at that time?

Condition	Number	%
<i>"Perfectly fine"/ 'Okay'</i>	-	

<i>‘Contingent ailment upon arrest, but nothing serious’ / ‘Ailment not inflicted by the police personnel’⁵⁶</i>	2	
<i>‘Not in a good condition due to probable and alleged torture by the authorities’</i>	2	
N.A./ Can’t Say	8	
Total	12	

2.4. When did you learn about the death of your family member? Which year/ month/ date?

2.5. Where did you receive the dead body of the victim?

Place	Number	%
From the Jail/Police Authorities	-	
From Government Hospital	11	
Neither of the Above	-	
Can’t say/wouldn’t say	1	
Total	12	

2.6. How did you come to know about the death of the victim?

Sources	Number	%
From the Jail/Police Authorities	6	
From the Hospital	3	
Informally	2	
Can’t say/ wouldn’t Say	1	
Total	12	

2.7. Did the police call you to the Police Station to inform you about the death or the police Personnel visited your house to deliver the same?

⁵⁶ Generally ,and strictly of the nature of a fever, shock, cognitive dissonance but never physical harm, injury or wound.

Responses	Number	%
Yes	6	
No	5	
Can't Say/ Wouldn't say	1	
Total	12	

2.8. Did police or jail officials inform you about the reason for the victim's death?

Responses	Number	%
Yes	9	
No	3	
Can't Say/ Wouldn't say	-	
Total	12	

2.9. If yes to 2.8, Please tell us the reason given by the police or jail official

Reasons	Number	%
Aggravation of pre-existing morbidities like heart related ailments, diabetes, mental disorders, drug-related dependency etc.	1	
Debilitation contingent upon arrest (including shock and trauma, heart attack etc.)	3	
Suicide	3	
Inter-inmate rivalries amongst the prisoners	-	
Accidental	2	
Can't say/ wouldn't say/ N.A.	3	
Total	12	

2.10. Whether the said reason was given to you verbally or in writing?

Form of communication	Number	%
Orally	8	
Written	2	
N.A.	2	
Can't Say/ Won't Say/ Undisclosed	-	
Total	12	

2.11. If in writing, do you have a copy of the SHO/ Jailer detailing the reason of death under police or judicial custody?

Responses	Number	%
Yes	2	
No	7	
Can't Say/ Wouldn't say	3	
Total	12	

2.12. Was there any medical examination in your knowledge at the time of apprehension of the victim?

Responses	Number	%
Yes	3	
No	7	
Can't Say/ Wouldn't say	2	
Total	12	

2.13. Did the police or jail authorities give a copy of the postmortem report of the victim?

Responses	Number	%
Yes	6	
No	6	
Can't Say/ Wouldn't say	-	
Total	12	

2.14. Did you and your family members receive any compensation for custodial death of the victim?

Responses	Number	%
Yes	5	
No	6	
Can't Say/ Wouldn't say/ Undisclosed	1	
Total	12	

2.15. What do you think about the death of the victim in police/ judicial custody?

Reasons	Number	%
Due to poor health issues	-	
Due to police torture	12	
Due to suicide	-	
Due to being poor	-	
Due to being from marginalized communities such as SC/ST/Minorities/OBC etc.	-	
All of the above	-	
None of the above	-	
Can't Say/ Won't Say/ Undisclosed	-	
Total	12	

Appendix K-5

TABULATION OF THE DATA OF THE CIVIL SOCIETY STAKEHOLDERS

WEST BENGAL

SECTION 1: PERSONAL DETAILS

1.1. Name:

1.2. Domicile (State):

Place	Number
Kolkata	14
Alipore	13
Srirampore	25
Not stated/ Undisclosed	11
Total	63

1.3. Gender:

Gender	Number	%
Male	40	64
Female	23	36
Total	63	100

1.4. Age:

Age Bracket	Number	%
18-30 years	20	32
31-45 years	35	55
45+ years	8	13
Total	63	100

1.5. Profession:

Profession	Number	%
Advocate & Lawyers	23	36
Activists (Affiliated to organizations engaged with the issue of custodial deaths)	15	24
Activists (Unaffiliated)	4	6
Journalists	2	4
Academics and Subject-Matter Experts	13	21
Others	6	9
Total	63	100

1.6. Number of years of experience in dealing with cases of custodial deaths?

Brackets	Number	%
0-3 years	14	22
3-5 years	18	28
5-10 years	9	15
10+ years	16	26
Undisclosed	6	9
Total	63	100

SECTION 2: PERCEPTION AND EXPERIENCE OF CUSTODIAL DEATHS

2.1. Do you think there is a rising graph of custodial deaths during the last decade of 2009-18?

Responses	Number	%
Yes	54	85
No	2	4
Can't Say/ Undisclosed	7	11
Total	63	100

2.2. Is there a discrepancy between the actual number and the reported cases of custodial deaths?

Responses	Number	%
Yes	58	92
No	0	0
Can't Say/ Undisclosed	5	8
Total	63	100

2.3. If yes (to Q.2.2.), what are the causes of the same? (Please, indicate preference)

Causes	1 st Preference	2 nd Preference	3 rd Preference	Total
Loopholes in the juridical clauses/ definition of custodial death	6	2	5	13
Non-declaration due to ignorance of the victim's relatives and friends	3	5	5	13
Non-disclosure due to intimidation by the authorities	9	6	4	19
Non-acknowledgment by the authorities	9	11	5	25
Ineffective and Cumbersome Infrastructure of redressal	-	3	8	11
All of the Above	-	-	-	21
None of the Above	-	-	-	4
Can't Say	-	-	-	6
Total	27	27	27	58

2.4. In your experience, what are the chief causes of custodial deaths? (Please, indicate preference)

Reason	1st Preference	2nd Preferenc e	3rd Preferenc e	4th Preferenc e	Total
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Belief in torture as a method to elicit confession....	11	7	1	3	22
Bribery or inducement	9	7	2	1	19
Police sub-culture of violence	4	9	-	6	19
Lack of sensitivity towards the human rights of the arrested persons	2	3	2	4	11
Lack of awareness about the police manual provisions	1	1	1	2	5
Poor health of the arrested	3	2	5	4	14
Suicide	3	3	5	1	12
No fear of being punished or losing job	-	1	3	-	4
Personal ego and biases	2	3	6	-	11
Poor infrastructure/ working conditions/ work pressure/ stress of police force	-	-	1	3	4
Absence of anti-torture laws	-	-	4	4	8
Absence of periodical reinforcement of the need to respect human rights	1	-	4	5	10
Absence of significant societal pressure	-	-	2	3	5
Any other factor	-	-	-	-	3
All of the above	-	-	-	-	17
No Response	-	-	-	-	7
Total	36	36	36	36	63

2.5. In terms of geography, which type is more susceptible to custodial deaths?

Type	Number	%
Urban	9	14
Rural	7	11
Both	44	70
Can't Say/ Undisclosed	3	5
Total	63	100

2.6. In terms of their social positions, who is more susceptible to be victims of custodial deaths?

Identity	Number	%
Economically Weaker Sections	17	27
Socially Marginalized Communities like SC/ST, Religious Minorities	10	16
Illiterates	9	14
All of the Above	27	43
None of the Above	-	-
Total	63	100

2.7. Where, in your experience, are most of the custodial deaths concentrated?

Place	Number	%
Jails	25	40
Police Stations	14	22
Other	19	30
Can't Say/ Undisclosed	5	8
Total	63	100

2.8. In your opinion, is there, generally speaking, a discrepancy between the actual and the cited reasons for custodial deaths?

Response	Number	%
Yes	45	72
No	9	14
Can't Say/ Undisclosed	9	14
Total	63	100

2.9. In your opinion, apart from the police and jail authorities, is there involvement of other official personnels or non-official personnels in cases of custodial deaths?

Response	Number	%
Yes	35	56
No	9	14
Can't Say/ Undisclosed	19	30
Total	63	100

2.10. If yes (to Q.2.9.), please specify:

Nature/Type	Number	%
Hospital Staff	5	14
Judicial Staff	8	24
Non-official groups and personnel	11	31
Can't Say/ Undisclosed	11	31
Total	35	100

2.11. Do you think the provisions, in general, related to the avoidance and redressal of custodial deaths, are followed?

Response	Number	%
Yes	3	4
No	56	89
Can't Say/ Undisclosed	4	7
Total	63	100

2.12. if yes (to Q2.11.), what do you think are the chief reasons of neglect towards the respective provisions?

Reason	Number	%
Inducement and Bribery	22	39
Absence of Societal Pressure	3	6
General sub-culture of violence	8	14

Unawareness of the rights of the prisoners	3	6
Lack of proper Infrastructure	1	2
Disempowerment of the agencies and organizations which could increase transparency	16	28
All of the Above	3	5
None of the Above	-	-
Total	56	100

JHARKHAND FIELD DATA

Appendix-L- 1

JHARKHAND

TABULATION OF THE DATA OF THE POLICE OFFICIAL

SECTION 1: PERSONAL DETAILS

1.1.Name:

1.2.Rank

Rank	Number	%
Asst. Sub - Inspector	-	
Sub - Inspector	11	
Inspector/Dy SP	14	
SP and above rank official	-	
Total	25	

1.3.Cadre:

Cadre	Number	%
State Services	25	
Centre (IPS)	-	
Undisclosed	-	
Total	25	

1.4.Professional Experience:

Years	Number	%
Below 5 Years	7	
Above 5 and less than 10 years	3	

Above 10 and less than 20 years	-	
Above 20 years	15	
Undisclosed	-	
Total	25	

1.5. Year of Joining Services:

1.6. If Retired, Year:

1.7. Gender:

Gender	Number	%
Male	23	
Female	2	
Undisclosed	-	
Total	25	

1.8. Caste/ Tribe:

Caste	Number	%
SC	1	
ST	2	
OBC	6	
EBC	1	
General	13	
Can't Say	2	
Total	25	

1.9. Religion:

Religion	Number	%
Hinduism	22	
Islam	-	
Christianity	-	
Jainism	-	
Buddhism	-	

Sarna	1	
Doesn't Ascribe	-	
Undisclosed	2	
Total	25	

1.10. Income:

Income Group	Number	%
Lower Middle-Class	3	
Middle Class	20	
Upper-Class	-	
Can't/say wouldn't say/no response	2	
Total	25	

1.11. Educational Qualification:

Educational Level	Number	%
School Education	1	
Graduates	17	
Post-graduate	5	
Above Post-graduation	-	
Undisclosed	2	
Total	25	

1.12. Settlement Type:

Type	Number	%
Rural	11	
Urban	5	
Semi-urban	8	
Can't/say wouldn't say/no response	1	
Total	25	

1.13. State/ Region/ Sub-region:

SECTION 2: PERCEPTION OF CUSTODIAL DEATHS IN THE REGION

2.1. Do you think that there is a rising graph of custodial deaths under the police during the last decade of 2009-18?

Responses	Number	%
Yes	1	
No	21	
Can't Say/ Wouldn't say	3	
Total	25	

2.2. Which subregion in the state is more prone to reports of incidents of deaths in police custody?

Place	Number	%
Naxal affected area	1	
Tribal Areas	1	
North Chotanagpur (Hazaribagh)	1	
Can't Say/ Won't Say/ Undisclosed	22	
Total	25	

2.3. Which district in the state is more prone to reports of incidents of deaths in police custody?

Place	Number	%
Giridih	1	
Bokaro	2	
Can't Say/ Won't Say/ Undisclosed	22	
Total	25	

2.4. Is it true that most of the victims of custodial deaths under the police in this state belong to economically poor sections, particularly SC/ST/OBC/ Minorities?

Responses	Number	%
Yes	8	

No	12	
Can't Say/ Wouldn't say	5	
Total	25	

SECTION 3 - CAUSES OF DEATHS UNDER POLICE CUSTODY

3.1. Is there a special protocol laid down (in the police manual or otherwise) providing the guidelines to deal with cases of custodial deaths under police?

Responses	Number	%
Yes	23	
No	2	
Can't Say/ Wouldn't say	-	
Total	25	

3.2. Has there been any custodial deaths under your direct charge?

Responses	Number	%
Yes	1	
No	24	
Can't Say/ Wouldn't say	-	
Total	25	

3.3. Are you aware of custodial deaths under any police personnel and circumstances of such deaths?

Responses	Number	%
Yes	11	
No	14	
Can't Say/ Wouldn't say	-	
Total	25	

3.4. Does the police station conduct a medical examination of the accused immediately after arrest, as per the law?

Responses	Number	%
Yes	23	
No	1	
As per requirement	1	
Can't Say/ Wouldn't say	-	
Total	25	

3.5. Where is the medical examination of the arrested accused conducted?

Place	Number	%
Govt. Hospital/ Health Clinics	24	
Govt. authorized private hospitals/ health clinics	1	
Private doctors on panel of the police dept.	-	
All of the above, depending upon the circumstances	-	
Total	25	

3.6. Whether a copy of the medical examination is made available to the family of the arrested/ accused/ victim?

Responses	Number	%
Yes	14	
No	11	
Can't Say/ Wouldn't say	-	
Total	25	

3.7. Is there a procedure by which a copy of the medical examination of the victims of custodial deaths is made available for research purposes?

Responses	Number	%
Yes	7	

No	8	
Can't Say/ Wouldn't say	10	
Total	25	

3.8. Which of the factors stated below are responsible for deaths under police custody? Please mark them in preferential order:

Reason	1st Preference	2nd Preference	3rd Preference	4th Preference	Total
Belief in torture as a method to elicit confession....	1	-	2	-	3
Bribery or inducement	-	-	-	-	0
Police sub-culture of violence	-	-	-	-	0
Lack of sensitivity towards the human rights of the arrested persons	1	-	5	2	8
Lack of awareness about the police manual provisions	-	2	2	9	13
Poor health of the arrested	4	13	3	-	20
Suicide	16	6	-	-	22
No fear of being punished or losing job	1	-	2	3	6
Personal ego and biases	-	-	-	5	5
Poor infrastructure/ working conditions/ work pressure/ stress of police force	-	2	7	2	11
Absence of anti-torture laws	-	-	1	1	2

Absence of periodical reinforcement of the need to respect human rights	-	-		1	1
Absence of significant societal pressure	-	-	1	-	1
Any other factor	-	-	-	-	0
All of the above	-	-	-	-	0
No Response	2	2	2	2	
Total	25	25	25	25	

SECTION 4: PERCEPTION OF THE VICTIMS SOCIAL BACKGROUND

4.1: In your opinion whether most victims of custodial deaths belong to:

Settlement Type	Number	%
Rural/Village	6	
Urban/City	-	
Both a and b	14	
Can't Say/ wouldn't say	5	
Total	25	

4.2. Which socio-economic background most victims of custodial death under police belong to:

Group	Number	%
Economically Weaker Section	5	
Economically Weaker Section of OBC, ST, SC and Minorities	1	
very poor and illiterate	7	
Can't Say/Wouldn't	12	
Total	25	

**SECTION 5: PERSONAL INFORMATION REGARDING HUMAN RIGHTS
TRAINING**

5.1 Did you attend human rights related training session in your career?

Responses	Number	%
Yes	21	
No	4	
Can't Say/ Wouldn't say	-	
Total	25	

5.2 What is the frequency of attending human rights-related training programme:

Responses	Number	%
Once in a year	7	
Once in a two year	-	
Rarely	14	
Can't Say/ Wouldn't Say	4	
Total	25	

5.3. Month and Year of the last attended human rights training programmed by you:

Period	Number	%
Less than a year ago	5	
Approx. over 1 year and below 5 years ago	9	
5 to 10 years ago	2	
Over 10 years ago	3	
Don't remember/wouldn't say/ can't say/ no response	6	
Total	25	

5.4. If the answer to 5.1 is yes, then which human rights organization (name) undertook the training session?

Organization	Number	%
National / State Human Rights Commission	3	
Police Academy	3	
Police Department	2	
Civil Society/NGOs	2	
Judiciary/Court	2	
Others	4	
Can't Say/ Don't remember/ N.A	9	
Total	25	

Appendix L-2

TABULATION OF THE DATA OF THE VICTIM'S FAMILIES

JHARKHAND

SECTION 1: PERSONAL DETAILS

1.10. Name:

1.11. Relationship with the victim:

Relation	Number	%
Parents	1	
Spouse	-	
Children	-	
Siblings	1	
Other relatives (in-laws, nephew, niece, uncle etc.)	-	
Total	2	

1.12. Domicile:

Place	Number	%
Jamshedpur	1	
Jamtara	1	
Total	2	

1.13. Gender:

Gender	Number	%
Male	2	
Female	-	
Undisclosed	-	
Total	2	

1.14. Current Place of Residence:

Place	Number	%
Jamshedpur	1	
Jamtara	2	
Total	2	

1.15. Caste:

Caste	Number	%
S.T.	-	
S.C.	-	
EBC	-	
OBC	-	
N.A./Unreserved	-	
Undisclosed	2	
Total	2	

1.16. Income Class:

Group	Number	%
B.P.L.	1	
Poor	-	
Lower Middle Class	-	
Middle Class	1	
Upper Class	-	
Total	2	

1.17. Settlement Type:

Settlement Type	Number	%
Rural	1	
Urban	1	
Total	2	

1.18. Sub Region:

SECTION 2: INFORMATION RELATED TO CUSTODIAL DEATHS

2.1. How did you learn about the arrest of the victim:

Response	Number	%
From the Police/Jail Authorities	1	
The arrest was affected in front of the family member	-	
Do not remember/ Can't Say	-	
Informally, from sources other than the authorities	1	
Total	2	

2.2. Did Police or Jail official allow meeting with victim during custody:

Response	Number	%
Yes	-	
No	2	
Don't Remember/ Can't Say	-	
Total	2	

2.3. If you met him/her in police custody, please describe his/her physical and mortal condition at that time?

Condition	Number	%
<i>"Perfectly fine"/ 'Okay'</i>	-	
<i>'Contingent ailment upon arrest, but nothing serious' /</i>	-	

<i>'Ailment not inflicted by the police personnel'⁵⁷</i>		
<i>'Not in a good condition due to probable and alleged torture by the authorities'</i>	1	
N.A./ Can't Say	1	
Total	2	

2.4. When did you learn about the death of your family member? Which year/ month/ date?

2.5. Where did you receive the dead body of the victim?

Place	Number	%
From the Jail/Police Authorities	1	
From Government Hospital	1	
Neither of the Above	-	
Can't say/wouldn't say	-	
Total	2	

2.6. How did you come to know about the death of the victim?

Sources	Number	%
From the Jail/Police Authorities	-	
From the Hospital	1	
Informally	1	
Can't say/ wouldn't Say	-	
Total	2	

⁵⁷ Generally ,and strictly of the nature of a fever, shock, cognitive dissonance but never physical harm, injury or wound.

2.7. Did the police call you to the Police Station to inform you about the death or the police Personnel visited your house to deliver the same?

Responses	Number	%
Yes	-	
No	2	
Can't Say/ Wouldn't say	-	
Total	2	

2.8. Did police or jail officials inform you about the reason for the victim's death?

Responses	Number	%
Yes	1	
No	1	
Can't Say/ Wouldn't say	-	
Total	2	

2.9. If yes to 2.8, Please tell us the reason given by the police or jail official

Reasons	Number	%
Aggravation of pre-existing morbidities like heart related ailments, diabetes, mental disorders, drug-related dependency etc.	-	
Debilitation contingent upon arrest	1	
Inter-inmate rivalries amongst the prisoners	-	
Accidental	-	
Can't say/ wouldn't say/ N.A.	1	
Total	2	

2.10. Whether the said reason was given to you verbally or in writing?

Form of communication	Number	%
Orally	2	
Written	-	
N.A.	-	
Can't Say/ Won't Say/ Undisclosed	-	
Total	2	

2.11. If in writing, do you have a copy of the SHO/ Jailer detailing the reason of death under police or judicial custody?

Responses	Number	%
Yes	-	
No	-	
Can't Say/ Wouldn't say	2	
Total	2	

2.12. Was there any medical examination in your knowledge at the time of apprehension of the victim?

Responses	Number	%
Yes	-	
No	2	
Can't Say/ Wouldn't say	-	
Total	2	

2.13. Did the police or jail authorities give a copy of the postmortem report of the victim?

Responses	Number	%
Yes	-	
No	2	
Can't Say/ Wouldn't say	-	
Total	2	

2.14. Did you and your family members receive any compensation for custodial death of the victim?

Responses	Number	%
Yes	-	
No	2	
Can't Say/ Wouldn't say	-	
Total	2	

2.15. What do you think about the death of the victim in police/ judicial custody?

Reasons	Number	%
Due to poor health issues	-	
Due to police torture	2	
Due to suicide	-	
Due to being poor	-	
Due to being from marginalized communities such as SC/ST/Minorities/OBC etc.	-	
All of the above	-	
None of the above	-	
Can't Say/ Won't Say/ Undisclosed	-	
Total	2	

JHARKHAND

Appendix L 3

TABULATION OF THE DATA OF THE CIVIL SOCIETY STAKEHOLDERS

SECTION 1: PERSONAL DETAILS

1.1. Name:

1.2. Domicile (State):

Place	Number
Ranchi	24
Khunti	6
Dhanbad	15
Ramgarh	12
Jamtara	7
Total	64

1.3. Gender:

Gender	Number	%
Male	40	62
Female	24	38
Total	64	100

1.4. Age:

Age Bracket	Number	%
18-30 years	26	41
31-45 years	11	17
45+ years	14	22
Undisclosed	13	20
Total	64	100

1.5. Profession:

Profession	Number	%
Advocate & Lawyers	17	26
Activists (Affiliated to organizations engaged with the issue of custodial deaths)	20	31
Activists (Unaffiliated)	2	4
Journalists	7	11
Academics and Subject-Matter Experts	1	2
Others	17	26
Total	64	100

1.6. Number of years of experience in dealing with cases of custodial deaths?

Brackets	Number	%
0-3 years	20	31
3-5 years	11	17
5-10 years	16	25
10+ years	9	15
Undisclosed	8	12
Total	64	100

SECTION 2: PERCEPTION AND EXPERIENCE OF CUSTODIAL DEATHS

2.1. Do you think there is a rising graph of custodial deaths during the last decade of 2009-18?

Responses	Number	%
Yes	29	45
No	11	17
Can't Say/ Undisclosed	24	38
Total	64	100

2.2. Is there a discrepancy between the actual number and the reported cases of custodial deaths?

Responses	Number	%
Yes	41	64
No	9	14
Can't Say/ Undisclosed	14	22
Total	64	100

2.3. If yes (to Q.2.2.), what are the causes of the same? (Please, indicate preference)

Causes	1st Preference	2nd Preference	3rd Preference	Total
Loopholes in the juridical clauses/ definition of custodial death	1	-	4	5
Non-declaration due to ignorance of the victim's relatives and friends	6	6	5	16
Non-disclosure due to intimidation by the authorities	4	4	3	10
Non-acknowledgment by the authorities	8	8	3	18
Ineffective and Cumbersome Infrastructure of redressal	2	3	6	11
All of the Above	-	-	-	14
None of the Above	-	-	-	-
Can't Say	-	-	-	6
Total	21	21	21	41

2.4. In your experience, what are the chief causes of custodial deaths? (Please, indicate preference)

Reason	1st Preference	2nd Preference	3rd Preference	4th Preference	Total
---------------	---------------------------	---------------------------	---------------------------	---------------------------	--------------

Belief in torture as a method to elicit confession....	10	6	2	1	19
Bribery or inducement	12	11	4	-	27
Police sub-culture of violence	7	1	5	1	13
Lack of sensitivity towards the human rights of the arrested persons	5	3	2	3	13
Lack of awareness about the police manual provisions	-	1	3	1	5
Poor health of the arrested	1	3	-	6	10
Suicide	2	4	1	3	10
No fear of being punished or losing job	-	-	5	2	7
Personal ego and biases	4	6	2	9	21
Poor infrastructure/ working conditions/ work pressure/ stress of police force	-	-	1	2	3
Absence of anti-torture laws	-	1	3	1	5
Absence of periodical reinforcement of the need to respect human rights	-	3	7	7	17
Absence of significant societal pressure	-	2	6	5	13
Any other factor	-	-	-	-	3
All of the above	-	-	-	-	8
No Response	-	-	-	-	12
Total	41	41	41	41	64

2.5. In terms of geography, which type is more susceptible to custodial deaths?

Type	Number	%
Urban	26	40
Rural	9	15
Both	20	31
Can't Say/ Undisclosed	9	14
Total	64	100

2.6. In terms of their social positions, who is more susceptible to be victims of custodial deaths?

Identity	Number	%
Economically Weaker Sections	13	20
Socially Marginalized Communities like SC/ST, Religious Minorities	11	17
Illiterates	7	11
All of the Above	26	41
None of the Above	7	11
Total	64	100

2.7. Where, in your experience, are most of the custodial deaths concentrated?

Place	Number	%
Jails	21	33
Police Stations	14	22
Other	17	26
Can't Say/ Undisclosed	12	19
Total	64	100

2.8. In your opinion, is there, generally speaking, a discrepancy between the actual and the cited reasons for custodial deaths?

