

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:865

ANSWERED ON:14.08.2012

CUSTODIAL DEATHS

Ahir Shri Hansraj Gangaram;Chowdhury Shri Adhir Ranjan;Dhurve Jyoti

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether cases of custodial deaths and torture in police custody are on the rise in the country;
- (b) if so, the details thereof and the steps taken to curb such cases in future along with the action taken for rehabilitation of family members of the victims of custodial deaths;
- (c) the steps taken by the Government to ratify the United Nations Convention against Torture (1984); and
- (d) the status of the Prevention of Torture Bill for minimising custodial deaths and torture during police custody?

Answer

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

(a) & (b): No, Madam. The data of National Human Rights Commission (NHRC), pertaining to the cases of custodial deaths in police custody and police torture registered during the years 2009-10 to 2011-12 shows a mixed trend. While NHRC registered 124, 146 and 128 cases of custodial deaths during the above period, the number of cases of police torture registered by them for the same period were 615, 855 and 675 respectively. Statements indicating the State-wise details of custodial deaths and police torture during the period 2009-10 to 2011-12 and also for the year 2012-13 (upto 31.7.12) are enclosed at Annexure I & II. 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

NHRC issues guidelines and recommendations to be followed by the States/ UTs in all cases of deaths in the course of police action. The custodial death / torture cases are enquired into by NHRC and compensation is recommended to the family members/victims in those cases where public servants are found to be at fault. Disciplinary action is also recommended by NHRC against the erring public servants.

(c) & (d): Ratification of the United Nations Convention Against Torture requires enabling legislation in conformity with the provisions of the Convention. Accordingly, the Prevention of Torture Bill, 2010 was introduced in the Lok Sabha on 26.4.2010, which was passed by the Lok Sabha on 6.5.2010. The Bill was thereafter considered by the Rajya Sabha's Select Committee, which have made certain recommendations for consideration of this Ministry.