

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
STARRED QUESTION NO.†*334

TO BE ANSWERED ON THE 22ND DECEMBER, 2015/PAUSHA 1, 1937 (SAKA)

CUSTODIAL DEATHS

†*334. SHRI SADASHIV LOKHANDE:
SHRI E. AHAMED:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of children under the age of 14 years and minors who died in police custody including children belonging to Scheduled Castes (SC)/Scheduled Tribes (ST) in the country separately, during each of the last three years and the current year, State-wise;

(b) the percentage of such deaths out of the total number of custodial deaths in the country;

(c) whether the Union Government/National Human Rights Commission (NHRC) have taken up the matter with various State Governments with regard to custodial death and torture in police custody;

(d) if so, the details and the outcome thereof indicating the number of police personnel found guilty and punished; and

(e) whether the Government/NHRC has issued advisories/guidelines to the States and police departments in this regard and if so, the details thereof and the response received thereon?

ANSWER

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

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN LOK SABHA STARRED QUESTION NO.*334
FOR 22.12.2015

(a) : The total number of deaths in police custody in the age group 0-14 is given in Annexure-1. No separate record of scheduled castes (SC) and scheduled tribes(ST) victims is maintained by the National Human Rights Commission(NHRC).

(b) : As per information received from NHRC, the percentage of deaths of children under age 0-14 in police custody to total deaths in police custody during 2012-13, 2013-14, 2014-15 and 2015-16 (upto 30.11.2015) were 7%, 35%, 26% and 21% respectively.

(c) to (e) : "Public Order" and "Police" are State subjects under the 7th Schedule of Constitution of India. It is primarily responsibility of the State Government to appropriately protect the human rights of the citizen. However, Central Government/National Human Rights Commission issued guidelines/procedure to be followed in cases of deaths caused in police action from time to time. Pursuant to NHRC guidelines, every death in police custody is to be reported to the NHRC within 24 hours of its occurrence. The NHRC also calls for various reports such as inquest, post-mortem report, magisterial enquiry report, viscera report etc for ascertaining foul play or negligence, if any, by public servants. In all proven cases of violation of human rights, based on reports/investigation by the Commission, the Commission has recommended either compensation or disciplinary proceedings or prosecution or a combination thereof. During the above-mentioned period, three cases of deaths in police custody (one each in Bihar, Gujarat and Uttar Pradesh) and two cases of torture (one each in Haryana and Uttar Pradesh), the Commission recommended disciplinary action against the erring public servants.

National Human Rights Commission has issued guidelines on 03.10.2013 to all the State Governments/UT Administrations for magisterial enquiry in cases of deaths in custody and the Union Government also issued advisories to State Governments regarding crimes against children on 14.07.2010.

REPLY OF PART (a) OF THE LOK SABHA QUESTION NO. 334 FOR 22.12.2015

STATEMENT SHOWING STATE-WISE, YEAR-WISE AND NO. OF CASES REGISTERED UNDER DEATH IN POLICE CUSTODY INCLUDING SC/ST WHERE VICTIM'S AGE IS BETWEEN 0 TO 14 YEARS DURING THE LAST THREE YEARS AND CURRENT YEAR UPTO 30/11/2015

States	2012-2013	2013-2014	2014-2015	2015-2016
	Total	Total	Total	Total
Arunachal Pradesh	1	0	0	2
Assam	1	4	4	4
Bihar	0	6	3	2
Chhattisgarh	0	0	1	0
Delhi	1	2	1	2
Gujarat	0	1	1	0
Haryana	0	5	3	1
Himachal Pradesh	0	1	1	0
Jammu & Kashmir	0	0	1	0
Jharkhand	0	3	1	2
Karnataka	1	0	2	0
Kerala	0	2	0	1
Madhya Pradesh	0	2	1	0
Maharashtra	1	0	1	2
Meghalaya	0	0	2	1
Odisha	0	2	1	2
Punjab	0	3	1	2
Rajasthan	0	0	2	0
Tamil Nadu	1	4	2	1
Telangana	0	0	1	1
Tripura	0	1	0	0
Uttar Pradesh	2	11	1	0
Uttarakhand	0	0	1	0
West Bengal	2	2	3	0
Total	10	49	34	23
