

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA**

**QUESTION NO 22.07.2009**

**ANSWERED ON**

**REPORT OF NHRC ON CUSTODIAL DEATHS .**

2012

SHRIMATI SHOBHANA BHARTIA

Will the Minister of HEALTH AND FAMILY WELFARE HOME AFFAIRS be pleased to state :-

(a) whether according to a report based on data from National Human Rights Commission (NHRC), there is no let up in custodial deaths in the country;

(b) if so, the facts and details thereof;

(c) whether the actual number of police custodial deaths are more than the recorded one;

(d) if so, whether the Union Government has since taken any steps to check such police custodial deaths and would also direct State Governments in this regard; and

(e) if so, the details thereof?

**ANSWER**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI AJAY MAKEN)

(a) to (e):No such report has been received in Ministry of Home Affairs. However, as per information provided by National Human Rights Commission (NHRC), the total number of Custodial Deaths reported in the Country, during the period from 2005-06 to 2007-08 are given as numbe

Year	Custodial death		reported	Judicial Custody	Police Custody	Total
2005-06	1591	139	1730			
2006-07	1477	119		1596		
2007-08	1789	188		1977		

‘Public Order’ and ‘Police’ are State subjects as per the Seventh Schedule of the Constitution and as such registration, investigation, detection and prevention of crime is primarily the responsibility of the State Governments including cases relating to Custodial Deaths. However, Government of India has been issuing guidelines from time to time to make concerted efforts to improve the administration of Criminal Justice System and to take effective measures to control crime.

Moreover, National Human Rights Commission (NHRC) has also issued instructions to all State Governments/Union Territory authorities which are under obligation to report all deaths in custody, within 24 hours of its occurrence irrespective of the cause of death of the deceased. These are examined by NHRC from human rights perspective after calling for requisite reports and other relevant materials and appropriate orders are passed by the Commission.

Section 176 of Cr. P. C. has also been amended to provide that in case of death or disappearance of a person or rape of a woman while in the custody of the police, there shall be mandatory judicial inquiry and in case of death, examination of the dead body shall be conducted within 24 hours of death vide Cr. P. C. (Amendment) Act, 2005.