

"The deliberate, systemic or wanton infliction of physical or mental suffering by one or more persons, acting alone or on the orders of any authority, to force another person to yield information, to make confession or any other reason"

- Sec 119, 120 BNS deals with torture in voluntary cause hurt/ grievous hurt to extract confession or property.

Methods of Torture1) physical

- a) Beating: common form. fist, foot, lathi, metal or wooden base etc. are used
- b) Falanga: Beating at sole of foot by cane or thin rod
- c) Tefono: clapping on the side of head over the ear
- d) plucking the nails.
- e) rolling lathi or heavy log over the lower limbs by placing victim on prone or supine position
- f) Beating on top of head with lathi
- g) twisting the fingers by placing a pencil or hard objects in between
- h) choke hold pressing front of neck with forearm
- i) make victim to stand with abnormal posture - elephant, labender
- j) forced immersion of head in water
- k) putting plastic bag on head.
- l) sawhorse: made to straddle the wooden stick or triangular wooden box pointing upwards
- m) strappado: victim hand tied & suspended in air by means of rope & made to fall from height
- n) parrot's perch: bar on which victim is suspended from the back of his knees
- o) chepuwo: thighs or legs clamped tightly with bamboo?

- 1) inflicting cigarette burns
- 2) cattle prod : electrical torture
- 3) insult to stand on ice blocks.
- 4) black slave : inserting heated metal rod into anus
- 5) starvation

## II Mental

solitary confinement, giving false information regarding tragedy of his wife or children, putting victim in dark room for days, sleep deprivation

## III Animal torture

dog or cat are used to harass or bite the victim.

## IV Sexual torture

- by rape or introducing object in private part
- undressing in front of others

## components of prevention of torture

### a) legal framework.

satisfaction of international human rights, legal safeguards.

### b) implementation of legal framework, procedural safeguards, fight against

impunity. control & monitor mechanism : visit to places of detention.

## custodial death

death which occurs in custody includes death in prison, police station while questioning and before presenting in front of magistrate it may be due to

- application of method of torture on the victim
- application of method of restraint
- alcohol or drug overdose the victim has already taken.
- victim may commit suicide while in custody.
- Natural disease the victim suffers from.

other methods usually applied by police

- forcible bending victim forward & striking at the back of trunk
- sudden poking on anterior abdominal wall
- sudden catching on front of neck with palm

### investigations of death in custody

inquest is conducted by executive magistrate. investigation should also considerations of restrain methods and their complications

### Autopsy in custody death

- in india NHRC has directed that postmortem must be done by the team with team of doctors with video recording
- report should be written in format by NHRC
- postmortem report should sent to NHRC
- meticulous autopsy may reveal cause of death however in many SIRD's no specific or diagnostic findings are seen in such cases diagnosis depends on extensive evaluation of circumstances, scene evaluation, reconstruction of event, understanding of pathophysiology
- common findings
  - extensive contusion on buttocks, lower limb, to amplic contusions are seen due to lathi bat. contusion on back of trunk, contusion of top of head, contusion on plantar aspect of both feet
  - soft tissues on the back of trunk to be exposed by putting an elongated X shaped incision from iliac crest incision is extended round the buttocks upto midpoint of gluteal fold, then through middle of each thigh to leg & heel
  - incision should be made on sole of feet to see contusion because beating on sole of feet is common torture method

### NHRC guidelines

death should informed to judicial magistrate for enquiry within 24 hours

- family of deceased informed simultaneously
- commission should be informed by SP & magistrate within 24 hours
- inquest conducted by judicial magistrate & should be videographed
- body must be covered & handled in a dignified manner.
- videofilming & photography of autopsy should be done by person trained in forensic photography & videography
- autopsy should be conducted by team of doctors & their video recording should noted
- in case of firearm death radiological examination done
- autopsy report should be written in prescribed form by NHRC
- after postmortem examination, viscera should send for chemical analysis
- postmortem report, video examination, magisterial inquest report sent to commission within 2 months
- SEC 196 BNSS NHRC clearly mention that all cases of death in custody should be examined by judicial magistrate

### examination of survivors of torture

- should always examined according to Istanbul protocol, doctors who examined the torture victims should be aware of type of scars & deformity related to specific type of torture
- proper history should be taken -
- there may be scars, lacerations, multiple fractures at different stages of torturing
- there may be lacerations or aseptic necrosis of soft tissues of feet & hand
- there may be fracture of bones of feet & tympanic membrane rupture
- lacerations on abdomen, arm, neck

- anal or scrotal hematoma may present
- perianal or scrotal burns due to cattle prods. the infamous water boarding will not leave any physical evidence
- photographs of injuries & scars, X-ray examination, appropriate lab & serological examination are essential.
- vast majority of victims are suffering from PTSD.

### Management

For victims support to rebuild their lives they need combination of medical, psychological, legal & social support. Traumatic stress can be treated with antidepressants till recovery.