

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
RAJYA SABHA
UNSTARRED QUESTION NO 568
ANSWERED ON 22.10.2008

ASSESSMENT ON CUSTODIAL DEATHS .

568. SHRIMATI SUPRIYA SULE

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

- (a) whether four persons died or had been killed in prison and police custody every day during the period between 2002-07;
- (b) whether according to Government figures, as many as 7468 custodial deaths have occurred in the period but only a fraction are convicted for it;
- (c) whether this was revealed in the first ever nation-wide assessment for the use of the `Torture in India, 2008` ;
- (d) whether this has been brought out in the report by Asian Centre for Human Rights, an NGO;
- (e) whether Government has considered the report; and
- (f) the steps proposed to be taken to avoid such custodial deaths in the country?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(DR. SHAKEEL AHMAD)

(a) to (f): As per the guidelines issued by the National Human Rights Commission (NHRC) to all State Governments/Union Territories, all cases of custodial deaths are required to be reported to the NHRC within 24 hours of its occurrence alongwith the relevant reports viz. Inquest Reports, Magisterial Inquiry Reports, Post-Mortem Reports.

Year-wise deaths reported to NHRC in judicial as well as police custody for the period 1.4.2002 to 31.3.2008 is at Annexure-I.

In every proven case of such violation of human rights, the NHRC recommends interim relief/compensation for the family of the deceased and/or disciplinary action/prosecution of the erring public servant.

The Chairperson and Members of the NHRC during their visits to the State/Union Territories, always emphasize upon State functionaries the need to curb the occurrence of custodial deaths. Besides, the Commission from time to time, while disposing of cases of custodial deaths, makes appropriate observations to the State authorities to prevent recurrence of such custodial deaths.

Section 176 of Criminal Procedure Code has been amended through the Code of Criminal Procedures (Amendment) Act, 2005 to provide that in the case of death or disappearance of a persons, or rape of a

woman while in the 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.

The Ministry has circulated the important guidelines as directed by Hon'ble Supreme Court in the case of D.K. Basu Vs. State of West Bengal which are to be followed by all authorities concerned while making the arrests. Amendments have also been proposed in the Cr. P.C. through the Code of Criminal Procedure (Amendment) Bill, 2006 which are, inter-alia, aimed to incorporate the above guidelines, and certain other provisions regarding arrests, in the Code. It has also been proposed to insert a new section 357(a) in Cr. P.C. to provide for compensating to the victims of all types of crimes including custodial crimes.

ANNEXURE