

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:175

ANSWERED ON:09.03.2010

CUSTODIAL DEATHS

Patil Shri A.T. Nana;Ramshankar Dr.

**Will the Minister of HOME AFFAIRS be pleased to state:**

(a) whether despite directives of the Supreme Court and the guidelines of the National Human Rights Commission (NHRC), there are several reports of custodial deaths and rapes from various parts of the country;

(b) if so, the details thereof including the number of such cases reported during each of the last three years and the current year, State-wise;

(c) the details of the payment of relief recommended by the NHRC in this regard and paid to the victims/next of kin of such victims during the said period, State-wise;

(d) whether the Union Government has taken up the matter of rising custodial deaths with the concerned State Governments to devise a new strategy to prevent such incidents; and

(e) if so, the details thereof, including legislative measures proposed in this regard?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI AJAY MAKEN)

(a) to (e): A statement is enclosed for laying on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO.175 FOR 9.3. 2010

(a): Yes, Madam.

(b): A statement indicating the number of cases registered by the National Human Rights Commission during the years 2006-2007, 2007-2008, 2008-2009 and 2009-2010 (upto 28.2.2010) is at Annexure-A.

(c): In proven cases of violation of human rights, the Commission has recommended monetary relief which has to be paid by the concerned State Government to the next of kin of the deceased. A statement indicating State-wise details of the number of such cases and the amount of relief recommended by the Commission is at Annexure-B.

(d) & (e): In an important step aimed at curbing custodial violence all the State Governments/Union Territories were first advised in 1993 to issue directions to the District Magistrates and Superintendents of Police of every district that they should report to the Secretary General of the National Human Rights Commission about the incident of custodial death and custodial rape within 24 hours of occurrence of the event and that failure to report promptly will give rise to presumption that there was an attempt to suppress the incident. The States and Union Territories were again advised in 1995 to follow the instructions.

Further, Section 176 of the Criminal Procedure Code has been amended vide Code of Criminal Procedure (Amendment) Act, 2005 to provide that in cases of death or disappearance of a person or rape of a woman while in custody of the police, there shall be mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty four hours of death. The Union Government have also been issuing guidelines to the State Governments from time to time advising them to ensure that adequate steps are taken to check instances of custodial deaths.

Section 357 Cr.P.C. empowers the Courts to grant compensation to the victim and order for payment of cost of the prosecution.