

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:656  
ANSWERED ON:15.07.2014  
FAKE ENCOUNTER  
Thakur Shri Anurag Singh

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

- (a) whether the Union Government has expressed its concern over fake encounters by the State Police personnel across the country;
- (b) if so, the details thereof and the total number of cases of fake encounter reported/ registered, cases solved/unsolved and the steps taken to solve all the cases along with the action taken against the guilty personnel including life sentence awarded during each of the last three years and the current year, rank and State-wise particularly Uttarakhand and Delhi;
- (c) whether the Government has taken concrete steps to prevent such cases in future; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a) : As per the 7th Schedule of the Constitution of India, "Police" and "Public Order" are State subjects. It is for the State Governments to take action in every crime. However, National Human Rights Commission (NHRC) has expressed concern in this regard and the guidelines are issued from time to time by them to all the States/UTs. The last revised procedure was conveyed on 12.05.2010 to all concerned to be followed in all cases of deaths in the course of police action.

(b): Pursuant to the guidelines issued by the NHRC, every case of death during the course of police action is to be reported to the NHRC within 48 hours of its occurrence. A statement indicating the number of cases registered by NHRC on the basis of complaints about alleged fake encounter, no. of cases disposed off by them and no. of cases pending, during the last three years and the current year upto 30.06.2014, State-wise, is enclosed at Annexure. 2/2-L.S.U.S.Q.NO.656 FOR15.7.2014 During the above period, in 46 cases of alleged fake encounters, the Commission has recommended a monetary relief of Rs. 2,83,00,000/-. In one case, the Commission also recommended disciplinary action and prosecution of the erring public servants. So far as Uttarakhand and Delhi are concerned, both the States have intimated that no incident of fake encounter have been reported during the last three years i.e. 2011, 2012, 2013, 2014 (up to 30.06.2014). However, in the month of July, 2009, one Mr. Ranveer Singh resident of Ghaziabad (Uttar Pradesh) was killed in Dehradun (Uttarakhand) in the alleged fake encounter. On 09.06.2014, 17 Police personnel (1 Inspector, 5 Sub-Inspector, 1 Head Constable and 10 Constables including 2 Drivers) have been awarded life imprisonment and one Police personnel (Wireless Operator) has been awarded two years imprisonment by the Special Judicial Magistrate, CBI, Tis Hazari Court, Delhi.

(c) & (d) : As per the Seventh Schedule of the Constitution of India, "Police" and "Public Order" are State subjects. It is for the State Government to take action in every crime including fake encounter. The NHRC has issued guidelines on the subject. The guidelines issued by the NHRC in respect of procedures to be followed by the State Governments in dealing with deaths occurring in encounters with the police were circulated to all Chief Secretaries of States and Administrators of Union Territories on 29.03.1997, 02.12.2003 and 12.05.2010. The Guidelines/Procedures to be followed in cases of deaths caused in police action circulated on 12.05.2010 emphasized that the States must send intimation to the Commission of all cases of deaths arising out of police encounters and maintain the appropriate register in this regard. The NHRC also recommended that in case of death in the course of police action, where the police officer belonging to the same police station is a member of the encounter party whose action resulted in death, such cases should be handed over for investigation to some other independent investigating agency, such as State Crime Branch of Criminal Investigation Department (CBCID) or any other specialized Investigation agency. Besides, whenever, a specific complaint is made against the police alleging commission of a criminal act on their part which makes out a cognizable case of culpable homicide, a First Information Report (FIR) to this effect must be registered under appropriate sections of the Indian Penal Code. A Magisterial Inquiry must be held in all cases of deaths which occur in the course of police action. Prompt prosecution and disciplinary action must be initiated against all delinquent officers found guilty in the magisterial enquiry/police investigation. No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/recommended only when the gallantry of the concerned officer is established beyond doubt. All cases of deaths in police action in the states shall be reported to the Commission by the Senior Superintendent of Police/Superintendent of Police of the District within 48 hours and subsequent report along with Post-mortem report, Inquest report and findings of the magisterial enquiry/enquiry by senior officers must be sent within three months.