

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1928

ANSWERED ON:17.12.2013

CUSTODIAL DEATHS .

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Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there has been a sharp increase in the incidents of torture/custodial deaths including judicial custody and rape in police custody and arrest of innocent persons and keeping them in police custody in the country;
- (b) if so, the details thereof and the total number of such cases reported separately, guilty personnel arrested, convicted and the action taken against them during each of the last three years and the current year, State-wise;
- (c) whether the Union Government and the Supreme Court have issued any directives to the State Governments in this regard;
- (d) if so, the details thereof and the reaction of the State Governments thereto; and
- (e) the new strategies to be adopted by the Union Government to check such cases in future?

Answer

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

a) : Based on the information received from the National Crimes Record Bureau (NCRB), the details of reported incidents of custodial deaths and rape in police custody are as under:-

S.No.	2010	2011	2012
a) Death in Police Custody	70	104	109
b) Cases of Rape	6	1	1
C) Deaths in Judicial Custody	1436	1332	1471

It can be seen from the above table that the deaths in police custody are showing an upward trend.

But deaths in Judicial Custody are showing mix trend. However the cases of rape in police custody are showing declining trend in the year 2011 and 2012 over the year 2010. No separate data regarding incidents of torture, arrest of innocent persons and persons kept in police custody is maintained by the NCRB.

(b) : Statement showing State/UT wise cases registered, persons charge-sheeted, persons convicted under rape in police custody and deaths in police custody during 2010-2012 is at Annexure I and Annexure II respectively. No separate data pertaining to guilty person arrested, charge-sheeted and convicted for deaths in judicial custody is maintained by NCRB.

(c) & (d) : The Hon'ble Supreme Court in the case of Dr. D.K. Basu Vs. State of West Bengal 1997 (1) SCC 416 had laid down certain basic requirements to be followed in all cases of arrest or detention, as a measure to prevent custodial violence. The details are enclosed at Annexure III. Further to this, police and public order are State subjects under the Seventh Schedule of the Constitution and it is primarily the responsibility of the State/UT Government to appropriately prevent and ensure non-occurrence of police atrocities.

(e): The Criminal Law (Amendment) Act, 2013 contains a Section 376(1) which provides for stringent punishment to check custodial rape.