

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:1368

ANSWERED ON:05.03.2013

FAKE ENCOUNTERS

Dubey Shri Nishikant ;Lal Shri Kirodi ;Rao Shri Nama Nageswara

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

- (a) the total number of fake cases encounter reported/solved/unsolved along with the action taken against the guilty police personnel during each of the last three years and the current year, State/UT-wise;
- (b) whether the National Human Rights Commission (NHRC) has expressed serious concern over the increase in fake encounters in the past few years and has also issued guidelines in this regard;
- (c) if so, the details thereof and the response of the Government thereon; and
- (d) the action taken by the Union Government against the police personnel who have violated these guidelines along with the details of advisories issued to the State Governments to curb such cases?

**Answer**

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

(a) State-wise details of the total 555 cases registered by the National Human Rights Commission (NHRC) of alleged fake encounters by police, defence and para-military forces during the period 2009-10 to 2012-13 (as on 15.2.13) are placed at Annexure. Out of above 555 cases, 144 cases have been solved and the remaining 411 are unsolved. For expediting the unsolved cases, concerted efforts are made by NHRC for obtaining the inquest reports, post-mortem reports, magisterial inquiry reports etc. from the concerned State Governments. While in none of the cases, any recommendation for disciplinary action/prosecution of the public servants was made by NHRC, they did recommend CB-CID investigations in some cases. During the above period, grant of total financial relief of Rs.11.43 Crore in 201 cases of doubtful encounters (including carried forward cases) was also recommended by NHRC to the next of kin of victims.

(b) Yes, Madam.

(c) & (d) NHRC has expressed concern in this regard and the guidelines were issued by them on 12.5.2010 to all the States/UTs, wherein revised procedure was conveyed to be followed in all cases of deaths in the course of Police action. As per the Seventh Schedule of the Constitution of India, "Police" and "Pubic Order" are State subjects. As such, though advisories are issued by the Central Government in this regard, it is for the State Governments/UTs to take action in every crime.