

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO.1002**

**TO BE ANSWERED ON THE 22ND NOVEMBER, 2016/AGRAHAYANA 1, 1938 (SAKA)
CUSTODIAL DEATHS**

1002. DR. A. SAMPATH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether there has been an increase in the incidents of deaths in judicial custody;

(b) if so, the details thereof and the total number of male, female, transgender and minor who died in judicial custody separately along with the number of persons arrested, convicted and the action taken against the guilty during each of the last three years and the current year, State-wise;

(c) whether the Union Government has issued directives to the State Governments in this regard; and

(d) if so, the details thereof and the action taken to stop such cases in future alongwith the other measures taken to ensure transparency in investigation?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI KIREN RIJIJU)**

(a)&(b) Based on the information received from National Human Right Commission (NHRC), the details of total number of male, female and minor (victim age between 1-17) who died in judicial custody registered during each of the last three years and the current year are as under-

Gender	2013-14	2014-15	2015-16	2016-17 as on 31.10.2016
Male	1523	1527	1604	891
Female	54	60	62	44
Minor (Between 1-17yrs)	1	2	0	1

Statements indicating State-wise details of death in judicial custody with break-up of male, female and minor (victim age between 1-17) during each of the last three years and the current year up to 31.10.2016 is submitted as Annexure A-1 to A-4.

The Commission has not maintained any separate record in respect of transgender who have died in judicial custody. The Commission has also not maintained any separate record of the number of persons arrested or convicted.

(c) & (d) Police & Public Order are State subjects under the 7th Schedule of Constitution of India. It is primarily the responsibility of the State Government to appropriately prevent and ensure non occurrence of police atrocities and protect the Human Rights of the citizen. However, the Central Government issues advisories and the NHRC issues guidelines/procedure to be followed in cases of death caused in Police action from time to time. Pursuant to the guidelines laid down by the NHRC, every death in police or judicial custody is to be reported within 24 hours of the occurrence. The Commission also calls for various reports, such as inquest, post-mortem report, magisterial inquiry report, viscera reports etc. for ascertaining foul play or negligence, if any, by public servants, which resulted in the death in custody.

During various workshops, seminars and camp sittings, the commission sensitizes senior officers in State Governments for better protection of Human Rights.

The Commission has been recommending monetary relief and disciplinary action in cases of violation of human rights. During the said period, in 363 cases of violation of human right, monetary relief of Rs. 6,33,44,999/- has been recommended by the Commission and disciplinary action against public servants in 33 cases of death in judicial custody has been recommended. State-wise details in respect of recommendation of NHRC for monetary relief and disciplinary action are given at Annexure A-5

ANNEXURE A-1**INFORMATION IN RESPECT OF PART (a) & (b) OF LOK SABHA UNSTARRED QUESTION NO. 1002 FOR 22.11.2016****STATEMENT SHOWING STATE-WISE NO. OF CASES REGISTERED, DISPOSED AND PENDING UNDER "DEATHS IN JUDICIAL CUSTODY"
DURING THE YEAR 2013-2014**

NAME OF STATE/UT	MALE			FEMALE			MINOR (between 1-17yrs)		
	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING
ANDAMAN & NICOBAR	1	1	0	0	0	0	0	0	0
ANDHRA PRADESH	70	37	33	1	0	1	0	0	0
ARUNACHAL PRADESH	2	0	2	0	0	0	0	0	0
ASSAM	13	8	5	1	1	0	0	0	0
BIHAR	88	46	42	5	3	2	0	0	0
CHANDIGARH	2	2	0	0	0	0	0	0	0
CHHATTISGARH	56	37	19	0	0	0	0	0	0
DELHI	36	25	11	0	0	0	0	0	0
GOA	2	2	0	0	0	0	0	0	0
GUJARAT	47	32	15	0	0	0	0	0	0
HARYANA	46	31	15	2	2	0	0	0	0
HIMACHAL PRADESH	3	2	1	0	0	0	0	0	0
JAMMU & KASHMIR	6	5	1	0	0	0	0	0	0
JHARKHAND	49	26	23	2	1	1	0	0	0
KARNATAKA	2	2	0	0	0	0	0	0	0
KERALA	50	44	6	0	0	0	0	0	0
MADHYA PRADESH	115	85	30	2	2	0	0	0	0
MAHARASHTRA	95	50	45	4	2	2	0	0	0
MEGHALAYA	2	1	1	0	0	0	0	0	0
NAGALAND	2	0	2	1	1	0	0	0	0
ODISHA	46	30	16	2	1	1	0	0	0
PUNJAB	167	125	42	4	3	1	0	0	0
RAJASTHAN	62	37	25	3	1	2	0	0	0
SIKKIM	3	3	0	0	0	0	0	0	0
TAMIL NADU	69	62	7	1	1	0	0	0	0
TELANGANA	47	24	23	4	2	2	0	0	0
TRIPURA	4	2	2	1	0	1	0	0	0
UTTAR PRADESH	333	214	119	14	9	5	1	1	0
UTTARAKHAND	15	12	3	0	0	0	0	0	0
WEST BENGAL	90	55	35	7	5	2	0	0	0
Total	1,523	1,000	523	54	34	20	1	1	0

