

the hon. Minister should ensure that measures are taken for their protection and proper inquiry is made against people involved in such criminal activities.

SHRI P. CHIDAMBARAM: Sir, the main question concerns communal incidents in States and atrocities in States...*(Interruptions)*... I do not think the harassment of north-eastern boys and girls will qualify as a communal incident...*(Interruptions)*... Delhi Police has been instructed to ensure that all the north-eastern citizens are protected in Delhi and they have taken a number of measures for their protection ...*(Interruptions)*...

Deaths in police and judicial custody

*305. SHRI H.K. DUA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) how many people have died while in custody of the police or of judicial authorities in the country in the last one year;

(b) a State-wise break-up of the custodial deaths; and

(c) the steps Government has taken to ensure that people do not get killed in jail or in police custody?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) and (b) A Statement indicating the State-wise details of cases registered by National Human Rights Commission (NHRC) regarding custodial deaths in the country during the last year (01.04.2010 to 31.03.2011) is given in Statement-I (*See below*).

(c) As per the Seventh Schedule of the Constitution of India, "Police" and "Public Order" are State Subjects. It is for the State Governments to take action with respect to crime. In view of this, the Central Government does not intervene directly in the matters of custodial deaths, but does issue advisories from time to time, while the National Human Rights Commission (NHRC) issues guidelines and recommendations. NHRC has framed guidelines for reporting all deaths, whether natural or otherwise, while in custody, within 24 hours of its occurrence. The NHRC also calls for various reports for ascertaining any foul play or negligence by public servants, which may have resulted in custodial death.

Section 176 of the Criminal Procedure Code has been amended *vide* Code of Criminal Procedure (Amendment) Act, 2005 to provide that in cases of death or disappearance of a person or rape of a woman while in custody of the police, there shall be a mandatory judicial inquiry; and in case of death, examination of the dead body shall be conducted within twenty four hours of the death.

Statement-I

*Details of State-wise number of cases of custodial deaths registered by
National Human Rights Commission during 01.04.2010 to 31.03.2011*

Sl. No.	States/UTs	Police custody deaths	Judicial custody deaths	Defence/ Para-Military custody deaths	Number of cases of custodial death
1	2	3	4	5	6
1.	Andhra Pradesh	14	92	0	106
2.	Arunachal Pradesh	0	0	0	0
3.	Assam	7	25	1	33
4.	Bihar	6	130	0	136
5.	Goa	2	3	0	5
6.	Gujarat	9	66	0	75
7.	Haryana	3	42	0	45
8.	Himachal Pradesh	0	7	0	7
9.	Jammu and Kashmir	2	4	0	6
10.	Karnataka	5	15	0	20
11.	Kerala	2	45	0	47
12.	Madhya Pradesh	5	79	0	84
13.	Maharashtra	31	99	0	130
14.	Manipur	1	0	0	1
15.	Meghalaya	0	3	0	3
16.	Mizoram	2	2	0	4
17.	Nagaland	1	5	0	6
18.	Orissa	7	48	0	55
19.	Punjab	6	90	0	96
20.	Rajasthan	2	83	0	85

1	2	3	4	5	6
21.	Sikkim	0	1	0	1
22.	Tamil Nadu	6	71	0	77
23.	Tripura	1	1	0	2
24.	Uttar Pradesh	15	316	0	331
25.	West Bengal	5	67	1	73
26.	Andaman and Nicobar Islands	0	1	0	1
27.	Chandigarh	0	5	0	5
28.	Dadra and Nagar Haveli	0	0	0	0
29.	Daman and Diu	0	0	0	0
30.	Delhi	3	19	0	22
31.	Lakshadweep	0	0	0	0
32.	Puducherry	0	2	0	2
33.	Chhattisgarh	1	36	0	37
34.	Jharkhand	6	54	0	60
35.	Uttarakhand	4	15	0	19
TOTAL:		146	1426	2	1574

SHRI H.K. DUA: Mr. Chairman, Sir, the Minister has laid the statement of custodial deaths for the last year in the House. They are horrendous figures. 1574 people died in India in one year under police and judicial custody. This amounts to more than four deaths a day. This is a shameful record of police administration across the country. People think that the judicial custody is safer than the police custody. Out of these 1574, as many as 1426 died in the judicial custody and 146 died in police custody. Even judicial custody is not safe in India. Has the Minister some explanation for this?

SHRI P. CHIDAMBARAM: Sir, the judicial custody deaths include the natural deaths also...*(Interruptions)*...

SHRI D. RAJA: Sir, I have a small supplementary. ...*(Interruptions)*... We have to find a solution. These are all very important questions and we should know what the Government is doing. ...*(Interruptions)*...

श्री मोहम्मद अदीब : सर यह क्या हो रहा है? ...(व्यवधान)...

جناب محمد ادیب : سر یہ کیا ہو رہا ہے؟ --(مداخلت)---

MR. CHAIRMAN: One minute please. ...(Interruptions)... Just one minute please. ...(Interruptions)... बैठ जाइए!...(व्यवधान)... Don't interfere. ...(Interruptions)... The Chair wishes to clarify the position. ...(Interruptions)... Please resume your places. ...(Interruptions)... The procedures are very clear. The hon. Member has addressed the question to a specific Minister of the Government, and it is incumbent on the Minister to reply. So, there should be no confusion about it. Questions are not addressed vaguely or generally. They are addressed to specific Minister. Please go ahead...(Interruptions)...