Response	Number	%
Yes	36	56
No	12	19
Can't Say/ Undisclosed	16	25
Total	64	100

2.9. In your opinion, apart from the police and jail authorities, is there involvement of other official personnels or non-official personnels in cases of custodial deaths?

Response	Number	%
Yes	33	52
No	14	22
Can't Say/ Undisclosed	17	26
Total	64	100

2.10. If yes (to Q.2.9.), please specify:

Nature/Type	Number	%
Hospital Staff	7	22
Judicial Staff	7	22
Non-official groups and personnel	16	50
Can't Say/ Undisclosed	3	6
Total	33	100

2.11. Do you think the provisions, in general, related to the avoidance and redressal of custodial deaths, are followed?

Response	Number	%
Yes	6	9
No	45	70
Can't Say/ Undisclosed	13	21
Total	64	100

2.12. if no (to Q.2.11.), what do you think are the chief reasons of neglect towards the respective provisions?

Reason	Number	%
Inducement and Bribery	6	13
Absence of Societal Pressure	3	8
General sub-culture of violence	5	11
Unawareness of the rights of the prisoners	1	2
Lack of proper Infrastructure	-	-
Disempowerment of the agencies and organizations which could increase transparency	5	11
All of the Above	25	55
None of the Above	-	-
Total	45	100

Appendix M: Prison occupancy and inmates

STATE/UT-WISE INMATES IN PRISONS DURING 2008-18									
YEAR	STATE	Available Capacity			Inmate Population			Occupancy Rate %	
		Male	Female	Total	Male	Female	Total	Male %	Female %
2008	Bihar	30820	1065	31885	36480	1229	37709	118.4	115.4
	Jharkhand	12310	521	12831	17751	652	18403	144.2	125.1
	West Bengal	18880	1592	20472	18807	1423	20230	99.6	89.4
	All India	279007	18770	297777	368824	15929	384753	132.2	84.9
2009	Bihar	31104	1074	32178	32685	1026	33711	105.1	95.5
	Jharkhand	12400	546	12946	16545	651	17196	133.4	119.2
	West Bengal	18880	1592	20472	16471	1115	17586	87.2	70
	All India	287111	19941	307052	361563	15406	376969	125.9	77.3
2010	Bihar	32027	1092	33119	28808	892	29700	89.9	81.7
	Jharkhand	12310	574	12884	17335	707	18042	140.8	123.2
	West Bengal	18880	1592	20472	17366	1153	18519	92	72.4
	All India	299310	21140	320450	353961	15037	368998	118.3	71.1
2011	Bihar	32638	1136	33774	27151	881	28032	83.2	77.6
	Jharkhand	12341	607	12948	15868	718	16586	128.6	118.3
	West Bengal	19060	1612	20672	18351	1157	19508	96.3	71.8
	All India	309646	23136	332782	356902	16024	372926	115.3	69.3
2012	Bihar	33945	1162	35107	27622	928	28550	81.4	79.9

	Jharkhand	13226	696	13922	16587	744	17331	125.4	106.9
	West								
	Bengal	18774	1523	20297	19116	1315	20431	101.8	86.3
	All India	318857	24312	343169	368184	16951	385135	115.5	69.7
2013	Bihar	34446	1235	35681	30159	1100	31259	87.6	89.1
	Jharkhand	13526	717	14243	14243	850	15093	128.4	118.5
	West								
	Bengal	19062	1523	20585	21385	1393	22778	112.2	91.5
	All India	323573	24286	347859	393804	18188	411992	121.7	74.9
2014	Bihar	35916	1289	37205	30204	1091	31295	84.1	84.6
	Jharkhand	13646	717	14363	16823	865	17688	123.3	120.6
	West								
	Bengal	19393	1523	20916	18752	1317	20069	96.7	86.5
	All India	331349	25212	356561	400855	17681	418536	121	70.1
2015	Bihar	36449	1360	37809	27527	891	28418	75.5	65.5
	Jharkhand	14666	742	15408	16751	862	17613	114.2	116.2
	West								
	Bengal	19493	1423	20916	20017	1506	21523	102.7	105.8
	All India	341318	25463	366781	401789	17834	419623	117.7	70
2016	Bihar	36449	1360	37809	31974	1128	33102	87.7	82.9
	Jharkhand	14680	793	15473	16385	788	17173	111.6	99.4
	West								
	Bengal	19523	1423	20946	21247	1722	22969	108.8	121
	All India	354808	26068	380876	414505	18498	433003	116.8	71
2017	Bihar	38387	1526	39913	38688	1498	40186	100.8	98.2
	Jharkhand	14943	826	15769	17328	823	18151	116	99.6
	West								
	Bengal	19887	1885	21772	21613	1479	23092	108.7	78.5

	All India	364573	27001	391574	431823	18873	450696	118.4	69.9
2018	Bihar	39875	1566	41441	37322	1363	38685	93.6	87
	Jharkhand	15243	851	16094	19673	956	20629	129.1	112.3
	West Bengal	19887	1885	21772	21613	1479	23092	108.7	78.5
	All India	368962	27261	396223	446842	19242	466084	121.1	70.6

Permission letter of West Bengal Government to conduct interview

GOVERNMENT OF WEST BENGAL
DIRECRATE OF CORRECTIONAL SERVICES
JESSOP BUILDING, 1ST FLOOR
63, N.5. ROAD, KOLKATA -700001
E-mail: dgigcs.dcs-wb@gov.in

Memo. N0.263/ DCS-16011 (99)/1/ 2020-SECTION (DCS)-DCS Dated: 02.03.2021

To
Prof. (Dr.) Anwar Alam,
Project Director & Distuengist Fellow,
Policy Perspectives Foundation
(Email id:polycyperspective@gmail.com)

Sub: Allowing the researchers of Policy Perspectives Foundation to meet with
the official of Correctional Homes of WB for a NHRC sponsored project
titled "CUSTODIAL DEATHS TRENDS AND PATTERNS IN
JHARKHAND, BIHAR AND WEST BE G~L" (2009-2018).

Ref: His gmail dt.16.12.2020.

With reference to above, the undersigned has approved his proposal
regarding 'allowing the researchers of Policy Perspectives Foundation to meet
with the official of Correctional Homes of WB with a set of questionnaires for
discussion for NHRC project titled "CUSTODIAL DEATHS TRENDS AND
PATTERNS IN JHARKHAND, BIHAR AND WEST BENGAL" (2009-2018)
by maintaining the following! conditions:

- No photography / videography will be allowed inside the Correctional
Homes of WB.
- Photo identity proof will be shown at the time of entry inside

Correctional Homes of WB. Discussion will be held only the office chamber of Correctional Homes of WB.

Under the above circumstances, he is requested to instruct the researcher to contact with the Superintendent of Correctional Homes of West Bengal as per enclosed list for fixing up date for the said purpose.

ADG & IG of Correctional Services, WB

Memo. No.263/1(69)/ DCS-16011(99)/1/2020-SECTION(DCS)-DCS Dated:

02.03.2021 Copy forwarded for information to:

- I. Akoijam Surajit Singh, Coordinator cum researcher, Policy Perspectives Foundation, New Delhi (Email id:akoijamppf@gmail.com).
2. All AIsG of Correctional Services, WB
3. All DIsG of Correctional Services, WB
4. The Superintendent of all Correctional Homes of WB.

ADG & IG of Correctional

Services, WB

Annexure – 2

District wise custodial death RTI Reply from Bihar Human Right Commission dated 2/11/2020



बिहार मानवाधिकार आयोग

9, बेली रोड, पटना 15

पत्रांक: BHRC/RTI - 147/2020 ...~~16.10.20~~..... पटना, दिनांक 02/11/2020

प्रेषक,

लोक सूचना पदाधिकारी,
बिहार मानवाधिकार आयोग,
पटना ।

सेवा में,

Pradyot Haldar
J-5, 1st Floor,
Near Footprints Play School,
Green Park Extension,
New Delhi, Pin Code- 110016.

विषय : सूचना का अधिकार अधिनियम 2005 के तहत सूचना उपलब्ध कराने के संबंध में ।

महाशय,

उपर्युक्त विषय के संदर्भ में सूचित करना है कि सूचना का अधिकार अधिनियम 2005 के अंतर्गत आपके आवेदन दिनांक 16.10.2020 के कंडिका- 4 की उप कंडिका- 1 से संबंधित सूचना एतद्वारा संलग्न कर प्रेषित की जा रही है।

उल्लेखनीय है कि कंडिका कंडिका- 4 की उप कंडिका- 2 से 6 तक वांछित सूचना आयोग कार्यालय में उक्त रूप में रक्षित नहीं है।

कृपया सूचनार्थ।

अनुलग्नक: यथावर्णित।

विश्वासभाजन


2-11-2020

लोक सूचना पदाधिकारी,
बिहार मानवाधिकार आयोग,
पटना

**Number of District wise Custodial Deaths cases taken
in cognizance by the Bihar human Rights Commission
(BHRC) for the years 2009 to 2018.**

S.No.	Districts	CD
1	Araria	23
2	Aurangabad	24
3	Arwal	9
4	Banka	24
5	Begusarai	43
6	Bhabhua	19
7	Bhagalpur	60
8	Bhojpur	57
9	Buxar	24
10	Darbhanga	29
11	East Champaran	62
12	Gaya	54
13	Gopalganj	18
14	Jamui	14
15	Jehanabad	22
16	Katihar	38
17	Khagaria	25
18	Kishanganj	9
19	Lakhisarai	15
20	Madhepura	23
21	Munger	23
22	Muzaffarpur	88
23	Nalanda	40
24	Madhubani	30
25	Nawada	21
26	Others	16
27	Patna	126
28	Purnia	22
29	Rohtas	39
30	Saharsa	24
31	Samastipur	24
32	Saran	65
33	Shekhpura	3
34	Sheohar	10
35	Sitamadi	33
36	Siwan	35
37	Supaul	19
38	Vaishali	34
39	West Champaran	47

total
1,291

Annexure 3:

Custodial death RTI Reply from Beur Central Jail, Patna, Bihar dated 4 .11. 2020.

लोकसूच पत्र संख्या 55

प्रेषक,

श्री संजय कुमार,
लोक सूचना पदाधिकारी,
आदर्श केन्द्रीय कारा, बेऊर, पटना।

सेवा में,

Email

Mr. Pradyot Chandra Haidar
1st floor, near footprints play school,
Green Park Extension, New Delhi Pin code:-110016,
Email Address: manikaa.18@gmail.com

बेऊर, जेल दिनांक 04/11/2020

विषय:- लोक सूचना अधिनियम के तहत सूचना उपलब्ध कराने के संबंध में।
(I.D.No.-37/20)

महाशय,

उपर्युक्त विषयक आपके द्वारा माँगी गयी याचित सूचना निम्नवत् उपलब्ध करायी जा रही है :-

SR.NO.	QUESTION	ANSWER	
		years	No of Custodial deaths
01.	Number of jail wise custodial deaths cases registered with Bihar Correctional services for the Years 2009 to 2018	2009	13
		2010	07
		2011	09
		2012	11
		2013	08
		2014	10
		2015	11
		2016	07
		2017	13
		2018	23
02.	Number of district wise conviction of jail personnel for committing offences/ excesses resulting in deaths of the suspects/prisoners in their custody for the years 2009 to 2018.	NIL	

आप अगर उपरोक्त सूचना से संतुष्ट नहीं है तो, सूचना प्राप्ति की तिथि से 30 दिनों के अन्दर प्रथम अपीलीय प्राधिकार के समक्ष अपील दायर कर सकते हैं।

प्रथम अपीलीय प्राधिकार का
पता:- प्रथम अपीलीय प्राधिकार-सह-अधीक्षक,
आदर्श केन्द्रीय कारा, बेऊर, पटना
पो-0-अनिसाबाद, थाना-बेऊर, जिला-पटना
पिन-800002

विश्वसभाजन
04/11/2020
लोक सूचना पदाधिकारी
आदर्श केन्द्रीय कारा, बेऊर, पटना

31

सेवा में,
मुलिस अखीरत महोदय,
गिरिडीह।

प्रसंग:- भक्तीय कार्यालय शा- 2724/शा शा दि-19.10.20

विषय:- सूचनाधिकार अधिनियम 2005 के अन्तर्गत प्राप्त
आवेदन श्री मणिश मलहोत्रा को प्राथिक सूचना
उपलब्ध कराने के संबंध में।

महाराज,
उपरोक्त प्रसंग एवं विषय के स्वर्ण में सादर
स्वचित करना है कि प्रसंगाधीन विषय में आवेदन श्री
मणिश मलहोत्रा के द्वारा मंजी गई सूचना महिला
धाना / SC/ST धाना गिरिडीह में सभी लिंकुओं पर
शुन्य है।

भव: श्रीमान् की सादर सूचनाय प्रेषित।

64/20
3-10-20



विशेषज्ञान
23.10.20
पु.आ.वि.
महिला धाना,
SC/ST धाना
गिरिडीह

सीता में,

श्री मणिका मलहोत्रा,

J-5 First floor Near footprints play school,

Green Park Extension जिला बैंगलुरु
कर्नाटक ।

प्रसंग पुलिस अधीक्षक महोदय कार्यालय का शापीक संख्या 118/सूचना
पर ललितहर दिनांक - 23/10/2020.

विषय सूचनाधिकार अधिनियम 2005 के अन्तर्गत आवेक श्री मणिका
मलहोत्रा, J-5 First floor Near footprints play school,
Green park extension से संबंधित व्यक्ति सूचना उपलब्ध
करने के संबंध में।

महोदय,
उपरोक्त प्रसंगाधीन विषय के संदर्भ में सादर सूचित किया है
कि भारतीय के कार्यालय से प्राप्त में Information regarding cust
-odial death cases in Jharkhand से संबंधित वितरण की मांग की
गई है। मणिका थाना अपराध अभिलेखों में अवलोकन किया तथा मणिका
थाना अन्तर्गत Custodial death cases की संख्या शून्य पाई।
अतः श्रीमान् के सादर सूचनार्थ प्रेषित ।

DR-15/12/20
12/11/2020

अध्यक्षित
Yshant
12/11/2020
जना प्रशासक
मणिका

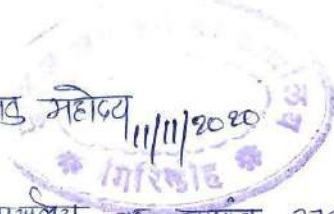
समर्पित
तखिलीभगत
12/11/2020
पर. पु. अ. नि.
मणिका थाना
ललितहर ।

शांका - 1142/2020, दि. 07/11/2020

(12)
पीरबंड चाना, गिरडीह ।

सेवा में,

पुलिस अधीक्षक महोदय,
गिरडीह ।



प्रति - अर्द्धीय के कार्ययुक्त का शांका 2420/साठशाठ, दि. 19/10/2020
विषय - सुचनाधिकार अधिनियम-2005 के अंतर्गत प्राप्त आवेदन की
मार्गीय प्रवेक्षण बंगाल के अर्द्धीय सुचना उपबन्ध क्रम के
संबंध में ।

महोदय,

उपरोक्त प्रस्तावित विषय के संबंध में आदरपूर्वक सूचित करते
हूँ कि आवेदन की मार्गीय प्रवेक्षण बंगाल द्वारा भंगी गई
सूचना के संबंध में पीरबंड चाना अंतर्गत custodial death की संख्या
सूची है ।

अतः भीमान को आदर सूचना ।

अधिसारिक
[Signature]
थाना प्रभारी, पीरबंड
07.11.2020

विश्वजित
Vishwajeet
07/11/2020
परी पुठ अठ मीठ
पीरबंड चाना
गिरडीह ।

सेवा में

पुलिस अधीक्षक महोदय
गिरिडीह

क्रमांक: मण्डलीय कार्यालय झापाक दर 20 स्म अं० दिनांक 12/10/20
विषय: सूचनाधिकार अधिनियम 2005 के अन्तर्गत श्री मणिका
मल्होत्रा, वेगलुरु क्रीडक से प्राप्त आवेदन के संबंध में।

महोदय,

उपर्युक्त प्रश्न एवं विषय के संदर्भ में साह्य सूचित
करना है कि मण्डलीय कार्यालय से निर्गत पत्र द्वारा सूचनाधिकार
अधिनियम 2005 के अन्तर्गत श्री मणिका मल्होत्रा, वेगलुरु
कर्नाटक द्वारा मांगी गई सूचना, वेगावाड पाना अन्तर्गत सूच्य
है।

कनः श्री मन शो सूचना के ।

DR-1495/2020
11/11/2020

निदेशात्मक
देशांतर
11/11/2020
P.S. Bengehal

अग्रसारित
DS
11-11-2020
पाना प्रभारी, वेगावाड
जिला गिरिडीह



बिहार मानवाधिकार आयोग

9, बेली रोड, पटना 15

पत्रांक: BHRC/RTI - 147/2020 ...16.10.2020..... पटना, दिनांक 02/11/2020

प्रेषक,

लोक सूचना पदाधिकारी,
बिहार मानवाधिकार आयोग,
पटना ।

सेवा में,

Pradyot Haldar
J-5, 1st Floor,
Near Footprints Play School,
Green Park Extension,
New Delhi, Pin Code- 110016.

विषय : सूचना का अधिकार अधिनियम 2005 के तहत सूचना उपलब्ध कराने के संबंध में ।

महाशय,

उपर्युक्त विषय के संदर्भ में सूचित करना है कि सूचना का अधिकार अधिनियम 2005 के अंतर्गत आपके आवेदन दिनांक 16.10.2020 के कंडिका- 4 की उप कंडिका- 1 से संबंधित सूचना एतद्द्वारा संलग्न कर प्रेषित की जा रही है।

उल्लेखनीय है कि कंडिका कंडिका- 4 की उप कंडिका- 2 से 6 तक वांछित सूचना आयोग कार्यालय में उक्त रूप में रक्षित नहीं है।

कृपया सूचनार्थ।

अनुलग्नक: यथावर्णिता।

विश्वासभाजन


2-11-2020

लोक सूचना पदाधिकारी,
बिहार मानवाधिकार आयोग,
पटना

सेवा में

(17)

श्री मान प्रियम अधीक्षक महोदय
गिरिडीह

प्रसंग 1 - भवदीय कथित शोपंक 23-20/साठशाठ दिना 31/0/20

विषय 2 - सूचनाधिकार अधिनियम-2005 के अन्तर्गत प्राप्त आवेदन श्री मणिका मयहोत्रा
मयहोत्रा बैंगलूर को प्राप्त सूचना उपलब्ध कराने के संबंध में
महोदय,

उपरोक्त प्रसंग एवं विषय के संदर्भ में सादर सूचित किया है कि -
सूचनाधिकार अधिनियम 2005 के अन्तर्गत आवेदन श्री मणिका मयहोत्रा
बैंगलूर द्वारा भौंगी भौंगी कंसिन किवरणी बैंगलूर यथा से प्रकृत है।

धन्य श्री मान को सादर सूचीय ।

DR-2149/20
03/11/20



विष्णु भाष्य
05.11.2020
श्री मणिका मयहोत्रा
बैंगलूर यथा

स्वीकृत में,

श्री मणिका मलहोत्रा

जे०-५ फर्स्ट फ्लोर, ग्रीन पार्क एक्सटेन्शन,

बेंगलुरु, कर्नाटक

प्रसंग :- भवदीय का कार्यालय का जांचक 98/सूचना शाखा
दिनांक - 22/10/2020 तदनुसार मलविदेवानु एवं पुलिस
महानिरीक्षण का कार्यालय का जांचक - 536/सूचनाधिकार
दिनांक - 08.10.2020

विषय :- सूचनाधिकार अधिनियम-2005 के अंतर्गत श्री मणिका
मलहोत्रा जे०-५ फर्स्ट फ्लोर निम्न फ्लोरिन्स के
रूक, ग्रीन पार्क एक्सटेन्शन, प्लॉट-बेंगलुरु,
कर्नाटक को उचित उपलब्ध करने के आवेदन के
संबंध में।

महोदय,

असंगत प्रसंज्ञाधीन विषय के संदर्भ में सादर
सूचित किया है कि जल्दी ही धरना में संघारित अभिलेखा
का अपडेटिंग पश्चात् पता चला कि custodial Death
cases से संबंधित कोई भी बिकल्प/कंड दर्म नहीं
है।

अतः धीमान को सादर सुचना दी।

प्रतिरूपि:- पुलिस अधीक्षक महोदय, मुम्बई।

OK 1653/20
07/11/2020

अग्रसारित
7.11.2020
थाना प्रभारी
रायडीह थाना

विश्वासभाजन
Kumaran Verma
07/11/2020
PSI
रायडीह थाना

JK. 041
08/11/2020

सेवा में

आवेदक श्री मणिमल्लहोत्रा, गैर-5 फर्स्ट फ्लोर
मियर इटिप्रिन्ट्स प्लै स्कूल, ग्रैन पार्क एक्सटेंशन,
जिला - बैंगलुरु, कर्नाटक

प्रसंग:- अर्थात् का कार्यालय तापंक 98। सूचना साख्या दिनांक 22-10-2020

विषय:- सूचनाधिकार अधिनियम - 2005 के अंतर्गत श्री मणिमल्लहोत्रा, गैर-5 फर्स्ट फ्लोर, मियर इटिप्रिन्ट्स प्लै स्कूल, ग्रैन पार्क एक्सटेंशन जिला - बैंगलुरु, कर्नाटक को आवेदन सूचना उपलब्ध कराने के आवेदन के संबंध में।

महोदय

निवेदन प्रकृत कहे हैं, श्रीमान के द्वारा जारी गयी निवेदन दिनांक 01 से दिनांक 03 तक सभी विद्युतों पर सुरक्षित पाना के मांड अंग्रेजिय का अपलौक किया अपलीक के पश्चात जाते हुआ डि दिनांक 01 से दिनांक 03 तक पर जारी गयी विद्युत सुरक्षित पाना से शुभ है।
अतः श्रीमान को साफर सूचनाएं प्रेषित !

प्रतिष्ठान।

U पुत्रिय अर्थात् श्रीमल्लहोत्रा
मुमता।

विश्वामाजग

सुरेन्द्र कुमार

08/11/2020

पदिपुत्र अंगिक

सुरक्षित पाना

08/11/2020

ज्ञापांक- 516 / 2022,

बालूमाथ थाना, लातेहार।

दिनांक- 12.11.2022

प्रेषक,

थाना प्रभारी,
बालूमाथ थाना, जिला लातेहार।

सेवा में,

श्री मणिका मल्होत्रा,

J-5 First Fore Near footpints play school, green park extension
मो0 9910433961

प्रसंग :- पुलिस अधीक्षक महोदय, लातेहार का कार्यालय ज्ञापांक 562 / सूचनाधिकार, दिनांक 13.11.2021

विषय :- सूचनाधिकार अधिनियम 2005 के अन्तर्गत आवेदक श्री मणिका मल्होत्रा से प्राप्त सूचना के संबंध में।

महाशय,

उपरोक्त प्रसंग एवं विषय के संदर्भ में सादर सूचित करना है कि सूचनाधिकार अधिनियम 2005 के अन्तर्गत आवेदक श्री मणिका मल्होत्रा J-5 First Fore Near footpints play school, green park extension के द्वारा मांगी गयी बिन्दुवार प्रतिवेदन निम्न प्रकार है :-

1. बालूमाथ थाना अन्तर्गत अभी तक थाना अभिरक्षा में किसी की मृत्यु नहीं हुई है।

अतः आवेदक को सादर सूचनार्थ।

विश्वासभाजन

थाना प्रभारी

बालूमाथ थाना।

थाना प्रभारी

बालूमाथ थाना।

प्रतिलिपि :- पुलिस अधीक्षक महोदय, लातेहार को सादर सूचनार्थ।



ज्ञापांक:-...32/सू0को0(हि0शा0),
पुलिस अधीक्षक का कार्यालय, लोहरदगा।

लोहरदगा, दिनांक :-...22/12/2020

सेवा में,

जन सूचना पदाधिकारी,
पुलिस मुख्यालय, झारखण्ड,
राँची।

प्रसंग:- भवदीय कार्यालय ज्ञापांक 536 सूचनाधिकार, दिनांक-08.10.2020

विषय:- सूचनाधिकार अधिनियम-2005 के अन्तर्गत श्री मणिका मलहोत्रा, बेंगलूरु,
कर्नाटक से प्राप्त आवेदन (दिनांक-30.09.2020) के संबंध में।

महाशय,

उपर्युक्त प्रसंगाधीन विषय के संदर्भ में सादर सूचित करते हुए कहना है कि सूचनाधिकार अधिनियम-2005 के तहत आवेदक श्री मणिका मलहोत्रा, जे0-05 फर्स्ट फ्लोर, नियर फूटप्रिन्टस् प्ले स्कूल, ग्रीन पार्क एक्सटेन्शन, जिला बेंगलूरु, कर्नाटक के द्वारा मांगी गई वांछित सूचना लोहरदगा जिला के सभी थाना प्रभारियों के द्वारा सीधे निबंधित डाक के मध्यम से आवेदक को उपलब्ध कराई जा चुकी है।

कृपया सादर सूचनार्थ।

22/12/2020

जन सूचना पदाधिकारी,

-सह-

पुलिस उपाधीक्षक(मु0), लोहरदगा।

प्रतिलिपि:- श्री मणिका मलहोत्रा, जे0-05 फर्स्ट फ्लोर, नियर फूटप्रिन्टस् प्ले स्कूल, ग्रीन पार्क एक्सटेन्शन, जिला बेंगलूरु, कर्नाटक को कृपया सादर सूचनार्थ।

22/12/2020

जन सूचना पदाधिकारी,

-सह-

पुलिस उपाधीक्षक(मु0), लोहरदगा।

आपक - 1037/20
24.10.20

(2)

सेवा में,
मुकेश अधीनक महोदय
गिरिडीह

प्रसंग : अवधीय का कार्यालय भाषांक - 2720 / सापशा
दिनांक - 19/10/2020

विषय : सूचनाधिकार अधिनियम - 2005 के अंतर्गत
माला आवेदक श्री मंगीका मलहोत्रा बंगलूर
को याचित सूचना उपलब्ध करने के
संबंध में।

महोदय,

उपरोक्त प्रसंगाधीन विषय के संदर्भ में
सादर याचित करना है कि सूचनाधिकार अधिनियम
- 2005 के अंतर्गत आवेदक श्री मंगीका मलहोत्रा बंगलूर
के द्वारा वांछित बिन्दुओं (1) से (3) पर मांगी गयी
सूचना जाण्डेय धाना से शून्य है।

अतः श्रीमान को सादर सूचना दी

अग्रसारित
24/10/2020
थाना प्रभासी
गाण्डेय

समर्पित
Kartikya Singh
23/10/2020
परि: पुण्डरीक
गाण्डेय धाना
गिरिडीह

आपांक - 1130/2020

दिनांक - 22/10/2020

सेवा में,

श्रीमान् पुलिस अधीक्षक महोदय

जिराई।

प्रसंग :- भवहीय कार्यांक का आपांक - 2721/सा.शा. दि. - 19.10.2020

विषय :- सूचनाधिकार अधिनियम - 2005 के अंतर्गत प्राप्त आवेदक श्री विनोद प्रसाद शर्मा जिला - बोकारो से प्राप्त सूचना आवेदन के संबंध में।

महोदय,

उपर्युक्त प्रसंगधीन विषय के संदर्भ में सादर सूचित करना है कि भवहीय कार्यांक के आपांक के पत्र के माध्यम से (1) जयशम प्रसाद

आधार नं. - 3435 4464 6274 पिता सोनार प्रसाद, निवास स्थान

मनुवा स्थान चास पोस्ट + थाना - चास जिला - बोकारो झारखण्ड

827013 एवं (2) विनोद कुमार सिंह आधार नं. 4754 19734947.

