

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

STARRED QUESTION NO:412
ANSWERED ON:24.08.2004
CUSTODIAL DEATHS
Manvendra Singh Shri

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the National Police Academy, Law Commission and National Human Rights Commission including the Amnesty International have given some suggestions and recommendations to the Government for checking custodial deaths;
- (b) if so, the details thereof; and
- (c) the effective action taken/to be taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

(a) to (c): A statement is laid on the Table of the House.

STATEMENT RERERRED TO PARTS (A) TO (C) OF LOK SABHA STARRED QUESTION NO. 412 FOR 24.8.04

Various recommendations have been made from time to time by various Commissions such as the National Police Commission, the Law Commission and the National Human Rights Commission to check custodial deaths. The National Police Commission had proposed amendments to Section 176 of the Code of Criminal Procedure 1973 to provide for a mandatory judicial inquiry in the case of death or disappearance of a person while in the custody of police and also examination of dead body within 24 hours in case of death. The Law Commission in its 154th Report had recommended insertion of Section 357A to the Code of Criminal Procedure, 1973 to provide for payment of compensation to victims of crime including custodial crimes. The Code of Criminal Procedure (Amendment) Bill, 1994 was introduced in Parliament in May 1994 proposing an amendment to Section 176 of the Criminal Procedure Code to provide for a mandatory judicial inquiry in a case of alleged death, disappearance, or rape in custody.

The recommendations of the Law Commission referred to above is being processed in consultation with the State Governments/Union Territory Administrations. The implementation of the recommendations is subject to introduction and passage of an Amendment Bill in Parliament for which no time frame can be fixed.

The National Human Rights Commission has issued guidelines to all State Governments/Union Territories to inform the Commission of incidents of custodial death within 24 hours of its occurrence. The Commission recommends disciplinary/departmental action as well as initiation of prosecution against the delinquent police/jail authorities in case where prima-facie case of custodial violence is established. Further the Commission also recommends monetary compensation by way of immediate interim relief to the next of kin of the deceased.