

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1890

ANSWERED ON:01.12.2009

CUSTODIAL DEATHS

Joshi Shri Pralhad Venkatesh;Panda Shri Baijayant;Pradhan Shri Nityananda;Rajendran Shri C.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether cases of custodial deaths are on the rise in the country as per a report of the Human Rights Commission;
- (b) if so, the total number of such cases registered during each of the last three years, State-wise alongwith the reasons for the failure to check custodial deaths;
- (c) whether the Government has complied with the 1996 directives of the Supreme Court that entails devising of proper procedures to be followed while making arrests;
- (d) if not, the reasons therefor and the reaction of the Government thereto; and
- (e) the steps taken by the Government to check custodial deaths including constituting a task force to check such cases in the country?

Answer

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

(a) & (b): Number of the cases relating to death in police custody registered in NHRC on the basis of information received from the State authorities are as below.

Year	Number of cases	
2006-2007	-	119
2007-2008	-	188
2008-2009	-	127

A statement indicating the year-wise and State-wise details of cases of death in police custody registered in NHRC based on intimation received from State authorities is annexed at Annexure. "Police" and "Public Order" are State subjects under the Constitution of India. It is for the State Governments to take appropriate action in every crime.

(c): "Police" and "Public Order" are State subjects under the Constitution of India. It is for the State Governments to take appropriate action in every crime. The Government has issued the necessary guidelines to all the State Governments to comply with the 1996 directives of the Supreme Court that entails devising of proper procedures to be followed while making arrests.

(d): Does not arise.

(e): Section 176 of the Criminal Procedure Code has been amended vide Code of Criminal Procedure (Amendment) Act 2005 to provide that in case of death or disappearance of a person or 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 death body shall be conducted within twenty four hours of death. The Union Government have been issuing guidelines to the State Governments from time to time advising them to ensure that adequate steps are taken to check instances of violation of human rights.

At present, there is no proposal under consideration of the Government to constitute a task force.