पिता - समाकता सिंह निवास स्थान क्वारटल नं. - 1348 सेक्टर - 12/ए

पोस्ट + थाना - सेक्टर - 12, बोकारो स्लीम सिटी, जिला - बोकारो झारखण्ड

827012 का प्रौढ़ी गई अपराधिक इतिहास मधुवन थाना से शून्य

है।

अतः श्रीमान् को सादर सूचनाार्थ।

अनुमोदित
दि. 22.10.2020
माना प्रभारी, मधुवन

विश्वासनामन
अजीत कुमार महतो
परि पु. अ. नि.

22-10-2020

मधुवन थाना
जिराई.

सेवा में,
मुख्य अधीनस्थ अधिकारी
गिरडीह

(25)

संदर्भ:- अधीनस्थ अधिकारी का आर्पाड 2720/साठ आठ दिनांक
19/10/2020

विषय:- सूचनाधिकार अधिनियम-2005 के अन्तर्गत प्राप्त आवेदन
श्री अजिता अलहोता बेंगलुरु के व्यक्ति सूचना उपलब्ध
कराने के संबंध में।

DR-3473/20
28/10/20 महामय

उपरोक्त संदर्भ एवं विषय में साफर सूचित किया जाता है कि
नगर धाना गिरडीह में प्राप्त आवेदन श्री अजिता अलहोता बेंगलुरु
का आजी गई सूचना नगर धाना गिरडीह में सत्रावन्तुओं
पर शून्य है।

आतः श्रीमान को साफर सूचना दी।

विभागाध्यक्ष
अमित कुमार
इ.ओ.ओ.
नगर धाना गिरडीह
दि. 28/10/2020

अधिसूचित
Cmnd
पुं. नि. 28.10.20
सह
थाना प्रभारी
नगर धाना, गिरडीह
(साठ-साठ)

क्रमांक - 1033/20⁽¹⁶⁾

06.11.20

सेवा में,

पुलिस अधीक्षक महोदय,
गिरिडीह



विषय:- मध्यम कार्यालय का क्रमांक- 2720 / सा. शा. दिनांक- 19-10-2020

विषय:- सूचना चिकार अधि. - 2005 के अन्तर्गत प्राप्त आवेक श्री मणिका मलहोत्रा बेंगलुरु को वाचि सूचना उपलब्ध कराने के सम्बन्ध में।

महोदय,

उपर्युक्त प्रसंगाधीन विषय के संदर्भ में सादर सूचित करना है कि सूचना चिकार अधि. 2005 के तहत मांगी गई विज्ञापन सूचना वर्ष - 2009 से 2018 तक पुलिस स्टेशन में कस्टडी में लिये गये व्यक्ति की मृत्यु के सम्बन्ध में दर्ज काण्डों से सम्बन्धित वाचि विवरणी भेजी जा रही है जो निम्न प्रकार है।

1. उमर - धूल्य
2. उमर - धूल्य
3. उमर - धूल्य

श्रीमान को कृपया सादर सूचनाएं।



विश्वासभाजन

R.S. Kundera

06.11.2020

आगत प्रभारी

द्वितीय वार्ड

30
श्री,
पुलिस अधीक्षक महोदय
गिरडीह

प्रमाण :- अखिल कार्यालय आपांक - 2721 / सा0शा0
दि० - 19/10/2020

विषय :- सुचनाधिकार अधिनियम - 2005 के अंतर्गत
प्राप्त आवेदक श्री किनोद प्रसाद झा जी जिला -
लोकरी से प्राप्त सुचना आवेदन के संबंध में।

महोदय,

उपर्युक्त प्रमाण एवं विषय के संबंध में
सादर पूर्वक कहना है कि पंचम वाना का
सृजन वर्ष 2018 में हुआ था। आवेदक किनोद
प्रसाद झा जी जिला - लोकरी के द्वारा अंश
गौरव

① जय एम प्रसाद पी० सी० प्रसाद नरुधा स्थान
चास पी० था० - चास जिला - लोकरी एवं

② किनोद कु० सिंह पी० - रामवतार सिंह सिवास
स्थान - कार्ड न० 1343 सेक्टर 12/ए पी० था० -
सेक्टर 12 लोकरी सी० सि० जि० - लोकरी, आरण्य
का अपराधिक इतिहास पंचम वाना अभिलेखों में
कोई कांड / डिफरेंस दर्ज नहीं है एवं अपराधिक
इतिहास शून्य है।

श्री गुरु की सादर सुचनाएं।

BR-1653/20
25-10-2020

M.D. Singh
SF
24/10/2020

सुनिश्चित
अभिलेख 4300
24/10/2020
परि० पु० अ० ग०

सेवा में,
पुलिस अधीनक महोदय,
गिरिडीह

प्रसंग :- अवधीय कार्यालय का जापक 2720/साठशाण्डि 19.10.20

विषय :- भूचनाविकार अधि 2005 के अंतर्गत प्राप्त अपेक्ष
श्री मणिका मलहोत्रा वैंगलुरु को थाचित भूचना
अपलब्ध करने के संबंध में।

महाशय ,

उपरोक्त प्रसंगाधीन विषय के संबंध में सादर
पूर्वक धुनित करते हुए कहना है कि धनवार थाना
में वर्ष 2009 से 2018 तक किसी प्रकार का Custodial
Deaths नहीं हुआ है इसलिए धनवार थाना अंतर्गत
मांगी गयी ^{विद्युत} विवरणी शून्य है।

अतः श्रीमान को सादर भूचनार्थ।

विश्वासभाषन
प्रियंका कुमारी
पु०अधिन०(पब्लि)
28.10.20
धनवार थाना

अनुसूचित
थाना
धनवार थाना, गिरिडीह

DR-1160/20
28/10/20

सूचना में,

श्री माणिका मल टोला

जे०-५ फर्स्ट फ्लोर,

विवर फूट प्रिन्ट्स हॉटेल

जीन पार्क एक्सटेंशन, जिला केरलूर कर्नाटक

प्रसंग - श्रीमान के कार्यालय का डापोड - 105/सू० को० डि० शा० दि०-29.10.20

विषय - सूचनाधिकार अधिनियम - 2005 के तहत आवेदक माणिका मल टोला केरलूर कर्नाटक को सूचना उपलब्ध कराने के संबंध में।

महाराज,

उपर्युक्त प्रसंग एवं विषय के संदर्भ में सादर सूचित करना है कि श्रीमान के कार्यालय का डापोड - 105/सू० को० डि० शा० दि०-29.10.20 के आलेख में मांगी गई वांछित विवरणी सन्ध शाना, लोहरदगा में शून्य है।

अतः श्रीमान को सादर सूचनाय

प्रतिलिपि - पुलिस अधीक्षक मंडय
लोहरदगा।



विश्वास भाजन
Suresh Prasad
09.12.2020
पु० अध० वि०
शाना प्रभास
सन्ध शाना
लोहरदगा

DR-1395/सैल
09.12.2020

सेवा में,
मुख्य अधिकारी
गिरिडीह।

संख्या:- डायरी नं- 2720/200-200 मुखिय अधिकारी का कार्यालय, गिरिडीह
दिनांक 19.10.2020।

विषय:- सूचनाधिकार अधिनियम 2005 के अंतर्गत आप आवेदन श्री मणिस
मलहोत्रा बेंगलुरु को संबंधित सूचना उपलब्ध करने के संबंध में।

CR-1529/20
17/11/20

महोदय,

दिये हुए प्रसंग एवं विषय के संदर्भ में सादर सूचित करना है कि
आवेदन श्री मणिस मलहोत्रा बेंगलुरु को संबंधित सूचना बेंगलुरु थाना
कार्यालय के अनुसार निम्न है:-

1. Number of police station wise custodial Deaths cases registered with the state crime record Bureau for the years 2009 to 2018. — Zero

...
श्री मान को सादर सूचना।

अग्रसारित
Dy
12-11-2020
माना प्रभारी, बेंगाबाद
जिला गिरिडीह

विरवारगन
अनिल कुमार
17.11.2020
फॉरवर्ड अफिसर
बेंगाबाद थाना, गिरिडीह

आपांक 1939/2020

11

दिनांक 11/11/2020
देवी प्राना, गिरिडीह

सेवा में

पुलिस अधीक्षक
गिरिडीह



संबंध - मद्रास कायदा अधिनियम 2720/1910, दिनांक 19/10/2020

विषय - सुचना अधिनियम, 2005 के अंतर्गत सार्वजनिक मकानों, वेतन, कर्मिक से प्राप्त आवंटन (दिनांक 30-09-2020) के संबंध में।

महोदय,

उपरोक्त संबंध एवं विषय के संदर्भ में साइट सूचित करता है कि आवंटक सार्वजनिक मकानों, वेतन, कर्मिक से प्राप्त आवंटन हिरासत में मूठ में सेवक हैं, देवी प्राना में हिरासत में मूठ में सेवक को किंड दूत नहीं है। अतः हिरासत में मूठ से मंगी वस्तु विना देवी प्राना से मूठ में है।

अतः संज्ञा का साइट सूचना है।

विक्रम रूष्य

Vikram Rishy
11/11/2020
SI Deori PS

अनुमोदित
A. K. S. S. S.
जिला-गिरिडीह

ज्ञापांक 195 / 2020

लोकायनयनपुर थाना, गिरिडीह।
गिरिडीह, दिनांक 10/11/20

सेवा में,

पुलिस अधीक्षक,
गिरिडीह।

प्रसंग :- आपके कार्यालय ज्ञापांक 2724/सा0शा0 दिनांक 19.10.20

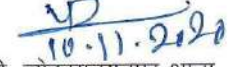
विषय :- आवेदक श्री मणिका मल्होत्रा, बेंगलरु द्वारा मॉगी गई सूचना के संबंध में।

महाशय,

उपर्युक्त प्रसांगिक विषयक के सदर्थ में सूचित करना है कि लोकायनयनपुर थाना में वर्ष 2009 से 2018 तक पुलिस न्यायिक हिरासत में किसी भी अभियुक्त की मृत्यु नहीं हुई है। प्रसांगिक पत्र में वर्णित आवेदक द्वारा मॉगी गई बिन्दुवार सूचना शून्य है।

अतः प्रसांगिक पत्र के आलोक के सूचनार्थ प्रेषित ।

विश्वासभाजन


10.11.2020

थाना प्रभारी, लोकायनयनपुर थाना,
गिरिडीह।

ज्ञापांक:-

DR 938/2020 कत 30/10/2020

(4)

दिनांक:-

डुमरी थाना, गिरिडीह।

सेवा में,

श्रीमान् पुलिस अधीक्षक महोदय
गिरिडीह।

प्रसंग:-

भवदीय कार्यालय का ज्ञापांक-2720/सा0शा0 दिनांक-19.10.2020।

विषय:-

सूचनाधिकार अधिनियम-2005 के अन्तर्गत प्राप्त आवेदक श्री मणिका मलहोत्रा, बेंगलुरु,कर्नाटक, को
याचित सूचना उपलब्ध कराने के संबंध में।

महाशय,

उपर्युक्त प्रसंगाधीन विषय के संबंध में सादर सूचित करना है कि आवेदक श्री मणिका मलहोत्रा का प्राप्त
आवेदन पत्र के माध्यम से मांगी गई सूचना डुमरी थाना अंतर्गत पत्र में वर्णित सभी बिन्दुओं पर शून्य है।

अतः श्रीमान् को सादर सूचनार्थ प्रेषित ।

अग्रसारित
30/10/2020
बाना प्रमारी
डुमरी थाना

विश्वासभाजन
Ravshan kumar
30/10/2020
(रोशन कुमार)
परि0पु0अ0नि0
डुमरी थाना, गिरिडीह।

15

ज्ञापांक:- 461/2020

दिनांक:- 08/11/2020

सेवा में,

पुलिस अधीक्षक महोदय,
गिरिडीह।



प्रसंग:-

भवदीय कार्यालय का ज्ञापांक-2720/सा0शा0 दिनांक-19.10.2020

विषय:-

आवेदक श्री मणिका मलहोत्रा द्वारा जनसूचना अधिनियम के अन्तर्गत मॉगी गई उत्तर सामग्री के संबंध में।

महाशय,

उपर्युक्त प्रासंगिक विषय के संबंध में सादर सूचित करना है कि आवेदक श्री मणिका मलहोत्रा द्वारा मॉगी गई उत्तर सामग्री खुखरा थाना अन्तर्गत बिन्दूवार शून्य है।
अतः श्रीमान को सादर सूचनार्थ।

अग्रसारित
सोमा उराव
08-11-2020
थाना प्रभारी
खुखरा थाना, गिरिडीह

समर्पित
08-11-2020
खुखरा थाना गिरिडीह।

ज्ञापांक 2342/2020

जमुआ थाना दिनांक 30/10/2020

सेवा में,

पुलिस अधीक्षक महोदय,
गिरिडीह।

प्रसंग:-भवदीय के कार्यालय ज्ञापांक 2720/सा0शा0 दिनांक 19.10.2020

विषय:-श्री मणिका मलहोत्रा बेंगलुरु द्वारा मांगी गई सूचना का उत्तर सामग्री भेजने के संबंध में।
महोदय,

उपरोक्त प्रसंगाधीन विषय के संदर्भ में सादर सूचित करना है कि श्री मणिका मलहोत्रा बेंगलुरु द्वारा मांगी गई सूचना का उत्तर सामग्री दिन्ववार निम्नवत है

Question	Answer
1. Number of Police Station wise Custodial Deaths cases registered with the State Crime Records Bureau for the years 2009 to 2018.	NIL
2. Number of district wise conviction of police personnel for committing offences/ excesses resulting in deaths against suspects/prisoners in their custody for the years 2009 to 2018.	NIL
3. Number of district wise judicial enquiries taken up by the magistrate/judge against the police personnel involved in an incident of custodial death in their custody for the years 2009 to 2018.	NIL

अतः श्रीमान् को सादर सूचनार्थ प्रेषित।



समर्पित
8 Manish
30/10/2020
51
जमुआ थाना।

जापांक निमिषाघाट थाना कि.
सेवामें,

पुलिस अधीक्षक महोदय
जिरिडीह

प्रसंग - भवहीप का कार्यालय जापांक 2720/सा०
शा० दिनांक 19.10.2020

विषय - सूचनाधिकारी आधिनियम 2005 के
अन्तर्गत प्राप्त आवेदक श्री मलिका
मलहीना बेगलूर की प्राप्ति सूचना
उपलब्ध कराने के संबंध में।

महोदय,
उपरोक्त प्रसंगीन विषय के संबंध में

में सादर सूचित करते हुए कहना है कि
मांगी गई custody death से संबंधित
कांड निमिषाघाट थाना से वर्ष 2009 से
वर्ष 2018 तक कोई कांड दर्ज नहीं है।

अतः मांगी गई विवरणी सभी
विन्दुओं पर निमिषाघाट थाना से मूल्य है।
अभिमान को सादर सूचनाएँ।

DR No. 1508/020
11/11/2020

अग्रसारित
11/11/2020
थाना प्रभारी
निमिषाघाट थाना

विश्वासराजन
वीरेंद्र कुमार सिंह
11/11/2020
पु० अ० नि०
थाना - निमिषाघाट

जापक-1283/2020

गावों थाना, गिरिडीह
दिनांक 28/10/2020

श्रीमान,

पुलिस अधीक्षक महोदय,
गिरिडीह

प्रस्ताव :- भवदीय अधीक्षक का जापक 2720/साठ शाठ दिनांक
19/10/2020

विषय :- सूचना विभाग अधिनियम-2005 के अन्तर्गत प्राप्त
आवेदक श्री मणिका मल्होत्रा बेंगलुरु को याचिका
सूचना उपलब्ध कराने के संबंध में।

महोदय, उपरोक्त प्रस्ताव एवं विषय के संबंध में सादर
प्रतिक सूचित करना है कि आवेदक श्री मणिका मल्होत्रा
बेंगलुरु द्वारा वर्ष 2009 से 2018 के बीच में कस्टडियन
ड्रेस (प्रलु) की मांग की गयी थी। मांगी गयी प्रत्येक विवरणी
गावों थाना से शून्य है।

आतः श्रीमान को सादर सूचना है।



विश्वनाथ झा
28/10/2020
गावों थाना
गिरिडीह

1437/20
जापांक...../तिसरी थाना



दिनांक 06/11/2020

सेवा में,

पुलिस अधीक्षक महोदय,
गिरिडीह।

प्रसंग:- पुलिस अधीक्षक का कार्यालय का जापांक-2720/सा09110,दिनांक-19.10.2020 .

विषय:- सूचनाधिकार अधिनियम-2005 के अन्तर्गत प्राप्त आवेदन श्री मणिका मलहोत्रा बेंगलुरु को याचित सूचना उपलब्ध कराने के संबंध में।

महाशय

उपर्युक्त प्रसंगाधीन विषय के संदर्भ में सादर सूचित करना है कि मांगी गई सूचना का उत्तर निम्न प्रकार है-

सूचना	उत्तर
(1)Number of Police Station wise Custodial Deaths Cases registered with the State Crime Record Bureau For the year 2009 to 2018	NO Custodial Deaths Cases registered in Tisri Police Station For the year 2009 to 2018 .
(2)Number of district Wise Conviction of Police Personnel for committing offences/excesses resulting In deaths against suspects/prisoners in their custody for the year 2009 to 2018	NO such Cases Registered, in Tisri Police Station For the year 2009 to 2018 .
(3) Number of district wise judicial enquiries taken up by the magistrate/judge against the police personnel involved in an incident of custodial death in their Custody For the year 2009 to 2018 .	As no Custodial Deaths Cases registered in Tisri Police Station For the year 2009 to 2018 , so no judicial enquiries taken up by the magistrate/judge against the police personnel.

श्रीमान् को सादर सूचनार्थ प्रेषित।

अग्रसारित
06/11/2020
थाना निवासी
विलास भाग
जिला गिरिडीह (आरक्षक)

विश्वासभाजन

अमित कच्छप
परि० पु०अ०नि०
तिसरी थाना

ज्ञापांक ३५४/२०२०



भेलवाघाटी थाना, गिरिडीह।
दिनांक..०५/११/२०२०

सेवा में,

पुलिस अधीक्षक,
गिरिडीह।

प्रसंग:- भवदीय कार्यालय का ज्ञापांक - 2720/ सा0शा0 दिनांक- 19/10/2020 तदनुसार जन सूचना पदाधिकारी, महानिदेशक एवं पुलिस महानिरीक्षक का कार्यालय झारखण्ड, रांची का ज्ञापांक- 536/ सूचनाधिकार दी0 - 08.10.2020.

विषय:- सूचनाधिकार अधिनियम, 2005 के अन्तर्गत प्राप्त श्री मणिका मलहोत्रा बेंगलुरु, कर्नाटक के आवेदन के संबंध में।

महाशय,

उपर्युक्त प्रसांगिक विषय के संदर्भ में कहना है कि सूचनाधिकार अधिनियम, 2005 के अन्तर्गत श्री मणिका मलहोत्रा बेंगलुरु, कर्नाटक के आवेदन पत्र के द्वारा मांगी गई सूचना सभी बिन्दुवो पर भेलवाघाटी थाना से शून्य है।

अतः श्रीमान को सूचनार्थ प्रेषित।



विश्वासभाजन

मि. एन.
5/11/2020
थाना प्रभारी

भेलवाघाटी थाना, गिरिडीह।

15

To,
The Superintendent of Police
Giridih, Jharkhand

09-11-2020

By- appropriate medium

Context-Office of The Superintendent of Police memo 2720/general section dated 19-10-2020

Subject-Seeking Information regarding Custodial death Cases Under RTI act,2005(Section 6) by Manika Malhotra J-5 First Floor,Near foot prints play school,green park extension,New Delhi

Respected Sir,

With reference to the above captioned subject that Custodial Death are one of a very serious matter of concern for any police stations across the country, though it has been observed that large number of such incidents are growing exceedingly throughout the nation. Muffasil PS,Giridih on very strict note is following specified rules and regulation guided accordingly in Prisoner act. So,as far as the said subject are detailed our concerned PS have no such incidents.

