

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
LOK SABHA  
UNSTARRED QUESTION NO. 5866**

**TO BE ANSWERED ON THE 3<sup>RD</sup> APRIL, 2018/ CHAITRA 13, 1940 (SAKA)**

**CUSTODIAL DEATHS**

**5866.        SHRI LAXMAN GILUWA:  
              SHRI B. SRIRAMULU:  
              SHRIMATI ANJU BALA:  
              SHRI TEJ PRATAP SINGH YADAV:  
              SHRI MANSUKHBHAI DHANJIBHAI VASAVA:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether there has been an increase in the incidents of illegal custody and custodial deaths in the country;**
- (b) if so, the details thereof and the total number of such cases reported during each of the last three years and the current year, State-wise;**
- (c) whether the National and State Human Rights Commissions have received representations/complaints in this regard;**
- (d) if so, the details thereof during the said period, State-wise;**
- (e) whether the Government is considering the recommendations of 273<sup>rd</sup> Report of the Law Commission that India ratify the United Nations Convention against torture and pass a law to prevent torture and if so, the details thereof; and**
- (f) whether the Government has issued directives to the State Governments/Police Department in this regard and if so, the details thereof along with the reaction of the States in this regard?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI HANSRAJ GANGARAM AHIR)**

- (a) to (d) :- Based on the information received from National Human Rights Commission (NHRC), the details of reported incidents of Illegal Custody and Custodial Deaths are as under:-**

<b>Item</b>	<b>2014-15 (From 01/04/2014 to 31/03/2015)</b>	<b>2015-16 (From 01/04/2015 to 31/03/2016)</b>	<b>2016-17 (From 01/04/2016 to 31/03/2017)</b>	<b>2017-18(From 01/04/2017 to 28/02/2018)</b>
<b>Un-lawful Custody (Police)</b>	<b>964</b>	<b>1194</b>	<b>852</b>	<b>913</b>
<b>Custodial Deaths (Police)</b>	<b>130</b>	<b>151</b>	<b>145</b>	<b>144</b>
<b>Alleged Custodial Death (Police)</b>	<b>108</b>	<b>153</b>	<b>32</b>	<b>35</b>
<b>Custodial Deaths (Judicial)</b>	<b>1588</b>	<b>1668</b>	<b>1616</b>	<b>1530</b>
<b>Alleged Custodial Deaths (Judicial)</b>	<b>213</b>	<b>146</b>	<b>15</b>	<b>17</b>

**It can be seen from the above table that the unlawful detention and custodial deaths in the country are showing mixed trend.**

**(e) “The Law Commission on 30.10.2017 submitted its 273<sup>rd</sup> Report on “Implementation of United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment” along with a draft “The Prevention of Torture Bill, 2017”. As Criminal Laws are in the Concurrent List, this Report along with the draft Bill has been circulated to the State Governments/UTs for their views”.**

**(f) Pursuant to the guidelines issued by the NHRC every death in custody, police or judicial, natural or otherwise, is to be reported to the Commission within 24 hours of its occurrence. In all such case, the Commission calls for various reports including the inquest, post-mortem, video-graphy of post-mortem, magisterial inquiry report for ascertaining foul play or negligence, if any which resulted in the death. During various workshops, seminars and camp sittings, the Commission sensitizes senior officers in State Governments for better protection of Human Rights.**