

UA 304/94 Fear of further killings in custody in Rajasthan 17 August 1994

INDIA Shankarlal Soni
 Chhitarlal
 Ramuda
 Mahesh Jain, aged 25
 Rajendra Singh
 Mahiman Kaushik

At least six people have died recently in police detention in the northern Indian state of Rajasthan, including three in July 1994. This rate of deaths in custody is unprecedented, even in a country where such killings have been frequent, and Amnesty International is deeply concerned for the safety of others held by police in Rajasthan. The organization fears that if the government fails to take urgent and immediate steps to guarantee the lives and safety of such detainees, more will die.

The most recent of the six reported deaths was that of Shankarlal Soni who died, reportedly as a result of torture, in Roopnagar police station on 28 July. It was reported that he had been severely beaten and local people protested to the district administration about his death.

The other five deaths occurred as follows:

- 14 April - police from Kota police station arrested a man named Chhitarlal. He died in their custody on 17 April. After public protests about his death, seven police officers were transferred. Police have implied that Chhitarlal died from beatings by villagers before he was detained. The press have dismissed this police version as "cooked up".
- April - Ramuda, a beggar, was picked up by police from Mahamandir police station in Jodhpur. He was taken to Mahatma Gandhi hospital where he was declared dead on arrival. Police claim he was drunk and physically weak and had attacked a constable with a knife, but press reports again question this version of events.
- 20 May - Mahesh Jain was arrested by police from Kota police station on 20 May on suspicion of theft. Police reportedly demanded a bribe from his relatives for his release. He was taken to Agra to be interrogated, and his brother was also arrested. Police claim that they took Mahesh Jain to hospital after he fell ill while in their custody. Mahesh Jain died in a Bharatpur hospital. His body was not returned to his relatives. His brother was released. The press have reported that Mahesh Jain's death was the result of police brutality.
- July - Rajendra Singh from Haryana state died in custody of police in Churu district, Rajasthan. At first, the police claimed that he had committed suicide but when his father investigated the claim they stated that he had been murdered by another detainee. The accused detainee has denied the charge and Rajendra Singh's wife has claimed that the police killed Rajendra Singh.
- July - Mahiman Kaushik was taken unconscious to hospital, but died on the way there, reportedly as a result of police torture in Atalbandh police station of Bharatpur. His relatives have filed a case of murder.

Current legal safeguards fall far short of offering adequate protection to

detainees and safeguards that do exist are often disregarded, especially when detainees are poor and underprivileged. Custodial violence has repeatedly been condemned at the highest levels of the Indian government, but this official condemnation alone is not enough, as shown by these most recent deaths. Each death must be fully investigated and any police personnel found responsible must be brought to justice. Legal safeguards must be strengthened in order to protect detainees from torture, including measures to ensure that all detainees are brought before a magistrate within 24 hours, and be allowed immediate access to a lawyer and to an independent medical examination. In May 1994, the government introduced into parliament proposals to strengthen legal safeguards to protect police detainees from torture. Amnesty International urges that these safeguards are now implemented as a matter of urgency.

BACKGROUND INFORMATION

Over 500 people have died in custody of police and security forces throughout India between 1985 and 1994 allegedly as a result of torture. Amnesty International has been appealing to the Indian authorities to take effective steps to halt these violations since March 1992 when it published *India: Torture, rape and deaths in custody* and called on the government to implement a 10-point program for the prevention of torture. The 10-point program has, to date, not been implemented.

RECOMMENDED ACTION: Please send telegrams, faxes and airmail letters:

- expressing deep concern that despite repeated condemnation of custodial violence by senior government officials, six people have died in police custody over the past four months, allegedly as a result of torture by the police in Rajasthan;
- urging the authorities to promptly institute an impartial and independent inquiry into all six deaths and to ensure that if police personnel are found to be responsible for causing the deaths they be brought to justice, and that the families of the victims be granted prompt and adequate compensation;
- urging the authorities to implement proposals introduced into parliament in May 1994 to strengthen legal safeguards for those in custody and to implement the recommendations made in Amnesty International's 10-point program for the prevention of torture, including measures to ensure that all detainees are brought before a magistrate within 24 hours, and are allowed immediate access to a lawyer and to a medical examination by an independent doctor.

APPEALS TO

Mr Bhairon Singh Shekhawat
Chief Minister of Rajasthan
Office of Chief Minister
Jaipur, Rajasthan, India

Telegrams: Chief Minister, Jaipur, Rajasthan

Salutation: Dear Chief Minister

Mr P.V. Narasimha Rao
Office of the Prime Minister
South Block Gate No.6
New Delhi 110 001, India

Telegrams: Prime Minister, Narasimha Rao, New Delhi, India

Faxes: +91 11 301 9817

Salutation: Dear Prime Minister

COPIES OF YOUR APPEALS TO:

Mr S.B. Chavan
Minister of Home Affairs
Ministry of Home Affairs
New Delhi 110 001, India

Mr Rajendra Shekhar
Director General of Police
Police Headquarters
Jaipur, Rajasthan, India

and to diplomatic representatives of India accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 28 September 1994.