

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:401

ANSWERED ON:06.08.2013

ILLEGAL ARRESTS .

Gowda Shri D.B. Chandre;Jeyadural Shri S. R.

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether illegal arrests and detention of innocent people by the State police have been reported by the National Human Rights Commission (NHRC);

(b) if so, the details thereof along with the total number of such cases reported by the NHRC and the action taken against the guilty police officials during each of the last three years and the current year, State and UT-wise; and

(c) the details of the guidelines issued by the Supreme Court in this regard and the steps taken by the Government to ensure that the Supreme Court guidelines are adhered to by all States/UTs?

Answer

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

(a)&(b): Yes, Madam. Statements indicating State/UT-wise details of the number of cases of alleged illegal arrests and unlawful detentions, registered by the National Human Rights Commission (NHRC) during the last three years and the current year (upto 20.7.13) are at Annexure-I and II respectively. During the above period, NHRC recommended total monetary relief of Rs.7.80 lakh in 20 cases and also recommended disciplinary action in two cases against the erring police personnel.

(c) : The Hon'ble Supreme Court in a writ petition filed before it in the case of D.K. Basu Vs. State of West Bengal and Joginder Kumar Vs. State of UP, had laid down certain guidelines required to be followed while making arrest of individuals, thereby modifying the laws relating to arrests to that extent. The details of 11 principles laid down in this regard by the Hon'ble Supreme Court are at Annexure-III. The Government of India have circulated the above guidelines to all States and UTs for compliance.