

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3239
ANSWERED ON:28.07.2009
AMENDMENT OF LAW ON CUSTODIAL DEATHS
Adhalrao Patil Shri Shivaji;Adsul Shri Anandrao Vithoba

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Law Commission has recommended in their 113th report to amend the Evidence Act to allow the trial court to presume the policeman guilty of causing injuries to the accused under his custody;
- (b) if so, the reaction of the Government thereto;
- (c) whether the Government proposes to amend the laws which deals with custodial deaths; and
- (d) if so, the details thereof?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a): Yes, Madam.

(b): Since the subject matter falls under the Concurrent List of the Seventh Schedule of the Constitution of India, the recommendation of the Law Commission has been referred to the State Governments and Union Territory Administrations for their views/comments. Since the matter involves amendment of Law involving wide ranging consultations with all the Stake holders, no time line can be indicated for completion of the action.

(C)& (d): Section 176 of Cr.P.C. has been amended in 2005, which provides that in case of death or disappearance of a person or rape of woman while in the custody of the police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within twenty-four hours of death. There is no proposal for further amendment of the said provision.