

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:563

ANSWERED ON:07.05.2013

ARRESTS OF INNOCENT PERSONS

Laguri Shri Yashbant Narayan Singh;Vasava Shri Mansukhbhai D.

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

- (a) whether the Union Government has received complaints with regard to arrests / illegal custody of innocent persons by the police in various States;
- (b) if so, the details thereof and the total number of such cases reported and the action taken against the guilty police officials during each of the last three years and the current year, State-wise;
- (c) whether the Union Government has issued any advisories to the State Governments in this regard;
- (d) if so, the details thereof and the reaction of the State Governments thereto; and
- (e) the other effective measures taken by the Union Government to curb such cases in future?

**Answer**

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

(a) to (e): A statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 563 FOR 07-05-2013.

(a) to (b): Yes, Madam. State-wise details of number of cases registered by the National Human Rights Commission (NHRC), on the basis of complaints of unlawful detention received by them, during the last three years and the current year up to 30-04-2013, are attached at Annexure-I. During the above period, in 43 cases of illegal arrest, NHRC has recommended monetary relief of Rs. 28.96 lakh. In 60 cases of unlawful detention, NHRC has recommended a monetary relief of Rs 26.55 lakh. The NHRC has also recommended disciplinary action in three cases of illegal arrest and four cases of unlawful detention.

(c) & (d): 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 every crime. However, advisories have been issued by the Government from time to time, to all States/UTs on measures required to be taken on relevant issues like custodial deaths, arrest of individuals etc. In this regard, Advisory / Guidelines have been issued by Ministry of Home Affairs on 19-09-2001 to all States/UTs on various issues including arrests, with a view to bringing about greater accountability and transparency in the functioning of Police in the States / UTs, which is attached at Annexure-II. Further, NHRC has also issued Guidelines, which is available at their website - <http://nhrc.nic.in/Documents/sec-3.pdf>.

(e): Training programmes are also organized by NHRC for raising awareness on human rights.