

## CUSTODIAL DEATH CASES SINCE 2010

- Yadav, a native of district Palamu in Jharkhand, was alleged to be a ‘sub-zonal commander’ of banned CPI (Maoist) and was arrested on June 6 in 2012. He was brought to Barun for interrogation. A day after he was arrested and taken into police custody, he died of injuries caused resulting from torture at the hands of the police.

The NHRC was approached by the family of the deceased and in the process of their investigation the Commission found many loopholes in the police’s theory regarding Yadav’s death. Reports also revealed that there were contradictions and discrepancies in the police statements about the place of Yadav’s arrest, lack of medical examination after his arrest, the reason behind injuries on his body and his stomach being without food and water, etc.

As a result of this, the Bihar Government was made to pay **Rs. 3 lakhs** in compensation to the family of the deceased for the custodial death of the victim, following the recommendations of the NHRC.

- In 2010, the NHRC awarded **Rs. 5 lakh** to the family of a 17 year old, who had died due to torture in police custody in a Police outpost in East Khasi Hills, Shillong.

The Asian Centre for Human Rights originally brought this case to the NHRC in May 2009, after the deceased was picked up by the police at around 7 pm on May 9 9 while returning home after work on the charge of possessing a machete in his tiffin box. The police beat him up on the road in full view and then took him to the Police Outpost where the police personnel including the Officer-in-charge, subjected him to torture. The boy was declared brought dead to the Doctors in the Civil Hospital in Shillong.

- The National Human Rights Commission has directed the Gujarat government to pay **Rs 5 lakh** as compensation to the family of an Adivasi man who allegedly died while in police custody in Dahod in 2013.

In December 2013, 44-year-old Sadiyabhai Katara of Dahod district’s Bambela village had been summoned along with a few others in connection with a land dispute. The police had released the others but kept Katara in custody, following which he was found dead on the roof of the terrace.

Gujarat Home Department, after being issued a show cause notice by the National Human Rights Commission, had argued that Katara's family could not be compensated as he had died because of breathing problems, the commission, however, rejected the government's argument, after it was conclusively reported that he died due to injuries caused by being beaten.

- In 2011, Uttar Pradesh government paid **Rs 3 lakh** as interim relief to the family of a 24-year-old man after the NHRC held the police guilty of not providing him adequate medical help leading to his death.

The National Human Rights Commission recommended the state government pay the compensation after considering the case of Sanjeev, who died in May 2005 in a hospital after he was arrested in an attempt to murder case. The state government informed the Commission that it had already paid Rs 60,000 each to the five kin of the deceased.

According to the report given to the NHRC by the state administration, Sanjeev was arrested on May 23, 2005 in a case and produced before a court the next day which sent him to judicial custody, where he got into a fight with another inmate.

The local police which arrested Sanjeev did not provide "timely and adequate" medical help and took him to police station despite government doctors recommending for performing an X-Ray. The court had also directed the police to provide medical help but it did not heed to it.

- The NHRC on 30<sup>th</sup> June 2017 directed the Madhya Pradesh government to pay **Rs 5 lakhs** in compensation to the family of Ajay Mishra, a victim of custodial torture by the police after a complaint was lodged by the NGO Asian Centre for Human Rights. An enquiry by a Judicial Magistrate also confirmed that the late Ajay Mishra had been beaten on the 3rd and 6th March 2012 in police custody. He was shown arrested by the police on the 7th March, produced before the Magistrate on the 8th March, and taken on police remand till the 12th March. Witnesses confirmed to the magisterial enquiry that he had again been beaten during the period of remand. The Magistrate also established that when the late Ajay Mishra was medically examined after his formal arrest on the 7th March 2012, the doctor found three injuries on him, whereas the post-mortem established 12 injuries.

- In 2013, the NHRC directed the Delhi government to award Rs 7 lakh in compensation to the next of kin of 3 deceased prisoners, as a result of their custodial deaths. Accusing the state of failing to perform its duty as per law, the commission said Delhi government is liable to compensate the next of kin or family members of the deceased prisoners.

While asking the government to pay **Rs 3 lakh each** to the next of kin of Raju and Rakesh, it ordered the state to pay **Rs 1 lakh** to the family members of Vishabh Chaudhary.

Raju died following an assault conducted by fellow inmates, Rakesh succumbed to injuries allegedly caused by beatings by the prison authorities whereas Chaudhary took his own life. In all three cases the state was held liable for not taking due care and hence the compensation was granted.