

trained to give penicillin injection for the treatment of RHD. However, surgery for RHD is expensive and available only in highly specialised medical centres.

[*Translation*]

Custodial Deaths

*262. SHRI JANARDAN MISRA:
SHRI PANKAJ
CHOWDHARY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government have issued any guidelines to curb the use of questionable methods by the police in investigation of crime;

(b) if so, the details thereof;

(c) whether the guidelines have helped in reducing the incidence of custodial deaths;

(d) if not the, the reasons therefor; and

(e) the further steps taken to check such custodial deaths?

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): (a) to (e). Although the "Police" is a State subject, the Government of India have issued instructions/guidelines to the State Governments regarding measures to prevent custodial crimes.

Detailed guidelines have been circulated from time to time to the State Governments and Union Territories

regarding measures to prevent the use of questionable and coercive methods by the Police during investigations. While drawing attention to the legal safeguards, State Governments have been requested to bring to the notice of the police officers, the instructions contained in the Public Manuals of different states regarding prohibiting or restricting use of force by the police while effecting arrests, interrogating suspects or during any other stage of police inquiry or investigation. It was emphasised that police personnel found guilty of using third degree methods would render themselves liable to exemplary punishment. It has also been emphasised that senior officers should continually guide investigating officers during inspections and meetings and impress upon them the need for adopting correct and prescribed methods of investigation. Apart from specific guidelines, State Governments have been advised that there is a necessity to bring about qualitative change in the approach is a necessity to bring about qualitative change in the approach and behaviour of the police towards the general public.

A *Statement* showing the number of custodial deaths over the past three years, based on available information, is attached.

The Government introduced the Code of Criminal Procedure (Amendment) Bill, 1994 in the Rajya Sabha on 9th May, 1994. The Bill contains provisions to prevent/reduce the commission of custodial crimes, including *inter-alia* making it mandatory for the police to give information about the arrest of a person as well as the place where he is being held to anyone who may be nominated by him; amending the law of Evidence to shift the burden of proof on the officer having custody of the person in cases

of custodial crimes and mandatory judicial inquiry in case of death or disappearance of a person while in custody of the police.

In a related development, the Government of India have enacted the

Protection of Human Rights Act, 1993, which *inter-alia* provide for the setting up of National and State level Human Rights Commissions and Human Rights Courts to enquire into the custodial crimes and provide relief to the victims.

STATEMENT

Number of Persons died in Police Custody during 1991 to 1993 and 1994 (upto the available months) (State & UT-wise)

Sl. No.	State/UT	1991	1992	1993	1994	Remarks (Figs. of 1994 are upto the month of)
1	2	3	4	5	6	7
States						
1.	Andhra Pradesh	5	12	7	0	May
2.	Arunachal Pradesh	0	1	0	0	April
3.	Assam	1	4	1	0	January
4.	Bihar	2	7	4	NA	-
5.	Goa	0	1	1	0	May
6.	Gujarat	8	1	2	0	January
7.	Haryana	0	0	0	NA	-
8.	Himachal Pradesh	0	0	0	0	May
9.	Jammu & Kashmir	2	0	14	NA	-
10.	Karnataka	0	1	3	0	April*
11.	Kerala	2	0	0	0	May
12.	Madhya Pradesh	3	1	0	1	May
13.	Maharashtra	11	20	31	NA	-
14.	Manipur	0	1	0	0	May
15.	Meghalaya	0	0	0	0	March

1	2	3	4	5	6	7
16.	Mizoram	0	1	0	0	June
17.	Nagaland	0	0	0	0	May
18.	Orissa	0	0	1	NA	-
19.	Punjab	2	1	1	0	April
20.	Rajasthan	5	3	0	2	May
21.	Sikkim	1	0	0	0	April*
22.	Tamil Nadu	5	1	3	1	March
23.	Tripura	0	0	1	0	May
24.	Uttar Pradesh	3	5	6	2	April
25.	West Bengal @	4	8	1	NA	-
Total (States)		54	68	76	6	
Union Territories						
26.	A & N Islands	0	0	0	0	May
27.	Chandigarh	0	0	0	0	May
28.	D & N Haveli	0	0	0	0	May
29.	Daman & Diu	1	0	0	0	May
30.	Delhi	3	2	0	0	May
31.	Lakshadweep	0	0	0	NA	-
32.	Pondicherry	1	0	0	0	May #
Total (UTs)		5	2	0	0	
Total (All-India)		59	70	76	6	

Source : Monthly Crime Statistics.

- Note:**
1. Figs. are provisional.
 2. * Figs exclude January and February Data due to its non availability.
 3. # Figs. exclude January Data due to its non-availability.
 4. @ Figs. of 1993 are upto April only.
 5. N.A. stands for figs. not available.