

**Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

Ref.: AL IND 1/2026

(Please use this reference in your reply)

3 February 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 52/7 and 53/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged disproportionate use of force by your police forces leading to serious injuries and deaths, as well as other serious allegations of torture and/or other cruel, inhuman or degrading treatment or punishment of persons arrested and taken into custody.

At the outset, and as further referenced below, we refer you to past communications sent to your Excellency's Government: [UA IND 27/2018](#), concerning the extrajudicial killings of 15 Muslim individuals in Uttar Pradesh between 2017 and 2018, along with [UA IND 2/2018](#) and [UA IND 3/2018](#), concerning custodial violence and mistreatment amounting to torture and/or other cruel, inhuman or degrading treatment or punishment of two individuals. To date, we note with regret that your Excellency's Government has not responded to any of these communications.

We regret further that the circumstances giving cause for concern in 2017 and 2018 have not only continued, but worsened, and further, we now consider them to be part of a pervasive pattern of violations with catastrophic consequences (deaths and permanent disabilities) driven by condoned lawlessness on part of the authorities, with roots in discrimination against minority and marginalized groups, as described in the present communication.

According to the information received:

*“Encounters” and “half-encounters”*

There is a well-documented and escalating pattern of extrajudicial killings and serious injuries by the police, justified as so-called “encounters” and “half-encounters”, i.e. alleged shoot-outs between police and civilians presented as acts of self-defence or crime control. “Encounters” result in the death of the targeted civilian, whereas “half-encounters” involve shooting civilians in the legs or kneecaps, often causing permanent disability.

Credible evidence, including the falsification of official records and postmortem documentation, suggests that many of these “encounters” and “half-encounters” are in fact staged by the police.

Police “encounters” appear to be an entrenched practice. According to reports, such killings totalled nearly 3,000 between 1998 and 2018. Incidents have since continued at an alarming rate, with at least 105 reported deaths by “encounters” between 2023 and 2024 alone.<sup>1</sup>

The situation in the state of Uttar Pradesh is of particular concern following the implementation of “Operation Langda” (literally, “Operation Lame”), an unofficial policy that reportedly prioritises a strict crackdown on crime and encourages the use of “encounters” and “half-encounters” to restore “law and order”. Credible reports indicate that between 2017 and 2021, 8,472 “encounters” and “half-encounters” occurred in Uttar Pradesh, with the police forces killing 146 individuals and injuring over 3,000, and that a further 66 individuals were killed between 2021 and 2023.

Similar concerns arise in the state of Assam, where “encounters” are also prevalent. The number of such “encounter” incidents between the election of 2021 and February 2025 reportedly rose to 171, a situation the Supreme Court of India has itself characterised as serious.<sup>2</sup>

Of particular concern is the fact that a disproportionate number of individuals reportedly targeted in “encounters” belong to marginalized groups, including impoverished communities and religious minorities, particularly Muslims.

### *Custodial Torture and Violence*

There are widespread and consistent reports of violence, torture, and other cruel, inhuman or degrading treatment once individuals are placed in police or judicial custody.

Between 2023 and 2024, the National Human Rights Commission of India (NHRC) registered over 2,300 reports of death or rape in judicial or police custody.<sup>3</sup> In 2024, this number reportedly rose to over 2,700, indicating an alarming deterioration of custodial conditions.

Inmates are frequently held in inhuman conditions exacerbated by chronic overcrowding and inadequate food and clothing, and are subjected to cruel and abusive methods of interrogation. Reported practices include beatings, electric shocks, rape and other forms of sexual torture, and psychological humiliation. A lack of medical care following this abuse is also reported to lead to serious, long-lasting health complications.

Torture is reported to be commonplace not only in official detention centres, but also in unofficial places of detention including government offices, abandoned buildings, and hotel rooms. It is allegedly used to extract information both

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<sup>1</sup> National Human Rights Commission of India, Annual Report, 2023-2024, pp. 121-122: [Annual Report 2023-24\\_FINAL.cdr](#).

<sup>2</sup> *Arif Md Yeasin Jwadder v State of Assam* (2025) INSC 785, paras. 22-23.