श्री नरेश चन्द्र अग्रवाल : सर, जब सदन व्यवस्थित नहीं है तो ...(व्यवधान)...

MR. CHAIRMAN : That is the end of the matter. उनको सवाल पूछने दीजिए!...(व्यवधान)...

श्री नरेश चन्द्र अग्रवाल : मंत्री जी क्या जवाब दे रहे हैं, सुनाई नहीं दे रहा है!...(व्यवधान)...

श्री सभापति : आपको रिकॉर्ड से मिल जाएगा!...(व्यवधान)...

श्री नरेश चन्द्र अग्रवाल : फिर हम सप्लीमेंट्री क्या पूछेंगे! ...(व्यवधान)...

श्री सभापति : बैठ जाइए! ...(व्यवधान)...

SHRI H.K. DUA: Para 2 of Minister's statement says, whenever there is a death in police custody or judicial custody, there is mandatory judicial inquiry which is followed by action against culprits. Can the Minister give the figures how many policemen have been punished for deaths in their custody, whether in police custody or judicial custody, in the last one year? That figure should be available to us.

SHRI P. CHIDAMBARAM: That figure is not available with us. ...(Interruptions)... It will take time. ...(Interruptions)...

SHRI TAPAN KUMAR SEN: The Minister has given an elaborate answer but it is missing some details. It is a matter of real concern that within a period of one year 1,574 people died in custody. This may include natural death. I think this figure is upto March, 2011. Couple of months have passed. Out of 1574 deaths, how many are natural deaths and how many are unnatural deaths and in the natural deaths, what is the role of the concerned custodian of those prisoners? At least, you can provide a break-up of natural and unnatural deaths. If you can provide that, I think, it will be useful in understanding the depth of the problem.

SHRI P. CHIDAMBARAM: Sir, this is based on the statistics compiled by NCRB. ...(Interruptions)... We collect information from the State Crime Record Bureau. ...(Interruptions)... But, bulk of the deaths in judicial custody are natural deaths. ...(Interruptions)... But, I cannot give a break-up of the exact number of natural deaths. ...(Interruptions)... It can be collected. ...(Interruptions)... It will take time to collect. ...(Interruptions)... But, bulk of them are natural deaths. ...(Interruptions)...

MR. CHAIRMAN: Shri Bandyopadhyay. ...*(Interruptions)*...

श्री नरेश चन्द्र अग्रवाल : माननीय सभापति जी, एक मिनट।

श्री सभापति : आप बैठ जाइए। ...*(व्यवधान)*... Questions have to be rotated around the House. आप बैठ जाइए। प्लीज़, बैठ जाइए। ...*(व्यवधान)*...

SHRI D. BANDYOPADHYAY: Sir, since autopsy is mandatory under the guidelines given by the National Human Rights Commission, I would like to know one thing. Out of the custodial deaths, how many of them died because of body injury and torture?

SHRI P. CHIDAMBARAM: Sir, as I said, it is very difficult for me to compile information about the nature of the deaths. ...*(Interruptions)*... These are State matters. ...*(Interruptions)*... Jail is State Subject. ...*(Interruptions)*... We can compile the information. ...*(Interruptions)*... Specific information may be available with the States ...*(Interruptions)*... and we are ready to ask the States. ...*(Interruptions)*... But, I cannot give information about each State and what happens all over the country. ...*(Interruptions)*... It is simply not possible. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: Sir, will the Minister enquire about it? ..*(Interruptions)*...

SHRI P. CHIDAMBARAM: We will collect the material and provide it to you. ...*(Interruptions)*...

श्री नरेश चन्द्र अग्रवाल : सभापति जी, मंत्री जी ने जो जुडिशियल कस्टडी डेथ 1426 उत्तर दिया है, उसमें ज्यादातर मौतों का कारण अधिक उम्र के लोगों को जेलों में बंद रखना बताया है।

माननीय सर्वोच्च न्यायालय ने आजीवन कारावास को 14 सालों से हटाकर till the last breath कर दिया है। मैं माननीय मंत्री जी से यह जानना चाहता हूँ कि जुडिशियल कस्टडी में इतनी अधिक डेथ्स को देखते हुए आप क्या कोई ऐसा कानून बना रहे हैं कि जो 70 साल से अधिक उम्र के कैदी जेलों में बंद हैं, उनको सरकार छोड़ देगी?

SHRI P. CHIDAMBARAM: Sir, there is no proposal under consideration to that effect. ...*(Interruptions)*...

श्री नरेश चन्द्र अग्रवाल : फिर ये मौतें कैसे रुकेंगी? मौतें रुकने का उपाय तो बता दें? यदि आप इनका उपाय नहीं बताते हैं, इतनी डेथ्स पर आप कोई न कोई निर्णय तो ले सकते हैं कि जो 90, 95 उम्र के लोग जेलों में बंद हैं ...*(व्यवधान)*...

श्री सभापति : आप बैठ जाइए। ...*(व्यवधान)*...

श्री नरेश चन्द्र अग्रवाल : आप यह तो inhumanity वाली बात कर रहे हैं। ...*(व्यवधान)*...

श्री सभापति : आप बैठ जाइए। ...*(व्यवधान)*... आप सवाल पूछ चुके हैं।

श्री नरेश चन्द्र अग्रवाल : यह हठधर्मिता है। ...*(व्यवधान)*... माननीय मंत्री जी के इस रुख पर हम सदन का बहिष्कार करते हैं।

(तत्पश्चात् कुछ माननीय सदस्य सदन से बाहर चले गए)