Yours Sincerely



PSI Sunny Suprabhat
Muffasil Police Station, Giridih

DR-3290/20
10-11-20



पु.नि.सह थाना प्रभारी
मफ्फसिल थाना, गिरिडीह

ज्ञापांक 524/2020

तासटांड थाना
दि- 01.11.2020

सेवा में,

पुलिस अधीक्षक महोदय
गिरिडीह।

प्रसंग:- भवतीय कार्यालय का ज्ञापांक 2720/ सा0शा0, दिनांक 19.10.2020

विषय:- आवेदक श्री मणिका मलहोत्रा जे0-5, फर्स्ट फ्लोर, नेयर फूटप्रिंटर प्ले स्कूल, ब्रीन पार्क एक्सटेंशन जिला बेंगलुरु, कर्नाटक के याचित सूचना से संबंधित जानकारी उपलब्ध कराने के सम्बन्ध में।

महाशय,

उपर्युक्त प्रसंगाधीन विषय के संदर्भ में सादर सूचित करना है कि भवतीय द्वारा आवेदक श्री मणिका मलहोत्रा जे0-5, फर्स्ट फ्लोर, नेयर फूटप्रिंटर प्ले स्कूल, ब्रीन पार्क एक्सटेंशन जिला बेंगलुरु, कर्नाटक के याचित सूचना की माँग की गई है। इस संदर्भ में ताराटांड थाना से माँगी गई वांछित विवरणी शून्य है।

अतः श्रीमान को सादर सूचनार्थ।



समर्पित

थाना प्रभारी

तासटांड थाना

गिरिडीह

DR No- 2052/2020
Date- 31/10/2020

(2)

सेवा में:
पुलिस अधीक्षक महोदय,
गिरिडीह।

प्रसंग :- अवधीय का कार्यालय जापांक 2924/साब्दा 0 दिनांक
19/10/2020 ।

विषय :- धुचनारिकार अधिनियम-2005 के अंतर्गत प्राप्त आवेदनक
श्री. मणिका मलहोत्रा, बंगलुरु की यामिन चुचन उपलब्ध
करण के संबंध में।

महोदय,

उपर्युक्त प्रसंगाधीन विषय के संबंध में सादर सूचित करता
हूँ कि प्रसंगाधीन जापांक के आलेक में श्री मणिका मलहोत्रा, बंगलुरु,
कनीटक द्वारा मांगी गई जानकारी के संबंध में सखिया थाना सँ वर्ष
2009 से 2018 के बीच कस्टोडियल डीय कांडों की संख्या शून्य
है।

अतः श्रीमद् की सादर धुचनारिक प्रेषित।

अनुसरित
31.10.2020
थाना प्रभारी
सखिया थाना

विश्वासमान
किशन कुमार्
31/10/2020
पी०पु०३०६०
सखियाथाना

DR 685/2020 (M)
2/11/2020

सेवा में,

पुलिस अधीक्षक महोदय,
गिरिडीह ।

प्रसंग:- भवदीय के कार्यालय जापान-2720/सा०शा० दिनांक-19.10.2020

विषय:- श्री मणिका मल्होत्रा, बेंगलुरु के द्वारा माँगी गयी सूचना के संबंध में।

महाशय,

उपर्युक्त प्रसंगाधीन विषय के संदर्भ में सादर कहना है कि श्री मणिका मल्होत्रा, बेंगलुरु के द्वारा माँगी गयी जानकारी अहिंत्वापुर थाना से सभी बिंदुओं पर शून्य(0) है:-

अतः श्रीमान को सादर सूचनाथ।

अग्रसारित
03/11/2020
अहिंत्वापुर थाना
अध्यापक

विश्वासभजन
20/11/2020
अहिंत्वापुर थाना

अहिंत्वापुर थाना, गिरिडीह

ज्ञापांक.....690/विधि शाखा,

सेवा में,

श्री मणिका मलहोत्रा,
जे0 5 फर्स्ट फ्लोर नियर
फुट पिरिट प्ले स्कूल,
ग्रीन पार्क एक्सटेंशन,
जिला- बैंगलोर कर्नाटक

पुलिस अधीक्षक का कार्यालय, गढ़वा।
गढ़वा, दिनांक- 24.12.2020


प्रसंग :- जन सूचना पदाधिकारी, पुलिस (मुख्यालय), झारखण्ड, राँची का ज्ञापांक-536/सू. दिनांक-08
10.2020

विषय :- सूचनाधिकार अधिनियम- 2005 के अंतर्गत प्राप्त आवेदक श्री मणिका मलहोत्रा जे0 5 फर्स्ट
फ्लोर नियर फुट पिरिट प्ले स्कूल ग्रीन पार्क एक्सटेंशन जिला- बैंगलोर कर्नाटक को याचित
सूचना भेजने के संबंध में।

उपर्युक्त प्रसंग एवं विषय के संदर्भ में सूचनाधिकार अधिनियम-2005 के तहत श्री मणिका मलहोत्रा
द्वारा माँगी गई गढ़वा जिला के अंतर्गत मामला से संबंधित सूचना


(1) नगरउंटारी यू0डी0 कांड सं0-09/13, दिनांक- 02.06.2013,

कृपया सूचनार्थ।


24.12.2020

जन सूचना पदाधिकारी-सह-
पुलिस उपाधीक्षक(मु0), गढ़वा।

प्रतिलिपि :- 1. जन सूचना पदाधिकारी, पुलिस(मु0), झारखण्ड, राँची को उनके कार्यालय ज्ञापांक-
536/सू0,दिनांक-08.10.2020 के आलोक में कृपया सादर सूचनार्थ।


24.12.2020

जन सूचना पदाधिकारी-सह-
पुलिस उपाधीक्षक(मु0), गढ़वा।

ज्ञापांक - ...696/20

थाना हेरहंज, जिला लातेहार
दिनांक 30/10/2020

सेवा में,

श्री मणिका मल्होत्रा
J - 5 , First Floor
Near footprints play school
green park extension
Bangluru , Karnatak

प्रसंग:— पुलिस अधीक्षक , लातेहार का कार्यालय ज्ञापांक - 118/ सूचनाधिकार, दिनांक 23/10/2020

विषय:— सूचनाधिकार अधिनियम 2005 के तहत मांगी गई वांछित विवरणी उपलब्ध कराने के संबंध में।

महाशय,

उपरोक्त प्रसंग एवं विषय के संबंध में सादर सूचित करना है कि आपके द्वारा सूचनाधिकार अधिनियम 2005 के तहत पत्र प्राप्त हुआ जिसमें आवेदक श्री मणिका मल्होत्रा के द्वारा Information regarding custodial death cases in jharkhand की मांग की गई है। प्राप्त पत्र के आलोक में संधारित थाना अभिलेखों का अवलोकन किया। अवलोकन से ज्ञात हुआ कि मांगी गई सभी बिन्दुवार वांछित विवरणी हेरहंज थाना (लातेहार) से शून्य है।

अतः श्रीमान को सादर सूचनार्थ प्रेषित।

विश्वासभाजन

30/10/2020
थाना प्रभारी
हेरहंज थाना।

सेवा में,

श्री मणिका मलहोत्रा

जिला - बेंगलुरु

प्रसंग:- अदालत कार्यालय का बाण्ड- 98/ सूचना बाला दि-22-10

विषय:- सूचना अधिनियम- 2005 के अन्तर्गत श्री मणिका मलहोत्रा, जे- 5- फर्स्ट फ्लोर, निम्न फ्लोर प्रिन्टिंग प्रेस स्कूल, ग्रीन पार्क एम्प्लॉयमेंट जिला बेंगलुरु, कर्नाटक को आश्रित सूचना उपलब्धता के आवेदन के संबंध में।

महोदय,

उपरोक्त प्रसंग एवं विषय के संबंध में सादर सूचना करता हूँ, कि प्रसंगाधीन पत्र के अधीन सूचना अधिनियम 2005 के चारा - 6 (3) के अन्तर्गत Confidential death Ca in that hand की सूचना मांगी गई है। इससे संबंधित कामकाज चारा के कार्य अभिलेखों का अपवैकन किम, अपवैकन से महत्त्व हुआ कि उपरोक्त विषय पर मांगी गई सूचना शून्य है।

अतः श्रीमान को सादर सूचना दी जाती है।

SR-1815
15.11.20

अध्यासिका
15/11/20
कामकाज चारा (पुनर्ला)

विशालभाष्य

Sunil Ram.

15.11.20

PS-1

Kamblata PS.

तापीक :- 482/20
सुरसांग वाणा

दिनांक
31.10.2020

सेवा में,

श्री मणिका मलहोत्रा जै०-५ फर्स्ट फ्लोर,
निथर फ्लुप्रिन्स टैले स्कूल, वरिण पार्क
रुक्सटैनखान, जिला - चैठालुद, कर्नाटक।

प्रसंग :- पुलिस अधीनकार का कार्या०, गुमला तापीक :- 98/सुमला
दिनांक :- 22.10.2020

विषय :- सुचना अधिकार अधिन० :- 2005 के अंतर्गत मणिका
मलहोत्रा, जै०-५ फर्स्ट फ्लोर निथर फ्लुप्रिन्स टैले
स्कूल, वरिण पार्क रुक्सटैनखान जिला - चैठालुद, कर्नाटक
को याचित सुचना उपलब्ध कराने के सम्बन्ध में।

महोदय,

उपरोक्त प्रसंग व विषय के संदर्भ में साफर सुचित
करना है कि आपके द्वारा पत्र में मांगी गई वांछित सुचना
के लिए मैंने सुरसांग वाणा अभिलेखों का अवलोकन किया
अवलोकन पर्याप्त यह ज्ञात हुआ की आपके द्वारा मांगी
गई वांछित सुचना (Custodial death cases) सुरसांग वाणा में
शून्य है।

अतः वांछित सुचना (Information regarding
Custodial death cases) सुरसांग वाणा में शून्य है।



विश्वासभाज
प्रबोधिनी
31.10.2020
र वाणा प्रमोदी
सुरसांग वाणा,
गुमला

प्रेषक,

जनसूचना पदाधिकारी
सह
थाना प्रभारी, महिला थाना
लोहरदगा।

सेवा में,

श्री मणिका मलहोत्रा, जे0-5,
फस्ट फ्लोर, नियर फूट प्रिन्टस,
प्ले स्कूल, ग्रीन पार्क एक्सटेंशन,
न्यू दिल्ली पिन नं0-110016

प्रसंग:- भवदीय के कार्यालय का ज्ञापांक-105/सू0 को0(हि0शा0) दिनांक - 29/10/2020

विषय:- सूचनाधिकार अधिनियम-2005 के तहत आवेदक श्री मणिका मलहोत्रा, जे0-5 फस्ट फ्लोर, नियर फूट प्रिन्टस प्ले स्कूल, ग्रीन पार्क एक्सटेंशन, जिला-बेंगलुरु, कर्नाटक को सूचना उपलब्ध करने के संबंध में।

महाशय,

प्रासंगिक विषय के संदर्भ में सादर सूचित करना है कि सूचनाधिकार अधिनियम - 2005 के तहत आवेदक श्री मणिका मलहोत्रा, जे0-5 फस्ट फ्लोर, नियर फूट प्रिन्टस प्ले स्कूल, ग्रीन पार्क एक्सटेंशन, जिला-बेंगलुरु, कर्नाटक द्वारा मांगी गई सूचना हिरासत में हुए मौत से संबंधित दर्ज काण्डों में लोहरदगा महिला थाना से शून्य है।

अतः श्रीमान् को सादर सूचनार्थ।

प्रति:- जनसूचना पदाधिकारी सह पुलिस उपाधीक्षक महोदय(मु0)
लोहरदगा को सादर सूचनार्थ।

विश्वास भाजन
02/11/2020
जनसूचना पदाधिकारी
सह
थाना प्रभारी, महिला थाना
लोहरदगा।

ज्ञापांक 330 / सूचनाधिकार
R.T.I-62/20

अपराध अनुसंधान विभाग, झारखण्ड, राँची।

राँची, दिनांक:- 16.10.2020

सेवा में,

प्रभारी,
मानवाधिकार शाखा,
अपराध अनुसंधान विभाग,
झारखण्ड, राँची।

विषय:- सूचनाधिकार अधिनियम-2005 के अन्तर्गत प्राप्त आवेदक श्री मणिका मलहोत्रा, जे0-5 फर्स्ट फ्लोर, नेयर फूटप्रिन्टस प्ले स्कूल, ग्रीन पार्क एक्सटेंशन जिला-बेंगलुरु, कर्नाटक से प्राप्त आवेदन के संबंध में।

उपर्युक्त प्रसंगाधीन विषय से संबंधित प्राप्त पत्र आवेदक श्री मणिका मलहोत्रा, जे0-5 फर्स्ट फ्लोर, नेयर फूटप्रिन्टस प्ले स्कूल, ग्रीन पार्क एक्सटेंशन जिला-बेंगलुरु, कर्नाटक का आवेदिका पत्र जो आपके शाखा से संबंधित है। सूचनाधिकार अधिनियम-2005 की धारा-6(3) के तहत आपको अंतरित किया जाता है। मामला सूचनाधिकार से संबंधित है। इसमें समय सीमा निर्धारित है, विलम्ब अपेक्षित नहीं है।

अतः याचित सूचना यथाशीघ्र उपलब्ध कराई जाय, ताकि आवेदक को याचित सूचना ससमय उपलब्ध करायी जा सके।

अनुलग्नक:- यथोपरि।

M. W. 15.10.20
पुलिस अधीक्षक,
-सह-जन सूचना पदाधिकारी,
अपराध अनुसंधान विभाग,
झारखण्ड, राँची।

- प्रतिलिपि:-1. जन-सूचना पदाधिकारी, पुलिस मुख्यालय, झारखण्ड, राँची के कार्यालय का ज्ञापांक-536 / सू०, दि० 08.10.2020 के आलोक में सूचनार्थ।
2. आवेदक श्री मणिका मलहोत्रा, जे0-5 फर्स्ट फ्लोर, नेयर फूटप्रिन्टस प्ले स्कूल, ग्रीन पार्क एक्सटेंशन जिला-बेंगलुरु, कर्नाटक-110016 को कृपया सूचनार्थ प्रेषित।

M. W. 16.10.20
पुलिस अधीक्षक,
-सह-जन सूचना पदाधिकारी,
अपराध अनुसंधान विभाग,
झारखण्ड, राँची।

section letter

सेवा में,

Manika Malhotra
J-5, First floor near
Footprints play school,
Green park extension

विषय :- सूचना अधिकार अधिनियम-2005 के अन्तर्गत माँगी गई सूचना भेजने के संबंध में।

आपको सूचित करना है कि आपके द्वारा सूचना अधिकार अधिनियम-2005 के तहत हाजत में बंद कैदी की मृत्यु हो जाने से संबंधित दर्ज काण्ड की सूचना की माँग किये है। इस संदर्भ में कहना है कि सद अन्तर्गत हाजत में बंद कैदी की मृत्यु नहीं हुई है इसलिए इस थाने में कोई काण्ड दर्ज नहीं है।

अतः आपके द्वारा माँगी गई सूचना सदर थाना, चतरा से शुन्य है।

विक्रम कुमार
भारत
सदर थाना, चतरा।

ज्ञापांक 624/सेरेंगदाग
सेरेंगदाग थाना का कार्यालय सेरेंगदाग, लोहरदगा।

दिनांक :- 06/12/2020

सेवा में,

श्रीमनिका मलहोत्रा, बेंगलुरु कर्नाटक

पिन कोड 635103, मो 0 9910433961

J-5 Ist Floor Near Footprints Play School Green Park extension

प्रसंग :-

जन सूचना पदाधिकारी पुलिस मुख्यालय झारखण्ड राँची के कार्यालय का ज्ञापांक 536 / सूचनाधिकार दिनांक 08/10/2020।

विषय :-

सूचनाधिकार अधिनियम 2005 के तहत आवेदक श्रीमनिका मलहोत्रा, बेंगलुरु कर्नाटक को सूचना उपलब्ध कराने के संबंध में।

महाशय,

उपरोक्त प्रसंगाधीन विषय के संदर्भ में सूचित करना है कि आपके द्वारा मांगी गई वांछित विवरणी (हिरासत में हुए मौत से संबंधित) इस थाना अन्तर्गत शून्य है।

कृपया सूचनार्थ।

Bijendra Singh
6/12/2020

जनसूचना पदाधिकारी

सह

थाना प्रभारी, सेरेंगदाग थाना

प्रतिलिपि :- जनसूचना पदाधिकारी सह पुलिस उपाधीक्षक (मु0) लोहरदगा।

Bijendra Singh
6/12/2020

जनसूचना पदाधिकारी

सह

थाना प्रभारी, सेरेंगदाग थाना

राजा प्रभारी

थाना सेरेंगदाग (लोहरदगा)

ज्ञापांक-...252/सा0शा0

रेल पुलिस अधीक्षक का कार्यालय, जमशेदपुर
दिनांक- 16.10.2020


सेवा में,

श्री मणिक मलहोत्रा,
जे0-05 फर्स्ट फ्लोर,
बेंगलुरु, कर्नाटक।

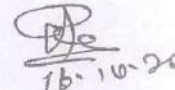
प्रसंग:- महानिदेशक एवं पुलिस महानिरीक्षक, झारखण्ड राँची का कार्यालय ज्ञापांक-536/
सूचनाधिकार, दिनांक-08.10.2020।
विषय:- सूचनाधिकार अधिनियम, 2005 के अन्तर्गत श्री मणिक मलहोत्रा, जे0-05 फर्स्ट फ्लोर,
बेंगलुरु, कर्नाटक से प्राप्त आवेदन(30.09.2020) के संबंध में।

उपर्युक्त प्रासंगिक विषय के संदर्भ में सूचित करना है कि सूचनाधिकार अधिनियम, 2005 की धारा-6(3) के अन्तर्गत रेल जिला जमशेदपुर से सूचना उपलब्ध कराने हेतु अनुरोध किया गया है, जो "No of police station custodial death cases" से संबंधित सूचना की माँग की गयी है। अतः माँगी गयी वांछित सूचना रेल जिला जमशेदपुर अन्तर्गत शून्य है।

कृपया सादर सूचनार्थ


16.10.20
पुलिस अधीक्षक, रेल
जमशेदपुर।

प्रति0:-1. जन सूचना पदाधिकारी, पुलिस मुख्यालय, झारखण्ड, राँची को कृपया सादर सूचनार्थ
प्रेषित।


16.10.20
पुलिस अधीक्षक, रेल
जमशेदपुर।

संख्या में

श्री मणिदास मल्लोत्रा
जेठ-5, फरुख फ्लोर
निम्न क्र. 2 सिन्डिकेट प्लॉट खुल्लु, श्रीन पार्क एस्टेट, नरान,
जिला - अंगलुन (इन्डिया)
फोन नं - 9910433961, Email - Manikg.18@gmail.com

प्रसंग:- पुलिस क्वीरी/इड महोदय, गुमला का अर्कालम प्रॉपर्टी
सं. 98/सूचना आरका दिनांक-22/10/2020 एवं पुलिस
महानिदेशक एवं पुलिस महानिरीक्षक महोदय, आरका,
रॉन्ची का अर्कालम प्रॉपर्टी सं. 536/सूचनाधिकार
दिनांक - 08/10/2020

विषय:- सूचनाधिकार (अपि. 2005 के अर्कालम सूचना
उपलब्ध करने के सम्बन्ध में प्रतिक्रिया)

महोदय,

उपरोक्त प्रसंग/विषय के सम्बन्ध में सादर
सूचित करना है कि वर्ष 2009 से 2018 तक कुलमग
आना मैं 1) कोई custodial डेवॉट नहीं हुआ है, 2) किसी
पुलिस पदाधिकारी/कर्मियों को घिसायती नॉट के भागले में रखा नहीं
हुआ है तथा 3) किसी पदाधिकारी/कर्मियों के विरुद्ध कोई -आरोपित
जांच नहीं हुआ है।

(नोट: सांगी गवर्न प्रतिक्रिया/सूचना कुलमग आना,
जिला - गुमला के सभी विरुद्धों पर सूचित है।
नोट: श्रीमान का सूचना

SR-415/020
23/10/20

प्रतिलिपि

1) पुलिस क्वीरी/इड महोदय
गुमला का सादर सूचना,
आइड के WhatsApp No. -
9910433961 एवं Email ID -
Manikg.18@gmail.com पर
संज्ञा सूचना भेजा जा चुका है।



विष्णुदास

22/10/2020

आर.ए. कुलमग आना
गुमला, झारखंड

कृपया सादर
सूचना

ज्ञापांक 547 / विधि शाखा
पुलिस अधीक्षक का कार्यालय, दुमका

दिनांक-17/11/2020

सेवा में,

श्रीमती मणिका मलहोत्रा,
जे0-5 फर्स्ट फ्लोर, नेयर फूटप्रिन्टस प्ले स्कूल,
ग्रीन पार्क एक्सटेंशन,
नई दिल्ली, - 110016

प्रसंग :- जन सूचना पदाधिकारी, पुलिस मुख्यालय झारखण्ड, राँची का पत्र संख्या-
536 / सूचनाधिकार दिनांक-08.10.2020

विषय :- सूचनाधिकार अधि0-2005 के अन्तर्गत आपके द्वारा माँगी गई सूचना को उपलब्ध
कराने के संबंध में।

-----00-----

उपरोक्त प्रसंग एवं विषय के संदर्भ में सूचित करना है कि सूचनाधिकार अधि0-2005 के अंतर्गत आपके द्वारा वर्ष-2009 से 2018 तक आपके थाना अन्तर्गत पुलिस अभिरक्षा में मृत्यु से संबंधित कितने काण्ड प्रतिवेदित हुए हैं तथा कितने काण्डों में सजा एवं न्यायिक जाँच हुई है के संबंध में वर्षवार विभिन्न बिन्दुओं पर सूचना को उपलब्ध कराने का अनुरोध किया है जिसके आलोक में इस कार्यालय का ज्ञापांक-513/विधि शाखा, दिनांक-22.10.2020 के द्वारा दुमका जिलान्तर्गत सभी पुलिस निरीक्षक-सह-थाना प्रभारी/ओपीओ प्रभारी, दुमका को वांछित सूचना से संबंधित प्रतिवेदन उपलब्ध कराने का निर्देश दिया गया तदोपरान्त उक्त निर्देश के आलोक में सभी पुलिस निरीक्षक-सह-थाना प्रभारी/ओपीओ प्रभारी, जिला-दुमका द्वारा वांछित सूचना से संबंधित प्रतिवेदन को समर्पित किया जिसके अवलोकन से ज्ञात हुआ कि आपके द्वारा माँगी गई वांछित बिन्दुवार सूचना दुमका जिलान्तर्गत सभी थानों द्वारा शुन्य उत्पन्न किया गया है।

सूचनार्थ प्रेषित।

जन सूचना पदाधिकारी

-सह-

पुलिस उपाधीक्षक-(मुख्यालय),
दुमका।

प्रतिलिपि :- जन सूचना पदाधिकारी, पुलिस मुख्यालय, झारखण्ड, राँची को उनके प्रसांगिक ज्ञापांक के संदर्भ में कृपया सूचनार्थ प्रेषित।

जन सूचना पदाधिकारी

-सह-

पुलिस उपाधीक्षक-(मुख्यालय),
दुमका।

ज्ञापक 3321/2023

लातेहार थाना
दिनांक 28.10.23

सेवा में,

श्री मणिका मल्होत्रा
J-5 First Floor
Near footprints play school
green park extension.
New delhi

प्रसंग:- जन सूचना पदाधिकारी, पुलिस मुख्यालय, झा0 राँची का कार्या0 ज्ञापक- 536/सूचनाधिकार दि0-23/10/20 एवं पुलिस अधीक्षक लातेहार का कार्यालय ज्ञापक- 562/ सूचनाधिकार दिनांक 13/11/2021

विषय:- सूचनाधिकार अधि0- 2005 के तहत आवेदक श्री मणिका मल्होत्रा J-5 First Floor Near footprints play school, green park extension, New delhi, Pin-110016 के द्वारा Information regarding custodial death case in Jharkhand. के संबंध में अनुपालन प्रतिवेदन।

महाराज,

उपर्युक्त विषय के संदर्भ में सूचित करना है कि सूचनाधिकार अधि0- 2005 के सूचक श्री मणिका मल्होत्रा के प्राप्त प्रतिवेदन में विषयवर्कित तथ्यों के संदर्भ में प्रतिवेदन की माँग की गई है जो निम्नवत है-

1 Number of police station wise custodial death case registered with the state crime records bureau for the year 2009 to 2018 Nil

2 Number of district wise conviction of police personnel for committing offences/ excesses resulting in death against suspects / prisoners in the custody for the year 2009 to 2018 Nil

3 Number of district wise judicial enquiries taken up by the magistrate / judge against the police personnel involved in an incident of custodial death in their custody for the years 2009 to 2018 Nil

कृपया अवलोकनार्थ।

प्रतिलिपि:- जन सूचना पदाधिकारी, सह- पुलिस उपाधीक्षक (न0) लातेहार को सादर सूचनार्थ।

विश्वसनाजन
Sanjay W. Pan
28/10/23
स0अ0नि0
लातेहार थाना

अग्रसारित
Ajanta
28/10/23
पुलिस निरीक्षक

ज्ञापांक-2324 / सा0 था0
साइबर थाना, गिरिडीह, दिनांक- 31 / 10 / 2020

सेवा में,

पुलिस अधीक्षक, महोदय
गिरिडीह।

प्रसंग:- भवदीय का कार्यालय ज्ञापांक-2720 / सा0 शा0 दिनांक-19.10.2020 एवं जनसूचना पदाधिकारी, पुलिस मुख्यालय, झारखण्ड राँची का ज्ञापांक-536 / सू0अ0 दिनांक-08.10.2020

विशय:- आवेदक श्री मणिका मलहोत्रा बेंगलुरु के द्वारा जनसूचना अधिनियम के तहत मॉगी गई वॉछित सूचना उपलब्ध कराने के सम्बन्ध में।

महाशय,

उपर्युक्त प्रसांगिक पत्र के माध्यम से आवेदक श्री मणिका मलहोत्रा बेंगलुरु के द्वारा जनसूचना अधिनियम- 2005 के तहत वर्ष 2009 से 2018 तक Custodial Deaths के सम्बन्ध में बिन्दुवार विवरणी की मॉग की गई है। इस सम्बन्ध में सूचित करना है कि साइबर थाना वर्ष 2018 में बना है, तब से अभी तक साइबर थाना गिरिडीह में इस प्रकार का कोई मामला घटित नहीं हुआ है। अतः आवेदक के द्वारा मॉगी गयी वॉछित विवरणी सभी बिन्दुओं पर साइबर थाना गिरिडीह से शून्य है।

भवदीय को कृपया सूचनार्थ प्रेषित।



विश्वासभाजन
सहदेव प्रसाद
31-10-20
(सहदेव प्रसाद)
पु0नि0 सह था0प्र0
साइबर थाना, गिरिडीह

ज्ञापांक... 2270 / स्था0
पुलिस अधीक्षक का कार्यालय, जामताड़ा।

दिनांक- 28/11/2020

सेवा में,

श्री माणिक मलहोत्रा,
जे0-05 फर्स्ट फ्लोर, नेयर फूटप्रिन्टस
प्ले स्कूल, ग्रीन पार्क एक्सटेशन
जिला-बेंगलुरु, कर्नाटका
मो0 न0-9910433961

प्रसंग:- जन सूचना पदाधिकारी, पुलिस मुख्यालय, झारखण्ड, रांची का ज्ञापांक-538/सू0
दिनांक-09.10.2020

विषय:- सूचनाधिकार अधिनियम-2005 के अंतर्गत श्री माणिक मलहोत्रा, बेंगलुरु,
कर्नाटका से प्राप्त आवेदन(30.09.2020) के संबंध में।

उपर्युक्त प्रसांगिक विषय के संबंध में सूचित करना है कि सूचनाधिकार अधिनियम-2005
के अन्तर्गत आपके द्वारा Custodial death से संबंधित मांगी गयी 03 बिन्दुओं पर सूचना जामताड़ा जिला
का इस प्रकार है:-

1. Number of police station wise custodial deaths cases registered with the state
crime records Bureau for the years 2009 to 2018.