<sup>3</sup> National Human Rights Commission of India, Annual Report, 2023-2024, p. 66: [Annual Report 2023-24\\_FINAL.cdr](#).

before and after formal arrests, to intimidate and punish perceived offenders, as well as to punish and intimidate socially marginalised communities.

Custodial violence appears to disproportionately affect marginalised populations, with higher incidences of torture reported by scheduled castes and tribes, notably Dalits and Adivasis, as well as women, members of the LGBTQ community, migrant workers, and homeless individuals. Religious minorities, especially Muslims, appear to suffer some of the highest incidences of custodial torture. During such custodial torture, victims have reportedly been subject to slurs, verbal abuse, and targeted humiliation, including forcing Muslims to recite Hindu chants.

*Institutional and systemic factors contributing to unchecked violence, discrimination, torture, and extrajudicial killings*

There are a number of institutional and systemic elements that appear to enable this violence and discrimination to persist with little or no accountability, rendering effective remedies for victims and their families extremely difficult to obtain.

*Non-ratification of Convention against torture and other cruel, inhuman or degrading treatment or punishment*

India has not ratified the United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishment (CAT), since signing the treaty in October 1997 and despite efforts to produce multiple draft anti-torture laws presented at different times by parliamentarians to bring Indian law into compliance with CAT.

India is however a party to the International Covenant on Civil and Political Rights (ICCPR), acceded to in 10 April 1979, and has treaty obligations to, inter alia, protect the right to life (article 6), prohibit torture and other cruel, inhuman or degrading treatment or punishment (article 7), prevent arbitrary arrest or detention and ensure appropriate safeguards (article 9), implement humane and dignified conditions of detention (article 10), safeguard due process guarantees in criminal proceedings and during interviewing and custody, adhere to the prohibition on discrimination (articles 2(1), 3, 14(1) and 26), observe fair trial rights (article 14), and establish avenues to effective remedies for those whose rights are violated (article 2(3)). Notably, article 2(2) of the ICCPR requires states to adopt laws or other measures as may be necessary to give effect to the rights recognized in the ICCPR.

*Insufficient domestic legal safeguards*

Although article 21 of the Constitution of India (enshrining the right to live with dignity) has been interpreted by the Supreme Court as linked to the prohibition on torture,<sup>4</sup> torture is not explicitly prohibited in the Constitution, or in any of

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<sup>4</sup> [D.K. Basu v. State of West Bengal](#), Supreme Court of India, Written Petitions No. 539 of 1996 and No. 592 of 1997 under Article 21 (18 December 1996), para. 17. Article 20 (right against self-incrimination) and article 22 (protection against arbitrary arrest) of the Constitution also broadly aim to prevent torture.

India's penal laws.

In addition, recent legislation introduced by your Excellency's Government has reinforced existing gaps or weakened safeguards against the practice of torture and other ill-treatment by public authorities. The 2019 amendment to the Unlawful Activities Prevention Act (UAPA), as well as new criminal codes introduced in 2023 – namely the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhinyam (BSA) – have reportedly expanded police powers, notably by introducing solitary confinement as a lawful punishment and allowing for extended periods of police custody, including during pre-trial detention.

*Inefficiency of existing safeguards and lack of independent investigations*

As regards those safeguards that do exist to prevent torture, ill-treatment and extrajudicial killings, systemic failures in judicial oversight and enforcement reportedly render them largely ineffective. For instance, the Supreme Court of India issued guidelines mandating the installation of security cameras in police stations.<sup>5</sup> Compliance, however, continues to remain low, with thousands of stations reportedly lacking cameras, while other stations have installed non-compliant devices or failed to ensure the requisite standard of coverage. Other guidelines mandated by the Supreme Court of India, including those governing the investigation of “encounters”,<sup>6</sup> are also reported to be regularly disregarded.<sup>7</sup>

Judicial responses to these issues are gravely lacking. At the highest level, the Supreme Court of India has not yet issued a final judgment regarding the 183 “encounters” recorded in Uttar Pradesh between 2017 and 2023, nor has it appointed a special investigator. At the local level, magistrates are reported to have consistently ignored or dismissed police officers' violations of legally mandated procedures and safeguards relating to arrest and detention, in some instances granting further custodial remand, thereby increasing the risk of torture.

