GOVERNMENT OF INDIA

MINISTRY OF DEFENCE

DEPARTMENT OF DEFENCE

**RAJYA SABHA**

 **UNSTARRED QUESTION NO.1463**

TO BE ANSWERED ON 1.1.2018

**PROSECUTION OF ARMED FORCES UNDER AFSPA**

1463. SHRI HUSAIN DALWAI:

Will the Minister of DEFENCE be pleased to state:

(a) the number of cases received by the Central Government from Jammu and Kashmir Government for sanction of prosecution of Armed Forces personnel, under Armed Forces (Jammu and Kashmir) Special Powers Act, (AFSPA), 1990;

(b) the number of such cases in which sanctions were granted, denied and pending;

(c) the details for each request received including its year of receiving, offences alleged, outcome of investigation, current status of the sanction for prosecution; and

(d) the reasons for denying or pending status of sanction for prosecution?

### ANSWER

MINISTER OF STATE IN THE MINISTRY OF DEFENCE

 DR. SUBHASH BHAMRE

(a) A total of 50 cases have been received by the Union Government from the Government of Jammu and Kashmir for Prosecution Sanction against Armed Forces personnel under AFSPA, 1990.

(b) & (c): A statement giving the details of the total number of cases received in each of the years, offence alleged and the current status of the sanction granted / denied / pending based on the investigation is annexed.

(d) The reason for denial / pendency of prosecution sanction is on account of lack of sufficient evidence to establish a *prima facie* case.

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**ANNEXURE IN RESPECT OF REPLY GIVEN IN PARTS (b) & (c) OF RAJYA SABHA UNSTARRED QUESTION NO. 1463 FOR 1.1.2018 REGARDING PROSECUTION OF ARMED FORCES UNDER AFSPA**.

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| **S.** **No.** | **Year** | **Total Requests Received** | **Offence Alleged** | **Current Status of Prosecution sanction** |
| 1. | 2001 | 1 | Death in operation | Denied |
| 2. | 2005 | 2 | Death in an encounter | Denied |
| Death in retaliatory fire | Denied |
| 3. | 2006 | 17 | Killing after abduction | Denied |
| Apprehending and killing | Denied |
| Death after apprehension of civilian | Denied |
| Outraging the modesty of a woman | Denied |
| Disappearance of two civilians | Denied |
| Rape of a woman | Denied |
| Death of a civilian in operation | Denied |
| Death of a civilian | Denied |
| Beating of civilians | Denied |
| Maltreatment | Denied |
| Death of a civilian | Denied |
| Disappearance of a civilian | Denied |
| Illegal detention of a civilian | Denied |
| Abduction of a civilian | Denied |
| Death of a civilian after abduction | Denied |
| Abduction and Death of a civilian | Denied |
| Disappearance of a civilian  | Pending |
| 4 | 2007 | 13 | Torture and Killing | Denied |
| Apprehending and killing | Denied |
| Torture and Killing | Denied |
| Torture and killing | Denied |
| Torture and killing | Denied |
| Rape of a woman | Denied |
| Custodial death | Denied |
| Disappearance of a civilian | Denied |
| Disappearance of a civilian | Denied |
| Disappearance of a civilian | Denied |
| Apprehending and killing | Denied |
| Fake encounter leading to death of one person | Denied |
| Killing of a civilian | Denied |

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| 5 | 2008 | 3 | Detention and Killing | Denied |
| Disappearance of a civilian | Denied |
| Theft, molestation and rape | Denied |
| 6 | 2009 | 2 | Disappearance of civilians | Denied |
| Death in custody | Denied |
| 7 | 2010 | 4 | Killing of a civilian | Denied |
| Custodial death | Denied |
| Killing of a civilian | Denied |
| Killing of a civilian | Denied |
| 8 | 2011 | 2 | Kidnapping of a civilian | Pending |
| Killing of a civilian | Denied |
| 9 | 2013 | 3 | Killing of suspected terrorist | Denied |
| Killing of a civilian | Denied |
| Killing of a civilian | Denied |
| 10 | 2014 | 2 | Killing of a civilian | Pending |
| Killing of a civilian | Denied |
| 11 | 2016 | 1 | Killing of two civilians and causing injury to two civilians. | Denied |

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