

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:109
ANSWERED ON:22.02.2011
DEATHS IN POLICE CUSTODY
Sayeed Muhammed Hamdulla A. B.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of deaths in police custody reported in various parts of the country, during each of the last three years and the current year, State-wise;
- (b) the total number of accused arrested and the action taken against them during the said period, State-wise:
- (c) whether there exists any mechanism for preventing such deaths in the country; and
- (d) if so, the details thereof including preventive legal measures?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI GURUDAS KAMAT)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) to (d) OF LOK SABHA UNSTARRED QUESTION NO. 109 FOR 22.02.2011.

(a) & (b): The State wise details of number of cases registered by the National Human Rights Commission (NHRC) in respect of intimation regarding deaths in police custody during 2007-08, 2008-09, 2009-10 and 2010-11 (upto 31st January, 2011) is at Annexure. In 187 proven cases of Human Rights violation in which victims died in police custody, a total amount of Rs. 3,14,25,000/- has been recommended by the Commission as monetary relief to the Next of Kin (NOK) of the deceased during the period from 1.04.2007 to 31.12.2010. Data regarding persons acquitted and convicted is not maintained centrally.

(c) & (d): As per the Seventh Schedule of the Constitution of India, "Police" and "Public Order" are State Subjects. It is for the State Governments to take action in every crime. In view of this, the Central Government does not intervene directly in the matter of custodial deaths, but only issues advisories, while the National Human Rights Commission (NHRC) issues guidelines and recommendations. NHRC has framed guidelines for reporting all deaths in custody whether natural or otherwise, within 24 hours of its occurrence. The Commission also calls for various reports for ascertaining any foul play or negligence by public servant which resulted in custodial death.

Section 176 of the Criminal Procedure Code has been amended vide Code of Criminal Procedure (Amendment) Act 2005 which provides that in cases of death or disappearance of a person or rape of a woman while in 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. The Union Government has 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 torture and deaths.

A bill titled "The Prevention of Torture Bill, 2010" which was introduced in Lok Sabha on 26/4/2010 and passed on 6/5/2010, has since been considered by a Rajya Sabha Select Committee. The Bill, inter alia, provides for punishment to those involved in the offence of torture.