Misconduct by both magistrates and prosecutors is reported to be widespread, as is police malpractice in case registration and the preservation of evidence. There are also reports of intentional destruction of evidence. Inquiries are rarely, if ever, conducted by bodies that are institutionally independent and even where the Supreme Court of India has requested investigations, officials have allegedly proceeded with unreasonable delay.

While we recognize and appreciate the work of the NHRC, the information received suggests that it has struggled both in terms of its independence and responsiveness to victims' needs. It reportedly has not addressed the full scale of the ongoing violations and, in many cases, officials implicated in alleged

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<sup>5</sup> [Shri Dilip K. Basu v State of West Bengal & Ors](#) (2015) 8 SCC 744, paras. 26-27 and 31, item 6; [Shafiqi Mohammed v The State of Himachal Pradesh](#) (2018) 1 SCC 473, para. 13; [Paramvir Singh Saini v Baljit Singh](#) (2020) 7 SCC 397.

<sup>6</sup> [People's Union for Civil Liberties \(PUCL\) v State of Maharashtra](#) (2014) 10 SCC 635, para. 31.

<sup>7</sup> See High Court of Judicature at Allahabad, [Raju Alias Rajkumar v State of Uttar Pradesh](#) (28 January 2026), paras. 6-14, expressing concern over police non-compliance with the Supreme Court's guidelines for encounters.

abuses participate in the investigative process, thereby undermining the NHRC's impartiality.

### *Government endorsement of violence*

Strong and public government endorsement of violence across India by persons in positions of authority, particularly in states such as Uttar Pradesh and Assam, appear to have contributed to the alarming normalization of torture and extrajudicial killings and to a corresponding reluctance by judicial and investigative authorities to act.

In Assam, Chief Minister Sarma has been reported to publicly encourage officers to shoot suspects in the legs when they attempt to flee custody.<sup>8</sup> In Uttar Pradesh, Chief Minister Adityanath has repeatedly and emphatically encouraged police encounters as part of a 'law and order' agenda, making public statements such as "if you commit crimes, you will be knocked down,"<sup>9</sup> "those who want to disturb peace of the society and believe in the gun, should be given the answer in the language of the gun itself,"<sup>10</sup> that criminals "will be shot down,"<sup>11</sup> and that "encounters" would not cease.<sup>12</sup>

Chief Ministers Sarma and Adityanath, together with other high-ranking individuals in your Excellency's Government, including Prime Minister Modi, have also reportedly made public statements encouraging and inciting hostility and violence against Muslims in particular.<sup>13</sup> This rhetoric contributes to the disproportionately high levels of torture and fatal encounters reported among members of this community.

These statements appear to have been interpreted by police forces as endorsement for their actions. The Chief of Police in Uttar Pradesh has reportedly stated that "encounters are part of crime prevention. The fact is that this is a not a state policy, but a police strategy. We do not call it encounter but police engagement."<sup>14</sup> Surveys suggest that one in five police officers believe

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<sup>8</sup> "Shoot criminals in leg if they try to escape from custody": Assam CM to police", 6 July 2021 (Hindustan Times): <https://www.hindustantimes.com/india-news/shoot-criminals-in-leg-if-they-try-to-escape-from-custody-assam-cm-to-police-101625511251430.html>.

<sup>9</sup> "Crime and Punishment: Has the Adityanath government actually improved law and order in UP?", 14 September 2021 (Scroll.in): <https://scroll.in/article/1005256/crime-and-punishment-has-the-adityanath-government-actually-improved-law-and-order-in-up>.

<sup>10</sup> *UA IND 27/2018*, p. 4; "Those Who Believe In Guns, Should Be Answered With Guns", 8 February 2018 (NDTV): <https://www.ndtv.com/india-news/those-who-believe-in-guns-should-be-answered-with-guns-yogi-adityanath-1810437>.

