

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:1807  
ANSWERED ON:04.12.2012  
FAKE ENCOUNTERS  
Singh Alias Pappu Singh Shri Uday

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

- (a) whether the Supreme Court has expressed its concern over fake encounters by the police across the country;
- (b) if so, the details of fake encounters which came to the notice of the Government during the last three years;
- (c) whether the Government has since contemplated effective steps to check such fake encounters and fix responsibility; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI R.P.N. SINGH)

(a): Yes, Madam. The Supreme, Court in its judgment in Criminal Appeal Nos. 1174-1178 of 2011 {arising out of SLP(Criminal) Nos. 3865-69 of 2011} has stated that in cases where a fake encounter is proved against policemen in a trial, they must be given death sentence, treating it as the rarest of rare cases. The Court further stated that fake encounters are nothing, but cold blooded, brutal murder by persons who are supposed to uphold the law. However, the Supreme Court made it clear that the trial court will decide the criminal case against the appellants of the above case, uninfluenced by any observations made in this Judgment.

(b): State-wise details of the 536 cases registered by the National Human Rights Commission (NHRC) of alleged fake encounters by police, defence and central armed police forces, during the period 2009-10 to 2012-13 (as on 20.11.2012) are placed at Annexure.

(c) to (d): 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 police action within 48 hours of their 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.