

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4798

ANSWERED ON:12.08.2014

CUSTODIAL DEATHS

Chautala Shri Dushyant;Nayak Shri B.V.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether there has been a sharp increase in the incidents of custodial deaths and torture in police custody in the country;
- (b) if so, the details thereof and the total number of such cases reported, separately and 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 Government has received complaints with regard to arrests/illegal custody of innocent persons by the police in various States, and if so, the details thereof and the action taken by the Government in this regard;
- (d) whether the Government has issued directives to the State Governments and Police Departments in this regard;
- (e) if so, the details thereof and the reaction of the State Governments and Police Departments in this regard; and
- (f) the other steps taken by the Government to check such cases in future?

Answer

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

(a) : Based on the information received from National Human Rights Commission (NHRC), the details of reported incidents of custodial deaths and torture are as under:

S.No Item 2011-12 2012-13 2013-14 2014-15 (upto 20.7.2014)

a) Death in Police Custody 128 143 140 35

b) Torture in Police Custody 678 366 303 109

It can be seen from the above table that the deaths in police custody and torture are showing mixed trend.

(b) : A statement indicating state-wise details of death in police custody, torture in police custody and custodial deaths & torture in police custody where NHRC recommended monetary relief, disciplinary action and prosecution during the last three years and current year are given at Annexure I, II and III respectively.

(c) : Based on the data/information furnished by National Human Rights Commission, a statement indicating state-wise details in respect of no. of cases registered under illegal arrests, unlawful detention and no. of cases of illegal arrests and unlawful detention where NHRC recommended monetary relief, disciplinary action and prosecution during the last three years and current year are given at Annexure IV, V and VI respectively.

(d)to(f): '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. However, the NHRC also issues guidelines/instructions from time to time to all the Chief Secretaries of the States/UTs to give suitable directions to District Magistrates and Superintendents of Police of every districts that every death in the custody, police or judicial, natural or otherwise, is to be reported to the Commission, within 24 hours of its occurrence. NHRC calls for reports including inquest, post-mortem, magisterial enquiry, chemical examination/ forensic reports for ascertaining foul play, if any, in relation to the death in custody. The Commission had issued revised instructions vide dated 3rd January, 2001 to all Home Secretaries for sending following information:-

(i) The post-mortem report, in new proforma circulated by NHRC in March 1997, along with the videograph and the Magisterial Enquiry report must be sent within 2 months of the incident.

(ii) The post mortem report and other documents should be sent to the Commission without waiting for the viscera report. The viscera report should be sent subsequently as soon as it is received.