<sup>11</sup> "Former MP and his brother shot dead on live TV in India", 16 April 2023 (The Guardian): <https://www.theguardian.com/world/2023/apr/16/atiq-ahmed-former-mp-brother-shot-dead-live-tv-india>.

<sup>12</sup> "Police encounters won't stop, says Yogi Adityanath", 17 February 2018 (The Hindu): <https://www.thehindu.com/news/national/other-states/police-encounters-wont-stop-says-yogi-adityanath/article22769560.ece>.

<sup>13</sup> See Chief Minister Adityanath's remarks as reported in "'Can 50 Hindus be safe among 100 Muslim families?': Yogi Adityanath's stance on religious tolerance", 26 March 2025 (The Economic Times): <https://economictimes.indiatimes.com/news/politics-and-nation/can-50-hindus-be-safe-among-100-muslim-families-yogi-adityanaths-stance-on-religious-tolerance/articleshow/119523484.cms>; Prime Minister Modi's remarks in his speeches in Mahabubnagar (10 May 2024) and Koderma Jharkhand (14 May 2024) ("These Jihadist-minded infiltrators [Muslims] have threatened the security of our sisters and daughters"; "vote jihad"). Unofficial translation.

<sup>14</sup> *UA IND 27/2018*, pp. 4, 5. "Encounters part of strategic operations, says U.P. DGP", 12 September 2018 (The Hindu): <https://www.thehindu.com/news/national/other-states/encounters-part-of-strategic-operations-says-up>.

that killing suspects they regard as dangerous criminals is a better outcome than legal prosecution. In addition, “encounters” are celebrated on official police social media accounts, and officers involved in such operations may receive public recognition, monetary rewards, and, if highly successful, be titled “encounter specialists”.<sup>15</sup>

### *Impunity of public officials*

Taken together, the above-mentioned factors appear to have fostered a pervasive climate of impunity for public officials responsible for violence, torture and extrajudicial killings. Arbitrary arrests under the pretext of national security, counter-terrorism, or “cow protection” laws are reported to be frequent, while prosecution of officials, including those implicated in fatal “encounters”, remains exceptionally rare. With respect to custodial torture and ill-treatment, 328 deaths in custody were reported between 2014 and 2022, yet there was a 0 per cent conviction rate and approximately 89 per cent of prosecutions were dismissed.<sup>16</sup>

This impunity is further entrenched by legal requirements that prior governmental permission be obtained before prosecuting a public official, permission that is reportedly rarely granted.

A broader climate of fear and reprisal among victims, their families, and their communities also obstructs accountability. Many victims do not feel safe reporting violations: there is a marked lack of institutional safeguards, including effective witness or victim protection laws. Victims who do come forward often face difficulty in accessing legal aid or obtaining any form of resolution. Attempts to seek justice and accountability are frequently met with intimidation and threats against victims, their families, witnesses, and lawyers, including through their implication in fabricated criminal cases.<sup>17</sup> Medical professionals are also at risk, with reports that doctors and other health personnel are pressured to falsify medical reports for staged “encounters” or face limited career prospects.

Without prejudging the accuracy of the information received, we write with heightened alarm regarding the above-mentioned allegations that signal a longstanding and now pervasive pattern of violations of the most grave nature, including extrajudicial

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[dgp/article24929879.ece](https://www.dgp.gov.in/article24929879.ece). Unofficial translation.

<sup>15</sup> “Mumbai ‘encounter specialist’ Daya Nayak promoted to ACP”, 30 July 2025 (The Hindu): <https://www.thehindu.com/news/cities/mumbai/mumbai-encounter-specialist-cop-daya-nayak-promoted-to-acp-rank/article69872062.ece>. Unofficial translation.

