

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2551

ANSWERED ON:14.03.2006

SAKA CUSTODIAL DEATH

Chowdhury Shri Adhir Ranjan;Singh Shri Uday;Subba Shri Moni Kumar

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the police in various States, particularly in Delhi are not following guidelines in respect of cases of arrest and detention;
- (b) if so, the reasons thereof along with the action taken in this regard;
- (c) whether the Supreme Court has expressed concern over the growing number of custodial violence in the country and police using third degree methods to interrogate the accused;
- (d) if so, the reaction of the Government on the views of the Supreme Court;
- (e) the number of custodial deaths reported during each of the last three years, State-wise and UT-wise; and
- (f) the action taken by the Government against such erring officers?

Answer

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

(a) to (d): The Government has circulated the guidelines laid down by the Hon`ble Supreme Court on arrest and detention to all the State Governments and Union Territories (UTs) for compliance. The Hon`ble Supreme Court has directed the State Human Rights Commissions to constitute a sub committee in their respective Commissions with a view to oversee whether the 11 requirements as spelt out in D.K. Basu's case are being carried out or not and to take all such further necessary steps as are required to ensure that those requirements are carried out. It shall be open to such sub-committee to make surprise checks with a view to see actual implementation of those requirements. The Hon`ble Supreme Court has further directed that the report of the action taken by the Committees constituted by the State Human Rights Commissions, as per the order above, is to be sent to them directly.

(e): As per the reports received by the National Human Rights Commission (NHRC) from various States and UTs, a statement indicating the number of custodial deaths from the year 2003-2004, 2004-2005 and 2005-2006 (upto 28.2.2006) is annexed.

(f): Law and Order is a State subject. The NHRC, however, makes recommendations to the State Government concerned to take disciplinary action, which include prosecution as well as compensation, against the errant officers involved in custodial deaths, wherever their guilt has been established after inquiry by NHRC. Annexure

STATEMENT REFERRED TO IN REPLY TO PART (E) OF THE LOK SABHA UNSTARRED

STATEMENT SHOWING CUSTODIAL DEATHS REPORTED TO NHRC FROM STATE GOVERNMENTS DURING THE YEARS 2003-2004 TO 2005-2006 (Up to 28.2.2006)

STATE	2003-2004	2004-2005	2005-2006						
	(Up to 28.2.2006)								
	PC	JC	TOTAL	PC	JC	TOTAL	PC	JC	TOTAL

ANDHRA PRADESH 10 114 124 13 116 129 7 124 131

ARUNACHAL PRADESH 2 1 3 - 2 2 1 - 1

ASSAM 6 18 24 4 11 15 4 25 29

BIHAR 9 139 148 3 150 153 1 227 228

GOA - - 0 - 4 4 1 4 5

GUJARAT 20 37 57 15 54 69 19 49 68

HARYANA 2 49 51 2 49 51 3 57 60

HIMACHAL PRADESH - 2 2 - 5 5 - 5 5

JAMMU & KASHMIR - - 0 - - 0 1 - 1

KARNATAKA 4 52 56 9 51 60 5 57 62

KERALA 4 51 55 6 51 57 5 38 43

MADHYA PRADESH 3 30 33 2 49 51 3 38 41

MAHARASHTRA 32 148 180 23 138 161 18 104 122

MANIPUR - - 0 - - 0 - - 0

MEGHALAYA 3 3 6 2 6 8 0 4 4

MIZORAM - 2 2 - - 0 - - 0

NAGALAND - 0 0 - - 0 0 - 0

ORISSA 1 52 53 3 39 42 2 40 42

PUNJAB 7 81 88 6 65 71 6 90 96

RAJASTHAN 5 45 50 - 50 50 7 46 53

SIKKIM - - 0 - - 0 - - 0

TAMILNADU 12 106 118 9 98 107 6 91 97

TRIPURA - - 0 1 4 5 1 4 5

UTTAR PRADESH 18 199 217 7 219 226 17 235 252

WEST BENGAL 13 43 56 11 64 75 8 66 74

A&N ISLANDS - - 0 - 1 1 - 2 2

CHANDIGARH - 4 4 1 3 4 - 3 3

D&N HAVELI - - 0 - - 0 - - 0

DAMAN & DIU - - 0 - - 0 - - 0

DELHI 3 22 25 5 27 32 3 28 31

LAKSHDWEEP - - 0 - - 0 - - 0

PONDICHERRY 1 - 1 1 - 1 - 1 1

CHHATISGARH 2 42 44 5 26 31 2 48 50

JHARKHAND 3 53 56 5 66 71 4 56 60

UTTARANCHAL 2 7 9 3 9 12 - 9 9

TOTAL CASES 162 1300 1462 136 1357 1493 124 1451 1575