Ans-Narayanpur ps-01


2. Number of district wise conviction of police personnel for committing
offences /excesses resulting in deaths against suspects/prisoners in their custody
for the years -2009 to 2018.

Ans-Nil


3. Number of district wise judicial enquiries taken up by the magistrate/judge
against the police personnel involved in an incident of custodial death in their
custody for the years -2009 to 2018

Ans-01

सूचनार्थ।


28.11.20
पुलिस अधीक्षक,
जामताड़ा।

प्रतिलिपि:- 1. जन सूचना पदाधिकारी, पुलिस मुख्यालय, झारखण्ड, रांची को प्रसांगिक पत्र के
आलोक में कृपया सादर सूचनार्थ प्रेषित।
2. पुलिस अधीक्षक, अपराध अनुसंधान विभाग, झारखण्ड रांची, कृपया सूचनार्थ प्रेषित।


28.11.20
पुलिस अधीक्षक,
जामताड़ा।

Annexure 5: RTI Reply from West Bengal

CORRIGENDUM

No. 5620

Date: 01.10.2019

In partial modification of this Directorate earlier Order No. 4056 dated-24.07.2019, following points are hereby amended.

1. The Designated SPIOs in respect of Sub Correctional Homes shall be read as "The Controller or Assistant Controller, as the case may be".
2. The Office of the Appellate Authority of Midnapore Central Correctional Home Circle shall be read as "Ashok Nagar, PO- Midnapore, Dist- Midnapore, PIN- 721101.
Phone No. - 03222-275303

All other particulars remain the same.

Arjun
1/10/19
ARUN KUMAR GUPTA

OSD & Ex-Officio DG & IG of Correctional Services
West Bengal

Memo. No. 5620/1/RTI-15/15

Date: 01.10.2019

Copy forwarded for information and necessary action to the

1. State Chief Information Commissioner, West Bengal Information Commission, Khadya Bhaban, 11A Mirja Ghalib Street, Kolkata-700071
2. Principal Secretary to the Govt. of WB, Department of Correctional Administration.
...This has a reference to No. 776-DCA dt-22.07.19 of Deptt. of Correctional Administration.
3. P.S. to MIC, Department of Correctional Administration.
4. All Additional Inspectors General of Correctional Services, WB.
5. All Deputy Inspectors General of Correctional Services, WB
6. Superintendent, all Correctional Homes.
7. Director, Regional Institute of Correctional Administration, Dum Dum.
8. Principal, Training Institute, Midnapore.
9. Chief Probation cum After Care Officer.
10. Manager, Press & Forms.
11. Manager, Jail Depot.
12. PA to IG of Correctional Services, WB.
13. Guard File.

Arjun
1/10/19
ARUN KUMAR GUPTA

OSD & Ex-Officio DG & IG of Correctional Services
West Bengal

Jalpaiguri Central Correctional Home Circle				Additional I.G. (North) of Correctional Services, WB	Kachhari More P.O. - Siliguri, District - Darjeeling, PIN 734001 Ph- 0353-252
No.	Name of Correctional Home	Designation	Contact Details		
37.	Jalpaiguri Central Correctional Home	Superintendent	P.O. & District - Jalpaiguri, PIN- 735101. Ph- 03561-232007		
38.	Coochbehar District Correctional Home	Superintendent	P.O. & Dist. - Cooch behar, PIN-736101. Ph-03582-222206		
39.	Darjeeling District Correctional Home	Superintendent	P.O. & District - Darjeeling, PIN- 734101. Ph- 0354-2254631		
40.	Alipurduar District Correctional Home	Superintendent	P.O.-Alipurduar Court, Dist. - Alipurduar, PIN- 736122. Ph- 03564-255127		
41.	Kalimpong District Correctional Home	Superintendent	P.O.-Kalimpong, Dist. -Kalimpong, PIN-734201. Ph- 03552-255430		
42.	Siliguri Special Correctional Home	Superintendent	P.O.-Siliguri, District-Darjeeling, PIN-734401. Ph- 0353-2435853		
43.	Kurseong Sub Correctional Home	Superintendent	P.O.-Kurseong, District - Darjeeling, PIN- 734301. Ph- 0354-2330227		
44.	Dinhata Sub Correctional Home	Superintendent	P.O.-Dinhata, District -Cooch Behar, PIN- 736135. Ph- 03581-255516		
45.	Mathabhanga Sub Correctional Home	Superintendent	P.O.-Mathabhanga, District -Cooch Behar, PIN- 735146 Ph-03583-255262		
46.	Mekhliganj Sub Correctional Home	Superintendent	P.O.-Mekhliganj, District -Cooch Behar, PIN- 735304 Ph-03584-255318		
47.	Tufanganj Sub Correctional Home	Superintendent	P.O.-Tufanganj, Dist. - Coochbehar, PIN- 736159. Ph- 03582-244275		

Burdwan Central Correctional Home		Superintendent		P.O. & District - Burdwan, PIN- 713101 Ph- 0342-2566817	D.I. Govt Correctional Services (Burdwan), WB.	Burdwan Central Correctional Home Premise, P.O. & District - Burdwan, PIN- 713101. Ph- 0342-2568817
48.	Burdwan Central Correctional Home		Superintendent			
49.	Sub District Correctional Home		Superintendent	P.O.-San. District - Birbhum, PIN- 731101. Ph- 03462-255209		
50.	Hooghly District Correctional Home		Superintendent	P.O. & District - Hooghly, PIN- 712103. Ph- 033-26802643		
51.	Asansol Special Correctional Home		Superintendent	P.O.-Asansol, District - Burdwan, PIN-713304. Ph- 0341-2252281		
52.	Bolpur Sub Correctional Home		Superintendent	P.O.-Bolpur, District - Birbhum, PIN-731204. Ph- 03463-221352		
53.	Rampurhat Sub Correctional Home		Superintendent	P.O.-Rampurhat, District - Birbhum, PIN-731224. Ph- 03461-255164		
54.	Durgapur Sub Correctional Home		Superintendent	P.O.-Durgapur, District - Burdwan, PIN-713214. Ph- 0343-2500862		
55.	Durgapur Open Correctional Home		Superintendent	P.O.-Durgapur, District - Burdwan, PIN-713214. Ph- 0343-2500862		
56.	Kalna Sub Correctional Home		Superintendent	P.O.-Kalna, District -Burdwan, PIN- 713409. Ph- 03454-255137		
57.	Katwa Sub Correctional Home		Superintendent	P.O.-Katwa, District - Burdwan, PIN- 713130. Ph- 03453-255123		
58.	Chnandannagore Sub Correctional Home		Superintendent	P.O.-Chandannagar, Dist. - Hooghly, PIN-712136. Ph- 033-26836007		
59.	Serampore Sub Correctional Home		Superintendent	P.O.-Serampore, Dist. - Hooghly, PIN-712201. Ph- 033-26621485		
60.	Arambagh Sub Correctional Home		Superintendent	P.O.-Arambagh, District - Hooghly, PIN-712602. Ph- 03211-255971		

Pa

Other Offices/ Public Authorities					
61.	Training Institute, Midnapore	Principal, TI, Midnapore	P.O.-Midnapore, Dist.-Midnapore (W), PIN-721101. Ph- 03222-297853	D.I.G. of Correctional Services (Medinapur). WB.	Midnapore Cen Correctional H. Premises, P.O.-Midnapore Dist.-Midnapore (W), PIN-7211 Ph- 03222-275
62.	Regional Institute of Correctional Administration, Dum Dum	Director, RICA, Dum Dum	1, Reservoir Road, Dum Dum, Kolkata-700028 Ph- 033-25296493	OSD & Ex-Officio DG & IG of Correctional Services, WB OSD & Ex-Officio DG & IG of Correctional Services, WB	Jessop Building Floor, 63, N.S. Road, Kolkata-700001 Ph- 033-2262. Jessop Building Floor, 63, N.S. Road, Kolkata 700001 Ph- 033-2262
63.	Office of the Deputy Chief Probation cum After Care Officer/ Chief Probation cum After Care Officer	Chief Probation cum After Care Officer	45, Ganesh Chandra Avenue, Kolkata - 700013. Ph-033-22360456		
64.	Press & Forms	Manager, Press & Forms	36, Judges Court Road, P.O.- Alipore, Kolkata-700027. Ph-		
65.	Jail Depot, WB	Manager, Jail Depot	Jessop Building, 1 st Floor, 63, N.S. Road, Kolkata-700001 Ph- 033-22625604		

All concerned are informed.

ARUN KUMAR GUPTA

OSD & Ex-Officio DG & IG of Correctional Services
West Bengal

Date: 24.07.20

Memo No. 4056/RTI-15/15

Copy forwarded for information and necessary action to the -

1. State Chief Information Commissioner, West Bengal Information Commission, Khadya Bhaban, 11A Mirza Ghalib Street, Kolkata-700071
2. Principal Secretary to the Govt. of WB. Department of Correctional Administration.
...This has a reference to No. 776-DCA dt-22.07.19 of Deptt. of Correctional Administration.
3. P.S. to MIC, Department of Correctional Administration.
4. All Additional Inspectors General of Correctional Services, WB.
5. All Deputy Inspectors General of Correctional Services, WB
6. Superintendent, all Correctional Homes.
7. Director, Regional Institute of Correctional Administration, Dum Dum.
8. Principal, Training Institute, Midnapore.
9. Chief Probation cum After Care Officer.
10. Manager, Press & Forms:
11. Manager, Jail Depot.
12. PA to IG of Correctional Services. WB.
13. Guard File.

ARUN KUMAR GUPTA

OSD & Ex-Officio DG & IG of Correctional Services
West Bengal

Pa



**The Right to Information Act 2005
Application for obtaining information**

From

Manika Malhotra
J-5 First floor, near
footprints play school,
Green Park extension.
New Delhi-110016

To

The Public Information Officer
TO
THE DIRECTOR GENERAL OF CORRECTIONAL SERVICES (SPIO)
WEST BENGAL
JESSOP BUILDING,
FIRST FLOOR 63,
NETAJI SUBHAS ROAD,
KOLKATA PIN CODE - 700001

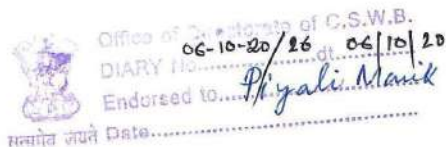
**SUB : Information Regarding - Information regarding Custodial Death cases
in West Bengal**

Dear Public Information Officer:

Under the Right to Information Act 2005, Section 6, I need some information. The details of the information are as follows

1. Details of the applicant

Name: Manika Malhotra
Email: manikaa.18@gmail.com
Address: J-5 First floor, near footprints play school, Green Park extension. New Delhi-110016
Phone: 9910433961



In pursuance of Department of Correctional Administration No. 776-DCA dt- 22.07.19, OSD & Ex-Officio DG & IG of Correctional Services, West Bengal has been pleased to designate the below mentioned State Public Information Officers and Appellate Authorities for different Public Authorities/ Subordinate Offices under control of Directorate of Correctional Services, West Bengal :

Sl. No.	Name of the Office/ Public Authority	Designated State Public Information Officer under RTI Act, 2005	Office Address of SPIO	Designated Appellate Authority under RTI Act, 2005	Office Address of AA
1.	Directorate of Correctional Services, WB Head Quarter	Addl. I.G. (South) of Correctional Services, WB	Jessop Building, 1 st Floor, 63, N.S. Road, Kolkata- 700001 Ph- 033-22625697	OSD & Ex- Officio DG & IG of Correctional Services, WB	Jessop Building, 1 st Floor, 63, N.S. Road, Kolkata- 700001 Ph- 033-22625604
<i>Presidency Correctional Home Circle</i>					
2.	Presidency Correctional Home	Superintendent	P.O.- Alipore, Kolkata-700027. Ph-033-24791854	D.I.G. of Correctional Services (Presidency), WB.	Jessop Building, 1 st Floor, 63, N.S. Road, Kolkata- 700001 Ph-033-2262 7229
3.	Howrah District Correctional Home	Superintendent	10, P.K. Banerjee Road, P.O.-Howrah, PIN-711101. Ph-033-26382919		
4.	Alipore Women's Correctional Home	Superintendent	P.O.- Alipore, Kolkata-700027. Ph- 033-24791292		
5.	Uluberia Sub Correctional Home	Superintendent	P.O.-Uluberia, District - Howrah, PIN-711313. Ph- 033-26610208		
<i>Baruipur Central Correctional Home Circle</i>					
6.	Baruipur Central Correctional Home	Superintendent	Tongtola, Dhopagachi, Baruipur, P.O.- Bannagachi, Kolkata- 700144	D.I.G. of Correctional Services (Presidency), WB.	Jessop Building, 1 st Floor, 63, N.S. Road, Kolkata- 700001 Ph-033-2262 7229
7.	Diamond Harbour Sub Correctional Home	Superintendent	P.O.-Diamond Harbour, District - South 24 Parganas, PIN-743331. Ph- 03174-255404		
<i>Dum Dum Central Correctional Home Circle</i>					
8.	Dum Dum Central Correctional Home	Superintendent	P.O. - Dum Dum Cantt, Kolkata- 700028. Ph- 033-25296370	D.I.G. of Correctional Services (Dum Dum), WB.	Regional Institute of Correctional Administration, Dum Dum, 1, Reservoir Road, Kolkata-700028 Ph- 033-25296493
9.	Krishnanagar District Correctional Home	Superintendent	P.O.- Krishnanagar, District - Nadia, PIN- 741101. Ph- 03472-252347		
10.	Barrackpore	Superintendent	P.O.-Barrackpore,		

2. Period to which the information relates: N/A

3. Details of Information

Under the Right to Information Act 2005, Section 6, I need some information. The details of the information are as follows:

3. Number of Jail wise custodial deaths cases registered with West Bengal State Correctional Services for the years 2009 to 2018.

5. Number of district wise conviction of Jail personnel for committing offences/ excesses resulting in deaths of the suspects/prisoners in their custody for the years 2009 to 2018.

6. Number of district wise judicial enquiries taken up by the magistrate/judge against the jail personnel involved in an incident of custodial death in their custody for the years 2009 to 2018.

4. Application fee details

Encl. Application Fee of Rs 10/- By Court Fee Stamp

5. Below Items are for your kind information and consideration

- a. As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority, I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.
- b. As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.
- c. As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the PIO to inform me of the particulars of First Appellate Authority.

6. Declaration

I declare that I am a citizen of India.

Yours faithfully,

Mamika

Tuesday, September 29th 2020

963114



GOVERNMENT OF WEST BENGAL
DIRECTORATE OF CORRECTIONAL SERVICES
JESSOP BUILDING, 1ST FLOOR, 63, N.S.ROAD
KOLKATA-700001
Phone No. 033-2262-5694/7233, Fax-033-2262-5604
Email- dg.igcswb@gmail.com

5 NOV 2020

Date:

Memo. No. 1252/RTI-45/19 Pt

To,
Manika Malhotra,
J-5 First floor, near Footprints Play School,
Green Park Extension, New Delhi-110016.

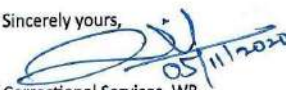
Sub: Information sought for under Right to Information Act, 2005 by Smt. Manika Malhotra.

Ref: Your RTI Application dt. 29.09.20

Madam,

This is to inform that information about the custodial death cases in the Correctional Homes of West Bengal are lying with the domains of the different SPIOs and Superintendent/ Controller of different Central, Subsidiary, District, Special, Open Correctional Homes. Vide DCS Order No. 4056 dt.24.07.19, the function of SPIO is decentralized and the applicant may have the liberty to get information from them. A copy of DCS Order No. 4056 dt. 24.7.19 along with Corrigendum Vide No. 5620 dt. 01.10.2019 is annexed herewith for favour of kind perusal.

Sincerely yours,


AIG (South) of Correctional Services, WB
& SPIO (HQ) of Correctional Services, WB

**WEST BENGAL POLICE DIRECTORATE,
BHABANI BHAWAN, KOLKATA-27.**

Memo. No. _____ - ADM/RTI
ADM/RTI -81/20

Dated:- /09/2019

To,
The State Public Information Officer,
State Crime Records Bureau,
Block-DJ, Sector-II,
Salt Lake, Kolkata-91

Subject:- Transfer of the RTI application dated 19/08/2020 U/S
6(3) of RTI ACT 05.- Case of Shri Akoijam Surjit.

1. Enclosed please find a copy of the RTI application dated 19/08/2020 of Shri Akoijam Surjit requesting for information as noted therein - which is self-explanatory.
2. You are requested to provide the information in connection with the RTI application to the applicant directly to the extent permissible in due observance of all section of RTI Act-2005 with an intimation to this Directorate as the matter is closely related with function of your department / office.
3. The matter may please be taken as important and RTI urgent.

Sd/-

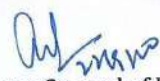
Assistant Inspector General of Police (Special), WB
& State Assistant Public Information Officer,
West Bengal Police Directorate
under the RTI Act' 2005

Memo. No. 572/1(1) ADM/RTI
ADM/RTI -81/20

Dated:- 22/09/2020

Copy forwarded for information to:-

✓ Shri Akoijam Surjit, 128, 1st Floor, Shahpurjat, near Purana Shiv Mandir, Pincode-110049 with reference to the RTI application dated 19/08/2020. For the RTI application he may contact further to the above mentioned authority if necessary.


Assistant Inspector General of Police (Special), WB
& State Assistant Public Information Officer,
West Bengal Police Directorate
under the RTI Act' 2005

Annexure 6: NHRC Guidelines concerning Custodial Death (2010)

Guidelines of NHRC on "Prevention of Suicide in Prison"

1. A comprehensive suicide prevention programme must be introduced in all prisons by the State/UT Government, involving training of staff involved in correctional home services, health care and mental health of prisoners. The staff should be fully aware and proficient in initiating emergency response to a suicide attempt along with keeping vigil and adopting measures for prevention also. Periodic mock drills/rehearsal should be carried out to sensitize the stake holders and to reduce reaction time in assessment and providing professional assistance.
2. The State Prison Directorate should ensure enhancement of constructive and supportive relationships between prison staff and inmates. Particular emphasis should be placed upon improvement in regimes, staff training and rostering arrangements to enhance these relationships to suit all needs.
3. The newly admitted prisoners should be interviewed by a trained medical officer along with a qualified Psychologist for identification of inmates who appear to be psychologically abnormal and who could be prone to suicidal tendencies. The key to identifying potentially suicidal behaviour in inmates is through careful inquiry/interview and assessment during initial screening of the inmates. The pre-entry/initial health screening report of the prisoner must be filled up in detail and signed by both medical officer and Psychologist after filling all the mandatory information. Initial health assessment must be followed by regular follow up assessment as well.
4. CCTVs should be installed at the reception area and monitored 24x7 through a control room for monitoring effective initial screening.
5. The bandwidth of opportunities for inmates to interact with the outside world may be expanded through provision of news papers, television and movies in addition to periodic meetings with family and friends to maintain their social contacts. The prison environment could also be made less stressful by introduction of Yoga programmes and providing soothing music through speakers installed at appropriate places in consultation with prisoners.
6. Each prisoner/inmate should be provided with the opportunities to participate in constructive activities such as employment, education and skill development programs that build competence levels and address cure depressive

tendencies while simultaneously preventing aggressive behavior. Introduction of outdoor and group activities would bring positive attitude and group bonhomie among the inmates.

7. All aspects of prison operations and programs must be designed to cater to the diversity of the prison population in terms of culture, ethnicity, gender and sentencing status.
8. Priority should be given to provide comprehensive mental health services to prisoners, including:
 - a) Regular multidisciplinary screening and assessment of the mental health of the prisoners. Post of regular medical officers at central prison and weekly visit of a Psychiatrist/doctor to the District jails must be ensured.
 - b) Adequate mental health treatment and management, resources and systems should be made available within the prison including a qualified psychologist so that dependence on external agencies is minimized to extreme cases only.
 - c) Acute mentally ill prisoners must be shifted to Mental Hospital u/s 29 of the Mental Health Act, 1987, and
 - d) Provision should be there in prisons for continued mental care facilities even after specialist management and treatment of a mentally ill prisoner is over so that regular follow up is maintained even after the prisoner returns back into the prison environment, and gets reintegrated into the community.
9. Following points may be covered by suicide awareness training provided to prison officers and staff:
 - a) How to identify inmates with signs of suicidal tendencies and rate them according to the level of their problems.
 - b) Precautions to be taken by the staff monitoring these inmates.
 - c) Basic understanding of human behavior and ability to identify psychosomatic illnesses by observing prisoner's sudden change in behavior.
 - d) Basic training in medical emergency response to all jail officials to respond and provide immediate medical first aid

like cardio-pulmonary resuscitation (CPR) in cases of suicide attempts and other such emergencies till professional help is sought.

e) Identification of good Samaritans among the jail inmates who can keep an eye on prisoners and warn the staff to preempt suicides.

10. Conduct a thorough audit of the jail premises to find out the probable places/areas and items that are prone to be used while committing suicide. This should help in identifying and re-designing 'suicide resistant cells' with the intention of replacing potential hanging and anchoring points.
11. It is also important to strengthen the grievance redressal system in prisons and get regular feedback on quality of food, entertainment and other facilities from prisoners. It is imperative to engage prisoners in positive and constructive activities and also in socially useful productive work, religious activities and motivational therapy through discourses. A complaint box inside the prison could be a useful tool for redressal of complaints and to obtain feedback of inmates. Integration of the records of all the prisoners should be done so that if an under-trial prisoner had been previously incarcerated in a different jail then information about his background, behaviour and treatment records could be obtained from there and the same will be useful to the jail officials in his screening and assessment.
12. There should be rigorous review and intensive follow up of each suicide case to find out and alleviate the particular reasons behind the suicide and the steps to be taken so that such an occurrence in future is prevented.

Justice G.P. Mathur
Acting Chairperson
(Former Judge, Supreme Court of India)



National Human Rights Commission
Faridkot House, Copernicus Marg
New Delhi-110 001
Phone: 91-11-23387328
Fax: 91-11-2338 4863
E-mail: gp.mathur@nic.in

D.O. No.4/7/2008-PRP&P

12th May, 2010

Dear Chief Minister,

The National Human Rights Commission is concerned about the death during the course of a police action. The police does not have a right to take away the life of a person. Under the scheme of criminal law prevailing in India, it would not be an offence if the death is caused in exercise of right of private defence. Another provision under which the police officer can justify causing the death of a person, is section 46 of the Criminal Procedure Code. This provision authorizes the police to use reasonable force, even extending up to the causing of death, if found necessary to arrest the person accused of an offence punishable with death or imprisonment for life. Thus, it is evident that death caused in an encounter if not justified would amount to an offence of culpable homicide.

The Commission considered the issue and recommended a procedure to be followed in the cases of encounter death by all the States/UTs in the country. The guidelines were conveyed to all the States/UTs vide letter dated 29.3.1997, which were further revised vide letter dated 2.12.2003.

The Commission finds that most of the States are not following the recommendations issued by it in the true spirit. The matter was again considered by the Commission and it was felt that the existing guidelines require some modifications. After a careful consideration of the whole matter, the Commission has revised the procedure to be followed by the States/UTs in all cases of deaths in the course of police action. Revised guidelines are enclosed herewith.

It is requested that the concerned authorities of the State/UT may be given appropriate instructions to follow the enclosed guidelines in all cases where death is caused in police action.

With regards,

Yours sincerely,

C. P. Mathur

(G P Mathur)

Shri K. Rosaiah,
Chief Minister,
Government of Andhra Pradesh,
Secretariat,
Hyderabad-500 022.

and as per list attached

*Residence : 3, Safdarjung Lane, New Delhi-110011 *Ph. :011-23012076*

Revised Guidelines/Procedures to be followed in cases of deaths caused in police action.

- A. When the police officer in charge of a Police Station receives information about death in an encounter with the Police, he shall enter that information in the appropriate register.
- B. Where the police officers belonging to the same Police Station are members of the encounter party, whose action resulted in death, it is desirable that such cases are made over for investigation to some other independent investigating agency, such as State CBCID.
- C. Whenever a specific complaint is made against the police alleging commission of a criminal act on their part, which makes out a cognisable case of culpable homicide, an FIR to this effect must be registered under appropriate sections of the I.P.C. Such case shall be investigated by State CBCID or any other specialised investigation agency.
- D. A magisterial enquiry must be held in all cases of death which occurs in the course of police action, as expeditiously as possible, preferably, within three months. The relatives of the deceased, eye witness, witnesses having information of the circumstances leading to encounter, police station records etc. must be examined while conducting such enquiry.
- E. Prompt prosecution and disciplinary action must be initiated against all delinquent officers found guilty in the magisterial enquiry/ police investigation.
- F. No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/ recommended only when the gallantry of the concerned officer is established beyond doubt.
- G. (a) All cases of deaths in police action in the states shall be reported to the Commission by the Senior Superintendent of Police/ Superintendent of Police of the District within 48 hours of such death in the following format:
1. Date and place of occurrence
 2. Police station, district

P.T.O.