<sup>16</sup> National Crime Records Bureau (NCRB), statistics reported in the “[Crime in India](#)” tables for the years 2014 to 2022: [https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-13.3\\_2014.pdf](https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-13.3_2014.pdf); [https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-13.3\\_2015.pdf](https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-13.3_2015.pdf); <https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.1-vc3.pdf>; [https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.3\\_1-2017.pdf](https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.3_1-2017.pdf); [https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.3\\_0-2018.pdf](https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.3_0-2018.pdf); [https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.3\\_2-2019.pdf](https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.3_2-2019.pdf); <https://www.ncrb.gov.in/uploads/2022/July/11/custom/crime-in-india/table-16A.3.pdf>; <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/post/1679666851TABLE16A3.pdf>; <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1702037574TABLE16A3.pdf>.

<sup>17</sup> [UA IND 27/2018](#), p. 3.

killings and torture, being perpetrated with impunity and disproportionality against minority or marginalized communities, including Muslims.

We take this opportunity to remind your Excellency's Government that the right to life and prohibition on torture are absolute under international law, and are *jus cogens* norms. States are required to establish all acts of torture as offences under their domestic law, to exercise jurisdiction over these offences, and to receive, examine and investigate complaints of torture and other ill-treatment and torture-related deaths promptly, effectively and impartially. State authorities have a heightened duty of care to protect the right to life and integrity of individuals. Prosecutors and courts have a duty to refuse to admit evidence obtained, or suspected of having been obtained, through torture or other ill-treatment. States must also protect victims and witnesses from intimidation or reprisals during investigations and provide fair and adequate compensation, including the means for as full rehabilitation as possible.

We note that States have a duty to investigate every potentially unlawful death, including deaths resulting from the use of force by law enforcement officials. Such investigations must be prompt, thorough, independent, impartial and transparent, and conducted in accordance with the standards set out in the United Nations Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). Investigations must be capable of establishing the facts and circumstances, including the cause and manner of death, and of identifying all those responsible, with a view to ensuring accountability, where violations are found. States must also ensure access to effective remedies, including truth, justice, and reparations, for victims and their families.

The Human Rights Committee recently expressed concern which we share ([CCPR/C/IND/CO/4](#)) about the absence of a specific offence of torture in the new criminal code, the 2023 Bharatiya Nyaya Sanhita, and has called on your Excellency's Government to amend it to establish the specific crime of torture. It has further urged the authorities to conduct thorough, independent, and impartial investigations into all allegations of torture, ill-treatment, and custodial deaths in accordance with the United Nations Manual on the Effective Documentation and Investigation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, version 2022) and the United Nations Manual on the Investigation of Potentially Unlawful Deaths (Minnesota Protocol), to prosecute and sanction public officials responsible for torture and ill-treatment, to take all necessary measures to prevent future torture and ill-treatment, and to ensure accessible and effective complaint mechanisms for victims.<sup>18</sup>

In this context, we are deeply concerned by the systemic failure of your Excellency's Government's police to adhere to the most basic of human rights of citizens and suspects and ignoring the highest standards of operational practice. Modernizing India's police force should be a highest priority, starting by moving away from power- and violence-led policing, and towards service-oriented policing.

We are further deeply concerned by police and judicial authorities to conduct independent, impartial, prompt, effective, thorough and transparent investigations into the deaths, non-fatal shootings, and instances of custodial torture and ill-treatment

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<sup>18</sup> [CCPR/C/IND/CO/4](#), Concluding observations on the fourth periodic report of India, paras. 33-34: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FIND%2FCO%2F4&Lang=en](#).

described above. We are also unsettled by reports of harassment and reprisals against victims, family members, medical personnel, lawyers, and members of civil society. Reported statements and conduct by government and police officials that appear to encourage, justify or condone the excessive use of force against alleged criminals, particularly those from marginalised communities, including Muslims, are unacceptable in open and democratic societies.

