

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1475

ANSWERED ON:09.08.2011

CUSTODIAL DEATHS

Das Shri Ram Sundar;Gandhi Shri Feroze Varun;Mithlesh Shri ;Shankar Alias Kushal Tiwari Shri Bhisma;Sidhu Shri Navjot Singh;Singh Alias Pappu Singh Shri Uday;Yadav Shri Om Prakash

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there are several reports of torture and deaths in police custody in 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 including Uttar Pradesh and Bihar;
- (c) the total number of accused officials arrested and the details of action taken against them during the said period, State-wise;
- (d) whether the Union Government has issued any guidelines/directives to the State Governments to prevent such cases;
- (e) if so, the details thereof and the reaction of the State Governments thereon;
- (f) whether the Union Government has taken up the matter of rising custodial deaths with the State Governments to devise a new strategy to prevent such incidents; and
- (g) if so, the details thereof including amendments in the relevant laws to deal with such menace?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH)

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

STATEMENT IN REPLY TO PARTS (a) TO (g) OF LOK SABHA UNSTARRED QUESTION NO.1475 FOR 09.08.2011

(a) to (c): A State-wise statement, including Uttar Pradesh and Bihar, indicating number of cases of death in police custody reported and complaints alleging torture in police custody registered by National Human Rights Commission (NHRC) during the last three years and current year (up to 31.07.2011), is at Annexure. In 45 cases of death in police custody a total amount of Rs.73,50,000/- has been recommended by the NHRC as monetary relief to the Next of Kin (NOK) of the deceased during the period 2008-09 till 31.07.2011. Similarly, during the said period, in 17 cases of torture a total amount of Rs.3,58,000/- has been recommended by the NHRC as monetary relief. NHRC, however, did not make any recommendation for disciplinary action/ prosecution of the erring Public servant.

(d) to (g): 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 matters 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 NHRC 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 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 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 26.04.2010 and passed on 06.05.2010, has since been considered by a Rajya Sabha Select Committee. The Bill, inter alia, provides for punishment to those involved in offence of torture.