INFORMATION IN RESPECT OF PART (a) & (b) OF LOK SABHA UNSTARRED QUESTION NO. 1002 FOR 22.11.2016

STATEMENT SHOWING STATE-WISE NO. OF CASES REGISTERED, DISPOSED AND PENDING UNDER "DEATHS IN JUDICIAL CUSTODY" DURING THE YEAR 2014-2015

NAME OF STATE/UT	MALE			FEMALE			MINOR (between 1-17yrs)		
	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING
ANDAMAN & NICOBAR	3	0	3	0	0	0	0	0	0
ANDHRA PRADESH	44	18	26	1	0	1	0	0	0
ARUNACHAL PRADESH	5	0	5	0	0	0	0	0	0
ASSAM	21	10	11	1	0	1	0	0	0
BIHAR	113	18	95	4	0	4	0	0	0
CHANDIGARH	1	1	0	0	0	0	0	0	0
CHHATTISGARH	48	16	32	1	0	1	0	0	0
DADRA & NAGAR HAVELI	1	0	1	0	0	0	0	0	0
DELHI	41	12	29	1	0	1	0	0	0
GOA	2	1	1	0	0	0	0	0	0
GUJARAT	37	18	19	4	3	1	0	0	0
HARYANA	39	14	25	1	1	0	0	0	0
HIMACHAL PRADESH	1	1	0	0	0	0	0	0	0
JAMMU & KASHMIR	4	4	0	0	0	0	0	0	0
JHARKHAND	42	8	34	2	1	1	0	0	0
KARNATAKA	8	8	0	0	0	0	0	0	0
KERALA	23	12	11	0	0	0	0	0	0
MADHYA PRADESH	131	106	25	1	1	0	0	0	0
MAHARASHTRA	97	40	57	6	3	3	0	0	0
MANIPUR	1	0	1	0	0	0	0	0	0
MEGHALAYA	2	0	2	0	0	0	0	0	0
MIZORAM	3	2	1	0	0	0	0	0	0
NAGALAND	8	4	4	0	0	0	0	0	0
ODISHA	50	31	19	3	1	2	0	0	0
PUDUCHERRY	0	0	0	1	0	1	0	0	0
PUNJAB	209	176	33	5	5	0	0	0	0
RAJASTHAN	56	23	33	3	1	2	0	0	0
TAMIL NADU	46	38	8	3	3	0	0	0	0
TELANGANA	49	10	39	0	0	0	0	0	0
TRIPURA	4	0	4	0	0	0	0	0	0
UTTAR PRADESH	327	124	203	13	4	9	2	2	0
UTTARAKHAND	20	7	13	1	1	0	0	0	0
WEST BENGAL	91	44	47	9	4	5	0	0	0
Total	1,527	746	781	60	28	32	2	2	0

ANNEXURE A-3

INFORMATION IN RESPECT OF PART (a) & (b) OF LOK SABHA UNSTARRED QUESTION NO. 1002 FOR 22.11.2016

STATEMENT SHOWING STATE-WISE NO. OF CASES REGISTERED, DISPOSED AND PENDING UNDER "DEATHS IN JUDICIAL CUSTODY" DURING THE

YEAR 2015-2016

NAME OF STATE/UT	MALE			FEMALE			MINOR (between 1-17yrs)		
	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING
ANDAMAN & NICOBAR	1	0	1	0	0	0	0	0	0
ANDHRA PRADESH	41	9	32	0	0	0	0	0	0
ARUNACHAL PRADESH	3	0	3	0	0	0	0	0	0
ASSAM	22	9	13	0	0	0	0	0	0
BIHAR	102	10	92	2	1	1	0	0	0
CHANDIGARH	6	2	4	0	0	0	0	0	0
CHHATTISGARH	58	5	53	3	0	3	0	0	0
DELHI	46	5	41	5	1	4	0	0	0
GOA	2	1	1	0	0	0	0	0	0
GUJARAT	39	24	15	0	0	0	0	0	0
HARYANA	64	18	46	1	0	1	0	0	0
HIMACHAL PRADESH	7	4	3	0	0	0	0	0	0
JAMMU & KASHMIR	2	2	0	0	0	0	0	0	0
JHARKHAND	63	9	54	1	0	1	0	0	0
KARNATAKA	11	7	4	0	0	0	0	0	0
KERALA	45	6	39	4	0	4	0	0	0
MADHYA PRADESH	130	120	10	5	5	0	0	0	0
MAHARASHTRA	112	102	10	3	3	0	0	0	0
MANIPUR	1	0	1	0	0	0	0	0	0
MEGHALAYA	4	1	3	0	0	0	0	0	0
MIZORAM	4	1	3	0	0	0	0	0	0
ODISHA	43	24	19	1	0	1	0	0	0
PUNJAB	174	134	40	5	4	1	0	0	0
RAJASTHAN	82	21	61	0	0	0	0	0	0
SIKKIM	0	0	0	1	0	1	0	0	0
TAMIL NADU	63	51	12	1	0	1	0	0	0
TELANGANA	30	5	25	2	0	2	0	0	0
TRIPURA	3	0	3	0	0	0	0	0	0
UTTAR PRADESH	331	50	281	19	5	14	0	0	0
UTTARAKHAND	18	5	13	1	1	0	0	0	0
WEST BENGAL	97	22	75	8	0	8	0	0	0
Total	1,604	647	957	62	20	42	0	0	0