Should the allegations set out in this communication be confirmed, they would amount to grave violations of the right to life and the absolute prohibition of torture, and the right to non-discrimination.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations, including any clarifications, contextual information, or additional facts that you consider relevant.
2. Please provide detailed information on the current application of the Constitution, criminal legislation (including the BNS, the BNSS and the BSA), other legislation such as the Unlawful Activities Prevention Act, and any other policies and regulations to ensure that torture and other cruel, inhuman or degrading treatment or punishment are absolutely prohibited and prevented in law and in practice.
3. Please provide detailed information on all measures being taken or planned – legislative, executive, administrative, and other measures – to ensure that safeguards to prevent torture and ill-treatment are effective in practice at all stages of deprivation of liberty (from apprehension and transfer to police or judicial custody through pre-trial detention and imprisonment). In particular, in light of these allegations, what measures are envisaged to undertake a systemic review of police compliance with international human rights standards.
4. Please provide detailed information on the treatment of Dalits, Adivasis, Muslims, and other marginalised individuals by the police in general and in custody. Please provide information about any measures or campaigns or other initiatives to inform individuals of their rights.
5. Please provide detailed information as to whether any investigation was, is, or will be conducted in respect of allegations of and relevant outcomes in relation to “encounters,” “half-encounters”, custodial torture, and inhuman treatment.

6. Please provide detailed information on the steps taken to ensure that the investigations are prompt, thorough, independent, impartial and transparent, and explain how they complied with the requirements set out in the United Nations Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), including in relation to evidence preservation, forensic examinations, chain of custody, witness interviews, family participation, and the pursuit of accountability and remedies. Please provide the outcomes of these investigations.
7. Please provide updated information on the timetable and steps planned to ratify the Convention against torture and other cruel, inhuman or degrading treatment or punishment.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

In light of this, we respectfully call on your Excellency's Government to launch a robust initiative to tackle these concerns holistically, looking for root causes and legal, policy and operational gaps. At the same time, we encourage that the Government seize the day and open independent, impartial, transparent and effective investigations, in accordance with international standards, into all the allegations reported, with a view to taking all appropriate disciplinary and prosecutorial action, ensuring accountability for all those responsible for the alleged violations, and providing adequate reparation, including compensation, to victims and their families.

We offer our expert assistance and advice to all relevant authorities, as may be considered appropriate; and to meet with your Excellency's Government to discuss these matters further.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer your Excellency's Government to the following applicable international legal obligations:

#### *Right to life*

Article 6 of the ICCPR, to which the Republic of India is a party, provides that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life.

The right to life is a supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation. The right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights (general comment No. 36).

In its general comment No. 36, the Human Rights Committee provided that "States parties also have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their life and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriately regular monitoring of their health". When the State detains an individual, it is held to a heightened level of diligence in protecting that individual's rights. When an individual dies as a consequence of injuries sustained while in State custody, there is a presumption of State responsibility.

The obligation to respect and to ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life even if such threats and situations do not result in loss of life.

Loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a thorough, prompt, and impartial proper investigation that establishes the State's compliance with its obligations under article 6.1. Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (Human Rights Committee, general comment No. 36).

*Absolute prohibition against torture and other cruel, inhuman, or degrading treatment or punishment*

Article 7 of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency's Government ratified in 1979, provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

The prohibition of torture is absolute and non-derogable, as an international norm of *jus cogens* for which no exceptions or derogations are permissible, and as reflected inter alia, in Human Rights Council resolution [55/12](#) (2024) and General Assembly resolution [80/198](#) (2025).

Attached to such prohibition are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims (see General Assembly resolution 80/198 (2025) and report of the Special Rapporteur on torture on Good practices in national criminalization, investigation and prosecution and sentencing for offences of torture, [A/HRC/52/30](#)).

Human Rights Council's resolution ([A/HRC/RES/53/4](#)) reiterates the obligation of States "to conduct prompt, effective, thorough, independent, impartial and transparent investigations into all suspected cases of extrajudicial, summary or arbitrary executions, exercising due diligence, in line with international standards and forensic best practices... to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate, effective and prompt remedies, including reparation to victims or their families and to adopt all necessary measures, including legal and judicial measures" (A/HRC/RES/53/4, Resolution adopted by the Human Rights Council on 12 July 2023, para. 4).

*Non-Discrimination*

Articles 2, 3, 14 and 26 of the ICCPR, underscores the right of all persons to enjoy protections without discrimination on the basis of, *inter alia* religion, political or other opinion, national or social origin, property, birth or other status.