

MINISTRY OF HOME AFFAIRS

RAJYA SABHA

UNSTARRED QUESTION NO 2718 TO BE ANSWERED ON 19.02.2014

Custodial deaths

2718. SHRI N.K. SINGH

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

- (a) whether Government has exact information as to how many people die in police custody every day;
- (b) if so, the details thereof;
- (c) whether according to a recent report on Human Rights in India, on an average 1.8 million people are victims of police torture and violence every year;
- (d) if so, the reasons behind increase in custodial deaths across the country; and
- (e) the steps Union Government proposes to take in this regard?

Answer

(a) to (b): Statements indicating State-wise number of cases registered by the National Human Rights Commission (NHRC) on the basis of intimation about death in Police Custody and on the basis of complaints of alleged torture in police custody, during the last three years and the current year up to 20.01.2014 are enclosed at Annexure- I-A & I-B respectively.

(c): The Government does not have any information on the report on Human Rights in India.

(d): The reasons for these deaths in custody include custodial torture, natural deaths, deaths due to illness and suicides in lockup etc.

(e): 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 custodial deaths. However, the Central Government issues advisories and the NHRC issues guidelines and recommendations.

In an important step aimed at curbing custodial violence, all the State Governments/Union Territories were advised by the NHRC in 1993 to issue directions to the District Magistrates and Superintendents of Police of every district that they should report to the Secretary General of the National Human Rights Commission about incidents of custodial death and custodial rape within 24 hours of occurrence of the event and that failure to report promptly will give rise to the presumption that there was an attempt to suppress the incident.

Further, Section 176 of the Criminal Procedure Code has been amended vide Code of Criminal Procedure (Amendment) Act 2005 to provide that in cases of death or disappearance of a person or rape of a woman while in custody of the police, there shall be a mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within 24 hours of death. Section 357 of Cr. P.C. empowers the Courts to grant compensation to the victim and order for payment of cost of the prosecution.

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.

Subsequently on 02.12.2003, revised guidelines of the NHRC have been issued and it was emphasized that the States must send intimation to the Commission of all cases of deaths arising out of police encounters. All the States and Union territories have been directed to send a six monthly statement of all cases of deaths in police action in the States/Union Territories through the Director General of Police to the NHRC.

Further, the NHRC has reiterated its guidelines on 12.05.2010 to all State Governments/Union Territory Administrations for investigation into cases of deaths caused in police action.