

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1363

ANSWERED ON:28.07.2015

Custodial Deaths

Jadhav Shri Prataprao Ganpatrao;Laguri Smt. Sakuntala;Singh Dr. Nepal

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of persons who died in police custody and judicial custody separately along with the number of cases of torture in police custody registered in the country and the number of guilty personnel arrested, convicted and the action taken against them in this regard during each of the last three years and the current year, State-wise;
- (b) the provisions/rules for conduct of inquiry into such incidents and the status of implementation of the said rules in all such cases;
- (c) whether there is any provision for compensation to the families of persons who died in police/judicial custody and if so, the details thereof;
- (d) whether the Supreme Court has made any observation/issued any directive regarding custodial deaths and torture in police custody, if so, the details thereof and the follow-up action taken thereon; and
- (e) the other measures taken by the Government to check such cases in the country?

Answer

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

(a) As per information received from the National Human Rights Commission (NHRC), statements indicating the number of cases registered on the basis of intimations received in respect of deaths in police custody, judicial custody and the number of cases of torture in police custody state-wise during the last three years and the current year up to 30-06-2015 are at Annexure 'A' 'B' and 'C' respectively.

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A statement indicating number of cases regarding custodial torture, custodial deaths (Police and Judicial) where NHRC recommended disciplinary action and prosecution state-wise during last three years and current year upto 30-06-2015 is at Annexure 'D'.

(b) Police and Public order are State subjects under the 7th Schedule of Constitution of India and it is primarily responsibility of the State Government to appropriately prevent and ensure non-occurrence of police atrocities and protect the human rights of the citizen. However, National Human Rights Commission issues guidelines/procedure to be followed in cases of deaths caused in police action from time to time. Pursuant to the guidelines laid down by the NHRC, every death in police or judicial custody is to be reported within 24 hours of the occurrence. The Commission also calls for various reports such as inquest, post mortem report, magisterial enquiry report, viscera report etc. for ascertaining foul play or negligence, if any, by public servants, which resulted in the death in custody.

(c) Under Section 18 of the Protection of Human Rights Act, 1993, the NHRC may recommend payment of compensation or damages to the complainant or to the victim or the members of his family. During the last three years and current year upto 30-06-2015, 103 cases of death in police custody, including carried forward cases, the Commission recommended monetary relief of Rs.2,29,10,000/- and 346 cases of death in judicial custody, including carried forward cases, the Commission recommended monetary relief of Rs.6,61,94,999/-.

(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.

(e) During various camp sittings, workshops and seminars the National Human Rights Commission makes efforts to sensitize public servants for better protection of human rights.
