



Saturday, May 26, 2012,
Chandigarh, India

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An advertisement for MacKeeper software. The text reads: 'Slow Mac? MacKeeper will safely remove gigabytes of junk from your Mac'. Below the text is a graphic of a speedometer with a needle pointing to the 'Slow' end of the scale.

UN Review India grilled over AFSPA, custodial torture at Geneva

Aditi Tandon
Tribune News Service

New Delhi, May 25

Custodial torture, enforced disappearances and use of the Armed Forces Special Powers Act were the major concerns raised by UN member nations that grilled India yesterday when its national report for the second Universal Periodic Review (UPR) of human rights came up for discussions at Geneva.

Most country representatives asked Attorney General Goolam Vahanvati representing India why the government had not ratified the UN Conventions against torture and enforced disappearances despite positive indications earlier.

Ratification of the Convention against Torture was recommended to India four years ago after its first UPR.

"That hasn't happened. Though the Prevention of Torture Bill 2010 was introduced in Parliament," India's National Human Rights Commission has in its observations on the country's second UPR said. "The Bill was weak. If the Act eventually adopted dilutes the revisions made by a committee of Parliament's Upper House, it will call into question the government's commitment to the convention," it said. Between 2001 and 2010, NHRC reported 14,231 cases of deaths in police and prison custody (1,504 and 12,727, respectively) --- an average of 43 deaths a day.

The Working Group on Human Rights (WGHR) in India and the UN which submitted a parallel report for India's UPR says that torture is the most widespread in India's conflict areas and leads to physical, mental disability and impotency.

"Common methods of torture in Kashmir and the North-East are placement of iron rod on the legs on which many people sit; placement of burning stove between the legs and administration of electric shocks to genitals. A Commission of the ICRC confirmed the use of torture in Kashmir," WGHR report says.

Yesterday, India was reminded of its 2011 promise to ratify the UN Convention on Enforced Disappearances. This recommendation was made after India's first UPR.

The NHRC report to the UN Human Rights Commission, however, says: "There is no evidence that the Government intends to ratify the CED. Enforced disappearance is not codified as a criminal offence in domestic law nor are extant provisions of law used to deter the practice." The NHRC received 341 complaints of disappearance in 2010, over 400 in 2011. The WGHR report laments enforced disappearances in Kashmir.

Problem Areas

n 35% complaints to the NHRC annually are against the police.

n 9% complaints in 2010-11 were on inaction by officials or abuse of power

n Custodial justice a huge problem. 67 pc of prisoners under trial



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