

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3299
ANSWERED ON:11.02.2014
ARRESTS ILLEGAL CUSTODY
Shankar Alias Kushal Tiwari Shri Bhisma

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the 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 along with the advisories issued to the State Governments and police departments in this regard?

Answer

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

(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.

(c) to (d) Yes Madam, the Ministry of Home Affairs has issued Advisory/ Guidelines 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.

(e) 'Police' and 'Public Order' are State subjects under the seventh Schedule to the Constitution of India, and therefore, the State Governments are primarily responsible for prevention, detection, registration and investigation of crime and for prosecuting the criminals through the machinery of their law enforcement agencies as also for protecting the life and property of the citizens. The Union Government, however, attaches highest importance to the matter of prevention of crime and therefore, has continued to urge to the State Governments/UT Administrations to give more focused attention towards improving the administration of criminal justice system and taking such measures as are necessary for prevention and control of crime. In this regard, Advisory on Prevention, Registration, Investigation and Prosecution of Crime has been issued on 16th July, 2010, Advisory on Registration of FIR irrespective of territorial jurisdiction has been issued on 10th May,2013 and Advisory on compulsory Registration of FIR under Section 154 of Criminal Procedure Code (Cr.P.C.) when the information makes out a cognizable offence, has been issued on 5th February 2014.