

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:482

ANSWERED ON:07.07.2009

ASADHA SAKA CUSTODIAL DEATHS

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Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether instances of custodial deaths are on the rise in the country;
- (b) if so, the total number of such cases reported during each of the last three years and the current year, State-wise including children below 14 years of age during the said period;
- (c) the details of action taken against the erring officials; and
- (d) the steps taken by the Government to check such incidents in future?

Answer

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

(a)to (c): As per information provided by National Crime Record Bureau (NCRB), the total number of Custodial Death cases reported in the country, during the period from 2006 to 2008 and 2009 (upto 28.6.2009), are given as under:

Year	Custodial death
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2006	89
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2007	118
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2008	7
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2009	2
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(upto 28.6.2009)

The data regarding number of custodial deaths of children below 14 years of age is not maintained separately.

The state-wise data showing number of deaths reported, policemen charge-sheeted and policemen convicted is given at Annexure – I

(d): Law and Order is a State subject. It is for State Government to take appropriate action in every crime.

As per the guidelines issued by the National Human Rights Commission (NHRC), the State Governments / Union Territory authorities are under obligation to report every death whether in police custody or in judicial custody within 24 hours of its occurrence irrespective of the cause of death of the deceased.

Section 176 of Cr. P.C. has also been amended to provide that in case of death of disappearance of a person while in the custody of the police, there shall be mandatory judicial inquiry and in case of death, examination of the dead-body shall be conducted within 24 hours of death vide Cr. P.C (Amendment) Act, 2005.