

# From Switzerland to Sivaganga: Decoding the international, national and local breakdown of India's human rights machinery

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Edgar Kaiser, Ashish Reddy

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[Edgar Kaiser](#), [Ashish Reddy](#)

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**AS THE 61ST HUMAN RIGHTS COUNCIL SESSION** convened in Geneva, Switzerland, the UN Special Rapporteur on Torture and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions [condemned](#) the systemic use of torture in Indian policing and extrajudicial killings, urging the Indian government to take immediate corrective action. This is not an isolated event. Besides this, India has been unresponsive to the international human rights ecosystem in [several ways](#), despite which it has been re-elected to the United Nations Human Rights Council. While this symbolises institutional failure at the international level, the situation at the national and local levels reveals a sobering tale.

## National breakdown

Unlike the European Convention on Human Rights or the Inter-American or the African System, India – often described as a subcontinent unto itself – lacks a dedicated human rights court for individuals to enforce their human rights. It is often the constitutional courts that the citizens approach through the constitutional route to enforce their rights. However, the lack of resources and adverse social conditions [prevents](#) many individuals from approaching the court. In this situation, the National Human Rights Commission of India ('NHRC') is ideally the most approachable and easily accessible institution at the national level to protect the rights of citizens. Sadly, even this institution faced significant international pushback last year, when the Global Alliance of National Human Rights Institutions ('GANHRI') — the international body responsible for accrediting and monitoring such commissions — [decided](#) to downgrade its status.

## [When the guardian falters: What the NHRC downgrade means for the Indian masses](#)

While this recommendation came out in May 2025, the Commission's conduct in the period since is equally important to examine.. You might have wondered why the title says 'from Switzerland to Sivaganga'. While this article started with what the Special Rapporteur from Geneva said regarding the Indian situation, it is pertinent to recall one of the most horrendous incidents locally, which happened in Sivaganga. Last year, a 27-year old man from Sivaganga district was [brutally tortured](#) until death by the Tamil Nadu police, which stirred national debates about police accountability in India. The NHRC, which has a mandate to look into these deaths, neither took suo motu cognisance of this case by itself nor did it respond to the [complaints](#) sent by individuals.

### **Stubborn defiance despite global pushback**

Sivaganga, however, is not an anomaly. Tamil Nadu has long been notorious for its culture of abusive policing, a reality the world was forced to confront during the Sathankulam custodial deaths in the pandemic year of 2020, which drew inevitable comparisons to the killing of George Floyd in the United States around the same time. In March 2025, around the same time when the NHRC was recommended to be downgraded, Tamil Nadu [witnessed](#) three back-to-back extrajudicial killings in a single week. Ideally, the NHRC should have immediately responded to this, also considering its timely global pushback. A [complaint](#) was also sent to the Commission in this regard, but what happened later reveals the complete picture of this international, national and local mockery of justice.

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More than ten months after the complaint was filed, the Commission finally [responded](#), disposing of it without hearing the complainant, without calling any witnesses and without any independent inquiry, by simply forwarding it to the Director General of Police ('DGP') of Tamil Nadu for "appropriate action." The Commission's response to this matter is flawed on more than one count. While the 10-month delay is the most visible issue, the fact that the Commission did not use any of its statutory powers to investigate or call for witnesses is unfortunate for the complainant and the victims.

Forwarding the complaint to the DGP of the state police is also contrary to the recommendations of the international body downgrading the commission, which categorically rebuked the commission for involving police officers of the same department who are the perpetrators of the human rights violations.

### **Systemic failure at the grassroots**

A whole other layer to this chain of failure is identified when you realise that the DGP to whom the NHRC forwarded the complaint has [not been appointed](#) in the state for more than the past 6 months. When calls for police accountability and to eradicate torture come from Geneva, the fact that there's no head of the state police to look into the police torture that occurred in Sivaganga gives a panoramic view of this systemic failure.

Other local non-compliances, such as [Prakash Singh guidelines](#) (2006) for setting up [Police Complaints Authorities](#) and [Paramvir Singh guidelines](#) (2020) for setting up CCTV cameras, have also not been complied with. This non-compliance has reached its extreme and has attracted judicial scrutiny, prompting the Supreme Court to take [suo moto cognisance](#) to ensure that CCTV cameras are fixed to prevent custodial violence. The Court has appointed an amicus to report on the compliance of States and Union Territories. According to the guidelines, the State Level Oversight Committee has been set up under the leadership of the DGP of the state. On 29 January this year, the Court [ordered](#) all the DGPs and Home Secretaries of the states to have an online meeting with the Court-appointed amicus, which the National Legal Service Authority ('NALSA') facilitated. In the last hearing on 26 February 2026, it was [noted](#) that the Union of India, NCT Delhi, Kerala, West Bengal, U.T. Dadra & Nagar Haveli and Daman & Diu, and U.T. Lakshadweep failed to participate in the meeting, leaving the amicus unable to file the required report.