3. Circumstances leading to death:

- (i) Self defence in encounter
- (ii) In course of dispersal of unlawful assembly
- (iii) In the course of effecting arrest
- (iv) Any other circumstances

4. Brief facts of the incident

5. Criminal case No.

6. Investigating agency

(b) A second report must be sent in all cases of death in police action in the state by the Sr. Superintendent of Police / Superintendent of Police to the Commission within three months providing following information:

1. Post mortem report

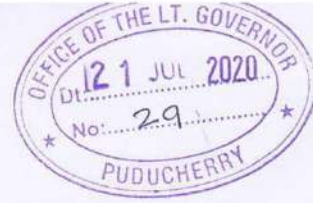
2. Inquest report

3. Findings of the magisterial enquiry/ enquiry by senior officers disclosing:-

- (i) Names and designation of police official, if found responsible for the death;
- (ii) Whether use of force was justified and action taken was lawful;
- (iii) Result of the forensic examination of 'handwash' of the deceased to ascertain the presence of residue of gun powder to justify exercise of right of self defence; and
- (iv) Report of the Ballistic Expert on examination of the weapons alleged to have been used by the deceased and his companions.

Annexure 7: The MHA Letter (2020)

F. No. 15011/66/2020-HR-I & II
Government of India
Ministry of Home Affairs
(IS-II Division)



New Delhi, July 13, 2020

To

1. The Chief Secretaries of all States/UTs.
2. The Directors General of Police of all States/UTs.
3. The Commissioner of Police, Delhi.

Subject:- **Guidelines regarding various aspects of Custodial Deaths - regarding.**

Sir/Madam,

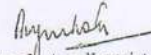
There is no gainsaying that the enforcement of law should be strictly within its framework, with all constituents of the enforcement machinery performing their assigned roles and functions not just fairly and efficiently but also in such manner that they are beyond doubt and reproach. Sustained efforts are, therefore to be made to ensure that there is no abuse of law or power and that the authorities are fully sensitized to enforce the provisions of law, with due care, diligence and sensitivity.

02 As you would appreciate the recent incidents of alleged deaths in police custody are a matter of serious concern and might shake the confidence of people in police and law enforcement agencies. Hence there is an immediate necessity to address the issue promptly and firmly.

03. I would like to bring to your attention that National Human Rights Commission (NHRC) has time and again issued necessary directions/advisories in this regard and the same need to be followed scrupulously by all the authorities in State/UT Administrations. All these guidelines are available on NHRC website (nhrc.nic.in). A brief containing some of the silent points is enclosed as (Annexure-A).

04. All State Governments/UT Administrations are therefore, once again requested to sensitize and direct all the functionaries at State, District and below level to follow and adhere to law of the land and the guidelines issued by NHRC on the subject matter. Further, all the States/ UT Administrations are requested to act firmly against any abuse of law in respect of Custodial Deaths in a firm and time bound manner.

Yours faithfully,


(Ashutosh Agnihotri)

Joint Secretary to the Government of India

Encl: As Above.

Copy to:- JS (IS-II), North Block, MHA.

(Annexure-A)

SALIENT POINTS IN GUIDELINES REGARDING VARIOUS ASPECTS OF CUSTODIAL DEATHS

1. District Magistrate and Superintendent of Police of every district should report to the Secretary General of NHRC about incidents of deaths in police custody/judicial custody within 24 hours of occurrence or of these officers having come to know about such incidents. Failure to report promptly would give rise to presumption that there was attempt to suppress the incident.
2. The post mortem examination process be video filmed.
3. To adhere to the Model Autopsy Form and the additional procedure for inquest as prescribed by NHRC vide their letter No. NHRC/ID/PM/96/57 dated 27.03.1997.
4. In every case of custodial deaths, Magisterial Enquiry has also to be done and be completed as soon as possible but in such a way that within 2 months deadline, the Magisterial Enquiry report is made available
5. The post mortem report along with videography and the Magisterial Enquiry report must be sent within 02 months of the incident in the proforma prescribed as circulated by NHRC vide their letter No. NHRC/ID/PM/96/57 dated 27.03.1997.
6. In some cases of custodial deaths where viscera report takes time, the post mortem report and other documents should be sent to the Commission without waiting for the viscera report. The Viscera report should be sent subsequently as soon as it is received.
7. The requirement of videography of postmortem examinations in respect of deaths in jail will be applicable only in the following cases:-
 - (i) Where the preliminary inquest by the Magistrate has raised suspicion of some foul play.
 - (ii) Where any complaint alleging foul play has been made to the concerned authorities or there is any suspicion of foul play.

Annexure 8: Year-wise Registration/Disposal of Cases and Subject-wise Break-up of Complaints Received by BHRC (up to 15/12/2020)

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
Complaints Received	2819	3683	3823	4346	4906	5641	6545	7486	8422	8062	6727	6485	68,945
Complaints Disposed	1016	1413	1380	2940	3410	3710	7620	8687	9207	7676	6977	6172	60,208

Complaints Disposed in BHRC (Year-wise/Subject-wise)

S N	Subject	Upto 2010	201 1	201 2	201 3	201 4	201 5	201 6	201 7	201 8	201 9	202 0
1.	Children	14	6	10	12	11	7	14	1	5	1	14
2.	Education	74	59	63	101	132	51	80	36	17	11	-
3.	Health	38	45	48	38	71	61	82	80	41	18	62
4.	Jail	349	177	175	145	204	188	156	150	76	20	186
5.	Judiciary	36	15	6	18	18	14	7	22	3	0	11
6.	Labour	33	18	10	18	17	21	21	13	9	11	19
7.	Mafias/Under world	337	342	532	684	564	737	643	363	233	131	90
8.	Minorities/SC/ ST	117	68	45	38	52	35	28	78	46	11	34
9.	Miscellaneous	1586	674	668	650	103 9	120 7	232 1	295 5	265 3	178 0	286 3
10.	Police/Armed Forces	1929	131 0	156 3	188 1	208 2	198 3	208 6	226 3	175 1	647	223 1
11.	Pollution/Ecol ogy/ Environment	45	19	9	9	11	14	22	18	11	6	16
12.	Poverty Allevation	119	64	72	83	77	60	45	46	23	17	-
13.	Religion	15	0	4	9	5	0	1	1	0	0	4
14.	Remand	1	0	0	0	0	0	1	0	0	0	1
15.	Service Matters	1015	554	639	768	831	812	107 5	806	505	464	699
16.	Women	377	234	229	255	298	282	345	328	258	119	220
17.	Others	121	2	16	4	20	647	206	131	87	5	602

Annexure 9: List of custodial death from Sasaram Jail, Bihar, 2000-2020

12	विनोद चौहरी	विद्युत चौहरी	सा0- अकोठीगोला, थाना- अकोठीगोला, जिला- रोहतास	14.07.2002	Akorhigola- 07/2001	498A, 323, 406, 34 IPC	एच.एच.एल. रिपोर्ट के मुताबिक 27.07.2002 को देह में अंतर्गत = Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अंकित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।
13	शैलानी देवी	अवधेश प्रसाद गुप्ता	सा0- धनवा, थाना- शिवसागर, जिला- रोहतास	22.08.2002	Shivsagar- 03/2002	304B, 201, 34 IPC	पोस्टमॉर्टम रिपोर्ट में Cause of Death- Infection (Septicemia) अंकित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	भेसरा प्रतिवेदन उपलब्ध नहीं।
14	महादेव साह	हनुमान दास	सा0- धानी टकी रोड मिश्रा हाता, थाना- दिहरी, जिला- रोहतास	01.11.2002	Dehri- 217/2002	304(B), 34 IPC	एच.एच.एल. रिपोर्ट के मुताबिक 27.07.2002 को देह में अंतर्गत = Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is either due to disease process as natural can be only said after histopathological report which is not made available by forensic laboratory. अंकित है।	छायाप्रति संलग्न।	छायाप्रति संलग्न।

15	सलील कुमार	सुरभिदारी, राम	सा0- कदरौ, थाना- रासौ, न (बरेली), जिला- रोहतास	23.04.2003	Darigaon- 787/2002	366A, 376, 379, 34 IPC	फाईल में कागजात उपलब्ध नहीं।	—	पोस्टमॉर्टम रिपोर्ट के मुताबिक 27.07.2002 को देह में अंतर्गत = Cause of Death- According to Post-mortem examination report there is no external injury. Hence death is due to disease process as natural can be only said after histopathological report which is not made available by forensic laboratory. अंकित है।
16	बोमप्रकाश सिंह	इन्दिराम सिंह	सा0- आरा, थाना- नवाबा, जिला- भोजपुर	07.08.2003	Dehri- 43/2003	379, 411, 34 IPC	सदर अस्पताल, सासाराम में ईलाज के क्रम में मृत्यु	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	भेसरा प्रतिवेदन उपलब्ध नहीं।
17	मनोरमा देवी	शिवदुलार सिंह	सा0- फरखीलिया, थाना- नासरीगंज, जिला- रोहतास	13.09.2003	Nasriganj- 31/2002	420, 467, 406, 471, 120B, IPC	पोस्टमॉर्टम रिपोर्ट में Cause of Death- appears to be due to hepatic failure अंकित है।	फाईल में ईलाज से संबंधित कागजातों की छायाप्रति संलग्न।	छायाप्रति संलग्न।
18	महेन्द्र सिंह	जगन्नाथम सिंह	सा0- अमरपुर पकड़ी टोला, थाना- राजपुर, जिला- रोहतास	13.10.2003	Nasriganj- 02/1999	498(A), 304(B), 201, 34 IPC	सदर अस्पताल, सासाराम के मेडिकल टीम द्वारा दिनांक- 27.07.2002 को विवेक से प्रतिवेदन में Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अंकित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।

19	सिकंदर नट	सुबेदार नट	सा0- नासरीगंज, थाना- नासरीगंज, जिला- रोहतास	15.11.2003	Nasriganj- 63/1994	395, 397, IPC	मौत का कारण है, साक्षरता में मैकेनिकल ट्रीम द्वारा रिपोर्ट- 27.07. 2007 को दिरे गये नरिपेदन में Cause of Death- According to Post- mortem examination report there is no external enjry. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अकिर है।	फाईल में ईलाज से संबंधित उपलब्ध कागजात की छायाप्रति संलग्न।	छायाप्रति संलग्न।
20	राजू खटीक	विजली खटीक	सा0- सरकारी बगीचा, पानी टंकी, थाना- सासाराम (रा), जिला- रोहतास	25.11.2003	Sasaram-192/2003	467,379, IPC	सुर अस्वास्थ, साक्षरता में मैकेनिकल ट्रीम द्वारा रिपोर्ट- 27.07. 2007 को दिरे गये नरिपेदन में Cause of Death- According to Post-mortem examination report there is no external enjry. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अकिर है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं है।	छायाप्रति संलग्न।

21	बंधीलाल राम	रब0 मरीया राम	सा0- लहेरी, थाना- कोयस, जिला- रोहतास	09.12.2003	Kochas- 53/2003	435, 427, 307, IPC & 27 Arms Act	सुर अस्वास्थ, साक्षरता में मैकेनिकल ट्रीम द्वारा रिपोर्ट- 27.07.2007 को दिरे गये नरिपेदन में Cause of Death- According to Post- mortem examination report there is no external enjry. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अकिर है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।
22	काशीनाथ मिश्र	जयकिशोर मिश्र	सा0- उदयपुर, थाना- संजीली, जिला- रोहतास	10.12.2003	Sanjhauli- 32/2003	304(B), 211, 34 IPC	मृत्यु की अंतिम कारण से संबंधित को अतिवेदन फाईल में उपलब्ध नहीं मरतु मरिपेडिक्शन अंतिम अतिवेदन में रंटी की मृत्यु वना रोग से होना मना गया है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।
23	महिला विद्यारथीन बंदी गजमा खातुन का 09 माह का पुत्र मुन्ना अंसारी	निजामुद्दीन अंसारी	सा0- कोटा, थाना- कुठिला, जिला- सैमूर	14.04.2004	-	-	पोस्टमॉर्टम रिपोर्ट में Cause of Death- Shock due to Septicemia अकिर है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	मेसरा प्रतिवेदन उपलब्ध नहीं।
24	महिला विद्यारथीन बंदी संता देवी की 05 माह की अनाम पुत्री	अमरनाथ साह	सा0- लालकी अहरी, थाना- अकाडेगोला, जिला- रोहतास	15.05.2004	-	-	बीमारी के कारण मृत्यु	छायाप्रति संलग्न।	छायाप्रति संलग्न।
25	कन्हैया शर्मा	विजली शर्मा	सा0- अंसारी, थाना- नटपार, जिला- रोहतास	31.08.2004	Kochas- 52/2004	25(1-B)a, 26 Arms Act	पोस्टमॉर्टम रिपोर्ट में Cause of Death- death appears to be due to shock as a result of intestinal perforation अकिर है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।

26	महेन्द्र चौधरी	धरमचरण चौधरी	सा0- सैराड थाना- दिनारा, जिला- रोहतास	05.09.2004	Dinara-140/2003	302 IPC	रमने राग से बीमारी के कारण मृत्यु	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।
27	रामबुजन तिवारी	रघु गुरेश्वर तिवारी	सा0- सवरी, थाना- कच्छवा, जिला- रोहतास	01.02.2005	Nasriganj(Kachwan)-88/2004	304(B), 201, 34 IPC	सदर अस्पताल, सारनचम के मेडिकल टीम द्वारा दिनांक- 26.08.2007 को दिये गये प्रतिलेख में Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process or natural can be said after histopathological report which is not made available by forensic laboratory. अज्ञित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।
28	इन्द्रदेव राय	राजनारायण राय	सा0- गोपालपुर, थाना- शिवसागर, जिला- रोहतास	16.03.2005	Str- 342/1988	396, 120B, 302, 34 IPC	कारा अस्पताल में ही बृद्धावस्था के कारण स्वाभाविक मृत्यु	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	संलग्न प्रतिलेख से संबंधित कोई कागजात फाईल में उपलब्ध नहीं।
29	रामराज सिंह	गुरु साधव	सा0- किरही, थाना- काराकाट, जिला- रोहतास	17.06.2005	Gr- 863/1998	147, 148, 325, 323, 504, 511, IPC	सदर अस्पताल, सांसाराम में ईलाज के क्रम में मृत्यु	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।

30	रुद्रचरण राय	परीक्षा राय	सा0- बरना, थाना- बिक्रमगंज, जिला- रोहतास	20.06.2005	ST- 1445/1979	302, 149, 307, 149, IPC & 27 Arms Act	सदर अस्पताल, सांसाराम के मेडिकल टीम द्वारा दिनांक- 26.08.2007 को दिये गये प्रतिलेख में Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process or natural can be said after histopathological report which is not made available by forensic laboratory. अज्ञित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं हैं।	छायाप्रति संलग्न।
31	सरयू भारती	रघु गोवर्धन भारती	सा0- कटैयावाल नादिया, थाना- बाघवा, जिला- रोहतास	20.06.2005	Dawath- 54/2000	395, 364A IPC	सदर अस्पताल, सांसाराम के मेडिकल टीम द्वारा दिनांक- 26.08.2007 को दिये गये प्रतिलेख में Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process or natural can be said after histopathological report which is not made available by forensic laboratory. अज्ञित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।
32	अरुण सिंह	भरनानंद सिंह	सा0- खलसापुर, थाना- दिनारा, जिला- रोहतास	28.06.2005	Str- 455/2003	147, 148, 149, 447, 341, 324, 307, 302, IPC & 27 Arms Act	बंदी के मृत्यु का अंतिम कारण प्रतिलेख फाईल में उपलब्ध नहीं है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।

33	विन्ध्य प्रसाद उर्फ बेबु	रवो जगमोहन राह	सा0- न्यु पूरिया, थाना- डिहरी, जिला- रोहतास	24.07.2005	Dehri(Daimiyanganar)- 107/2002	394 IPC	स्वतः अस्पताल, सहायक के मेडिकल टीम द्वारा दिनांक- 29.07.2007 को विधे मधे प्रतियेदन मे Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अंकित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति सलमन।
34	छदु सिंह	हरिसम सिंह	सा0- हरिकरपुर, थाना- फराकाद, जिला- रोहतास	11.08.2005	Karakat-68/2005	147, 148, 149, 307, 302, 387 IPC & 27 Anns Act	पोस्टमॉर्टम रिपोर्ट में Cause of Death- Septicemia अंकित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	पोस्ट मॉर्टम करने वाले विकिरणक द्वारा पैसरा नहीं पछा गया।
35	शिव पासवान	रवो बालेश्वर पासवान	सा0- बेलाडी, थाना- चरिंगाद, जिला- रोहतास	08.09.2005	Str- 342/2004	302 IPC	स्वतः अस्पताल, सहायक के मेडिकल टीम द्वारा दिनांक- 27.07.2007 को विधे मधे प्रतियेदन मे की विधे प्रतियेदन को सन के अन्तर्गत है कि Photo copy of forensic laboratory report is not visible, please send visible report. इसकी कतिपय मूठ की को अर्द्ध मे अन्य अर्द्ध मूठ के अर्द्ध कासने से संबंधित प्रतियेदन उपलब्ध नहीं है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं है।	छायाप्रति सलमन।

38	निजामुद्दीन अंसारी	फकीर मोहम्मद अंसारी	सा0- मैकवा, थाना- रासायाम, जिला- रोहतास	13.10.2005	Certificate Case No.- 225/99-3000	Public Demand Recovery Act 1914	स्वतः अस्पताल, सहायक के मेडिकल टीम द्वारा दिनांक- 06.11.2008 को विधे मधे प्रतियेदन मे Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process or	फाईल में ईलाज से संबंधित कागजातों की छायाप्रति सलमन।	छायाप्रति सलमन।
37	शेम सिंह	चन्द्रमा सिंह	सा0- मडसरा, थाना- करगहर(बिड़हरी), जिला- रोहतास	06.11.2005	C- 754/1998, Tr- 102/2005	147, 148, 379, IPC	स्वतः अस्पताल, सहायक के मेडिकल टीम द्वारा दिनांक- 27.07.2007 को विधे मधे प्रतियेदन मे Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति सलमन।

38	श्रीकिशुन साजत	मुंद्री राजत	साठ - बलुआ चक, थाना - मोतीहारी, जिला - मोतीहारी	19.11.2005	Kochas-05/2002	18, 20, 22 NDPS Act	सदर अस्पताल, रासदास के मेडिकल टीम द्वारा दिनांक - 27.07.2007 को दिये गये प्रमाणित Cause of Death - According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अज्ञित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं।	छायाप्रति संलग्न।
39	राजदेव चर्डीव	सहदेव उरीव	साठ - हवाईवाडिह, थाना - मोहडा, जिला - रोहतास	16.02.2006	Nauhatta-25/2000	302, 201, 34 IPC	सदर अस्पताल, रासदास के मेडिकल टीम द्वारा दिनांक - 27.07.2007 को दिये गये प्रमाणित Cause of Death - According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अज्ञित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं है।	छायाप्रति संलग्न।

40	सलम सिंह	समरकवाल सिंह	साठ - कपीपट्टी, थाना - काराकाट, जिला - रोहतास	27.12.2006	Karakat-99/2004 Str-96/2006	498, 304 & 3/4 Dowry Act	सदर अस्पताल, रासदास के मेडिकल टीम द्वारा दिनांक - 04.08.2008 को दिये गये प्रमाणित Cause of Death - According to Post-mortem examination report there is no antepoem external injury. Cause of Death - appears to be due to extensive pulmonary tuberculosis. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Though Histopathological report is not given. अज्ञित है।	समस्तक ईलाज से संबंधित प्रमाणित की छायाप्रति संलग्न।	छायाप्रति संलग्न।
41	सामबदन चौधरी	रवो दुखन चौधरी	साठ - पटेल कौलोनी, थाना - सासाराम, जिला - रोहतास	12.03.2007	SSM(T)-377/2006	21B, 22, 25, 27 NDPS ACT	सदर अस्पताल, रासदास के मेडिकल टीम द्वारा दिनांक - 24.12.2009 को दिये गये प्रमाणित Cause of Death - Appears to be due to some disease process in natural way. अज्ञित है।	छायाप्रति संलग्न।	छायाप्रति संलग्न।
42	अखलाज अहमद	मो० कलाम	साठ - मोदीटोला, थाना - सासाराम, जिला - रोहतास	12.03.2007	Sasaram(T)-355/2006	21B, 25, 27A, 29, 32B, NDPS Act	सदर अस्पताल, रासदास के मेडिकल टीम द्वारा दिनांक - 04.08.2008 को दिये गये प्रमाणित Cause of Death - According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, pesticidal or volatile poison detected. Hence death is due to disease process as natural can be said after histopathological report which is not made available by forensic laboratory. अज्ञित है।	फाईल में ईलाज से संबंधित कागजात उपलब्ध नहीं है।	छायाप्रति संलग्न।

43	सुदर्शन राम	मुक्ता राम	सा0- बघीयाबाग, थाना- सासाराम, जिला- रोहतास	12.04.2007	Comp- 1117/2005	498A, 494, 34 IPC	पोस्टमॉर्टम रिपोर्ट के अनुसार निम्नलिखित कारणों से मौत का कारण मिला- 04.10.2006 को देह पर प्रवेदन में Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, poisonous or volatile poison detected. Hence death is due to disease process or natural can be said after histopathological report which is not made available by forensic laboratory. अतिरिक्त है।	फाईल में रिकॉर्ड से संबंधित कानूनशास्त्र उपलब्ध नहीं।	छायाप्रति संलग्न।
44	वशरथ सिंह	रामजनम सिंह	सा0- कुलनरिया, थाना- सैनारी, जिला- रोहतास	25.05.2007	Chenari- 134/1987	302/149, 307, IPC & 27 Arms Act	एकर अन्वयान, शवजात के पोस्टमॉर्टम रिपोर्ट में हानि मिला- 04.10.2006 को देह पर प्रवेदन में Cause of Death- According to Post-mortem examination report there is no external injury. According to forensic laboratory report No metallic, alkaloidal, glycosidal, poisonous or volatile poison detected. Hence death is due to disease process or natural can be said after histopathological report which is not made available by forensic laboratory. अतिरिक्त है।	छायाप्रति संलग्न।	छायाप्रति संलग्न।
45	सुदामा सिंह	इन्द्रदेव सिंह	सा0- प्यारपुर, थाना- अकौठीगोला, जिला- रोहतास	17.08.2008	Str- 411/2008 AkorhigaA- 45/2007	324, 307, 34, Ipe & 27 Arms act	पोस्टमॉर्टम रिपोर्ट में Cause of Death- Septicemia (Infection) Natural अतिरिक्त है।	छायाप्रति संलग्न।	पोस्टमॉर्टम करने वाले चिकित्सक द्वारा भेसरा नहीं रखा गया।

46	कौशिक मुखिया	किरण मुखिया	सा0- बरुआर, थाना- तिहरी, जिला- रोहतास	06.01.2009	Str- 366/2006, Deltri- 111/2006	302 IPC *	पोस्टमॉर्टम रिपोर्ट के अनुसार Cause of Death- Sepsideral anaemotones in all probability due to disease process, के कारण मृत्यु	फाईल में रिकॉर्ड से संबंधित कानूनशास्त्र उपलब्ध नहीं।	भेसरा उपलब्ध नहीं।
47	रामधारी देवी उर्फ मुखियाईन	पति- जनानारायण महतो	सा0- रंगपुर, थाना- दरिगाँव, जिला- रोहतास	02.08.2009	Ssm(Darigaon)- 620/2007	364A, 302, 120B, IPC	पोस्टमॉर्टम रिपोर्ट में Cause of Death- Disease अतिरिक्त है।	छायाप्रति संलग्न।	पोस्टमॉर्टम करने वाले चिकित्सक द्वारा भेसरा नहीं रखा गया।
48	रामशंकर राय	स्व0 रामप्रसाद राय	सा0- दैबहों, थाना- दिनारा, जिला- रोहतास	15.09.2009	Dinara- 170/2002	302 IPC	पोस्टमॉर्टम रिपोर्ट के अनुसार Extensive Pulmonary tuberculosis affecting lungs abdominal organ and meninges के कारण मृत्यु	छायाप्रति संलग्न।	भेसरा उपलब्ध नहीं।
48	गोपाल गिरी	स्व0 शिवमुजन गिरी	सा0- बोवाडी नदिया, थाना- दपैला, जिला- रोहतास	19.04.2010	Bagheila- 19/2010	25(1-b) (a)(c), 26, 35 Arms Act	पोस्टमॉर्टम रिपोर्ट के अनुसार Extensive Pulmonary tuberculosis associated with right sided plural effusion, abdominal tuberculosis के कारण मृत्यु	छायाप्रति संलग्न।	-
50	रुजारी मुखर	बंटीही मुखर	सा0- देहरिया, थाना- अकौठीगोला, जिला- रोहतास	23.11.2010	Str- 137A/2002	399, 402, IPC & 25(1-b)a, 26, 35 Arms Act	पोस्टमॉर्टम रिपोर्ट के अनुसार Extensive Pulmonary tuberculosis with Anaemia and possible resistant ventricular fibrillation के कारण मृत्यु	छायाप्रति संलग्न।	पोस्टमॉर्टम करने वाले चिकित्सक द्वारा भेसरा नहीं रखा गया।
51	शम प्रसाद राम उर्फ रामप्रसाद डीम	स्व0 महेश राम	सा0- बघीया, थाना- सासाराम, जिला- रोहतास	02.01.2011	Gr- 458/2004	341, 427, 353, 504, 34 IPC	पोस्टमॉर्टम रिपोर्ट के अनुसार Extensive Pulmonary tuberculosis के कारण मृत्यु	छायाप्रति संलग्न।	पोस्टमॉर्टम करने वाले चिकित्सक द्वारा भेसरा नहीं रखा गया।

