

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:1086

ANSWERED ON:20.03.2012

CUSTODIAL DEATHS

Botcha Lakshmi Smt. Jhansi; Gandhi Shri Feroze Varun; Owaisi Shri Asaduddin; Reddy Shri Anantha Venkatarami; Tanwar Shri Ashok

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

- (a) the number of cases of torture and deaths in police and judicial custody reported by the National Human Rights Commission (NHRC) during each of the last three years and the current year, State-wise;
- (b) the total number of police personnel arrested and the action taken against them during the said period, State-wise;
- (c) whether the Asia Centre for Human Rights (ACHR) has recently published a report on deaths in police and judicial custody in the country;
- (d) if so, the details thereof alongwith the number of such cases reported, State-wise including Jammu and Kashmir; and
- (e) the action taken by the Government in this regard alongwith the effective measures taken to stop such cases in future?

**Answer**

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

- (a) A statement indicating the State-wise details of total number of cases registered by NHRC regarding torture and deaths in police custody during the last three years and the current year is at Annexure I.
- (b) No such data is maintained by NHRC. However, State-wise details of cases registered by National Crime Records Bureau (NCRB) indicating number of policemen charge-sheeted and convicted during the years 2008-2010 under torture and deaths in police custody are at Annexure II and III respectively.
- (c) & (d): No such report from the Asia Centre for Human Rights (ACHR) has been received in this Ministry.
- (e): 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. The Central Government issues advisories, while the National Human Rights Commission (NHRC) issues guidelines and recommendations in respect of custodial deaths. 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 servants, which resulted in custodial death.

Section 176 of the Criminal Procedure Code provides for enquiry by the nearest Magistrate empowered to hold inquest in cases of death in the custody of the police.