

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:2505

ANSWERED ON:16.08.2011

COMPLAINTS ON VIOLATION OF HUMAN RIGHTS

Nahata Smt. P. Jaya Prada;Shekhar Shri Neeraj;Singh Shri Yashvir

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

- (a) the details of the complaints received by the National Human Rights Commission (NHRC) regarding violation of human rights, fake encounters and deaths in jails by police during each of the last three years and the current year, State-wise;
- (b) the number of police officials convicted and punished for violation of human rights during the said period, Statewise; and
- (c) the details of action taken by the Government to check the rising incidents of human rights violation in the country by police officials?

**Answer**

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

(a) & (b): A Statement indicating the number of complaints, State-wise, registered by the National Human rights Commission (NHRC) regarding

(i) alleged violation of Human Rights; and

(ii) Police custody deaths, judicial custody deaths, and alleged fake encounters during the last three years and the current year (as on 31.07.2011) are at Annexure-I and II respectively. In 23 cases, NHRC recommended disciplinary action against erring Public Servants also including recommendation for prosecution in two cases.

(c): 'Police' is a State subject under the Seventh Schedule of the Constitution and it is primarily the responsibility of the State Government to appropriately prevent and ensure non-occurrence of Police atrocities. However, the Central Government does issue advisories, while the NHRC issues guidelines and recommendations.

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 of 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. 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 the office of torture.