52	अशोक वाघट	सुनील वाघट	सा0- अमई, थाना- इस्लामाबाद, जिला- रोहतास	15.01.2011	Str- 289/2004	364 (A) IPC	केसनी फोटो होने के बाद हुई। COD मॉटेमल की छायाप्रति संलग्न।	छायाप्रति संलग्न।	छायाप्रति संलग्न।
53	अशोक सिंह	रवींद्र रामसिंहासन सिंह	सा0- इंदौर, थाना- सावानगर, जिला- बक्सर	17.06.2011	Dehri- 252/2004	364A, 34 IPC	दिल में दृढ़ एवं निरी की बीमारी के इलाज के क्रम में मृत्यु	छायाप्रति संलग्न।	छायाप्रति संलग्न।
54	अशोक महतो	रवींद्र सुदाई महतो	सा0- मोहनबिगाहा, थाना- छिहरी, जिला- रोहतास	24.02.2012	Str- 261/1981	302,307, 34, IPC & 27 Arms Act	पोस्टमॉर्टम रिपोर्ट के अनुसार Myocardial Infarction resulting into ventricular fibrillation with left ventricular and left edema का कारण मृत्यु	फाईल में इलाज से संबंधित कागजात संलग्न नहीं।	फाईल में मेरला उपलब्ध नहीं है।
55	शेषलाल साह	सीताराम साह	सा0- धरहरा, थाना- दरिहट, जिला- रोहतास	05.05.2014	Darihat- 64/2013	272, 273, IPC & 47(a) Excise act	-	-	-
56	जवाहर कोईरी	रामकृष्ण महतो	सा0- सोनरी, थाना- विनारा, जिला- रोहतास	02.11.2014	Rajpur- 147/2006	364 A/34 & 395 IPC	-	-	-
57	सुनील साह	भगवान साह	सा0- नावाडीह, थाना- अकोठीगोला, जिला- रोहतास	19.11.2014	Akorhigola- 55/2014] Str- 527/2014	304(B) IPC	-	-	-

58	महिला बंदी हुलसी बाई की मृत बच्चा देवा हुका	कमल सिंह	सा0- हीरन, थाना- हीरन, जिला- सोनभद्र (उठमठ)	15.12.2014	Forest- 30/2014	27, 29, 31, of wild of CIPC Act 1972	-	-	-
59	रामकान्त उपाध्याय उर्फ रामकान्त उपाध्याय	रवींद्र मोहन उपाध्याय	सा0- चांदी, थाना- अकोठीगोला, जिला- रोहतास	08.08.2016	Str-599/2014] Akorhigola- 88/2014	302, 34 IPC & 27 Arms Act	Cause of Death- Cardiac Disease and its complications	छायाप्रति संलग्न।	छायाप्रति संलग्न।
60	महिला बंदी जैनब खातून	अशोक अंसारी	सा0- कोहरा, थाना- कोहरा, जिला- रोहतास	06.02.2017	Kochas- 13/2016	302, 120B IPC & 27 Arms Act	Cause of Death- Cardiac arrest due to ventricular fibrillation Consequent upon myocardial infarction	छायाप्रति संलग्न।	छायाप्रति संलग्न।
61	सत्येन्द्र चौधरी	सूर्यवली चौधरी	सा0- उदयपुर, थाना- संखौली, जिला- रोहतास	15.06.2017	Sanjhauli- 110/2015	341, 323, 307, 504, 506, 34, IPC & 27 Arms Act	Cause of Death- ventricular fibrillation leading to Cardiac arrest which is in accordance with post mortem findings	छायाप्रति संलग्न।	छायाप्रति संलग्न।
62	सुनील मिरी उर्फ सुनील कुमार मिरी	दिपिन विहारी मिरी	सा0- महाराजगंज, थाना- रिलौधू, जिला- रोहतास	29.06.2017	Susaram(Tilauthu)- 205/2017	304B IPC	Cause of Death- Shock & Septicemia, culminating into uremia caused by smal gut obstruction (volvulus) with perforation & peritonitis.	छायाप्रति संलग्न।	छायाप्रति संलग्न।
63	ब्रह्मा बिन्द	जगन्नाथराय बिन्द	सा0- जगदीशपुर, थाना- कुचरा, जिला- कोशी	22.07.2017	Kochas(Parsathua)- 104/2017	8(C), 20(B), 22, 27(A), N.P.D.S. Act	Cause of Death- Septicemia caused by duodenal perforation & peritonitis.	छायाप्रति संलग्न।	छायाप्रति संलग्न।
64	सुभाष चिहरी	रवींद्र रामसिंहासन चिहरी	सा0- कुशवर, थाना- कर्मज, जिला- रोहतास	16.01.2018	Gr- 124/2011, Tr- 317/2017	498(A)34 IPC	Cause of Death- Myocardial Infarction ventricular fibrillation leading to shock & cardio respiratory failure.	छायाप्रति संलग्न।	छायाप्रति संलग्न।

85	अशोक खटीक	विश्वनाथ खटीक	सा0- राजपुर(अहमदनगर), थाना- रासारन(वि0), जिला- रोहतास	16.01.2018	Str- 217/2006	147, 148, 149, 341, 323, 507, 379 IPC	Cause of Death- Lungs & Liver Disease and its complications (Normal Disease)	छायाप्रति संलग्न।	छायाप्रति संलग्न।
86	दिनेश सिंह	रव0 रामजी सिंह	सा0- सखीया, थाना- अकोईमोला, जिला- रोहतास	12.02.2018	Regd- 118/2015, Str- 15/2002	302,149,201,IPC & 27 Arms Act	Cause of Death- Lungs Disease and Kidney Disease and its complications	छायाप्रति संलग्न।	छायाप्रति संलग्न।
87	श्रीराम पाण्डेय	रव0 गंगासागर पाण्डेय	सा0- करगहर, थाना- करगहर, जिला- रोहतास	04.03.2018	Str- 360/2007	302, 148, 307, 149, 452, 427, IPC	Cause of Death- Diseased (Natural)	छायाप्रति संलग्न।	छायाप्रति संलग्न।
88	श्रीगवान सिंह	रव0 रामधारी सिंह	सा0- बिशुनपुरा, थाना- नोखा, जिला- रोहतास	03.07.2018	Nokha- 177/2016	467, 468, 120(B) of 47 of Excise Act	Cause of Death- Co- Pulmonale (cardiomegaly consequent upon chronic obstructive Pulmonary Disease)Culminating into cardio respiratory failure	छायाप्रति संलग्न।	छायाप्रति संलग्न।
89	रंजन कुमार चन्द्रवंशी उर्फ राजन चन्द्रवंशी	रव0 सीताराम चन्द्रवंशी	सा0- यासानगर, थाना- नौहटा, जिला- रोहतास	14.05.2019	Nauhatta- 48/2019	37(c) of Bihar Prohibition, Excise Amendment Act 2018	Cause of Death- Asphyxia caused by massive fibrosis of both lungs leading to CR failure.	छायाप्रति संलग्न।	वर्तमान समय तक अप्राप्त
90	मीरु लोचरी उर्फ नन्दक चौधरी	राधाकुमार चौधरी	सा0- छिहरीघाट, थाना- रासारन, जिला- रोहतास	15.06.2019	(1) SSM(T)- 1402/2015	399,402,414 IPC and 25(1-b), 26, 35 Arms Act	Final Cause of Death वर्तमान समय तक अप्राप्त	छायाप्रति संलग्न।	वर्तमान समय तक अप्राप्त
91	सुदर्शन मुंडैया उर्फ दुसा ली	मुन्सारिक मुंडैया	सा0- तैमुई, थाना- छिहरा, जिला- श्रीरंगवाड़	19.06.2019	(1) Rohits- 82/2010, Str- 399/2012 (2) Ro4(s)2002 (3) Str- 453/2013	142,148,149,307,353,121(A) ,124(A),306 & 27 Arms Act & 17 CL Act 147, 148, 149, 341, 323, 353, 362, IPC & 27 Arms Act & 22 POJA Act 121(A), 120(B), IPC & 17 C.L.A. Act	Final Cause of Death वर्तमान समय तक अप्राप्त	सी के रिपोर्ट के तहत कमलजी की छायाप्रति संलग्न।	वर्तमान समय तक अप्राप्त
92	जोषी चौधरी	रव0 जगन् चौधरी	सा0- जंगल मंडल, थाना- करगहर, जिला- रोहतास	09.07.2019	Str- 389/2000	302/34, 201/34, 34 IPC & 27 Arms Act	Final Cause of Death वर्तमान समय तक अप्राप्त	छायाप्रति संलग्न।	वर्तमान समय तक अप्राप्त

73	बसु यादव	बसु यादव	सा0- बाबू बाई रो- 08 थाना- छिहरा, जिला- रोहतास	07.08.2019	Bikramganj- 409/2019	457, 354, 380, 34, IPC & 3(1) tr) Se/St Act	Cause of Death- Asphyxia caused by massive fibrosis of both lungs leading to CR failure.	छायाप्रति संलग्न।	वर्तमान समय तक अप्राप्त
74	दिनेश राय	रव0 रामनारायण राय	सा0- बलिया, थाना- नवलपरा, जिला- रोहतास	02.02.2020	Str- 439/1989	302/34 IPC & 201 IPC	रव0 अन्वय, एमएन के Medical Certificate of Cause of Death Report में Cause of Death- a) C.R. Failure & b) Uremia अंकित है एवं Manner of Death में Natural अंकित है.	छायाप्रति संलग्न।	वर्तमान समय तक अप्राप्त
75	चन्द्रदीप सिंह	रव0 बशीर सिंह	सा0- इशरपुर, थाना- नोखा, जिला- रोहतास	08.03.2020	(1) Str- 202/2011 (2) Comp- 995/2017, Tr- 295/2020	302 IPC & 27 Arms Act 323, 406 IPC	पोस्टमॉर्टम रिपोर्ट में Cause of Death- Renal failure associated with bilateral Poly Cystic Kidney अंकित किया गया है।	छायाप्रति संलग्न।	पोस्ट मॉर्टम करने वाले डॉक्टरों के डिफिकल्ट द्वारा दिया नहीं गया गया।
76	सोनु कुमार उर्फ सोनु शर्मा	सुमील ठाकुर उर्फ सलान ठाकुर	सा0- लोथा बाई न0- 08, थाना- कसराकाट, जिला- रोहतास	23.04.2020	Dehri(T)- 246/2020	279,337,338,427,IPC OR 37(c) OF BIHAR PROHIBITION AND EXCISE ACT	पोस्टमॉर्टम रिपोर्ट के Opinion में Cause of Death was septisemia and its complication resulting from above noted abdominal injuries caused by hard blunt force impact दर्ज है।	छायाप्रति संलग्न।	पोस्ट मॉर्टम करने वाले डॉक्टरों के डिफिकल्ट द्वारा दिया नहीं गया गया।

Annexure 10: List of custodial death from Ara Jail, Bihar, 2008-2021

**मंडल कारा आरा में वर्ष 01.01.2008 से 18.03.2021 तक
मृत बंदियों से संबंधित विवरणी:-**

क्र. सं.	मृत बंदी का नाम एवं पिता का नाम	पता-ग्राम, थाना, जिला	प्रवेश तिथि	वाद संख्या	मृत्यु तिथि	मृत्यु स्थान
1	शंकर सिंह पे० देवनन्दन सिंह	महतवनीया, उदवन्तनगर, भोजपुर	08.10.07	Udawanagar 134/07	13.01.08	सदर अस्पताल आरा।
2	मुकुल पटेल पे० हरिवंश चौधरी	दलीपुर, धनागाई, भोजपुर	13.11.07	Jagadishpur 232/07	13.02.08	सदर अस्पताल आरा।
3	मधेश्वर प्रसाद पे० नथुली प्रसाद	तेलाढ, अगिआव बजार, भोजपुर।	03.02.08	AgionBazar 8/08	19.02.08	सदर अस्पताल आरा।
4	मिश्री मुसहर पे० सोमारु मुसहर	डिलियाँ, चौरी, भोजपुर।	18.02.08	GrNo.1408/90	09.05.08	पी०एम०सी०एच० पटना।
5	लालमोहर साह पे० मुखराम साह	रकटु टोला, पीरो, भोजपुर।	22.08.08	Piro 192/08	01.09.08	सदर अस्पताल आरा।
6	ललन राय पे० रोहराई राय	बारा बसन्तपुर, आरा मु०, भोजपुर	06.01.03	StrNo.454/89	08.09.08	सदर अस्पताल आरा।
7	बिगन डोम पे० हुकुम डोम	बसन्तपुर, आरा मु०, भोजपुर।	09.07.08	Ara M. 123/08	11.02.09	सदर अस्पताल आरा।
8	बिजेन्द्र यादव पे० रामप्रवेश यादव	ओझा के सेमरीया, शाहपुर, भोजपुर।	12.02.09	R.P.F.129/06	06.03.09	सदर अस्पताल आरा।
9	हरeram यादव पे० केशो यादव	देकुली, ब्रहम्पुर, बक्सर।	30.01.09	StrNo.164/07	28.03.09	सदर अस्पताल आरा।
10	जोमधारी सिंह पे० भजन कोईरी	वैना, पीरो, भोजपुर।	24.03.03	StrNo.209/84	02.04.09	सदर अस्पताल आरा।
11	राहुल पे० गोपालजी	अनाईट, आरा नवादा, भोजपुर।	17.06.09	Case no 788/09	21.06.09	सदर अस्पताल आरा।
12	सुगर सिंह पे० सिताराम	प्रतापपुर, अजितमल, अवरईयाँ	21.07.09	Buxar Rail 36/09	31.07.09	सदर अस्पताल आरा।
13	विश्वनाथ रजक पे० विदेशी रजक	धमार, आरा मु०, भोजपुर।	15.07.05	Ara M. 118/05	21.08.09	सदर अस्पताल आरा।
14	सुहु खान पे० हकिक खान	पंच टोला मोहल्ला, जगदीशपुर, भोजपुर।	06.01.10	Buxar Rail 02/10	10.04.10	सदर अस्पताल आरा।
15	मारुती चौधरी पे० बबन चौधरी	बेलाउर, उदवन्तनगर, भोजपुर	01.06.10	Tr.No 1628/10	09.06.10	सदर अस्पताल आरा।
16	भगेडा पासवान पे० जफीत दुसाद	मडनपुर, नारायणपुर, भोजपुर	28.09.96	StrNo.72/81	07.08.10	सदर अस्पताल आरा।
17	सुगन राम पे० बिहारी मुसहर	देचना बाल, पीरो, भोजपुर।	06.02.06	Piro 13/06	02.09.10	सदर अस्पताल आरा।
18	मेघु डोम पे० झगरु डोम	नथमलपुर, बडाहरा, भोजपुर।	18.08.10	Gr.No 620/09	14.10.10	सदर अस्पताल आरा।
19	रंगीला यादव पे० बुलाकी यादव	मनीराय के टोला, आरा मु०, भोजपुर	31.07.10	Ara M. 177/10	24.05.11	सदर अस्पताल आरा।
20	मुस्तकीम दर्जी पे० निजामुद्दिन	अबरपुर, आरा नगर, भोजपुर।	02.07.11	Ara T. 181/11	21.02.12	सदर अस्पताल आरा।
21	कामेश्वर सिंह पे० गुरुशरण सिंह	ऐना, अगिआव बजार, भोजपुर।	21.07.11	Agion B.32/11	27.02.12	पी०एम०सी०एच० पटना।
22	संजय चौधरी पे० राजेन्द्र चौधरी	सरैया, संदेश, भोजपुर।	07.05.09	Sandesh 47/09	30.03.12	सदर अस्पताल आरा।
23	अर्जुन राम पे० दशरथ राम	एकौना, बडाहरा, भोजपुर।	07.08.10	NDPS 12/10	15.04.12	सदर अस्पताल आरा।
24	सर्वजीत सिंह पे० त्रिभुवन सिंह	बलबतरा, आरा नगर, भोजपुर।	11.07.12	StrNo.05/13	12.04.13	सदर अस्पताल आरा।

25	मो०आलम पे०-मकबुल आलम	मुबारकचक,मुंगेर मु०,मुंगेर।	21.10.12	Ara Nawada 300/12	08.02.14	पी०एम०सी० च० पटना।
26	रामाधार चौधरी,पे०-धरक्का चौधरी	बेलाउर, उदवन्त नगर,भोजपुर।	17.12.13	Udwant nagar 352/13	04.03.14	सदर अस्पताल आरा।
27	राजकुमार @ लाली पे० जगरनाथ साह	सा०-रउजा थाना-आरा नगर, जिला-भोजपुर।	28.03.14	Ara(T) 87/2014	29.04.14	सदर अस्पताल आरा।
28	नेमी मुशहर पे०-जवाहिर मुशहर	सा०-सरथुआ, थाना-उदवन्तनगर, जिला-भोजपुर।	06.06.14	Udwantnagar- 184/014	22.06.014	सदर अस्पताल आरा।
29	उपेन्द्र चौधरी पे०-केशो चौधरी	सा०-केशरी, थाना-धनगाई, जिला-भोजपुर।	17.05.13	Dhangai- 28/013	05.10.014	पी०एम०सी० एच० पटना।
30	रामदर्शन यादव पे०-रामइश्वर यादव	सा०-छोटी हरदिया, थाना-जगदीशपुर, जिला-भोजपुर।	15.04.13	Jagdishpur- 38/013	05.10.014	सदर अस्पताल आरा।
31	राज कुमार पे०-नारायण सिंह	सा०-विष्णुपुर, थाना-पिपर, जिला-मुजफ्फरपुर।	03.12.14	Bihiya- 279/014	16.12.014	सदर अस्पताल आरा।
32	सत्य नारायण सिंह पे०-चुगी सिंह	सा०-मैदापुर, थाना-आयर, जिला-भोजपुर।	02.08.05	Ayar-27/093 Str.No-313/93	02.04.015	सदर अस्पताल आरा।
33	अशोक पासवान पे०-नरेश पासवान	सा०-पिरौत, थाना-आरा मु०, जिला-भोजपुर।	02.10.13	Ara (M)-124/13 Str.No-138/014	21.05.016	सदर अस्पताल आरा।
34	ललन सिंह पे०-स्व० राजदेव सिंह	स०-सियाडीह, थाना-चरपोखरी जिला-भोजपुर	22.11.17	चरपोखरी -206/17	23.11.2017	सदर अस्पताल आरा।
35	नन्हक तेली पे०-स्व० काशी तेली	स०-धुस मुशहरी बिहिया थाना-बिहिया जिला-भोजपुर	23.04.18	बिहिया- 154/18 Ex-722/18	26.04.2018	सदर अस्पताल आरा।
36	विचाराधीन बंदी जितेन्द्र मोहन सिन्हा पे०-स्व० कामिनी मोहन सिन्हा	सा०-लोदी कट्टा, थाना-पटना सी०टी, जिला-पटना वर्तमान पता-पचवटी गार्डन नं०-412, थाना-बारीयातु, जिला-रॉची (झारखण्ड)	09.09.17	आरा नगर थाना काण्ड संख्या- 386/16, 147/17, 148/17, 149/17, 150/17, 146/17 एवं 5/18	15.06.2018	सदर अस्पताल आरा।

37	विचाराधीन बंदी शिवस्वामी मिश्रा उर्फ छोदु मिश्रा पे0-तेज नारायण मिश्रा	सा0-सोनवर्षा, थाना-शाहपुर, जिला-भोजपुर, वर्तमान पता-फेन्डर्स कॉलोनी, थाना-आरा नवादा, जिला-भोजपुर	20.01.17	आरा नवादा थाना काण्ड संख्या 689/16, सत्रवाद स0-285/17	19.06.2018	पी0एम0सी0 एच0 पटना
38	सजावार बंदी शिवाधार यादव पे0-स्व0 दुजा यादव, उम्र लगभग 75 वर्ष,	सा0-बारा बसंतपुर, थाना-आरा मुफसिल, जिला-भोजपुर	24.01.14	सत्रवाद संख्या-282/0 2	28.04.2019	सदर अस्पताल आरा।
39	सजावार बंदी साधु शरण ठकुर पे0-स्व0 देवनारायण ठकुर, उम्र लगभग 67	सा0-गौरा, थाना-बिहिया, जिला-भोजपुर	01.12.14	बिहिया-143/ 11, सत्रवाद संख्या-299/1 4	17.05.2019	सदर अस्पताल आरा।
40	सजावार बंदी प्रमोद सिंह पे0-स्व0 शंख सिंह उम्र लगभग 50	सा0-एकवारी, थाना-सहार जिला-भोजपुर	26.07.19	(1) सत्रवाद संख्या-130/0 16 एवं (2) सत्रवाद सं0-35/16	13.01.2020	सदर अस्पताल आरा।
41	विचाराधीन बंदी कामेश्वर राम पे0-स्व0 देवराज राम, उम्र 58 वर्ष	सा0-बघरा टोला, थाना-सिकरहटा, जिला-भोजपुर	06.08.18	सिकरहटा थाना काण्ड संख्या 55/15 एवं 07/18	15.02.2020	पी0एम0सी0 एच0 पटना
42	विचाराधीन बंदी अहमद अली उर्फ हस्सु, पे0-स्व0 बाबरुद्धीन उम्र लगभग 57 वर्ष	सा0-गडहनी, थाना-चरपोखरी, जिला-भोजपुर	27.03.18	(1) सत्रवाद सं0-196/18 , अगिऑव (गडहनी)-29/ 18 एवं (2) सत्रवाद सं0-53/16	25.07.2020	पी0एम0सी0 एच0 पटना
43	विचाराधीन बंदी माना यादव उम्र लगभग 50 वर्ष, पे0-स्व0 मनेजर यादव	सा0-मोती टोला, थाना-आरा नगर, जिला-भोजपुर	19.10.20	आरा नगर-444/2 0	01.01.21	सदर अस्पताल आरा।
44	विचाराधीन बंदी ददन यादव उम्र लगभग 55 वर्ष, पे0-कान्जी उर्फ कान्हजी यादव,	सा0-रामकरही, थाना-शाहपुर जिला-भोजपुर	28.06.20	शाहपुर-167/ 20	01.02.21	सदर अस्पताल आरा।

कार्यालय, अधीक्षक मंडल कारा, आरा

बंदी विवरणी

दिनांक 18.03.2021

बंदी क्षमता पुरुष-1162 + महिला-33=1195

बंदी के प्रकार	पुरुष बंदी संख्या	महिला बंदी संख्या	कुल योग
दीवानी बंदी	0	0	0
निरुद्ध बंदी	0	0	0
बिहार मद्य निषेध एवं उत्पाद अधिनियम 2016 में विचाराधीन बंदी	298	10	308
जिस्ट्रीयल बंदी	708	25	733
सेशन विचाराधीन बंदी	338	8	346
विचाराधीन बंदी का योग:-	1344	43	1387
बिहार मद्य निषेध एवं उत्पाद अधिनियम 2016 में सजावार बंदी	12	0	12
साधारण सजा प्राप्त बंदी	0	0	0
सश्रम सजावार बंदी	34	3	37
आजीवन कारावास बंदी	83	0	83
मृत्यु दण्ड सजा प्राप्त बंदी	0	0	0
सजावार बंदी का योग:-	129	3	132
महायोग	1473	46	1519
कक्षा से बाहर ईलाजरत/रिमाण्ड/ शादी/श्राद्धकर्म इत्यादि में गये बंदियों की संख्या	5	0	5
बच्चों की संख्या	1	2	3

