

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3664

ANSWERED ON:19.03.2013

SUGGESTIONS ON CUSTODIAL DEATHS

Mahendrasinh Shri Chauhan ;Rana Shri Jagdish Singh

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

- (a) whether the National Police Academy, the Law Commission and the Amnesty International have given some suggestions/recommendations on custodial deaths/ torture in police custody and compensation to families of the victims;
- (b) if so, the details thereof and the reaction of the Government in this regard; and
- (c) the preventive steps taken by the Government to check such incidents?

**Answer**

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

(a) & (b): Based on recommendations, made by the Law Commission of India in its 154th, 177th & 178th Reports and the Malimath Committee Report on Reforms of Criminal Justice system, which were as accepted by the Government, the Code of Criminal Procedure has been amended through the Code of Criminal Procedure (Amendment) Act, 2008. The Act, inter alia, contains provision relating to custodial crimes, which include (i) issuing notice of appearance before arrest; (ii) the accused to be medically examined soon after the arrest; (iii) the person making the arrest should take reasonable care of the health and safety of the accused; (iv) comprehensive scheme for compensation to victims; (v) the female accused should not be touched by male police officer, etc.

It is also stated that Sardar Vallabhbhai Patel National Police Academy has not made any such recommendations. As regards Amnesty International, it is a non-governmental organization (NGO) and no such recommendations have been received.

(c): As per the Seventh Schedule of the Constitution of India, "Police" and "Public Order" are State Subjects. As such, it is for the State Governments to take action in such crimes. 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. In addition, workshops/seminars are also organized by NHRC from time to time for sensitizing officers in State Governments for better protection of human rights and particularly, protection of rights of persons in custody. Also, every death in custody (police or judicial), whether natural or otherwise, is to be reported to the NHRC by the concerned authority in the State Government, within 24 hours of its occurrence. In such cases, NHRC calls for various reports such as Inquest Report, Post-Mortem Report etc. for ascertaining any foul play or negligence on the part of public servant, which may have resulted in the death.