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Sadly, torture and other forms of ill-treatment are not even defined in any Indian legislation, as India is yet to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) ('UNCAT'), which it had signed in 1997.

Several districts in Tamil Nadu still [fail](#) to comply with the installation of CCTV cameras in all police stations and places of detention. The instances of torture, extra judicial killings and custodial deaths in the state are well-documented by the [Joint Action Against Custodial Torture](#) and widely [reported](#) across the media. The same cannot be stated for other states. Across India, there is no official documentation of torture or ill-treatment of detainees by the police or extrajudicial killings. Sadly, torture and other forms of ill-treatment are not even

defined in any Indian legislation, as India is yet to ratify the [UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (1984) ('UNCAT'), which it had signed in 1997.

### **International obligation despite non-ratification of UNCAT**

However, torture and other forms of ill-treatment are prohibited under the [International Covenant on Civil and Political Rights](#) (1966) ('ICCPR'), particularly under Article 7, which India has ratified. Such provisions of international human rights laws are defined as 'human rights' under the [Protection of Human Rights Act, 1993](#). This enables the NHRC to take action against torture and others from of ill-treatment. The NHRC, immediately after its inception, addressed a letter to all the Chief Ministers seeking mandatory intimation of all custodial and judicial deaths in a format prescribed by the NHRC. This resulted in NHRC documenting the violations and recommending compensation for the victim's kin.

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### [What RTI data reveals about custodial torture, lack of CCTV facilities in Tamil Nadu's police stations](#)

It bears noting, however, that even where the NHRC does engage with complaints of torture, ill-treatment, and extrajudicial killings, recommendations for compensation and disciplinary action remain a vanishingly rare outcome. Between April 2014 and December 2024, 1,538 deaths in police custody were [reported](#) to the NHRC. From April 2014 to December 2024, the NHRC recorded 1,575 complaints of extra judicial killings were reported by NHRC. From March 2024 to December 2024, the NHRC registered 90 alleged extrajudicial killings. The National Crime Records Bureau further highlights the excessive use of force in law enforcement between 2014 and 2022, with 387 deaths and 3,017 civilian injuries attributed to police encounters, the use of firearms, and lathis. From 1997 to 2024, 3,437 [cases](#) of extrajudicial deaths were filed with the NHRC, out of which it ordered compensation to only 460 cases until 2022.

It was the NHRC that, in 1997, advocated for the ratification of the United Nations Convention Against Torture (UNCAT). The then-Chairperson wrote to each member of Parliament, and this pressure resulted in India signing UNCAT. Yet despite repeated advocacy by the NHRC, and several recommendations from Uniform Periodic Review cycles, treaty bodies, UN Special Rapporteurs, and international organisations, India has failed to ratify UNCAT.



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### **An eternal cry for justice and accountability**

If we look closely at this scenario, torture has never been abnormal in India. It traces its roots to colonial times. The British government normalised torture through colonial laws such as the [Criminal Tribes Act, 1871](#) and the [Indian Police Act, 1861](#). What has changed since is the end of colonial rule and the creation of institutions, both at the national and international levels, meant to combat these abuses yet to little avail. The breakdown of this human rights machinery, as the title suggests, starts from the bottom, where police officials at the local levels have zero accountability and blatant disregard for domestic judicial mandate. It then goes to the national level, where the parliament is [reluctant](#) to bring an anti-torture law and [ratify](#) the UNCAT. The failure of NHRC to actively take on this mission is the fulcrum of the failure at the national level. The blatant disregard for several international mechanisms, despite consistent pressure from the UN bodies, portrays the breakdown of this institution at the international level.

In this situation, the constant pressure by civil society within India and repeated condemnations from the UN bodies outside India should ideally prompt the Indian government to break the record of being one of the handful of countries in the world not to have ratified UNCAT, which will eventually lead to the enactment of a dedicated law combating torture. The NHRC should play a proactive role in this regard to pressurise the government to enact a law and protect its citizens, and also save its international reputation.