पुरुष महिला कुल:-1519

अधीक्षक
मंडल कारा,आरा

Annexure 11: List of custodial death of Gaya Central Jail, Bihar, 2018-2020

2018,2019,2020 के आधार पर केन्द्रीय कारा, गया के मृत

क्र०	मृत बंदी का नाम	मृत्यु की तिथि/मृत्यु केन्द्र
2018		
1	वृक्ष यादव	<u>20-07-18</u> PMCH PATNA
2	महेन्द्र यादव	<u>20-12-18</u> PMCH PATNA
3	मो० मनान	<u>25-12-18</u> ANMMCH GAYA
2019		
4	सुरेश सिंह	<u>10-02-19</u> ANMMCH GAYA
5	राजमनी देवी	<u>02-08-19</u> ANMMCH GAYA
6	बैजनाथ साह	<u>02-11-19</u> ANMMCH GAYA
7	शिवभजन पासवान	<u>09-11-19</u> ANMMCH GAYA
2020		
1	संतोष राम	<u>03-01-2020</u> ANMMCH GAYA
2	शंकर मुर्झयों	<u>28-01-2020</u> ANMMCH GAYA
3	शिवबालक राजवंशी	<u>17-02-2020</u> ANMMCH GAYA
4	मुन्नी देवी	<u>06-09-2020</u> PMCH PATNA
5	दिनेश कुमार	<u>27-10-2020</u> ANMMCH GAYA
6	प्रमोद ठाकुर	<u>06-11-2020</u> ANMMCH GAYA
7	अशवीनी कुमार सिंह उर्फ महेश	<u>31-12-2020</u> ANMMCH GAYA

Annexure 12: List of Human Rights Cell

DETAILS OF NODAL OFFICERS OF HUMAN RIGHTS CELLS IN THE STATE (POLICE/CIVIL)					
S.N.	Name of State	NODAL OFFICERS Civil	Contacts No.	NODAL OFFICERS Police	Contacts No.
1.	Andhra Pradesh		-	Shri E. Damodar, IPS, Inspector General of Police Technical Services, HAC (Co-Ordination & Legal) O/o the Director General of Police, Police Head Quarter, Lakdikapool, Andhra Pradesh, Hyderabad	040-27856725 040-27856705 094407-00844 Edamodar.ips@gmail.com
2.	Arunachal Pradesh	Shri Pavan Kumar. Reddy, Additional Secretary (Home) Govt. of Arunachal Pradesh A.P. Secretariat, P.O. Itanagar-791111 Arunachal Pradesh	8974574779 0360-2212775 0360-2290588(F) Pavan.gadikota@gmail.com	Shri Tusar Taba, IPS, DIGP(HQ),PHQ PO-R. K. Mission Hospital Itanagar. 791113 Arunachal Pradesh	0360-2290012 0360-2290012 (F) 0360-221019 (R) 09436047849 (M) arpolice@rediffmail.com Personal Email ID:- tusartaba@rediffmail.com
3.	Haryana		-	Shri Vinod Kumar, HPS, SP/PHQ (H),O/o DGP, Haryana Sector-6 Panchkula .	0172-2587021 09915017110 vinoddsp@gmail.com
4.	Uttarakhan		-	Shri Sukhbeer Singh Supdt. of Police, Police Human Rights 12 Subhash Road, Police Head Quarter, Uttarakhand, Dehradun.	0135-2717324(O) 0135-2712080(F) 08191818029 (M) bimlagungi@gmail.com

5.	Uttar Pradesh	Shri Denesh Kumar Singh Spl. Secretary Home Department Nodal officer-Human Rights Cell Govt. of Uttar Pradesh O/o Lal Bahadur Shastri (Annexi Bhawan), 2 nd Floor Room No. 218 Lucknow	0522-2236372 0522-2238407 /409 09454405021 shome@nic.in	Shri Harish Kumar Superintendent of Police Human Rights o/o Human Rights Cell Lucknow, Uttar Pradesh	0522-2337555 0522-2337329 09454400325 humanrightshq@up.nic.in
6.	Telangana	1.Shri Adhar Sinha Principal Secretary to Govt. (Political) C-Block, 4 th Floor, Genl. Admn. Department T.S. Secretariat, Hyderabad 2.Shri N. Shankar, Addl. Secretary to Govt. (AIS&L&O) C-Block, 2 nd Floor, Genl. Admn. Department T.S. Secretariat, Hyderabad Student	040-23453026(o) 040-23454055(F) prlsecy_poll_gad@telangana.gov.in 040-23450542(O) 08978500337 adlsecy-gen-gad@telangana.gov.in	Shri Charu Sinha Inspector General of Police (Training & Legal) O/ o the DGP Telangana State, Hyderabad.	040- 23234998(O) 040- 23236003(F) 08500071555(M)) ig_tra@tspolice.gov.in
7.	Madhya Pradesh		-		
8.	Chhattisgarh	Shri Yashwant Kumar Joint Secretary E-1/6 officer colony Devendra Nagar Raipur Chhattisgarh	0771-2510850 073899-02999 Yashwant kumar2007@gmail.com	Shri H.K. Rathore IG, CID Police Headquarter New Raipur	0771-2331360 0771-2211420 05425202494 hk_rathore57@gmail.com
9.	Himachal Pradesh			Shri Gyaneshwar Singh Inspector General of Police CID, Himachal Pradesh, Shimla	0177-2625730 igp-cid-hp@nic.in
10.	Rajasthan	Shri Kailash Chandra. ADM	02973-222255 09414630961	Shri Satyaveer Singh Superintendent of Police	0141-2740314 ahtucidcb@gmail.com

		Office of District Collector & District Magistrate, Jalore, (Rajasthan)- 343001 Shri Sanchita Bishnoi Addl. Dir (A) SJED G3/1 Ambadkar Bhawan Behind Rajmahal Residence Jaipur	adm.jal-rj@nic.in 2220194 2226636 9414152450 Sjed01ada@gmail.com	Human Right PHQ, Rajasthan, Jaipur	l.com
11.	Andaman and Nicobar Islands (Port Blair)	Shri Rizwanullah Deputy Secretary (Law) Legal Section, Secretariat, Administration Andaman and Nicobar Islands Port Blair- 744101	03192-232835 09933289780 legalsect.secretariat@gmail.com	Shri. N.S. Bundela, IPS Inspector General of Police Police Head Quarter, Atlanta Point, port Blair, Andaman and Nicobar islands (Port Blair)-744101	03192-232244 03192-246100(F) 09434287533 lgp.and@inc.in
12.	Manipur	Shri Joseph Pauline Kamson Joint Secretary (Home) Government of Manipur Secretariat Old Block, Imphal	09436035836 hoseph537@gmail.com	Shri T. Guite, IPS, Inspector General of Police (HR), Manipur Police Headquarters, Imphal, P.O. Imphal -795001.	0385-2450404 (O) 0389-2442048 (F) 09414115899 tuuite@rediffmail.com
13.	Tripura	Shri Shantanu Secretary (Home Department) Civil Secretariat, Capital Complex, Secretariat Building, Agartala Tripura (West),799010	-0381-2413333 0381-2415729 (R) 9436453811 Secy-hometr@nic.in	Shri K.V. Sreejesh, IPS Inspector General of Police (L/O) Tripura O/o the Director General of Police Tripura. Fire Brigade Chowmuhani, Agartala. West Tripura.-799001	0381-232-1741 0381-2324970 (F) 09485098900 lgplo-tr@nic.in
14.	Delhi National Capital Territory of Delhi	Shri O.P. Mishra Additional Secretary(Home) Home Department, Govt. of NCT of Delhi, Room No. 509, 5 th Lvel. C-Wing, Delhi Secretariat, I.P. Estate, New Delhi-2	23392325 23392072 (F) 9958534477 Mishra.op@gov.in	Shri David Laininsanga Jt. Commissioner of Poice (Vigilance) Police Station Barakhamba Road Near Metro Bhawan. New elhi-110001	23415473 2347996(F) 8130099017 Jtcp-vigilance-dl@nic.in

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Annexure 13: Tokyo Rules

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)

Adopted by General Assembly resolution 45/110 of 14 December 1990

I. General principles

1. Fundamental aims

- 1.1 The present Standard Minimum Rules provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment.
- 1.2 The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.
- 1.3 The Rules shall be implemented taking into account the political, economic, social and cultural conditions of each country and the aims and objectives of its criminal justice system.
- 1.4 When implementing the Rules, Member States shall endeavour to ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention.
- 1.5 Member States shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalize criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender.

2. The scope of non-custodial measures

- 2.1 The relevant provisions of the present Rules shall be applied to all persons subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice. For the purposes of the Rules, these persons are referred to as "offenders", irrespective of whether they are suspected, accused or sentenced.
- 2.2 The Rules shall be applied without any discrimination on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status.
- 2.3 In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of non-custodial measures available should be determined in such a way so that consistent sentencing remains possible.
- 2.4 The development of new non-custodial measures should be encouraged and closely monitored and their use systematically evaluated.
- 2.5 Consideration shall be given to dealing with offenders in the community avoiding as far as possible resort to formal proceedings or trial by a court, in accordance with legal safeguards and the rule of law.
- 2.6 Non-custodial measures should be used in accordance with the principle of minimum intervention.

2.7 The use of non-custodial measures should be part of the movement towards depenalization and decriminalization instead of interfering with or delaying efforts in that direction.

3 . Legal safeguards

3.1 The introduction, definition and application of non-custodial measures shall be prescribed by law.

3.2 The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, background of the offender, the purposes of sentencing and the rights of victims.

3.3 Discretion by the judicial or other competent independent authority shall be exercised at all stages of the proceedings by ensuring full accountability and only in accordance with the rule of law.

3.4 Non-custodial measures imposing an obligation on the offender, applied before or instead of formal proceedings or trial , shall require the offender's consent.

3.5 Decisions on the imposition of non-custodial measures shall be subject to review by a judicial or other competent independent authority, upon application by the offender.

3.6 The offender shall be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of non-custodial measures.

3.7 Appropriate machinery shall be provided for the recourse and, if possible, redress of any grievance related to non-compliance with internationally recognized human rights.

3.8 Non-custodial measures shall not involve medical or psychological experimentation on, or undue risk of physical or mental injury to, the offender.

3.9 The dignity of the offender subject to non-custodial measures shall be protected at all times.

3.10 In the implementation of non-custodial measures, the offender's rights shall not be restricted further than was authorized by the competent authority that rendered the original decision.

3.11 In the application of non-custodial measures, the offender's right to privacy shall be respected, as shall be the right to privacy of the offender's family.

3.12 The offender's personal records shall be kept strictly confidential and closed to third parties. Access to such records shall be limited to persons directly concerned with the disposition of the offender's case or to other duly authorized persons.

4 . Saving clause

4.1 Nothing in these Rules shall be interpreted as precluding the application of the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment or any other human rights instruments and standards recognized by the international community and relating to the treatment of offenders and the protection of their basic human rights.

II. Pre-trial stage

5. Pre-trial dispositions

5.1 Where appropriate and compatible with the legal system, the police, the prosecution service or other agencies dealing with criminal cases should be empowered to discharge the offender if they consider that it is not necessary to proceed with the case for the protection of society, crime

prevention or the promotion of respect for the law and the rights of victims. For the purpose of deciding upon the appropriateness of discharge or determination of proceedings, a set of established criteria shall be developed within each legal system. For minor cases the prosecutor may impose suitable non-custodial measures, as appropriate.

6. Avoidance of pre-trial detention

6.1 Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.

6.2 Alternatives to pre-trial detention shall be employed at as early a stage as possible. Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 5.1 and shall be administered humanely and with respect for the inherent dignity of human beings.

6.3 The offender shall have the right to appeal to a judicial or other competent independent authority in cases where pre-trial detention is employed.

III. Trial and sentencing stage

7. Social inquiry reports

7.1 If the possibility of social inquiry reports exists, the judicial authority may avail itself of a report prepared by a competent, authorized official or agency. The report should contain social information on the offender that is relevant to the person's pattern of offending and current offences. It should also contain information and recommendations that are relevant to the sentencing procedure. The report shall be factual, objective and unbiased, with any expression of opinion clearly identified.

8. Sentencing dispositions

8.1 The judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate.

8.2 Sentencing authorities may dispose of cases in the following ways:

- (a) Verbal sanctions, such as admonition, reprimand and warning;
- (b) Conditional discharge;
- (c) Status penalties;
- (d) Economic sanctions and monetary penalties, such as fines and day-fines;
- (e) Confiscation or an expropriation order;
- (f) Restitution to the victim or a compensation order;
- (g) Suspended or deferred sentence;
- (h) Probation and judicial supervision;
- (i) A community service order;
- (j) Referral to an attendance centre;
- (k) House arrest;
- (l) Any other mode of non-institutional treatment;

(m) Some combination of the measures listed above.

IV. Post-sentencing stage

9 . Post-sentencing dispositions

9.1 The competent authority shall have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society.

9.2 Post-sentencing dispositions may include:

- (a) Furlough and half-way houses;
- (b) Work or education release;
- (c) Various forms of parole;
- (d) Remission;
- (e) Pardon.

9.3 The decision on post-sentencing dispositions, except in the case of pardon, shall be subject to review by a judicial or other competent independent authority, upon application of the offender.

9.4 Any form of release from an institution to a non-custodial programme shall be considered at the earliest possible stage.

V. Implementation of non-custodial measures

10. Supervision

10.1 The purpose of supervision is to reduce reoffending and to assist the offender's integration into society in a way which minimizes the likelihood of a return to crime.

10.2 If a non-custodial measure entails supervision, the latter shall be carried out by a competent authority under the specific conditions prescribed by law.

10.3 Within the framework of a given non-custodial measure, the most suitable type of supervision and treatment should be determined for each individual case aimed at assisting the offender to work on his or her offending. Supervision and treatment should be periodically reviewed and adjusted as necessary.

10.4 Offenders should, when needed, be provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society.

11 . Duration

11.1 The duration of a non-custodial measure shall not exceed the period established by the competent authority in accordance with the law.

11.2 Provision may be made for early termination of the measure if the offender has responded favourably to it.

12. Conditions

12.1 If the competent authority shall determine the conditions to be observed by the offender, it should take into account both the needs of society and the needs and rights of the offender and the victim.

12.2 The conditions to be observed shall be practical, precise and as few as possible, and be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and of increasing the offender's chances of social integration, taking into account the needs of the victim.

12.3 At the beginning of the application of a non-custodial measure, the offender shall receive an explanation, orally and in writing, of the conditions governing the application of the measure, including the offender's obligations and rights.

12.4 The conditions may be modified by the competent authority under the established statutory provisions, in accordance with the progress made by the offender.

13. Treatment process

13.1 Within the framework of a given non-custodial measure, in appropriate cases, various schemes, such as case-work, group therapy, residential programmes and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.

13.2 Treatment should be conducted by professionals who have suitable training and practical experience.

13.3 When it is decided that treatment is necessary, efforts should be made to understand the offender's background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.

13.4 The competent authority may involve the community and social support systems in the application of non-custodial measures.

13.5 Case-load assignments shall be maintained as far as practicable at a manageable level to ensure the effective implementation of treatment programmes.

13.6 For each offender, a case record shall be established and maintained by the competent authority.

14. Discipline and breach of conditions

14.1 A breach of the conditions to be observed by the offender may result in a modification or revocation of the non-custodial measure.

14.2 The modification or revocation of the non-custodial measure shall be made by the competent authority; this shall be done only after a careful examination of the facts adduced by both the supervising officer and the offender.

14.3 The failure of a non-custodial measure should not automatically lead to the imposition of a custodial measure.

14.4 In the event of a modification or revocation of the non-custodial measure, the competent authority shall attempt to establish a suitable alternative non-custodial measure. A sentence of imprisonment may be imposed only in the absence of other suitable alternatives.

14.5 The power to arrest and detain the offender under supervision in cases where there is a breach of the conditions shall be prescribed by law.

14.6 Upon modification or revocation of the non-custodial measure, the offender shall have the right to appeal to a judicial or other competent independent authority.

VI. Staff

15. Recruitment

15.1 There shall be no discrimination in the recruitment of staff on the grounds of race, colour, sex, age, language, religion, political or other opinion, national or social origin, property, birth or other status. The policy regarding staff recruitment should take into consideration national policies of affirmative action and reflect the diversity of the offenders to be supervised.

15.2 Persons appointed to apply non-custodial measures should be personally suitable and, whenever possible, have appropriate professional training and practical experience. Such qualifications shall be clearly specified.

15.3 To secure and retain qualified professional staff, appropriate service status, adequate salary and benefits commensurate with the nature of the work should be ensured and ample opportunities should be provided for professional growth and career development.

16 . Staff training

16.1 The objective of training shall be to make clear to staff their responsibilities with regard to rehabilitating the offender, ensuring the offender's rights and protecting society. Training should also give staff an understanding of the need to cooperate in and coordinate activities with the agencies concerned.

16.2 Before entering duty, staff shall be given training that includes instruction on the nature of non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures.

16.3 After entering duty, staff shall maintain and improve their knowledge and professional capacity by attending in-service training and refresher courses. Adequate facilities shall be made available for that purpose.

VII. Volunteers and other community resources

17. Public participation

17.1 Public participation should be encouraged as it is a major resource and one of the most important factors in improving ties between offenders undergoing non-custodial measures and the family and community. It should complement the efforts of the criminal justice administration.

17.2 Public participation should be regarded as an opportunity for members of the community to contribute to the protection of their society.

18 . Public understanding and cooperation

18.1 Government agencies, the private sector and the general public should be encouraged to support voluntary organizations that promote noncustodial measures.

18.2 Conferences, seminars, symposia and other activities should be regularly organized to stimulate awareness of the need for public participation in the application of non-custodial measures.

18.3 All forms of the mass media should be utilized to help to create a constructive public attitude, leading to activities conducive to a broader application of non-custodial treatment and the social integration of offenders.

18.4 Every effort should be made to inform the public of the importance of its role in the implementation of non-custodial measures.

19. Volunteers

19.1 Volunteers shall be carefully screened and recruited on the basis of their aptitude for and interest in the work involved. They shall be properly trained for the specific responsibilities to be discharged by

them and shall have access to support and counselling from, and the opportunity to consult with, the competent authority.

19.2 Volunteers should encourage offenders and their families to develop meaningful ties with the community and a broader sphere of contact by providing counselling and other appropriate forms of assistance according to their capacity and the offenders' needs.

19.3 Volunteers shall be insured against accident, injury and public liability when carrying out their duties. They shall be reimbursed for authorized expenditures incurred in the course of their work. Public recognition should be extended to them for the services they render for the well-being of the community.

VIII. Research, planning, policy formulation and evaluation

20. Research and planning

20.1 As an essential aspect of the planning process, efforts should be made to involve both public and private bodies in the organization and promotion of research on the non-custodial treatment of offenders.

20.2 Research on the problems that confront clients, practitioners, the community and policy-makers should be carried out on a regular basis.

20.3 Research and information mechanisms should be built into the criminal justice system for the collection and analysis of data and statistics on the implementation of non-custodial treatment for offenders.

21. Policy formulation and programme development

21.1 Programmes for non-custodial measures should be systematically planned and implemented as an integral part of the criminal justice system within the national development process.

21.2 Regular evaluations should be carried out with a view to implementing non-custodial measures more effectively.

21.3 Periodic reviews should be concluded to assess the objectives, functioning and effectiveness of non-custodial measures.

22. Linkages with relevant agencies and activities

22.1 Suitable mechanisms should be evolved at various levels to facilitate the establishment of linkages between services responsible for non-custodial measures, other branches of the criminal justice system, social development and welfare agencies, both governmental and non-governmental, in such fields as health, housing, education and labour, and the mass media.

23. International cooperation

23.1 Efforts shall be made to promote scientific cooperation between countries in the field of non-institutional treatment. Research, training, technical assistance and the exchange of information among Member States on non-custodial measures should be strengthened, through the United Nations Institutes for the prevention of crime and the treatment of offenders, in close collaboration with the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the United Nations Secretariat.

23.2 Comparative studies and the harmonization of legislative provisions should be furthered to expand the range of non-institutional options and facilitate their application across national frontiers, in accordance with the Model Treaty on the Transfer of Supervision of Offenders Conditionally Sentenced or Conditionally Released.

Annexure 14-

STATE/UT-WISE INCIDENCE OF DEATHS OF INMATES IN PRISONS DURING 2008-2018

STATE/UT-WISE INCIDENCE OF DEATHS OF INMATES IN PRISONS DURING 2008-2018									
YEAR	STATE	UNNATURAL DEATHS							
		NATURAL DEATH	SUICIDE	EXECUTION	MURDER BY INMATE	DEATHS DUE TO ASSAULT BY OUTSIDE ELEMENTS	DEATHS DUE TO FIRING	DEATHS DUE TO NEGLIGENCE / EXCESS BY JAIL PERSONNEL	OTHERS
2008	Bihar	3	0	0	0	0	0	0	0
	Jharkhand	1	1	0	0	0	0	0	0
	West Bengal	7	1	0	0	0	0	0	0
	All India	1449	48	0	8	0	3	0	10
2009	Bihar	116	1	0	1	0	0	0	0
	Jharkhand	64	1	0	2	0	0	0	0
	West Bengal	67	2	0	0	0	0	0	0
	All India	1321	75	0	9	1	3	3	18
2010	Bihar	93	1	0	0	0	0	0	0
	Jharkhand	51	2	0	0	0	0	0	0
	West Bengal	64	4	0	0	0	0	0	0
	All India	1344	68	0	12	0	0	0	12
2011	Bihar	78	1	0	1	1	0	0	3
	Jharkhand	41	3	0	0	0	0	0	0
	West Bengal	69	4	0	0	0	0	0	0
	All India	1244	68	0	8	2	2	0	8
2012	Bihar	93	3	0	0	6	0	0	4
	Jharkhand	41	1	0	1	0	0	0	0

	West Bengal	81	7	0	0	0	0	0	0
	All India	1345	87	1	4	10	2	0	22
2013	Bihar	83	2	0	1	0	0	0	0
	Jharkhand	48	2	0	0	0	0	0	1
	West Bengal	85	5	0		0	0	0	0
	All India	1482	70	1	8	12	1	0	23
2014	Bihar	96	2	0	2	0	0	0	2
	Jharkhand	57	2	0	0	0	0	0	1
	West Bengal	82	9	0	0	0	0	0	12
	All India	1507	94	0	12	4	2	1	82
2015	Bihar	83	1	0	0	0	0	0	0
	Jharkhand	37	1	0	0	1	0	0	3
	West Bengal	86	10	0	0	0	0	0	2
	All India	1469	77	1	11	7	0	0	19
2016	Bihar	70	3	0	1	0	0	0	0
	Jharkhand	61	0	0	0	0	0	0	0
	West Bengal	79	6	0	0	0	0	0	0
	All India	1424	102	0	14	1	0	0	103
2017	Bihar	106	6	0	0	2	0	0	1
	Jharkhand	45	2	0	0	0	0	0	0
	West Bengal	108	11	0	0	0	0	0	1
	All India	1494	109	0	5	5	1	1	12
2018	Bihar	116	2	0	0	1	0	0	1
	Jharkhand	56	1	0	0	0	0	0	0
	West Bengal	108	11	0	0	0	0	0	1
	All India	1639	129	0	10	1	0	0	9
Source: Prison Statistics of India Report 2008-2018									

**Annexure 15-
Complaints/Cases Registered Against Police Personal During 2008-18**

Complaints/Cases Registered Against Police Personal During 2008-18									
Year	State/UT	No. of Complaints Received/Alleged During The Year	Complaints Received/ Cases Registered						
			No. of Inquiry Instituted			Complaints/ Cases Declared False/ Unsustantiated	No. of Cases registered During The year	No of Cases	
			Departmental	Magisterial	Judicial			Report for Regular Deptt. Action	Sent Up for Trial / Charge-Sheeted
2008	Bihar	36	73	0	33	2	27	1	5
	Jharkhand	23	0	0	0	0	1	0	0
	West Bengal	46	31	0	9	6	37	29	11
	All India	48939	17215	99	204	29577	5445	4596	1132
2009	Bihar	40	79	0	32	0	38	6	2
	Jharkhand	1065	840	0	217	65	1060	0	519
	West Bengal	270	260	0	4	0	6	27	4
	All India	48689	23874	611	466	27744	14889	9670	1605
2010	Bihar	35	2	0	32	1	37	2	2
	Jharkhand	2043	24	0	6	5	8	0	6
	West Bengal	33	32	0	5	0	5	27	5
	All India	51439	21269	326	244	30750	10384	9625	823
2011	Bihar	22	4	0	19	0	22	0	1
	Jharkhand	3	1	1	0	1	2	12	1
	West Bengal	158	35	0	4	0	20	11	4
	All India	48321	20610	282	234	28093	11155	10020	907
2012	Bihar	41	3	0	38	1	31	0	0
	Jharkhand	2	130	0	132	0	2	2	1
	West Bengal	164	155	0	9	0	16	35	8

	All India	51120	14928	247	655	26640	1989	3896	799
2012	Bihar	41	3	0	38	1	31	0	0
	Jharkhand	2	130	0	132	0	2	2	1
	West Bengal	164	155	0	9	0	16	35	8
	All India	51120	14928	247	655	26640	1989	3896	799
2014	Bihar	279	268	0	2	12	8		3
	Jharkhand	2	2	0	0	0	2		2
	West Bengal	96	82	5	2	2	25		12
	All India	47774	11711	67	351	19887	2601		1268
2015	Bihar	97	92	0	0	4	4	0	4
	Jharkhand	40	32	0	0	0	6		1
	West Bengal	61	27	3	7	9	24		12
	All India	54916	16308	94	319	20055	5526		4130