

[18 August, 2004]

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(b) if so, the steps being taken by Government to contain growing criminal incidents in the country including in the National Capital Territory;

(c) whether it is also a fact that the administration has failed, so far, to check the recurrence of all such incidents; and

(d) if so, the details thereof and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL): (a) No, Sir.

(b) Does not arise.

(c) No, Sir.

(d) Does not arise.

Custodial deaths in Maharashtra

1501. SHRI PYARELAL KHANDELWAL: Will the Minister of HOME AFFAIRS be pleased to state:

(a) what are the details of custodial deaths in Maharashtra in last three years;

(b) whether Government are aware that a woman in good health and stable condition allegedly died recently in police custody at Shivaji Park Police Station, Dadar, Mumbai;

(c) whether the National Commission for Women had made an inquiry into the alleged death of women in police custody;

(d) if so, the recommendation made by the NCW; and

(e) the steps taken by Government to avoid recurrence of such incidents?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL): (a) The Government of Maharashtra has reported 439 custodial deaths during the last three years. This includes 58 deaths in police custody and 381 deaths in judicial custody.

(b) to (e) The National Commission for Women (NCW) had reported that a 45 year old woman by the name of Smt. Vimal Hari Umpa had died at Shivaji Park Police Station, Dadar, Mumbai. The NCW conducted an inquiry into the above custodial death and concluded that there was no material to believe

that Smt. Vimal was physically illtreated while in police custody and observed that the contributory factors for her death were mental trauma and the miserable conditions of the lock-up where she was kept. The recommendations made by the Inquiry Commission are at Statement (*See* below).

The Government of Maharashtra has reported that it is taking necessary action on the recommendations made in the Inquiry Report of the NCW.

Statement

Recommendations of the Inquiry Commission

- * The Home Department of the Government of Maharashtra examine all lock-ups for detainees, whether they be under-trials or transit prisoners, to ensure that they are well lit, well ventilated, having fans and decent flooring together with clean bed sheets, coverlets, blankets and pillows when required. Provision of facilities for indoor games and TV Sets in all lock-ups would greatly reduce the despair, the anguish and the worries that beset all persons having to face incarceration. These facilities, we believe, are available to what are known as highly placed individuals. We do not see why the so-called lowly people of this country should be denied the same amenities. There is no reason those to deny the ordinary mortals, the citizens of our country who are said to have equal rights under the Constitution, but who because of poverty or other circumstances come to fall into the clutches of the law.
- * The State Government or the Mumbai Municipal Corporation is directed to give compensation sufficient to recompense the next of kin-probably Subash. Roughly speaking the compensation should be six years salary together with all allowances that Vimal was in receipt of at the time of her death. This entire amount be invested in RBI tax-free bonds wherefrom only the interest be paid to the next of kin, unless a case for liquidating the bonds arises of which need the State Government shall appoint an Officer to appraise.
- * Subash should also be given a job as a Special Case, of course in proportion to his attainments, so that the penurious family can survive.
- * The Police protocols should be clearly spelt out to ensure that all medical records available with the police are taken to the hospital during an emergency and made available to the doctor on duty.

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- * The police should be dealt with for neglecting to inform the family of the patient about the state of unconsciousness. (The son has been reached about 3-4 hours after the death of his mother, for the corpse was completely cold when the son touched his dead mother).
- * The police should handle women prisoners and specially patients, with gender sensitivity. There is no reason to disbelieve a prisoner when she is unconscious and pass it off or rudely ignore it by claiming that it is a natak i.e. feigning illness. We say this on the basis of what Baija and Jyoti have stated before us. Had the women constables acted swiftly, at the first sign of unconsciousness, and cared to call for an ambulance to transport the sick patient, they would have been entitled to praise.

Use of Gelatine in making explosives

1502. SHRIMATI VANGA GEETHA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether gelatine is being used mostly by the RW. Naxalites for preparation of explosives; and

(b) the action taken to monitor that the ban made w.e.f. 1st April, 2004 is effective?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL): (a) Instances have come to the notice of the Government about the use of gelatine in the preparation of explosives by naxal outfits.

(b) The Ministry of Commerce & Industry, the nodal Ministry in this regard, has informed the district authorities and the licence holders about the Notification prohibiting the sale, possession and use of Nitro-Glycerine based explosives w.e.f. 1 st April 2004.

Police excesses in Kerala

1503. SHRI A. VIJAYA RAGHAVAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether an inquiry by the CBI has been sought for the alleged excesses that took place on October 5, 2003 at Killi, Kerala;