ANNEXURE A-4**INFORMATION IN RESPECT OF PART (a) & (b) OF LOK SABHA UNSTARRED QUESTION NO. 1002 FOR 22.11.2016****STATEMENT SHOWING STATE-WISE NO. OF CASES REGISTERED, DISPOSED AND PENDING UNDER "DEATHS IN JUDICIAL CUSTODY" DURING
THE
YEAR 2016-2017 (UPTO 31/10/2016)**

NAME OF STATE	MALE			FEMALE			MINOR (between 1-17yrs)		
	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING	NO. OF CASES REGISTERED	DISPOSED	PENDING
ANDHRA PRADESH	19	4	15	0	0	0	0	0	0
ASSAM	14	4	10	1	0	1	0	0	0
BIHAR	42	1	41	2	0	2	0	0	0
CHANDIGARH	1	0	1	0	0	0	0	0	0
CHHATTISGARH	29	4	25	1	0	1	0	0	0
DELHI	16	1	15	3	0	3	0	0	0
GOA	2	1	1	0	0	0	0	0	0
GUJARAT	35	16	19	0	0	0	0	0	0
HARYANA	20	1	19	3	0	3	0	0	0
HIMACHAL PRADESH	3	0	3	0	0	0	0	0	0
JAMMU & KASHMIR	3	2	1	0	0	0	0	0	0
JHARKHAND	32	0	32	2	1	1	0	0	0
KARNATAKA	6	0	6	0	0	0	0	0	0
KERALA	30	5	25	0	0	0	0	0	0
MADHYA PRADESH	80	59	21	3	1	2	0	0	0
MAHARASHTRA	76	42	34	2	0	2	1	0	1
MEGHALAYA	1	0	1	0	0	0	0	0	0
MIZORAM	3	0	3	0	0	0	0	0	0
ODISHA	26	10	16	3	0	3	0	0	0
PUNJAB	85	2	83	3	0	3	0	0	0
RAJASTHAN	49	6	43	1	0	1	0	0	0
TAMIL NADU	36	20	16	2	1	1	0	0	0
TELANGANA	18	2	16	0	0	0	0	0	0
TRIPURA	3	0	3	0	0	0	0	0	0
UTTAR PRADESH	210	7	203	14	2	12	0	0	0
UTTARAKHAND	9	1	8	0	0	0	0	0	0
WEST BENGAL	43	9	34	4	1	3	0	0	0
Total	891	197	694	44	6	38	1	0	1

ANNEXURE A-5**INFORMATION IN RESPECT OF PART (c) & (d) OF LOK SABHA UNSTARRED QUESTION NO. 1002 FOR 22.11.2016****STATEMENT SHOWING NO. OF CASES (INCLUDING CARRY FORWARD) REGARDING "DEATH IN JUDICIAL CUSTODY" WHERE NHRC RECOMMENDED MONETARY RELIEF AND WHERE NHRC RECOMMENDED DISCIPLINARY ACTION DURING THE PERIOD FROM 01/04/2013 TO 31/10/2016**

NO. OF CASES (INCLUDING CARRY FORWARD) REGARDING "DEATH IN JUDICIAL CUSTODY" WHERE NHRC RECOMMENDED MONETARY RELIEF			NO. OF CASES (INCLUDING CARRY FORWARD) REGARDING "DEATH IN JUDICIAL CUSTODY" WHERE NHRC RECOMMENDED DISCIPLINARY ACTION
NAME OF STATE/UT	NO. OF CASES	AMOUNT (in Rs.)	NO. OF CASES
ANDHRA PRADESH	21	3,750,000	1
ARUNACHAL PRADESH	1	100,000	0
ASSAM	4	600,000	0
BIHAR	30	5,700,000	2
CHHATTISGARH	22	3,600,000	2
DAMAN & DIU	1	100,000	0
DELHI	15	2,200,000	2
GUJARAT	10	1,800,000	0
HARYANA	18	3,000,000	3
HIMACHAL PRADESH	1	300,000	1
JHARKHAND	12	1,800,000	0
KARNATAKA	3	400,000	0
KERALA	9	1,700,000	0
MADHYA PRADESH	13	2,550,000	5
MAHARASHTRA	21	3,100,000	0
MANIPUR	1	200,000	0
MIZORAM	1	300,000	0
ODISHA	5	450,000	0
PUDUCHERRY	2	400,000	0
PUNJAB	10	1,550,000	3
RAJASTHAN	28	4,850,000	1
TAMIL NADU	15	2,600,000	3
TELANGANA	13	2,300,000	0
TRIPURA	1	25,000	0
UTTAR PRADESH	86	16,219,999	8
UTTARAKHAND	2	600,000	0
WEST BENGAL	18	3,150,000	2
TOTAL	363	63,344,999	33