

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO.1795**

TO BE ANSWERED ON THE 04TH AUGUST, 2021/ SRAVANA 13, 1943 (SAKA)

DATA ON CUSTODIAL DEATHS AND STATUS OF THEIR INVESTIGATION

1795. SHRI BIKASH RANJAN BHATTACHARYYA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of reported custodial deaths all over the country during the last three years, State-wise;

(b) the status of investigation and payment of compensation regarding all these reported cases; and

(c) whether Government is considering to ratify the United Nation's Convention on Torture, if not, the reasons therefor?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI NITYANAND RAI)**

(a) to (b):- As per information received from National Human Rights Commission (NHRC) details of cases (State/UT wise) registered in the last three years from 01.04.2018 to 31.03.2021 in respect of Custodial deaths are given at Annexure. NHRC has recommended Rs.15,90,74,998/- as monetary compensation in 593 cases of custodial deaths (Police & Judicial) during the period from 01.04.2018 to 30.06.2021. NHRC recommended disciplinary action in four cases of deaths in judicial custody, against the erring public servants. The disciplinary action against

the erring public servant is to be taken by the respective state government as per extant rules and procedures.

(c):- In a Court case M.A. No. 2560/2018 in W.P. (C) No. 738/2016 filed by Dr. Ashwani Kumar Vs UOI, in the Hon'ble Supreme Court to implement the Prevention of Torture Bill, the Hon'ble Court stated that in order to ensure that India is in a position to efficiently discharge all obligations emanating from treaties/agreements, such ratifications should be undertaken only after relevant domestic clauses have been amended and the enabling legislations enacted when there is absence of domestic law on the subject. Amendment in the criminal law is a continuous process that has to be in line with social needs. The Ministry of Home Affairs has already initiated a comprehensive review of the criminal laws in consultation with all stakeholders.

Statement in respect of Rajya Sabha Unstarred Question No1795 for 04.08.2021 showing total no. of cases registered in respect of custodial deaths (Police & Judicial) State -wise during the last three years.

| S .No. | State/UT Name | 2018-19 | | 2019-20 | | 2020-21 | |
|--------|----------------------|---------|----------|---------|----------|---------|----------|
| | | Police | Judicial | Police | Judicial | Police | Judicial |
| 1 | ANDHRA PRADESH | 5 | 43 | 3 | 26 | 3 | 47 |
| 2 | ARUNACHAL PRADESH | 2 | 6 | 0 | 2 | 1 | 2 |
| 3 | ASSAM | 5 | 30 | 2 | 32 | 1 | 18 |
| 4 | BIHAR | 5 | 114 | 5 | 105 | 3 | 156 |
| 5 | GOA | 0 | 3 | 0 | 2 | 0 | 1 |
| 6 | GUJARAT | 13 | 67 | 12 | 53 | 17 | 82 |
| 7 | HARYANA | 7 | 65 | 3 | 74 | 3 | 46 |
| 8 | HIMACHAL PRADESH | 1 | 15 | 4 | 7 | 0 | 8 |
| 9 | JAMMU & KASHMIR | 0 | 8 | 0 | 5 | 2 | 7 |
| 10 | KARNATAKA | 7 | 1 | 4 | 4 | 5 | 3 |
| 11 | KERALA | 3 | 33 | 2 | 27 | 1 | 34 |
| 12 | MADHYA PRADESH | 12 | 143 | 14 | 143 | 8 | 155 |
| 13 | MAHARASHTRA | 11 | 149 | 3 | 91 | 13 | 130 |
| 14 | MANIPUR | 3 | 0 | 2 | 1 | 0 | 1 |
| 15 | MEGHALAYA | 0 | 3 | 1 | 4 | 2 | 5 |
| 16 | MIZORAM | 1 | 4 | 1 | 0 | 0 | 3 |
| 17 | NAGALAND | 0 | 0 | 0 | 5 | 0 | 2 |
| 18 | ODISHA | 4 | 61 | 6 | 59 | 4 | 89 |
| 19 | PUNJAB | 5 | 117 | 6 | 93 | 2 | 70 |
| 20 | RAJASTHAN | 8 | 74 | 5 | 79 | 3 | 71 |
| 21 | SIKKIM | 0 | 3 | 0 | 0 | 0 | 4 |
| 22 | TAMIL NADU | 11 | 89 | 12 | 57 | 2 | 61 |
| 23 | TRIPURA | 0 | 5 | 1 | 6 | 0 | 1 |
| 24 | UTTAR PRADESH | 12 | 452 | 3 | 400 | 8 | 443 |
| 25 | WEST BENGAL | 5 | 115 | 7 | 115 | 8 | 177 |
| 26 | ANDAMAN & NICOBAR | 0 | 1 | 1 | 0 | 0 | 0 |
| 27 | CHANDIGARH | 0 | 4 | 0 | 2 | 0 | 2 |
| 28 | DADRA & NAGAR HAVELI | 0 | 0 | 0 | 0 | 0 | 0 |
| 29 | DAMAN & DIU | 0 | 1 | 0 | 0 | 0 | 0 |
| 30 | DELHI | 8 | 44 | 9 | 47 | 4 | 41 |
| 31 | LAKSHADWEEP | 0 | 0 | 0 | 0 | 0 | 0 |
| 32 | PUDUCHERRY | 0 | 1 | 0 | 1 | 0 | 0 |
| 33 | CHHATTISGARH | 3 | 55 | 3 | 56 | 3 | 64 |
| 34 | JHARKHAND | 3 | 64 | 2 | 43 | 5 | 49 |
| 35 | UTTARAKHAND | 2 | 18 | 1 | 24 | 1 | 46 |
| 36 | TELANGANA | 0 | 9 | 0 | 21 | 1 | 22 |
| 37 | LADAKH | 0 | 0 | 0 | 0 | 0 | 0 |
| | TOTAL | 136 | 1797 | 112 | 1584 | 100 | 1840 |